

constitutional rights apply. Mr. Justice Black's plurality opinion in Reid v. Covert sharply questioned the Insular Cases and concluded that "we can find no warrant, in logic or otherwise, for picking and choosing" which constitutional rights are so "fundamental" as to be applied in the territories, and that "neither the [Insular Cases] nor their reasoning should be given any further expansion." 1/ Thus it appears that the limited constitutional guaranties available abroad under the Insular Cases have been substantially expanded.

However, one authority has stated that "despite the aspersions cast on them, the Insular Cases continue to govern the United States in such unincorporated territories as Guam and the Trusteeship Islands in the Pacific." 2/ Even under the original Insular Cases, there is substantial dictum indicating that the citizens of the territories are entitled to "certain fundamental personal rights declared in the Constitution, as for instance that no person could be deprived of life, liberty or property without due process of law. . . ." 3/ "Even if regarded as aliens, they are entitled under the principles of the Constitution to be protected in life, liberty and property." 4/ Indeed, there

1/ 354 U.S. 1, 9, 14 (1957)

2/ Henkin, Foreign Affairs and the Constitution 268 (1972).

3/ Balzac v. Porto [sic] Rico, 258 U.S. 298, 312-13 (1922).

4/ Downes v. Bidwell, 182 U.S. 244, 283 (1901).