

## DEMOCRACY AND COMMUNISM \*

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I am today realizing an ambition that I have had—to go back to the Philippines and get better acquainted with your people, your history, and your culture, that I might understand and interpret them to the people of the United States. That ambition goes back when in my native land I was reading about your country that I might know it better. It is necessary that I make one statement. It has been said that I am traveling on a grant by the State Department. That is true. But I am in no wise a spokesman of the State Department. I am speaking my own views as any responsible American would.

Twenty-five years ago this month, Mrs. Simmons and I had the privilege to be in Manila for four or five days. During that brief sojourn, it was a distinct honor on our part to meet some of your leaders—Messrs. Quezon, Roxas, Osmeña. Mr. Quezon, I have met before, when I was serving the government in Washington.

It has been my fortune to speak with some of your people, and I told them as I am telling you now that the buildings and the vestiges of civilization may be gone but the spirit of the people has not departed, that neither their desire for freedom and their faith in God nor their beliefs in the inalienable rights of men could be killed. We have borne witness to tragic, difficult years past, years during which my two sons took part in the war in this part of the world. That spirit lives in my two sons.

The challenge is made by an ideology known as Communism. We can say that here in your Philippines you realize the threat that is being posed by it.

That challenge that is made in America may be the challenge that I am anticipating to be made here in the Philippines—the challenge now being made all over the world to the right of man to live a free life in a free country.

You who delve into books know that it is not a new philosophy, that it is the turning back of centuries in the science of government and progress of men dedicated to the maintenance of freedom and a free society. We are not going to answer that challenge of Communism by merely going against Communism. We are going to answer it by reexamining our science of government, bearing in mind

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\* Address delivered before the Faculty and Student Body of the College of Law on July 17, 1952.

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that your people and mine and a few other peoples yet have the best power to make the opposition.

We have to understand this institution called Communism as it exists in the land that we call Russia.

Let me point out some differences.

Let us take the Constitution of the United States and of your country. Ours speak the voice of the people adopted in each case after a plebiscite. The Constitution of Russia is promulgated by the ruling class, the Communist Party. Our Constitutions are subject to change only whenever the people of my country, and your people desire it. Only then may they be changed. But the Constitution of Russia has been changed by the party as often as its own convenience requires, regardless of the will of the people, as it has never been submitted to the people of the country for their approval.

They speak of representative government. When we speak of representative government, we mean a system where we are able to choose our candidates, our policies and issues, and have that choice control. This is our representative government. They use our words to speak of an institution of government where people are permitted only to vote for candidates of the Communist Party, approved and permitted to be on the ballot, as the people of Germany were permitted to vote only for Hitler's party. That is the choice of a few. There was that picture of Stalin casting his vote in a ballot box in Moscow. But the ballot, as we understand it, means something—the expressed will of a free people to choose freely and to remove without reservation those chosen by them who may have failed in their trust.

They speak of democracy and, instinctively, we think of our own government. We fail to recognize the basic difference between the two—that ours is a system where the reservoir of political power rests in the millions of voters of my country and your Philippines. The leaders that we choose are our servants, not our masters. That is the very essence of democracy. In America and in the Philippines, that is democracy in action.

In Russia, the reservoir of political power is in the handful of persons that constitute the ruling class of the Communist Party, the Politburo. There, the officials are masters, not servants. They speak our words, and to get their meaning, we must understand this difference.

To go into this we must look into their frame of government. A reading of the Constitution of Russia will reveal that the Government constituted by it is with the assent of the majority of the people; that fundamental social and economic rights of citizens are

assured; that an electoral system is provided for. But when we consider that the right to political opposition is not safeguarded, but ruthlessly suppressed in the guise of destroying the capitalist class for the benefit and interest of the working people; that their election is a farce and a show since names not approved by the Party cannot appear on the ballot, thus defeating the will of the majority, we do not hesitate to say that this state of affairs constitutes the basic difference between their system and ours. And it is this difference that we must preserve at all costs.

