

THE PHILIPPINE COLONIAL DICHOTOMY: ATTRACTION AND DISENFRANCHISEMENT*

Owen J. Lynch, Jr.**

White Men and *Indios*

The term *indio* applied to indigenes throughout the vast Spanish empire. *India* was a synonym for all of Asia east of the Indus River. Even after it became apparent that Christopher Columbus had not reached islands lying off the east coast of Asia, the Spanish persisted in referring to all native peoples within their empire as *los indios*.¹ The term applied to Mayans, Aztecs, Incas, and other American indigenes, as well as to the Malay peoples of insular Southeast Asia.

The first European imagery of *los indios* came from the writings of Columbus, who, in a widely published letter written during 1493, described the cannibalistic Carribean Arawaks. The famed cartographer, Amerigo Vespucci, was also instrumental in creating early images of *los Indios* among Europeans. In his most famous narrative, Vespucci described in detail his impressions of Brazilian indigenes. Soon after, the first pictorial all-Indian scene appeared in woodcuts which illustrated the letters of Columbus and Vespucci.²

The basic themes that would dominate so much of White thinking...for the next centuries were well developed in the literature on the Spanish conquest and settlement of the Americas. Using the twin criteria of Christianity and "civilization," Spaniards found the Indians wanting in a long list of attributes: Letters, laws, government, clothing, arts, trade, agriculture, marriage, morals, metal goods and above all religion.³

The twin criteria played an important role in the Manila Synod debates of 1582. Many synod participants strove to justify the colonial imposition on the basis of the natives' alleged cultural inferiorities. From the outset, "Both the colonists and the friars were disdainful of

* This article is the second of a four part series being published in the PHILIPPINE LAW JOURNAL.

** Visiting Professor, College of Law, University of the Philippines; Graduate Fellow, Yale University Law School.

¹ R. BERKHOFFER, THE WHITE MAN'S INDIAN: IMAGES OF THE AMERICAN INDIAN FROM COLUMBUS TO THE PRESENT 5 (1979). The Spanish also employed the phrase *naturales de la tierra* (natives of the land) to refer to indigenous peoples in the Americas. E. WOLF, EUROPE AND THE PEOPLE WITHOUT HISTORY 131 (1982).

² R. BERKHOFFER, *supra* note 1, at 4-7.

³ *Id.* at 10.

the cultural level of the Filipinos. The area of disagreement was not whether they needed guardians but who should be the guardians—the Church or the colonists (the *encomenderos*)."⁴

Like their counterparts elsewhere in the Spanish empire, Philippine officials were, from a legal perspective, generally indiscriminate in their labeling of native peoples. All those with Malay blood were referred to as *los indios*. The term signified legal status, as did "Spaniard" and "Chinese."⁵ Although numerically insignificant, Spanish *mestizos* with white complexions were sometimes allowed to assume the category of Spaniard even "without the benefit of a cedula or royal decree. But this was only before the eyes of the *Indio* population."⁶

Spanish legislation regarded the *indios* as the equivalent of legal minors or immature wards. This resulted in a double-edged paternalism.⁷ Spanish officials had an affirmative duty to respect native rights and otherwise behave properly. But at the same time, throughout the Spanish colonial era, native peoples could not bring suit

⁴ Phelan, *Some Ideological Aspects of the Conquest of the Philippines*, THE AMERICAS: A QUARTERLY REVIEW OF INTER-AMERICAN CULTURAL HISTORY 223-224 (1957). For background on the origins and nature of Spanish claims to sovereignty in the Philippine colony, see the first article of this series in 62 PHIL. L. J.

⁵ A fourth legal category was established in 1741 as a response to the growing prominence and numbers of Chinese-indio half-castes or *mestizos*. The abolition of the *tributu* or the head tax in the 1880's, however, "was accompanied by the end of the legal classification as *mestizo* and *indio*." These categories were merged in the recognition of the fact that, at least among the native elites, the *mestizos*' and *indios*' social, cultural and political values and systems had merged. "[M]ore important than legal recognition was social usage. By 1900 the indigenous inhabitants of the Philippines, of whatever cultural background, called themselves and were called 'Filipinos'. By that time, too, the unmodified term 'mestizo' no longer referred to the Chinese *mestizo* but had acquired the meaning it has today: Spanish *mestizo* or Eurasian in general." E. WICKBERG, THE CHINESE IN PHILIPPINE LIFE, 1850-1898 at 7, 140-141 (1965). For a discussion of the implications of classification see Wickberg, *The Chinese Mestizo in Philippine History*, JOURNAL OF SOUTHEAST ASIAN HISTORY, 1964, PP. 63-67.

⁶ D. ABELLA, FROM INDIO TO FILIPINO AND SOME HISTORICAL WORKS 36 (circa 1978). See generally *id.* at 1-40. The phrase "Indios Filipinos" was, according to some reports, limited to the "civilized," i.e., hispanized, natives. See, e.g., 3 REPORTS OF THE PHILIPPINE COMMISSION 378 (1900) [hereinafter referred to as RPC.]

⁷ J. PHELAN, THE HISPANIZATION OF THE PHILIPPINES: SPANISH AIMS AND FILIPINO RESPONSES 121 (1959); O. CORPUZ, THE BUREACRACY IN THE PHILIPPINES 30 (1957). LAWS OF THE INDIES, BOOK 6, TITLE 10 (hereinafter referred to as LI) contained the fundamental laws concerning rights, duties and liberties of native peoples within the Spanish empire under the heading "Of the good treatment of the Indians."

against a Spaniard who violated their rights unless another Spaniard sued on their behalf.⁸

[W]hen one party to a suit was a Spaniard, or when a native was in any way injured in his rights by a Spaniard, the suit was prosecuted under the direction of the *Protector de los Indias* (Protector of the Indies), of the *encomendero*, or the local curate, according to the requirements of each case. In this manner Spanish prestige was preserved, inasmuch as it was no longer an Indian who asked for the punishment of one belonging to a superior race, but a Spaniard who took up the Indian's cause and conducted the suit against another Spaniard.⁹

White Men and Filipinos

In general, Spanish references in the Philippines to *los indios* distinguished them from one another mainly by whether or not they had submitted to Spanish rule. These observations were limited, however, to generic references such as *dociles* (docile) and *feroces* (ferocious),¹⁰ or *binyag* and *hindi binyag*, i.e., baptized or not. Peoples in the latter grouping were also called *los infieles* (the unfaithful).¹¹ Local leaders were initially referred to as *principalia* or *cacique*, although by the nineteenth century these labels alluded, respectively, to former or current officials, and native or Chinese *mestizo* landlords.¹²

A common reference on Luzon to the hispanicized masses was *timawas* or *cailanes*. Local elites were sometimes called *maginoo*.¹³

⁸ C. CUNNINGHAM, *THE AUDENCIA IN THE SPANISH COLONIES AS ILLUSTRATED BY THE AUDENCIA OF MANILA* 99 (1979). During the waning years of Spanish rule, judgment was passed by native magistrates in suits between natives. *Id.*

⁹ Pardo de Tavera *History in 1 CENSUS OF THE PHILIPPINE ISLANDS* 335 (1903). [hereinafter referred to as CPI.]

¹⁰ W. SCOTT, *The Creation of a Cultural Minority in CRACKS IN THE PARCHMENT CURTAIN* 29 (1982).

¹¹ 1 M. BUZETA, *DICCIONARIO GEOGRAFICO, ESTADISTIKO, HISTORICA DE LAS ISLAS FILIPINAS* 49 (1850). Buzeta, *id.* at 48-51, physically differentiated *indios puros* (pure Indians), *mestizos*, and *Negritos*. In an appendix to volume one, he provided a listing of the stereotypical features which were ostensibly pronounced in each group.

¹² Until 1786 the *principalia* label referred to traditional leaders. From that date until 1847 it referred to men of means who collaborated with, and materially contributed to, the colonial coffers. From 1847 until the end of the Spanish regime, membership in the *principalia* was legally limited to former and current municipal and *barrio* officials, many of whom were not the actual power brokers in their communities.

The *cacique* label originally referred to traditional leaders in Haiti. 5 E. BLAIR AND J. ROBERTSON, *THE PHILIPPINE ISLANDS* 299 (1973) [hereinafter referred to as B & R.]. By the nineteenth century, it had become synonymous in the Philippine colony with landowners. See generally J. LEROY, *PHILIPPINE LIFE IN TOWN AND COUNTRY* 172-201 (1905).

¹³ M. GUERRERO, *LUZON AT WAR: CONTRADICTIONS IN PHILIPPINE SOCIETY, 1898-1902* at 87 (Ph.d. dissertation, University of Michigan, 1977).

Mountain people of northern Luzon were often referred to as *tribus independientes*,¹⁴ while the term *moro* became a reference for the Islamicized populations in the southern portions of the archipelago.¹⁵

The Spaniards' descriptions of indigenous cultures were universally negative. Spanish officials and priests not only believed in "the unquestioned superiority of Hispanic culture," they were convinced that pre-Hispanic cultures were "a manifestation of the devil."¹⁶ This perception endured throughout the Spanish regime. In 1874, the colonial disdain of indigenous cultures was so excessive that one friar wrote in a pamphlet circulated among the public that the indigenes had "contributed nothing of what constitutes a civilized society, it is the Spanish who have done it all."¹⁷

Other ethnocentric explanations for human differentiation were also dominant among other Europeans and Euro-Americans, including social scientists, at the end of the nineteenth century.¹⁸ The explanations were justified by an elaborate evolutionary social theory which was applied by U.S. officials, first to Native Americans and non-Caucasian immigrants to the United States, and only much later to the Philippine peoples. According to these explanations, white peoples, at least in the minds of Caucasians, were indisputably the apex of human evolutionary development. "In practice what was presumed desirable for Whites was also supposed by Whites to be desirable for Indians and conversely what was good for Indians was seen as beneficial for White society as well."¹⁹

The colonial mind-set virtually excluded any positive consideration of indigenous perspectives and cultures. White attitudes in

14. W. SCOTT, *THE DISCOVERY OF THE IGOROTS: SPANISH CONTACTS WITH THE PAGANS OF NORTHERN LUZON* 3 (1977).

15. C. MAJUL, *MUSLIMS IN THE PHILIPPINES* 80 (3rd ed., 1978).

16. J. SCHUMACHER, *The Propagandists' Reconstruction of the Philippine Past, PERCEPTIONS OF THE PAST IN SOUTHEAST ASIA* 265 (1979). See also SULLIVAN AND WORCESTER, *EXEMPLAR OF AMERICANISM: THE PHILIPPINE CAREER OF DEAN C. WORCESTER* 99-107 (Ph.d. dissertation, University of North Queensland, 1986); J. FOREMAN, *THE PHILIPPINE ISLANDS: A POLITICAL, GEOGRAPHICAL, ETHNOGRAPHICAL, SOCIAL AND COMMERCIAL HISTORY OF THE PHILIPPINE ARCHIPELAGO AND ITS POLITICAL DEPENDENCIES, EMBRACING THE WHOLE PERIOD OF SPANISH RULE 182-184* (First ed., 1892) [hereinafter referred to as *THE PHILIPPINE ISLANDS*.]; PHELAN, *supra* note 7, at 130.; T. AGONCILLO AND M. GUERRERO, *HISTORY OF THE FILIPINO PEOPLE* 117-118 (7th ed., 1986). For a rare critique of the negative stereotype by a Spaniard see the remarks of Juan Delgado in H. DE LA COSTA, *READINGS IN PHILIPPINE HISTORY* 81-82 (1965).

17. J. SCHUMACHER, *supra* note 16 at 265.

18. See generally R. HOFSTADER, *SOCIAL DARWINISM IN AMERICAN THOUGHT* (1955).

19. R. BERKHOFER, *supra* note 1 at 114.

the United States were "based on America's historical experience and her Protestant tradition. Social Darwinistic theories which were popularized at the turn of the century substantiated American claims to superiority."²⁰ In other words,

Colorphobia was a disease of epidemic proportions in the United States, and it could not help but influence the attitudes of many Americans toward the Filipino and thus their attitude toward his subjugation.²¹

These attitudes were entrenched in the minds of most U.S. citizens, including some anti-imperialists. In fact, one of the most effective anti-imperialist tactics against annexation of the Philippine Islands was to stir up colorphobic anxieties "by threatening to insist that full citizenship be extended to Filipinos unless [the] foolish venture in imperialism was abandoned."²² The anti-imperialists also expected that the military would be beset with problems arising from young recruits who refused to fight in a faraway colonial war. But the opposite usually occurred.

Many soldiers wrote home on the eve of the Philippine-American War in 1898 describing themselves as "just itching to get at the niggers."²³ Other derogatory labels for the peoples from the Islands were "gugu" and "monkey men."²⁴ Once hostilities broke out, U.S. soldiers committed various atrocities on Filipino soldiers and civilians, including torture and the purposeful killing of wounded insurgents.²⁵

20. M.E. Lopez, *The Pacific Frontier: Civilization and Colonization in the Philippines (1900-1913)* 47 (unpublished, 1981).

21. R. WELCH, *RESPONSES TO IMPERIALISM: THE UNITED STATES AND THE PHILIPPINE-AMERICAN WAR, 1899-1902* at 101 (1979). See generally *id.* at 101-16.

22. S. MILLER, "BENEVOLENT ASSIMILATIONS" *THE AMERICAN CONQUEST OF THE PHILIPPINES* 101 (1982). This aspect of the anti-imperialist movement was first brought to light by Christopher Lasch in 1958. See Lasch *Anti-Imperialists, the Philippines, and the Inequality of Man*.

23. S. MILLER, *supra* note 22 at 176. No more than fifteen U.S. soldiers out of 200,000 who served in the Philippines between 1899 and 1902 switched sides, including nine out of 5,000 blacks. *Id.* at 192. For the response of black Americans to the contradictions which racism and the war posed see *id.* at 126-128, 193; R. WELCH, *supra* note 21, at 107-116.

24. S. MILLER, *supra* note 22, at 58; R. WELCH, *supra* note 21, at 101. 1 J. LEROY, *THE AMERICANS IN THE PHILIPPINES: A HISTORY OF THE CONQUEST AND THE FIRST YEARS OF OCCUPATION WITH AN INTRODUCTORY ACCOUNT OF SPANISH RULE* 62 (1914) reported that "The Dominican newspaper of Manila not infrequently refers to the people as *chongos* (Philippine colloquial for "monkey").

25. S. MILLER, *supra* note 22, at 188-189, 213, 217-218, 241. See also R. WELCH, *supra* note 21 at 133-147. As in all wars, there were also reports of atrocities committed by the other side. See e.g., S. MILLER, *supra* at 93.

Colorphobic attitudes were pronounced in official U.S. circles. Secretary of war Root considered the Philippine peoples to be cruel and savage barbarians.²⁶ The first civilian group sent by President McKinley to ascertain conditions in the colony, i.e., the Philippine (Schurman) Commission, was quick to ascribe the comparatively undeveloped state of agriculture in the colony to "the character of the Indian." It confidently asserted that "it will be seen that the proverbial laziness of the Indian race has been no slight obstacle to advancement in agriculture, as in other directions."²⁷ These sentiments relied on, and were justified in large measure by, the writings of John Foreman, a British merchant who lived in the colony between 1880 and 1896.²⁸

James LeRoy, a U.S. official and Philippine historian, observed in 1902 that "it is the usual thing among Americans who have been in the Philippines, and imbibed a contempt or dislike for the people, to betray in their conversation the fact that their theories of the situation are based upon popular notions at home [in the U.S.] as to negro shortcomings and incapacity."²⁹ The disdain for native cultures extended to Protestant missionaries. "To many missionaries the most congenial way of expressing a belief in Filipino inferiority was to refer to the people as children. This was an extremely common motif, present in the correspondence of virtually all Protestant groups."³⁰

Problems arising from colorphobic attitudes had become so bad by 1902 that in November President Roosevelt appointed a special commissioner for the rather vague purpose of studying "sociological questions" in the Islands.³¹ The man chosen was T. Thomas Fortune, a black writer and a U.S. citizen. Commissioner Fortune arrived in

²⁶ 1 P. JESSUP, ELIHU ROOT 332 (1938).

