

Do We Want



What They Have?

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SOME months ago I sat in a public meeting in Madison Square Garden in New York. During the evening I heard the President of the United States ridiculed, the Congress damned, our courts, and the Constitution of the United States condemned. I was an observer at a meeting held for the purpose of raising money to aid in the defense of Communist leaders then on trial. I witnessed multiplied hundreds stand with the raised clenched-fist salute of the Communist, while they cheered the head of the visible Communist Party in this country, approved his attacks on our system of government, and pledged in effect to continue the fight in this country until our institutions were remodeled to accord with those of the Soviets.

I asked myself then, as I ask you now, do we want what the Communist countries have?

This country has come tardily, too tardily, to a realization that we face a menace from Communism—not in Moscow, or Budapest, or Praha, but we cannot meet this challenge successfully by merely being against Communism and lamning Communists. We should examine their system of government, look at its parts, and decide whether or not we want any or all of it in America, bearing in mind that we are one of the few great peoples in the world who yet have the power to make that decision.

I propose briefly to do that with you as we think about it together.

Our difficulty in understanding what the Communist and Soviet leaders say is that they use our words with their meaning. It is the difficulty which our officials in Washington face in dealing with them. We must first translate our language into their meaning in order to reach a common understanding of their system of government, their ideologies, and even their promises.

Let me illustrate. They speak of representative government and we think of our system where, by open elections, we choose between the candidates of different parties, representing different basic views or governmental policies. We choose between men and plans. The Soviet elector has only one set of candidates and one party, and approves only that which the party submits. That is their idea of representative government.

*Contrast Between American
"Democracy" and "Soviet Democracy".*

They speak of democracy, and we think of our own. We fail to recognize the fundamental difference. With us, democracy represents a government where the reservoir of political power rests in the 150 million folk who make up our citizenship, where we measure

out, guardedly, the power that our officials are permitted to exercise, and where officials are servants, not masters. The Soviet uses our word "democracy", but as meaning a government where the reservoir of political power rests in the closely-knit 2 or 3 per cent of the people, exercise only those privileges that the Communist Party permits them to exercise from time to time, and where officials are masters not servants.

They have courts. When they refer to them we think of our own judicial system with all their independent powers, subject to constitutional limitations and grants of power. We do not recognize the fact that the courts of the Soviet system are but subordinate administrative agencies of the Communist Party.

The Communist speaks of the constitution of the Union of Soviet Socialist Republic and we think that they have what we have. Our constitutions speak the mandate of the people; theirs, the mandate of the Communist Party. Our constitutions were adopted by action of the people taken for that direct purpose. Their constitutions were promulgated by Communist Party bodies and never were submitted, and it is not intended that they ever shall be submitted, to the people of the Soviet countries for their adoption or rejection. Our constitutions cannot be changed except by action of the people taken for that purpose. The Soviet constitution can be and has been repeatedly changed by action of the creating body. Those changes have not been, and it is not intended that they shall be, submitted to the people of the communist nations for their approval or rejection. Do we want their kind of a constitution.

Soviet Constitution Contains No Protection Against Government

Our constitutions are either grants or limitations of power to officials of government. Let us make some comparisons there.

Search their constitutions. You will not find there any such providing for the writ of habeas corpus, the right of trial by jury, the right of appeal. Neither will you find provisions against ex post facto laws, bills of attainder or other similar provisions. Those guarantees and many others are in our constitutions for a reason. They are there to protect the people, individual persons from the arbitrary power of officials of government; they serve that purpose in America. The people, individually and collectively, under the Soviet system do not have such safeguards. Do we want to surrender that which we have?

During these last years we have again, had cause to examine into our Bill of Rights. If you have not lately read the first ten amendments to the Federal Constitution, then I suggest that some evening soon you do so—seriously, thoughtfully. You will find no words in the Soviet constitution comparable to the first five words of the First Amendment — "Congress shall make no law". There is no such denial of power in the Soviet constitution. Do we wish to surrender that prohibition on the power of government?

The first of the ten amendments is, in full: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Some of us call the guarantees of our Constitution inherent rights; some call them individual rights; some call them civil rights; some call them the God-given rights of men that governments must respect and must not invade.

But the Communists tell us that they have similar rights provided for in their constitution. Their provisions are:

Article 124: In order to ensure to citizens freedom of conscience, the

church in the USSR is separated from the state, and the school from the church. Freedom of religious worship and freedom of antireligious propaganda is recognized for all citizens.

Article 125: In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the USSR are guaranteed by law:

- (a) Freedom of speech;
- (b) Freedom of the press;
- (c) Freedom of assembly, including the holding of mass meetings;
- (d) Freedom of street processions and demonstration

These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications faci-

lities and other material requisites for the exercise of these rights.

I shall not here comment upon the difference in meaning of our "Congress shall make no law" and the Soviet phrase "is recognized". Neither shall I dwell upon the "by law" provisions of the Soviet constitution, save to point out that by our meaning that provision is inoperative unless affirmative legislation is enacted.

Theory Of Rights

I refer now to The Law of the Soviet State by Vishinsky, presently Foreign Minister of Russia, formerly Commissioner of Justice, and a recognized authority and lecturer on Soviet law. Vishinsky states that the source of civil rights in that land is in the government "rather than in any myth as to man's natural and inherent rights". So we



THE GRIP ON THE RUSSIAN PEOPLE

start with a basic difference in the source of civil rights. If, as they contend, that source is in their social organization, that it gives the rights, then of necessity, the same power can take them away. Do we want to accept that philosophy?

Vishinsky says that lying at the foundation of all the legislation of the Soviet state on the matter of religion is the proposition of having a "negative attitude toward religion, carrying high the banner of militant atheism"; they have initiated from the very earliest days a planned and decisive struggle with religion; they aspire "to liberate the conscience from religious superstition".

