

nies and railroads. His plan of public control would be through a board of commissioners elected by the people and to act judicially. But if the people could choose an efficient board of that kind, why couldn't they choose an efficient board to act administratively? In other words, what is the difference, when you "get down to brass tacks," between public control and public ownership, except that under public ownership there is no leeway for lawful graft?

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The Declaration of Independence.

President Eliot is undergoing newspaper criticism for denying the generalities of the Declaration of Independence. He contrasted those generalities with the facts—the generality for instance that government "derives its just powers from the consent of the governed," whereas in fact government by force is common. But why should this be regarded as a denial of the Declaration? Why may it not be a criticism of the hostile fact? Surely no one can think so poorly of President Eliot's scholarship as to suppose that the indicative form used in the Declaration takes its doctrines out of the category of declarations of duty and makes them the statements of a common practice. Jefferson was describing doctrines, not customs. At this distance President Eliot's Declaration of Independence speech sounds less like a condemnation of the principles of that democratic document, than of our inconsistent conduct as a republic with reference to those principles.

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The American Magazine's Land-Value Taxation Articles.

For more than half a year the American Magazine has carried an extraordinarily valuable series of articles on taxation, by Albert Jay Nock.* Judged by both substance and style, they are probably the best of their general kind ever to have secured magazine publication. Mr. Nock's literary method is ideal for his purpose. Although he has gathered good material and has treated it with a sound fiscal philosophy, neither his material nor his philosophy nor both together could have got for his articles their wide and favorable consideration without his attractive storyistic style. But for this they might not have been even published in any periodical that depends for success upon keeping keyed up to "human interest" standards. Such a style, however, for such a subject, has its disadvantages. Readers otherwise uninformed may

*See The Public, vol. xiii, page 1196; current volume, pages 19, 91, 356, 427.

suspect the writer of yielding to its exigencies in preference to verity of fact and soundness of judgment. This disadvantage, however, is only temporary when the suspicion is really unfounded, as it would be in the case of Mr. Nock's tax articles. But there is an incidental dispute that might tend to confirm or to create a doubt, and which cannot be passed lightly by.

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To one of the articles in his excellent series, Mr. Nock attached this now disputed foot note:

Oregon has just adopted a Constitutional amendment abolishing the poll-tax and authorizing county option and providing that any legislative measure affecting taxation must be ratified by the people. This curious measure now awaits an enabling act. Although it has rather the look of work done by men in a panic, it must be commended as showing a sincere restlessness and desire for reform. Besides, Constitutional amendments come so thick and fast in Oregon nowadays that they may be understood as "good for this day and train only;" so possibly this one may be essentially modified before it goes into effect.

Referring to that foot note, eight Progressives of Oregon, all of whom favor the Canadian tax system that Mr. Nock approves, and at least three of whom are lawyers whose judgment regarding Oregon laws may be presumed to have value, have joined in a courteous letter to the American, published in its July issue, in which they declare circumstantially that (1) the amendment in question "does not await an enabling act;" that (2) it was not the work of "men in a panic;" that (3) the people of Oregon have good reasons from legislative experience for prohibiting the enactment of tax laws without their consent; that (4) the people of Oregon have not been especially prolific of Constitutional amendments; and that (5) the amendment in question gives the people of Oregon the power to adopt in their respective counties the identical taxing system which Mr. Nock reports upon approvingly as in operation in Canada. Mr. Nock's reply, also in the July American, could hardly have any other effect, if left as it stands, than the unfortunate and unjust one of discrediting his whole work. "I presume these gentlemen are willing," he says, "to let the amendment speak for itself, and I am more than willing." This would be sufficient if the amendment did speak for itself on the points at issue. But it does not. Yet Mr. Nock, after quoting it,* is content to appeal

*This amendment, as Mr. Nock quotes it, is as follows: "No poll or head tax shall be levied or collected in Oregon; no bill regulating taxation or exemption throughout the State shall become a law until approved by the people of the State at a regular general election; none of the restrictions of the Constitution shall apply to

to "students of taxation" to "form their own estimate of the justice or injustice" of his foot note "comment on this measure." Just that and nothing more! It is almost inconceivable that the author of the Nock articles in the American should himself have written that answer to the Oregon criticism.