²⁷ 4 RPC 6 (1900).

²⁸ Foreman's observations were contained in his book, *supra*, note 16, at 182-187. See also R. DRINNON, *Insular Expert: Professor Worcester* in *FACING THE WEST: THE METAPHYSICS OF INDIAN HATING AND EMPIRE BUILDING* 283 (1980); SULLIVAN, *supra*, note 16, at 105-7.

²⁹ J. LeRoy, *Race Prejudice in the Philippines*, 90 ATLANTIC MONTHLY 101 (1902).

³⁰ K. Clymer, *Protestant Missionaries and American Colonialism in the Philippines, 1899-1916: Attitudes, Perceptions, Involvement*, in *REAPPRAISING AN EMPIRE: NEW PERSPECTIVES ON PHILIPPINE AMERICAN HISTORY*, P. STANLEY (ed.) 73 (1984). Clymer concluded that "most missionaries, reflecting the intellectual milieu of the late nineteenth century, displayed condescending, paternalistic, and sometimes racist attitudes towards Filipinos." See also P. STANLEY, *A NATION IN THE MAKING: THE PHILIPPINES AND THE UNITED STATES, 1899-1921* at 164 (1974).

³¹ W. GATEWOOD, *BLACK AMERICA AND THE WHITE MAN'S BURDEN, 1878-1903* at 306 (1975). The author noted on the same page that despite the somewhat vague object of Fortune's mission "it appears certain that he was instructed to investigate and report on the possibilities of colonizing black Americans in the Pacific possessions."

February 1903 and stayed six weeks. He found that the prevalent attitude among the white community was akin to stereotypes prevalent in Kentucky or Tennessee where state and local governments were dominated by "race hatred and personal vituperation." Fortune attributed these attitudes "to the presence of so many white Southerners, those volunteers from the South who remained in the islands after being mustered out of service" as well as "the abnormally large number of Southern white men who were appointed to...high positions by President McKinley."³²

The problem was enduring. In his 1909 message to the Philippine Legislature, Governor-General James Smith bewailed the "American who dedicates his energies to ill-timed and intemperate abuse of the Filipino." Smith cautioned any promoter of colorphobia that "he can expect nothing other than a rich crop of racial prejudice, detrimental not only to his own business but also to the general commercial and industrial development of the country."³³

Ilustrados and White American Men

Colorphobia among Caucasians in the colony created unique problems and potentials among the *ilustrados*. Although they never constituted or acted as a monolithic body within Filipino society, *ilustrados* almost uniformly saw themselves as the legitimate leaders and spokesmen of the Philippine peoples. "More importantly, the *ilustrados* succeeded in convincing the Americans, as well as other

³² *Id.* at 313. For a first hand description by a white American official see LeRoy *supra* note 29. P. STANLEY, *supra* note 30, at 165 commented that "Filipinos' responses to the elemental question of racial prejudice was compromised by their unwillingness to identify with American Negroes."

³³ Message of the governor-general dated February 1, 1909 to the Philippine Commission and the Philippine Assembly, Constituting the Philippine Legislature. UNITED STATES NATIONAL ARCHIVES, BUREAU OF INSULAR AFFAIRS 17073-35 (hereinafter referred to as NA-BIA).

The Schurman Commission protested "against the suggestion of calling the archipelago a colony." 1 RPC 106 (1900). The protest was heeded. As Malcolm stated in 1916, "The President, the Congress, and the United States Supreme Court have never spoken of Porto Rico and the Philippine Islands as colonies. They cannot be properly so designated. The Courts especially have always described the Philippines as a dependency or possession." G. MALCOLM, *THE GOVERNMENT OF THE PHILIPPINE ISLANDS* 380 (1916). The distinction, however, was based on specious criteria. "A colony is a dependent political community settled or prospectively to be settled to a considerable degree by citizens of the dominant state....while a dependency or possession is mainly inhabited by people foreign in blood and habits." *Id.* at 378-379.

Filipinos, that they were the rightful leaders."³⁴ A remark by attorney Tomas del Rosario during a public session of the Philippine Commission on June 24, 1901, was typical of the *ilustrados'* pretense. Rosario claimed that Philippine history showed

the educated classes have always been supported by the masses of the people, and...the masses of the people in fighting for their ideals of liberty and independence have given up their lives and have always supported the cultured classes.³⁵

Even though United States officials recognized the leadership prerogatives of formally educated Filipinos, the *ilustrados* who collaborated with the insular regime were nevertheless also victims of prejudice and colorphobia. *Ilustrados* were regarded by the North Americans as the inadequate apex of human evolutionary development among native Philippine peoples. Most of these prejudices were not based on any first hand contacts. When the members of the Philippine (Taft) Commission arrived in June 1901, they learned that there had been an almost complete lack of social contact between *ilustrados* and military officers.³⁶

The president of the commission, William Howard Taft, shared the military's disdain, and initially was willing to write about it in private. Ten weeks after he arrived in the colony, Taft wrote a personal friend in Cincinnati:

The so-called educated class boasts that there is a great difference between them and the common people and that suffrage (sic) ought not to be extended to the common people except under the severist (sic) limitations. As an instance of the character of this class, I may say that the Commission has definitely decided that it is impossible, with two or three notable exceptions, to appoint a single Filipino to a judicial

³⁴ M. Cullinane, *Nineteenth Century Filipino Social Structure and the Ilustrado* 37 (1985) (unpublished). Norman G. Owen opined that it was simplistic to conclude that the *ilustrados* and Commissioners were "deliberately betraying principles in favor of expediency." He added that "Perhaps the only valid charge against the *ilustrados* is that they assumed that they were leaders by right and acted on that assumption; this should not qualify them as national heroes, but it hardly makes them traitors." N. Owen, *Philippine Society and American Colonialism* in *COMPADRE COLONIALISM: PHILIPPINE AMERICAN RELATIONS, 1898-1946* at 5-6 (1971). See also N. Owen *Philippine Economic Development and American Policy*, *id.* at 56. For additional background on the *ilustrados* see J. SCHUMACHER, *THE PROPAGANDA MOVEMENT, 1880-1895: THE CREATOR OF FILIPINO CONSCIOUSNESS, THE MAKERS OF A REVOLUTION* (1973).

³⁵ 3 United States-Philippine Commission, Minutes of Public Sessions 377 (1901).

³⁶ W. POMEROY, *AMERICAN NEO-COLONIALISM: ITS EMERGENCE IN THE PHILIPPINES AND ASIA* 136 (1970). The U.S. military attitude endured throughout the American regime and was institutionalized in organizations like the Veterans Army of the Philippines and the Military Order of the Carabao. See generally *id.* at 135-9.

position in these islands....This same lack of moral fiber, this same tendency to venality, characterizes them in every position to which there is the slightest possibility to squeeze the public.³⁷

In the same letter, Taft asserted that the "incapacity of these people for self-government is one of the patent facts which strikes every observer whether casual or close." Significantly, Taft had formed the latter opinion even before he arrived in the colony.³⁸

Taft's perception of the *ilustrados* was shared by his colleagues on the Philippine Commission.³⁹ His ever loyal ally on the commission, Dean C. Worcester, was openly hostile to Hispanicized Filipinos and considered "the utter unfitness of these peoples to run their own affairs" to be obvious. Worcester seldom differentiated between elites and the impoverished masses. But occasionally he heaped special scorn on the "Filipino politician." In Worcester's opinion, "In his heart of hearts [the politician] resents his Malay blood, and particularly objects to anything which reminds him of the truth as to the stage of civilization which had been attained by his Malay ancestors only a few centuries ago."⁴⁰

Bernard Moses, another original member of the Taft Commission, in his first annual report as Secretary of Public Instruction, likewise resorted to sweeping generalizations. He characterized Filipinos as being at "a stage of civilization distinctly lower than that of the

³⁷ Letter of William H. Taft to Judge A.C. Thompson, August 16, 1900 in *William H. Taft Papers* (hereinafter referred to as TP), Library of Congress, Series 3, Reel 31. For additional insight into Taft's perceptions regarding Filipino judges, see Alfonso Taft's *Views on the Philippines for Filipinos*, 3 *ASIAN STUDIES* (1968); P. STANLEY, *supra* note 30, at 64-67, 69; G. MAY, *SOCIAL ENGINEERING IN THE PHILIPPINES: THE AIMS, EXECUTION AND IMPACT OF AMERICAN COLONIAL POLICY* 9-10 (1984); R. Paredes, *The Origins of National Politics: Taft and the Partido Federal* in *PHILIPPINE COLONIAL DEMOCRACY* 63 (1988).

³⁸ 1 H. PRINGLE, *THE LIFE AND TIMES OF WILLIAM HOWARD TAFT* 160 (1939).

³⁹ G. MAY, *supra* note 37, at 10-12, 179.

⁴⁰ 2 D. WORCESTER, *THE PHILIPPINES PAST AND PRESENT* 644 (1914). David P. Barrows, the first director of the Bureau of Non-Christian Tribes, in 1902 proffered what may have been the most derogatory published opinion expressed by an official of the regime. Barrows characterized Filipinos as "men of poverty and unenlightened minds [who] take rank with the animals that till the soil." Lest anyone be mistaken and think that he was only referring to his colonial constituency, Barrows added that "this characterization is true of both Christian and non-Christian communities. The entrusting of authority, especially police and judicial authority, should be safeguarded and restricted in every way possible." 2 *RPC* 635 (1902). The following year, Barrows was appointed as General Superintendent of Education. For a sympathetic portrayal of Barrows' colonial career see Clymer, *Humanitarian Imperialism: David Prescott Barrows and the White Man's Burden in the Philippines*, 45 *PACIFIC HISTORICAL REVIEW* (1976). For background on Barrow's years as superintendent see G. MAY, *supra* note 37, at 97-112.

civilized peoples of the West."⁴¹ Commissioner Luke E. Wright had been raised in the South and believed, as an article of faith, in the superiority of white peoples. "Prejudiced and insensitive to the feelings of the Filipino elite, Wright passed his time almost exclusively in the company of the members of the American community in Manila."⁴² Once Taft departed the colony the relationship between the Filipino elites and Civil-Governor Wright, and his immediate successor, Henry Ide, became so acrimonious that Commissioner Trinidad Pardo de Tavera, a Spanish-Malay *mestizo*, was prompted to write the chairman of the U.S. House Committee on Insular Affairs. Pardo de Tavera complained that his colleagues on the commission "despise" the Filipino peoples.⁴³

Policy of Attraction: Taft's "Most Important Discovery"

In 1900 William Taft was an astute individual on his way to becoming a wily and successful politician. Taft was too sophisticated and smart to let prejudices limit his Philippine options. He realized that "In order to neutralize the political threat to imperialism at home in America, Filipinos not only had to be conquered but converted."⁴⁴ This effort was encompassed in Taft's main political program, the "policy of attraction." Its premise emanated from Taft's

most important discovery--the one which may, in itself, have determined the success of his career as a colonial governor--was that the Filipinos were proud and sensitive and quick to resent any implications of being an inferior race.⁴⁵

Once he realized how deeply *ilustrados* yearned to be treated as the legal and social equals of their colonial overseers, Taft promptly crafted his Philippine policies accordingly.⁴⁶ A gregarious and rotund

⁴¹ 2 RPC 867-902, 882 (1902). Years later Moses still insisted that upon withdrawing from the Philippines the "Spaniards left a land of semi-barbarism with a fringe of civilization. No creole-mestizo society had been developed that might form the basis and major element of a new nation." B. MOSES, *SPAIN OVERSEAS* 83 (1929).

⁴² G. MAY, *supra* note 37, at 31. See also P. STANLEY, *supra* note 30, at 117.

⁴³ *Id.* at 127.

⁴⁴ J. THOMPSON, P. STANLEY AND J. PERY, *SENTIMENTAL IMPERIALISM: THE AMERICAN EXPERIENCE IN EAST ASIA* 115. See also Alfonso, *Expedience in Taft's Philippine Administration*, 12 *PHILIPPINE JOURNAL OF PUBLIC ADMINISTRATION* (1968).

⁴⁵ H. PRINGLE, *supra* note 38, at 174.

⁴⁶ Exactly when Taft made his discovery is uncertain. H. PRINGLE, *Id.* concluded that "Even before the *Hancock* had entered Manila Harbor, Taft had determined on a policy which was to reassure his wards." Pringle's conclusion, however, appeared to rely on a letter from Taft to Root dated August 18, 1900. In the letter, Taft wrote:

We expect to do a considerable bit of entertaining...especially of Filipinos, both ladies and gentlemen....We are advised that the army has alienated a good many of our Filipino friends...and given the impression...that they regard the Filipino ladies and men as

man, with a hearty and infectious laugh, Taft used his considerable power, charm, and intellect on receptive *ilustrados* and thereby promoted "the creation of a system of Filipino-American clientelism."⁴⁷

The key to the policy of attraction's success lay in the fact that leading *ilustrados* were publicly treated as the social equals of the Americans.⁴⁸ In Taft's words "The color line was never drawn at official and unofficial dinners or receptions."⁴⁹ Of equal significance, few, if any, important functions were held in the governor-general's palace without an important representation of Filipino elites. They were welcomed at receptions and dances; they were invited to official banquets and unofficial meals.

Balls participated in by the high officials or the governor-general usually began with the *rigodon*, or dance of honor, the governor-general taking the ranking Filipino lady as his partner, and the wife of the governor-general, or the highest ranking American lady present, going through the measured steps of this formal dance with the most prominent Filipino gentleman present.⁵⁰ Charles B. Elliot, who served during the Taft era as an associate justice of the Supreme Court and subsequently as a Philippine Commissioner, recalled years later that an

exaggerated deference, much of it palpably insincere, was shown the Filipino leaders. Every effort possible was made to secure their goodwill and cooperation, and this of course was good policy as well as

'niggers' and as not fit to be associated with. We propose, so far as we are able, to banish this idea from their minds.

⁴⁷ Paredes, *supra*, note 37, at 63. In stressing this point, Paredes added that "Taft's policy was not the cultivation of particular Filipino clients....Such friendship was an inevitable part of a close patron-client interaction. But once the tie had outlived its usefulness, Taft could and did discard it with no visible regret. Taft's patronage was a pragmatic one, conditional on the utility and local political success of the Filipino client" or, as Paredes explained at 49, an American one, e.g., Governor-General Wright who was dismissed in 1906 "because of the latter's failure to win Filipino support."

⁴⁸ This development was the logical continuation of a successful process of collaboration begun in 1898 when the U.S. Military Governor appointed six *ilustrado* lawyers to the Supreme Court of the Philippine Islands. Under the Taft regime, conservative *ilustrados* were also appointed to a variety of other high level offices, including the Philippine Commission. An elite electorate also participated in elections for municipal offices as early as 1900, while elections for provincial governors commenced in 1905.

⁴⁹ Letter of William H. Taft to Helen H. Taft, July 8, 1900, in H. PRINGLE, *supra* note 38, at 175.

