

growing out of the war, we annexed the Hawaiian Islands. At the conclusion of that war we had obtained by treaty with Spain the cession of Porto Rico and, so far as Spain could give to us by treaty, the Philippine Islands.

The Hawaiian Islands are a part of the United States to-day, as much so as is the Territory of Oklahoma, or the State of Pennsylvania. Not only is this true of the Hawaiian Islands, but it is also true as to the island of Porto Rico. The Hawaiian Islands annexed by joint resolution of Congress, carrying into effect the offer and agreement of the government of those islands, and Porto Rico ceded to us by treaty with Spain, the inhabitants of the island being most willing, both stand on the same footing as Territories of the United States, and each of them is entitled to the same consideration, for over both Territories the Constitution of the United States extends equally and to the same extent that it extends over any Territory or State under the jurisdiction of the United States.

(In the bill before the House no attempt is made to legislate for the Hawaiian Islands except under the provisions and strictly within the limitations of the Constitution of the United States. Particularly is this true in the matter of taxation.) In the bill before the House the trade of the Hawaiian Islands with other Territories and States of the Union stands upon the same footing in that there is no discrimination whatever. In dealing with Porto Rico the majority in this House have attempted to treat her in a very different manner. For Porto Rico, the effort is made to treat the island as if the same was not a part of the United States and to impose a tariff upon certain of her products coming into our ports.

Why this discrimination? Why treat the island of Porto Rico differently to the way we treat and deal with the Hawaiian Islands? If one is a part of the United States and under its jurisdiction the other is. We treat the Hawaiians as citizens of the United States, why not treat the Porto Ricans in the same way? Both are entitled to all the benefits, privileges, and immunities conferred by the Constitution of the United States upon any citizen. In the matter of impost duties or taxation the products of these territories must be treated the same in all respects as we treat the products of Pennsylvania or California.

Mr. Chairman, in a few words I will give my opinion as to why the Hawaiian Islands have been treated as a part of the United States and why Porto Rico has been treated as a foreign territory. It has been said by those advocating the imposition of a duty on the products of Porto Rico shipped into the United States that, first, Congress has a right to do so under the Constitution; second, that in order to raise money to relieve the sufferings of the people of the island it must be done, and third, that to do so is to strike a severe blow at the sugar and tobacco trusts; therefore it is necessary.

In answer to the first proposition, Mr. Chairman, I will say that Congress has no right or authority under the Constitution of the United States to levy a tariff on the products of Porto Rico coming into our ports, because Porto Rico is a part of our territory.

As to the second proposition, in my opinion no good, but only harm, can result to the Porto Ricans from the imposition of this tax.

As to the third proposition, I think it amounts to jesting with a serious question.

If this is true, would it not be equally a blow at the trusts to impose a tax upon the products of the Hawaiian Islands coming into the United States? Why, if it is necessary in dealing with Porto Rico to impose a tariff upon her products in order to strike a blow at the trusts, is the necessity and the argument not equally as strong in the case of Hawaii? If it is necessary to strike a blow at the trusts in one case, it is in the other.

No, Mr. Chairman, these are not the reasons for the imposition of a tariff upon the products of Porto Rico.

In my judgment, Mr. Chairman, the reason is that in the Hawaiian Islands the greater part of all that is valuable and productive to any great or considerable extent, including the land and franchises, is owned by capitalists, speculators, and trusts. On the other hand, in Porto Rico this state of facts does not exist. Since we acquired Porto Rico from Spain there has not been time for the capitalists, the speculators, and the trusts to manipulate and obtain possession of the valuable lands and franchises.

Mr. Chairman, if like conditions existed in Porto Rico that exist in the Hawaiian Islands in the ownership of lands, franchises, and other valuable property, I submit that no fight would have been made by the sugar and tobacco trusts, or anyone else, to impose a tax upon the products of Porto Rico. Mr. Oxnard and Mr. Myrick would never have been heard of in connection with Porto Rican legislation.

Mr. STOKES. Will it disturb the gentleman to interpose a question?