Following these aims, and apparently as an intermediate of "militant atheism" among Communist peoples, all property of churches and religious societies was confiscated and declared to be public property; they are required to register with the civil authorities in a "special manner"; their right to administrative organizations and "Religious organizations are forbidden to create funds for mutual assistance, cooperatives, or production units, to organize other than religious assemblies, groups, excursions, libraries, reading rooms or the like, anything, that is to say, not immediately related to the basic functions of religious organizations." He summarizes the result of their governmental policy to date in this language: "The struggle with religion is... carried on, not by administrative repressions, by the socialist refashioning of the entire national economy which eradicates religion, by socialist re-education of the toiling masses by anti-religious propaganda, by implanting scientific knowledge, and by expanding education. The mass exodus of USSR toilers away from religion is directly due to these measures taken in their entirety.

Do We Want Militant Atheism

Do we in America want our institutions of government to be refashioned so as to eradicate religion and so as to establish militant atheism as the basic governmental policy? I need but ask

you to recall what has happened to religious organizations, priests, ministers, folk of faith in the countries behind the Iron Curtain. Do we want what they have?

We are told that Article 125 guarantees the rights there set out. What do they mean in the language of the Soviet?

Vishinsky says: "Having given the toilers freedom of speech, assemblies, street parades, press, and so on, the Soviet government explicitly excluded the nonlabor classes from enjoyment of this freedom". Who are the nonlabor classes to whom this freedom is excluded,—and what a contradiction of terms. He answers: "One of the first and most important measures of the Soviet government in assuring actual freedom of the press in behalf of the toilers was the closing... of numerous organs of the counter-revolutionary, press." In short freedom of the press is denied to those who would oppose the policies of the government.

Vishinsky refers to "our papers" and the law standing guard for the Soviet press by providing "for political-ideological control" of the press "to prohibit the issuance, publication, and circulation of productions... containing agitation and propaganda against Soviet authority and proletarian dictatorship". To violate Soviet legislation concerning the press carries criminal penalties. Vishinsky says: "In our state, naturally, there is and can be no place for freedom of speech, press, and so on for the foes of socialism. Every sort of attempt on their part is utilized to the state... these freedoms granted to the toilers must be classified as a counter-revolutionary crime... Freedom of speech, of the press, of assembly, of meetings, of street parades, and of demonstrations are the property of all the citizens in the USSR, fully guaranteed by the state upon the single condition that they be utilized in accord with the interests of the toilers and to the end of strengthening the socialist social order." Vishinsky says, "The Soviet state... does not include freedom of political parties in the enumeration of these freedoms granted...," and that "...only one party can exist—the Com-

munist Party..."

*Do We Want Freedom To
Support Only Party In Power*

Do we want their sort of freedom of the press, of assembly, of speech, of political parties, in our America—a freedom to be exercised only to support and not to oppose the policies of the party in power? To oppose communism by speech or by press in the Iron Curtain countries is a crime. Do we want that to be the law of the United States? Do we want what they have?

But of what avail is it to have guaranteed rights of any kind in constitutions unless there is an agency of government that has the power to make those rights effective as against the actions of the government, "These things you undertake to do you cannot do because the people have denied or not granted you the power that you seek to exercise." Constitutional guarantees are supreme, and effectively so through the agencies of the courts. If any official of government undertakes to invade your rights guaranteed by the Constitution, it is not necessary that you go to your state capital and seek out some official and implore him to protect your rights; you need not go to Washington and there seek someone who will undertake to intervene for you. In America the individual has the right, and I emphasize "right" as against "privilege"—the individual has the right to go to the court located in his county and there challenge the power of the Government and secure a judicial determination of whether or not his rights are invaded. If it is found that constitutional rights are invaded, the courts have the power to stay the strong arm of the Government itself. That power of the judiciary is the peculiar genius of our institutions that makes constitutional rights effective.

But the Soviet says "We have courts", and they do—but without the all-important power of the courts of America to enforce and make effective constitutional rights of the individual. The Courts of Russia are but administrative agencies of the government, subject to administrative direction and control. Lenin is quoted as having said that the courts were organized to force dis-

cipline on the working class. The Soviet courts do not have the power to protect the individual from governmental action, but rather are used to enforce administrative governmental decisions. One of their early writers said in effect that a club is a primitive weapon, a rifle an effective one, but the most efficient method for a government to control a people is a court that officials of government control. Such constitutional rights as are recognized in those countries are effective only insofar as the Communist Party and its controlled agencies, including the courts, permit. I need do no more here than call your attention to the procedures, powers, and decisions of the so-called courts of the communist countries which they have permitted to be told to us. Contrast their system with ours.

Do We Want What They Have?

Time does not permit a detailed discussion. I suggest that you seriously weigh the rights that men and women in industry, in the professions, in the social agencies, in business, in any vocation, have in America. Then study and weigh comparable privileges—not rights in the Communist countries. Finally, after you have summed up—ask yourself, do you, individually, want what they have in Russia and the Communist countries in lieu of what you now have and can achieve for yourself, in America. Do you want what they have?

I can sum up the whole matter in these short sentences. Our constitutional system, our laws, our courts, are designed to protect the individual person and people as a whole from the unauthorized power of government. The Communist system is designed to protect those in control of the government from the power of the people. Therein lies the difference between liberty and the lack of it in an organized society.

May I suggest that you study our system and theirs, and that as you do so, you ask yourself these questions: Is there a difference in favor of the American system? If so, is it a difference worth preserving? And if so, are you doing all in your full power to maintain and strengthen the institutions of government that are ours? Those questions I leave with you.