

The Commoner.

WILLIAM J. BRYAN, EDITOR AND PROPRIETOR

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"Thou Shalt Not Steal"

Editor The Commoner: Will The Commoner kindly reprint in its valued columns, the speech Mr. Bryan made a few years ago at Carnegie hall, New York City, entitled "Thou Shalt Not Steal?" The best and most useful instructions in The Commoner are Mr. Bryan's editorials and speeches. Trusting I am not presuming on your good graces, I am, Respectfully,

ELMER G. WINDELS.

Brooklyn, New York.

Under the auspices of the Civic Forum, Carnegie Hall, New York, on the evening of February 4, 1908, Mr. Bryan delivered an address entitled "Thou shalt not steal." The address follows:

I appreciate the opportunity which the Civic Forum has given me of presenting in this great center of trade and finance a subject which however hackneyed it may seem, still forces itself upon us, namely—the subject of larceny. The commandment "Thou shalt not steal" presents as clearly as it can be presented a moral truth that may be classed among the self-evident truths. The greatest service that one can render a truth is to state it so plainly that it can be understood. I do not mean that any truth can be stated so plainly that it will not be denied by those who find it to their interest to deny it. I believe that it was Lord Macaulay who said that eloquent and learned men could be found to dispute the law of gravitation if any pecuniary advantage were to be gained by it. What I mean to say is, that a truth can be stated so plainly that those who desire to see it, can see it, and that when it is seen, it needs no defense. If, for instance, you may say to a man that it is wrong to steal and he replies, "Oh, I don't know about that," don't argue with him, search him and you will probably find the reason in his pocket.

I have not selected this subject with any intention of presenting an argument against stealing. I am going to assume that those who listen to me agree that the commandment should be obeyed. It is my purpose rather to make some applications of the commandment to present conditions, for I am satisfied that many are guilty without really being conscious of disobedience to the commandment or of committing a wrong.

To steal or to commit larceny may be defined as the wrongful taking of another's property. Law writers have divided larceny into two classes—petit larceny and grand larceny, the former term being used when the property stolen is of little value and the latter when the value is greater. There is a tendency in modern times to divide grand larceny into two classes, so that now we are inclined to think larceny as petit larceny, grand larceny and glorious larceny. By glorious larceny I do not refer

to the policy which nations have indulged in of taking the property of other nations by force—an act that is sometimes described as not only innocent but even patriotic; I refer rather to that tendency quite discernible at the present day to regard stealing upon a large scale as less reprehensible than stealing upon a small scale. If a man picks your pocket or enters your house in the dark or accosts you upon the highway and takes from you a few dollars, you regard him as a vulgar thief. No one can have respect for such a person, and the punishments of the law are in such cases swift and sure if the offender is caught. Even in the case of grand larceny if the amount taken is not very great, the thief finds it difficult to escape, for he has no influential friends and he cannot hire skillful lawyers to present technicalities in his defense. If, however, he steals a large sum, it becomes quite a different matter, and the sum may be so large that we overlook the man's rascality in our amazement at the genius which he has displayed. As a rule, the man who steals a million dollars has a better chance of escape than the man who steals a thousand. So true is this that it has been suggested that we amend the commandment to read, "Thou shalt not steal upon a small scale." Judge Jere Black, the celebrated Pennsylvania lawyer, in his argument in the Credit Mobilier case quoted a man of affairs as saying that to rob an individual was criminal, to rob a corporation was reprehensible, to rob a municipality was a matter of doubtful morality, to rob a state was meritorious—but to rob the United States was the highest achievement of human virtue. We should attempt to cultivate a public opinion which will remove the distinction between grand larceny and glorious larceny and insure the enforcement of the criminal law against all offenders alike, regardless of the amount stolen and regardless of the social, business or political position of the thief.

