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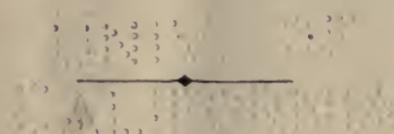
THE  
CIVIL-SERVICE REFORM  
MOVEMENT.



BY

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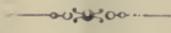
## N O T E .

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THE following study of some of the distinguishing features of the civil-service reform movement was undertaken by the writer, chiefly for the purpose of defining the grounds of his own belief. It has been thought by the executive committee of the Boston Civil-Service Reform Association that its publication would be of service to others who may be studying the subject. In the hope that it may contribute, in some degree, to a more intelligent consideration of the subject, the writer has consented to its publication.

PROVIDENCE, R. I., Nov. 15, 1881.

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## CHAPTER I.

### THE REFORM IS NOT UNDEMOCRATIC.

It has been claimed that the proposed reform of the civil service is undemocratic. Considering the origin of our government, and the manifest intent of the founders of the republic to make this "a government of the people, by the people, for the people," this point becomes of the highest importance. Is it not the spoils system which is undemocratic, rather than the proposed reform? The very conception of a democracy necessitates a government "for the people." Yet how can that government be so described, in which the civil service is regarded not as a service for the public, but as a source of emolument and gain to a few? When the end in view is not the advancement of the public interest,<sup>1</sup> but the chance of strengthening one's self, rewarding one's party friends, and punishing one's party opponents, the system is one of private patronage, and not public service.

*The Nation* well says: "Few persons are aware to what an extent patronage has perverted free institutions and created a governing class or caste exercising irresponsible power under republican forms. Patronage controls conventions, conventions make nominations, the nominees control patronage, and so the circle is complete. It is this which goes by the name of the machine. The system is subversive of free government, in the sense that free government implies the unbiassed rule of the majority."

Not only is the result of this system the introduction of an aristocratic principle into what was meant to be a democratic republic, but it brings in, through the agency

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<sup>1</sup> According to a Supreme Court ruling "The theory of our government is, that all public stations are trusts." — 21 Wallace, 450.

of what is known as the "courtesy of the senate," the spirit and proceedings of feudal times. To quote from a recent discussion of this point, in the *Princeton Review*:<sup>1</sup> "Under the extension of the 'courtesy' to removals, it follows that, as to all those five hundred officers,<sup>2</sup> excepting at most the thirty-three serving at Washington, their removal really depends on the will of the senators of the state where these officials respectively serve." "The power and prestige of the executive are thus enfeebled and degraded in the estimation of his own subordinates in the same degree that senators are exalted and are tempted to become domineering patronage monopolists at Washington, and feudal purveyors of places and despots in partisan politics at home."<sup>3</sup>

Again, no less must a government truly democratic be a government "by the people." That form of government is oligarchic, rather than democratic, in which the control is concentrated in the hands of a few, to the exclusion of the body of the people. In this country political control is vested in the exercise of the suffrage. But such is the management of the office-holding body in some states that but a small portion of the citizens are admitted to the exercise of this right. A volume published in 1880, entitled "The Independent movement in New York," explains with much fulness the "New York system of primaries." They are "a series of permanent clubs or companies." And the writer adds: "They must have members enough to make a pretence of popular representation, but they must not be so numerous as to become unmanageable." To show the extent to which this power is committed to a few men, consider, he says, that, "in a city of a million, six thousand club men are sufficient."<sup>4</sup> Mr. Dorman B. Eaton, also, in the article already referred to,<sup>5</sup> states other features: "Life-long adhesion to the Republican party, and un-

<sup>1</sup> *Princeton Review*, Sept., 1881, p. 167.

<sup>2</sup> Referring to certain officers in the Treasury Department.

<sup>3</sup> The reform of the civil service not only aims to remove the system of appointments from politics, but to restore the appointing power to the executive, as enjoined by the constitution.

<sup>4</sup> "The Independent movement," p. 168.

