

that there is a growing sentiment all over this country and throughout the world that punishments should take into consideration the reformation of the individual.

I venture to suggest some reforms that I hope you will consider. The first is that the **FIRST OFFENDERS SHOULD BE KEPT SEPARATE FROM THE OLD OFFENDERS.** I believe that the experience of those who have had to deal with criminals will support the proposition that you cannot afford to put a first offender in prison with old offenders. There is too much likelihood of his getting worse because of association with the old offenders rather than better from the efforts made by the prison authorities.

And there is justice in this distinction. Remember that crime is not always due to deliberate yielding to temptation with a clear understanding of the wickedness of the sin. Environment is sometimes responsible for ready yielding to temptations to crime. Environment is not everywhere the same—the difference is sufficient to justify us in dealing with mercy and consideration with first offenses.

If we take the person who has committed a first offense, surround him with a sympathetic environment, win his confidence and bring him into association with those who desire to help him, we may benefit him and society far more than we can in any other way. We must not merely protect society, but we must, if possible, save immortal souls. There is a compelling reason for separating the first offenders entirely from those who are hardened in crime.

The second suggestion is that the minimum punishments should be increased as offenses are repeated. We can well afford to have a small minimum punishment for the first offense in order that the person convicted may have the benefit of any circumstance that will lessen the weight of his guilt; but when a man is convicted a second time, showing thereby that he was not reformed but is still hardened, we are justified in raising the minimum punishment. He has overthrown the presumption that he can be trusted. I think we should increase both maximum and minimum penalties as the offense is continuously repeated.

MORAL REFORMATION COMES FIRST

Moral reformation is the only sure cure, and morality rests on religion—on inner control. You cannot keep a man in the path of rectitude if he has no inner monitor; you cannot put enough policemen around him to keep him straight. But, if you can awaken his conscience, you do not need policemen. Conscience keeps a hundred men honest where the law keeps one; where a few are restrained by fear of prison walls, a multitude are kept in the straight and narrow path by the invisible walls that conscience rears about them—walls that are stronger than the walls of granite or of stone. Therefore, I suggest that the state ought to furnish the spiritual consolation and advice that will be received most readily. Whenever any considerable number of prisoners are brought together the state can afford to furnish the spiritual advisers who represent the different faiths with which the prisoners are connected or to which they are inclined. I reached the conclusion, something like twenty years ago, that the consolations that are given by the different branches of the Christian church differ sufficiently to make it worth while to give to each individual that form of consolation that is most comforting to him. Therefore, I would suggest that the two great divisions of the church, Catholic and Protestant, should be represented in our penitentiaries by spiritual advisers, that they may reach the largest possible number and make the strongest possible appeal to these men. If there are groups outside, no matter whether they be large or small, the state can afford to furnish at its expense, such spiritual consolation and advice as the individual or group may request. I know of nothing that more fully justifies expense than the furnishing of these guides back to the paths of morality.

SOCIETY'S PRODIGAL SON

There is another need that we are not supplying. The prisoner is society's prodigal son, and it is to the interest of society to bring him back and welcome him so heartily that he will not again leave his father's house. To this end, we should provide a place where the discharged prisoner can work **VOLUNTARILY** until he has re-established his reputation and restored confidence. I am satisfied that the American people, everywhere, and in Nebraska not less than elsewhere, are anxious to help the man who wants to reform. The only difficulty is that few are willing to take the risk of putting faith in a

man until they are sure his reform is real. If there is some place where he can go without coercion and stay without restraint until he has convinced the public that he can be trusted such a man will find it easy to get back into industry. Anyone who thereafter reproaches him with his former record will receive the criticism rather than the reformed man.

The employment in the penitentiary of those under restraint should first be helpful to the individual, second, encouraging, and third, not competitive with honest industry outside. We must so help prisoners that, while strengthening them, we shall not injure those who, as producers of the country have a right to be considered.

COOPERATIVE GOVERNMENT

Cooperative government is a larger subject and taxation is the first phase of it that we have to consider. Taxation not only comes first but is permanently with us. Other governmental questions come and go but taxation, like Tennyson's brook, "goes on and on forever."

Taxation should be just and impartial. That sounds like a commonplace statement, yet, my friends, you will understand how important I think it is when I tell you that the stealing done by law in this country is, in my judgment, greater than all the stealing done in violation of law, and that the largest part of it is done through unjust taxation. If you will take from one man ten dollars when you should only take five, and then take from some other man only five when you should take ten—that is, if by your system of taxation you make one man pay twice as much as he ought to, and allow the other man to escape with half of what he should pay—you simply take five dollars from one man's pocket and put it into another man's pocket. When you consider the amount of taxation in this country and the difficulty of securing equal and exact justice in taxation, I think you will agree with me that I have not overstated it when I tell you that the actual amount stolen by unjust tax laws in the United States is greater than the amount stolen by those who are serving terms in the penitentiary. Several systems may be necessary, for no one system is absolutely just in the apportionment of the burdens. I know of no way of approaching justice except to employ several systems, one bearing unequally here and another bearing unequally there, the injustice of one equalizing the injustice of the other. I venture to suggest, however, that the local communities should be allowed large latitude in experimenting with the methods used to raise their quota. There is no final word in government; there is no final word in taxation, no one is able to say that we have found the best system that can be found. The only test of a policy is its success in practice. It may look very well when it is presented as a theory, yet it may fail entirely when we try it, because we may have overlooked some very important factors. Therefore, in the interest of truth and progress, we should have as large an experience as possible to choose from. Deal leniently with those who want to make it possible for a community to try any system it desires, for you may rest assured if it tries any system and it is not successful, it will turn back. If the local community will furnish its quota of the total tax, you can safely leave it to decide how that quota shall be raised.

