

# The Santiam News.

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EDITOR AND PROPRIETOR.

## THE "PERNICIOUS DOCTRINE" OF STATE RIGHTS.

The Oregonian of last Friday, in a criticism of Senator Gearin's speech, relative to San Francisco's action in establishing separate schools for the education of Japanese and Chinese, sees proper to make some statements that, to the NEWS, appears somewhat revolutionary, at least, if a stronger term is not warranted. The article in question, certainly endeavors to arouse the now long time defunct prejudice against the doctrine of secession, as if it is necessary to arouse the prejudices of the "bloody shirt" period in order to destroy the force of Senator Gearin's speech.

The NEWS does not make pretension of being wise on constitutional questions; but it, like any ordinarily intelligent individual, can understand plain, every day English, the language in which the fundamental law of the nation is written. On some points the constitution is so plain that even the most ordinary intellect should not err in its construction. The Oregonian says, "Pernicious doctrine of State sovereignty takes a long time to die," etc. Let us hope that the doctrine of "State sovereignty," or "State rights," will never die; but ever stand as a part of the superstructure of our Federal government.

The preamble to the Federal constitution begins as follows: "We, the people of the United States, in order to form a more perfect Union," etc., shows that the people of the individual states were more powerful than the Federal government, which they were about to create, for the reason, that a grantee cannot be given greater power than is possessed by the grantor. Section 1, of Article I, states: "All legislative powers herein granted," etc., will tend one to suppose that certain powers possessed by the grantors, were not delegated to the grantee. At all events the powers granted were particularly defined by the following Articles and Sections of the Instrument. The President, upon taking his seat, makes oath that, to the best of his ability, he will protect and defend the Constitution; that is to say, the powers granted by the several individual states. Article VII states that when nine of the then thirteen states shall have, through conventions, ratified the constitution, it would become law unto the states ratifying. As twelve of the original thirteen did ratify and subscribe to the Instrument, it became law unto the twelve.

Provision for amendments was made, requiring the assent of the legislatures of three-fourths of the states to add to, or to take from any of the powers delegated. So in amendment X we find the following language: "The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

Now it seems to the NEWS, that there is no room for a misunderstanding of language so plain and explicit. All powers delegated were explicitly stated. Powers not delegated were reserved to the states. No other construction is admissible. So there you are. In a careful reading of the venerable instrument we can find no authority delegated to the General Government, to regulate or control the management of purely internal affairs of a state in time of peace.

As the assent of three-fourths of the individual states is necessary to alter or amend the constitution, the assent of a less number could not break the agreement or contract; for that is what the Federal Constitution is, an agreement or contract between the States, in order to "Form a more perfect Union." When the South attempted to secede, a less number than three-fourths of the individual states attempted to break the agreement or contract. Suppose three-fourths of the states had seceded? The Oregonian will not say that secession, under such conditions, would not have been successful? All governments derive their right to exist purely from the natural law of "Force." A minority may preach its theory of right and equity "till Dooms day without avail; unless the minority, by drawing from the majority, becomes a majority. The majority will rule in the end, no matter what the form of government may be; because it possesses the physical force to establish and maintain itself.

The NEWS thinks that every state possesses the right under the constitution to regulate its own internal affairs, and among which is the maintaining of and regulating its public school system. San Francisco undoubtedly possesses the authority to regulate her public schools. She could, if deemed best, provide separate schools for the boys from the girls; or separate the larger boys from the smaller ones; or in any way regulate them for, what she conceives, conserves the interest of the public best. She certainly is within her rights, when she thinks best to establish separate schools for different races. So long as the character and standard are the same in all the schools, certainly

the Japanese are not treated unfairly. If it was thought best to provide separate schools equally efficient, for the children of German, French, Italian or parentage of any other nationality, the right to do so is indisputable. We may doubt the wisdom of such an arrangement, but the right, never.

Should a state, in the management of its internal affairs, endanger the General Government, or trample upon the rights and privileges of other states, then, certainly, the Federal Government would be justified in interfering; because such state would be violating the spirit if not the letter of the contract.

