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FOR RELEASE AFTERNOON PAPERS
Monday, May 15, 1939

CIVIL LIBERTIES AND THE CITIES

An Address

by

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Before the Joint Meeting of

THE UNITED STATES CONFERENCE OF MAYORS

and

THE NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS

at

The Empire Room

The Waldorf-Astoria

New York City

May 15, 1939

2:45 p.m. EDST

Broadcast over the Coast-to-Coast network of the Columbia
Broadcasting System.

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CIVIL LIBERTIES AND THE CITIES

Almost instinctively, my thoughts today go back to another Conference of Mayors - a smaller one than this, that met in circumstances far more desperate than any we see about us today.

It was 1932 and the nation had reached the depths of the Great Depression. In Detroit, where it was my fortune to be Mayor, the municipal resources had been virtually exhausted in an effort to protect the citizens from an economic collapse that had struck the city like a famine.

Probably the American nation had known no such sadness since the Civil War. I pray that the mayors of this country will never again have to foregather in a similar situation.

But looking back, it is an inspiring thought that we came through that ordeal without a single untoward incident of major proportions. We did so, I believe, primarily because even in the darkest hour, the devotion of the great mass of the people to the ideal of civil liberty did not falter.

I doubt that there has ever been more convincing proof that the people of a democracy can keep their civil liberties in the bad weather as well as the fair.

Having stood that acid test, we should not fear any other. Certainly we should not waver today when our condition is vastly better, even though far from what we know it can be.

This is a time to strengthen our civil liberties - to freshen our understanding of them and to redouble our efforts to extend them in full to every member of our democracy. This is a time to renew our determination

that civil liberty must be protected, with fine impartiality, without prejudice or favor, for everyone - from the poorest laborer to the wealthiest man in the land.

That is the American way. It is - this idea that liberty must be for all - the finest thing that America has given to civilization.

It is true that in material things our contribution has been vast and wonderful. To us and our fathers before us, mankind owes inventions by the score that have transformed the character of human living.

And justly we are proud of these achievements. Justly we erect a "World of Tomorrow" and a "Golden Gate Exposition", to demonstrate what we have achieved in years gone by and what we hope to achieve in years to come.

But recognizing the splendor of these accomplishments, and without detracting in the slightest from their significance, I venture to suggest that in our faith in the idea of individual liberty, we have given to the world something even finer, something more priceless, something so precious, in fact, that dollars cannot buy it.

It is an idea that men - some of them consciously and the vast majority unconsciously - have reached out for all through the ages, seeing in it the realization of their fondest hopes. But never did they see its actual fulfillment until a group of fugitives from Old World tyranny established that idea, like a jewel, in a framework of government, a pattern of social living, that we today call the American democracy.

In all our public discussions, I suppose there is no word we use more often than that term "democracy." It is fine that we do. I hope that in

untold ages to come the American people will still be using that word, and using it with the devotion that men give to their most priceless possession.

But I wonder sometimes if we do not too often use the word "democracy" without thinking what it means. I wonder if we have not become a little numb to the significance of the idea of individual liberty that is the secret of democracy. How often do we profess our faith in democracy and forget to associate it with the things in our own lives that are democracy?

What, exactly, is this idea of individual liberty? What do we mean when we talk about the beauty and the dignity of the human personality?

Why we mean that unknown fellow, mounted on his soap-box in the city street, speaking his piece about the way he thinks the country and the government ought to be run.

We mean that editor or author, writing as he pleases, condemning or commending the administration as his opinions dictate.

We mean that little group of Mennonites or Mormons or Quakers worshipping in their own churches in the way that their consciences tell them is right.

We mean the ordinary citizen expressing his frank opinions to his Mayor or Congressman or President, and getting consideration of them.

We mean the business man setting up shop for the kind of business and in the kind of community that he prefers, with nothing but the public welfare to say him nay.

We mean the workingman at liberty to choose his own occupation and to move when he pleases into another.

We mean the scientist free to search for truth, and the educator free to teach it, unhampered by the fear of some "super-man" who makes his

own truth and allows no competition.

