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Statement of s692, civil rights and FEPC, 1954.

STATEMENT ON S. 692

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THE TEMPLE  
Cleveland, Ohio

It is not my intention today, in accepting your invitation to testify on Senate Bill 692, to analyze the specific provision of the measure before you. I should prefer to comment on the compelling religious, moral and democratic principles that in my judgment underlie and validate proposals to eliminate discrimination in employment.

I should like to begin my testimony by referring to our experience in Cleveland, not primarily because we were among the first communities to enact this type of legislation, but because the history of its passage in Cleveland seems to me to have the highest significance in a consideration of F. E. P. legislation on the national level. In our city, as everywhere, the proposal to enact FEPC encountered bitter resistance. Indeed, in the months and, finally, years during which the legislation was debated, I am confident that every argument for or against FEPC that will be advanced before this committee was advanced before City Council. There is perhaps only one exception: whereas opponents of FEPC in Washington are likely to say "Leave it to local governments," in Cleveland they said, "This is a problem for the state and national governments." Otherwise, the whole gamut of fears and warnings and cautions was presented in detail.

But it was a new and unprecedented experience that, after all the controversy and all the arguments, on October 30, 1950, the proponents of FEPC and the erstwhile opponents, under the leadership of the Cleveland Chamber of Commerce, united in a joint appeal to City Council to pass the



proposed ordinance. This remarkable joint appeal, in my estimation, is an event of deeper significance than the subsequent and prompt passage of the legislation itself. Indeed, it has meaning beyond FEPC, and suggests the direction in which we must move as a people if we are to solve the tremendous national and international problems that impinge so sharply on us in these historic times.

For the merging of interests by two seemingly irreconcilable groups did not happen, as many thought, with astonishing and unplanned suddenness. What had happened was that both proponents and opponents had the courage and flexibility to sit down together, not in an atmosphere of hostility or to indulge in meaningless generalities, but in frank assessment of differing points of view as to methods of resolving a problem which both sides recognized: that discrimination in employment existed and could not indefinitely be tolerated. Once agreement was reached that a problem existed and must be dealt with, differences as to methods did not prove too difficult of solution.

Representatives of business demonstrated that they were not so rigidly committed to their own interests that they were unable to accept enforcement provisions which they had traditionally opposed. Proponents - largely from religious, minority and labor groups - proved that they were capable of modifying their requests without sacrifice of principle in the light of a clearer understanding of business viewpoints.

What I should like to stress here is that both groups exemplified a high degree of statesmanship. The result has been that what loomed so menacing before the passage of F. E. P. C. - industrial strife, harm to business interests, clashes between white and colored workers, vague and



formless fears of all descriptions - turned out in practice to be only formless fears. The Community Relations Board has been free to concentrate on the real issue - the denial of equality of opportunity in employment.

This statesmanship is perhaps best reflected in a significant letter addressed on April 16, 1951 to the committee of the Ohio Legislature considering FEP legislation. It was written by James L. Myers, then president of the Cleveland Chamber of Commerce and the Cleveland Graphite Bronze Company, a major local industry. Mr. Myers wrote:

"As an industrialist, I have had an unusual opportunity to observe and participate in various aspects of Cleveland's experience in coping with employment discrimination.

And as an executive of one of Cleveland's large manufacturing concerns, I have seen at first hand the integration of all population groups take place in office and factory with a minimum of hostility in the early stages, and that rapidly disappearing in every instance.

It is from these vantage points that I have formed my opinion that fair employment practice legislation, having adequate and soundly administered enforcement provisions, is the best means whereby we can modify, and eventually eliminate, the blights of job discrimination based on race, creed, color, or national origin."

Mr. Myers is in this letter reminding us of our great American tradition of boldness in experimentation and ability to adjust to change. It is a tradition that has served us remarkably well in the fields of science and technology, where we have led the world. In these areas we have always



been bold and imaginative and resourceful.

The great challenge to us as a people is to apply our boldness and resourcefulness in the crucial area of human relationships. It is a challenge which was nobly met only recently by our President in his speech to the United Nations on the use of atomic energy for peaceful purposes. We should not fail to meet the challenge of a disruptive racial antagonism when it confronts us here at home.