Economy in expenditures comes next to justice in apportionment of taxes. The conflict between the taxpayer and the tax-eater is a very unequal one. The taxpayer is at home and the tax-eater is at the capital. The man who pays taxes in small sums, but the man who enjoys the benefits of taxation usually received in large quantities. The official who acts as a judge between them has to be on his guard all the time to protect the man who is not there. As far as human wisdom can you should endeavor to make the distribution of the benefits of taxation as fair and impartial as possible and economy as rigid as possible.

GOVERNMENT OWNERSHIP

Cooperation is a growing word in government; it is the doing of things together that cannot be so well done individually. My observation is that every new thing is first attacked by epithet. If one cannot find a good reason for opposing a thing, he calls it a hard name. I am an individualist and yet I have often been called a socialist. Why? Because I believe in the government doing certain things that it can do better than individuals can do them. Those who do not want the government to do a thing, always apply the word "socialist" to one who advocates

government ownership or operation. For instance, suppose a town allows a private corporation to own the water system. If you propose that the city take over the water works, the owners of the franchise will not meet your argument; they will call you a socialist. Yet I think the record shows that at least sixteen cities out of seventeen in the United States now own their own water works. One-hundred years ago only about one out of sixteen owned its water works; in a century's time the progress has been so rapid that now it is the exception when a city will permit a corporation to furnish the city with water. The city of Lincoln has owned its water system for more than thirty years. Omaha has operated her water system for seven years and in that time has reduced the rate to consumers over fifty per cent.

The nation has recently adopted what is called the Postal Savings Bank. When it was proposed, it was met with the charge that it was socialistic. The National Bankers Association, meeting in California in 1908, passed a resolution denouncing the Postal Savings Bank and also the guarantee of bank deposits. I followed the discussion, and recall that a Republican senator, Senator Carter of Montana, read before the senate literature that was sent out to local bankers with instructions to have it printed in the local newspapers as editorial matter, the banker being cautioned to tear off the directions before giving out the printed matter. They attempted to build up a sentiment against it on the ground that it was socialistic. Well, we have it, and it will not go back. In the same manner, when an effort was made to secure the parcel post, it too was called socialistic. The federal government took over the railroads, the telegraph lines and the telephone lines temporarily during the war; this was called socialistic.

I have dwelt upon this to warn you that you cannot reform an abuse without being criticised by the people who profit by the abuse that you are trying to overthrow.

PRIVATE MONOPOLY

Allow me to lay before you what I regard as a fundamental proposition, namely, that **A PRIVATE MONOPOLY IS INDEFENSIBLE INTOLERABLE.** Indefensible means that it cannot be defended, and anything that cannot be defended cannot be tolerated by a free people. God never made a human being good enough to act as the head of a private monopoly. When you understand the principle involved, you will find that I am not announcing a new doctrine. We have judges; we respect them; but there is not a civilized country in the world that will allow a judge to sit in a case where he has a pecuniary interest. Yet we select judges because of our confidence in their character and probity. We have good citizens in this country and yet we do not allow a man to sit upon a jury and be one of twelve to decide his own case. Why? Because we know that there is an unconscious bias in everyone in favor of himself. We do not trust him on a jury even if there are eleven other men to overcome his interest. If a judge is not allowed to try a case when he has a pecuniary interest in it, how can one defend a private monopoly in which an interested man at the head of the monopoly daily decides without appeal questions where his interest is on one side and the people's interest on the other side?

That is the principle that underlies a private monopoly. I believe it is a sound proposition, a proposition that cannot be overthrown by argument, that **WHEREVER A MONOPOLY IS NECESSARY, IT MUST BE A GOVERNMENT MONOPOLY, ADMINISTERED FOR ALL THE PEOPLE, AND NOT A PRIVATE MONOPOLY ADMINISTERED FOR THE BENEFIT OF A FEW OF THE PEOPLE.** If that principle is sound, then, my friends, it is one of the most important matters you have to deal with in this convention. The constitution should authorize the state, the counties and the cities, to take over and operate any industry they please, including stockyards, slaughter houses, grain elevators, warehouses and insurance, such cooperative enterprises to be self-supporting. No one but the people can decide what is good for the people.

STATE'S INTEREST SUPREME

Probably the largest work you have will to do is to so write your constitution as to leave the people free to protect themselves by government ownership whenever they feel that they can better do together that which has heretofore been done by individuals. I say **STATE, COUNTY AND CITY** for I believe that every unit of government, large or small, should have this