<sup>5</sup> *Princeton Review*, Sept., 1881, p. 159.

broken support of its principles, do not even create a presumptive right to pass the doors of any one of these primaries; and until admitted to one of them no man is recognized as a member of the party, nor can he vote or be heard on any nomination of delegates." In this system "the civil officials" are "the spoils-system generals, colonels, and captains."<sup>1</sup> How demoralizing to true citizenship is any such substitution of personal rule for the support of the principles of a free government is obvious. Civil-service reform, as everywhere understood, means the utter divorce of official interference from the expression by the citizens of their choice of officers.<sup>2</sup>

Yet, conceding all that has been stated, the charge is sometimes made, that a system of official selection, promotion, and service will raise up an official class, or caste, out of sympathy with the people, and not responsible to them. In order that this should result, however, it would be necessary that the body of office-holders should control and dispense patronage; should be drawn from a similar or uniform class of society; and be beyond fear of interference or removal for cause. But this reform provides for competitive examinations, open to all classes and localities and shades of opinion, and demanding only that the applicant be found fit for the place.<sup>3</sup> The tenure of office, again, is not beyond reach of necessary limitation; but while securely removed from envious partisanship<sup>4</sup> it is at the same time distinctly subject to the proper discharge of duties.

Those who see in this reform the bugbear of an aristocratic class should study the history of civil-service reform in Great Britain, where it had to meet at the outset the objection, not that it was "not democratic," but that it was "too democratic," and would allow the "lower classes" to compete and enter the service; and

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<sup>1</sup> *Princeton Review*, Sept., 1881, p. 158.

<sup>2</sup> See the Willis bill, "To prevent extortion," coercion, etc.

<sup>3</sup> As a level-headed daily paper (the *Boston Herald*) has remarked, in commenting on this claim, "One element in good behavior is courtesy to the public; and we do not fear that placing the service on merit would endanger our liberties."

<sup>4</sup> One of the provisions of the Pendleton bill is "that no person in the public service is for that reason under any obligation to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so." (Sect. 2, rule 6.)

where, as the result has proved, the service has been practically opened to men of any social rank whatever, provided they possess the real qualifications for the position.

To quote Mr. Eaton once more: "There is no more politics in a British custom-house than in a college, a regiment, or a church. Neither members of parliament, great officers, nor politicians have any patronage in connection with such offices. The son of a duke or a bishop, if he would gain an appointment over the son of a drayman or a stoker, must show himself the better man in open competition by his side."<sup>1</sup>

In this country we know no rank or class distinction, and, in this light, civil-service reform, we shall admit, is democratic.

Another point yet remains to be considered. A recent writer on the subject<sup>2</sup> claims that in view of the fact that "the public places are public property," "the active participation by the largest number of persons in the practical administration of their own government" is an "object highly to be desired." It is to be feared that this writer's views are somewhat confused on this point. It is clear that by "practical administration" he means holding an office; and yet only one hundred thousand offices for fifty millions of people is a ludicrously small allowance, and not "enough to go around." He has not clearly apprehended the nature of our government. This is a representative republic, and it is by the exercise of the right of suffrage that each citizen makes his voice heard in its administration, rather than by holding an office.<sup>3</sup>

Lastly, it may be said that the system to be reformed

<sup>1</sup> See also Mr. Eaton's "Civil service in Great Britain," p. 259, 316.

<sup>2</sup> *Lippincott's Magazine*, Dec., 1880, v. 296, p. 690-97.

<sup>3</sup> A New England journal (*Providence Journal*) remarks, that in too many instances "the American citizen is taught from his youth up, that the possession of a public office is proof of the estimation, or, at any rate, will command the respect, of the people; that it is to be sought to be attained by a struggle commencing with the first effort in a debating society; that anybody may be President, and that all ought to strive to be somebody 'officially;'" and admonishes citizens of the wholesome "fact that office is a trust which imposes responsibility, and reflects no credit upon any one who cannot properly fulfil its duties; that it is not to be scrambled for as the most essential thing in life, to be obtained at the sacrifice of the heart, the judgment, and the conscience."

