

NATIONAL DEFENSE

THE swift-moving international events of the past two years have profoundly modified many of the underlying assumptions upon which the Philippine Independence Act of 1934 was enacted by Congress and accepted by the Philippines. In no other respect have conditions affecting the problem of Philippine independence changed more radically than with reference to national defense. American plans for withdrawing from the Philippines in 1946 and the Filipino program for defending their country after that date were made before the world had witnessed an aircraft-tank blitzkrieg, before the "fifth column" in the modern sense had been seen in operation, before "treaty violations became, not a cause for war but a mere incident in the course of war" ¹ before Japan had begun her southward drive and joined the Axis powers in the first military alliance ever directed against the United States, before Japan had reached a working agreement with Russia. Likewise subsequent to the formulation of the Philippine defense plan occurred the passage of the "lease-lend bill" making the United States the "arsenal of the democracies." Only recently has there developed a general assumption that in a Far Eastern war the United States and Great Britain would be fighting side by side and using each other's naval stations and bases (including Singapore), as well as those of the Netherlands East Indies. More recent than our decision to withdraw from the Philippines in 1946 was the inauguration of an American armament program which when completed might alter the existing balance of power in the Western Pacific.

These developments and other changes in the realm of

* The notes of this chapter begin on p. 947. Subject matter notes are indicated by an asterisk,

"power politics" have made the problem of defending the Philippines as an American dependency an immediate one. To meet the emergency the United States is hurriedly strengthening its naval and military forces in the Far East. Considerable bodies of troops, including Air Corps units, and many officers to be used with Filipino units have been sent to the Islands. Munitions of various types have been laid down in Manila. American naval forces in the Far East have been augmented. The Philippine Army has been called into the service of the United States and Lieutenant General Douglas MacArthur has been placed in command of the United States army forces in the Philippines. Staff conferences have been held between the Americans, British and Dutch military and naval commands in the Orient, and it is generally understood that these nations are prepared to defend jointly their interests in southeastern Asia. There can be little doubt that under these conditions the invasion of the Philippines would be a perilous undertaking for any nation. At the same time, powerful naval and air forces based on the Islands would constitute a dangerous threat to the communications of an expeditionary force despatched from any point north of the Philippines for purposes of conquest in southeastern Asia or in the islands appurtenant thereto.

The Commonwealth Government has also taken steps to meet an emergency. In January, 1941, President Quezon declared to the National Assembly:

The government of the United States has embarked upon a program of national defense which, we earnestly hope, includes the Philippines; for the defense of our country remains primarily the responsibility of the United States. This is as it should be, because so long as we are under the American flag it rests exclusively with the United States, and not with us, to determine whether we shall be at peace or war. The Filipino people, desirous of cooperating with the United States in the execution of this defense program, are ready to bear their full share of that responsibility. To this end I have assured the government of the United States, in behalf of the Commonwealth, that the entire Philippines—its man power and material resources—^{af} at the disposal of the United States in the present emergency.²

President Quezon further announced that he had requested the Washington authorities to appropriate the funds, declared by

Congress to be payable to the Commonwealth from the sugar excise tax collections and from profits derived from the devaluation of the American dollar, "to be spent exclusively for our national defense under the direction of the United States. I have assurances that this matter is being given serious consideration." In March 1941, the Philippine President appointed a Civilian Emergency Administration composed of cabinet officers to coordinate a program of civilian defense.

The dizzying speed with which conditions have changed since 1935 has not only altered the Philippine problem as it now stands; it tells us that the factors which will determine the practicability of Philippine independence in 1946 are quite incalculable in 1941. Particularly does this statement apply to the question of the defense of the Philippines. The victory of Great Britain and her associates might result in conditions which would make an independent Philippine Republic safe from external aggression; that of the Axis Powers might render Philippine "independence" an impossibility except as a part of a "Greater East Asia" dominated by Japan. It would be hazardous even to guess what the status of the Philippines would be should an "agreed" peace be concluded. The uncertainty of the international situation has led the author to leave almost untouched the discussion of Philippine national defense which he concluded during the summer of 1940. In this study the Commonwealth's defense program is treated as an aspect of the development of a nation in the Philippine Islands, rather than as a phase of the defense problem of the United States. The general American assumption is that the United States will completely divest itself of responsibility for the defense of an independent Philippines.

The national defense of the Philippines as a factor of Philippine independence received surprisingly little consideration by the highest governmental authorities of either the United States or the Philippines prior to the passage of the Tydings-McDuffie Act in 1934. This measure recognizes that the security of an independent Philippines must in some way be safeguarded. In it the President of the United States is requested to negotiate with foreign powers at the earliest practicable date for a treaty for the perpetual neu-

tralization of the Islands "if and when Philippine independence shall have been achieved." ³

The act also provides that United States military reservations in the Philippines shall be surrendered to the Philippines when independence is attained, and that the United States naval and fueling stations in the Islands shall remain *in statu quo* until matters relating to them shall have been settled by negotiations to be entered into within two years after independence has been recognized by the American President.⁴ Independence, to become effective in 1946, was voted by the American Congress and accepted by the Philippine Legislature without any further provision regarding the problem of national defense. In this matter as in the equally important problem of post-independence American-Philippine trade relations, both sides decided upon separation first and left for discussion during the ten year period provided for final preparation the means by which independence should be maintained.

However ready for complete separation from the United States the Philippines may have been politically in 1934, they were woefully unprepared for either national self-support or self-defense. During the three and a half decades in which the Philippines were in training for independence, the entire responsibility and expense of national defense was borne by the United States. Corregidor is an American fortress, Cavite and Olongapo are American naval stations, and the Philippine Division and the Asiatic Fleet, the armed forces protecting the Philippines, are component parts of the United States Army and Navy. Of the approximately 10,000 United States troops which have been maintained in the Islands for a good many years past, somewhat more than half are Filipinos serving in the Philippine Scouts, a unit of the United States Army in which the enlisted men are Filipinos and most of the officers Americans. In January, 1941, it was announced that 5,500 Philippine Army reservists would be taken into the Philippine Scouts for one year of additional training.^{5*} The Philippine Constabulary, the Insular police force, is a semi-military organization which towards the end of the colonial regime was officered almost entirely by Filipinos. This organization has never been a part of the United States Army.

For half a century the United States Navy has maintained an Asiatic Squadron which since 1898 has been based on the Philippines. Recently this force has been given the title of a "fleet" During recent years it has normally consisted of a heavy cruiser two light cruisers, a dozen destroyers and about the same number of small submarines, a few naval airplanes together with auxiliary vessels and a number of gunboats on Chinese coastal waters and rivers. Since 1939 this force has been augmented by an aircraft carrier, a number of long range bombing planes and a number of large, modern submarines. The main United States fleet, based upon Pearl Harbor, is 5,000 miles from the Philippines.

A number of the Filipino Scout and Constabulary officers are graduates of West Point, and a smaller number of Filipinos have been professionally educated at Annapolis. The Scouts and the Constabulary have always been highly efficient organizations and in them a limited number of individual Filipinos have received military training in the ranks, as non-commissioned officers, and as commissioned officers in most cases below field rank. Prior to 1935, however, the Filipinos had not been required or allowed to prepare themselves for national self-defense by having full responsibility or even sharing in the responsibility for organizing, equipping, financing, and controlling large military forces. True, a division of the Philippine National Guard was organized during the World War and received three months' training after the end of that conflict. This brief experience, however, was of little permanent military value to the Philippines.^{6*}

Apparently the only high American or Filipino official responsible for Philippine affairs who, prior to 1934, sought *to* include preparation for national defense as a part of the Filipinos' education for self-government was Governor-General Leonard Wood. The Wood-Forbes Report emphasized the fact that there was "no adequate local organization of the Philippine people for defense of the Islands against aggression," and recommended that, "The American Government should at once take the necessary steps to organize, train and equip such a force."⁷ Later, as Governor-General, General Wood frequently called attention to the fact that the Filipinos were not prepared to assume responsibility for the defense of their country.⁸ American-Philippine relations at that

time, however, were particularly unpropitious for the formation of a Philippine army. General Wood could do no more than preach the doctrine of Philippine preparedness, and the Filipino leaders were not interested in creating an army which they could not control.

The pre-Commonwealth period came almost to an end without any effort having been made to prepare the Philippines for self-defense as a part of its preparation for independence. One of the reasons given by President Hoover for the veto of the Hare-Hawes-Cutting Bill was the inability of the Philippines to raise sufficient revenues "to provide the force necessary for maintaining internal order and the minimum of external defense, even were no economic degeneration anticipated" upon separation from the United States.⁹ The inadequacy of Philippine revenues to pay for a military establishment and at the same time meet the non-military expenses of the government, including the services of health, education and public works was, of course, one of the reasons why the creation of a system of national defense had never been undertaken.

Once independence was assured and complete autonomy granted, the Filipinos took prompt and vigorous steps to make good the deficiency of their government in preparedness for defense. The "Declaration of Principles" in the Philippine constitution includes the statement: "The defense of the State is a prime duty of government; and in the fulfillment of this duty all citizens may be required by law to render personal military or civil service." The constitution also declares: "The Philippines renounces war as an instrument of national policy, and adopts the generally accepted principles of international law as a part of the law of the nation."¹⁰ The Coalition Platform upon which Mr. Quezon was elected President of the Commonwealth advocated the entrance of the Philippines into the League of Nations and the neutralization of the Islands but added that, "our national security shall not depend on these instruments of peace only; neither shall we let the burden of our national defense during the Commonwealth rest mainly on the United States. We favor the military training of our citizens but not the creation and maintenance of costly military establishments in peace time."¹¹

Even before his election as President, Mr. Quezon, as the

"national leader," took preliminary steps towards providing for the establishment of the national defense system which the Constitution and party platform so definitely required the government to set up. In 1934 a bill was passed by the Philippine Legislature providing for the creation of a Bureau of National Defense and a system of national military education based in considerable part upon the public school system of the Islands.^{12*} This measure was vetoed by Governor-General Frank Murphy. The Governor-General declared in his veto message, however, that he was "in complete sympathy with the desire of the Philippine people to insure the defense and integrity of their country"; and that he believed that "prompt and vigorous action should be initiated to devise a strong policy of national defense for the protection of the Philippine Islands when separated from the United States." Thus the last American Chief Executive of the Philippines approved in principle the early establishment of a system of Philippine national defense. The bill under consideration was disapproved chiefly because it had not received consideration commensurate with its importance, and was deemed to contain some unwise provisions and to be inadequate for the accomplishment of its purpose.¹³

In vetoing the preparedness bill of 1934, Governor-General Murphy observed that further consideration of the problem would "make it possible for the Philippine Government to avail itself of the knowledge and aid of experts equipped by years of experience and study of the technical aspects of the military defense of the Philippines." President Quezon had already initiated the process of obtaining precisely such aid. In November, 1934, Mr. Quezon requested the Secretary of War to recommend to Congress that the act of May 19, 1926, providing for the detail of Army, Navy or Marine Corps officers to assist the other American republics in military and naval matters be amended to include the Philippines.^{14*} Congress having acted favorably upon this request,¹⁵ Mr. Quezon, now President-elect, secured the detail of Major-General Douglas MacArthur, whose highly successful term as Chief of Staff of the United States Army was about to expire, as military adviser to the Commonwealth and chief of a Philippine military mission of United States Army officers.

This sketch of the historical background of the national defense policy of the Commonwealth has been made because much of the criticism of that policy does not take into account the circumstances which gave rise to its adoption. Considering this background and assuming that every nation which desires to be free must be prepared to defend its independence by arms if necessary, it would seem that one of the first responsibilities of the Commonwealth Government was to prepare to perform what the Philippine Constitution calls a "prime duty of government," the defense of the State. It is evident, too, that the American Government approves of the purpose of the Commonwealth to provide itself with a system of national defense. This much can be assumed from the Congressional authorization of the military mission and the action of the executive in detailing the army officers on duty with the mission and cooperating in many other ways in the prosecution of the Commonwealth's defense program.

As of December 31, 1937, there were thirty-five officers, of whom nine were Philippine Scouts, and 281 enlisted men, of whom twenty-two were Americans, on duty in the office of the military adviser.¹⁶ In response to an inquiry, the Adjutant General's office of United States Army stated in April, 1940, that they were unable to tell at any given moment how many United States Army personnel would be on duty with the military mission. The Commanding-General of the Philippine Department is authorized to make available a certain number of officers and men, but may go beyond this number if he thinks that the circumstances justify it. This statement is significant as indicating the close working connection between the United States and the Philippine Armies and the extent to which the United States Government has gone in supporting the Philippine national defense program.

The program for carrying out the national defense policy is embodied in the National Defense Act, Commonwealth Act No. 1.¹⁷ In his first message to the new National Assembly President Quezon explained the principles upon which his defense plan is based.¹⁸ The first of these principles is that every citizen is obligated to the nation's defense, and that all individual and national resources may be used by the State in the interest of self-preservation. This principle knows no limitation of time or condi-

tion and is applied by the National Defense Act in its provision for peace time training, and war time governmental control over all of the human and material resources of the nation. The law also contains the significant provision that "no profit incident to war shall accrue to any individual, corporation, association or partnership."¹⁹

The second basic principle of the Quezon plan is that the national defense system must provide actual security. "Security" is a relative term. Mr. Quezon expresses as follows his conception of the minimum degree of security which is required by the Philippines and furnished by his defense plan:

". . . Our program of national defense must serve notice upon the world that the citizens of these Islands are not to be subjugated; that conquest of this nation cannot be accomplished short of its utter destruction, and that that destruction would involve such staggering cost to an aggressor, both in blood and gold, that even the boldest and the strongest will unerringly mark the folly of such an undertaking."²⁰

The third principle declared by President Quezon to be applied in the National Defense Act is that of current and future economy. This principle precludes "for the present at least" the development of a battle fleet and, in the opinion of the President, emphasizes the "passively defensive character" of the Philippines' military program.

Another fundamental principle is the necessity for a gradual rather than the sudden growth of the required defense establishment. "Nevertheless," declared President Quezon, "it is imperative that our plans reach fruition by the time the beneficent protection of the United States shall have been finally withdrawn. We have ten years, and only ten, in which to initiate and complete the development of our defensive structure, the creation of which, because of the conditions of our past existence must now begin at the very foundations. Not a moment is to be lost. Starting immediately, we must build economically and gradually, but steadily and surely, so as to attain within the time permitted us the highest possible efficiency at the lowest possible cost."

Finally, President Quezon emphasized the need for skilfully moulding the Commonwealth's security arrangements to fit the

particular needs of the Philippines. This purpose, the President declared, could only be accomplished by the grant of wide administrative authority to the Chief Executive in carrying out the expressed purposes of the National Assembly. Nevertheless, the Assembly must retain the responsibility of assuring the soundness of the foundations of national defense, and of evolving and prescribing the broad policies that are to control the development of the defense system.

In formulating these principles and the National Defense Act designed to make them effective, General MacArthur and President Quezon had an opportunity which rarely comes to the military and political leaders of a modern state. They were able to write on a blank tablet and, in virtue of the political supremacy of President Quezon in the Philippine Government, could be sure that their plan would be enacted into law without substantial change. The principles upon which the defense program rests, and the program itself, therefore, represent the free professional judgment of a soldier of recognized ability and the political wisdom of the leading Philippine statesman of the day.

