

"A Passionate Chant of Human Freedom"

Think of Thomas Jefferson and you think of the Declaration of Independence. This is a particularly appropriate time for a study of that great document. The late Moses Coit Tyler wrote an essay on the Declaration of Independence, and that essay should be read by every American citizen. Mr. Tyler pointed out that what we call criticism is "not the only valid test of the genuineness and worth of any piece of writing of great practical interest to mankind." He said that there is also "the test of actual use and service in the world, in direct contact with the common sense and the moral sense of large masses of men under various conditions and for a long period. No writing which is not essentially sound and true has ever survived this test."

"Made the Colonies all Alive"

Mr. Tyler pointed out that from this test the Declaration of Independence "need not shrink." "Probably no public paper," said Mr. Tyler, "ever more perfectly satisfied the immediate purpose for which it was set forth. From one end of the country to the other, and as fast as it could be spread among the people, it was greeted in public and private with every demonstration of approval and delight. To a marvelous degree it quickened the friends of the revolution for their great task. 'This declaration,' wrote one of the signers but a few days after it had been proclaimed, 'has had a glorious effect—has made these colonies all alive.' 'With the independency of the American states,' said another political leader a few weeks later, 'a new era in politics has commenced. Every consideration respecting the propriety or impropriety of a separation from Britain is now entirely out of the question. * * * Our future happiness or misery, therefore, as a people, will depend entirely upon ourselves.' Six years afterward, in a review of the whole struggle, a great American scholar expressed his sense of the relation of this document to it by saying that 'into the monumental act of independence,' Jefferson had 'poured the soul of the continent.'"

The Temptation to Forget

Mr. Tyler then proceeded to show that the influence of this state paper on the political character and conduct of the American people since the close of the revolution has been great beyond all calculation. He said:

"For example, after we had achieved our own national deliverance, and had advanced into that enormous and somewhat corrupting material prosperity which followed the adoption of the constitution, the development of the cotton interests, and the expansion of the republic into a trans-continental power, we fell, as is now most apparent, under an appalling national temptation—the temptation to forget, or to repudiate, or to refuse to apply to the case of our human brethren in bondage, the very principles which we ourselves had once proclaimed as the basis of every rightful government, and as the ultimate source of our own claim to an untrammelled national life.

The Dignity of Human Nature

"The prodigious service rendered to us in this awful moral emergency by the Declaration of Independence was, that in its public repetition at least once every year in the hearing of vast throngs of the American people, in a form of almost religious sanctity, those few great ideas as to the dignity of human nature, and the sacredness of personality, and the indestructible rights of man as mere man, with which we had so gloriously identified the beginnings of our national existence, and upon which we had proceeded to erect all our political institutions both for the nation and for the states. It did, indeed, at last become very hard for us to listen each year to the preamble of the Declaration of Independence, and still to remain the owners and users and catchers of slaves; still harder, to accept the doctrine that the righteousness and prosperity of slavery was to be taken as the dominant policy of the nation. The logic of Calhoun was as flawless as usual, when he concluded that the chief obstruction in the way of his system was the preamble of the Declaration of Independence. Had it not been for the inviolable sacredness given by it to those sweeping aphorisms about the natural rights of man, it may be doubted whether, under the vast practical inducements involved, Calhoun might not have succeeded in winning over an immense majority of the American people to the sup-

port of his compact and plausible scheme for making slavery the basis of the republic. It was the preamble of the Declaration of Independence which elected Lincoln, which sent forth the emancipation proclamation, which gave victory to Grant, which ratified the thirteenth amendment.

Spiritual Springs of National Character

"Moreover, we can not doubt that the permanent effects of the great Declaration on the political and even the ethical ideals of the American people are wider and deeper than can be measured by our experience in grappling with any single political problem; for they touch all the spiritual springs of American national character, and they create, for us and for all human beings, a new standard of political justice and a new principle in the science of government." Mr. Tyler called attention to the fact that among all civilized peoples the one American document best known is the Declaration of Independence and that thus the spectacle of so vast and magnificent a political success has been everywhere associated with the assertion of the natural rights of man.

Classic Statement of Political Truths

"The doctrines it contained," says Buckle, "were not merely welcomed by a majority of the French nation, but even the government itself was unable to withstand the general feeling. Its effect in hastening the approach of the French revolution * * * was indeed most remarkable." Elsewhere also in many lands, among many peoples, it has been appealed to again and again as an inspiration for political courage, as a model for political conduct; and if, as the brilliant English historian just cited has affirmed, "that noble declaration * * * ought to be hung up in the nursery of every king, and blazoned on the porch of every royal palace," it is because it has become the classic statement of political truths which must at last abolish kings altogether, or else teach them to identify their existence with the dignity and happiness of human nature."

