

In the fight for civil liberties, no single group has perhaps accomplished more in this country than the Civil Liberties Union. The following is a brief history of its first 25 years.

THE CONTINUING FIGHT FOR OUR CIVIL LIBERTIES

About 20 young professionals met 25 years ago to organize. The first meeting was one of simple comradeship, with no decision being made as to the shape and nature of the proposed organization.

In the next two meetings, the organizers appeared visibly affected by the war clouds in the horizon. Japan had just begun a war with China. A fascist revolt was gaining the upper hand in Spain. German and Italian fascism were hurling a challenge to the rest of the world. The Philippine government was showing signs that it was ready to take lessons from foreign fascists on peace, order and discipline under a regime based on "God, Country, and Family."

An organization to defend civil liberties was in order.

A committee of three was formed to draft the objectives of the organization: Antonio Bautista (deceased), Jose B. L. Reyes and Paulino J. Garcia. Another committee of one (Deogracias J. Puyat, deceased) was appointed to recommend the name for the organization. The name — Civil Liberties Union of Philippines, and the objectives, approved by the organizers, showed that while the broad aim was to fight for nationalism, democracy and social justice in the Philippines, the focal point of the activities would be the defense of civil liberties and the Constitution.

From the moment it was organized until the Japanese action brought the Philippines into the World War, the Civil Liberties Union was busy in the struggle for

the attainment of its objectives. The major struggles of the CLU may well be recorded.

The most memorable was the fight for freedom of speech in the advocacy of boycott of Japanese goods. In a Congress for Democracy sponsored by nationalistic elements, Dr. Antonio Bautista, then chairman of the Executive Commission of the CLU, advocated the boycott of Japanese goods as a means of weakening the war potential of a sure future enemy. Upon protest of the Japanese consul who claimed that such things could not be permitted to happen in his country, our government saw fit to order the arrest of Dr. Bautista upon a charge under the Revised Penal Code (Art. 118) for inciting to war, and giving motives for reprisals. The CLU secretary immediately filed bail for the chairman. When the secretary brought the matter of bail for approval by the body, some members questioned the propriety and wisdom of bailing by the CLU. They were not in favor of Japanese boycott, and would have nothing to do with any-

thing that would incur the animosity of Japan. This was the first really serious rift within the CLU. Several members resigned. The CLU, however, continued its activities. The case was finally settled when President Quezon ordered the case to be dismissed.

The CLU had a clash with President Quezon on the party-less system. He advocated a one-party system. When the CLU and other organizations and elements called his ambition dictatorial, Quezon backed down, saying that what he meant was not one-party but a party-less system, a system which was and is supposed to be in vogue in Portugal. Fortunately, however, Quezon soon forgot his one-party or party-less system.

The Hartendorp case was another test which the CLU met with dignity. A certain sector was daily using the radio to discredit the public school system in America which it termed as godless and materialistic. Mr. A. V. H. Hartendorp took up the issue and wrote his replies in a magazine which was approved by the Department of Public Instruction for read-

ing by teachers. Upon complaint of his opponents in the debate, the magazine was ordered excluded from the schools. The CLU took up the matter in defense of civil liberties. Diplomatic action by the department prevented the issue from becoming more acute.

The Jai Alai case was fundamentally a challenge to the nationalism objective of the CLU. The Agricultural and Industrial Bank (predecessor of the Reconstruction Finance Corporation and Development Bank of the Philippines) was giving too many big loans to foreign, specially Spanish, interests, to the prejudice of Filipino business interests. Jai Alai was one of those to which such a loan was granted. The CLU opposed the loan, and tried, through legal process, without success, to examine the books of the Jai Alai. The notoriety of the case caused the company to repay the loan before the war broke out.

In the firm belief that the Constitution should not be treated lightly by any one, the CLU registered a vigorous opposition to the amend-

ment of the Constitution approved by the legislature for submission to a national plebiscite. The CLU was not against amending the Constitution. But it stood against what it considered to be hasty amendments which were obviously motivated primarily by a desire to permit the re-election of the President.

Just before the war broke out, the CLU got involved in the Soriano case. A citizen of Spain, but residing in the Philippines practically all his life, Mr. Andres Soriano filed an application to become a Filipino citizen in 1941 in the court of first instance of Rizal. The CLU filed its appearance and in the November 1941 hearing of the case, contested the application on the ground that legal requirements had not been set. The CLU's opposition, however, was virtually quashed and Mr. Soriano was permitted to take his oath as a citizen before the completion of the regulatory period. A day or two before the Japanese entry into Manila, he was commissioned captain in the Philippine Army. After liberation, upon the sponsorship of Gen.

Douglas McArthur, he became a citizen of the United States.

The last pre-war battle of the CLU was with President Quezon. It started when the President, after the fall of France to the Nazis, and explaining the fall, castigated the "so-called freedom loving" elements in the Philippines and suggested that these elements were responsible for the decay of nations and their defeat by aggressors. The matter came to a head when, in a speech before the faculty and student body of the University of the Philippines a week before Pearl Harbor, he declared that the Philippines was not ready for war; he lambasted the CLU, and promised to hang every member from a lamp post. The CLU took concern, and in a body, drafted an answer which the leading Manila newspapers, for reasons they did not divulge, refused to publish whether as news or as paid advertisement. The war automatically closed the issue.