In outline, the National Defense Act, as originally enacted and applied, provided for an army of two elements: a regular force of approximately 10,000 men, including the Philippine Constabulary, with a strength of about 7,000; and a reserve that would be augmented each year by approximately 40,000 men who had received five and a half months of intensive training. At the end of 1937 two semi-annual classes of trainees, numbering 36,601, selected by lot from a register of all men twenty-one years of age, had been trained and transferred to the reserve. During 1938, 33,247 additional reserves were trained.^{21*}

In January, 1940, Field Marshal MacArthur stated in a press interview that 30,000 recruits would be trained each year; that by 1946 the "citizen army" would include some thirty divisions of approximately 300,000 men, and that in the ensuing twenty years it would reach its presently intended maximum of ninety divisions of almost one million men.²² The five and a half months' period of instruction is admittedly short. To make it more effective, it is preceded by elementary military training as a by-product of public school education, beginning in the fourth grade, and by Sunday

and holiday instruction to young men not attending school. Reservists who have completed their original tour of instruction are kept in training by annual "refresher" courses, given mainly on week ends.

The army organization includes the staff and line units that were regarded in 1935 as essential to a military establishment having the strictly defensive function of the Philippine Army. The creation of a competent officer corps, one of the most difficult problems faced in building an army from scratch, is provided for by the development of the former Philippine Constabulary Academy into a national military academy, which is turning out about one hundred officers annually, the establishment of reserve officers training corps in colleges and universities, and advanced courses for selected trainees conducted by the army itself. So far as the regular army is concerned, a nucleus of officers was furnished by the officer corps of the Constabulary and the Filipino officers of the Philippine Scouts.

As an adjunct to the Philippine Army, the defense plan calls for an "Off-Shore Patrol," of small, fast motor torpedo boats. "A relatively small fleet of such vessels," General MacArthur has declared, "manned by crews thoroughly familiar with every foot of the coastline and surrounding waters, and carrying, in the torpedo, a definite threat against large ships, will have distinct effect in compelling any hostile force to approach cautiously and by small detachments."²³ These "Q" boats were to be built for the Commonwealth in England, and the second one constructed was described in the *Shipbuilding and Shipping Record*²⁴ as having a hull of step form, sixty-five feet in length, with a beam of thirteen feet, three inches. The vessel is powered by three 600 B.H.P., twelve cylinder, petrol marine engines and on her official trials attained a speed of 41.1 knots, or forty-seven miles per hour. Her armament comprises two torpedoes carried in tubes, one on each side of the control position at the after end of the boat; also depth charges and light anti-aircraft guns, forward and aft. Such a craft is essentially an armed, cabin speedboat. The press reports that the Government planned to have a fleet of thirty such craft by 1946 and that the first two were received. Further procurement from Great Britain having become impossible, prepa-

rations were made for the construction of the hulls of these craft in the Philippines, the engines, other machinery and fittings to be imported.

Operating in conjunction with the "Off-Shore Patrol" will be the Army Air Corps, whose chief function is that of coast defense. "In the fighting element of the Air Corps," General MacArthur reported to President Quezon, "fast bombers with a reasonable radius of action will be the principal item of equipment. Other tactical types will be limited to the numbers needed for tactical support of the bombers maintained, while training planes will be obtained in the amounts necessary. . . . Under the plan every centavo that can be spared from other equally essential purposes will eventually be invested in the development and maintenance of a bombing fleet of reasonable size so as to assure the ability of marine and air units, working in complete cooperation, to deny the use of territorial waters to hostile surface craft."²⁵ By the spring of 1941 from forty to sixty planes had been acquired by the Philippine Army, most of them training ships.²⁶ The original defense plan called for one hundred trained military aviators by 1946.²⁷

The training of reserves under the defense plan was begun in January, 1937, and, with adjustments indicated by experience, has proceeded according to schedule. In this major task, indeed in virtually all of the complicated procedures of creating an army, the United States military mission and the Philippine military and civil authorities have earned the praise of the Filipino people and of disinterested observers. In January, 1941, there were 466 officers and 3,666 enlisted men in the regular army and 132,000 men organized into "approximately" thirteen divisions in the reserve.²⁸ When the Philippine Army was organized in January, 1936, the Philippine Constabulary Was consolidated with it and a national state police was formed to take over the police duties of the Constabulary. This arrangement having proved unsatisfactory, the state police were abolished in May, 1938, and the Constabulary division of the army was detached and reorganized as a national police force under its old name, the Philippine Constabulary. At the end of 1938 its authorized strength was 350 officers and 4,500 men, and on February 1, 1939, it was

returned to the control of the Department of the Interior.²⁹ Unless some unforeseen circumstance should arise, there is no reason to believe that by 1946 the general scheme of the Quezon-MacArthur defense program will not have been carried out as planned.

Critical discussion of the national defense program of the Philippine Commonwealth has centered around three main questions: would the armed forces to be provided be adequate for the accomplishment of their avowed military purpose; can the Philippines pay its defense bill without dangerously curtailing other governmental expenditures; will the army be used to create a military dictatorship and, becoming a political instrumentality, constitute a threat against governmental stability? None of these questions can be answered with finality at the present time.

Upon the first one military experts disagree. General MacArthur declares that the degree of protection envisioned by the Philippine defense plan is to be prepared to "impose a cost of conquest on any invader that will exceed any hope he may logically entertain of political or economic advantage."³⁰ On numerous occasions the Philippine Field Marshal has publicly stated his conviction that this measure of defense will be achieved. On August 3, 1936, in an address to the ranking officers of the Philippine Army, he declared:

"I wish to reiterate my fixed opinion that when the Philippine Defense Plan reaches fruition the people of these Islands will be in a favorable posture of defensive security . . . so far as the study of history and some considerable experience with armies and with warfare can lend a color of value to my opinion, I am certain that no Chancellery in the World, if it accepts the opinions of its military and naval staffs, will ever willingly make an effort to willfully attack the Philippines after the present development has been completed."³¹

Many military experts disagree with General MacArthur's opinion.³² Their collective views do not differ greatly from that expressed by Major General Johnson Hagood shortly after a tour of duty as Commanding General of the Philippine Department. In a report prepared for President Hoover, General Hagood declared: "It is not within the wildest possibility to maintain or to

raise in the Philippine Islands a sufficient force to defend it against any probable foe. . . ." ³³

For the most part, critics of the Commonwealth defense program have questioned its adequacy in general terms. They have failed to attack it at its weakest point, the omission of any provision for substantial naval protection for an insular country with a coast line longer than that of the United States. The Filipino people seem to have accepted at face value General MacArthur's assurance that the motor boat patrol and army bombers would be able "to deny the use of territorial waters to hostile surface craft."

This assumption is open to question. That a "relatively small fleet" of armed speed boats would be a serious problem for the Japanese navy is at the least doubtful. The Japanese could match every Filipino 65-foot speedboat with a sea-going destroyer,—with two if necessary. Other factors render it improbable that the Philippine mosquito fleet could perform the difficult mission assigned to it. Such craft could not operate effectively at sea during even moderately rough weather. Their radius of action would be so limited that except under the most favorable conditions they could be counted on for little more than hasty dashes from their home ports. Unless the ports were to be fortified sufficiently to keep attacking warships at a distance, the mosquito fleet bases, excepting Manila Bay, would soon be captured or destroyed. To fortify and garrison a sufficient number of bases so distributed as to enable the "Off Shore Patrol" to operate throughout the Archipelago does not seem to be contemplated. The cost of such an undertaking would be prohibitive, nor could a "relatively small fleet" of small motor craft cover the enormous area involved even were safe bases provided.

It is true that a number of powers are experimenting with the type of craft which the Philippines hopes to acquire. However, in other countries small motor torpedo boats are merely adjuncts to a well-rounded fleet and a highly developed system of fortified ports and naval bases. They are not made responsible for "denying the use of territorial waters to hostile surface craft," even in cooperation with aircraft. Would Great Britain, the United States, or any other power capable of maintaining a navy consider its Ports and coastal cities to be adequately defended by one hundred

bombers and a few armed speedboats? The Philippines is all coast-line and does not contain a single first-rate city more than a few miles from the ocean. All but a handful of its important towns are situated on the water's edge.

Furthermore, the intimation that a thorough knowledge of "every foot of the coast line and surrounding waters" will give the crews of the "Off Shore Patrol" an advantage over an invading naval force suggests a conclusion which would be unsound were the attacker to be Japan. For years the power fishing fleet of the Philippines has been operated mainly by Japanese crews. Japanese fishing boats about the size of the new Philippine patrol craft constantly cruise in large numbers throughout Philippine waters. It is safe to say that Japan has available a large body of seamen skilled in the handling of power boats (and probably larger naval vessels) who are intimately acquainted with Philippine seas, territorial and non-territorial.^{34*} Warships can at times be bought, but the officers and men necessary to make them an effective navy cannot be purchased or improvised by any country.

As a protection against military invasion, the Philippine Army Air Force can be taken more seriously than the "Off Shore Patrol." Would it, however, be superior to the air squadrons which Japan could bring against it from Nippon's great Formosan air base, from land seaplane bases on the Japanese mandated islands, the Spratly Islands and elsewhere, and from captured bases in the Philippine Archipelago? Could it afford Manila reasonable security against Japanese bombers and at the same time defend outlying islands and their unfortified cities from naval bombardment or combined naval and military attack? Does it seem probable that operating in conjunction with the proposed mosquito fleet, the Philippines' proposed air force, which will necessarily be limited in planes, material, experienced personnel, and supplies of gasoline, could seriously defend the whole of the national territory against Japanese assaults from the sea and the air and protect it from military invasion? Obviously, it does not.^{35*}

All types of aircraft can be flown from the Japanese air base on Formosa to Luzon (less than 200 miles) or even to Manila. Many types could easily make the round trip. Attacking with overwhelming numbers of aircraft, Japan might well destroy the entire

Philippine air force within a short time, as the Philippine landing fields are limited in number and planes could not escape. An expeditionary force protected by long-range naval guns and an overwhelming air superiority might land tanks and supplies and establish a base in northern Luzon from which by air-tank blitzkrieg tactics the rest of the island could be overrun. It is difficult to see how the Philippines could acquire the mechanical equipment to resist such an attack unless it were to be supplied from the "arsenal of Democracy."

The MacArthur-Quezon defense plan seems virtually to ignore the strategic consequences of the fact that the Philippines is a far-flung Archipelago. The program's greatest weakness as a system of truly national defense lies in its failure to provide any naval protection worthy of serious consideration for a country which consists of an isolated group of islands scattered through a thousand miles of ocean. What would be the probable results of this failure should the independent Philippine Republic be attacked by the only nation from which armed aggression is feared, Japan? Even when the projected army air force and "Off Shore Patrol" have been fully developed, the Japanese navy and air force in all probability could cut the Philippines off completely from the rest of the world and isolate every important island in the Archipelago from every other island, and do it without risking a single major unit of the main Japanese fleet. That any of these isolated islands except Luzon could offer prolonged resistance to Japanese occupation seems highly improbable. It would be virtually impossible for the Philippines to fortify, garrison and munition the dozen important islands to the south of Luzon sufficiently to make them secure from invasion.

Mindanao, the great Philippine prize for any predatory power, would be particularly vulnerable. Its population is so sparse and scattered, its distances are so great and its roads so few that it would be extremely difficult for defending forces to be concentrated quickly enough to prevent invasion by an enemy who controlled the sea and consequently could choose his points of attack. Japanese planes could be expected to be more than a match for any air force which the Philippines is likely to build up, and especially to despatch to the Visayan and Southern Islands. In this great

area there would be no possibility of any powerful concentration of Philippine military force. One by one, the scattered islands south of Luzon, comprising nearly two-thirds of the territory and somewhat less than half of the population of the Archipelago would be occupied with relatively little difficulty. Should the local forces on one or two islands put up a serious resistance, those strongholds could be blockaded and reduced at leisure. The Bicol peninsula, the "granary of the Philippines" and the source of practically all of the Manila hemp not grown in Davao, is attached to Luzon by a narrow neck of land, and could probably be isolated from the remainder of that island.

Luzon itself, at least that portion of it north of the Camarines, might be capable of offering greater resistance. But even though it were not conquered, or even invaded, it would be unable to raise a finger to expel the enemy from the remainder of the Archipelago, unless it could establish a definite superiority in the air. It would, moreover, be cut off from the rest of the world, for it would have no overland "lifeline" routes of commerce and military supply connecting it with neutral countries. Subject to relentless bombing, facing an airtight blockade, knowing that when its stored-up munitions were exhausted they could not be replenished from abroad or replaced by home manufacture, perhaps faced with a serious food shortage, the government at Manila would be under terrific pressure to sue for peace upon terms which would at the least abandon Mindanao to the enemy and reduce the remainder of the country to a position of economic and political vassalage. Should it elect to resist to the end, its eventual destruction would be practically certain.

Japan, however, could enjoy the fruits of its easy conquests in the south with virtually complete freedom from danger of attack from the portion of Luzon still in Filipino hands. Should it desire to do so, its control of the sea would enable it to ignore what was left of the Philippine Republic, and develop the remainder of the Archipelago, leaving that portion of Luzon which lies north of Tayabas Bay for a later day. Should this course be followed, Japan would have secured two-thirds of the Philippines, including Mindanao, at a relatively slight cost. It would have destroyed the possibility of the development of a strong Philippine

state and enormously strengthened its strategic and economic position as the dominant power in the western Pacific.

Mindanao alone could be occupied by the Japanese with even less effort. It would be incapable of prolonged local resistance except of a guerrilla character, and the Japanese navy and air force could isolate it as completely from Manila as though it were on another planet. Political and economic, as well as military considerations suggest that Mindanao would be the first objective of any Japanese thrust into the Philippines. Its occupation would give the maximum returns for a minimum effort, military and political. Because so large a part of this great island is still frontier territory, thinly and recently settled by Christian Filipino immigrants, its colonization and assimilation would be an easy task for a nation which possesses the experience and techniques which Japan has developed in Hokkaido, Formosa, Korea and Manchukuo.

Because the MacArthur-Quezon defense plan includes no effective provision for the naval protection of the Philippines, the conclusion is inevitable that it cannot with reference to the country as a whole be regarded as being adequate for the accomplishment of its avowed purpose: to "impose a cost of conquest on any invader that will exceed any hope he may logically entertain of political or economic advantage." Grant that once the defense program has been completed the conquest of the main portion of Luzon could be accomplished only by a considerable expeditionary force. Still, the remaining two-thirds of the Archipelago could not be seriously defended except by naval and air forces very much greater than those proposed and, indeed, far beyond the financial capacity of the Philippines to provide. With the Visayas and Mindanao, or even Mindanao alone, permanently severed from Luzon, realization of the American-Filipino dream of a strong, independent Philippine Republic would be rendered almost impossible. No amount of wishful thinking can alter these realities or make the MacArthur-Quezon program an adequate system of *national* defense.

If there be merit in the conclusions just expressed, question inevitably arises as to why two such able men as President Quezon and General MacArthur should have sponsored a defense plan

which on the face of it cannot defend the nation. Obviously, no definitive answer to the question can be given. There is a line of reasoning, however, which makes the Commonwealth's defense program seem rational. In the Philippine Constitution the defense of the nation is made the first and fundamental responsibility of the government.³⁸ The country being unable to maintain a navy capable of coping with the fleet of any of the established naval powers, reliance is placed upon land forces and the most effective army which, all things considered, the country can support is provided for. Notice is given to the world, and to the nation itself, that the Philippines cannot be conquered, except at a cost. Whether the gains of conquest would be worth its price is a question necessarily left for possible aggressors to decide. At any rate, national independence would be dearly sold.

