

ADDRESS

by

Assistant Attorney General Robert H. Jackson

to

Swedish Chamber of Commerce
of the United States

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Hotel Roosevelt

New York

Gentlemen of the Swedish Chamber of Commerce of the U.S.A.:

The pleasure and honor of speaking to you is the more appreciated because the invitation to be your guest today is symbolic of the friendliness and hospitality I have ever received from Swedish people on both sides of the Atlantic. I have known them as good citizens and good neighbors in my own country, but not until official business took me to their native land did I appreciate the Scandanavian heritage of culture and of statesmanship, or fully comprehend the experiments those countries are now making in political and social science.

It would be unwarranted presumption for me, after a few weeks' visit in Sweden, to attempt to tell you, who know the country much better than I, about conditions there. It cannot be presumptuous, however, to tell you how those things impressed me. I began with a fair knowledge of the Swedish people and their activities in this country and with my own ancestry so long rooted in America that I have neither racial pride in, nor racial prejudice against, any European State. Regarding my own land as the center of the universe and looking at all others with a view to what they can contribute to a well-ordered life in America, I found Sweden a country from which we have much to learn.

Not all that we admire in the economic and governmental life of Sweden can be applied to our own United States. It has a population slightly over six million as against our hundred and twenty million. They are located in a compact land, while

ours are spread over the width of a continent and with greater diversity of climate and condition. Sweden has been spared the vexatious problem of big city government which foreign observers have often pointed out as the weakest link in our governmental chain. The size of Sweden's largest city, Stockholm, being about one-tenth the size of the city in which we are gathered, and her next largest city being only about one-half of that, Sweden has not faced the problem of dealing with concentrated masses of people to the extent that we have. Moreover, generally speaking, her population is all Swedish with a common language, a more or less common cultural background, racial inheritance and outlook. This means a great deal in formulating a foreign policy, in labor relations, and in any long-range planning of national life.

It has often seemed to me that in America we are the victims of our own civilization. It is hard to tell whether we drive our machines or whether our machines drive us. As I have seen people who have spent a life of strife in order to own things, it has appeared that they have become the victims rather than masters of their possessions. The machine, as we have developed it, is a hard companion in daily life and the terrific pace of competition and the "mania of owning things" leave their marks on our characters.

In this respect it seemed to me that the Swedish people had mastered civilization and had attained a well-balanced and well-poised life that contrasted in some respects very favorably

with our own. It seemed to me that the spirit of civilization had risen above the mechanics of civilization in that country rather better than in my own.

It may sound paradoxical to say that this seemed to me to be largely due to the very practical attitude which the Swedish people take toward their problems. It is impossible for one whose observations was neither extensive nor general to speak with too much confidence, but it seemed to me that their political life was less influenced by slogans, which are never more than half truths, and by epithets, which are seldom even that, than is our own.

Sweden has an act of constitution for which their people have great respect. But they regard it as a means to an efficient and successful government rather than as an end in itself. We have just read the decision of the New York State Court of Appeals with great satisfaction, because in a clear-cut opinion by Judge Crouch, it held that our Constitution does not prevent the Government from abolishing the slums. While we feel great satisfaction with that opinion, it is probable that we are the only nation in the world where that subject is still debatable, and I doubt if in any other of the great countries of the world there is any considerable section of the population who would seriously urge that any ancient law should be permitted to make the slums permanent. It seems almost a sign of immaturity that we still debate before legal tribunals a question as elemental as whether good housing is a concern of the state.

In dealing with such public matters, the Swedish people have an unusual degree of poise. A long history of peace is a tribute to the stability of their convictions and the inability of minorities to rush them into dangerous commitments. Living much closer to the source of infection than we do, I was unable to detect any great excitement about Communism or about Fascism. Anyone was free to advocate either, neither had attracted any very great support, and neither was regarded as criminal or unpatriotic. There were no hysterical anti-red campaigns, and, so far as I could see, the practical Swedes refused to call a man Communistic just because he might favor good housing, or a Fascist just because he might favor a strong police force.

The Swedish state is a sovereign state. Its sovereignty over business and economic life is undisputed and undivided. We have a peculiar form of government not well understood by those not brought up in our tradition and not always understood by those who are. Each of us is a citizen of two governments as though he were a subject of two kings. In the forenoon we may be engaged in activities in which our state government is sovereign, and in the afternoon we may be engaged in activities over which the Federal Government is sovereign, and a good deal of the time engaged in activities over which we do not know who is sovereign. It is this uncertainty which leads to many constitutional conflicts in our courts. The result of this divided sovereignty is that each government is a much limited govern-

ment. Theoretically, the several states have reserved great powers over economic life, but practically, modern business has expanded beyond their control. While many of the problems of economic life have become national in their capacity to produce disaster and in their effects, yet the sovereignty of the national government has not been expanded to control them. Therefore, vast problems hover over us and over our economic life in a sort of no man's land which the Federal Government cannot reach because of legal limitations, and the states cannot reach because of territorial limitations. I think this is the most difficult of all the perplexing developments of our economic life to explain to the European. In fact it is becoming more difficult to explain it to ourselves satisfactorily.