⁵⁰ 2 C. FORBES, *THE PHILIPPINE ISLANDS* 92 (1928).

the manifestation of proper feeling. The evil lay in the fact that it was so often grossly overdone.⁵¹

Elliot spoke, of course, from an American perspective. After decades of open Spanish disdain, it might have been difficult for a Caucasian in the colony to show too much deference to a wounded *ilustrado* ego. Furthermore, the flattery and feigned affection often flowed in both directions. After the commission agreed in August 1901, for example, to defer making English the official language of the judiciary until 1906, the implementing law was "at once praised to the skies" by the *ilustrado* lawyers who stood to benefit.⁵²

The social courtesies were accompanied by an important change in the legal status of the natives. Unlike during the Spanish regime, theoretical legal distinctions between the colonizer and the colonized were no longer made.⁵³ Within the colony (although not outside), all laws applied equally to U.S. citizens and Hispanicized Filipinos.⁵⁴ Taft made frequent and emphatic mention of this fact and claimed it had produced "a most salutary effect."⁵⁵

Policy of Attraction: "The Philippines for Filipinos"

The leitmotif of the attraction policy was the phrase "The Philippines for the Filipinos." The slogan was meant to allay fears among Philippine elites of large scale foreign exploitation which might exclude local participation. Taft admitted as much in a letter to Secretary Root. It is "entirely possible," Taft wrote

to permit the lucrative investment of American capital here without outraging the feelings of the Filipinos and without giving the

⁵¹ C. ELLIOT, *THE PHILIPPINES TO THE END OF THE COMMISSION GOVERNMENT* 389 (1917).

⁵² Letter of William H. Taft to Theodore Roosevelt, June 23, 1901, in B. SALAMANCA, *THE FILIPINO REACTION TO AMERICAN RULE, 1907-1913* at 61 (1984).

⁵³ B. MOSES, *supra* note 41, at 389.

⁵⁴ L. GLEECK, *THE AMERICAN GOVERNORS-GENERAL AND HIGH COMMISSIONERS IN THE PHILIPPINES: PROCONSULS, NATIONBUILDERS AND POLITICIANS* 56 (1986) claimed that the insistence of Taft's successor as governor-general, Luke Wright, to apply the law equally to all natives, and not just *ilustrado* members of the Federal Party, contributed to Wright's downfall in 1906. According to Gleeck "From that day to this, the Filipino of superior status resents such equal treatment, and will conspire, as they conspired against Wright, to denounce equal treatment as anti-Filipino."

⁵⁵ H. WILLIS, *OUR PHILIPPINE PROBLEM: A STUDY OF AMERICAN COLONIAL POLICY* 99 (1905). Willis expressed doubt, however, as to the accuracy of Taft's reported claims.

impression that we are here merely to exploit their country without respect to their welfare.⁵⁶

Taft was much less candid in public. The Filipino first policy, he explained, required that

every measure, whether in the form of law or an Executive order, before its adoption, should be weighed in light of this question: does it make for the welfare of the Filipino people, or does it not? If it does not...then it ought not to be enacted or executed.⁵⁷

Taft, of course, was prepared to find that almost any form of U.S. investment would "make for the welfare" of the peoples in the colony. In answer to the obvious query as to whether the Filipinos First policy excluded U.S. investments Taft replied "No; emphatically no." He then proceeded to explain that

Civilization follows material development....If the construction of railroads, the inauguration of steamship lines, the construction of highways, or building of port works comes under the definition of "exploitation," then that kind of exploitation is wholly consistent with the principle of "the Philippines for the Filipinos" and is indispensable in carrying out that principle as properly understood.⁵⁸

These, and other, comments by Taft demonstrate that the fundamental Philippine policy promoted by him was, contrary to the prevailing historiographical perspective, inherently colonial. Virtually any economic activity was justifiable, regardless of whether or not native peoples in the colony directly or immediately profited. And the unelected American proconsul could make the decision in consultation with his four unelected American colleagues on the Philippine Commission.

Furthermore, Taft believed that virtually any form of U.S. investment would, at least eventually, redound to the benefit of Filipinos. His belief was based on the longstanding, and much contested, conservative assumption that wealth generated by capital-intensive development eventually trickles down and benefits everyone.

This attitude was, and still is, based on the premise that capital formation must be given precedence over people in the short-term allocation of State resources, ostensibly so that in the long-run the

⁵⁶ Letter of William H. Taft to Elihu Root, May 24, 1901, TP, Series 3, Reel 32.

⁵⁷ *The Duty of Americans in the Philippines*. Address by Taft in Manila before the Union Reading College, Manila, December 17, 1903. Published in S.DOC. NO. 191, 58th Cong. 2d Sess., 7 (1904). NA-BIA No. 3862-65.

⁵⁸ *Id.*

people will benefit. Taft believed that there was no viable alternative. He also rationalized away the short term excesses. "It is fortunate," he reasoned, "that this policy is also the best policy from a selfish standpoint."⁵⁹ Since the colony was short of capital, external sources needed to be drawn in. This would not happen, Taft believed, unless capitalists were

assured of an adequate return. The profit must be large to be proportioned to the risk run. The idea that the policy of "the Philippines for the Filipinos" involves the exclusion of Americans or any others from making money in the islands is as far as possible from a reasonable interpretation of it. The only kind of exploitation which can be properly termed selfish and which is not consistent with the principle...is that which takes wealth out of the country or produces a condition of profit for Americans or others in the country at the expense of the people of the Philippines, and without conferring upon them any benefit.⁶⁰

Despite Taft's support for large foreign profits, the attraction policy generated much opposition among "the swarm of American businessmen who had arrived to make quick fortunes in the islands." Taft was incredulous at their apparent lack of any political savvy. In his words,

One would think that a child in business might understand that the worst possible policy in attempting to sell goods is to abuse, berate and villify your only possible customers.⁶¹

Opposition from U.S. quarters, however, had its advantages. Taft was keen to build goodwill among politically prominent Filipinos. Vocal

⁵⁹ Address by William H. Taft before the Harvard Alumni Association, NA-BIA No. 3862-72. Portions cited in P. STANLEY, *supra* note 30, at 111.

⁶⁰ Taft, *supra* note 57. Secretary of War Taft wrote his immediate successor as governor, Wright, on January 21, 1905, and advised that "in the laws we frame we ought to show that we invite capital and are anxious that capital should have the prospect of safe and large returns of income which is invested." Letter of William H. Taft to Governor-General Ide, January 21, 1906, in TP, Series 8, Reel 484. Taft also cautioned Wright's successors, Governors-General Ide and Smith, "with reference to the wisdom of being as liberal as possible, consistent with the interests of the government, with capital which comes to the Islands....I should advise therefore that no severity be exercised towards the enterprises which are being carried on, except as is absolutely necessary in order to protect the rights of the government." Letter to Ide dated January 22, 1906, TP, Series 8, Reel 487. Significantly, although Taft referred twice to the rights of the insular regime, he made no mention of the rights of the Filipino peoples. See also H. WILLIS, *supra* note 55, at 381-383.

⁶¹ D. BERNSTEIN, *THE PHILIPPINE STORY* 86 (1947). Commissioner Wright reported on February 28, 1902, however, that "There has recently been a change in attitude of the American papers in Manila towards the Civil Government....due mainly to the attitudes of the businessmen." TP, Series 3, Reel 35.

American opposition helped align him in the public eye with Filipinos. This furthered Taft's main political objective.

Policy of Attraction: A Retrospective

Officially, the policy of attraction applied at least to all Hispanicized or "Christian" Filipinos; unofficially, it was geared towards *ilustrados*. The "cement" of the policy "was a number of shared interests in development and reform."⁶² These interests were benefited by increasing production for export. The effect was to promote production for exports while simultaneously benefiting "both economically and politically particularly the *cacique* elite, whose power base was in agriculture."⁶³

The attraction policy provided a stark contrast to military behavior and it quickly bore fruit. Less than six months after Taft's arrival in Manila, "a large number of prominent Filipinos," led by Felipe Buencamino, were declaring their allegiance to the new colonial sovereign in a manifesto submitted to the commission. The declaration had been made "in the name of the majority of the people, and especially in the name of the wealthy classes." It warned that the revolutionary government of Aguinaldo and his followers were "robbers, assassins and abductors of the honest and peaceable people." As for the United States and its colonial regime, the collaborationists claimed that "We trust her, accept her sovereignty and pray for her protection."⁶⁴

It was public obeisance of a high order and Taft was undoubtedly pleased. By February 1902 he had revised his public estimates of "educated" natives. During testimony before the U.S. House Committee on Insular Affairs, Taft claimed that

The Filipino people--and now I refer only to the Christian tribes--may be divided roughly into one-tenth who speak Spanish, and therefore may be regarded as intelligent and educated, though of course there is a very great difference, and into 90 per cent who do not speak Spanish, whose

⁶² J. THOMPSON, *supra* note 44, at 118.

⁶³ H. Lutton *American Internal Revenue in the Philippines to 1916* in COMPADRE COLONIALISM: PHILIPPINE-AMERICAN RELATIONS, 1898-1946 at 74 (1971). Lutton concluded that "[T]he United States, though ruling in the name of uplifting the natives, found herself entirely committed to the ascendancy of a Filipino elite whose members wanted the rest of the 'natives' to stay right where they were." *Id.* at 76.

⁶⁴ 2 United States-Philippine Commission Executive Minutes 280(1901) [hereinafter referred to as EM].

only education, if they have any, is limited to a knowledge of the local dialect or language.⁶⁵

The Manila *ilustrados* were more generous in the praise they showered on Taft. Their adulation reached a crescendo in January 1903 after it became public knowledge that President Roosevelt was planning to appoint Taft to a vacancy on the U.S. Supreme Court. Chief Justice Arellano, the Filipino commissioners, and other prominent *ilustrados*, sent a telegram to Roosevelt on January 7 which "solemnly affirmed" that the "feelings of the Philippine people would be deeply hurt by the departure of Taft."⁶⁶

To dramatize the point, six thousand people were gathered on the grounds of the governor's palace where they listened to speeches urging Roosevelt to reconsider. Dominador Gomez, ostensibly "a labor leader of suspiciously radical views," called Taft a "saint with the power to perform the great miracle" of uniting Filipinos. Pedro A. Paterno was even more effusive. He gushed that "as Christ had converted the cross into a symbol of glory and triumph, so had Governor Taft turned a dying people to the light and life of modern liberties."⁶⁷ Roosevelt relented and Taft remained in the colony as civil-governor for another year.

It is difficult, and probably impossible, to learn what the rural masses thought of Taft, or whether most of them were even aware of his office. It is known that the impoverished majority never benefited from Taft's reappraisal of Filipino capacities. Taft's opinion of the masses never improved, even rhetorically. In 1904, six months after returning to Washington to become secretary of war, Taft opined that problems would arise "in granting to the great ignorant majority their civil rights." In his opinion, these rights "may be granted on the statute books but they are too ignorant to understand what they are or how they can be

⁶⁵ Statement dated February 21, 1902. See Horton, R.B., compiler. 1903. COMMITTEE REPORTS, HEARINGS AND ACTS OF CONGRESS CORRESPONDING THERETO, UNITED STATES CONGRESS, HOUSE COMMITTEE ON INSULAR AFFAIRS, HOUSE OF REPRESENT-ATIVES, 57TH CONGRESS, FIRST AND SECOND SESSIONS. 25 (R.B. Horton. Compiler, 1903) [hereinafter cited as HOUSE HEARINGS].

Peter Stanley implied that in private Taft never experienced a change of heart in his assessment of the *ilustrados*. Stanley concluded that Taft "did not accept the premise that the leaders whom the policy of attraction would benefit were, on balance, intelligent and responsible." P. STANLEY, *supra* note 30, at 66. Stanley added that Taft seemed able to muster respect only for Chief Justice Arrellano, Commissioners Legarda and Pardo de Tavera, and a few of their associates. *Id.* at 69:

⁶⁶ H. PRINGLE, *supra* note 38, at 246.

⁶⁷ *Id.* The Paterno quote was based on a recollection by Mrs. Taft. Paredes *Origins* at 46-7 describes and analyzes an even more absurd display on Taft's behalf during his departure from the colony in 1907.

asserted."⁶⁸ Worcester, who was in charge of natural resources, likewise blamed the stereotypically lazy and ignorant Filipino for the failure of the regime's land allocation programs.⁶⁹

Taft realized at the outset of his colonial career that the legal marginalization of the masses was not at all disturbing to the "so-called educated class."⁷⁰ His perception was reinforced during a return visit to the Philippines in 1907. In his official report on the trip, Taft wrote of "the desire of the upper class to maintain the relation of the ruling class to the serving and obedient class." According to him, colonial policies were designed "to prepare the Filipinos for *popular* self-government." They were not, he emphatically stated, meant to promote "the organization of a Philippine oligarchy or aristocracy competent to administer the government and then turn the Islands over to it."⁷¹

These remarks may have been made in order to help rebut an eventual critique of Taft's colonial handiwork. Ironically, they indicate that Taft may have been the first official to recognize, insofar as the Philippine peoples were concerned, that the policy of attraction most benefited those who had prospered under the discredited Spanish regime. During Taft's tenure in the colony, the Hispanicized native elites were able to reestablish, and in many cases improve upon, their privileged positions. The policy had, therefore, among other things, served to reentrench a Philippine oligarchy.

Compounding the irony, Taft, after his defeat in the 1912 presidential election, tried to use the reentrenchment of the oligarchy as another reason for continuing U.S. sovereignty over the Islands. In his last annual message to Congress, Taft reiterated his longstanding opposition to any grant of early independence. But the basis for his opposition was no longer just the supposed unfitness of the Filipino peoples. Taft also expressed concern for those whose interests had largely been ignored during the previous twelve years. Without asking why, he claimed independence would "subject the great mass of people

⁶⁸ Address by William H. Taft before the Chautauqua Society, August 11, 1904. Library of Congress: DS681.3T25. Taft's remarks overlooked the possibility that people possessed rights, and knew it, which had nothing to do with their being written down and published. This genre of remarks prompted one scholar to observe that "after [Taft] left Manila, and accustomed himself to the Washington atmosphere of the time...Taft became ever colder to the people of the islands." D. BERNSTEIN, *supra* note 61, at 88.

⁶⁹ This point will be developed in the next article in this series in the PLJ.

⁷⁰ Letter of William H. Taft to A. C. Thompson, August 16, 1900, *supra* note 37.

⁷¹ SPECIAL REPORT OF SECRETARY OF WAR TO THE PRESIDENT OF THE PHILIPPINES 24-26 (1908). S.DOC. NO. 200, 60th Cong., 1st Sess. (1908).

to the dominance of an oligarchical and, probably exploiting, minority."⁷²

Regardless of its undemocratic pretenses and outcomes, the policy of attraction was considered to be a personal and political success for Taft and his Republican colleagues, at least from an official Washington standpoint. The policy helped keep Philippine issues relatively non-controversial in Washington, D.C. and Manila. It also helped launch Taft's successful bid in 1908 for the U.S. presidency.

After Taft returned to Washington in January 1904 to become secretary of war the attraction policy's rhetoric quickly fell into disuse. Taft's successor, Luke Wright, promoted a new slogan, "equal opportunity for all." Wright also "stirred enormous resentment" by looking for new clients among Spaniards still in the colony and the most conservative *ilustrados*. The ill-will, however, had little affect on the underlying political accord which had been reached between the U.S. Government and Philippine political elites prior to Taft's departure as civil-governor.

The Internal Revenue Law (IRL) of 1904, which established the basic tax structure for the American colonial era and precipitated Wright's dismissal, provides a telling example. The law was passed after acrimonious debate between the remaining commissioners, especially over taxes on agricultural land (agricultural products were exempted).⁷³ Although Filipinos were outnumbered four to three on the commission, wealthy Filipino interests fared well even without the presence of their much beloved civil-governor.⁷⁴ This was a reliable indicator that, the sharp language notwithstanding, the collaborative accommodation envisioned by Taft in the policy of attraction had taken root and was being respected.

The attraction policy epitomized what Peter Stanley called "the cynically manipulative underside of the collaborative empire."⁷⁵ The cost of the underside, as well as its nature, became ever more clear as the century progressed.

⁷² H.R. DOC. NO. 1067, 62nd Cong., 3rd Sess. (1912). See also G. GRUNDER & W. LIVEZY, *THE PHILIPPINES AND THE UNITED STATES* 101-102 (1951).

⁷³ Act No. 1189 (1904). The policy of taxing, and then exempting, real estate was first established in the Municipal Code of 1901. Act No. 82 (1800), Sec. 43(a).