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is undemocratic because it discourages "the active participation by the largest number of persons," not as this writer urges, "in the practical administration of" the government, but in the act of suffrage itself, and the preliminary meetings for expressing choice of officers. Besides the instances already cited of involuntary disfranchisement, there has been forming, during the last twenty-five years, an element in American citizenship which is, rightly or wrongly, withdrawing its participation and influence from the politics of the country. Disgusted at the abuses and outrages of the partisan system, overborne and neutralized by the office-holding influence, they have subtracted their votes, and their interest<sup>1</sup> as well, from the country to which they belong. It is easy to say that they are blameworthy. Indeed, "the continued neglect of the caucus," to quote from a recent address,<sup>2</sup> "will work the ruin of the republic, for it means in the end the utter decay of all real interest in public affairs." The proposed reform strikes at the root of these evils. It aims to introduce efficiency into administration, and to protect the exercise of each citizen's fundamental right of suffrage from official manipulation and interference.

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<sup>1</sup> Yet there are indications that the class of citizens most alienated by long-continued abuses from active interest and participation in politics are seeing their way clear to renewing their influence. There is much truth in the significant utterance of the late Professor Diman: "It is in the indirect and slower process of appealing to public opinion that the ultimate vindication of truth and justice is assured." In this sense, he adds, the educated citizen "is a spiritual power in the state that no factions can outwit, that no majorities can overwhelm."—["The alienation of the educated class from politics," by J. L. Diman (Φ B K oration at Cambridge, June 29, 1876), p. 26.]

<sup>2</sup> Address of Mr. A. Thayer, before the Massachusetts Club, Oct. 3, 1881.

## CHAPTER II.

## IT IS NOT UNCONSTITUTIONAL.

BUT the reform is objected to, not only on the ground that it is out of harmony with the spirit of our institutions, but with the letter also; that it conflicts with the provisions of the constitution itself. Let us see, first, what the constitution really provides. Next let us observe what is actually the case under the present system, and, afterwards, what the proposed reform requires. What does the constitution provide? In Sect. 2, art. 2, it specifies that "*he*" (*i.e.*, the president) "shall nominate, and, by and with the advice and consent of the senate, *shall appoint*, ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the congress may by law vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of departments."

What is the practice which has grown up under the partisan system of public service? Let answer be made in the forcible language of Gen. Garfield, in 1870, when a member of the house of representatives<sup>1</sup>: —

"We go" (*i.e.*, *the legislators*), "man by man, to the heads of these several departments, and say: 'Here is a friend of mine; give him a place.' *We press such appointments* upon the departments; we crowd the doors; we fill the corridors; senators and representatives throng the offices and bureaus until the public business is obstructed; the patience of officers is worn out, and sometimes, for fear of losing their places by our influence, they at last give way, and appoint men, not because they are fit for their positions, but because we ask it."

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<sup>1</sup> *Congressional Globe*, March 14, 1870, p. 1940.

What does the reform propose? A recent party platform (that of the Massachusetts Republican Convention at Worcester, Sept. 21, 1881) has expressed this in very direct and intelligible form: "Maintenance of the constitutional prerogative of the president to make nominations upon his sole responsibility." . . . "The relief and exclusion of the members of the legislative branch from the business of selecting office-holders" "for party purposes."

Which of the two conforms to the constitution? The answer is not difficult. When it comes to a question of means, certain details as to knowledge of candidates claim attention, and chiefly these three: How is the president to know? May not a senator or representative sometimes know? Can the president act through an examining board? All three are important questions, but only the first and third will be discussed at this point, from the fact of their legal and constitutional bearing. The other will be considered under another heading.

It is perfectly obvious that, in order to act intelligently, the president must seek for information of some one. Can he act as he is enjoined by the constitution, and yet accept the reports as to qualifications, etc., which reach him through an examining board?

This question was in due time submitted to the attorney-general of the United States (at that time Mr. Akerman), in connection with the provisions of section 1753 of the "Revised Statutes of the United States," which had become law in 1871.<sup>1</sup> Mr. Akerman, on the 31st of August, 1871, rendered an opinion as follows: The "question proposed by the commissioners is this: 'May the president, under the act by which the board<sup>2</sup> is organized, regulate the exercise of the appointing power now vested in the heads of departments or in the courts of law so as to restrict appointments to a class of persons whose qualifications or fitness shall have been determined by an examination instituted in-

<sup>1</sup> This section is as follows: "The president is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointment in the civil service."