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Consider it. In his questioned foot note Mr. Nock had said that the Oregon amendment under consideration abolishes the poll tax; so it does, but his critics may fairly ask who the "students of taxation" are that would criticize abolition of the Oregon poll tax? In his foot note he had said that the amendment authorizes county option in taxation; so it does, but does Mr. Nock see anything in that for "students of taxation" to oppose? In his foot note he had said that the amendment prohibits tax legislation unless ratified by the people; so it does, but what "students of taxation" would have it otherwise, and why? And a more important point remains. In that questioned foot note Mr. Nock had said that the amendment "awaits an enabling act." This statement is specifically denied by his Oregon critics. Yet he answers them only by quoting the amendment, asking them to let it "speak for itself," and submitting this question of Oregon law, not to Oregon lawyers, but to "students of taxation"! Had Mr. Nock said in his foot note that the amendment is not self-executing, he would have been right; and had his critics denied it, his answer would have been conclusive against them. But this is very different from his assertion that it "awaits an enabling act"—as every lawyer knows, however it may be with "students of taxation." A Constitutional amendment does not "await an enabling act" merely because it is not self-executing; it may have been so drawn as to come within appropriate executing statutes already in force. Therefore, by merely quoting the amendment, Mr. Nock does not meet his critics' point. He must go further, and show not only that the amendment is not self-executing, but that the necessary legal mechanism for executing it does not already exist. Mr. Nock's reply to his Oregon critics must be admitted, then, to disclose serious reasons for questioning his competency as an investigator of civic conditions. But his main work must after all be

measures approved by the people declaring what shall be subject to taxation or exemption and how it shall be taxed or exempted whether proposed by the legislative assembly or by initiative petition; but the people of the several counties are hereby empowered and authorized to regulate taxation and exemptions within their several counties, subject to any general law which may be hereafter enacted."

tested upon its own merits, and so tested it is supported by facts easily confirmed and by political tendencies that are daily gaining volume and force.

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His latest article in the American—we trust it is not the last on this general subject, though it apparently is the last of this series—fitly climaxes the preceding ones with an appeal to "nature's way" as the best in taxation and in the tenure and use of land as in everything else. We do live in a world of law, of universal natural law, to which municipal law must conform in order to be of service, and Mr. Nock proves this by facts of actual experience. In Canada, where land value taxation is locally in use, as those Progressives of Oregon are hoping and expecting to have it in their State under the Singletax amendment to which Mr. Nock took his foot note exception, the proof is ample in support of his observations. No better material could be desired for use in the Singletax campaign now about to open in the counties of Oregon and to continue until the November election of 1912, than Mr. Nock's explanations in the American for July, with Canada as his object lesson, of "Why Nature's Way is Best." Its final words are an inspiring campaign cry: "Whoso speculates in land speculates in men's lives as truly as the slaver did, for he is speculating in the prime necessity of their physical existence, and also appropriating the fruits of their labor without compensation." Such speculation would be impossible in any community under the tax system that Mr. Nock finds flourishing in Canada, and which the Oregon amendment has paved the way for in the United States.

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Singletax Sentiment in Washington State.

Mr. Nock's article in the American Magazine for July, mentioned above, is having a pronounced beneficial effect in the American northwest. "The Chamber of Commerce," writes a Spokane correspondent, "is now 'boning up' on the July American; but as many of the members are engaged in the 'unearned increment' business, I predict they may have to go through on a 'horse.'" But every one in Spokane is not so narrow-spirited. Here for example is C. M. Fassett, one of the Commissioners in the city government (Spokane is making a record for successful operation on the commission plan), who told this very Chamber of Commerce at one of its luncheons last month that they had better "get a move on."

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Taking Mr. Nock's American article for his