They have a judicial system like we do in America and in the Philippines. In my country, we have two branches in our judiciary—our state courts and federal courts. On the whole they have dealt wisely and justly with the cases coming before them. We hear of courts in Soviet Russia, and think instinctively of courts in my country and in your country. But there is a great deal of difference.

The justice they administer is not the justice that we know courts in my country and courts in your country dispense. Nor do they attach the importance to the highest courts that we do. It is easy to understand why not. For the Politburo is all-powerful. Its will cannot be disregarded even by judicial agencies. The courts of the Soviet system are but subordinate administrative agencies of the Communist Party. That is not the way they do things in my country and, I dare say, in yours.

For the source of power, it is vain to look into the general structure of the government. The power behind it, the source of all authority is the Communist Party, which employs the MVD (Secret Police) for the execution of its policies. The MVD has thousands of agents spying on the movements of each citizen and is given the power to arrest, imprison, or persecute any person suspected of opposition or disloyalty to the Communist Party. Again I ask this question: Do you want what they have in that country, or what we have in my America, and in your Philippines?

The Law, that is my profession—the profession that you are interested in, the calling to which you intend to dedicate yourselves. We are parts of the judicial system in my country and in your country. Our judicial system, we understand to be the agency of government that we create as free people, invested with the powers to protect the individual from the unauthorized exercise of governmental power in these democratic countries. They have, as I said, what they call courts in Russia. But in all the land that is Russia and in all the land behind the Iron Curtain, I venture the statement that there is no court that has the power to protect the rights of the individuals against the unauthorized exercise of governmental power.

We create in the Constitution an agency of power to balance the conflicting interests between the individuals and the government.

What role do lawyers play in this?

As you study rules of law that determine the wishes of men, of people, and their governments, the first one that is impressed upon you is the obligation to support the Constitution and the laws of the country. The lawyers have taken a sacred obligation—to speak the law of the Constitution and of his country. That is the responsibility that rests largely upon the legal profession alone. I would point to you how this is. Men of our profession have served with distinction in the legislative body in your country and mine. When I say that, it is with a distinct measure of pride.

Of all the professions of our country, the three departments of the government are directed, guided, and sustained by our profession. But with that measure of pride comes also a measure of responsibility. And our responsibility as representatives of that profession is to make the courts function and to make the government of law function in our country. That responsibility is basically ours. For ours is the duty to give the best that we have. Our duty to the country is to sustain the courts in the administration of justice. But, likewise, our duty to our country is to sustain and strengthen the system of government so that what we may have is a government of laws functioning under the will of a free people. That does not mean that we should give our services free. It means that in the practice of our profession we should give our level best, so that men will understand that the cause we serve is to secure men in their freedom.

We have also another responsibility. That is, to give to the community, to the nation our best—leadership in the government, the public duty to preserve the institutions of the government. That is important. That leadership must be sound. That responsibility rests upon the men and women of our profession.

It is our duty to measure up to it, to point out to the people the high ideals animating our government.

For two centuries, our governments—yours and mine—were designed to protect individuals from the unauthorized exercise of power of the government, to protect those rights that they may remain unimpaired. When you read that phrase in the Constitution, you know that it is a God-given right; that governments do not create, do not give, but ought to protect. These are the rights which the governmental function of law courts are designed to protect and strengthen. In your country and mine, the people tell the officials what they may or may not do. In Soviet countries, the officials tell

the people what they may or may not do. This is our liberty which we can make real and effective in organized society.

You should study your institution of government so that you may qualify to speak of the ideals and the methods by which we have undertaken in our country to preserve all these rights in our Bill of Rights: the right to speak, the right to go where we will, the right to worship, the right to have honest belief in justice and right—God-given and protected by governments. As you study this institution in comparison with Communism, you ask the question: Is there a difference between the Philippine system and the system of Communism? If there is, then it is a difference you should preserve not only for yourself, but for your children's children.

And may I ask you: Are you determined to do your part in preserving and strengthening the institution of government that you have?

The rest, I leave to you.