<sup>2</sup> *I. e.*, the "Civil-service commission."

dependent of the appointing power?' My opinion is that he may."<sup>1</sup> And in this connection he cites the opinion delivered by a previous Attorney-General. (Mr. Legaré, in "Official opinions of the Attorneys-General," v. 4, p. 164.) As expressed, therefore, in the Report of the Civil-Service Commission, the next year,<sup>2</sup> it appears "that both the theory of the constitution and its recognized interpretation, allowed the direct exercise of choice by the appointing power to be limited to a few of the worthier applicants; the less worthy having been first ascertained and eliminated by a just method, authorized by law and fairly exercised under its sanctions."<sup>3</sup> Not only was the principle here recognized embodied in the legislation of 1871,<sup>4</sup> but with no less care in the bill now before congress.

The reform, therefore, not only in its general principle, but as regards this specific feature of examinations, rests on a constitutional basis, as repeatedly affirmed by the government's chief legal advisers.

<sup>1</sup> "Official opinions of the attorneys-general of the United States," v. 13, p. 524.

<sup>2</sup> Dated April 15, 1874.

<sup>3</sup> See p. 20 of the "Report of the Civil-Service Commission," April 15, 1874. It should be added that in this report the whole question of constitutionality is examined with much detail. (See p. 19, 20, 23, 61-63.) Also by Mr. Eaton in his letter to the *Springfield Republican*, dated Oct. 10, 1881, when he says:—

"The language of the bill is not 'appoint a chief examiner,' but 'employ a chief examiner.' Now, from the foundation of the government there has been this distinction: that when officials have had business details to attend to—like a committee of congress needing a clerk, for example—they have been allowed to 'employ' such persons as they may approve, within the limits of an appropriation. So broad is the rule that, from the beginning to this day,—when there are more than 42,000 post-offices,—every clerk and subordinate in either of them, including the assistant postmasters, have been employed and dismissed by the postmasters at their discretion, without the approval of other officials; such being the fact even in regard to the thousand clerks in the New York office, and the assistant postmaster there, who may be left in sole charge of that vast office. When the postmaster at Boston or Pittsfield is thus allowed to employ and dismiss, at his pleasure, all those who serve under him, may not five civil-service commissioners be allowed to employ one examiner without violating the constitution?"

<sup>4</sup> Section 1754 of the "Revised statutes," also relating to the same point, but stating the preference to be given to honorably discharged soldiers, has also been reaffirmed in an opinion delivered this year by Attorney-General MacVeagh:—

"An ex-Union soldier applied for a position in the New York Custom House. He was informed that he must first pass the prescribed civil-service examination before he would be eligible to the appointment he desired. He appealed to the secretary of the treasury, claiming the right of precedence over those who had passed the examination referred to under the act giving preference in appointments to positions in the treasury department to ex-soldiers and sailors of the war of the rebellion. Secretary Windom referred the matter to the attorney-general, with a request for an opinion upon the legal question involved. Attorney-General MacVeagh replied that the preference conferred by the statute upon an ex-soldier or sailor is over those who, with himself, have passed the civil-service examination. Passing the prescribed examination is an indispensable condition precedent to appointment in the civil service."—*Boston Herald*, Aug. 21, 1881.

## CHAPTER III.

## · IT IS NOT IMPRACTICABLE.

CLOSELY allied with the point just considered is that suggested by the questions, Is not this an impossible theory? Is the idea a practical one? Is the scheme practicable? There is no better way to answer questions like these than to show what has been done. In this light we are able to answer that the reform is essentially a practicable one. Ten years ago, indeed, we might point to what had been the experience in Great Britain since 1855. Yet, since it might be urged that two countries differing so widely in social and national characteristics cannot furnish analogies for each other, an American experience was desirable. This, also, we have had. Without going back to the distinguished career of Mr. Bristow, as secretary of the treasury from 1874 to 1876, during which great administrative reforms were accomplished, it will be well to consider in detail those that have followed.