Sweden with its undivided and unlimited sovereignty, therefore, has a much greater influence on the business structure and a greater ability to control private enterprise for the general good. Private industry thrives in Sweden, but it certainly does not dominate the nation to the extent that it does here. The Riksbank would appear to have much more control of finance, credit and currency problems than any governmental institution has in this country. The state has a larger influence in determining labor policies. Its share in the ownership and control of transportation is vastly greater, as is its control over communications by telegraph, telephone and radio. The power resources of the country have been developed

by the Royal Board of Waterfalls somewhat along the lines pursued by our Tennessee Valley Authority, but private electric companies have also developed water power resources. I did not get the impression that Sweden is an impossible or even a difficult place in which to engage in private enterprise, but I did gain the impression that big business in Sweden is subordinate to the general welfare, represented in government, to a much greater extent than in this country.

The Swedish legal system, in which, of course, I am interested by profession, has developed along very substantially different lines than our own. Under our system a very large part of the law which governs your daily life, your rights as against other men, your liabilities, and your property, are laws found only in the decisions of judges. They have not been enacted by legislation. Sweden has developed far less judge-made law and has relied to a much greater extent upon laws made by the legislatures. Each system has its advantages. We, in America, are profoundly dissatisfied with the cost, the delay, and the technicality in which our litigation is involved. I found the Swedish people also dissatisfied with theirs. Observations would have to be more extended than mine to form much judgment of the merits of the dissatisfaction, but to an American lawyer, it appeared that criminal justice was more swift and certain there than here. A criminal does not have the dice loaded in his favor in Sweden as he certainly does in the United States. Those who offended against the laws governing conduct of corporations, I had reason to know, were promptly and surely

punished. One of the questions I was several times asked was why the United States spent so much time and money chasing Samuel Insull up and down Europe and then didn't do anything with him. To one who does not understand our system that is hard to explain. After you explain it they wonder why we boast so much of our system. Sweden, in common with all other European countries, I have found to have a grossly distorted idea of gangster America. This is due to sensational publicity and to some extent to the moving picture. Most of you have lived in America for years without ever seeing a gangster or a sample of gang warfare. By the time our stories reach Europe, however, the relative importance that they assume in the news from America is such that it is no exaggeration to say that many Europeans regard our highways as dangerous, expect a shooting to be a part of one's daily life, and would be disappointed if they didn't meet a gangster by breakfast time in any of our large cities. We owe it to ourselves to correct this impression, which I noticed more now than on any previous visit to Europe.

It is not necessary for me to discuss with you the great movements which have been a part of recent Swedish life such as the movement for cooperative buying, the labor movement, the temperance movement, and the movement for popular education. You, who are familiar with the affairs of both countries, have probably already been impressed with the fact that Sweden undertakes these great movements with relatively little bitterness

and disorder and with a certain temperance about discussion and action that is quite absent here. Her labor problem has not, of course, been complicated by the importation of alien labor. Her temperance reform was an example of self-restraint in the matter of reform legislation.

One of the most lasting impressions of Sweden is that the very richest and the very poorest of her people are not separated by so enormous a gulf as are our own. There is certainly much less offensive display of wealth. On the other hand, there is less display of poverty. It is no exaggeration to say that you will seldom see anyone in Sweden to be sorry for. Its social security legislation certainly impresses the visitor as having been very effective in depriving unemployment of its menace and old age of its forlorn helplessness.

Sweden has given a remarkable account of herself in the depression, and I, for one, am prepared to believe that it is due in no small measure to the fact that the government had greater control, in the interests of the general welfare, over the economic life of the Swedish people than we permit here under our dual constitutional system. Bank failures were unknown. Savings were not lost. If employment lagged, the unemployed were able to live and even their buying power was not wholly destroyed. Sweden made no delay about going off the gold standard in deference to slogans, but promptly did the practical thing. The country did not have to wait two years for court decisions to know whether the gold standard had or had not been abandoned as a matter of law, with attendant con-

fusion and uncertainty. Throughout the depression, Swedish statesmen were able to move with sure step and her recovery has been prompt and phenomenal.

Sweden affords an example among the nations in having a foreign policy dedicated to one end only -- the maintenance of the peace. For a hundred years she has not gone to war. We, ourselves, are a war-like people compared with Sweden, which has maintained a century of peace, although fronting on the war-vexed shores of the Baltic Sea and only four hours by boat to the Continent of Europe. It may be Christianity, it may be philanthropy and then again it may be just plain Swede common sense. But the world ought to be profoundly grateful for the example, whatever the motive.

Sweden has ceased to send many of her people to us.

While the limitation on emigration to the United States may have some influence, a recent authoritative work on Swedish conditions points out that while once the United States offered opportunities "perhaps risky but still almost unlimited, to the strong and daring man favored by fortune" it concludes that "these possibilities have, however, greatly diminished" and says "the United States no longer exerts the same fascinating attraction on our people. Although the journey is no longer attended by risks and inconveniences, and although most Swedes probably have relatives and friends to assist them over there, the stream of emigrants has appreciably diminished during the last few decades. Both social and economic conditions at home have apparently changed in a way that has considerably diminished

the attraction of America."

I hope this will not continue. America's challenge to the daring, her promise to the disadvantaged of all lands, her position as a haven of refuge from the storms of European affairs, her courage to lead in the great experiments of free government, have been her glory. There are those who are determined that the promise of America shall not be broken, and that her glory shall not depart. To them Sweden is an inspiration and an encouragement.