Every state should guard its reserve powers zealously. The perpetuity of our present form of representative government depends upon the rights reserved to the states being held sacred. In order to adapt ourselves to the conditions that have arisen and will arise, it may, and doubtless will, become necessary to change the very form of our government; but the rights of the individual or of the states, will never be curtailed, except in so far as human greed trespasses upon the rights and privileges of his neighbor. To adapt the government to the conditions the trend of the Oregonian's article would lead to, would be a step backward rather than forward in progress. Secession, as attempted by the South is wrong; but "State Rights," being the powers not delegated and specifically defined in the Constitution, is right and will maintain so long as the Stars and Stripes wave over a free people.

## THE GOVERNOR'S MESSAGE.

Governor Chamberlain's message to the 24th biennial session of the Oregon Legislature, is now in the hands of the people. It would be a most prejudiced mind that could carefully read the message and not be imbued with the idea that the Governor is earnestly actuated by a desire to act only for the welfare of the people. In his message, Governor Chamberlain does not attempt in any case to play politics. You may differ with him in some particulars; but, he who is honest will admit that upon the question of difference, the Governor has good grounds upon which he bases his opinion. As an honest straight forward state paper, in which Governor Chamberlain says what he means and means what he says, the message ranks high.

Briefly, the message favors: The election of United States Senators in the manner prescribed by the Direct Primary law and in accordance with which Frederick W. Mulkey and Johnathan Bourne, Jr., should be elected upon the first ballot to the short and long term in the Senate respectively; commends the reports of the various State officers, boards and commissions; says the State is in the best financial condition of its history; recommends that there should be complete divorcement between the system of taxation for the State and that for county and municipal purposes; favors an increase of the revenue derived from inheritances; desires incomes above \$3,000 per annum, taxed; says a liberal fee should be required upon the appointment of Notary Public; thinks the money paid the State, which is derived from the Forest Reserves within the State should be placed to the credit of the Irreducible school fund; said that our Irreducible school fund, if honest business policies had been used in its management in the past, would have been five or six times as large as it is now; states the condition of other State funds; commends the management of the Soldiers' Home; said that there was much work yet for a State Land Agent to do; recommends the enactment of a code of laws governing and defining water rights, its reclamation of Desert lands and water rights and water titles both for irrigation and power purposes; stated that the State Land Department is in the best condition of its history; recommends a railroad commission to be appointed by the Governor; urged the importance of an open river and the acquirement of the locks at Oregon City by the general government or by the State; favors the appointment of an expert accountant with authority to select his own assistants for the purpose of experting the books of the various State officers and institutions; recommends the enactment of a law prohibiting free passes; favors the passage of a reciprocal demurrage law governing the shipper and the railroad; commends the State Library Commission, the O. N. G., the State University and the Oregon Agricultural College; thinks private insane asylums should be regularly inspected by State authority; recommends a State bank examiner and laws governing private banks; recommends a law against lobbying, and said "They should be driven out from the legislative halls as the money changers were driven out of the Temple;" recommends the State treasurer to loan idle State funds to reliable banks which would pay the highest rate of interest for it; calls attention to escheat funds lying dormant in banks, and said such funds should escheat to the State after lying in bank dormant for seven years; recommends a State home for feeble minded and epileptic children; favors publicity in the expenditures of candidates during a political campaign; called attention to the report of the State Tax Commission; favors a law that would effectually prohibit fake mining operators and promoters; recommends the State printer to be placed upon a flat salary and that the State printing office be placed in a separate building from the Capitol; favors not more than two Normal schools and that all Normals be placed under the control of one board of regents; favors transporting convicts to the penitentiary by prison guards; thinks the employment of convicts in making stoves, compete as little with free labor as if they were employed in any other manufacturing industry, and thought the establishment of a jute mill at the penitentiary not advisable, but thought convicts might be employed profitably in breaking stone for the public roads.

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