⁷⁴ P. STANLEY, *supra* note 30, at 118. Taft returned to the colony the following year and tried to heal the still festering wounds. He was largely unsuccessful in terms of personal relationships and by 1906 Wright and Ide had left the colony.

⁷⁵ P. Stanley, *Introduction to REAPPRAISING AN EMPIRE: NEW PERSPECTIVES ON PHILIPPINE AMERICAN HISTORY* 5 (1984).

America's reliance upon collaboration and suasion to maintain its insular empire made the collaborators a privileged group....Since the only credible collaborators -- the only people with the authority, outlook and education necessary both to deal with the Americans and deliver the allegiance of the people -- were members of the established elite, the imperialism of suasion became a bulwark of class interests.⁷⁶

The end result was to diminish the integrity of political and legal institutions, as well as many other aspects of colonial society. What emerged was a political system which, in the words of Renato Constantino, "gave the people the form of democracy without its substance." Democratic rights were granted "in theory" while the regime "allowed the elite to manipulate each situation so as to negate such rights in practice."⁷⁷

Ilustrados and Natives

The empowerment of *ilustrado* collaborators was greatly enhanced by the disdain for indigenous cultures which had been inculcated in the minds of many formally educated people during the waning decades of the Spanish regime. After three months in the colony, Taft observed that the "so-called educated class boasts that there is a great difference between them and the common people."⁷⁸ A similar tendency was discerned by James LeRoy. He noted the penchant of conservative *ilustrados* "to paint the primitive Filipinos as savages, pure and simple." LeRoy believed that one reason for this was the desire "to combat the extension of liberal institutions to the Filipinos."⁷⁹

Commissioner Pardo de Tavera epitomized these tendencies. He believed that even late-nineteenth-century Hispano-Philippine culture, of which he was a distinguished product, was comprised of nothing but "miserable vestiges of a worn-out and incomplete

⁷⁶ J. THOMPSON, *supra* note 44 at 119.

⁷⁷ R. CONSTANTINO, NEO-COLONIAL IDENTITY 257. See also D. STEINBERG, IN SEARCH OF SOUTHEAST ASIA (1971) who at 268 characterized the policy of collaboration as the "fundamental contradiction" of U.S. colonial policy. For additional background on early collaboration with the U.S. regime see G. MAY, *supra* note 37, at 28-36; P. Stanley, *supra* note 75; P. STANLEY, *supra* note 30, at 52-80; R. CONSTANTINO, THE PHILIPPINES: A PAST REVISITED 237-44; R. Paredes, *The Paradox of Philippine Colonial Democracy* in PHILIPPINE COLONIAL DEMOCRACY (1988).

⁷⁸ Letter of William H. Taft to A.C. Thompson *supra* note 37. Ironically, the Schurman Commission had reported that "The processes of leveling, of overturning native authorities and destroying native institutions, kept pace with the progress of Spanish arms, until nothing but useless remnants remained, at least in Luzon and Visayas." 1 RPC 61 (1900). Since none of the Schurman Commissioners, other than Worcester, had any significant exposure to the provinces, it is almost certain that Worcester was the author of this remarkable generalization.

⁷⁹ *Supra* note 24, at 3.

civilization."⁸⁰ Nevertheless, Pardo de Tavera and other members of the *Partido Federalista* claimed that any reforms, such as "equalizing the tax burden or treating ilustrados the same way one treated ordinary folk, was anathema."⁸¹

This view contrasted sharply with the thinking of Jose P. Rizal, a fifth-generation Chinese *mestizo* from Laguna Province south of Manila.⁸² Prior to his execution by the Spaniards on December 30, 1896, Rizal had been convinced that by "understanding the pre-hispanic Philippines, Filipinos could understand themselves, and find the identity upon which a new nation would rise."⁸³ After two months of copying text by longhand in the British Museum, a year of critical review and writing, and extensive correspondence with Philippine "experts" (including the noted German ethnographer Ferdinand Blumentritt), Rizal, in 1890, published his annotated edition of Antonio de Morga's seventeenth-century book, *SUCESOS DE LAS ISLAS FILIPINAS*.⁸⁴ Rizal's version glorified the indigenous past and heaped scorn on the Spanish colonizers. It alleged that the Spanish had broken their *pacto de sangre*, or pact of blood, with the Filipino people. Instead of the promised uplifting of the native, the Spaniards had exploited and denigrated them.⁸⁵

Rizal's effort to promote a positive reappraisal of the colony's indigenous cultures failed. More importantly, Rizal's failure was understood to confirm the "history of failure" which ostensibly ended with the birth of the *ilustrado* republic on June 16, 1898.⁸⁶ Rizal's effort effectively "privileged the status of the *ilustrados*, the liberal educated elite which viewed itself as, among other things, liberated from the thought world of the historyless, superstitious masses, the *pobres y ignorantes*."⁸⁷

⁸⁰ Quoted in P. STANLEY, *supra* note 30, at 70. See also T. AGONCILLO & M. GUERRERO, *HISTORY OF THE FILIPINO PEOPLE* 259 (7th Ed., 1986).

⁸¹ P. STANLEY, *supra* note 30, at 124.

⁸² E. WICKBERG, *supra* note 5, at 35. Rizal is commemorated today as a, if not the, foremost Philippine national hero.

⁸³ J. SCHUMACHER, *supra* note 34, at 268.

⁸⁴ Cummins *Editor's Introduction* to A. MORGÁ, *SUCESOS DE LAS ISLAS FILIPINAS* (J. Cummins, trans., 1972 2nd ed., 1609) at 34-35.

⁸⁵ E. WICKBERG, *supra* note 5, at 132 opined that "When Rizal exalted the vigor of a pre-Spanish Philippine civilization he did so purely as a device to promote Filipino morale and self-esteem. What he really prized was not Bathala, a pre-Spanish Philippine deity, but God, the divinity of Spanish Catholicism. Catholicism, not pre-Spanish beliefs was the socially unifying element in Philippine nationalism."

⁸⁶ R. Ito *Rizal and the Underside of Philippine History* in *MORAL ORDER AND THE QUESTION OF CHANGE: ESSAYS IN SOUTHEAST ASIAN THOUGHT* 278 (1982).

⁸⁷ *Id.* at 276.

Economic and cultural differentiation had been accelerating among much of the population in the colony for some time, particularly during the nineteenth century. But this had not entailed an intellectual break with the indigenous past. Now a new type of leadership had emerged. It identified more with the colonizers than with its own people. It was willing, if not anxious, to sever its cultural links with the Philippine masses.⁸⁸

The Collaborative Counterweight

The policy of attraction played off these elitist aspirations, although not always in ways the *ilustrados* preferred. Standing alone, the policy undermined colorphobic arguments that Filipinos were incapable of governing themselves; it highlighted the fact that U.S. expansionists had no internally compelling reason — other than the pursuit of power and wealth — for pursuing the colonial endeavor. If *ilustrados* were the legal equals of their colonial overseers and were competent to become Philippine Commissioners, Supreme Court justices, provincial governors, etc., it was difficult to explain why they were incapable of running their own government. Something needed to be added to the official equation. Otherwise U.S. constituencies opposed to the colonial enterprise would have had a compelling argument for at least granting the colony home rule, a policy proposed by the Democratic Party.

The existence of un-Hispanicized populations provided the needed political counterweight. At the end of the Spanish era a significant number of peoples continued to live outside the colonial pale.⁸⁹ Most were either Islamicized or lived among the upland interiors of the major islands. The U. S. regime generically labelled these peoples as "non-Christian tribes." An official Christian/non-Christian dichotomy ensued and was reified in the minds of the colonial elites. The dichotomy completely ignored indigenous characteristics,

⁸⁸ *Ilustrados* who testified before the Schurman Commission in 1899 were reported to be "uniform in their testimony" as to the "ignorance and political inexperience of the masses." Rather than interpreting, unlike the Taft commission which interpreted, this testimony as a pitch for empowering native and *mestizo* elites, the Schurman commission concluded that it demonstrated "an independent sovereign Philippine state was at the present time neither possible nor desirable." 1 RPC 83 (1900).

⁸⁹ One of the earliest estimates of the number of "wild people" was in the *GUIA ESPAÑA* of 1840. "This estimate was 113,000, a number of course far below the truth." Thirty years later, "the civil authorities made an estimate of 393,300. This number was also considerably below the truth, as shown seven years later, when the census of 1877 estimated them at 602,853, a number probably very nearly right." *Guia España* of 1840, in 2 CENSUS OF THE PHILIPPINE ISLANDS 1903 [hereinafter referred to as CPI].

the varied degrees of Hispanicization among ostensible Christians, and the cultural variations among those labeled non-Christian.⁹⁰

Commissioner/Secretary Worcester was the foremost architect of the non-Christian policies. He stridently and repeatedly claimed that "All the non-Christians have two things in common, their unwillingness to accept the Christian faith and their hatred of the several Filipino peoples who profess it."⁹¹ As for Christian Filipinos, Worcester insisted that "In spite of all protestations to the contrary, the Filipinos are absolutely without sympathy for the non-Christian peoples and have never voluntarily done anything for them, but on the contrary have shamelessly exploited them whenever opportunity has offered."⁹²

Most Protestant missionaries "disliked Worcester passionately."⁹³ At the same time they were staunch political supporters of Taft, a man who understood better than anyone else "the value of the missions to the government."⁹⁴ The missionaries raised no objections to Worcester's non-Christian policies. Instead, they "All agreed that the Igorots were uncivilized, unchristian savages." Similar

⁹⁰ One of the greatest, and largely unrecognized, ironies of the Taft era, was the tendency to overlook the wide spectrum of westernized acculturation among the Philippine masses, as well as the enduring indigenous influences in their lives. As a result, the much disdained Hispanicized peasantry was lumped together and indiscriminately labeled, along with Filipino elites, as "civilized." Worcester insisted that people from the three main Christian ethnic groups, i.e., the Tagalogs, Ilocanos, and Visayans, were culturally homogeneous and "to be treated as a class." *Supra* note 50, at 475. Sullivan, *supra* note 16, at 82, concluded that "In writing of this majority Worcester was unable to avoid the ambivalence, and even contradiction, so clearly signalled by his phrase 'civilized native.' He advanced a stereotypical Filipino with both positive and negative, and sometimes contradictory characteristics." *See generally, id.*, at 82-84.

⁹¹ *Supra* note 40, at 661. J. Ralston Hayden, toned down the remark in D. WORCESTER, *THE PHILIPPINES: PAST AND PRESENT* 424 (J. Hayden, ed. 1930). Hayden quoted Worcester as having written that "the one characteristic" which the unhispanized groups had in common was "their refusal to accept the Christian faith, and their adherence to their ancient religious beliefs."

⁹² *Id.* *See also* RPC 74-83 (1910). Worcester averred that "The hard fact is that whenever the Filipinos have come in close contact with the non-Christian inhabitants, the latter have almost invariably suffered." *Id.* at 76. Worcester provided a province by province accounting. *Id.* at 78-80.

⁹³ K. Clymer, *supra* note 30, at 160. The Episcopal bishop of the Philippines, Charles H. Brent, was an exception. He shared Worcester's love of Baguio and they became good friends. D. WORCESTER, *supra* note 40, at 643.

⁹⁴ K. Clymer, *supra* note 30, at 162.

sentiments were common towards other non-Christian groups in the Visayas and Mindanao.⁹⁵

Unlike their (oftentimes nominally) Christian counterparts, however, the un-Hispanicized comprised a Christian missionary frontier. The Philippine Commission, at Worcester's behest, made the frontier official in October 1901 when it created the Bureau of Non-Christian Tribes.⁹⁶ The policy prompted one American critic of the regime to claim that "every time Professor Worcester digs up a new non-Christian tribe he increases the prospective harvest of the Protestants."⁹⁷

Once the Christian/non-Christian dichotomy was reified into Philippine law in 1901, it became a static and devisive symbol. It narrowed the label *indio*, and its legal implications, to un-Hispanicized peoples. Contrary to what Worcester and his supporters alleged, the division primarily served to empower the colonial regime and enhance its legal access to the colony's natural resources.

Publicity focused on the "non-Christian tribes" helped neutralize opposition in the United States to the McKinley administration's Philippine policy. Stories and pictures of the non-Christian tribes were widely circulated in the United States. Highlighting the existence of these "backward," "uncivilized," "barbarous," "wild," and "savage" peoples made it easier to garner support among the U.S. public for a colonial endeavor designed, at least rhetorically, to aid and uplift them and their Christian counterparts. The official dichotomy also provided a poignant, and largely unwelcomed, reminder to the *ilustrados* of their native origins and the long march towards "civilized" society under colonial aegises.

Predictably, the *ilustrados* objected to the attention focused on the least westernized sectors of Philippine society. They expressed outrage, particularly after the Philippine Assembly was established in 1907 and denied any jurisdiction over non-Christian provinces, at arguments that Filipino elites could not be trusted to behave in a responsible and principled manner towards un-Hispanicized peoples. Significantly,

⁹⁵ *Id.* at 68-69. The missionaries "found precious little good to say about the aboriginal Negritos." Moros were seen as "fanatically religious, bigoted, practitioners of a degraded Islam, fierce, warlike, treacherous, and ready to plot the death of any Christian within reach." *Id.* at 71.

⁹⁶ Aci No. 253 (1901). K. Clymer, *supra* note 30, made numerous references to missionary activities in non-Christian areas, but he largely overlooked the implications of non-Christian policies on the Protestant missionary endeavor.

⁹⁷ J. BLOUNT, *THE AMERICAN OCCUPATION OF THE PHILIPPINES* 581 (1913). See WORCESTER, *supra* note 40, at 557-558, for Worcester's reply.

however, as with many colonial promulgations, the *ilustrados* did not object to the policy itself. "The non-Christian problem did not involve conflicting views (e.g., cultural assimilation versus cultural pluralism) between elites and colonizers but it became a forum for enacting the power play between them."⁹⁸

Eager to distance themselves from their indigenous backgrounds and assimilate into the culture of the colonizers, *ilustrados* believed that the native masses should likewise be integrated. Unlike Hispanicized peasants and laborers, however, "non-Christian tribes" posed a special challenge. The *ilustrados*, therefore, supported the regime's integrationist policies. But, as with colonial processes for allocating legal rights to natural resources, they wanted to be in charge of implementation.

Reification of the Prejudice

Official emphasis on the so-called "non-Christian tribes," meanwhile, made it necessary to define and specify who belonged to ethnic groups deemed to be on the bottom of the Philippine socio-cultural hierarchy. The task was complicated by the fact that the origins of the Christian/non-Christian dichotomy varied in most locales. At the end of the eighteenth century, it appears that only a comparatively small number of indigenes were Hispanicized in any significant degree.⁹⁹ A century later, social scientists tended to divide the colonial population into several different categories. "Civilized" and "wild" tribes, or alternatively, "Christian" and "pagan" were common labels.¹⁰⁰ Worcester considered the distinctions appropriate but found the labels misleading. Many of the non-Christian tribes were timid, and the Muslims were clearly not pagan.

Taft realized that any effort to define and categorize the Philippine peoples on the basis of ethnicity was a formidable task. He stated in 1901 that

The word "tribe" gives an erroneous impression. There is no tribal relation among the Filipinos. There is racial solidarity among them

⁹⁸ M. E. Lopez, *supra* note 20, at 46. See also R. DRINNON, *supra* note 28, at 301.

⁹⁹ Letter of William H. Scott to the author, April 1, 1986 (unpublished). For insights into the emergence of the dichotomy in northern Luzon see W. SCOTT, *supra* note 10.