Like every small country, moreover, the Philippines knows that there are other nations, the United States and Great Britain, for example, which would be reluctant to see Japan forcibly occupy its territory. Such nations might feel that their vital interests would be imperiled by a Japanese conquest of the Philippines. China almost certainly would do so; and in twenty years China may be a mighty force in Far Eastern affairs. The Filipinos, furthermore, hope that, for whatever it may be worth, they may receive the protection of a general neutralization treaty, such as the Tydings-McDuffie Act requests the President of the United States to negotiate before independence is achieved. In November of 1939, President Quezon, his faith in the efficacy of his defense plan obviously shaken by the fate of Czechoslovakia and Poland, publicly expressed the opinion that "the time is ripe for taking the steps towards the neutralization of the Philippines" called for by the Independence Act.

Let me not give you the impression [the President cautioned] that I place full reliance on an agreement of neutralization for the protection of our independence and liberty. International treaties during the last few years have been violated time and again, and it is not inconceivable that the neutrality of the Philippines, if achieved, will be violated. Nevertheless, it may prove an important factor in preserving the integrity of our country.

We shall have an obligation to perform if our country is neutralized, and that is the obligation to defend that neutrality. The

powers called upon to sign the treaty of neutralization will be more filling to enter into such a pact if they know that we will not depend exclusively on their strength, ability and willingness to defend us, because we have our own force to maintain our neutrality.

We are therefore proceeding with the organization of the department of national defense, not only because we have to rely upon ourselves to defend our rights and our liberty, but because if the Philippines were neutralized, it will be our duty to defend that neutrality.⁸⁷

The lessons of Czechoslovakia and Poland, President Quezon declared, "give us no assurance that the Philippines may not be the victim of aggression even if we arm every man in our country. But we are going ahead with our preparation within the limitations of our resources, for if we are independent, we must assume the responsibility of defending ourselves against external aggression." ^{38*} Apparently the Philippine President realizes that nations, like God, are most apt to help those who help themselves. Perhaps he recalled the exclamation of Theodore Roosevelt regarding Korea: "We cannot possibly interfere for the Koreans against Japan. They could not strike one blow in their own defense." ^{39*}

The Commonwealth's defense plan would enable the Philippines to strike that blow. When carried out it would make the *complete* subjugation of the Archipelago a task requiring the despatch of a considerable expeditionary force. Whether or not the task of subjugation would be a hazardous one for Japan would depend upon whether another strong Pacific power were willing and able to go to the *immediate* aid of the Philippines with a *very large* force. At present, discussion of the likelihood that such aid would be forthcoming at any time after 1946 would be pure speculation.

In the Philippines, as elsewhere, military policy is largely determined by political and other factors, some of which are not officially acknowledged to exist. President Quezon could not be expected to predicate his national defense system upon the assumption that an independent Philippines probably would be unable to protect two-thirds of its territory without foreign aid. Other Filipinos have been more outspoken, however, and in the Philippine Assembly it was urged that the National Defense Bill be passed because, "if we have a trained citizen army consisting of

400,000 men at the end of the ten year period and some of our people should want to say to America, 'Let us have certain understanding with regard to certain matters of the Far East for our mutual protection,' we shall likely have better hearing. America will more likely stay here when we have trained men to help her."⁴⁰

In formulating its defense policy, the Commonwealth Government can hardly have failed to have taken into account the factors which have been presented above as the basis for a possible rationalization of the MacArthur-Quezon military program. In the light of these factors a number of conclusions may be suggested concerning the adequacy of that program: First, the defense program of the Commonwealth probably would not enable an independent and unaided Philippines seriously to resist the conquest of the two-thirds of the nation which lies south of the main portion of Luzon. The loss of this territory would end the dream of a strong, independent Philippine state. Second, because of the insular and other characteristics of Philippine territory south of Luzon, this portion of the country is probably indefensible by any means which, so far as can now be seen, an independent Philippines could provide. Third, the contemplated defense system might make it possible for the Philippines to postpone complete conquest long enough for it to receive foreign naval and military aid, were a strong Pacific power in a position immediately to despatch a very large force to the Far East. Fourth, assuming that the Commonwealth is financially unable to maintain a navy, or even a strong submarine force, its plans for the nature and measure of national defense are probably as effective as any which could be devised within the means at its disposal. Finally, as General MacArthur has remarked (and the rapid development of new instruments of warfare gives his statement added point), it must not be forgotten that the question of the adequacy of the Philippine defense plan could be conclusively answered only by the test of conflict.

In any event, in the opinion of the writer, President Quezon does not have to prove his Field Marshal's unprovable position in order to justify his defense program. Justification for a scheme of national defense based upon the principles enunciated by Presi-

dent Quezon is to be found by seeking for any alternative means of self-defense which may reasonably be expected to be available to an independent Philippines. If, as the writer believes, no more desirable alternative can be discovered, then while the inadequacy of the Commonwealth's plan may, from the Philippine standpoint, be an argument against independence, it is not, assuming independence, a valid argument against the plan itself.

The second critical question concerning the Commonwealth's defense program, could the government pay for it without dangerously curtailing other expenditures, could have been answered before the world developments of the past two years, "Probably, yes," for the period preceding 1946. As to the post-1946 years, no very positive answer can be safely given. Prior to 1941, while maintaining and even improving its essential services and meeting its new military expenditures, the Commonwealth had managed to keep its expenditures below its income. The national debt is low and the technical fiscal position was good. It was pretty generally agreed that unless unforeseen circumstances arise, or conditions indicate that the consummation of independence in 1946 will be followed by an economic collapse and thus precipitate a pre-independence flight of capital and paralysis of business, the Commonwealth, throughout its existence as now provided for, would probably have been able to meet its financial obligations, including those arising from its military program.

As has previously been indicated, however, there is also a widespread belief that unless preferential trade relations with the United States are continued for a considerable period after 1946 the whole economic structure of the Philippines will be imperiled. Should an economic collapse occur within a few years after 1946, or even were the Philippines to be faced with a drastic diminution of its foreign commerce at the same time that its present "wind-fall" revenues were discontinued by the United States, a serious curtailment of national revenues, and consequently of national expenditures, would probably ensue. As has already been indicated, such a situation might threaten the stability of the government of an independent Philippine Republic.

The conclusion is, therefore, that the financial problems connected with the present national defense program, as virtually all

other problems of the Philippines, can be solved only if a degree of prosperity comparable to that which the Filipinos now enjoy can be maintained in the Islands after 1946. No convincing evidence has been given that this can be accomplished except by the continuation of preferential trade between the United States and the Philippines for many years after the date now set for independence. If after 1946 the United States should treat the Philippines economically as any other foreign nation, it may well be that economic disaster would result and would be followed by serious social and political consequences. In such circumstances the government of the Republic would need an army, and a well paid and loyal one, for the preservation of its existence against domestic violence as well as to defend the country against possible external attack.

In point of fact, the planned defense expenditures of the Commonwealth are not unreasonable as such costs go in modern states. As provided for in the general appropriation act for 1939, they were about 21.7 per cent of the total ordinary expenditures. Furthermore, immediately before the inauguration of the Commonwealth, more than seven million pesos were being spent on the Constabulary, which item is now included in the sixteen million pesos army appropriation. The President's budget for the fiscal year 1940-41 called for a defense appropriation, including the expenses of the Constabulary, of P16,310,000, which is P1,156,788 less than that of the preceding year.⁴¹ This amounted to 17.93 per cent of the total appropriations proposed. The budgetary request for 1941 was for substantially the same amount. Thus far, however, most of the army appropriations have been for the expenses of current operation. Heavy capital investments will have to be made in material and plant before the Philippines is in any real sense prepared for national defense. Already bills have been introduced into the National Assembly proposing the following appropriations: P50,000,000 for the purchase of military material over a period of six years; P10,000,000 for the construction of a national drydock; P1,000,000 for the improvement of the army flying school at Camp Murphy and the training of additional personnel; and P1,500,000 for the construction of an airplane factory.⁴² Considering the costliness of the equipment

called for by modern mechanized warfare, the cost of the material which would be required for the adequate defense of a country of the area and geographical characteristics of the Philippines would be staggering to a people with the financial resources of the Filipinos. This conclusion would seem to be valid in the long run, even though the Philippine Army might be provided with initial equipment by the United States. The problem of defense expenditures should properly be regarded as a part of the general financial problem of the Philippines and in all probability this problem can only be solved after 1946 with the assistance of the United States.

The question whether the new Philippine Army may not facilitate the creation of a military dictatorship and ultimately contribute to the kind of governmental instability which exists in certain unrepublican republics of the Western Hemisphere may be answered in the same general terms as the preceding query. If the independent Philippines were to sink below a certain economic level, it might easily become a sub-marginal state socially and politically. Then there would be grave danger that the army would play the same sort of role that military forces have so often enacted in other nations of that character. On the other hand, should fundamental conditions remain reasonably favorable for the continuation of a sound government, it seems unlikely that the army itself would give rise to either autocracy or instability.

Although President Quezon received the wide administrative control over the defense system which he deemed necessary to its speedy development, there is no evidence that he has used this power for political purposes. Rather, positive efforts have been made to keep the army out of politics and politics out of the army. The reservists, the young people in the schools, and the public generally have been systematically indoctrinated with the conception that the army is a non-political instrument of national salvation. The people have been called upon to make individual and collective sacrifices for the national defense of their country and it is believed that the public would resent the prostitution of their army to political purposes.

This belief is strengthened by the free expression in the press and on the platform of a determination to keep the soldier in his

proper place *vis-à-vis* the civil branch of the government.^{43*} When the National Defense Bill was before the National Assembly this and other aspects of the measure were freely discussed both on the floor and in the press. Particularly, criticism was directed at the provision which made the Chief of Staff directly responsible to the President. After the army had been made a going concern, the military establishment was placed under the immediate supervision and control of a secretary of national defense, with cabinet rank. Spokesman for the public schools vigorously protested against the use of the educational system as an adjunct to military training. When controversy between the educational and the military authorities arose in the Province of Albay, the press generally advised the soldiers to "go slow." The *Manila Daily Bulletin*, for example, declared editorially: "There is a general public impression everywhere that armies as a class are arbitrary in their demands and ruthless in pressing them. . . . It is most important that the Philippines not contribute to this pile of evidence. In other words, it is necessary that the army not only refrain from being arbitrary or overly aggressive but also that it avoid the appearances of evil, in this connection."⁴⁴

General Aguinaldo and his political followers, who are regarded by many people as having been near the border line of sedition just before the inauguration of the Commonwealth, made a series of bitter attacks on the defense plan and its administration. One of them, a Revolutionary general, even ridiculed the Philippine Army and declared that "any clown" could become an officer of it. In military dictatorships the army does not usually tolerate such questionings and assaults. A radical change in the political habits and temper of the Philippines would have to occur before such expressions of the public opinion could be suppressed there. Thus far, no one in authority has made the slightest gesture in that direction.

Up to date, then, the development of an army does not seem to have contributed to the erection of a "dictatorship" in the Philippines, or to have undermined or weakened such democracy as exists there. On the contrary, the experience of observing the sons of the rich and the poor marching side by side in the ranks of a citizen defense force probably has had precisely the opposite

effect. While the broad legal and political powers that President Quezon has received from his people have greatly facilitated the rapid development of the army, the army has not in any perceptible manner served to increase those powers. Very probably, however, it has made the Quezon regime, which is the constitutional government of the Commonwealth, more secure.

President Quezon's own statements regarding the charge that he is "militarizing" the country are worthy of consideration. He has declared:

Those who say that the organization of the national defense signifies the militarization of the country, speak without any foundation. We are organizing merely a small regular army, of 10,000 to 12,000 men, the while we are training a big number of Filipino citizens in the efficient operation of the rifle. How can 10,000 soldiers subdue 400,000 citizens who know how to use the rifle? Precisely, we are *not* instructing our citizens in the use of modern arms of war as professional soldiers, so that we may be free from the danger of militarism, so that in the event a military organization wants to impose on the Government or on the nation, it will have to contend with a citizenry that is prepared to fight and destroy it. This is our guaranty and this is one of the reasons for the military instruction which we are giving to our youth.

But, at the same time that we are preparing our country's national defense, we should not forget another duty that is equally as important, and which is also consecrated in our Constitution: the duty to uphold social justice. . . .

. . . The greatest danger to the national defense that we are organizing is not a foreign invasion but a domestic rebellion. One can ride roughshod over an inert people not trained in the use of arms—but not over a people in which each citizen is trained in the use of a gun. Remember that we are training in the art of war thousands and thousands of young Filipinos, vigorous and hardy, who do not live on the Government but are professionals or employees of private companies, who are farmhands or factory workers; and these, specially the farmhands and factory workers, can become turbulent elements if they do not obtain just and fair treatment from the Government or from that part of society that benefits by their labor.⁴⁵

During the country-wide debate on the National Defense Act many patriotic Filipinos urged the adoption of the measure upon the ground that it would not only make their country defensible, but also contribute to the development of a self-respecting, intelli-

gent and vigorous-citizenry. For example, Assemblyman Maxirno M. Kalaw expressed the opinion that,

"ninety per cent of our people believe that we are an absolutely, helpless lot, that in case a first class power should come here after independence, in a month we would be overrun, we would have to hoist the white flag in all the *presidencias* of our one thousand municipalities, and we will be a nation no more after a month of such eventuality. That defeatist philosophy instilled in our mind is a blight . . . and it constitutes, to my mind, the greatest obstacle to our national progress.

"The first and most important work of the National Defense Act is to kill this defeatist attitude in our mind, to infuse vigor, life and promise in our countrymen. . . . It ought to erase from our mind the theory that we are already a defeated nation. It ought to erase from our mind that inferiority complex that we cannot defend ourselves. It ought to instill in our mind that we have the potentialities of a great nation, for unfortunately it is still one of the accompaniments of greatness nowadays, to be able to defend one's self."⁴⁶

If this estimate of the degree of self-confidence possessed by the Filipino people is sound, it would be hard to imagine a country more vulnerable to the terroristic bombings, bombardments, and "fifth column" attacks which are so prominent a part of modern warfare. The number and geographical distribution of the Japanese in the country would render the task of Japanese "fifth columnists" particularly easy.

Dean Kalaw also declared that the National Defense Act would reduce adult illiteracy, increase the physical stamina of the people and stimulate both patriotism and democracy. These arguments are heard in every country where compulsory service for national defense is discussed. They express a viewpoint shared by many Filipinos, and may have peculiar force in this nation in the making.

Viewing the Philippine defense program in relation to the entire American policy towards the Philippines, a sound conclusion would seem to be that we are acting consistently with our policy as expressed in the Tydings-McDuffie Act, by regarding the Philippines as politically adult and worthy of being entrusted with lethal weapons for its own defense. Furthermore, if the Islands are to have any system of military defense, *the* one that

is now being developed is probably as effective a one as the country can afford, is being well administered and as yet has not been used as a stepping stone to unconstitutional autocracy. Finally, the ultimate role of the Philippine army in national and international affairs will probably depend upon the basic economic conditions which the United States creates in the Islands after 1946 and the political relations which exist between the two countries after that date.

One problem connected with the defense of the Philippines should they become independent in 1946 has received no public discussion, although several important questions at once suggest themselves in connection with it. The problem is this: what is to become of the great fortress of Corregidor (Fort Mills) when the Stars and Stripes come down and the American army embarks for home? The first question is, in what condition will Corregidor be turned over to the Philippine Republic? The tadpole shaped island at the narrow mouth of Manila Bay will, of course, remain where it is. Its roads, terraces, barracks and other military buildings, emergency landing field, subterranean magazines and storehouses, its gun emplacements and other defensive works cannot be removed. But its armament, ammunition, stores and other removable equipment (including that of its supplementary forts), representing approximately \$35,700,000 of the \$49,595,000 expended by the United States upon the fortress, not only could be taken away, but apparently could not lawfully be transferred to the Philippines without the express authorization of Congress, except perhaps under the provisions of the Lease-Lend Act.⁴⁷ Much of the equipment on Corregidor has a considerable removal value, amounting in the cases of some items to nearly 100 per cent of the initial cost. How much of this United States property will Congress give to its former wards when the hour of parting comes?