In 1876 a writer in the *North American Review* said, respecting the reasonable hope that Mr. Schurz might be called to a place in the cabinet in case of Mr. Hayes's election, that "He more than any other man in the country personifies that which they" (*i.e.*, independent voters, including friends of civil-service reform) "wish to see introduced into politics; that he is the spear-head to which they are but a shaft."<sup>1</sup> Mr. Schurz did become a member of President Hayes's cabinet, and retained his seat throughout the presidential term of four years. He was the first to demonstrate, by actual administration, that an entire government department may be conducted on these very principles. What he accomplished might appropriately be described in the very language used in 1869 by Gen. Cox, then at the head of this very same department, in stating his ideal of administration.<sup>2</sup> "To

<sup>1</sup> *North American Review*, Oct. 1876, v. 123, p. 467.

<sup>2</sup> "Annual report of the secretary of the interior, for the year 1869," p. xxiv.

raise the standard of qualification, make merit, as tested by the duty performed, the sole ground of promotion, and secure to the faithful incumbent the same permanence of employment that is given to officers of the army and navy;" with this exception, that the civil-service reform measure now advocated does not insist on a permanent tenure of office. The chief features of his service to the country are given in detail in an article in the *International Review*.<sup>1</sup> We have space to quote from it only the following: "The results of Mr. Schurz's administration are of almost inestimable value to the country." "The country has been given an opportunity to study a civil-service reformer as an executive officer. It has seen him reaching practical results for the attainment of which his predecessors made no effort. He has left his department in better condition than it was ever in before; he has adopted methods for transacting the public business more perfect than were ever dreamed of by any business man who ever filled the office" (p. 393).

Again, if a demonstration of a different kind were needed, we have it in the experience of the two great local sub-offices, the New York Custom House and the New York Post Office. A public service has been done by the issue in pamphlet form of the history of the abuses to be reformed, the ineffectual efforts to abate them, and the successful accomplishment of this result in both offices, under the late collector, Mr. Merritt, and the late postmaster, Mr. James.<sup>2</sup>

This pamphlet was prepared by request of Mr. Hayes (then president), in view of the fact that "the civil-service rules requiring open competitive examinations for appointments and promotions in the post office, the custom house, the surveyor's office, and the naval office, at the city of New York, have now, I think, been tested long enough to disclose their tendency and to enable an opinion of some value to be formed as to the probable effects of the permanent enforcement of such public tests of merit." To this pamphlet

<sup>1</sup> "Schurz's administration of the interior department," by Henry L. Nelson, *International Review*, April, 1881, v. 10, pp. 380-396.

<sup>2</sup> "The 'spoils' system and civil-service reform in the custom-house and post-office at New York," by Dorman B. Eaton. [Publications of the N. Y. Civil-service Reform Association, No. 3.] This valuable document is frequently cited in these pages, under the name of "Mr. Eaton's pamphlet."

are appended an abstract of the civil-service rules for the custom house, and specimens of subjects of examinations.

In 1870 Mr. Thomas Murphy was collector of the port of New York, and in the course of the congressional investigation of that office, conducted in the spring of 1872, testified in a somewhat grimly amusing manner as follows:—

Speaking of an officer who had been in the custom-house over thirty years, Mr. Murphy remarked that he was “a great relief to and a great comfort to any collector.”

*Question.* To have a man of such experience and good character?

*Answer.* To have such a man of experience.

Q. Kept there steadily attending to public business?

A. Yes, sir.

Q. Is he not allowed to enjoy his own opinions in regard to political matters?

A. He is, sir; Mr. Clinch is.

Q. And he attends to his duties and does that publicly, and is permitted to remain?

A. Yes, sir.

Q. No matter what may be the ebb or flow of party?

A. That is so, sir.

Q. And the result is that the collector has, as you say, a great comfort in this officer?

A. Yes, sir.

Q. Who is permitted to serve the public and yet maintain his personal independence?

A. Yes, sir. He is *an exception to the general rule though*.<sup>1</sup>

This is the same collector whose idea of the custom house was “a machine to be run in the interest of the party.” And yet this is a custom house whose business exceeds that of any other in the world, requiring the collection of more than \$480,000 every day of the year except Sundays. In 1879 the open competitive examinations went into effect under Collector Merritt, together with the entirely new order of things which an intelligent public sentiment would demand. Some of the facts, as given in Mr. Eaton’s pamphlet