The war did not end the activities of the CLU. It merely changed the nature of the struggle. Defense of civil

liberties or of democracy and social justice became unnecessary and impossible. The emphasis changed to nationalism, the defense of country against the invader. A corresponding change in the methods of struggle necessarily had to be made.

Several members began conversations on guerrilla warfare a few days after Pearl Harbor. A meeting was called wherein the CLU was declared "dissolved." Within three weeks after the Japanese entry into Manila, ten CLU members organized the Free Philippines as a resistance group. Four CLU members paid the supreme sacrifice for nationalism: Ramon de Santos, Rafael R. Roces, Jr., Jose Apacible, and Antonio M. Bautista. The survivors in the group sought no recognition or reward.

Immediately upon liberation, the CLU reorganized, and resumed its activities. The emphasis had somewhat changed from that of the pre-war days. While the questions of civil liberties, democracy and social justice always concern the CLU, the defense of nationalism, i.e., of

the national interests of Filipinos, had become the main problem. In early 1945, just after the end of the Japanese occupation, the CLU became aware of a move to wean the Filipino people from their cherished aspiration for national freedom, and immediately opposed attempts for a re-examination of Philippine independence, of which the then High Commissioner Paul V. McNutt was obviously the spokesman, as revealed in a statement from Tokyo, that "the majority of the Filipinos are not necessarily interested in independence."

When the Bell Trade Act, which provided for, in the words of President Osmeña, an "unjust" trade agreement and also for parity rights for American citizens and corporations was passed by the 79th Congress of the United States, the CLU tried to mobilize public opinion for the rejection of the trade agreement and parity by the Philippine legislature and later by the people. Approval of the parity amendment was railroaded, through the "ouster" of several senators and congressmen known to be opposed to such measures. Forthwith, the

Military Bases Agreement was signed under which the Philippines leased many bases for 99 years, and granted the right of extraterritoriality to the U. S. The CLU tried to dissent but its voice was drowned in the general rejoicing over liberation by the Americans. The CLU later opposed the Quirino-Foster Agreement under which practically all offices of the executive department were staffed with American advisers selected by Washington. Then the CLU agitated for an all-out revision of the trade agreement, first during the administration of President Quirino and again that of President Magsaysay. A committee, headed by member Claro M. Recto (now deceased) submitted a confidential memorandum to Senator Jose P. Laurel, head of the Philippine negotiating panel, in which the CLU urged the elimination of all provisions in the trade agreement which negated our political independence with respect to several economic matters.

In the home front, the CLU was the first non-partisan group to recognize the

basic character of the political dissidence in Luzon. It urged the government to consider the politico-socio-economic origins and motivations of the dissident movement, and to realize that military and police measures were not the proper solution. The correctness of the CLU position was recognized by the Mag s a y s a y administration, which initiated some remedies.

In the meantime, the onslaught on our independence and nationalism brought about, as expected, other problems. For one thing, there were the moves to curtail civil liberties in order to deny them to those opposing the objectives of those in power. The CLU busied itself in defense of the Constitutional separation of powers especially with respect to the so-called emergency powers of the President, and in seeking the early restoration of the suspended privilege under President Quirino of the writ of *habeas corpus*, which is the first and last guarantee of all the other civil liberties. During these controversies, the position of the CLU was

necessarily a delicate one, rendered even more delicate by the realities of the cold war. The CLU was subjected to pressures and even provocations not only by some of the national leaders but also by some foreign organizations. The pressures and provocations were treated with silence and patience. Then in 1954, under a somewhat new different atmosphere, the CLU welcomed an investigation by the CAFA. The CLU came in force for the hearing, with a defense panel headed by Members Recto, Tañada, Teehankee, Fernando, Crudo, David and Abola. The result was the exoneration of the CLU.

In the meantime, the dangers inherent in the recognition of the extraterritorial rights were becoming more and more visible. The CLU called for a re-examination of the Military Bases Agreement. In the original or preliminary Philippine panel, which actually negotiated with American counterpart in 1956, at least one CLU member was retained. The Philippine panel stood its ground firmly. The CLU urged in a memorandum to

the panel that the 99 year lease, which it considered to be tantamount to perpetuity, be substantially reduced to 25 years. Under the then prevailing realities of world politics, our position appeared to be very reasonable. It was conceded in principle by the American panel. But the other demands for the elimination of provisions curtailing Philippine sovereignty, such as extraterritoriality, were adamantly opposed by the American panel, and the negotiations ended in a deadlock.

Today, the fight has shifted back to the politico-economic field. American big business interests, through their government, had de-

manded more and more concessions for their foreign direct investments in the Philippines. Both the CLU, and members Recto and Tañada, as senators, assailed every attempt to increase alien economic domination in the Philippines; and the various foreign investments measures, supported by foreign interests, were the natural targets of these attacks.

The CLU is resolved to remain a staunch proponent of every move aimed at removing every obstacle to the preservation of the national independence, and the national security, the essence of which, as Member Recto had always taught, is the freedom from foreign dictation.

If what we call happiness consists in harmony, clarity, unity with oneself, in the consciousness of a positive, confident, decisive turn of mind, if, in short, it is peace resident in the soul, then obviously happiness is a state far easier for the sons of spirit to arrive at than for the children of nature. — Thomas Mann.