¹⁰⁰ K. Hutterer *Philippine Anthropology and Dean C. Worcester*, *PHILIPPINE QUARTERLY OF CULTURE AND SOCIETY* 139 (1970). Buzeta *supra*, note 11, at 1:48-51 employed three categories: pure Indian, mestizo, and *egrito*. Additional labels can be found *supra* in "Filipinos and White American Men."

undoubtedly. They are homogeneous. . . To me all Filipinos are alike.¹⁰¹

By the following year, Taft realized the importance of playing up the dichotomy. But he still believed that "The names of the tribes are confusing . . . The Jesuits give them one name and the travelers give them another."¹⁰² Worcester likewise acknowledged that "the information as to the number of individuals constituting these various tribes is extremely incomplete, and it is to be feared that even such figures as are obtainable are far from reliable."¹⁰³

Despite the lack of information, and his lack of anthropological training, Worcester went ahead and categorized the natives, first by race and then by cultures.

The hand-list of the tribes of the Philippines that followed resembled his later *Hand-List of the Birds of the Philippines*. It bore the marks of his training in zoology and botany at the University of Michigan; in its pretensions to scientific taxonomy it derived basically from the Linnaean classification of plants and animals in the tenth edition of *Systema naturae* (1758).¹⁰⁴

Worcester relied extensively on a classification scheme made by Jesuit missionaries which identified eighty-two tribes.¹⁰⁵ Worcester's scheme included eighty-four tribes (four more than in his 1898 book). Each tribe was listed under one of three compartments which purported to depict the "sharply distinct" Philippine races, namely: Negritos, Malaysans, and Indonesians. Worcester characterized the twenty-one Negrito groups, which included the distinctly Malayan Mangyans of Mindoro, as "weaklings of low stature" who were "at or near the bottom of the human series" in matters of intelligence. The forty-seven Malayan tribes, which also included Mangyans, were numerically dominant in the colony but not all were "civilized." The sixteen Indonesian groups were located in Mindanao. Worcester described them

¹⁰¹ M. STOREY & M. LICAUCO, *THE CONQUEST OF THE PHILIPPINES* 173 (1926).

¹⁰² Statement dated March 5, 1902. HOUSE HEARINGS at 146.

¹⁰³ 1 RPC 14 (1900).

¹⁰⁴ R. DRINNON, *supra* note 28, at 293. M. E. Lopez, *supra* note 20, at 51, likewise noted that "Worcester treated the Filipino 'tribes' as biological specimens. He perceived them as objective manifestations of the working of natural selection, with skin color as the measure of fitness." *See also* Sullivan, *supra* note 16, at 282-286.

¹⁰⁵ C. ELLIOTT, *THE PHILIPPINES TO THE END OF THE MILITARY REGIME* 86 (1916). The Jesuit scheme was relied on in 1900 by the U.S. Coast and Geodetic Survey to prepare an elaborate ATLAS OF THE PHILIPPINE ISLANDS.

as "physically superior not only to the Negritos, but to the more numerous Malays as well."¹⁰⁶

The legally determinative identification of non-Christian groups, however, was to be found in the Philippine Census of 1903.¹⁰⁷ Responsibility for preparing the list was delegated to the first director of the Bureau of Non-Christian Tribes, David P. Barrows. Barrows was a twenty-eight-year-old anthropologist from the University of Chicago who was then serving as the Manila Superintendent of Schools. Barrows received his doctorate in 1897 after submitting a dissertation on ethnobotany among the Coahuila Indians of southern California.¹⁰⁸ In preparing the official nomenclature, Barrows relied extensively on the categorization scheme devised twenty years earlier by Rizal's friend, Ferdinand Blumentritt, and which listed eighty-two tribes.¹⁰⁹ Barrows believed, however, that there was "a superlative number of designations for what are practically identical people."¹¹⁰

Blumentritt had never visited the colony but he believed that he could explain the presence of unHispanicized populations by a static, three-wave migration theory. According to the theory the non-Christian tribes, at least in northern Luzon, comprised the first wave of Malays to reach the archipelago. The second wave, which eventually came to be Hispanicized, "had a higher civilization and... conquered the older population groups and drove them from their homes along the

¹⁰⁶ *The Native Peoples of the Philippines*, in 1 RPC 11-16, 12 (1900); see also 3 RPC 333-394.

¹⁰⁷ 1 CPI 468-477 (1903). See generally D. Barrows, *History of the Population: Christian and Civilized Tribes*, id. at 411-453; *Non-Christian Tribes*, id. at 453-477; *Chinese and Foreign Elements in Filipino Races*, id. at 477-491. See also *Characteristics of the Civilized or Christian Tribes*, id. at 492-531; *Characteristics of the Non-Christian Tribes*, id. at 532-585.

¹⁰⁸ D. BARROWS, Memorandum datelined Berkeley, California (November 28, 1927), (BUREAU OF INSULAR AFFAIRS PERSONNEL FILE). See also D. Barrows, *History of the Philippines* in WORLD BOOK, 1-17 (1924). Barrows stint as BNCT director was largely overlooked in his book.

¹⁰⁹ See K. Hutterer, *supra* note 100, at 126-130 for background on "Philippine ethnography before 1900." In 1907, Barrows compiled a list of "Foreign Scientists on Philippine Ethnography" during the late Spanish period and included it in an unpublished, handwritten monograph titled, *Physical Anthropology of the Philippines*, in Barrows Collection, Bankroft Library, University of California at Berkeley (1907).

¹¹⁰ CPI, *supra* note 107, at 53. Despite his earlier classification scheme in the Schurman Commission report, which relied heavily on their work, Worcester endeavored in 1906 "by a concrete example to show the absurdity of the conclusions to which one is led who follows [the] classification" of Blumentritt and the Jesuits. See D. Worcester, *Non-Christian Tribes Of Northern Luzon*, 1 THE PHILIPPINE JOURNAL OF SCIENCE 803 (1906).

coast into the hinterlands."¹¹¹ In Blumentritt's opinion, the third, Islamic wave "was halted and partly hindered by the arrival of the Spaniards."¹¹²

Twenty-four years later, Barrows would proudly comment on his handiwork in categorizing unhispanicized peoples. In Barrows' words, "This nomenclature has remained, with little modification, the official terminology of these people since that day."¹¹³

Bureaucratic Beginnings

The first Philippine (Schurman) Commission had grappled with various theories for ruling the Philippine peoples. The commissioners found merit in the British policies of indirect rule on the Malay Peninsula. They recommended, however, that similar policies in the Philippines be limited to "semi-civilized and barbarous people."¹¹⁴

The Schurman Commission's recommendations were reflected in President William McKinley's famous instructions of April 7, 1900 to the second Philippine Commission. In an oft-quoted phrase, which at best reflected ignorance of the Native American experience, President McKinley ordered the commissioners "to adopt the same course followed by Congress in permitting the tribes of our North American Indians to maintain their tribal organization and government." Less frequently quoted, but ultimately more significant, was the ensuing sentence: "Such tribal government should, however, be subjected to wise and firm regulation and without undue or petty interference, constant and active effort should be exercised to prevent barbarous practices and introduce civilized customs."

The reconstituted Taft Commission took official cognizance of the non-Christian issue when Otto Scheerer, a German expatriate living in Baguio, was requested to appear before it. Scheerer complied on October 20, 1900. Besides speaking with the commissioners, Scheerer submitted

¹¹¹ F. BLUMENTRITT, AN ATTEMPT AT WRITING A PHILIPPINE ETHNOGRAPHY 14 (M. Maceda, trans. 1980 ed., 1882).

¹¹² *Id.* at 16. Although it remains ensconced in popular Filipino folklore, Blumentritt's three-wave migration theory has since been discredited as unsubstantiated, colorphobic, and "fitter for the Bismark era than an age of Filipino nation building." W. SCOTT, PRE-HISPANIC SOURCE MATERIALS FOR THE STUDY OF PHILIPPINE HISTORY 139 (1984).

¹¹³ *Supra* note 108.

¹¹⁴ 1 RPC 101-102 (1900). The recommendation also called for entering into agreements with the leaders of these peoples as had already been done with the Sultan of Sulu.

various papers which laid out "his opinion as to the best method of dealing with the Igorottes, the native race inhabiting that region."¹¹⁵

The Bureau of Non-Christian Tribes (BNCT) was created, without the benefit of public hearings, on October 2 of the following year.¹¹⁶ The bureau fell under the Department of the Interior, which was headed by Commissioner Worcester. Its primary task was to conduct ethnographic research among unhispanicized peoples, including those in Muslim Mindanao,¹¹⁷ with a "special view to determining the most practicable means for bringing about their advancement in civilization and prosperity." This included the duty "to ascertain the name of each tribe [and] the limits of the territory which it occupies." *Ilustrados* soon objected.¹¹⁸ They were ashamed of the cultural heritages they shared with the masses and the BNCT reminded them of the link. Its name implied that *ilustrado* Christians were also tribal. The insult, however, was initially more substantive than the bureau itself. The BNCT enabling act was short and only provided for four employees. The bureau, therefore, possessed no real power.

The first BNCT was short lived. On August 24, 1903, it was renamed as The Ethnological Survey of the Philippine Islands. The duties of the survey were expanded to include the conducting of "systematic scientific researches in anthropology and ethnology among *all* the inhabitants of the Philippine Islands."¹¹⁹ In 1905 another institutional metamorphosis occurred when the survey became a division of the Bureau of Education. The following year, however, the Division of Ethnology was transferred back to Secretary Worcester's department and placed under the Bureau of Science. There it remained, despite efforts by the Philippine Assembly to abolish it, until 1916 when the BNCT was revived by an act of the U.S. Congress.¹²⁰ The most enduring

¹¹⁵ 2 United States-Philippine Commission Executive Minutes 78 (1901). See RPC 149-161 (1900).

¹¹⁶ Act No. 253 (1901).

¹¹⁷ The position of BNCT assistant chief was created on March 3, 1903. His primary duties were "to investigate and report upon the customs and conditions of the Jolo Moros." Act No. 645 (1903). Najeeb M. Saleeby, a Syrian who had arrived in the colony in 1900 as an army surgeon, was appointed.

¹¹⁸ R. DRINNON, *supra* note 28, at 301.

¹¹⁹ Act No. 841 (1903) (emphasis supplied).

¹²⁰ Act No. 841 (1903), Act No. 1407 (1905), section 23(b), and Act No. 1541 (1906). The Philippine Autonomy Act was passed on August 29, 1916. [An Act To Declare The Purpose Of The People Of The United States As To The Future Status Of The People Of The Philippine Islands, And To Provide A More Autonomous Government For Those Islands (Jones Law), 39 Stat. 545-556 (1916). Section 22 reestablished the BNCT. Worcester observed that "the Ethnological Survey was transferred to the Bureau of Education, as a division, in the belief that school teachers would be able materially to aid in its work during their vacations. This belief was not justified by the results and

accomplishment of these organizations was the publication of a Bontok and Subanon ethnography, a history of Sulu genealogy, and a compilation by Worcester on unHispanicized peoples in northern Luzon.¹²¹

The BNCT and its successors devoted much of their resources to preparations for a Philippine exhibit at the seven-month long 1904 Louisiana Purchase Centennial Exposition in St. Louis, Missouri. The decision to include a "thoroughly creditable exhibit" was initially made by President Roosevelt, Secretary Root, and Governor Taft in the spring of 1902.¹²² Taft's colleagues on the Philippine Commission were also supportive. The Americans perceived the Exposition as an opportunity to generate support for the colonial endeavor among the U.S. public. In Taft's words, the Exposition "offered an invaluable opportunity...to give the American people and American capitalists a clear idea" of conditions in the archipelago.¹²³

To be successful, Taft and his colleagues believed "it was of the highest importance" that the Philippine exhibit "should be as elaborate as possible."¹²⁴ Their vision was realized under the direction of a three member Exposition Board which was established for "the purpose of securing, organizing, and making an exhibit of Philippine products, manufactures, art, ethnology, education, and customs and habits of the people."¹²⁵ The board spent over \$1.4 million,¹²⁶ and

when it was realized that this transfer had made the Secretary of the Interior dependent upon the courtesy of another Department in securing the services of men absolutely necessary for keeping checks upon events in the wild man's territory, the division was transferred to the Bureau of Science." D. Worcester, *The Non-Christian Tribes Of The Philippine Islands And What The United States Has Done For Them* (circa, 1914) (unpublished manuscript) in 4 WORCESTER PHILIPPINE COLLECTION 27 (hereinafter referred to as WPC).

¹²¹ See e.g. A. JENKS, *THE BONTOK IGOROT* (1905); D. Worcester, *supra* note 110; N. SALEEBY, *THE HISTORY OF SULU* (1908); C. BREWER, *THE SUBANUNS OF SINDANGAN BAY* (1909).

¹²² Neiderlein, *Brief Chronological Sketch Of The Organization Of The Philippine Exposition Board And The Collection And Installment Of The Philippine Exhibit* in 1903 OFFICIAL HANDBOOK OF THE PHILIPPINES AND CATALOGUE OF THE PHILIPPINE EXHIBIT 9-20.

¹²³ Letter of William H. Taft to the President *Pro Tempore*, United States Senate, January 31, 1905 in TP, Series 8, Reel 434.

¹²⁴ *Id.*

¹²⁵ Act No. 514 (1902) in TP, Series 8, Reel 434. See also H. FRY, *A HISTORY OF THE MOUNTAIN PROVINCE* 41-43 (1983).

¹²⁶ 1 RPC 29 (1905). The net cost to the Philippine treasury was \$717,016. Other funds were generated by donations, admission fees, the sale of Exhibit assets and related paraphernalia, and money appropriated by the U.S. Congress. See, e.g., Letter from Taft to the President, *Pro Tempore*, U.S. Senate dated January 31, 1905, requesting an additional \$100,000 appropriation to reimburse the Exhibition

shipped over thirteen thousand tons of exhibits and building materials to the United States. The exhibit covered over fifty acres (twenty has.) and occupied about 100 buildings. Fifteen full-size replicas of Philippine village centers were constructed, seven of which depicted life among the non-Christian tribes. To make the villages seem real, it was decided to fill them with live people. Over 1,300 Filipinos, therefore, were also shipped to St. Louis.¹²⁷ The conditions under which the non-Christians traveled were less than ideal. At least one Mangyan and one Negrito died in an unheated railroad car as it passed through the U.S. northern plains.¹²⁸

Leading *ilustrados* were expected to object once more to the emphasis which was to be given unHispanicized Filipinos in the Philippine exhibit. In order to soften the criticism, the commission created positions for fifty honorary commissioners who were authorized, at the regime's expense, to visit the Exposition "and to remain in the United States, chiefly in St. Louis, for the purpose of...representing the Filipino people upon all occasions, when such representation will be necessary or proper."¹²⁹

U.S. Indian Precedents

Shortly after the BNCT was created, its first director, David Barrows, was sent to the United States to visit Indian reservations and schools. During his travels, Barrows gathered information which would ostensibly help the BNCT fulfill its mandate. In particular, Barrows inquired into the effectiveness of the General Allotment Act of 1887. Ever since Chief Justice John Marshall's landmark decision in 1831, *Cherokee Nation v. Georgia*, the U.S. Government had followed a policy of dealing with the Indians as tribes.¹³⁰ A half-century later,

Commissioners. TP, Series 8, Reel 434. See also Act No. 827 which had increased the regime's appropriation for the Exposition Board to \$500,000 gold.

¹²⁷ 1 RPC 27 (1905); Niederlein, *supra* note 122, at 16, 18-19.

¹²⁸ Cable of W. P. Wilson, Chairman of the Philippine Commission, to William H. Taft, Secretary of War March 28, 1904. NA-BIA 7395-72. The following April 16, Clarence Edwards, the BIA director, telegraphed the quartermaster of the U.S. Army in Seattle: "Fix up Moros the way you did last shipment of natives. Reports very satisfactory as to way started them out but much complaint made the way railroad treated them after Billings by...putting the natives away from their subsistence, giving them freight engine which could not heat cars, and it is claimed three or four deaths resulted." Edwards added that "treatment of train attendants on Burlington [was] reprehensible." *Id.*

¹²⁹ Act No. 514 (1902), sec. 11; Act No. 1030; and Act No. 1080. For a brief biography of each commissioner see 1 RPC 356-359 (1904).