<sup>1</sup>“Testimony in relation to alleged frauds in the New York Custom-House” (1872), v. 3, p. 406.

already cited, are significant. In 1880 the revenue collected was more than one-third greater than that of 1877, with a force smaller than in that year. At the same time the cost of collection had increased only one-eighth. (Mr. Eaton's pamphlet, p. 62-63.) Mr. Murphy's term of office lasted eighteen months, during which he made three hundred and thirty-eight removals, or three every five days. (Mr. Eaton's pamphlet, p. 23.) Mr. Eaton, writing in February of the present year,<sup>1</sup> states that during the eighteen months of Mr. Merritt's collectorship then completed, only forty-four removals had been made, and each of them for cause. (p. 63.)

The statistics in connection with the competitive examinations are interesting, as disproving some familiar objections to the system. "It was not generally boys or young persons fresh from their studies who competed, but men; — the average age of the first four hundred competitors being thirty-seven years. (p. 67.) And to conclude, let us listen to the testimony of the merchants themselves. The New York Chamber of Commerce, in June, voted: —

"That, in the judgment of this chamber, the system of examination for appointment to places in the custom house which has ruled during the last few years has been of substantial value to the mercantile community, and is, in their eyes, of great importance.

"*Resolved*, That the interest of all doing business with the custom house demands the continuance and extension of the same system, as one which has resulted in more prompt and intelligent attention to the business both of the government and the merchant."<sup>2</sup>

In July of the present year Mr. Merritt retired from the position of collector with distinguished honor. In his final report he says: —

"I am of opinion that applying the simple test of efficiency and character, as compared with appointments heretofore made, it may be declared a complete success. While it is possible for the nominating officer, if unembarrassed by political considerations, to select competent and trustworthy men (and with the desire to do so he

<sup>1</sup> In February of the present year Mr. Merritt made a special report to the secretary of the treasury, in consequence of a request for information made by the senate, from which, among other points, it appeared that a reduction of 33 per cent. had been made in the cost of collecting, as compared with the expense under his predecessor. [Executive document no. 61, 46th congress, 3d session, p. 4.]

<sup>2</sup> Resolutions of the New York Chamber of Commerce, at its monthly meeting, June 2, 1881.

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would still be open to the charge of favoritism), it is practically impossible to become sufficiently acquainted with applicants at the outset to determine as to the wisdom of their appointment. The present rules have at least one merit, — that the tests, whether the best that can be devised or not, are fair, and absolutely impartial. Rules, however, to have the fullest measure of respect should apply to all branches of the civil service under similar conditions. Permanency of tenure is an important consideration, if the employé is of proved competency and trustworthiness."

His successor, Mr. Robertson, in some remarks made to a committee of the New York Chamber of Commerce, a few days after assuming control, said: —

"I shall continue to pursue the policy adopted by my predecessor in making appointments to the customs service. The usual competitive examinations will be held. My predecessor bequeathed me a legacy of names of candidates for examination and appointment which will last for a long time."<sup>1</sup>

Nor is the experience in the New York Post Office of less interest. The need of efficient and intelligent administration was no less urgent. When Mr. James was appointed postmaster, in 1873, "Hundreds of long-neglected bags of mail were found scattered or piled in various parts of the post-office." "For policemen to bring in drunken carriers, to empty their pockets of mail before taking them to station-houses, was among the incidents of post-office experience at New York." These details sound more like the brilliant absurdities of *opéra bouffe* than plain narration of fact; but they are stated on good authority. (Mr. Eaton's pamphlet, p. 71.) "Those in the postal service," he adds, "were nearly all active partisans and henchmen of great politicians." Fortunately Mr. James was one of the comparatively few men who have a native talent for organization and adminis-