These are ordinary things to a people that has done them pretty much without interruption for a century and a half.* They seem elementary and commonplace - so simple that it seems unnecessary to speak of them.

But actually they are not ordinary things. They are the hallmarks of civilization. They stand for the gracious way of living that humanity has always been groping for, through even the blackest nights of tyranny and barbarism that history has recorded.

Looking at it that way, you have a powerful, positive argument why we in America must cling to these things with all our strength, no matter how great the cost. In a very definite sense, we are trustees of civilization. We are guardians of the idea without which civilization is a hollow shell - the idea that every man, no matter how meek and humble and inconspicuous, shall have his place in the sun.

But if we want a stronger argument, there are many close at hand. They are negative arguments but they strike home with the force of a thunderbolt.

What exactly does it mean when a people gives up the idea that the individual's freedom to live his own life is, after all, the most priceless possession of any society?

It means the suppression of every one of the "simple, ordinary" things that we are so prone to take for granted.

It means for any man who presumes to speak unkindly of the powers that rule, a concentration camp at hard labor, or perhaps something worse.

It means a cringing, servile press that writes not as it pleases, but as some Great Man at Headquarters directs.

It means the suppression of religion or the steady, demoralizing persecution of those who refuse to embrace some barbaric creed that makes a god of an all-powerful state.

It means the ruthless conscription of industry and labor and business alike, all dancing like marionettes at the direction of the state, for the greater glory of a political doctrine that sees human beings only as nameless cogs in a great machine.

It means the debasement of science and education and the arts to the level of tools of an arrogant minority that happens to hold the key to the gun-room.

Worst of all, it means the enslavement of the human mind and spirit - a slavery that undermines self-respect and slowly destroys moral integrity.

There is no doubt in my mind that should the American people ever have to choose between these alternatives, they would make the right choice. I believe the habit of 150 years is bound to win over any momentary loss of direction.

But the unmistakable fact is that the seeds of barbarism have been sown among us, and there are those who would like to see them sprout and grow.

This is why I am speaking today about civil liberties and have often spoken about them in the past, even at the risk of appearing repetitious and needlessly insistent upon the obvious. For civil liberty is simply the idea that I have mentioned - the idea of human dignity - translated into actuality. And measurably as we safeguard civil liberty, we enrich human

dignity. Measurably as we make real to every member of our democracy the spirit of the Bill of Rights, we demonstrate that we are qualified to be the trustees of civilization.

I do not mean to exaggerate the danger. I do not mean to erect a straw man. I am eager only that we should be on guard against the tendencies and practices that corrode democracy and sap its strength.

These things do happen here. They happen every day.

About four months ago the Department of Justice established a new unit for the specific purpose of increasing the Federal government's ability to protect civil rights. Since that time we have received a steady deluge of letters complaining that civil liberties have been abridged.

Some of the complaints, of course, are unwarranted, but many are not. They indicate clearly that some public officials have used their power arbitrarily; that ordinances have been passed and invoked that are oppressive and unjust and violate common right; that citizens have been denied the right to express freely their opinions and to worship as they please; and that some have been prevented from petitioning their government for the redress of grievances.

We are a tolerant people; yet it has been estimated that some 800 organizations in the United States are carrying on definite anti-Jewish propaganda. All told, they claim in the neighborhood of six million followers - no doubt a considerable over-statement. But even if we reduce the figure by half or more, we face the fact that a large number of our people who subscribe to the philosophy that has reduced the Jews of Central Europe to a condition of misery seldom equalled in the world's history.

Almost daily we hear from one quarter or another the familiar suggestion that always accompanies periods of stress and uncertainty - the suggestion that we solve our problems by suppressing those whose talk is out of line with the majority, or by "taking steps" against some group that is supposed to be the source of our troubles.

It has been said before, and I believe should be said plainly many times again, that in the last analysis, the remedy for that kind of attitude lies in the people themselves. For that attitude will have a very slim chance of survival in the face of a public opinion that will have no traffic with it.

But it is not entirely a matter of public opinion. It is far from that.

