
Franklin D. Roosevelt — “The Great Communicator”
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**New York City, NY Midtown Merchants’
Association**

Radio Address to Midtown Merchants Association of New York
City, March 22, 1930

The Value of Arbitration

I am very glad to have the opportunity to address a young and vigorous association which has for one of its principal aims the promotion of the settlement of differences of opinion by negotiation and arbitration, both between

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their own members and between their members and their employees. I cannot speak for men in favor of adopting the new spirit of willingness to get together and adjust misunderstandings of all kinds by conference, by sitting around a table, rather than by an appeal to force, whether it be the strong arm of our military or the equally strong arm of our courts.

As we grow more and more civilized, we are learning to appreciate the stupidity of quarrelling, the futility of trying to force our opinions on others without an honest consideration of their point of view. There was a famous pamphlet issued once entitled "The Age of Reason." I think we are entering into that age, even though a century and a half has elapsed since the days of Tom Paine.

An association such as yours can do much towards advancing "reasonableness," not only in the commercial world but in all matters on which human beings differ in their opinions. In an address some time ago on the wisdom of our forefathers in founding this government on the principle of home rule, I emphasized the importance of increased respect for the needs and the opinions of the minority as well as the majority. The caveman knew no argument but his club, and I frankly confess that it is a reproach to our modern civilization to be compelled to admit that, in the face of all the vast progress we have made from cave days, we have not traveled very far by substituting the law court for the bludgeon.

I do not think the legal fraternity itself need look with apprehension on this growing realization that a lawsuit is not the best step towards the settlement of a dispute. We will always need those versed in our laws to give us the benefit of their knowledge in attempting to reach a fair decision as to our rights compared with other people's right in any matter. The practice of submitting questions to referees and to arbitrators has been recognized by the courts themselves. A knowledge of our legal rights in any question is an important thing, both to clear our minds as to the justice of our own cause and to enable us to point out to those with whom we differ the injustice of their demands. But for this purpose lawsuits are not a necessity, unless we adopt the attitude of insisting on getting what we want by force of arms, or by force of law, whether it is a just objective or not. I have urged, and am urging, the creation of a commission to study the simplification of legal procedure to make our litigation less costly, less uncertain, less cumbersome in its operation and less of it. If we must appeal to the courts, let us, at least, have such appeals equally available to the poor as to the rich. Let us not delay Justice by interminable and unnecessary red tape. Also there is nothing illogical in urging avoidance of legal proceedings altogether whenever possible. In the same way I have urged the increase and the improvement of our prisons. I have urged better machinery for the paroling of those sent to prison, but I find nothing inconsistent in also urging the extension, through probation, or through the education of our young, of everything which makes for greatly decreasing the need of prisons. An ounce of prevention is worth much more than a pound of cure. We are trying to prevent rather than to cure disease; we are trying to prevent rather than to cure crime, and your society is among those bodies which are trying to prevent, rather than cure, the too ready appeal to the judge rather than to common sense and a mutual desire to adjust our differences in a friendly spirit.

I want to appeal tonight, not so much to you as through you to everyone within reach of my voice, to stop and look at the other man's side of any of the great issues which confront our Nation today. Even if we are firmly convinced that there can be no reason or justice in any position but our own, should we not at least try earnestly to understand what the other man's position is in order that we can clearly show him the falseness of his argument? Must we stand continually, like so many Shylocks, demanding the last ounce of our pound of flesh because it is "so nominated in the bond?" What hope is there of solution for the great questions which are uppermost in the minds of all our people today if part of us insist on enforcing the unenforceable, and the rest of us strive to obtain the unobtainable? Take this great question of public utility regulation for instance.

I believe that the resources which nature has given us in the matter of power, to particularize, should be enjoyed by all the people as the gift of our Creator, and should not be made a matter of any kind of profit by anyone. That, in its ideal sense, represents, for the present, the unattainable. Some people, on the other hand, who think only in terms of large profits from utility corporations, hold that the strict letter of the law and the courts should be invoked on every occasion so as to get the greatest profits. They, unless I am vastly mistaken in the temper of the American people, take a position which will be unenforceable. In this as in most of the other important questions of the day there exists a situation where this great principle of willingness to get together and talk it over calmly, must be applied.

Life, it has been well said, is a succession of perpetual adjustments, and he lives most happily who is willing to adjust most cheerfully. "Fog-headed" has become, as it should be, a term of reproach. "Obstinacy" is not a flattering characteristic to apply to any person.

I look to your association to help spread this gospel. I count on your support in my efforts to simplify the law as well as to substitute friendly arbitration and, most of all, to help spread abroad the gospel of a reasonable understanding of the opinions of others and a realization that a mere majority does not justify oppression. The right of a great nation to bully a weaker power merely because it has battleships and armies is no longer considered sound doctrine. So, likewise, the tremendous power of the law and of the courts should never be used to oppress unjustly even if a strict interpretation allows such use. Let me plead that in all matters, large and small, when we find ourselves at variance with our fellowmen, we adopt those good old biblical exhortations: "Let us reason together" and "Thou shalt love thy neighbor as thyself."