Mr. FINLEY. Not at all.

Mr. STOKES. Do I understand you to imply that that probably is the reason why the tariff was imposed upon the products of Porto Rico?

Mr. FINLEY. I think that is why the sugar and tobacco trusts are in favor of the Porto Rican bill. I take it that the trusts reasonably suppose that by proper effort on their part during the continuance of the tariff that the trade of Porto Rico will be hampered by the iniquitous and unlawful burden imposed upon her trade. The value of property in the island, now very low, will continue so, and they will be enabled to obtain possession of the greater part, and then they will be most anxious for Congress to treat Porto Rico as we propose to treat the Hawaiian Islands in the bill under consideration.

Mr. STOKES. A pretty good deduction.

(Mr. FINLEY. Mr. Chairman, I think that we are treating the Hawaiian Islands as we should treat them in this bill, as I understand the Constitution of the United States and as I believe its provisions imperatively demand. We give to them the rights of citizenship. We deny to them nothing that is given to other citizens of the United States as such, whether they reside in a Territory or in a State.

I believe that this is the correct construction of the Constitution of the United States. Something has been said in the debate to the effect that the bill before the House extends the Constitution of the United States over the Hawaiian Islands. Mr. Chairman, I do not agree with this argument. In my judgment, the Constitution of the United States can not be extended over territory belonging to the United States by an act of Congress, for the reason that over all territory of the United States the Constitution extends by its own force, and any act of Congress for this purpose is a nullity.)

(Mr. Chairman, in admitting the products of Hawaii to our ports, without taxation or any discrimination whatever, we but obey the Constitution of the United States and carry out the practice of our Government in the past, and act in accordance with an unbroken line of judicial decisions by our Supreme Court construing the Constitution. In denying to Porto Rico the same rights the majority go contrary to all precedent in the history of our Government, and in the teeth of both the Constitution of the United States and the decisions of the Supreme Court of the United States.)

(When the Porto Rican bill was under consideration in this House, the Republican position was that the Constitution of the United States did not follow the flag, and its provisions were not coextensive with the jurisdiction of the United States over territory, and that territory within our jurisdiction, over which Congress had not extended its provisions, did not fall within the provisions of the Federal Constitution. It was argued strenuously by the majority that the Constitution could only be extended to newly acquired territory by an act of Congress.)

(It seems from an examination of the arguments made in support of the position of the Republicans in this matter that the reasons for their position are: to avoid its provisions in some of our new possessions or territories, first, as to citizenship, and, second, its limitations as to taxation. In a republic, such as ours, there can only be citizens and uniformity of taxation; and free intercourse between all citizens of the republic is absolutely necessary. These two propositions are the groundwork and underlying principles without which there can be no republic.

Section 2 of Article VI of the Constitution provides that—

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The language of this section is not that the Constitution shall be the supreme law of the various States in the Union, or the supreme law of the States and Territories, but that the Constitution shall be the supreme law of the land. It is immaterial whether that land is within the boundaries of a sovereign State or whether it is comprised within the boundaries of a Territory not yet admitted into the Union as a sovereign State. Over all land, including States and Territories, where the jurisdiction of the United States extends, the supreme law of the land is the Constitution of the United States. The only question, then, as to where the Constitution extends, is one of jurisdiction. If the jurisdiction exists, the flag and the Constitution go along with it.

I think, Mr. Chairman, that the Republicans, having recognized in a practical way this principle, in the case of Hawaii, will find some difficulty in explaining to the American people their course in ignoring the principle in the case of Porto Rico. The action of the Democrats and Republicans in the House, in the case of Hawaii, is an unanswerable argument that the Republican majority is wrong in the proposed legislation for Porto Rico.

Section 1 of Article XIII is a further expression in the Constitution of the United States that the provisions of the Constitution extend to all territory over which our flag floats, and that it is coextensive with jurisdiction. Section 1 of Article XIII reads:

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

This article expressly provides that the provisions of the Constitution shall extend to all territory over which the United States