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<sup>1</sup> In the letter of President Hayes to Mr. Eaton, Dec. 3, 1880, calling for a report on the observance of the civil-service rules, he stated that, besides describing their operation in New York, it would be well to notice also "the more recent and less complete experiments in the direction of enforcing those rules at Boston and Philadelphia." Although, in the limited time at his disposal, Mr. Eaton was prevented from giving his attention to the offices at either of the two latter places, Collector Beard, of the Boston custom-house, has published in the *Boston Journal* of August 6, 1881, a statement of the work of his office during 1880. He states "that the appointments have nearly all been to the minor grades of the service. The promotions have been because of merit as exhibited in competitive service, and upon the recommendations of superior officers. . . . The collector is responsible for the efficiency and good conduct of his office, and believes that removals should only be made for sufficient cause, and appointments to the customs service should be made on business principles."

tration. Few phenomena are so interesting as the process, alluded to on another page, by which, without any civil-service rules to begin with, a true civil-service reform was developed in this office almost in the order of nature, — a striking testimony to the firm basis of truth and common-sense underlying it.

“He thought,” says Mr. Eaton, “he could best serve his country and his party by thoroughly performing his duty as postmaster.” A writer in *Scribner’s*, in 1878, remarked: —

“Under Mr. James’s administration a system of genuine civil service has grown up. He has steadily resisted the demands of politicians that good clerks shall be removed on account of their lack of efficiency in ward politics. It is said to be a beautiful sight to see him send for a superintendent and ask what kind of a man the clerk is, in the presence of the ‘statesmen’ of the assembly district who are urging his removal. A good report from the superintendent, and a polite ‘You see, gentlemen, that it is impossible to remove him,’ ends it.” — (“The New York Post Office,” by Edward Eggleston, *Scribner’s*, May, 1878, v. 16, p. 76.)

Mr. James found the pass-examinations which he at first established “not calculated to meet the growing requirements of the situation,” as he himself states in a letter to Mr. Eaton (Mr. Eaton’s pamphlet, p. 73); and accordingly, after consultation with other officers of the government, decided to coöperate with President Hayes in establishing open competitive examinations at the New York Post Office. After six months’ trial, he stated in his report to the president, Nov. 8, 1879, “I have no hesitation in saying that the results have been salutary in a marked degree, and that, from my experience so far, I am satisfied that the general application of similar rules could not fail to be of decided benefit to the service.” (Mr. Eaton’s pamphlet, p. 74.) The statistics of this office also are instructive. The cost of administration is less by \$20,000 than five years ago, yet the business of the office has increased fully one-third during that time.

“It is not merely that mails a third larger and more numerous have been handled at less cost, but collections and deliveries have been made more frequent and certain. As against five daily deliveries under his predecessor, Mr. James now makes seven; and where there were only ten collections below Canal street there are now nineteen. Nor is this the most important; an office so lately

disreputable for its scandals, inefficiency, and corruption has become the pride of those who serve it, and an honor to republican administration throughout the Union. . . . It has become the model post-office of the country, and imparted a higher ambition to every worthy postmaster."

"It has won such strength with the community that a senate, which had not voted a dollar in aid of the reform through which such results have been possible, has twice hastened to confirm Mr. James without a dissenting vote. And yet there are thousands of partisans, zealous for the party to which the postmaster belongs, — to say nothing of other thousands too ignorant or prejudiced to form any judgment on the matter, — who affect to sneer at the very methods through which such results have been possible. Just as, ten years ago, they thought the postal service of the city as good as it need be, they now think it the most complete in the world; when, in fact, it is yet behind that of London and other English cities, where the standard is higher, the competitive methods have been much longer in practice, and appropriations are more adequate. The daily deliveries in London, for example, are twelve in some parts and eleven in other parts as against seven in the most favored portion of New York."<sup>1</sup>

And yet a writer, who seems very much in earnest, has mentioned, as one of his objections to civil-service reform, "the claim that 'the business of the government should be done on business principles.' This is generally understood to mean obtaining the most work for the least money." And, after expressing his disapproval of this claim, he passes on to mention what he considers would "more probably secure an efficient service."<sup>2</sup> But this is a free country, where every man is entitled to his own opinion, however peculiar.