Other questions naturally follow the one just propounded. Assuming that the armament and other equipment on Corregidor are not presented gratis to the Philippine Republic, will this new government be in a financial position either to buy them from the United States, or to replace them? The estimated value of this military property is not far from the total regular annual operating

expenses of the Philippine Government at the present time. Will the Philippine Republic be prepared to add the annual operating expenses of Corregidor to its military budget? The United States Army garrison of "the Rock" is nearly as large as the entire Philippine Regular Army, and the maintenance under tropical conditions of sufficient supplies of food and munitions to enable the fortress to stand a prolonged siege entails a heavy annual expenditure.

Finally, it may be asked, would the maintenance of this fortification be essential to the defense of an independent Philippines? The answer to this question is that Corregidor and its appurtenant forts form an important element in the general scheme of the national defense. Without them Manila and the surrounding territory would be open to direct attack by an enemy expeditionary force and the early loss of this area would be more probable than if the enemy were compelled to land at a distant point and fight his way towards the capital-metropolis. Properly manned, Corregidor is capable of denying the entrance of Manila Bay to the surface vessels of an enemy.

While the capture of Manila might not automatically break the resistance of the Philippine Army it would probably render impossible the prolonged defense of the Island of Luzon. The shops of the Manila railway, the marine repair yards and virtually one hundred per cent of the other industrial equipment of the Philippines is in the Manila area, and the political and commercial life of the Islands centers in the capital to a degree unknown elsewhere. Manila is the only port on the Island of Luzon which has docks, warehouses, and other port facilities capable of handling large ships and their cargoes, and its possession would be of inestimable value to enemy forces, not only with reference to the Philippines, but as a factor in the grand strategy of the western Pacific area. Furthermore, the importance of defending Manila Bay from enemy domination from either land or sea would be greatly increased were it a part of Philippine strategy to hold out until military aid could be received from an outside source.

The problem of Corregidor has been raised not only because it is regarded as an aspect of the defense of the future Philippine Republic which has not received the public attention which its

importance deserves, but also because it is another example of the demands which will be made upon the human and financial resources of the Philippines when independence comes. It is interesting, perhaps, to speculate in a general way upon the "readiness of the Filipinos for independence." But it is upon the ability of the Filipinos to solve the concrete problems with which they will be faced after 1946, of which that of Corregidor is an example, that the success of the Republic will depend.

THE UNITED STATES AND THE PHILIPPINES

ON AUGUST 13, 1938, the fortieth anniversary of the occupation of Manila by the United States was celebrated as a national holiday by the Filipino people. The President of the Commonwealth, followed by members of his Cabinet, of the National Assembly, and by other high officials of the government marched on foot in review past the United States High Commissioner at the head of a parade representing every element in Philippine life. To a vast assemblage on the historic Luneta the Philippine leader proclaimed "the boundless gratitude of the Filipino people to the United States for the measureless benefits she has bestowed upon us during the four decades that have passed since" the day upon which the American flag was first raised on Philippine soil.

Under that banner, President Quezon declared:

Peace and prosperity have come to this favored land. Materially we have developed education, sanitation, and agricultural and industrial enterprises. Security and happiness, freedom from financial pressure, and a higher mode of life—all are ours. A new and progressive outlook upon the modern problems of life is in the making. All of this we owe to that starry flag and to the great people it represents. When it finally comes down from Santiago in 1946 it will find somewhere in its folds the grateful hearts of a people—a new and vibrant republic facing with optimistic hope its rising dawn.¹

The spectacular gesture of national gratitude to the United States which the Filipinos made on Occupation Day, 1938, is unique in the history of the relations between dominant and politically subordinate nations. The confidence of the Filipinos that the United States will act fairly with them in matters con-

* *The notes of this chapter begin on p. 951. Subject matter notes are indicated by an asterisk.*

cerning their future welfare makes it easier to deal with the still-existing problems of American-Philippine relations. Not since the conquest of the Islands have their problems been more delicate and difficult than they are becoming, as the day appointed for their separation from the United States approaches. The bonds which since 1898 have united America and this developing nation across the Pacific cannot be dissolved as easily and painlessly as many citizens of both countries seem to believe.

For a generation, as mutual agreement has been progressively substituted for sovereign authority, a more responsible statesmanship has been required of both the United States and the Philippines. Prior to the acceptance of separation from the United States under the conditions laid down in the Independence Act, the dominant Filipino leaders could safely indulge in irresponsible opposition to the United States as a maneuver in the domestic political game. For example, as recently as 1931 one of the highest officials in the Philippine Government went about the country proclaiming to audiences composed of many thousands of his compatriots that their country was "writhing in the throes of hell: a hell of slavery and foreign domination." At the same time, the speaker "voiced the fervent prayer and prediction that some day, in the not distant future, the brown race will rule supreme over all other races, just as the whites now dominate the world"; and after "an impressive semi-military parade" he exhorted his thoroughly aroused auditors to come to the aid of their country, "and save her from eternal damnation."² Nor was this patriot the only one of the top-flight Filipino leaders who through the years took advantage of the irresponsible position in which native elective governmental officials are placed by the colonial relationship. To such reckless talk today the United States would have an obvious answer: the severance of all special political and economic ties with the Philippines precisely in accordance with the Independence Act which the Filipinos themselves sought and have accepted, upon the advice of their national leaders. Such an answer would leave the Philippines in 1946 actually "writhing in the throes of hell"—a hell to a considerable extent resulting from years of irresponsible leadership in its relations with the United States.

On the other hand, the United States still bears the responsi-

bilities of sovereignty in the Philippines. It has a stake in the success of the Commonwealth and of the future Republic. America cannot afford, through lack of patience, magnanimity or, if necessary, firmness in dealing with the Filipinos, to permit the failure of its greatest undertaking in the Far East. In the Commonwealth relationship the sovereign power has relinquished the right to exercise, under normal conditions, direct authority within the Philippine Government, while the Filipinos have lost the dubious freedom of a relatively irresponsible position and subjected themselves to some, at least, of the limitations which are automatically imposed by the possession of responsible authority. The task of both American and Filipino statesmen is to make this new relationship work until such time as it may be terminated or altered under conditions which to a reasonable degree meet the interests of both nations.

Under the fair-weather conditions which have prevailed during the first half of the Commonwealth period, this task has been well performed. Even before the outbreak of the present world war, however, it was realized that during the second of the two five-year periods preceding independence, as the economic provisions of the Independence Act and the approach of separation began to have an adverse effect upon the economy of the Islands, the difficulties of the Commonwealth and the delicacy of Philippine-American relations would greatly increase. The effects of the war cannot be foreseen. But it is obvious in the summer of 1941 that wartime conditions may subject the Commonwealth and the United States to strains that were undreamed of when the Tydings-McDuffie Act was put into effect, and may compel further changes in the independence program. Both Americans and Filipinos are called upon to face the possibility that separation may not be accomplished according to schedule. All these circumstances make it increasingly important that the relations between the United States and the Philippines should rest upon a sound basis, and that both Americans and Filipinos should understand what these relations are and how the problems to which they give rise are actually dealt with.

So far as it was practical, the territorial policy of the United States laid down by the great Northwest Ordinance of 1787 was

applied to the overseas possessions acquired after 1898. American history, however, contains no record of a situation such as that which now exists between the Philippines and this country. Never before has a *Commonwealth* been a part of the American political system. All the continental areas which have passed through the "territorial" stage have been headed for inclusion in the Federal Union. None of our other offshore territories or dependencies has been given a status intended as the final step towards independence. None possesses the characteristics of a nation-state so completely as does the Philippines. Never has an American territory or possession had an elected president, or a chief executive with as many of the attributes of the head of an independent state as those which inhere in the Philippine presidency; or a government so free from federal interference under ordinary conditions. On the other hand, the Philippine Commonwealth, never having been incorporated as a territory of the United States, remains more completely subject to ultimate Congressional control than an incorporated territory, like Alaska.

Nor is the Philippine Commonwealth comparable with the members of the British Commonwealth of Nations who enjoy "dominion status." Those great self-governing peoples are not subject to the ultimate will of the British Parliament. The powers of their governments are not limited, as are those of the Philippine Government. The executive branch of the British Government possesses no authority to "intervene" in their affairs under any conditions whatsoever. The Dominions consider themselves and are regarded by Great Britain as permanent, although voluntary, elements of the British Empire; while for both the United States and the Philippines the announced goal is separation at the earliest possible moment. Here, then, is a new federal relationship, unique not only in our own rich experience with federalism, but in the history of federal, colonial, or imperial government anywhere.

Prior to the establishment of the Commonwealth the constitutional status of the Philippines was, without question, that of an unincorporated" territory of the United States. As such, its legal and political position and the civil and political rights of its citizens in the American system of government were determined by Congress, acting under its constitutional powers, as interpreted by

the Supreme Court. Although the judicial reasoning upon which this interpretation rested is involved, the basic position reached is simple, when stated in general terms. The Court has declared that the Philippines, like other "unincorporated" territories, is an insular possession of the United States, but that the Islands have not been incorporated into the Union as an integral part of the "United States," as those words are used in the Constitution. The power of Congress over the Philippines is limited only by those provisions of the Constitution which are positively prohibitive (as, "No title of nobility shall be granted by the United States . . .") or protective of those civil liberties which are fundamental in their nature. The Court has not listed those civil rights which are fundamental, although in particular cases it has ruled that certain procedural rights, such as trial by jury, which are a part of the Anglo-American heritage and are protected by the Constitution within the "United States," are not of this category in the Philippines. The authority of Congress to determine the form of government and the political rights and privileges of the Philippines and its inhabitants is virtually unlimited under the American Constitution, as it has been interpreted up to the present date.^{3*}

In the exercise of these powers, Congress, prior to 1934, had granted broad powers of self-government to the Philippines, but the assumption was that what Congress could give it could also take away. The Independence Act of 1934, however, provided for the creation of a political unit new to American constitutional experience: the Commonwealth of the Philippines. The Filipino people were authorized to accept or reject this Act. They accepted it by a joint resolution of their legislature, and in good faith have established the Commonwealth provided for by it. Some Filipinos now take the position that there resulted a compact which cannot be unilaterally altered by either party thereto. President Quezon has declared: "We accepted the independence law upon the assumption that none of its provisions will be amended except with the consent of the Filipino people." The Philippine President went on to point out that, "Even after the independence law was accepted by our people the Congress of the United States started to amend those provisions of the law relating to our trade relations

with America. It would appear, therefore, that Congress felt that it has the right to amend at any time the trade relations between America and the Philippines, regardless of the provisions of the independence law." Mr. Quezon did not deny the constitutionality of Congress's position. He did say that under these circumstances, to continue in the present status would cause the economic ruin of the Philippines; and he therefore asked for independence in 1938 or 1939.⁴

In amending the Independence Law of 1934 by the Act of August 7, 1939, Congress apparently proceeded upon the assumption that its authority over the Philippines was still plenary in nature. No one sought to apply the doctrine of the "irrevocable statute" to the former law. Despite the Congressional assumption, however, this specific question has not come before the American courts for decision, nor has there been a clear cut determination by either the judicial, the legislative, or the executive branch of the United States Government as to whether the establishment of the Commonwealth produced a fundamentally different constitutional relationship between the United States and the Philippines.

In the most important case regarding the status of the Philippines which the Supreme Court has decided since the inauguration of the Commonwealth (*Cincinnati Soap Co. v. U. S.* 301 U. S. 308. May 3, 1937) Mr. Justice Sutherland, speaking for the Court, recognized that a change of status had occurred but did not explain its nature or extent. The Court also declared that the retention of sovereignty over the Philippines carried with it serious moral obligations, although recognizing that the extent of these obligations and the manner in which they should be met were matters for Congressional, and not judicial determination.

The decisions of the United States Supreme Court are final in matters actually determined by them, and the opinions of the Court expressed as *dicta*, although not of binding force, are often of great weight in determining public policy. The pronouncements of the high tribunal with reference to the legal powers and moral responsibilities of the United States in the Philippines as found in the *Cincinnati Soap Case* are, therefore, of significance. The decision, in part, declared:

The Philippine Islands and their inhabitants, from the beginning of our occupation, have borne a peculiar relation to the United States. The Islands constitute a dependency over which the United States for more than a generation, has had and exercised supreme power of legislation and administration, . . . a power limited only by the terms of the treaty of cession and those principles of the Constitution which by their nature are inherently inviolable. The possession of this well-nigh absolute power carries with it great obligations. By degrees the active powers of the dependency have been enlarged, and those of the federal government decreased. But the authority which conferred additional power might at any time have withdrawn it. This brief resume demonstrates both the completeness and flexibility of the national power over the Philippines, and the high character of the moral obligations which the possession of such power certainly imposes. With the extension of power to the Islands, our moral obligations may have grown less; but whether, or to what extent this has been the case, is a question for the determination of the political parts of the government.

But it is contended that the passage of the Philippine Independence Act of March 24, 1934, c. 84, 48 Stat. 456, and the adoption and approval of a constitution for the Commonwealth of the Philippine Islands have created a different situation; and that since then, whatever may have been the case before, the United States has been under no duty to make any financial contribution to the Islands. Undoubtedly, these acts have brought about a profound change in the status of the Islands and in their relations to the United States; but the sovereignty of the United States has not been, and, for a long time, may not be finally withdrawn. So far as the United States is concerned the Philippines are not yet foreign territory. . . .

Thus, while the power of the United States has been modified, it has not been abolished. Moral responsibilities well may accompany the process of separation from this country, and, indeed, they may have been intensified by the new and perplexing problems which the Philippine people may now be called upon to meet as one of its results. . . .

In the Insular Cases decided at the beginning of the century, the Supreme Court laid down new doctrines which brought the constitutional law of the United States into line with the political needs of the nation in the government of the overseas territories acquired incidentally to the Spanish-American war. The end of that period appears to be approaching, as far as the Philippines is concerned. From the rational, moral and political standpoints, it would seem that Mr. Justice Sutherland was right when he de-

clared that the establishment of the Commonwealth has profoundly altered the status of the Philippines in their relationship to the United States. What their constitutional position in the American system of government actually is, or what it may become, will be determined by the events of these momentous years, interpreted and ratified in due course by the Government of the Philippines and the Congress and Supreme Court of the United States. The existing status of the Commonwealth is unsatisfactory because it rests upon an interpretation of the Constitution which was made to meet the political necessities of a situation far different than that which since 1935 has existed between the Philippines and the United States. If events should decree that the political connection between the United States and the Philippines is to be continued for an indefinite period, it is possible that by the ordinary processes of American constitutional interpretation there might be evolved a legal status for the Islands more nearly in harmony with the political realities of the American-Philippine relationship.

Meanwhile, the Independence Act of 1934, the Philippine Constitution, and certain American statutes set forth the powers vested in the Commonwealth Government and the authority over that government retained by the United States. The basic principle in this division of authority is that the Commonwealth possesses all of the powers of government not withheld from it by the Independence Act and other United States statutes or prohibited to it by the federal Constitution. Americans who assume that the Philippines are already virtually independent and those who declare that the United States has been placed in a position of responsibility without authority in the Philippines, may be surprised at the extent of the control which may still legally be exerted over the Islands.

The powers retained or the mandatory requirements imposed by the Tydings-McDuffie Act fall into several categories:

1. Requirements regarding the Commonwealth Constitution and form of government:

The Constitution shall be republican in form and contain a bill of rights, and either as a part thereof or in an ordinance appended thereto, contain the mandatory provisions of the Independence Law.