¹³⁰ 30 U.S. (5 Peters) 1 (1831). The opinion, written by Chief Justice John Marshall, described the tribes as "domestic dependent nations" whose relation "to the United States resembles that of a ward to his guardian." *Id.* at 17.

the allotment policy was designed to do away with tribal distinctions, to break down tribal ties, and to empower the government to deal with Indians as individuals. "Hailed at the time as the final, comprehensive solution to the Indian problem, the act linked citizenship to private [individual] land ownership."¹³¹

Barrows returned to the colony after five months. He claimed to have not been favorably impressed by the allotment policy, but his dislike went much deeper. Barrows also disapproved of the tribal policy laid down by Chief Justice Marshall. More significantly, Barrows was willing to ignore the longstanding legal doctrine of aboriginal title whereby Native Americans were recognized as holding undocumented but constitutionally protected property rights over their ancestral domains.¹³² In a manner which would prove to be characteristic of the regime, Barrow's avoided any explicit mention of aboriginal title. He also, contrary to his own rhetoric opposing the allotment policy, recommended that "the employment of the reservation system should be avoided in these islands, and the government should not cede or grant *any public land* to a tribe as a tribe (emphasis supplied)."¹³³

Publicly, neither Barrows, Worcester, nor any other colonial official, ever even considered the possibility that ancestral domains were not public. There is no discussion of the issue in any of the regime's official reports. Nor is there any mention of the possibility in the personal collections of Barrows and Worcester. After five months in the United States investigating laws and policies pertaining to Native Americans, it is inconceivable that Barrows remained ignorant about aboriginal titles, the core issue concerning Native American rights. Barrows knew (and probably Worcester did too), but he kept quiet and thereby lent his support to the regime's clandestine effort to deny any recognition of ancestral land rights. Since the U.S. Constitution did not extend to the Philippine colony, Barrows and his superiors decided that

¹³¹ R. BERKHOFER, *supra* note 1, at 174-175; F. COHEN, *HANDBOOK OF FEDERAL INDIAN LAW* 127-143 (1982).

¹³² See, e.g., *Fletcher v. Peck*, 10 U.S. (6 Cranch) 87 (1810); *Johnson v. McIntosh*, 21 U.S. (8 Wheat) 543 (1823); *Mitchell v. U.S.*, 34 U.S. 711, 745 (1835) "perpetual right of possession...as their common property, from generation to generation."

¹³³ *Investigation of the Administration of Indian Affairs in the United States*, in 1 RPC 683-685 (1902). See also H. FRY, *supra* note 125, at 15-22. Worcester, perhaps inadvertently, revealed at least a familiarity with the legal concept of aboriginal title in a speech before the YMCA on October 10, 1910. Worcester claimed that "If original ownership is to be the determining factor in the sovereignty of these Islands, they should be turned over to the Negritos without doubt as they are universally recognized to be the aboriginal inhabitants of the islands." Contrary to Worcester's sweeping assertion, however, there is no scientifically persuasive evidence which proves that the Negritos were the first people to inhabit the archipelago.

aboriginal titles had likewise not spanned the Pacific. (This point will be elaborated upon in the next article in this series in the PLJ.)

Harbingers of a Disenfranchisement Policy

Other than aboriginal titles, the most important policy issue concerning un-Hispanicized populations was that of local governments. The regime's first official response was made on November 22, 1900, when it enacted a law for the establishment of civil government in Benguet Province. The law created a broad electoral franchise for electing "township" officials. Eligible voters included all males eighteen years or older who had resided in a Benguet municipality for at least six months preceding an election.¹³⁴ The commissioners, however, were not motivated by a commitment to representative democracy. Rather, they were determined to try and prevent a growing number of U.S. miners from gaining political control over the mineral-rich region.¹³⁵

Two months later, the commission promulgated acts for the organization of municipal and provincial governments in Hispanicized provinces. In an abrupt shift away from the earlier democratic dispensation provided for in Benguet, the commission severely curtailed the electoral franchise for peoples it had officially deemed to be civilized or at least Christian.¹³⁶ It also expressly excluded from coverage any settlement of non-Christian tribes.¹³⁷

On April 9, 1902, the Benguet electoral formula was revived in a law providing for the establishment of local civil governments in Nueva Vizcaya.¹³⁸ Four of the last six sections of the law contained important exceptions which would prove to be a harbinger of more political and legal disenfranchisement among un-Hispanicized peoples.

Section 68 noted that "a large majority of the inhabitants of Nueva Vizcaya are members of non-Christian tribes who have not progressed sufficiently in civilization to make it practicable to bring

¹³⁴ Act No. 48 (1900), sec. 10.

¹³⁵ H. FRY, *supra* note 125, at 9. This perception is bolstered by Act No. 49 which established the first provincial government under the U.S. regime in Benguet and provided for the appointment of the governor, secretary and inspector by the commission.

¹³⁶ Act No. 82 (1900); Act No. 83. (1901).

¹³⁷ Act No. 82, (1900) sec. 1(c). Provincial governments in the northern Mindanao provinces of Surigao and Misamis were also denied any jurisdiction over "members of non-Christian tribes living therein." Act No. 127 (1901) and Act No. 128 (1901).

¹³⁸ Act No. 387 (1902).

them under any form of municipal government."¹³⁹ The commission-appointed provincial governor was authorized, subject to the approval of Secretary Worcester, "to appoint officers from among the members of said tribes, to fix their designations and badges of office, and to prescribe their powers and duties." In section 69 the governor was authorized to dispossess and relocate non-Christian populations, subject to the approval of Secretary Worcester, whenever he deemed it "necessary in the interest of law and order." Failure to comply with the governor's directive made an errant native liable for a sixty-day prison term. Section 70 made it the "constant aim" of the governor "to aid the people of the several non-Christian tribes of his province to acquire the knowledge and experience necessary for local popular government." Section 71 empowered the provincial board to determine whether "any settlement of non-Christians has advanced sufficiently" to be organized under the first sixty-seven provisions of the act.¹⁴⁰

Coincidentally, one week before the Nueva Vizcaya law was enacted, the Philippine attorney-general Lebbeus R. Wilfley, issued an opinion regarding land taxation in unHispanicized areas. The attorney-general ruled that

lands within the settlements of non-Christians are not subject to the land tax but those which are outside of these settlements and within the organized towns come under the provisions of section 43(a) of the Municipal Code, and are therefore subject to the land tax.¹⁴¹

The tax exemption was less motivated by paternalistic considerations than a realistic assessment that most peoples who had lived outside or

¹³⁹ The commission estimated that the population of Nueva Vizcaya was comprised of 15,500 "Filipino Christians" and 60,000 "Igorots." 2 RPC 271 (1901). For an overview of policy recommendations by the governor of the province see F. JENISTA, *THE WHITE APOS: AMERICAN GOVERNORS ON THE CORDILLERA CENTRAL* 28-31 (1987). The most important was to keep the Ifugao in contact with Americans by drafting the men into the Philippine military on a six-month rotational basis. This recommendation bore fruit by 1903 when Ifugaos began entering the Philippine Constabulary and working among their people. *Id.* at 42-47.

¹⁴⁰ Act No. 411 (1902), extended the Nueva Vizcaya law to the upland province of Lepanto-Bontoc. Except for the "pueblo of Cervantes, the capital of the Province," however, every township and municipality was covered by sections 68 to 71. This was a striking departure from the recommendation made by Secretary Worcester after a visit to the province a year earlier. Worcester claimed to be of the opinion that conditions in Lepanto-Bontoc were essentially the same as those in Benguet and that the Benguet law should be applied with only minor modifications. 1 RPC 35 (1901).

¹⁴¹ *Opinion dated March 31, 1902*, in 1 OFFICIAL OPINIONS OF THE ATTORNEY-GENERAL OF THE PHILIPPINE ISLANDS ADVISING THE CIVIL GOVERNOR, THE HEADS OF DEPARTMENTS AND OTHER PUBLIC OFFICIALS IN RELATION TO THEIR OFFICIAL DUTIES (hereinafter referred to as OPINIONS) 146 (1903). See also *Opinion dated July 24, 1902*, *id.* at 254.

on the periphery of the Hispanic grasp were, almost by definition, reliant on subsistence economies, and possessed little, if any, money. Remarkably, however, in a subsequent opinion the exemption was also applied to people who would, by the same yardstick, be assumed to have money. Hence, Christians who owned land within non-Christian settlements were likewise exempt from the payment of real estate taxes on land within ancestral domains. The attorney-general justified this on the false assumption that "it is probable that it was not contemplated [by the commission] that members of Christian tribes would hold land in the territories occupied by the non-Christian tribes."¹⁴² As a result, an incentive was provided for collaborating local elites to extend their claims and recognized land rights into ancestral domains.

Secretary Worcester often fretted in public that non-Christian peoples would be "taken advantage of by better educated outsiders if Philippine-wide law codes were put into force" on ancestral domains,¹⁴³ yet he raised no public objections to the Christian tax exemption. (Worcester's personal collection at the University of Michigan likewise provides no indication that he raised any private objections.)

Township Governments and Special Provinces

The Nueva Vizcaya model for local governments provided Worcester with the means to secure his authoritarian grip over unHispanicized populations outside of the Moro province. On May 28, 1902, it was extended to the Province of Lepanto-Bontoc, and soon after to the provinces of Paragua (Palawan), Abra, and Mindoro. Within three years, the Nueva Vizcaya model had also been extended over the provinces of Bataan, Zambales, Misamis (except for Muslim areas), Pangasinan, Ilocos Norte, Isabela, Tayabas, Antique, and Ilocos Sur.¹⁴⁴ But Worcester did not wait for a provincial act to stake his claims. By March 1903 over 463 municipal-level, non-Christian governments had been established throughout the colony. They were even located in provinces which were generally considered as having been thoroughly Hispanicized, such as Cebu, Bulacan, Laguna, Pampanga, Tarlac, and Rizal.¹⁴⁵

¹⁴² *Opinion dated February 7, 1903, id.* at 540.

¹⁴³ F. JENISTA, *supra* note 139, at 129. *See also* D. Worcester *supra* note 40, at 661.

¹⁴⁴ Act No. 410 (1902), sec. 2; Act No. 411 (1902); Act No. 422 (1902), sec. 18; Act No. 445 (1902); Act No. 500 (1902), sec. 18; Act No. 546 (1902); Act No. 547 (1902); Act No. 548 (1902); Act No. 549 (1902); Act No. 550 (1902); Act No. 579; Act No. 753; Act No. 855; Act No. 1113; Act No. 1145; Act No. 1268; and Act No. 1306.

¹⁴⁵ As of March 2, 1903, the provincial breakdown was: Abra, 40; Albay, 12; Ambos Camarines, 15; Antique, 10; Basilan, 2; Bataan, 21; Benguet, 17; Bulacan, 3;

On September 14, 1905, Worcester's jurisdiction was further enhanced by two laws enacted by the commission. These laws established a colony-wide policy for provincial and municipal governments in non-Christian areas north of Muslim Mindanao. The Special Provincial Government Act (SPGA) and the Township Government Act (TGA) had been drafted by Worcester.¹⁴⁶ They repealed all previous legislation pertaining to local governments in non-Christian, non-Muslim areas.

Along with the act providing for the organization and government of the Moro Province, the SPGA and the TGA placed "under the very direct control of American officials,"¹⁴⁷ at least twenty percent of the colony's population, and well over half of its natural resource base, including areas rich in minerals and forest products, i.e., all of Mindanao and the Sulu Archipelago, the provinces of Palawan, Benguet, Ilocos Sur, Samar,¹⁴⁸ and the old provinces of Mindoro, Lepanto-Bontoc and Nueva Vizcaya. The public rationale was that the wild nature of unHispanicized peoples required special forms of governance. Worcester added that the "fundamental principle" behind the SPGA was to ensure that his non-Christian wards would not be at the mercy of lowland Filipinos "at whose hands they have in the past suffered so much oppression."¹⁴⁹

The SPGA and the TGA effectively empowered the secretary of the interior to appoint all local officials in the provinces and municipalities covered, and to give orders to provincial and municipal governments in special provinces and overrule their decisions "Whenever in his opinion such a course [was] in the public interest."¹⁵⁰

Cagayan, 37; Capiz, 7; Cebu, 1; Cotabato, 4; Davao, 5; Ilocos Norte, 17; Ilocos Sur, 43; Iloilo, 28; Isabela, 33; La Union, 18; Laguna, 1; Lepanto-Bontoc, 15; Mindoro, 6; Nueva Ecija, 46; Nueva Vizcaya, 10; Pampanga, 3; Pangasinan, 8; Paragua, 4; Principi, 4; Rizal, 4; Romblon, 8; Sorsogon, 3; Surigao, 13; Tarlac, 11; Zambales, 11; Zamboanga, 3. Letter of Merton L. Miller, Acting Chief, Ethnological Survey, to Frank W. Carpenter, acting Executive Secretary, August 5, 1904, NA-BIA 1066-45; as amended by a cable of Governor Wright to the Bureau of Insular Affairs (BIA), Sept. 3, 1904, NA-BIA 1066-46. The compilation was made pursuant to a request from the BIA. The initial cable noted that in Benguet and Lepanto-Bontoc "all towns are rancherias."

¹⁴⁶ 1 D. WORCESTER, *supra* note 40, at 560.

¹⁴⁷ *Id.* at 441.

¹⁴⁸ Act No. 1398 made the SPGA and the TGA applicable to Samar.

¹⁴⁹ 2 RPC 58 (1905).

¹⁵⁰ The power to "annul the action of any provincial board in organizing any settlement of non-Christians" was so broad that Worcester could wield it "even though such actions had previously been approved by him." Act No. 1397, sec. 66. For Worcester's account of local government in the special provinces, including Moro Province, see D. WORCESTER, *supra* note 40, at 559-636.

The SPGA authorized the commission to appoint five provincial officials: governor, secretary, treasurer, supervisor, and fiscal. Residence in the province was not required as a precondition to any appointment. The provincial governor was obliged to visit every township and settlement in the province at least once every month, and to make an annual report for the governor-general every July. The governor, the treasurer, and the supervisor constituted the provincial board which was empowered to enact provincial ordinances and make decisions regarding public works. In 1913 Worcester admitted that "The powers conferred upon officers of the so-called special government provinces...are necessarily arbitrary and are therefore liable to abuse."¹⁵¹

When the provincial board decided that "the inhabitants of any township or settlement have advanced sufficiently in civilization and material prosperity to make such a course possible," it was authorized, subject to prior approval by the secretary of the interior, to remove existing tax exemptions. Non-Christian tribes, however, were not automatically exempted from all taxes. Section 19 of the SPGA provided for a unique tax reminiscent of impositions made on subjugated populations during the Spanish regime. It authorized an annual tax of two pesos on all males over eighteen but under sixty years of age. Any one who became delinquent in the payment of the tax was obliged to "work for ten days on the roads, trails, or public works in the province under the direction of the provincial supervisor, either performing such work in person or providing a substitute to perform it."¹⁵² Worcester referred to the imposition as the "most important tax in the special government provinces."

Worcester claimed that the colonial regime "paid for all labour on the first trails constructed and it was only when the people themselves learned to comprehend the usefulness to them of the improved means of communication that I made the public improvement tax applicable to them."¹⁵³ Despite Worcester's self-serving pronouncements, complaints about forced labor were widespread in Ifugao and Bontoc, and

¹⁵¹ ANNUAL REPORT OF THE SECRETARY OF THE INTERIOR FOR THE FISCAL YEAR ENDED JUNE 30, 1913 at 24 (hereinafter referred to as SECRETARY OF INTERIOR'S REPORT).