It is against this background that I should like to assess briefly the gains which I believe will accrue to us as a nation through enactment of FEP legislation.

First, and most obvious, it will constitute a valuable asset to our people in eliminating discrimination in employment on the basis of color, creed, or religion. Even in so progressive a state as Ohio, the record shows that, before passage of any FEP ordinances in the state, 23.7% of all job openings which came to the attention of the Ohio State Employment Service were "white only." (As reported by the Community Relations Board of Cleveland, October, 1947.) The figure is unquestionably higher in the case of non-public employment agencies and certainly not lower, it seems safe to say, in other sections of the country.

We have prided ourselves on our doctrine of "free enterprise." How much free enterprise is there for an American citizen of dark color - or of minority religions - if his advancement is restricted, or made impossible, by his race or creed? Is it not fair to say that individual enterprise can only be made truly free when every man's achievement is limited only by his own ability and merit?

This is precisely the goal that FEP sets for itself. The record is



clear that in states and cities which have passed this legislation, new fields of employment are opened to such Americans. Sometimes the breaking of barriers occurs immediately on enactment, and often without resort to the procedures under the statute, for most Americans are law-abiding and change their practices in accordance with legislative action. This record is open for all to see - and can be measured and evaluated in the reports of the various state and city commissions.

What cannot be as precisely measured is the unmeasurable hope and sense of status that the mere passage of such legislation brings to millions of our fellow Americans. A remarkable testimonial to this effect came unexpectedly during the course of testimony on the extent of Communism before the Ohio Un-American Activities Committee. A former Communist party member testified on January 22, 1952, that the formation of the Cleveland Community Relations Board "took the steam out of the Communist Party's program to entice Negroes into its ranks." The witness stated further that "the Communist campaign among Negroes in Cuyahoga County was left high and dry" by establishment of the Board.

In such testimony one can sense the renewed hope and faith in democracy that surged through whole sections of our community when the Council affirmed its faith in and commitment to fair play by enacting the legislation.

Here lies the second potential boon of FEPC - the strengthening of our unity as a people. It is of the essence of Americanism that we are unafraid of frank controversy on all manner of social, economic and political questions. But there is a type of controversy that is fruitless and destructive - the controversy that pits race against race and religion



against religion in matters of earning a livelihood. The real issues and problems confronting us are so grave that we dare not squander our strength on such internecine disputes. In the last analysis there are only two ways to answer the increasingly articulate demand for full rights by racial and minority groups: there is the way of segregation and oppression and there is the way of equality of opportunity. The first is a direction which leads to conflict and violence. The second leads to harmony and a united people. It is my belief that FEP legislation represents a significant step in this second, constructive direction.

The third major basis for urging enactment of the legislation before you is the contribution which it can make to strengthen our political and moral leadership on the international scene. I had occasion recently to express my belief that the coming age will be a great age for America. I stated:

"The next hundred years is likely to be known as the American Century, in the same sense as the 19th century was The Century of Great Britain. Destiny has singled out our beloved country, the foremost democracy on earth, to give leadership to the world and to lead mankind out of the grave, social, political and economic predicaments in which it finds itself. I believe that American leadership will prove itself equal to the challenge, if it will take counsel of faith and not of fear, and if it will be guided by the prophetic insights and the wide perspectives of the Founding Fathers of this Republic."

Such leadership does not derive from industrial and military alone, vital as these are. It stems from faith which the world has in the integrity



of our ideals and our devotion to the principles of human equality. We have heard much discussion concerning the value of the Voice of America; I am confident that with enactment of a federal FEP measure, the true voice of America will speak with an authority and persuasiveness no broadcast or series of broadcasts can hope to achieve.

We can no longer afford the luxury of ambiguity on the subject of intergroup relations. It is far too late to speak the words "All men are created equal" and to sanction deeds of inequality. We cannot hope to win the cooperation of peoples who are today casting off the last shackles of inequality abroad if we tolerate this sort of thing at home. We can, through the enactment of FEP, help close the gap between what we profess and what we practice. Almost six years ago, Mr. John Foster Dulles in urging the passage of a bill similar to the one before us today, said: "We should do that because it is the right thing to do. Also we should do it as a matter of national expedience because our position in the world will be greatly improved if it is realized that we are seriously at work to erase what today is the worst blot on our national escutcheon." The events of the last few years have underscored the truth of his far-sighted admonition.

