

said that there is a right of property in the tangible thing upon which a representation of the flag has been placed, the answer is that such representation — which, in itself, cannot belong, as property, to an individual — has been placed on such a thing in violation of law and subject to the power of Government to prohibit its use for purposes of advertisement.

Looking then at the provision relating to the placing of representations of the flag upon articles of merchandise for purposes of advertising, we are of opinion that those who enacted the statute knew, what is known of all, that to every true American the flag is the symbol of the Nation's power, the emblem of freedom in its truest, best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression. As the statute in question evidently had its origin in a purpose to cultivate a feeling of patriotism among the people of Nebraska, we are unwilling to adjudge that in legislation for that purpose the State erred in duty or has infringed the constitutional right of anyone. On the contrary, it may reasonably be affirmed that a duty rests upon each State in every legal way to encourage its people to love the Union with which the State is indissolubly connected. . . .

JAMES BROWN SCOTT.

#### THE DANISH WEST INDIES

On March 31, 1917, the transfer of the Danish West Indies from Denmark to the United States took place by the payment of the purchase price to Denmark by the United States, the transfer of physical possession of the Islands from Danish to American officials and the replacing of the Danish flag by that of the United States.

An outline of the treaty of cession and of the previous efforts of the United States to acquire the islands appeared in this JOURNAL for October, 1916, page 853. The official text of the treaty is now printed in the Supplement to this number of the JOURNAL, page 53.

In advising and consenting to the ratification of the treaty, the Senate of the United States, in order to bring the convention clearly within the Constitutional powers of the United States with respect to church establishments and freedom of religion, stipulated that the convention shall not be taken or construed as "imposing any trust upon the United States with respect to any funds belonging to the Danish National Church in the Danish West Indian Islands, or in which the said church may have an interest, nor as imposing upon the United States any duty or responsibility with respect to the management of any property belonging to said church, beyond protecting said church

in the possession and use of church property as stated in said convention, in the same manner and to the same extent only as other churches shall be protected in the possession and use of their several properties." This stipulation was incorporated in an exchange of notes on January 3, 1917, between the Secretary of State and the Danish Minister, which notes are also printed in the Supplement.

The motives which have actuated the United States in its efforts to acquire the islands, now crowned with success, are too well known to require any extended comment. The present views of the United States on this subject were succinctly placed before Congress at its last session by Secretary of State Lansing in recommending the appropriation of the purchase money so as to carry out the treaty now in force. Mr. Lansing said:

This convention is responsive to the conviction of both governments, as well as of the people of the islands, that the Danish West Indies should belong to the United States. This conviction, as is well known, has been manifested in earlier treaties for the transfer of these islands to the United States. Without entering upon any extended historical review of the negotiations of these earlier treaties, it may be pointed out that the first negotiations for the purchase of the islands were initiated by Secretary Seward during the administration of President Lincoln and before the close of the Civil War, culminating in the convention signed at Copenhagen October, 24, 1867, during the administration of President Johnson, for the cession of the Islands of St. Thomas and St. John. It is the opinion of students of this subject that this convention was brought about through the conviction of the United States, gained by its naval operations during the Civil War, of the need of a naval coaling supply and repair station in the Caribbean Sea in order that the United States might be placed on a footing with other great Powers owning islands in those waters. This conviction, no doubt, was strengthened by the fact that the United States emerged from that war as a maritime Power to whom a good harbor and depot in the West Indies had become a matter of so great importance, if not of necessity, that the United States could not wish to see the Danish West Indies fall into the hands of another Power.

Although the plebiscite in St. Thomas and St. John held under the treaty of 1867 was overwhelmingly in favor of the cession, and the treaty was promptly approved by the Danish Rigsdag and ratified and signed by the King, and although the period for ratification was extended from time to time to April 14, 1870, the Senate Committee on Foreign Relations took no action until March 24, 1870, when Senator Sumner reported it adversely and the Senate acquiesced in that opinion.