¹⁵² Subsection (c) empowered the provincial board, if the secretary of the interior approved, to exempt people who "have not advanced sufficiently in civilization to make the collection of this tax practicable." Worcester's criterion was "never to impose taxes on a wild man until he can be made to realize that direct good to him will result from their collection." D. WORCESTER, *supra* note 146, at 561-562.

¹⁵³ *Id.* at 562. Worcester even claimed that "In the course of a year the people of each of the non-Christian tribes do many things for us simply because we want them to." *Id.* at 566.

presumably wherever else the practice existed. In Ifugao, there was "clearly more active evasion of this measure than any others imposed" by Worcester's white subordinates. Nevertheless, by 1908 over twenty thousand Ifugao men were paying their tax by way of manual labor, mostly as trail builders. Scores, however, fulfilled their obligations by serving as *cargadores*, or porters, when Worcester would make his annual visits laden down "by gifts, cameras and even a phonograph with which he recorded Ifugao dance rhythms."¹⁵⁴

The TGA echoed the earlier law organizing municipal level governments in Nueva Vizcaya. It authorized every male over the age of seventeen to vote for his respective township president and vice-president, as well as his *barrio* councilor, provided that he had lived in the community where he wanted to vote for at least six months prior to the election. Eligible voters could also be disqualified for being delinquent in the payment of taxes, or giving aid and comfort "in any manner whatsoever...to any person or organization in the Philippine Islands in opposition to or in arms against the authority or sovereignty of the United States."¹⁵⁵

The electoral disqualification criteria were seldom invoked. Most townships were governed pursuant to Section 61, which authorized provincial governors, subject to the approval of Secretary Worcester, to appoint township officers in areas where non-Christian inhabitants had "not progressed sufficiently in civilization to make it practicable to bring them under any form of municipal government." Section 62 was more ominous and seemed to be inspired by the Spanish policy of *reduccion*, i.e., resettling the natives near the village center. Subject to Worcester's approval, it authorized the provincial governor, whenever it was

deemed necessary in the interest of law and order, to direct members of such tribes to take up their habitation on sites on unoccupied public lands to be selected by him and approved by the provincial board. Members of such tribes who refuse to comply with such direction shall upon conviction be imprisoned for a period not exceeding sixty days.

Barrows registered objections to the power when it first appeared in the Nueva Vizcaya model of 1902. Soon after, he was excoriated by Worcester who insisted that there would be no reversion to a policy of *reduccion*. In Worcester's words the intent was to "provide means for dealing with headhunters or other vicious natives living scattered about in such a way as to make it practically impossible to reach them

¹⁵⁴ F. JENISTA, *supra* note 139, at 135-146.

¹⁵⁵ Sec. 8.

in case they misbehave....there was never any thought of compelling mountaineers to reside in the lowlands."¹⁵⁶

Neither the SPGA nor the TGA made any provision for providing due process, let alone just compensation, to peoples unwillingly removed from their ancestral domains. In addition, no unhispanicized group was ever certified as having advanced sufficiently in civilization (although isolated communities may have been). The criteria for such a determination were purely subjective, and had it been made, Worcester's political control over the areas covered would have been put at risk.

The only possible avenue of redress was through a "popular representative." The position, however, may have been designed to provide Worcester with an independent channel by which he could monitor and accumulate documentation for future use against his official subordinates.¹⁵⁷ The office of popular representative had originally been created only for Abra and Ilocos Sur. It was subsequently extended to all townships and settlements organized under the TGA. It authorized local presidents to elect the representative by majority vote at their first provincial meeting each year. The representative's duty was explicit:

If the residents of the townships and settlements of the province shall at any time feel themselves to be seriously aggrieved and shall be unable to obtain relief from the provincial governor, it shall be the duty of the popular representative, either in person or by written communication, to lay their case directly before the Secretary of the Interior.

Colonial officials were enjoined to transmit promptly any communication from the representative and to facilitate any journey he might make to Manila on official business. Except in cases of treason, felony, or breach of the peace, the representative was "privileged from arrest at any time when arrest will interfere with discharging the duties of his office." He was also immune from all liability for any statements made in his official capacity.¹⁵⁸

¹⁵⁶ F. JENISTA, *supra* note 139, at 31-32. Unfortunately, this provision was invoked by the provincial governor in Mindoro in 1919 to do precisely what Barrows feared and the action was upheld by the Philippine Supreme Court. See *Rubi v. Provincial Board Of Mindoro*, 39 Phil. 660 (1919).

¹⁵⁷ Worcester's penchant for accumulating evidence which he could subsequently use against other government officials is revealed by an array of dossiers in Volume 21 of the WPC. See also P. STANLEY, *The Voice Of Worcester Is The Voice Of God: How One American Found Fulfillment In The Philippines*, in *REAPPRAISING AN EMPIRE* 133-137 (1984).

¹⁵⁸ Act No. 1397, sec. 65(c). See also Act No. 546 (1902) and Act No. 1306 (1905).

Section 7 of the Organic Act ensured that even after the Philippine Assembly was established in 1907, Worcester could retain his powers over the Special Provinces and Township Governments. Technically, these powers were shared with other commission members, but, in matters pertaining to non-Christian tribes, Worcester enjoyed an almost free rein. Upon his recommendation, the commission would extend laws enacted by the Philippine Legislature to "that part of the Philippine Islands inhabited by Moros or other non-Christian tribes."¹⁵⁹

The Moro Province: U.S. Army Enclave

Secretary Worcester would have liked to possess legal jurisdiction over all un-Hispanicized peoples, including Muslims. Apparently, he first envisioned the BNCT as his primary control mechanism. The small staff and early demise of the bureau, however, made it necessary to devise an alternative strategy. This became even more pressing once it became evident that the battle for military control over most of Mindanao and Sulu was going to be protracted. The realization prompted the commission to enact a different scheme for organizing local governments in areas inhabited by Islamicized peoples. The resistance of the Moros to the colonial reimposition, however, was fierce and implementation was delayed. While testifying before Congress on behalf of the pending Organic Act, Taft described the commission's dilemma by way of an oxymoron.

We have not organized the Moro provinces...because they do not desire popular government. They are in a tribal state, exactly as the North American Indians were, under datos and sultans, and they have no other conception of a government than that controlled by their chieftains.¹⁶⁰

¹⁵⁹ For a listing of laws extended during Worcester's official tenure *see* Act No. 1965 (1909); Act No. 1966 (1909); Act No. 1993 (1910); Act No. 2007 (1910); Act No. 2014 (1911); Act No. 2062 (1911); Act No. 2087 (1911); Act No. 2177 (1912); Act No. 2181 (1912); Act No. 2190; Act No. 2269; Act No. 2276; Act No. 2399; Act No. 2402; Act No. 2403.

¹⁶⁰ Testimony dated February 21, 1902. HEARINGS BEFORE THE COMMITTEE ON INSULAR AFFAIRS. Washington: Government Printing Office, 19. Although the U.S. Indian analogy had initially been applied to all the Philippine peoples, later usage tended to limit the term to Islamicized groups. This tendency was reinforced by U.S. military campaigns waged against the Muslims. *See, e.g.,* P. GOWING, *MANDATE IN MOROLAND: THE AMERICAN GOVERNMENT OF MUSLIM FILIPINOS, 1899-1920* at 21-41, 77-255 (1983); Gowing, *Moros And Indians: Policy And Practice In American Government Of Two Hostile Subject People*, 8 *PHILIPPINE QUARTERLY OF CULTURE AND SOCIETY* (1980); S. MILLER, *supra* note 22, at 196-218.

On October 30, 1899, Mindanao, the Sulu Archipelago, and Paragua (Palawan) were placed under a newly created Military District of Mindanao and Jolo, which was redesignated on October 1, 1902, as the Department of Mindanao.¹⁶¹ The area covered was divided into two subdistricts. The first, and much smaller, encompassed most of the migrant Christian population along the northern coast of Mindanao; it was headquartered at Cagayan de Oro until May 15, 1901, when the area was separated from the military district and the civilian provinces of Misamis and Surigao were established.¹⁶² At that time, Zamboanga, the headquarters of the other subdistrict, became the *de facto* regional capital.

Initially, relations in the department between Moros and U.S. soldiers were reportedly friendly. Except for the sultan of Sulu,¹⁶³ no formal agreements were signed with local leaders. Nevertheless, U.S. military officials "promised that due consideration would be given to Moro laws and customs."¹⁶⁴ By the spring of 1900, the military situation had begun to stabilize in the northern two-thirds of the colony and an increasing number of soldiers were being assigned in Moroland. Fighting soon broke out and the Americans learned first hand about Moro courage and prowess.¹⁶⁵ They also reached the conclusion that Muslim Mindanao could not be governed in the same way as areas inhabited by Hispanicized Filipinos or the other so-called non-Christian tribes.

After extensive consultations between U.S. civilian and military officials in the colony, the Moro Province was established by the commission on June 15, 1903, and existed concurrently with the military's department.¹⁶⁶ Like the Special Provinces, the Moro Province was placed under the direct supervision of the civil-governor, who was

¹⁶¹ P. GOWING, *supra* note 160, at 40-41. Although it had no effect on territorial jurisdiction, for ten months after November 30, 1901, the official designation of the military command was changed to the Seventh Separate Brigade.

¹⁶² Act No. 127 (1901) and Act No. 128 (1901). On June 23, 1902, however, the northern portion of Paragua was likewise separated from the military district, as was the remainder of the island the following May. Act No. 422 and Act No. 747. The island was renamed as Palawan on June 28, 1905, by Act No. 1363.

¹⁶³ U.S. Brigadier General John C. Bates entered into a formal, written agreement with the sultan of Sulu on August 20, 1899, whereby the sultan agreed to "sovereignty of the United States over the whole archipelago of Jolo" in return for, among other things, monthly salaries payable to the sultan and other important Tausug leaders. The agreement was never ratified by the U.S. Senate. Instead, it was unilaterally abrogated by President Theodore Roosevelt on March 2, 1904. See P. GOWING, *supra* note 160, at 31-37, 117-122. For a copy of the agreement see *id.* at 352-353 or *supra* note 50, at 472-474.

¹⁶⁴ P. GOWING, *supra* note 160, at 37.

¹⁶⁵ For insights into U.S. attitudes towards the Moros see *id.* at 44-47.

¹⁶⁶ Act No. 787.

authorized, subject to the commission's consent, to appoint a governor, attorney, secretary, treasurer, superintendent of schools and an engineer. From 1903 until its reorganization in 1913, three U.S. Army major generals served as governor: Leonard Wood, Tasker H. Bliss and John J. Pershing.¹⁶⁷

The commission divided the province into five districts, each of which had its own capital.¹⁶⁸ Within the districts, the council provided for the creation of municipalities or tribal wards. Municipalities were established, largely along the lines provided for in the Municipal Code, in areas of high population density which also had a large number of "civilized" residents, i.e., Christian Filipinos, Americans, Chinese, and other foreigners. Everyone else lived in tribal wards, a phrase which presumably was inspired by Chief Justice Marshall's famous language in *Cherokee Nation v. Georgia*.¹⁶⁹ Tribal wards were "delimited in such a way that each ward, as far as practicable, would comprise a single ethnic group or homogeneous division thereof."¹⁷⁰ As such, the policy applied to "the various Moro ethnic groups labeled 'non-Christian tribes' and not to the *individual* Maguindanaon, Maranao or Taosog." This, in turn, contributed "to the growth of Moro cultural sub-nationalism."¹⁷¹

In a distinct variation from its other schemes for local government, the commission created a six-person Legislative Council which was made up of all the appointed provincial officials except for the engineer. The council was empowered to raise revenues by way of taxation, establish schools and municipal governments, provide for public works, create tribal courts, and codify and invoke customary laws. General Wood characterized the first council as being made up of "average" material.¹⁷²

Unlike anywhere else in the colony, U.S. officials assumed that the indigenous populations within the Moro Province possessed a sufficient body of customary laws for resolving conflicts and otherwise preserving peace and order. Hence, the commission authorized the Legislative Council to

¹⁶⁷ For an historical overview of their tenure in office see P. GOWING, *supra* note 160, at 107-255.

¹⁶⁸ The districts and their capitals were Sulu, Jolo; Cotabato, Cotabato; Davao, Davao; Lanao, Iligan; and Zamboanga, Zamboanga.

¹⁶⁹ See note 130 *supra*.

¹⁷⁰ P. GOWING, *supra* note 160, at 113-114.

¹⁷¹ Mastura, *Administrative Policies Toward The Muslims In The Philippines: A Study In Historical Continuity And Trends*, in MUSLIM FILIPINO EXPERIENCE: A COLLECTION OF ESSAYS 73 (1984). (Emphasis in the original.)

¹⁷² P. GOWING, *supra* note 160, at 129.

enact laws which shall collect and codify the customary laws of the Moros as they now obtain and are enforced in the various parts of the Moro Province among the Moros, modifying such laws as the legislative council think best and amending them as they may be inconsistent with the [Organic Act], and to provide for the printing of such codification when completed in English, Arabic, or the local dialect as may be deemed wise.¹⁷³

Although no one on the council possessed any anthropological training, considerable efforts were spent during its inaugural year gathering information on local custom laws. The council was unimpressed with its collection. General Wood concluded that "the Moros and other savage peoples have no laws—simply a few customs, which are nowhere general, varying from one valley to the next, from one island to another." He added that "nothing has been found worthy of codification."¹⁷⁴ Wood recommended that the council immediately adopt the same system of laws being enforced elsewhere in the colony. This would, among other things, have authorized the government to ignore customary laws which pertained to land rights and inheritance.

On October 6, 1905, the Legislative Council adopted Wood's recommendations. Instead of any official reliance on indigenous legal systems, Tribal Ward Courts were established. The ward courts were equivalent in stature to the Justice of the Peace Courts created in Hispanicized provinces. Except for cases involving allegations of first degree murder, they possessed jurisdiction over all criminal and civil actions in which only indigenes were involved. They could impose sentences of up to twenty years imprisonment. With few exceptions, the courts were also bound by the same procedural and substantive laws and rules as their northern counterparts. In the words of a District of Sulu governor,

none of the justices or auxiliary justices were lawyers or knew anything about the law....The law establishing these courts specified that the justice need not follow technicalities of law and that if they were convinced that the accused was guilty they could convict him and render judgment. Records of evidence were not required to be kept. This meant that district officials could accuse a Moro in the field or anywhere and immediately sit as a court and render judgment without much formality.¹⁷⁵

¹⁷³ Sec. 13(j). The provision continued: "The Moro customary laws thus amended and codified shall apply in all civil and criminal actions arising between Moros. In all civil and criminal actions arising between members of the same non-Christian tribe other than Moros, unless otherwise provided by the council, the customary laws of such non-Christian tribe, if consistent with the Act of Congress above mentioned and if defined and well understood, shall govern the decision of the cause arising."

¹⁷⁴ Quoted in P. GOWING, *supra* note 160, at 129; *see generally, id.* at 128-133.

¹⁷⁵ *Id.* at 131.

These remarks reflected serious constitutional shortcomings concerning potential deprivations of liberty and property before the accused is accorded due process of law. They highlighted the regime's inclination to dilute the constitutional guarantees in the Organic Act. Indeed, the only recourse available to someone convicted in a Ward Court was to appeal to the governor of Moro Province who had the power to pardon and modify or reverse any sentence. It is doubtful, however, that an aggrieved non-Christian would have had much, if any, access to a powerful U.S. Army general intent on subduing recalcitrant natives.