But my object tonight is rather to draw your attention to the various ways in which larceny may be committed. There is a distinction that can be drawn between direct and indirect larceny; that is, between the one who does the stealing himself and the one who does it through another, and this is a larger subject than at first appears, for those who produce conditions which result in such gross injustice that the victims of the injustice are driven to destitution, to despair, to desperation and finally to theft—those who produce these conditions are not entirely guiltless. But the discussion of this subject would lead us into sociology, and I want to confine myself to criminology.

For the purposes of this discussion let us divide larceny into two classes—larceny in violation of the law and larceny through the operation of law. While both branches of the subject are important, the second branch is the larger and the less considered. I think I am within the truth when I say that measured by the value of the property taken, stealing through the operation of law, if not so frequent, reaches a larger aggregate than stealing in violation of the law. But the stealing which is done in violation of law is enormous and the methods employed many. Take for illustration the administration of our tax laws. Let us suppose that the law is made by well-meaning legislators and in its requirements approaches justice as closely as infallible man can approach justice. The assessor is sometimes corrupted—not always by money but more often by influence. That is, the person favored does not always pay the assessor a fixed sum but helps to elect him or re-elect him and thus becomes responsible for the continuation of his salary.

Inequality in taxation is merely a form of larceny. If two men live side by side and one contributes in taxation ten dollars when his just share is only five dollars and the other

only pays five when he ought to pay ten, one loses five dollars that he ought to keep while the other keeps five dollars that he ought to give to the government. The effect in this case is just the same as if one man took the other man's property and applied it to his own use. The fact that the government, acting as a collector, took the five dollars from the man who is overburdened and gave it to the man who is underburdened does not change the character of the transaction.

If equality in taxation is due to the act of an assessor who, at the solicitation of a property owner under-assesses him, then the assessor and the man favored are guilty of the wrongful taking of the property of another. If we examine the assessment books in any city, we will find many instances such as that above mentioned. One piece of property will be assessed at half its value, another piece of property at a third of its value, and still another at a fourth of its value, and where there is this difference in the basis of assessment, the discrimination is usually in favor of the large property holder who is able to exert an influence upon the assessor to bias him in favor of an under-valuation.

Not only is the large business block often favored at the expense of the small home, but the property of big corporations is often favored at the expense of individual holders. Take, for instance, a street car company, a water plant or a gas plant. On the stock market these franchise-holding corporations never forget to count in the value of the franchise, and this intangible asset is sometimes as valuable as the physical properties owned by the corporation. Taxes are generally estimated on the basis of physical property while the dividends are paid upon the face value of the stocks and bonds. It seems strange that a corporation which receives a valuable franchise from the public as a gift should refuse to pay taxes in proportion to the market value of its stocks and bonds, and yet there is scarcely a city or state in which the public is not in a constant struggle to compel franchise-holding corporations to pay their share of the taxes, and even then the basis upon which they pay is notoriously lower than the basis upon which the individual property owner, especially the small property owner pays.

If a certain sum is to be collected in taxes and some pay less than they should, the others must pay more than their share. Is it not worth while to insist that both the under-assessed citizen and the unscrupulous official shall obey the commandment, "Thou shalt not steal?"

I need not waste time on the tax dodger or the smuggler, for those who, by concealment, deliberately deceive the assessor or collector are as guilty of larceny as if they boldly took the property of others.

But what if the fault is in the law itself? What shall we say if those who make the law write it with the intention of overburdening some and releasing others from just obligations? Time does not permit an extended discussion of the various systems of taxation. If we were discussing the question of taxation in a fundamental way, we would have to consider the claims of all systems, existing and proposed, but I am not now considering new systems but rather the injustice connected with the systems in operation. In local taxation we are constantly confronted with the question "Shall personal property be taxed?" and there are many who argue that because personal property is difficult to locate, it should be exempt. This argument is based upon the theory that it is better not to attempt to collect a tax upon personal property than to make an unsuccessful attempt. While I recognize that it is easier to collect taxes on visible than on invisible property, I am convinced that the owners of visible property should not pay their own taxes and in addition thereto

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