Against these arguments for FEP - and many others could be adduced - what are the objections?

The objections are, it seems to me, four in number. We are told, first, that you cannot legislate against prejudice. I quite agree. It is, however, altogether possible to legislate against discrimination, which is an overt act. The distinction has been well put: You cannot, by legislation, make a man love his wife; you can, by legislation, discourage him from beating her. An effective means of getting at prejudice



is to minimize discrimination.

We are told, second, that education is the answer, not legislation. The basic trouble with this contention is that it implies that education and legislation are opposites, whereas legislation too is a powerful educator. Our traffic laws constitute a most effective means of education for safety. Education alone, without legislative support, in such areas is a weak device indeed.

As far as FEP is concerned, Cleveland provides perhaps the most definitive demonstration that education cannot alone accomplish the desired goal. For a period of a year before passage of our ordinance, the Chamber of Commerce sponsored a Voluntary Plan in lieu of legislation, a plan distinguished for its sincerity and vigor. Nevertheless, as I have already indicated, the Chamber finally joined in an appeal for legislation. Here again, the views of Mr. Myers are noteworthy:

"The distinction between so-called "educational" measures and those with enforcement provisions is in my judgment unreal. The central emphasis of FEP laws with enforcement provisions is education but it is supported by the necessary means for regular and orderly procedures for dealing with the relatively few cases which may arise in which cooperation is not forthcoming. It can be fairly said from our local experience that the presence of enforcement sanctions encourages cooperative action among employers, labor unions, and employment agencies leading to the elimination of discrimination in employment."

Third, we are told that passage of the legislation would interfere with the employer's right to hire whom he pleases. To the extent that this



fear implies that quotas of given groups - Negroes, Jews, Italians, Catholics - will be hired, the contention is false. FEPC forbids quotas. If the fear means that the test of who shall be hired as tool-maker or plumber or bookkeeper shall be related only to ability and not to creed or color, the fear is well grounded. But who fears the test of ability - except the incapable or the prejudiced? Certainly the fears seem not to be shared by employers who have had actual experience under FEP. There is no record of opposition from them - an opposition which would certainly have been expressed most articulately had the right to hire been impaired. The record points rather in the other direction. In the Congressional Record of February 23, 1948, there is an impressive list of many of our best known industrialists, or record urging enactment of a federal FEP.

Finally, terrifying prospects are painted as to what might happen in the South were this bill to pass. I have too much confidence in our country's devotion to democracy and to good economic sense - South as well as North - to accept these horror stories at face value. Almost a decade ago a searching study of racial attitudes by Gunnar Myrdal, distinguished sociologist, revealed that of the various racial fears by southern whites, the fear of economic equality was least tenaciously held. Contrariwise, of all hopes of southern Negroes, the hope for economic equality was most prized. Certainly, here there would seem to be the basis for beginning the necessary task of reconciliation and adjustment between these two sections of our southern community.

In conclusion, then, the case for the legislation before you seems impressive. It is urged by the welfare of our citizens, by the promises



inherent in our way of life, by the logic of our position of world leadership. It has met the test of years of experience on the state and city level and has proved feasible and effective. It is strongly urged by the three major religious faiths in our country in unequivocal terms as a practical application of the principles of the Fatherhood of God and the Brotherhood of Man. It has the support of outstanding leaders of both political parties and of representatives of every phase of our national life.

The case against FEP legislation is largely the result of vague and inchoate fears which arise at any prospect of social change. We cannot be guided in these dynamic and historic times by unreasoning fears - or by an unwillingness to face reality. Nor can we permit the noble promises of equality for all men, made by our Founding Fathers, to remain indefinitely unfulfilled.

We are living in a great age; calling for great and generous deeds. I earnestly hope that the Congress will see fit to take a great and wise step forward by the enactment of FEP legislation.