

JOURNAL No. 39

APERTURA DE LA SESIÓN

Se abre la sesión a las 5:20 p.m., bajo la presidencia del Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Se abre la sesión.

DISPENSACION DE LA LECTURA DE LA LISTA
Y DEL ACTA

SR. GRAFILO: Señor Presidente.

EL PRESIDENTE: Señor Delegado.

SR. GRAFILO: Pido que se dispense la lectura de la lista y del acta, dándose ésta por aprobada y por presente un quorum.

EL PRESIDENTE: Si no hay objeción, así se acuerda. **(No hubo objeción.)**

DESPACHO DE LOS ASUNTOS QUE ESTÁN SOBRE
LA MESA DEL PRESIDENTE

EL PRESIDENTE: Léanse los documentos recibidos.

EL SECRETARIO:

REPORT OF THE COMMITTEE ON NATIONAL DEFENSE

The Honorable President Constitutional Convention Mr. President:

Your Committee on National Defense has the honor to report to the Convention that after careful consideration of the constitutional precepts referred to it and of the propositions submitted to the Committee, it has resolved to adopt the propositions hereto attached, for submission to the Sponsorship Committee, with recommendation that they be inserted in the Constitution.

"The state may, in accordance with law:

"I. Require all citizens to render personal military or civil service.

"II. Organize and maintain a standing army strictly necessary to preserve internal order.

"III. Organize reserves and a national militia.

"IV. Provide for the military training of the reserves and national militia.

"V. Make the teaching of military science compulsory in the public and private high schools and universities.

"VI. Create national industries essential for defense.

"VII. Nationalize and develop the natural resources essential for defense.

"VIII. Nationalize or supervise all means of transportation and communication.

"IX. Create a Department of National Defense."

EXPLANATORY STATEMENT

Your Committee on National Defense has the honor to recommend the following precept adopted by the Committee:

THE STATE MAY REQUIRE ALL CITIZENS TO RENDER PERSONAL MILITARY OR CIVIL SERVICE, IN ACCORDANCE WITH LAW.

Your Committee has seen fit to recommend this constitutional precept for various reasons:

First. It is a clause relative to compulsory military service contained in almost all the constitutions of free nations, regardless of form of government, and although this duty is specified in the Constitution of the United States, it was nevertheless required during the World War.

Second. Compulsory military service is most in accordance with modern democratic spirit, because all citizens, without distinction of class, are obliged to defend the country.

Third. The volunteer system is not suitable for a poor country which cannot afford to pay the army well enough to attract well qualified, able-bodied young men to the service. The volunteer system involves the objectionable feature of entrusting the sacred mission of defending the country to men lacking in capacity who have proved failures in other fields of activity. The volunteer system is undemocratic, because the cannon-fodder, with very few exceptions, consists of proletarians and not the bourgeois, though it is they who enjoy the advantages obtained through the service rendered and blood spilled by men to whom fortune has been unkind. A high morale, which only a person fighting for an ideal can possess, is very necessary in an army, and with mercenaries fighting for a pittance, such a morale cannot be attained.

These are some of the many reasons for which we must adopt compulsory military service. Your Committee does not adduce further arguments, for the reason that the consensus of public opinion is in favor of the measure proposed.

In recommending the inclusion of that clause of compulsory civil service, which shocks many people, your committee has no intention or desire to implant

obligatory gratuitous labor in this country. Its only purpose is to vest the Legislature of the Commonwealth with a clean and undisputable power not susceptible to interpretations that may give rise to legal controversies.

If, for instance, after considering the Stambulisky plan which is unique and has given very good practical results in Bulgaria, our future government should see fit to send a commission there to study the organization and operation of the Stambulisky plan and that commission should recommend its adoption, our Legislature would not be prevented by the Constitution from establishing in our country a similar plan, adapted to our idiosyncrasy and social conditions.

The clause recommended by us is copied literally from the organic law of democratic Spain, a Republic of laborers of all classes who organized a government of liberty and justice.

This fact alone is sufficient proof that compulsory civil service is not a violation of the interests and rights of the proletarian, but tends rather to abolish the privileges enjoyed by the bourgeois because of their wealth. In spite of the insertion of the compulsory civil service provision in its constitution, Spain has, as far as we know, not yet resorted to the enforcement of such service; but the Spanish Government reserves to itself the right to do so when it may see fit, by means of a law that cannot be challenged as being unconstitutional.

If the Committee of which I am the chairman were asked to choose between compulsory military service and compulsory civil service, it would without hesitation choose the latter. Our reasons would be the following:

First. War is at present waged with explosives, gases and other chemicals with fragile armaments that last but little, such as airplanes, cannon and other arms of precision which consume a fearful amount of ammunition.

Second. An army, however numerous and well trained it might be, would be useless for an effective and lasting resistance if it lacked some of the many elements required which only an eminently industrialized country can supply. The modern 3-inch anti-aircraft guns of the United States fire 25 shots a minute, or 1,500 an hour. One day's resistance would mean a consumption of 36,000 rounds of ammunition per gun. A half-inch anti-aircraft machine gun fires 500 shots a minute, which is 30,000 an hour or 720,000 per machine gun for each day's resistance. These figures give an idea of the necessity of manufacturing at least ammunition.

