

In the absence of expressed inclusive therein, provisions of the Federal Constitution, insofar as they can apply, may be made applicable to territorial matters by three methods:

1. By express inclusion in the Organic Act of a particular territory;
2. By formal incorporation of the territory into the United States;
3. By general statutory provision applicable to "organized territories".

Section 5, paragraph(u) of the Organic Act of Guam reads as follows:

"(u) The following provisions of and amendments to the Constitution of the United States are hereby extended to Guam to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: Article I, section 9, clauses 2 and 3; Article IV, Section I and section 2, clause I; the first to ninth amendments inclusive; the thirteenth amendments ; the second sentence of section I of the fourteenth amendment; and the fifteenth and ninteenth amendments".

The general rule, that the expression of one thing in a statute excludes things not expressed, is applicalbe to the extention of Constitutional Rights to a territory by the Organic Act of that territory.

Such a distinction between applicable and inapplicable provisions extended to incorporated territory is not necessary for,

"...where a territory is incorporated into the United States, the Federal Constitution applies to and becomes operative in such territory."

This is exemplified by the Alaska Organic Act which stated:

"Sec. 3. That the Constitution of the United States, and all the laws thereof which are not locally inapplicable, shall have the same force and effect within the said territory as elsewhere in the United States;"

and the Hawaii Organic Act which stated:

"§ 5 United States Constitution. That the Constitution, and, except as otherwise provided, all the laws of the United States, ..., which are not locally inapplicable, shall have the same force and effect as elsewhere in the United States."

Any provisions of the Federal Constitution inapplicable to incorporated territory can only be extended through that territory's acquisition of statehood.

Extension of Constitutional provisions by statutory provisions is synonymous with the organization of a territory and extension of such provisions *as their expressed inclusion in the Organic Act.*