2. Provisions designed to secure recognition of United States sovereignty and provide legal authority, procedures, and instrumentalities for the exercise of the powers of sovereignty, within the limits set by the Independence Act, and for the enforcement of that Act:

All citizens of the Philippine Islands shall owe allegiance to the United States; and every officer of the Commonwealth Government shall take and subscribe an oath of office declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.

All acts passed by the Commonwealth Legislature shall be reported to the Congress of the United States.

The decisions of the Commonwealth courts shall be subject to review by the Supreme Court of the United States as provided by law at the time of the enactment of the Independence Act, and such review shall extend to all cases involving the Commonwealth Constitution.

Every amendment to the Commonwealth Constitution shall be submitted to the President of the United States and shall take effect only upon his approval, or his failure to disapprove it within six months from the time of its submission.

The United States may, under certain conditions, intervene in the Philippines (See "7" below).

The authority of the United States High Commission to the Government of the Commonwealth of the Philippines, as provided in the Independence Act, shall be recognized.

The Philippine Islands recognizes the right of the United States to expropriate private property for public uses, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President, to call into the service of such armed forces all military forces organized by the Commonwealth Government.

The Chief Executive of the Commonwealth shall make an annual report to the President and Congress of the United States of the proceedings and operations of the Commonwealth Government and shall make such other reports as the President or Congress may request.

3. Requirements that fundamental individual rights be safeguarded in the Philippines:

The Commonwealth Constitution shall contain a bill of rights.

Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship.

4. Requirements intended to protect the financial solvency of the Commonwealth:

The public debt of the Commonwealth and its subordinate branches shall not exceed the limits fixed by the American Congress.

No foreign loans shall be contracted without the approval of the President of the United States.

The debts, liabilities, and obligations of the Philippine Government, its provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the Constitution shall be assumed and paid by the Commonwealth Government.

Acts affecting currency and coinage shall not become law until approved by the President of the United States.

The President of the United States shall have authority to suspend the taking effect or the operation of any law, contract, or executive order of the Commonwealth Government, which in his judgment will result in a number of specified ways in the impairment of the financial stability of the Commonwealth.

The government of the Commonwealth shall place all funds from the export taxes provided for by the Independence Act in a sinking fund, and such funds shall be applied solely to the payment of the principal and interest on the bonded indebtedness of the Philippines.

If the Commonwealth Government fails to pay its debts or the interest thereon or to fulfill any of its contracts, the President may direct the High Commissioner to take over the customs offices and apply the customs revenue to the payment of such overdue indebtedness or the fulfillment of such contracts.

5. Powers retained in order to preserve American control over the foreign relations of the Commonwealth:

Foreign affairs shall be under the direct supervision and control of the United States.

Acts affecting immigration shall not become law until approved by the President of the United States.

The President of the United States shall have authority to suspend the taking effect of or the operation of any law, contract, or executive order of the Commonwealth Government which in his judgment will violate the international obligations of the United States.

No loans shall be contracted in foreign countries without the approval of the President of the United States.

6. Provisions regulating the trade relations between the United States and the Philippines, giving the United States control over the trade relations between the Philippines and other countries, and protecting the economic rights and interests of the United States and its citizens in the Philippines:

Trade relations between the Philippines and the United States shall be upon the basis prescribed in section 6 of the Independence Act.

Commonwealth acts affecting imports and exports shall not become law until approved by the President of the United States.

Citizens and corporations of the United States shall enjoy in the Commonwealth all the civil rights of the citizens and corporations, respectively, thereof.

Designated rights and interests of the United States and its citizens shall be recognized by the Philippines after independence has been proclaimed.

7. Provisions intended to make effective one or more of the retained powers already mentioned, to assure the maintenance of orderly, constitutional government in the Philippines, and miscellaneous provisions-

The United States may, by Presidential proclamation, exercise the right to intervene for the preservation of the government of the Commonwealth and for the maintenance of the government as provided in the constitution thereof, and for the protection of life, property, and individual liberty and for the discharge of government obligations under and in accordance with the provisions of the constitution.

Provision shall be made for the establishment and maintenance of an adequate system of public schools, primarily conducted in the English language.

In broad terms, the limitations placed upon the authority of the Commonwealth Government were intended to allow the Philippines the maximum measure of autonomy consistent with the responsibility, interests, and dignity of the United States as the sovereign power in the Islands. The intention of Congress was that pending the complete separation of the two countries there should be a minimum of American participation in the actual government of the Philippines. During the Commonwealth decade the Filipinos should have as complete an opportunity to demonstrate their capacity for self-government and be as solely responsible for results as would be possible while the United States was still ultimately responsible for their country. If the officials of the United States Government immediately concerned with Philippine affairs administer their offices so as to further the purposes of Congress; and if the Commonwealth conforms to the letter and spirit of the Independence Law and its own constitution, the actual operations of the Commonwealth Government will be almost as free from American interference as though the Philippines were already independent. Should the Commonwealth Government fail to conform to the provisions of the Independence Act or be unable or unwilling to maintain an orderly and solvent

government under the Commonwealth Constitution, the United States has authority under both of those fundamental laws to take virtually any steps necessary to meet its obligations as the responsible sovereign, and protect its own interests and those of the Philippines.

Thus far, considering the difficulties of operating a government responsible to two ultimate authorities (in this case, the United States and the Philippine electorate), the new relationship between the United States and the Philippines has been extraordinarily successful. Harmony has been maintained in part because in most matters American and Filipino objectives are parallel; in part because both sides have compromised when necessary. Events may show that the United States has given away too much at some points, particularly in allowing the Commonwealth Government as free a hand as it has had in spending the coconut oil taxes covered into the Philippine treasury. Use eases the stiffness and reduces the friction of any new piece of machinery, however. Now that the breaking-in period is pretty well over there is no reason to believe that in the hands of competent and responsible operators the machinery of American-Philippine relations will not function smoothly under ordinary loads, and be adequate to meet the emergency demands imposed by periods of unusual stress and strain. As is the case with every law, the Tydings-McDuffie Act itself is little more than a pattern for actual government. The legal and political structure for which it provides is being given reality by the actions of the executive, legislative, and judicial organs of both countries which are governing the Philippines and conducting the relations between the Commonwealth and the United States in accordance with the norms of action established by Congress.

One delicate aspect of the Philippine-American relationship is the status of individual Filipinos with reference to the United States. As was the case before the establishment of the Commonwealth, Filipinos are citizens of the Philippines and nationals of the United States. Despite the fact that the Independence Act explicitly provides that they shall owe allegiance to the sovereign power, it also decrees that in all laws of the United States "relating to the immigration, exclusion, or expulsion of aliens, citizens of the

Philippine Islands who are not citizens of the United States shall be considered as if they were aliens." An annual quota of fifty immigrants is assigned to the Commonwealth. Upon the withdrawal of American sovereignty over the Philippines the American immigration laws shall apply to persons born in the Philippines to the same extent as in the case of other countries.⁵

While some resentment at the immigration provisions was expressed in the Philippines when the Independence Law was under debate in the Islands, and the status of the Filipinos resident in the United States is an equivocal one, the application of the exclusion principle to the Commonwealth has raised no serious problems of a practical nature. The Philippines is under-populated and needs every one of its citizens for the settlement of Mindanao and other undeveloped regions. If in other respects American-Philippine relations are good, it is not probable that the immigration question will create difficulties between the two countries.^{6*}

The legal relationship between the United States and the Philippine Commonwealth is provided for in the American and Philippine constitutions and statutes, as interpreted by the courts. The working relations between the governments of the two countries are conducted by designated American and Filipino officials and agencies. The highest of these officials are the President of the United States and the President of the Philippines. Upon several occasions the two chief executives have dealt with each other directly. Each has exercised a real control over the subordinate agencies of official Philippine-American contact. Probably no other American President except Taft has been so well informed concerning the Philippines as is Mr. Roosevelt. None has more completely won the confidence of the Filipino leaders. President Quezon expressed the well-nigh universal feeling of those who control the Philippine Government when he declared during the celebration of Occupation Day, 1938:

The Filipino people have never had a better or truer friend than President Franklin D. Roosevelt. Every act taken by him having to do with the relations between his country and my country has been actuated by a desire to deal fairly and honorably with us in the Philippines.⁷

In addition to dealing directly with the American Chief Executive, President Quezon during his visits to Washington has transacted business with the higher executive officials concerned with Philippine affairs and with members of Congress. His congressional contacts have been maintained since the years 1909 to 1917 when he was one of the Philippine Resident Commissioners in the House of Representatives. By frequent trips to the United States and the entertainment of American political leaders, newspapermen and others in the Philippines he has added to his influence. Mr. Quezon is, indeed, a national figure in the United States as well as in his own country. This unique position has been astutely used to the advantage of the Philippines and has enormously strengthened Mr. Quezon politically at home. It has also strengthened his position *vis-à-vis* Governors-General and, more recently, the United States High Commissioners.

The extensive powers over the Commonwealth vested in the American President grant him the authority and presumably lay upon him the duty to see that the government of the Philippines is conducted in accordance with what McKinley called "certain great principles of government which we . . . deem essential to the rule of law and the maintenance of individual freedom," and in such a way as not to jeopardize legitimate American interests or involve the United States in difficulties with foreign nations. Prior to November 15, 1935, this duty was immediately performed by an American official *within* the Philippine Government, the Governor-General, who had the usual powers of a chief executive under the American system. With the inauguration of the Commonwealth the Philippine President became the chief executive of the Commonwealth Government. There is now no American official within that government and under normal conditions American control is to be exercised wholly from without and only for the purposes set forth in the Independence Law. Furthermore, although Congress still legally possesses plenary power over the Philippines, the only executive official who can exercise this control by his own authority is the President of the United States.

In order to provide an assistant or representative to aid the President in discharging his duties regarding the Philippines, Congress established the office of United States High Commissioner

to the Philippine Islands. The High Commissioner is appointed by the President, by and with the consent of the Senate, to hold office at the pleasure of the President and until his successor is appointed and qualified. The High Commissioner's status, powers and duties are prescribed by Section 7(4) of the Tydings-McDuffie Law, which should be carefully read by anyone wishing to understand the nature of the High Commissionership. The law provides that the High Commissioner

shall be the representative of the President of the United States in the Philippine Islands and shall be recognized as such by the government of the Commonwealth of the Philippine Islands, by the commanding officers of the military forces of the United States, and by all civil officials of the United States in the Philippine Islands. He shall have access to all records of the government or any subdivision thereof, and shall be furnished by the Chief Executive of the Commonwealth of the Philippine Islands with such information as he shall request.

If the government of the Commonwealth of the Philippine Islands fails *to* pay any of its bonded or other indebtedness or the interest thereon when due or to fulfill any of its contracts, the United States High Commissioner shall immediately report the facts to the President, who may thereupon direct the High Commissioner to take over the customs offices and administration of the same, administer the same, and apply such part of the revenue received therefrom as may be necessary for the payment of such overdue indebtedness or the fulfillment of such contracts. The United States High Commissioner shall annually, and at such other times as the President may require, render an official report to the President and Congress of the United States. He shall perform such additional duties and functions as may be delegated to him from time to time by the President under the provisions of this Act. The United States High Commissioner shall receive the same compensation as is now received by the Governor-General of the Philippine Islands, and shall have such staff and assistants as the President may deem advisable and as may be appropriated for by Congress, including a financial expert, who shall receive for submission to the High Commissioner a duplicate copy of the reports of the insular auditor. Appeals from the decisions of the insular auditor may be taken to the President of the United States. The salaries and expenses of the High Commissioner and his staff and assistants shall be paid by the United States.⁸

One of the reasons given by the Philippine Legislature for declining to accept the Hare-Hawes-Cutting Act was the inden-

nitensess of the powers of the High Commissioner. There are two provisions of the Tydings-McDuffie Act (which in relation to the High Commissioner is identical with the Hare-Hawes-Cutting Act) which seem to afford some basis for this objection. Just what are the powers of the High Commissioner as the "representative of the President of the United States in the Philippine Islands"; and precisely what authority may be "delegated to him" by the President "under the provisions of this Act"? Under the latter clause, for example, the President has delegated to the High Commissioner the authority to consider appeals from the decisions of the Auditor General, "for and on behalf of the President of the United States," and to settle finally such appeals if he concurs in the decision of the Auditor General.⁹

Whatever of indefiniteness there may be in the two clauses mentioned, it is certain that the High Commissioner cannot exercise any power over the Philippine Government which is not assigned to him directly or vested in the President by the Tydings-McDuffie Law or some other United States statute. These granted powers, most of which are quite definite and many of which obviously can be exercised solely by the President, fix the upper limit of the powers of the President's representative and of the President himself.

Early in the Commonwealth period President Quezon seized upon an opportunity to assert the principle that the powers of both the American President and his representative, the High Commissioner, are strictly limited. In a press release dated August 3, 1936, Mr. Quezon declared:

The news appearing in this morning's *Bulletin* to the effect that "the Office of the American High Commissioner has turned thumbs down on the proposal to float bonds in the Philippines for insular public works projects" is as false as it is mischievous.

Let it be clearly understood that no American official from the President of the United States down to the High Commissioner has any authority, powers, prerogatives or privileges in the Government of the Commonwealth except those granted by the Independence Law, commonly known as the Tydings-McDuffie Act.^{10*}

If this position be sound, and there seems to be no doubt that it is in accordance with the intention of Congress in enact-

ing the Tydings-McDuffEe Law, the authority of the High Commissioner *in normal times* would seem to be as definite as political powers can wisely be made. Nor does the High Commissioner's authority seem to restrict the powers of the Commonwealth Government beyond the point necessary for the protection of the sovereign position of the United States in the Philippines. However, the Independence Act provides a legal method by which the United States may meet its responsibilities and protect its interests in the Philippines under abnormal as well as normal conditions. The United States may, by Presidential proclamation, exercise the right to "intervene" for the preservation of the government of the Commonwealth and for the maintenance of the government as provided in the constitution thereof, and for the protection of life, property, and individual liberty and for the discharge of government obligations under and in accordance with the provisions of the constitution.¹¹

Unquestionably the powers of "intervention" are indefinite. Once the United States had "intervened" the President probably could exercise in the Philippines whatever powers he might deem necessary for the accomplishment of the objects for which intervention is authorized, provided those powers were not denied him by the Constitution or other laws of the United States. Presumably the President would act through the High Commissioner, who might be authorized to wield all of the powers of government in the Philippines. Thus, while the powers of the President and the High Commissioner over the internal administration of the Philippines are narrowly limited so long as that Government is conducted in accordance with the provisions of its own constitution, they would become virtually unlimited except by the needs of the situation should the Commonwealth Government be unable or unwilling to meet the provisions of its fundamental law.

The duties and responsibilities of the High Commissioner have been added to as the result of legislation enacted since the inauguration of the Commonwealth. For example, he is to keep the President advised, through the Secretary of State, concerning the enforcement of the Neutrality Act in the Philippines and appurtenant waters, and to enlist the assistance of the Commonwealth Government in this task. It is also his duty to maintain

close observation under the Act of August 7, 1939, keeping the President informed with respect to the disposition of the proceeds of excise taxes and the enforcement of Philippine legislation concerning export taxes, sinking funds, and currency matters, and recommending any necessary action relating to these matters, additional duties may, of course, be imposed upon the High Commissioner by Congressional legislation.