If the Legislature elected at the beginning of the transitory period saw fit to militarize our Constabulary and increase its strength to 10,000 men, for instance, providing in accordance with the Constitution, that the members of that corps must serve for one year, the Constabulary would become a real school of practical military training and in ten years we should have 100,000 properly trained men, ready to render efficient service in any form of defense that might be decreed by the republic.

On the other hand, if the Legislature should then decide to also undertake the great task of developing our national resources and fostering the basic industries essential for national defense, utilizing the labor of the excellent annual quota of young men of a certain age, taken from those who are subject to service under arms, and

following a system something like the five-year program of industrial and economic development of Soviet Russia, we should, at the close of the ten years of the transitory period, have, if not all, at least some of the elements required to provide for the most urgent needs of the defense of our future nation.

If, in addition to this, the Legislature of the Commonwealth, were to determine that the compulsory labor service shall be for one year, the same as the military service, and supposing that the excess number of young men annually attaining the Statutory age, taken from those chosen for military service, aggregated only one hundred thousand, we should at the close of the ten year transitory period have a million laborers trained in all kinds of trades and work and useful not only to the state but to themselves. They would be better fitted for the hard struggle for existence awaiting them, having to compete with other oriental nations surrounding us, with whom we shall have to live, whether we want to or not, considering the geographical situation of our country and the political and economic conditions that will probably exist in the Pacific when our independent republic shall be proclaimed.

Your Committee sees fit to recommend:

"The creation and maintenance of a standing army is strictly necessary to preserve internal order."

In making this recommendation, we have considered that during the Commonwealth it is incumbent upon America to defend our territory, and in case of an emergency, the sovereign nation will organize the necessary troops and our unavoidable duty will consist in merely cooperating in whatever measures may be taken.

The standing army proposed by your Committee will have police functions exclusively on land, on the sea and in the air, to maintain internal order, assure the stability of our government, and, chiefly, to protect the lives and property of foreigners, in order to avoid international conflicts resulting from disturbances within the country.

To secure the necessary cooperation, coordination, and efficiency of this police force it is necessary to unify and centralize the insular and municipal police under the Department of National Defense. A mandatory clause in our Constitution centralizing and unifying the entire police of the country is imperative if we desire to avoid serious obstacles such as are experienced even in the United States in their campaign against crime.

Assistant Attorney J. B. Keenan says: "While the principle exists in the Constitution, we have to face unforeseen contingencies. We have to face new circumstances. Great changes have taken place in the United States, changes of which the founders of the nation and framers of its laws did not even dream."

Mr. J. B. Ely, Governor of Massachusetts, said at a joint session of the Legislature of his State: "This situation is not peculiar to Massachusetts but is also felt in other States of the Union. The federal authorities have repeatedly stated the necessity of more adequate police protection and the granting of more ample powers to the federal police. This question has long been the subject of discussions, investigations and recommendations. I believe the moment has come when these discussions, experiments, investigations, and recommendations should crystallize into definite

action. The moment has come to organize the police force of Massachussets into a coordinate body, ready to be mobilized rapidly for effective action against crime."

The Hon. Florent E. Louwage of Brussels, ex-Vice-President of the International Police Commission of Europe said: "I say emphatically that the efforts to centralize police work in the United States and give the Federal police greater power are very desirable."

These are some of the many opinions of competent persons which corroborate the suggestions of your Committee.

The Committee considers that the other recommendations require no elucidation as they are self-explanatory; moreover, they are of the competency of other Committees.

(Sgd.) JOSE ALEJANDRINO
Chairman
Committee on National Defense

MR. VINZONS: Mr. President, I desire to make use of the half-hour privilege.

THE PRESIDENT: The gentleman has the floor.

DISCURSO DEL SR. VINZONS

MR. VINZONS: Mr. President and Gentlemen of the Convention: I wish to avail myself of the half-hour privilege granted to individual delegates this afternoon, partly in order to break the monotony of our long and tedious discussion on the increasing complexities of the Osias Resolution, and partly to extend to the Members of this Assembly my personal gratitude and that of the Filipino youth for my retention as a delegate to this Constitutional Convention.

In this respect, Mr. President, to those who would have wanted me ousted from this Convention I say in the words of William Pitt the Younger when he answered his critics because of his age: "If my only defect were time or youth I shall not mind criticism because it is a defect which time shall cure." My subject is "A Declaration of Rights of the Constitutional Convention." It may be rather presumptuous of me to take the floor and enumerate the rights that this Constitutional Convention has according to Constitutional Law. It would have been better, Mr. President, had older men, maturer in years and in experience, taken up the same subject on the floor because they are in a better position to realize that this Convention is imbued with great sovereign powers granted to it by the people and, therefore, the responsibility that rests on us should be greater. I am almost inclined to feel that I am not sufficiently capable to measure up to this burden when I realize that the Convention is vested with the power of formulating the fundamental law of the land, a law that shall govern the destiny of this nation in this decade and perhaps many years later.

I would want that this question of the scope of the powers of this Convention and their limitations be made clear for proper guidance in our work. A definition has been made, Mr. President, of the term "constitutional convention" by the distinguished Delegate from Capiz (Mr. Roxas). I wish to add that, according to well recognized authorities on Constitutional Law, a constitutional convention is supreme