Prior to the Spanish War overtures were again made for the cession of the islands — this time initiated by the Danish Government. During the Spanish War the question of the purchase of the islands was further agitated. Concurrently with the discussion of the Isthmian Canal and the protection of the islands obtained from Spain, a second treaty for the purchase of the Danish West Indies was signed at

Washington, January 24, 1902. In reporting this treaty favorably to the Senate, Senator Cullom, of the Committee on Foreign Relations, stated:

"These islands, together with Porto Rico, are of great importance in a strategic way, whether the strategy be military or commercial. St. Thomas is the natural point of call for all European trade bound to the West Indies, Central America, or northern South America. These islands, together with Porto Rico, form the north-eastern corner of the Caribbean Sea, and are of great importance in connection with the American isthmus, where a canal will be constructed between the Atlantic and Pacific. They are of first importance in connection with our relations to the region of the Orinoco and the Amazon and with our control of the Windward Passage."

The treaty was approved by the United States Senate February 17, 1902, but failed of ratification by a tie vote in the upper house of the Danish Rigsdag.

All of the reasons upon which the two prior treaties were based, whether strategic, economic, or political, are of more force to-day than in previous years. There can be no question as to the value of St. Thomas Harbor as a naval port, with its circular configuration, ample roadsteads, protection from prevailing winds and seas, and facilities for fortifications. Moreover, the advantages of the possession of a naval base off the entrance of the Panama Canal and near the island of Porto Rico are self-evident.

The commercial value of the islands cannot be doubted. Lying in close proximity to many of the passages into the Caribbean Sea, the use of St. Thomas Harbor as a supply station for merchant ships plying between the United States and South America, and for vessels in other trades, is of great importance. The existing modern harbor works, floating docks, marine slip and wharves provided with electric cranes, oil reservoirs, coal depots, fresh-water tanks, machine shops, and warehouses contribute to the commercial advantages of St. Thomas Harbor as a port of call and transshipment for ships in the Central and South American trades.

The political importance of extending American jurisdiction over the islands is not to be overlooked. The Caribbean is within the peculiar sphere of influence of the United States, especially since the completion of the Panama Canal, and the possibility of a change of sovereignty of any of the islands now under foreign jurisdiction is of grave concern to the United States. Moreover, the Monroe Doctrine, a settled national policy of the United States, would have caused this country to look with disfavor upon the transfer of sovereignty of the Danish West Indies to any other European nation.

In view of these considerations, the treaty of cession of these islands to the United States is a matter of no small moment in this country. I do not hesitate, therefore, to recommend that the Congress be urged to take action during the present session to enable this Government to discharge its conventional obligation to Denmark by the payment to the Government of Denmark of the sum of \$25,000,000 by April 17 next.<sup>1</sup>

On March 3, 1917, the President approved an Act of Congress to provide a temporary government for the Danish West Indies. This Act is also printed in the Supplement to this JOURNAL, page 96. The

<sup>1</sup> House Report, No. 1505, 64th Cong. 2d Sess.

Act gives the President authority to assign an officer of the Army or of the Navy to serve as governor of the islands. After careful consideration it was decided that the islands should be administered by the Navy Department, instead of the War Department which governs the other insular possessions of the United States. Rear Admiral James H. Oliver has been appointed the first American governor.

GEORGE A. FINCH.

#### DEMOCRATIC RUSSIA

ON July 4, 1776, the thirteen United States of America proclaimed their independence in a document which has not yet lost its point or application, and, in doing so, laid down certain principles which were revolutionary then and now, and which will engender revolutions until they shall triumph, not merely in the minds and hearts of men, but in the form of government and in the practice of nations.

We hold these truths (the Declaration runs) to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

The last people to confess its faith in the right of the people to alter or abolish a form of government which had become destructive of these ends and to institute new government "as to them shall seem most likely to effect their safety and happiness" is the Russian people, and, like the revolutionary statesmen of 1776, the revolutionary statesmen of Russia of 1917 have issued an appeal to the peoples in accordance with "a decent respect to the opinions of mankind." The facts which they submitted to a candid world are contained in the appeal of the Executive Committee dated March 18, 1917, and, omitting the