Although the High Commissioner has no administrative duties or authority within the Commonwealth Government, he must possess an intimate knowledge of the operations and problems of that government if he is to perform satisfactorily the functions of his office. In forming his judgments he has available information and counsel furnished by a staff of experts, assisted in their work by an appropriate office force. The Independence Act itself provides for one of these advisers, the Financial Expert, presumably because the High Commissioner is given direct and important responsibilities in advising the President of the United States with reference to the financial structure and operations of the Commonwealth.

The first person to occupy this position was the Honorable J. Weldon Jones. Passing directly to the newly created post from the Insular Auditorship under the preceding regime, Mr. Jones organized the Financial Section of the High Commissioner's Office and laid out its work in the light of his intimate knowledge of Philippine finances and of every other aspect of the government. As he set it up the staff of the Financial Section consisted of a financial expert, an assistant financial expert, three statisticians, one cartographer and two secretaries.

Mr. Jones' conception of the services which the Financial Expert may render and his description of the activities of this official give an insight into one of the most important phases of the High Commissioner's work. "Obviously," Mr. Jones has written,

the Office of the High Commissioner must have available current and full information concerning the finances of the Commonwealth to meet the requirements of the Tydings-McDuffie Act. This seems to be true regardless of the answer to the question as to whether or not the Tydings-McDuffie Act reserved to the United States preventive,

as well as remedial or corrective powers with respect to the finances of the Commonwealth. Moreover, the very nature of financial difficulties, if we would prevent them, demands constant and current information. Financial difficulties seldom come from single acts or by "instantaneous combustion." . . . Current information and data establish financial trends and indicate the soundness of the policies adopted.

In view of the above, and acting under Section 7 (4) of the Tydings-McDuffie Act, the High Commissioner and the President of the Philippines early agreed upon the financial, statistical and other reports which the Commonwealth Government would furnish to the Office of the United States High Commissioner. The President of the Philippines issued instructions under the above arrangement to the pertinent offices in letters dated January 20, 1936.

The Financial Section of the Office of the United States High Commissioner is interested in such subjects as Governmental Finances, Bonded Debt, Sinking Funds, Currency and Currency Reserves, Banking in the Philippines, Exports and Imports, and Price Levels. As indicated, trends and policy-making in these various fields are all-important.

The Financial Section makes no public reports or statements. The reports and documents received from the various offices of the Commonwealth, through the President of the Philippines, are treated confidentially. Statistical Summaries of Financial Conditions and Economic Conditions in the Philippines are prepared monthly for the President of the United States. These reports are likewise treated confidentially. The work as now being developed and carried on will leave an official record, in summary, of financial and economic conditions in the Commonwealth.

The larger conception of the work of the Financial Section involves a group of technicians, who with current information on the never ceasing ebb and flow of governmental finance and related economics, may be in a position at all times to give authoritative reports and comments to the High Commissioner in all his relations with the Commonwealth Government.

The Financial Section finds itself engaged in a most interesting work. It believes that its technical work, within the confines of its legal functions, can be of great value to both the Government of the United States and the Government of the Commonwealth—a value which is significant in times of prosperity and would be enhanced in times of stress.¹²

The Legal and Economic Advisers and the Executive Assistant are the other ranking officials in the Office of the High Commissioner. Virtually every question which comes to the High

Commissioner's desk has a legal aspect and many of them are primarily legal in nature. The Legal Adviser usually has the aid of two or more assistant legal advisers. Invaluable services have been rendered by legally trained army officers detailed to this duty.

Congressional legislation has imposed upon both the American and Philippine Governments the duty of effecting a readjustment of Philippine economy and provided for an economic conference between the two governments prior to independence. Far less progress has been made in dealing with economics than with political problems in the Philippines. These facts, and others, make the position of Economic Adviser one of cardinal importance. To a peculiar degree this position requires an intimate knowledge of Philippine conditions.

In 1940 the staff of the Office of the High Commissioner numbered thirty, exclusive of naval and military aides and other personnel loaned by the Army. Competent staff work is in part responsible for the successful administration of every public office. Few officials deal with more diverse and important problems than the United States High Commissioner to the Philippine Islands. His decisions must be based upon an intimate and up to date knowledge of conditions throughout the great Archipelago which centers in Manila, a world with which he may be entirely unacquainted when he assumes office. He is far removed from his chief, the President of the United States, and isolated from official colleagues of comparable rank. The Philippine climate draws heavily upon his physical and nervous energy. There is a certain strain, too, in living and working among an alien people, no matter how hospitable and cooperative they may be. All of these factors make it imperative that the staff of the High Commissioner be of the highest quality and that it always contain a number of key men who are thoroughly acquainted with the Philippines.

The suggestion has been made that as a guarantee that the staff of the High Commissioner shall always conform to these requirements, and especially that there shall be greater continuity of service than has thus far prevailed, all but a few positions, perhaps only those of the Executive Secretary, the Legal Adviser, and the private secretary to the High Commissioner, should be given United States Civil Service status. Although opin-

ions differ as to just which officers should be included within the Civil Service, serious consideration should be given to this proposal as well as to other changes in the organization of the High Commissioner's staff which are indicated by the experience of the past five years. The suggestion that there should be a statutory Deputy High Commissioner is a particularly pertinent one.

In addition to the office staff, thirty employees, such as messengers, chauffeurs, and watchmen were on the office payroll in 1940, while nine house servants were carried on the discretionary fund.¹³ The High Commissioner's salary is f\$18,000 per annum, with a discretionary fund of \$10,000 for the maintenance of the official household and other purposes. The legal adviser is paid \$10,000 per year and the other principal members of the staff from \$4,400 to \$9,000. The total appropriation for the High Commissioner's Office has been in the neighborhood of \$160,000. Official residences (combined with offices) have been constructed for the High Commissioner in Manila and Baguio.

In glamour, opportunity, and difficulty the High Commissionership is one of the great American offices. The welfare, the very destiny of a young nation of seventeen million people, and the vital interests and the honor of the United States in the Eastern Hemisphere may hang upon the statesmanship of this distant representative of the President. In practice, the success of the High Commissioner in serving both his country and the Philippines will depend to a considerable degree upon the relations which exist between him and the Philippine chief executive. Ideally, both the High Commissioner and the Commonwealth President will feel that under normal conditions the former has the three rights and only the three rights attributed by Walter Bagehot to the British constitutional sovereign: the right to be consulted, the right to encourage, the right to warn. Acknowledged as possessing these rights by a statesmanlike Philippine President and exercising them wisely, a properly qualified High Commissioner will need no others in the ordinary conduct of his office. Indeed, he should have no others, for the High Commissioner is not intended to be a super-president of the Commonwealth.

However, as a trusted, confidential counsellor entirely de-

tached from Philippine partisan politics, yet thoroughly informed concerning local, American and world conditions, the High Commissioner can render invaluable services to the chief executive of the Commonwealth. Proper collaboration between these two officials should make it unnecessary for the High Commissioner ever to recommend that the American President exercise his drastic powers of control over the Commonwealth, unless, perhaps, at the request of the Commonwealth President himself. On the other hand, by an understanding presentation of the aspirations and needs of the Philippines and the interest which the United States has in the welfare of the Islands the High Commissioner may secure indispensable American cooperation in the establishment of the Commonwealth upon a sound economic and political basis.

Personalities often play a greater part in determining the character of public offices than do the laws that create them. In this instance the personal equation was favorable for the sound development of the High Commissionership. The first High Commissioner, the Honorable Frank Murphy, demonstrated his belief that the authority of the Commonwealth should be respected and enforced. It was his policy to avoid harassing intermeddling, and as a matter of good faith to give full recognition to the rights of the Philippine people and the dignity of their official representatives. By tried friendship and by a tactful, wise and sympathetic administration of his office he accomplished a great deal towards making successful the Commonwealth Government and the American-Philippine relationship contemplated by the Independence Act. He did this, moreover, with an intelligent conception of American interests and in a manner well calculated adequately to safeguard them. In this work, of peculiar importance at a time when precedents were being set and policies initiated, High Commissioner Murphy received the understanding and constructive cooperation of President Quezon.¹⁴

Almost a year elapsed between High Commissioner Murphy's departure from the Islands and the arrival of his successor. During this period Acting High Commissioner J. Weldon Jones, despite the handicap of his temporary status, succeeded in placing the new relations between the United States and the Philippines upon a firmer basis of mutual understanding and confidence. High

Commissioner Paul V. McNutt by vigorously vindicating certain American rights which had been called into question demonstrated that if firmly and tactfully used the authority of his office would be respected without question or rancour by the Commonwealth Government and all other elements in the Philippine community. By the exercise of vigorous leadership as the ranking American (and the ranking official) in the Islands Mr. McNutt further strengthened the High Commissionership. Under the extraordinary pressure of the conditions which now exist in the Far East, High Commissioner Francis B. Sayre is called upon to bear a burden greater than that of any of his predecessors. Like the Commonwealth Government itself, this new office in the American political system is still being given form and substance by the men who hold it and the conditions under which it operates.-

While the successive High Commissioners were working out problems connected with their relations with the President of the Philippines and the Commonwealth Government, questions arose concerning the procedures and agencies through which Philippine affairs should be handled by the government in Washington. Until July 1, 1939, the War Department was the principal agency within the American Government for the transaction of business relating to the Philippines. Within the Department the Bureau of Insular Affairs performed a wide variety of functions for the Insular Government, its services extending from employing school teachers to floating bond issues. This work the Bureau did under the supervision and control of the Secretary of War, upon whom the President and at times Congress relied for information and counsel concerning Philippine problems.

In practice the Secretary of War normally exercised considerable power over the Philippine Government, so far as that government was controlled from Washington; and he wielded an important influence over the Philippine policy of the United States. Except as speaking for the President, however, the Secretary of War had no authority to direct the Governor-General in the exercise of his powers and Governors-General felt free to communicate directly with the President and occasionally did so. Thus the President at times had two principal advisers regarding Philippine affairs.

Although the absence of precise definition of the relations between the Governor-General and the Secretary had occasionally produced unfortunate results, the arrangement which has been described was continued when the Governor-Generalship was abolished and the High Commissioner became the President's representative in the Philippines. Under the Reorganization Act of April 3, 1939, and the President's Plan No. 2, however, the functions, records, and permanent personnel of the Bureau of Insular Affairs were transferred from the Department of War and consolidated with the Division of Territories and Island Possessions in the Department of the Interior. This transfer became effective upon July 1, 1939, and coincidentally a Philippine Section was established in the Division.

The Chief, Assistant Chief, and one or two of the other higher officials of the Bureau of Insular Affairs had been Army officers, detailed for this duty normally for a four-year period, the Chief holding the temporary rank of brigadier general. Some of these officers performed distinguished administrative services and all of them conducted the Bureau in a competent manner. On the whole, too, the relations between these Army officers and the Filipino officials with whom they worked for many years were friendly and cooperative.^{15*}

The chief of the newly created Philippine Section was given the title, Supervisor of Philippine Affairs. To this position was appointed Mr. Richard R. Ely. Mr. Ely entered the service of the Philippine Government in the Bureau of Education in 1917. From 1925 until 1935 he was assistant secretary to the Governor-General, and from the inauguration of the Commonwealth until his transfer to Washington was chief clerk and passport officer in the Office of the High Commissioner. Level-headed, resourceful, and with an invaluable experience at the center of Philippine affairs, Mr. Ely brought to the Philippine Section, a new entity in a Department without previous experience with the Philippines, all of the qualities which a permanent official in such a position should possess. His selection for the post is one of many instances in which the Roosevelt Administration has completely ignored political considerations and filled key positions with reference to the Philippines with men chosen solely for their competence.

Perhaps the most important of the administrative functions of the Philippine Section is the supervisory control which it exercises over transactions affecting the currency reserves and sinking funds in the United States belonging to the Philippine Government with a view toward safeguarding the interests of American bondholders and preserving the good name of the United States Government, which sponsored the sale of the Philippine bonds. The Section is the channel for all official communications between the Philippine Government or the High Commissioner and the departments or agencies of the United States Government in the United States, with the exception of those involving the foreign affairs of the Philippines and the international obligations of the United States in respect to the Philippines. It studies legislation under consideration by either Congress or the Philippine Legislature, reporting upon such legislation to the President, the High Commissioner, and other interested American governmental agencies. It is the central repository for purposes of reference and record of all official documents relating to Philippine matters and serves as an information agency concerning Philippine affairs. The section also handles a variety of other matters for the High Commissioner, the Philippine Government and governmental agencies in the United States.

Few Washington officials transact a greater variety of business than the Supervisor of the Philippine Section. In a single day he may deal with problems posed by stamp collectors, high school debating societies, great political pressure groups, investment bankers, shipping companies, departments of the American or the Philippine Government, members or committees of Congress, and the White House. Under the emergency conditions which exist at present, this work has been vastly increased. In view of the importance of the Philippines and the other territories and dependencies of the United States the coordination of the greater portion of their administration in a single unit of the government may turn out to be an accomplishment of great significance.

Although the precise status of the High Commissioner with reference to the Washington government has never been officially defined, it is evident that he is regarded as an adjunct or arm of the chief executive, and as such is responsible to the President and

to him alone. Apparently direct communication between the President and the High Commissioner occurs whenever either of them deems it advisable. Normally, however, correspondence and reports from the High Commissioner to the President clear through the Division of Territories and Island Possessions; and because of the pressure of official duties the President depends largely upon the Division to see that Philippine affairs (except foreign relations) are dealt with promptly at the Washington end. This arrangement, however, apparently is not intended to affect materially the direct responsibility of the High Commissioner to the President, or to diminish his authority in Philippine affairs. Matters involving the foreign relations of the Philippines and the international obligations of the United States in respect of the Philippines are dealt with in Washington by the Department of State through its Office of Philippine Affairs.

From the close of the year 1934 until the enactment of the law amending the Tydings-McDuffie Act in August, 1939, an Interdepartmental Committee on Philippine Affairs directed studies of Philippine problems in an effort to coordinate the activities of the various administrative departments and agencies of the United States Government concerned with the Philippines. The committee performed no administrative functions, but representatives of the Departments of State, War, Navy, Treasury, Agriculture, Commerce, and the Tariff Commission participated in its deliberations. The committee was organized under the chairmanship of the Honorable Francis B. Sayre, then Assistant Secretary of State. Its most important action was the recommendation that the Joint Preparatory Committee on Philippine Affairs be set up. Presumably the Interdepartmental Committee could be utilized again should occasion arise.¹⁶ The Departments of State, Treasury, War, Navy, the Federal Security Agency, and the Veterans Administration are represented in the Philippines and perform services of importance to the Commonwealth and the United States.^{17*}

In Washington the Commonwealth of the Philippines is officially represented by a Resident Commissioner to the United States. Like the traditional territorial delegates and the two Philippine Resident Commissioners provided for by the Jones Law and the Organic Act of 1902, the Resident Commissioner has a seat in

the House of Representatives with the right to debate but not to *vote*. He is also entitled to official recognition as the representative of the Government of the Commonwealth by all departments of the United States Government. In the direct transaction of business between the Resident Commissioner and the several governmental departments in Washington there would seem to be the possibility that the executive policy of making the High Commissioner and the Division of Territories and Island Possessions the media of official contact between the Commonwealth Government and the executive departments of the United States Government might be rendered to a certain extent ineffective.

The Resident Commissioner is appointed by the President of the Philippines, with the consent *of* the Commission on Appointments and holds office at the pleasure of the President. His salary, \$10,000 per annum with certain additional allowances, is paid by the Commonwealth.¹⁸ Although since 1902 a number of the Resident Commissioners have rendered valuable services, in the more important periods of American-Philippine relations since 1921 the position has been overshadowed by special missions sent from Manila under the chairmanship of the outstanding Philippine political leaders. Under the Commonwealth the Resident Commissionership has increased in importance.