Public opinion crystallizes slowly, and in times like this when there is so much that is confusing and misleading, the process is abnormally slow. And until public opinion does reach the point where it will not tolerate violation of civil liberties, there can and will be such violation - unless government takes a hand and refuses to permit it.

In a sense, the part that government can play is purely negative. But it would be a serious mistake to conclude that it is therefore of little significance. Let government play its part vigorously, and with a clear understanding of its responsibility, and it is bound to be a powerful bulwark of civil liberty, not only as an agency that imposes penalties but as an influence on public thinking.

Each of the states is equipped to protect civil liberties through its own constitution and bill of rights. The Fourteenth Amendment of the

Federal Constitution and the Federal Civil Rights statutes, all products of the Civil War, have enabled the Federal government to take a much more vigorous part than it could formerly under the Federal Bill of Rights alone. We believe the new Civil Liberties Unit of the Department of Justice will make that part more significant than ever before.

Today every dweller in our land, no matter how humble, can look to the State for defense of his liberties, and if that should fail, then to the Constitution and laws of the United States.

But it is an inescapable fact - and one that no one knows better than you mayors and municipal law officers - that the first battleground of civil liberties is the local communities. It is you gentlemen who man the front-line trenches. It is you who decide, in the first instance, whether to suppress the individual who criticizes the mayor or the President, or who wants to hire a hall, or who walks up and down the street with a sign on his back, or who spreads some alien doctrine in his newspaper, or who preaches some strange and unorthodox religion. You decide whether to silence him or let the democratic process run its course.

I have been a mayor myself, during three of the bitterest years that the American people have ever suffered. I know that this responsibility is often a heavy one. I know that sometimes the pressure to turn one's back on the democratic faith in civil liberty for all seems to be almost irresistible. In moments of great tension, well-meaning people, gripped by hysteria, are likely to insist that the "realistic" way to meet the threat of extremist philosophies is to deny to their advocates the liberty that they themselves, given the power, would take away from all others.

Superficially, it is an appealing argument. It seems to be a common-sense method of fighting fire with fire.

But it will quickly lose its appeal if we remember this simple truth: You do not and cannot strengthen or protect democracy by undermining it. And you begin to undermine democracy the moment you begin to draw the line and say that this or that person or group shall not have civil liberty. Draw the line against one group and it is an easy step to draw it against another and then another.

And every such step is another attack on the concept through which democracy functions - the concept that Justice Oliver Wendell Holmes spoke of as "free trade in ideas." Simply stated, that concept means that democracy gives a hearing to every idea. It gives every philosophy the opportunity to get itself accepted in the competition of the market. And ultimately - as our history shows - the true idea, the right policy comes out on top.

I do not mean to say that we should not be on guard against dangerous and extremist notions that get into the market place. We should and must be on guard, and not just some of the time, but all of the time.

We have criminal laws that protect us against violence and incitement to violence. We should be ready and able to use them.

We have legitimate methods of bringing propaganda groups into the open, and exposing their nature and their origin to the light of day. We ought to know not only what they preach but who their sponsors are and where they get their funds.

But as devotees of democracy, we cannot crush them and deny them a place in the market. We need not do this. We have no reason to fear their

competition. We have a better article to sell. And because we have a better article, we can do a better job of salesmanship - a job of salesmanship that will endure long after the terrorism and the coercion of the autocrats have been proved the futile methods that they are.

It may seem that I have stressed the evils that will come to us if we fail to meet our duty of preserving civil liberty.

But we do not owe it merely to ourselves. We owe it to the generation after ours and to unborn generations yet to come. And we owe it to the generations past that did fulfill their trusteeship.

Especially we owe it to that small band of inspired men who forged a state on a foundation of civil liberty out of the raw materials of a wilderness and a people who knew liberty mainly in their hopes and aspirations.

We owe it to Roger Williams whose courage was equal to his conviction that freedom of thought was not freedom of thought until it was shared by all. We owe it to men of the stamp of Patrick Henry and the noble Jefferson who fathered the Bill of Rights.

They fought to gain civil liberty, confident that those who followed, seeing its pricelessness, would never let it go. It is for us to prove ourselves worthy of that trust.