Literary Character of a Great State Paper

Dealing with the literary character of this great state paper, Mr. Tyler gave a most beautiful description of that to which he refers as "a stately and a passionate chant of human freedom." Mr. Tyler said: "Had the Declaration of Independence been, what many a revolutionary state paper is, a clumsy, verbose, and vaporizing production, not even the robust literary taste and the all-forgiving patriotism of the American people could have endured the weariness, the nausea, of hearing its repetition in ten thousand different places, at least once every year for so long a period. Nothing which has not supreme literary merit has ever triumphantly endured such an ordeal, or ever been subjected to it.

The Declaration's Persistent Fascination

"No man can adequately explain the persistent fascination which this state paper has had, and which it still has, for the American people, or its undiminished power over them, without taking into account its extraordinary literary merits; its possession of the witchery of true substance wedded to perfect form; its massiveness and incisiveness of thought; its art in the marshaling of the topics with which it deals; its symmetry, its energy, the definiteness and limpidity of its statements; its exquisite diction—at once terse, musical and electrical; and as an essential part of this literary outfit, many of those spiritual notes which can attract and enthrall our hearts—veneration for God, veneration for man, veneration for principle, respect for public opinion, moral earnestness, moral courage, optimism, a stately and noble pathos—finally, self-sacrificing devotion to a cause so great as to be herein identified with the happiness, not of one people only, but of human nature itself.

The Most Pathetic Utterance of Any Age

"Upon the whole, this is the most commanding and the most pathetic utterance, in any age, in any language, of national grievances and of national purposes; having a Demosthenic momentum of thought, and a fervor of emotional appeal such as Tyrtaeus might have put into his war-songs. Indeed, the Declaration of Inde-

pendence is a kind of war-song; it is a stately and a passionate chant of human freedom; it is a prose lyric of civil and military heroism. We may be altogether sure that no genuine development of literary taste among the American people in any period of our future history can result in serious misfortune to this particular specimen of American literature."

CONGRESS AND THE INCOME TAX

Louisville, Ky., April 4, 1910.—Editor of The Commoner: The enclosed correspondence explains itself. You may think it worth while to publish same.

Very truly,
W. B. FLEMING.

Macon, Mo., January 8, 1910.—Mr. W. B. Fleming, Louisville, Ky.—Under date December 13, 1909 in Commoner you wrote: "For 100 years it has been held by United States supreme court that congress has power to levy an income tax." Would you please cite the United States supreme court reports where I may find such decisions? Yours

WEB M. RUBEY.

Louisville, Ky., January 14, 1910.—Mr. Web M. Rubey, Attorney, Macon, Mo.—Dear Sir: Replying to your letter under date of January 8 in which you refer to an article of mine which appeared in The Commoner wherein I stated that for one hundred years it had been held by the United States supreme court that congress has power to levy an income tax, and in which you ask for reference to the United States supreme reports which justify this statement, I have to state as follows:

The question of the right of congress to levy an income tax is dependent upon the question of whether such tax is direct or indirect. If it is a direct tax, the levy of such a tax by congress in the manner in which the income taxes have been levied is unconstitutional.

The question of what is meant by direct taxes within the meaning of the constitution was decided by the supreme court in the early case of Hilton vs. U. S. 3 Dallas 171. By act of June 5, 1794, congress undertook to levy a tax on carriages, and this act was attacked as unconstitutional upon the ground that it was a direct tax, but the court sustained the tax upon the ground that direct taxes within the meaning of the constitution was only "capitation and land taxes."

This decision was followed in Pacific Insurance Co. vs. Soule 7 Wallace 433; Scholey vs. Rew; Springer vs. U. S. 102 U. S. Reports, 586, (in which the question of an income tax was directly in issue) and in a number of other cases.

This construction was considered so well settled that it was adopted by all the leading writers on constitutional law. See First Kent Com. 254; First Story Constitutional Law 955; Cooley on Constitutional Limitations 509; Miller on the Constitution 237; Pomeroy's Constitutional Law Sec. 281 and Burroughs on Taxation page 502.

In the case of Pollock vs. Farmers Loan and Trust company, 157 U. S., in which the supreme court reversed itself, Justices White and Harlan in their dissenting opinion state that the result of the decision of the majority of the court in that case, overthrows an unbroken line of decisions in the construction that had been placed upon the constitution by all the departments of the government, including the judiciary, for one hundred years; a construction so uniform that it had become imbedded in our jurisprudence as a part of the constitution itself.

Beginning with the act of congress August 5, 1861 and ending with that of July 14, 1870, there were some nine acts levying an income tax, none of which were ever declared unconstitutional.

My recollection is that the decisions of the supreme court had always been unanimous up to the last decision, which held the income tax unconstitutional, and in this last decision the court divided with a bare majority holding the act to be unconstitutional.

You will find most of the cases on this subject referred to in the arguments of counsel and in the opinion of the judges in the case of Pollock vs. Farmers Loan and Trust company, referred to above.

Very truly yours,
W. B. FLEMING.

All new and renewal subscribers to The Commoner during the month of April will receive a year's subscription to the national farm paper, the American Homestead, without additional charge. Give your friends an opportunity to join you in accepting this offer.