The legal and political relationships between the United States and the Philippine Commonwealth and the instrumentalities through which the two countries deal with their mutual problems have proven themselves remarkably satisfactory during the first half of the decade fixed by law as the Commonwealth's span of life. A workable system of inter-governmental relations has been developed upon the foundation of the Tydings-McDuffie Act and the legal and political institutions of both countries. The position of the Commonwealth within, or in relation to, the American federal system is steadily being more clearly defined by the actual processes of government.

In large degree the success which has been achieved during this difficult period has been due to the personal qualities of the American and Philippine officials who have been the media of contact between the two governments. Nothing is more necessary to the maintenance of good American-Philippine relations than that

from the High Commissioner down the Americans who actually carry them on should be chosen with an eye single to their ability to perform this task. In the case of the appropriate non-political officials this means that they should be given the status which is necessary to secure and retain the highest type of permanent civil servants.

The Philippines

A STUDY IN NATIONAL DEVELOPMENT

BY

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THE PHILIPPINE ISLANDS, 1933-1935

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PREFACE *

The world war which began in 1939 has altered many aspects of Philippine life and American-Philippine relationships. Some of these changes have been foreshadowed in this volume; others have become discernible only since the book was completed. The legally prescribed program to separate the Philippines from the United States in 1946 is based upon the assumption that in the decade following 1935 the islands could be made economically independent of a highly preferential position in the American market. There has never been a valid basis for this assumption, and the war is now giving those who accepted it a splendid "out" from an unsound position. Philippine economy has been upset not only by the loss of foreign markets in the natural course of the conflict, but by rapid integration with the wartime economy of the United States. For example, American export control has been extended to the Philippines, and Axis funds in the Islands have been "frozen." The result has been the virtual termination of Philippine commerce with Japan and her Axis partners, and with certain other areas.

Priorities granted with reference to the national defense by the Office of Production Management largely determine what the Philippines can purchase in the American market. Scarcity of shipping for a time threatened to reduce all Philippine trade to a trickle. Bottoms have now been found for the transportation of commodities useful in the American defense program. Most of the current sugar crop and of the 1941 quota of coconut oil will have been shipped by the end of the year. What will be done in succeeding years with these basic Philippine commodities

As the final proof of this Preface is being read, war has broken out between the United States and Japan. The effects of this conflict upon the development the Philippines as a nation cannot be foreseen. Whatever they may be, the character and institutions of the Filipino people will continue to be shaped in large measure by the political forces and experiences which are described in this volume.

is problematical. In any event, the decisions will be made and financed in Washington, not Manila. Meanwhile, by the allocation of ships and the assignment of cargo space, the United States Maritime Commission virtually controls what is left of Philippine commerce. Preparations are being made for the Export-Import Bank or some other United States agency to finance the stock piling of the iron, chrome, and manganese ore, and the disposition of the sugar, low-grade hemp and other commodities which cannot be sold through the usual channels of trade. Half a dozen of Washington's new wartime agencies have already extended their personnel and their controls to Manila. Normal Philippine economic processes have been suspended "for the duration," and the Islands have become a closely supervised adjunct of the American economic system.

Already the economic provisions of the Philippine Independence Law are being modified to meet the necessities of the war situation. On November 19, 1941, the Senate passed and sent to the House of Representatives a bill which would remit the export taxes and preserve the 1940 quotas provided by that measure until December 31, 1942. He is an optimist who believes that there will not be a further extension of this moratorium on the measures by which it was hoped to prepare the Philippines for economic independence in 1946. Almost inevitably the economic and political forces which the war has brought into play will force Philippine trade increasingly into American channels. In October, 1941, nearly 95 per cent of the Islands' exports went to the United States.

The war is also creating serious fiscal problems in the Philippines and increasing the financial dependence of the Islands upon the United States. The inflationary effects of the expenditure by the Commonwealth Government of millions of coconut oil excise taxes collected in the United States can hardly fail to be increased by current American defense spending in the Islands. Already millions of dollars have been pumped into the veins of Philippine business through the purchase of local commodities and services required for emergency military purposes. The supplemental army appropriation estimates submitted to the United States Congress on November 17 included an additional item of \$269,000,000 for

Philippine defense. It is not unlikely that the expenditure of such funds and of direct subsidies granted upon one basis or another may create a war prosperity resting upon a basis of inflated values and currency. There is grave danger that the greater the prosperity of that sort, the more devastating the subsequent collapse of Philippine national finances will be unless the Islands are to be sustained by the United States for a long time after the war.

The political and social effects of the war upon the Philippines are even more difficult to foresee. With the augmentation of United States Army and Navy personnel in the Islands there are many more Americans in the Philippines today than there have been at any time since the withdrawal of the bulk of our army after the restoration of peace some thirty years ago. What effect will their presence there have upon American-Philippine relations? Whether the Commonwealth Government will stand up under the exigencies of war, or near-war, still has to be demonstrated. Whether the war effort which the Filipinos are being called upon to make will weld them into a stronger national unit, or delay their unification and nationalization by emphasizing their dependence upon the United States, remains to be seen. No one knows what effect the conditions of the times will have upon American public opinion regarding the Philippines.

The Philippines, however, will incur a grave risk if they base their national policies upon the assumption that after the war emergency has passed the United States will easily be prevailed upon to alter the principles upon which the separation of the two countries has been decreed. Typical of Congressional opinion upon this matter is the following passage from the Senate debate (November 19, 1941) upon the bill to remit, until the end of 1942, the Philippine export taxes prescribed by the Tydings-McDuffie Act:

Mr. VANDENBERG. . . . My understanding is that, while there is no complaint against the particular intrinsic purposes of the measure, were would be very serious objection if this were to be taken as a precedent for the progressive disintegration of the Tydings-McDuffie fact, and a progressive rewriting now of the terms under which the Philippine Commonwealth has been given its prospective independence.

Mr. CLARK of Missouri. Let me say to the Senator from Michi-

gan that I think my position on that and the position as it was unanimously expressed in the meeting of the Committee is exactly the same as now expressed by the Senator from Michigan. In other words, I would not be for any bill—and I am certain that such a bill could not have obtained two votes in the Committee on Territories and Insular Affairs—which would break down in any way the policy adopted by the Government, first in the Hawes-Cutting Act, and later in the Tydings-McDuffie Act, granting complete and full independence, *and insisting upon granting, if necessary* [italics supplied], complete and full independence for the Philippines in 1946 in accordance with the terms of those acts.

The whole record of the United States in the Philippines and the fundamental fairness of the American people do not justify the assumption that the Congress would "free" the Philippines to starvation and national destruction in 1946. On the other hand, the time has passed when the Filipinos could themselves freely choose whether to continue under American sovereignty or pursue a separate existence. The legal and political assumption is no longer that they are to remain indefinitely under the American flag. Rather, the assumption is that they shall become independent on July 4, 1946, precisely in accordance with the terms of the Tydings-McDuffie Act. President Quezon has frequently stated that his people must recognize this situation and act accordingly. The friendly feeling of the American people towards the Philippines, the responsibilities which more than forty years of sovereignty over the Islands have created, and appreciation of the loyalty of the Philippines in the present emergency undoubtedly would cause Congress to grant serious consideration to any proposals for a modification of the independence program which the Commonwealth might see fit to make. But the responsibility for seeking modifications, should they seem desirable from the Philippine standpoint, now rests with the Commonwealth, and it is apparent that Congress is determined so far as possible to maintain its freedom to decide whether such requests would be granted, should they be presented when the day of independence is at hand.

Under ordinary conditions, a preface is not used to bring the text of a book more nearly down to date. However, these are no ordinary times and the rapid developments of recent months seem to justify a footnote to Chapter XXIX, on national defense

in the Philippines. Although exact figures are not available, it is known that the United States has recently been pouring soldiers and all of the munitions of modern warfare, including planes, into the Islands. The mobilization of the Philippine Army and its incorporation into the United States Army in the Philippines has been completed. Acting with skill and energy, Lieutenant General Douglas MacArthur, Commanding General of the United States Armed Forces in the Far East, has enormously increased the military strength of the Philippines. There can be no doubt that the progress which was made between 1935 and 1941 in executing the Quezon-MacArthur national defense program has made the Philippine Army an important element in the military forces now available to the United States in the Orient. Furthermore, the preparation for war which the United States is now making in the Islands may be expected to increase tremendously the capacity of the Philippines to defend itself after the struggle is over, should it then become an independent nation.

It might be added, too, that on November 11, the first general election under the amended Constitution was successfully held. President Quezon and Vice President Osmena were re-elected, with overwhelming majorities, as were the *Nacionalista* candidates for the newly established Senate and House of Representatives. Under the Constitution as it now stands President Quezon will serve until December 31, 1943. He will then be automatically succeeded by Vice President Osmena, but will again be eligible for election as President in 1945. The 1941 elections revealed no important changes in the political party system which is described in Part Two of this volume.

As its subtitle indicates, this book is a study of the development of a nation in the Philippine Islands. Whatever effects the war may have upon the Philippines, the underlying forces which have produced this development will in the future continue to determine its basic characteristics. A glance at the map shows that the territory of the Philippines is essentially a part of a vaster archipelago which, like fragments flung off from the Asiatic continent, stretches in a great arc from northern Luzon to northern Sumatra. The inhabitants of this island world and of the adjoining Malay Peninsula have a strong racial similarity. Most of them,

including the Filipinos, are Malays. Only the accidents of history have set the Philippines and the Filipinos apart from the islands and peoples to the south, and for that matter, to the north of them. Yet by placing the opportunity to risk the hazards of an independent political existence above assured prosperity and security under an alien flag, these particular Malays have asserted their nationhood. In agreeing to withdraw its sovereignty from their territory the United States has recognized that they are a nation. Thus at a time when the continued existence of independent, sovereign nation-states is regarded in many quarters as dangerous to world peace and progress another such unit seems about to be added to world society. This phenomenon and the circumstances which gave rise to it seem worthy of study.

The forces which have resulted in the development of a nation in the Philippines are largely Occidental. President Quezon has truly declared that the Filipinos "owe to Spain the preservation for the benefit of our own people, of the soil of our country, as well as the laying down, by means of religion and education, of the foundations of our national unity." The United States has continued to protect the territorial integrity of the Philippines. It has guarded the Filipinos against racial inundation by mass immigration from any other Oriental country. It has familiarized the Philippines with the institutions of modern democracy and given it an opportunity to adapt them to its own uses. Perhaps most important of all, the United States has for more than a generation entrusted the Filipinos with genuine political power and thus enabled them to develop an experienced native leadership in national and local affairs. Although Philippine culture rests upon substrata of pre-Spanish Malayan law, religion, literature, and art, yet the institutions of the Commonwealth have immediately stemmed from Spanish and American roots.

These institutions are not static. They are constantly being modified through use, as are those of any society. The social sciences have not produced any technique rapid enough to produce an instantaneous photograph of them that would be accurate when published. A study of the elements which enter into the development of the Philippine nation can, however, be made. Such a task has been undertaken in this volume. The land and people

have been considered as the basic elements of nationhood. The Philippine Constitution; the executive, legislative, and judicial branches of the government; the civil service, the administrative organization, the political parties, the educational and health services; the problems of a national language, national defense, finance, and economic readjustment; and the relations of the Philippines to other nations, particularly China, Japan, and the United States have been examined. Their origins have been indicated, their development traced. By this process trends have been discerned. Comparisons with analogous developments, historical and contemporary, have aided in the task of evaluation—a task which in many instances the author has undertaken, but which every thoughtful reader will doubtless perform for himself.

In such a study American policy and administration in the Philippines have necessarily been examined. So have the effects which the colonial status has had upon the Islands and their people. The American-Philippine relationship has, on the whole, been happier and more fruitful than any other which has existed in modern times between a dominant and a dependent people. Although mistakes have been made by the sovereign power, it may be fairly said that the United States has applied the principle of trusteeship in dealing with the Philippines. At a time when serious consideration is being given to the proposal that an international trusteeship should be established for peoples not yet capable of standing alone under modern conditions the development of the Philippine nation under American auspices is worthy of careful study. Furthermore, the Philippines is still under the American flag and may remain an American responsibility for a long time to come. Only through a more complete and widely diffused knowledge of the Commonwealth, its people and institutions is the United States apt to discharge fully the obligations which it has assumed regarding the Islands.

This book has been written primarily from historical sources, primary and secondary, supplemented by a varied personal experience with the Philippines which covers a period of twenty years. Such basic materials as the annual reports of the Philippine Commission and of the Governor-General; court reports; the annual reports of the departments, bureaus, and other govern-

mental entities of the Philippine and United States Governments; the published documents of the Philippine Legislature; the several census of the Philippines; and the admirable *Messages of the President* published by the Philippine Commonwealth, must form the backbone of any serious study of Philippine institutions. Unfortunately, only partial and cursory use could be made of the excellent Census of 1939, which is still in the *process of* publication.

Of unpublished sources the author has had access to a wide variety, both official and unofficial. A part of this material is in the "Hayden Collection" in the possession of the author. Included in this collection are contemporary notes of field studies of Philippine institutions made over a long period of years, and the documentary material which was collected by Colonel Carmi A. Thompson, who visited the Philippines in 1926 as the personal representative of President Coolidge. Philippine newspapers and magazines have been extensively utilized, not only because in many cases they contain the only available record of events, but because they both influence and reflect public opinion. In many instances the author has been able to check particular news stories or editorials from personal knowledge. In general, he is in a position to evaluate critically the matter appearing in Philippine newspapers. During recent years a rapidly expanding body of secondary material on Philippine institutions, the fruit of modern scholarship, has appeared in the Islands. These publications have been extremely useful both for their information and for their point of view.

For the facts and opinions stated in this book the author is solely responsible. To more persons than could be named in this preface, however, he is indebted for generous aid in his efforts to understand the Philippines and its problems. To these friends he expresses his sincere gratitude, with the acknowledgment that without their good will and active assistance this book could not have been written.

A grant from the Carnegie Endowment for the Advancement of Peace aided materially in the research conducted in Philippine political institutions in 1930-31. Thanks are due to the *Christian Science Monitor*, the *Atlantic Monthly*, *Foreign Affairs*, the *Annals of the American Academy of Political and Social Science*, the *American Political Science Review*, and the *Philippine Social*

Science Review for permission to use material which first appeared in their pages.

Most of all, the author is indebted to the University of Michigan for opportunities over a long period of years to carry on the research of which this volume is the product. Substantial grants from the Faculty Research Fund of the Graduate School; liberal leaves and occasional relief from a full teaching load granted by the College of Literature, Science and the Arts; the generosity of colleagues in assuming more than their share of departmental burdens; sustained support by the President and Board of Regents -such aids to research are freely extended to the scholar at this great institution. In acknowledging them with gratitude, the author hopes that in some measure their purpose, the extension of knowledge, may have been achieved by the labors which they have made possible.

For skilled assistance in the preparation of the manuscript thanks are given to Mrs. Ethlynn Sprentall. Lastly and most heartfully the author expresses his gratitude to Elizabeth O. Hayden for aid and understanding at every stage of his work.

JOSEPH RALSTON HAYDEN

Washington, D.C.
November 29, 1941

NOTES OF CHAPTER XXIX *

¹ Catherine Porter, "Preparedness in the Philippines," *Far Eastern Survey*, X (April 7, 1941), 64. Miss Porter's article is an informed and thoughtful presentation of the problems of the defense of the Philippines.

² Message to the National Assembly, January 31, 1941. *Manila Daily Bulletin*, February 1, 1941.

³ Public Act No. 127, 73d Congress, sec. 11.