Despite these fundamental shortcomings, considerable success was reportedly achieved in establishing local governments among the Moros. But the cost was high. The North Americans persisted in attempts to divest the sultans and datus of their traditional prerogatives and many bloody battles broke out, particularly during the tenure of General Wood.¹⁷⁶ Throughout General Pershing's term of office (1909-1913) the Moro Province was, with notable exceptions, generally peaceful and prosperous.¹⁷⁷ On December 15, 1913, control over the Moro Province passed into civilian hands and the following year it was reorganized as the Department of Mindanao and Sulu.¹⁷⁸

Worcester: The White Apo

Secretary Worcester coveted the U.S. army enclave in the southern third of the colony. He wanted to possess the same powers in Islamicized areas that he exercised in other non-Christian territories. When he realized that this would not be possible, Worcester waged a vigorous campaign to at least expand his turf by establishing a special province in north-central Mindanao. His efforts were crowned with success during August 1907 when the commission split the Bukidnon plateau off from the regular province of Misamis and incorporated it into the Special Province of Agusan.¹⁷⁹

The Bukidnon plateau, which was well-suited for cattle raising, and the mineral-rich Cordillera mountain range of northern Luzon proved to be Worcester's two favorite upland locales. Even before his

¹⁷⁶ *Id.* at 148-166.

¹⁷⁷ One of the most infamous battles ever fought between Moros and U.S. Army troops occurred during five days in mid-June 1913. Referred to as the Battle of Bud Bagsak, it is uncertain how many Moros were killed because news of the fighting was strictly censored by the Army. Estimates range between 300 and several thousand men and women. *Id.* at 240-241.

¹⁷⁸ Act No. 2408.

¹⁷⁹ Act No. 1693 (1907). *See also* 2 RPC 12-14 (1908).

legal authority over the Special Provinces was secured, Worcester began exploring his northern realm.

Worcester's interest in Benguet was first piqued during 1892 by a forestry official he met in Mindoro. The forester claimed that Benguet was "a region of pines and oaks blessed with a perpetually temperate climate."¹⁸⁰ Worcester began to assemble information on the province during 1899 while he served on the Schurman commission. His first trip to Benguet was made less than two months after his return to the colony on June 3, 1900, as a member of the Taft commission.¹⁸¹ Besides the attractive climate, Worcester's interest in the province was piqued by "mineral deposits of great wealth."¹⁸² He returned many times throughout his official tenure and always stopped off in Baguio, which under his supervision became the prosperous, summer capital of the colony.¹⁸³

Initially, these exploratory journeys, hard and sometimes dangerous, were made on foot, with Worcester and his companions visiting small villages and sleeping in native homes. The trips became annual events after 1905 when the SPGA obliged Worcester "to visit and inspect" each Special Province.¹⁸⁴ Although he did not strictly comply, the inspections enabled Worcester to escape the hostile atmosphere in Manila for two to four months each year. The long absences often subjected him to adverse criticisms, but Worcester seemed largely indifferent. In his words, "I thoroughly enjoy" these inspection trips

¹⁸⁰ D. WORCESTER, *supra* note 40, at 66.

¹⁸¹ R. Sullivan, *supra* note 16, at 290-295.

¹⁸² *Id.* at 295, citing a letter from Worcester to Mrs. Henry W. Lawton dated October 10, 1900. Sullivan noted that this remark was notably absent from Worcester's published report on the Benguet expedition. *See* RPC 122-47.

¹⁸³ Worcester was "the key instrument in advocating Baguio's genesis." R. REED, *CITY OF PINES: THE ORIGINS OF BAGUIO AS A COLONIAL HILL STATION AND REGIONAL CAPITAL* (1976). *See also* D. Worcester, *Baguio and the Benguet Road* in *supra* note 146, at 449-487; R. Sullivan, *supra* note 16, at 287-300. Sullivan averred at 297 that "It is clear that [Worcester] conceived Benguet 'as an ideal American 'heartland' in the Philippines, a secure base in the event of a lowland rebellion." Sullivan added that this "is one aspect of Worcester's enthusiasm for Benguet which scholars have overlooked."

¹⁸⁴ Act No. 1396, sec. 29. Worcester averred, tongue-in-cheek, that this provision was the handiwork of some of his "Filipino friends" who "not moved solely by anxiety for the public good, favoured and secured a legislative enactment which made it [his] duty to visit and inspect" what he referred to as "five so-called 'Special Government Provinces.'" He claimed he would "always feel in debt to them for the opportunity to become intimately acquainted with some of the most interesting peoples of the Philippines." D. WORCESTER, *supra* note 91, at 89. For accounts by Worcester of his early official northern forays *see* D. WORCESTER, *supra* note 40, at 534-556.

"and have devoted to them every moment which could be spared from other duties."¹⁸⁵

Worcester's subordinates were apparently expected to prepare elaborate welcomes when the interior secretary traveled.¹⁸⁶ Large congregations, which in the Mountain Province sometimes numbered as many as ten thousand people, would greet Worcester on his forays into the special provinces. Great feasts were often held, and Worcester would decide administrative matters, arbitrate disputes and otherwise preside over the crowd's activities.¹⁸⁷ Worcester constantly exhorted the people and his subordinates to improve the local transportation and communication systems. By 1906 his efforts paid off and he could travel in relative comfort on horseback throughout much of the Cordillera. This life as "a 'white Apo' in the back country of the Philippines liberated him from the constraints of political and bureaucratic society."¹⁸⁸

Worcester's first visit to Bukidnon was in 1907. He had received reports of landgrabbing by lowland migrants even before he arrived.¹⁸⁹ His visit enabled him to investigate conditions "on the ground" and to install his subordinates in office.¹⁹⁰ Worcester confirmed the reports of abuses being inflicted by lowlanders. He also grasped the enormous economic potential of the plateau. "In short," Worcester wrote, "rice can be grown in Bukidnon as wheat is grown in the United States, and the company which goes into this business on a large scale should make

¹⁸⁵ SECRETARY OF INTERIOR'S REPORT 25. Despite his many trips, Worcester never managed to make an inspection of Mindoro or "so much as set foot in the wild man's territory in Negros or Panay." A "reasonably thorough inspection" of Mountain Province and western Nueva Viscaya, meanwhile, involved a 500- to -700-mile horseback ride and took at least six weeks.

¹⁸⁶ Sullivan, *supra* note 16, at 322-323. President Wilson's Philippine emissary, Henry J. Ford, reported back in 1913 on "allegations of maladministration in the Special Government Provinces related to commercial activity by officials, and the coercion of tribal people in order to ensure that Worcester's annual progress through the territory was indeed triumphant." Sullivan *id.* citing Ford's "Supplementary report on the situation in the Philippines" at 7-8.

¹⁸⁷ K. Hutterer, *supra* note 100, at 137. See also D. WORCESTER, *supra* note 40, at 564-567; H. FRY, *supra* note 125, at 1-4, 22-24, 35; F. JENISTA, *supra* note 139, at 97-101.

¹⁸⁸ P. Stanley, *supra* note 157, at 140.

¹⁸⁹ Edgerton, Dean Worcester's Mission Among Philippine Upland Tribes (paper presented to Philippine Studies Conference, Aug. 2-4, 1983) p. 8.

¹⁹⁰ D. WORCESTER, *supra* note 40, at 610. For a discussion of the background and activities of Worcester and his subordinates in the sub-province see *id.* at 609-631; R. Edgerton, *American Cowboys and Settlements on the Mindanao Frontier* in 1984 REAPPRAISING AN EMPIRE at 178-186; Edgerton, *Frontier Society on the Bukidnon Plateau* in PHILIPPINE SOCIAL HISTORY (A. McCoy & E. de Jesus, eds.) 369-370, 375 (1981); R. Edgerton, *supra* note 189, at 12-22; Sullivan, *supra* note 16, at 349-352.

money."¹⁹¹ Other potential money-making schemes envisioned by Worcester, and eventually implemented, were cattle ranches and coconut plantations.¹⁹²

Worcester's wide range of responsibilities, which included "most of the really creative programs of the early American period,"¹⁹³ often kept him in Manila. This obliged him to rely on a host of subordinates who worked in the field. The most important were the governors of the Special Provinces who were appointed by the governor-general upon Worcester's recommendation. Most notable in this regard were the tenures of Jefferson D. Gallman in Ifugao, Walter F. Hale of Kalinga, William Pack of Bontoc and Frederick Lewis in Bukidnon.¹⁹⁴

Developments in Ifugao were extensively chronicled by Frank L. Jenista in his book, *THE WHITE APOS: AMERICAN GOVERNORS ON THE CORDILLERA CENTRAL*. According to Jenista, Governor Gallman, under the guidance of Secretary Worcester, was able to garner respect as the supreme leader and decision-maker in the province by developing "a highly personalized, loosely structured, two track legal system which utilized varying degrees of Ifugao and American law."¹⁹⁵ On more local levels, many of the traditional Ifugao dispute-mediators, or *munalon*, were appointed as *cabecillas*, an office institutionally akin to the *cabezas de barrio* in Hispanicized communities. The lines between the two systems became blurred as the *cabecillas*, with the support of local officials, "came to have a *de facto* role as local judges."¹⁹⁶

Disputes which could not be resolved on the local level could be passed on to local Justices of the Peace or the Court of First Instance. Governor Gallman and his successors, however, were usually called to

¹⁹¹ D. WORCESTER, *supra* note 40, at 891.

¹⁹² R. Sullivan, *supra* note 16, at 314, citing diaries kept by Worcester during his "Northern Trip, May 22 to June 22, 1907," and his "Southern Trip, September 16 to October 17, 1910." See also SECRETARY OF INTERIOR'S REPORT 16 (1918). Sullivan at 350, citing Worcester's "Notes on a Trip to Mindoro and Bukidon, January-February 1910" concluded that Worcester only recognized the cattle-raising potential of Bukidon during 1910. See generally, *id.* at 350-1.

¹⁹³ P. Stanley, *supra* note 157, at 139.

¹⁹⁴ During an inspection trip through Mountain Province with Governor-General Forbes in June 1913, Worcester separated Governor William A. Miller "from the service" for "torture." Apparently in order to punish the perpetrator of some unknown act, Miller had the culprit handcuffed to a beam for several hours with his hands above his head. Letter of Forbes to Lindley M. Garrison, Secretary of War, June 21, 1913, NA-BIA 9892-211. In the same letter, Forbes expressed astonishment at not "receiving a single complaint from the people." He added that "When I reach a town under Filipino administration, I am likely to be flooded with complaints."

¹⁹⁵ *Supra* note 139, at 109. See generally, *id.* at 107-35.

¹⁹⁶ *Id.* at 109.

mediate.¹⁹⁷ The most common cases involved disputes between Ifugaos over land rights.¹⁹⁸ The many requests for the provincial governor to intervene in the conflict were due in large measure to the fact that

Ifugao law was used almost exclusively, even when it conflicted with the provisions of the official law codes. In effect, the apos set themselves up (with Worcester's concurrence) as buffers between the Ifugaos and outsiders, whether American or Filipino.¹⁹⁹

The concept of a buffer was dear to Worcester. It provided the primary rationale behind the distinct system of laws and local governments which were established, at his urging, in unhispanicized areas. Limiting prohibitions on usurious interest rates or slavery and the sale of human beings to selected unhispanicized provinces, however, implied, among other things, that such conduct might be condoned elsewhere.²⁰⁰ Presumably, this was not what Worcester intended, but it does highlight his obsessive focus on un-Hispanicized peoples.²⁰¹

Ostensibly, Worcester wanted to provide un-Hispanicized peoples with enough distance from their Christian counterparts "until gradual familiarization with the [colonial] legal system prevented unfair advantage."²⁰² Familiarization was to take place by means of formal

¹⁹⁷ *Id.* at 110, 119.

¹⁹⁸ *Id.* at 119-121.

¹⁹⁹ *Id.* at 134-5.

²⁰⁰ During the waning years of Worcester's tenure, he repeatedly attempted to bolster the SPGA and TGA buffers. Act No. 1639 (1907) made it a criminal offense for any Christian to sell or otherwise provide non-Christians with "ardent spirits, ale, beer, wine, or intoxicating liquors of any kind, other than the so-called native wines and liquors." It was likewise made illegal for non-Christians "to buy, receive, have in his possession, or drink" any non-native alcoholic beverages. *See also* Act No. 2071 (1911) prohibiting "slavery, involuntary servitude, peonage, and the sale and purchase of human beings" in Nueva Vizcaya, Agusan and Mountain Provinces; Act No. 2073 (1911), establishing a legal rate of six percent interest per annum in Nueva Vizcaya, Agusan, Mountain and Moro Provinces; and, Act No. 2193 (1912), prohibiting employers in non-Christian areas from compelling their employees to purchase any merchandise, commodities, or personal property. *See also* Act No. 1426, Act No. 1817 (1908), Act No. 1876 (1908), Act No. 2061 (1911), Act No. 2067 (1911), and Act No. 2268.

²⁰¹ Shortly before leaving office in 1913, Worcester alleged in a public report published by the regime that slavery and peonage were commonplace throughout the colony and that the Philippine assembly had taken no action to prevent it. Worcester conveniently overlooked his own failure to respond to the alleged problem in Hispanicized regions. His remarks were generally understood to be an effort to prolong the American presence in the colony by discrediting Philippine political elites. *See D. WORCESTER, SLAVERY AND PEONAGE IN THE PHILIPPINE ISLANDS* (1913); A. Sullivan, *supra* note 16, at 352-362.

²⁰² F. JENISTA, *supra* note 139, at 129. This type of reasoning undoubtedly provided the official rationale for exempting unhispanicized areas from coverage under

education, but few resources were invested. In the Mountain Province, for example, there were only 3,205 students in public schools by February 1914, although the total population of the area was estimated at a quarter million.²⁰³ Jenista, nevertheless, insisted "Worcester recognized that over time the highlanders could not be left as they were but had to be prepared for participation in Philippine political life."²⁰⁴

Rather than creating a viable buffer, Worcester's obsessive focus on the so-called non-Christian tribes exacerbated many of their problems, and served to entrench the prejudice of lowland elites towards un-Hispanicized sectors of colonial society. More importantly, it reified the legal disenfranchisement of Worcester's self-appointed constituents and prompted policy-makers to overlook similar problems among the Hispanicized masses. This was particularly true of undocumented ancestral-domain rights.

Worcester, of course, would have disagreed with any such assessment, especially insofar as non-Christians were concerned. Among his many traits, Worcester was a stubborn and sometimes skillful propagandist who apparently came to believe his own rhetoric, even if it was riddled with falsehoods. In 1910, barely one year after the U.S. Supreme Court's landmark decision on Philippine ancestral land rights, *Cariño v. Insular Government*, Worcester boasted,

Before we came here they [the non-Christian tribes] had no rights which anyone was bound to respect. Now they have learned that all men stand equal before our law.²⁰⁵

In his annual report, prepared the same year, Worcester added: "The wild man has now learned that he has rights which are entitled to respect....He has found justice in the courts. His property and his life have now been made safe."²⁰⁶

the Land Registration and Public Land Acts. Act No. 926, sec. 78; Act No. 1224. An alternative explanation will be provided in the next article in this series in the PLJ.

²⁰³ F. HARRISON, *THE CORNER-STONE OF PHILIPPINE INDEPENDENCE: A NARRATIVE OF SEVEN YEARS 125* (1922). In Harrison's words "A tendency had appeared to maintain the mountain tribes like ethnological specimens in a vast reserve."

²⁰⁴ F. JENISTA, *supra* note 139, at 189.

²⁰⁵ Remarks made while introducing Secretary of War Dickinson to the Members of the Mountain Club at Bontoc, August 3, 1910. NA-BIA 3833-26.

²⁰⁶ RPC 76 (1910).

Conclusion

The truth was quite different. The non-Christian tribes policies were not established with the well-being of un-Hispanicized peoples foremost in mind. Rather the policies provided a necessary political counterweight to Taft's policy of attraction. They also enabled the colonial regime to further disenfranchise many rural peoples from their political and economic rights. Perhaps most troubling, the policies promoted the polarization of the Philippine peoples. They buttressed an enduring belief among Filipino elites that non-Christian tribes were pathetic and pitiable peoples who had little in common with their more urbane and wealthy countrymen, and who had little, if anything, to contribute to nation-building.