⁴ *Ibid.*, sec. 10.

* *Chapter XXIX (National Defense)* begins on p. 730.

⁵* At the end of 1939 the United States troops stationed in the Philippines included 509 commissioned officers, 54 warrant officers, and 4,330 enlisted men and the Philippine Scout force of 44 commissioned officers and 6,386 enlisted men' Catherine Porter, "Philippines Enlarging Preparations for National Defense," *Far Eastern Survey*, Vol. IX (March 13, 1940).

⁶* The division had a strength of 14,000 men, who were chosen from 28,000 volunteers. All officers above the rank of major (save one Filipino graduate of West Point) were Americans. The United States Government paid for one month and the Philippine Government for two months of the three months' training. See *Report of the Governor-General*, 1917, pp. 1-4; 1918, p. 6; 1919, p. 26; also F. B. Harrison, *The Corner-Stone of Philippine Independence*, chaps. x, xi, xii *passim*. An interesting account of the vicissitudes of the guard is given in a lively article by Alva J. Hill, "The Philippine Army During the World War," *The Philippine Forum*, Vol. I, No. 12, Vol. II, No. 1 (November and December, 1936).

⁷ *Report of the Special Mission of Investigation to the Philippine Islands to the Secretary of War* (Washington, 1921), p. 23.

⁸ For example, see Cablegram of Governor-General Wood to the Secretary of War, March 14, 1924. *Report of the Governor-General*, 1925, p. 33.

⁹ Document No. 524, 72d Congress, 2d Session, p. 4.

¹⁰ *Philippine Constitution*, Article II, secs. 2 and 3.

¹¹ "Coalition Platform," *Messages of the President* (rev. ed.), I, 246-47.

¹²* House Bill No. 735, 10th Philippine Legislature, 1st Session.

The title of the bill is descriptive of its provisions: "An Act Creating the Bureau of National Defense in the Government of the Philippine Islands, Defining Its Powers and Duties; Providing for Compulsory Military Instruction in all Public and Recognized Private Schools, Colleges or Universities; Providing for Scholarships in Military and Naval Schools in the United States or Foreign Countries; and Creating an Officers' and Enlisted Reserve Corps of the Philippine Islands and Appropriating the Necessary Funds Therefor, and for other Purposes."

¹³ *Message from the Governor-General to the House of Representatives disapproving House Bill No. 735*, December 7, 1934.

¹⁴* Manuel L. Quezon to the Secretary of War, November 19, 1934, in Major General Douglas Mac Arthur, *Report on National Defense in the Philippines* (Manila, 1936), pp. 14-15. Mr. Quezon wrote: "The progress of events in the Philippine Islands assures the establishment there of a Commonwealth Government during the coming calendar year. One of the most pressing responsibilities that will coincidentally devolve upon the new government will be the initiation and development of a sound national defense system accurately adjusted to the strategic situation and defensive needs of the Islands. It is of the most urgent importance that this system reach a state of reasonable efficiency before the time arrives when, under existing conventions, the protection of the United States shall have been completely withdrawn. From that time onward existence of an adequate defense for the Philippines will be a powerful influence in preserving peace in that region, since, even should international treaties for neutralization of the Islands be consummated, pronounced weakness will encourage disorders and invite aggression. Obviously the new nation's military policy, both by inclination and compulsion, will be purely defensive, but its defenses must command respect. No question incident to the establishment of the new government concerns me more than does this one."

The text of President Quezon's letter to American officials requesting the

sending of the military mission appears in the *Manila Daily Bulletin*, January 14, 1935.

¹⁵ *U. S. Code*, Supplement IV, Title 10, sec. 540.

¹⁶ *Second Annual Report of the United States High Commissioner to the Philippine Islands*, p. 21.

¹⁷ Commonwealth Act No. 1, First National Assembly, Inaugural Session, approved December 31, 1935. Cited hereafter as National Defense Act.

¹⁸ "Message of the President of the Philippines to the First National Assembly on National Defense." November 25, 1935. *Messages of the President* (rev. ed., Manila, 1936), I, 18 *et seq.*

¹⁹ National Defense Act, Article I, sec. 2, Paragraph h.

²⁰ "Message of the President . . . to the First National Assembly on National Defense," November 25, 1935, *Messages of the President*, I, 22.

²¹* *Third Annual Report of the President of the Philippines*, 1938, p. 10. The President further stated that the "objective is the production in the 10 military districts into which the islands have been divided, of reserve units so distributed among the several arms and services as to develop in each district a tactical division every three years." The training periods begin January 1 and July 1 of each year.

²² *Philippines Herald*, January 26, 1940.

²³ *Ibid.*, p. 24.

²⁴ "Philippine Motor Torpedo Boats," *Shipbuilding and Shipping Record*, April 6, 1939, p. 428.

²⁵ *Ibid.*, p. 24.

²⁶ Catherine Porter, "Preparedness In the Philippines," cited.

²⁷ Catherine Porter, "Philippines Enlarging Preparations for National Defense," *Far Eastern Survey*, IX (March 13, 1940), 71.

²⁸ *Message of the President to the National Assembly*, January 31, 1941. *Manila Daily Bulletin*, February 1, 1941.

²⁹ *Third Annual Report of the President of the Philippines*, 1938, pp. 11-12.

³⁰ Major General Douglas MacArthur, *Report on National Defense in the Philippines*, p. 44.

³¹ Address delivered by Field Marshal Douglas MacArthur before a group of Philippine Army officers assembled in his office, August 3, 1936. *The Tribune* (Manila), August 4, 1936.

³² See, for example, George Fielding Eliot, *The Ramparts We Watch* (New York, 1938), p. 60.

³³ *Hearings before the Committee on Military Affairs, House of Representatives, Sixty-third Congress, First Session* (Washington, 1933), p. 21.

³⁴* In 1939 the nautical school which is training personnel for the off-shore patrol had an enrollment of about 70 and an officer staff of nine.

³⁵* Major General Basilio Valdez, Chief of Staff, Philippine Army, has publicly recognized the impossibility of denying Philippine waters to hostile warcraft. In an article which discusses the handicaps which geography imposes upon the defense of the Archipelago, General Valdez declares: "Geographically, we are at a disadvantage. If we had one big Island instead of 7,000 small ones, our geographic situation for defense might be more advantageous. As it is, all our territory must be defended with emphasis on the defense of vital areas. This makes it necessary to have some defensive force on each and every Island, or else

to maintain enough air and naval force to ensure inter-island communication against all comers. The former is the less expensive solution of one geographic difficulty; the latter is beyond our means." *Philippine Forum*, I (February, 1936) 56.

³⁶ *Philippine Constitution*, Article II.

³⁷ Address of President Manuel L. Quezon upon administering the oath of office to the Honorable Teofilo Sison as the first Secretary of National Defense November 1, 1939. Official transcript, *Manila Daily Bulletin*, November 2, 1939.

^{38*} *Ibid.*

On January 26, 1940, in a newspaper interview upon the occasion of his sixtieth birthday, Field Marshal MacArthur gave a somewhat ambiguous answer to the question, "Can the Philippines be defended successfully by Filipinos against military aggression?" In the course of the interview, he stated that "the Philippine Defense Plan intends to establish, here in the far reaches of the Pacific Ocean, an island Switzerland." He also declared, after pointing out the dangers and difficulties which are inherent in any assault on a defended shoreline, that "the Philippines may achieve a respectable defense and enjoy a reasonable safety if it is prepared and determined to repel attacks classed as adventurous, both in strength and purpose." And "he concluded the interview by saying that the question first propounded, 'Can the Philippines achieve a respectable posture of defense?' should be re-worded to ask, 'Will the Filipino people enthusiastically and effectively support, as a patriotic duty and even at personal sacrifice, a system calculated to give permanence to national liberty?'" *The Philippines Herald*, January 26, 1940.

³⁹ Theodore Roosevelt to John Hay, January 28, 1905. Quoted in Tyler Dennett, *Roosevelt and the Russo-Japanese War* (New York, 1925), p. no.

⁴⁰ Address by the Hon. Maximo M. Kalaw in the National Assembly, quoted from *The Philippine Form*, I (February, 1936), 83.

⁴¹ President Quezon's Budget Message for the fiscal year 1940-41, *Manila Daily Bulletin*, February 7, 1940.

⁴² Catherine Porter, "Philippines Enlarging Preparations for National Defense," *Far Eastern Survey*, IX (March 13, 1940), 70.

^{43*} See, for instance, the editorials, "Cuba's Political Picture," in *The Tribune*, December 13, 1935, and "The Army's Status," in the *Manila Daily Bulletin*, March 5, 1937. The latter article dealt with the old problem as to whether the military or the civil tribunals have jurisdiction over a soldier who is charged with violation of the criminal code.

⁴⁴ *Manila Daily Bulletin*, December 13, 1936.

⁴⁵ President Manuel L. Quezon, "Social Justice and National Defense." (An address delivered to members of the Cabinet, the National Assembly, and Provincial Governors and Treasurers, Manila, January 20, 1937.) *Messages of the President*, Vol. 3, Part I, pp. 31, 32.

⁴⁸ Speech of the Hon. Maximo M. Kalaw in the National Assembly, quoted in *The Philippine Forum*, I (February, 1936), 75, 78, *passim*.

⁴⁷ The germane provisions of the Tydings-McDuffie Act are included in secs. 1, 5 and 10 of that law. The estimate of the value of the removable equipment on Corregidor is from a source believed by the author to be reliable.

NOTES OF CHAPTER XXX *

¹ Address of President Manuel L. Quezon, "Filipino Gratitude to the United States," *Messages of the President*, Vol. 4, Part I, p. 131.

² *Philippines Herald*, January 24, 1931.

³* For an authoritative exposition of the law of the Constitution concerning territory under the sovereignty of the United States, but not a part of any state as it had developed to the year 1929, see Westel W. Willoughby, *The Constitutional Law of the United States*, I, chapters xxii-xxxii. New York, 1929 (2nd ed.).

A convincing argument was made by the late Judge Daniel R. Williams that Congress is not constitutionally empowered to alienate the sovereignty of the United States over the Philippines. See D. R. Williams, "Is Congress Empowered to Alienate Sovereignty of the United States?" *Virginia Law Review*, XII (No. 1, November, 1925), 1-33. Judge Williams' views on this subject were subsequently published (without date) in a pamphlet, *Comments on the Political and Economic Status of the Philippines*, by the San Francisco Chamber of Commerce, and in other forms. Although perhaps legally sound, Judge Williams' publications do not suggest any legal process by which Congress and the President could be prevented from effectively withdrawing American sovereignty from the Islands. For a rebuttal of Judge Williams' argument, see E. Douglas Hamilton, "In Re Alienation of Sovereignty," *ibid.*, XII (No. 7, May, 1927), 521-542.

The author has reason to believe that Judge Williams interested himself in this subject upon the suggestion of certain Americans in Manila who wished to offer an "out" upon constitutional grounds to congressmen who had advocated Philippine independence, but who might be converted to the retentionist point of view.

⁴ Speech radiocast from the United States by President Quezon to the people of the Philippines, April 4, 1937. From *Second Annual Report of the United States High Commissioner to the Philippine Islands* (1937), pp. 128-131.

⁵ Public Act No. 127, 73rd Congress, Sec. 8 (A) (1), Sec. 14.

⁶* For an able study of the problems raised by Filipino immigration into Hawaii and the mainland of the United States, see Bruno Lasker, *Filipino Immigration to Continental United States and Hawaii*. Chicago, 1931. A more recent brief treatment of this subject is given in, Joseph R. Hayden, *Memorandum on American Experience with Problems of Population in the Philippines and Puerto Rico*. U. S. Memorandum No. 4, *International Studies Conference, Tenth Session, 1937* (mimeographed).

⁷ Conversation between the President of the Philippines and the United States High Commissioner broadcast over Station KZRM, Manila, August 14, 1938. *Messages of the President*, Vol. 4, Part I, p. 141.

⁸ Public Act No. 127, 73d Congress, sec. 7(4).

⁹ Executive Order No. 8,135, May 15, 1939.

¹⁰* Press statement of the President of the Philippines, *Messages of the President*, Vol. 2, Part I, p. 444.

In what President Quezon himself called a "frank" statement, the President has further elucidated his views regarding the High Commissionership and recorded for posterity an interesting sidelight upon the relations between himself and High Commissioner McNutt. Mr. Quezon leaves the impression that the

* Chapter XXX (*The United States and the Philippines*) begins on p. 760.

ability to play "a good game of poker" would be an asset to any High Commissioner under present conditions. *Ibid.*, Vol. 3, Part I, pp. 110-113.

¹¹ Public Law No. 127, 73d Congress, sec. 2(14).

¹² J. Weldon Jones, "Duties and Procedure of the Financial Section of the High Commission [sic]," *Recorder*, "Office of the U. S. High Commissioner Number," March, 1938 (Manila).

¹³ From the list of employees of the United States High Commissioner's Office as of March 31, 1940, furnished by the Division of Territories and Island Possessions, United States Department of the Interior.

¹⁴ Paraphrased from Joseph R. Hayden, "America and the Philippine Commonwealth," *Foreign Affairs*, XIV, 643-644.

^{15*} The annual reports of the Chief of the Bureau of Insular Affairs, which until 1939 appeared in the annual reports of the Secretary of War (and were also printed separately), comprise a valuable source for the study of American-Philippine relations.

¹⁶ *Report of the Joint Preparatory Committee on Philippine Affairs*, I, 9.

^{17*} The State Department has a representative in the High Commissioner's Office and stations a consul and a vice-consul in Manila whose chief functions are to issue visas to Filipinos under the fixed annual immigration quota of fifty, and to issue quota, non-quota and non-immigrant visas to nationals of foreign countries. The American Trade Commissioner in Manila is also under the jurisdiction of the Department of State. The American military forces in the Islands are organized as the Department of the Philippines, while the shore establishment of the Navy forms the Sixteenth Naval District.

In addition to performing its strictly military functions, the United States Army has rendered other services of importance to the Philippines throughout the period of American sovereignty. Especially valuable in the past have been the contributions made to the public health program of the Islands by Army Medical Corps officers detailed to serve as advisers to the Governor-General. Of constantly increasing usefulness is the system of air fields covering the remote and unsettled portions of the Archipelago as well as its more highly developed areas which the Army laid out in cooperation with the Insular Government between 1933 and 1936. Invaluable aid has been rendered to civil aeronautics by United States Army Air Corps officers detailed to the Philippine Government. During the past five years the Department of the Philippines has cooperated in the development of the Commonwealth's national defense program, lending material and personnel for this purpose. For many years past the official and personal relations between the officers of the United States Army and Navy and the officials of the Philippine Government have been so cordial as to increase the friendly feeling of the Filipino people as a whole for the United States.

In cooperation with the Philippine Government the United States Coast and Geodetic Survey operates the Philippine Bureau of Coast and Geodetic Survey. The basic work of the Bureau is the survey of the coastal waters of the Philippine Archipelago, but the data collected are used by many agencies.

The United States Veterans Administration maintains an office in Manila to serve the approximately 600 American and 3,400 Filipino veterans resident in the Philippines. The benefits paid in the form of pensions, compensation, insurance, and adjusted compensation, and the other expenditures of the office amount to more than three and one-quarter million pesos per annum, this sum being so widely distributed as to have a beneficial effect upon the general economic and social life of the Philippines.

In addition to the regular establishments which have been mentioned a

number of agencies of the Federal Government have loaned to the Commonwealth Government experts who have been of great assistance in dealing with the problems of its formative years.

¹⁸ Public Act No. 127, 73rd Congress, Sec. 7 (5); Commonwealth Act No. 11, December 31, 1935.