Nor is this the extent of our experience in the practical working of the principle. The accession of Gen. Garfield to the presidency in March of the present year was made the occasion of the transfer of Mr. James, who, as we have seen, had become thoroughly identified with the reformed administration of the New York Post Office, to a position in the national cabinet, as postmaster-general of the United States. It is safe to say that few cabinet appointments were ever so heartily and universally endorsed by the public sentiment of the country. The circumstance, also, is not without its significance as marking a distinct advance

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<sup>1</sup> Mr. Eaton's pamphlet, p. 75-76.

<sup>2</sup> *North American Review*, April, 1881, v. 132, pp. 314, 319.

in national ideas of administration. Cabinet officers have frequently been selected heretofore on the ground of being distinguished men, able legislators, far-seeing statesmen, or sagacious diplomatists, but never before on the ground of conspicuously competent administration, as in this instance. Even the selection of Mr. Schurz as a member of Mr. Hayes's cabinet, which proved in the end to have secured an exceptionally able administrator, was made before he had actually had experience in similar service. The expectations which Mr. James's appointment encouraged have not been disappointed, and his administration has been a signal example, not less striking than that of Mr. Schurz, of what a department may be made under the rule of intelligent principles. A saving of nearly seven hundred and fifty thousand dollars was made within the first three months, in the Star route and steamboat mail service, and with the energetic and determined measures which have since then been pushed, for the summary abatement of the Star route abuses, the public is happily familiar.

As would naturally be supposed, the experience of Mr. James with competitive examinations in the New York Post Office has led him to believe them practicable in the Post-office Department, and accordingly we find him stating, a few months ago, that he has "been considering two schemes to reform the" service. The tragic event which has since then occupied the minds and attention of all has delayed their execution, but, should he continue to fill this position, their ultimate adoption is reasonably certain.

That some of the other departments of the government have not before this set in operation the same system is due to the national calamity just referred to. Secretary Windom, beginning with no intimate acquaintance with civil-service reform, has passed through some such an experience as Mr. James in the New York Post Office. The overwhelming pressure of office-seekers, fitly compared by Mr. Curtis, in his Saratoga address, to Niagara, has, by sheer force of circumstances, made him a "civil-service reformer." Said Mr. Curtis, in answering the question why the fittest appointments are not now made by officers of the government, without the interposition of civil-service reform methods:—

“For the same reason that a leaf goes over Niagara. It is because the opposing forces are overpowering.” A high officer of the government “said to me, as we drove upon the heights of Washington: ‘Do you mean that I ought not to appoint my subordinates, for whom I am responsible?’ I answered: ‘I mean that you do not appoint them now; I mean that if, when we return to the capital, you hear that your chief subordinate is dead, you will not appoint his successor. You will have to choose among the men urged upon you by certain powerful politicians. Undoubtedly you ought to appoint the man whom you believe to be the most fit. But you do not and cannot. If you could or did appoint such men only, and that were the rule of your department and of the service, there would be no need of reform.’ And he could not deny it. There was no law to prevent his selection of the best man. Indeed, the law assumed that he would do it. The constitution intended that he should do it. But when I reminded him that there were forces beyond the law that paralyzed the intention of the constitution, and which would inevitably compel him to accept the choice of others, he said no more.”<sup>1</sup>

Much the same experience convinced Mr. Windom, at the end of three or four months, of the necessity of such provision. He ordered that “all information obtainable, concerning such rules and regulations in the departments, be prepared and laid before him.” An experienced observer wrote from Washington, in July, respecting this: “Those of his subordinates, on whom this duty was laid, were very glad to give him all the assistance in their power. As soon as anything can be done, I think we shall generally have rules like” (those of the New York and Boston custom-houses) “introduced and applied to all the custom-house appointments, and, probably, also to the treasury department itself.”<sup>2</sup>

“When the president gets at work on a civil-service scheme,” said this correspondent, “he will not have any more earnest helper than Secretary Windom, who may now be ranked on the side of good government in all its aspects.” The remarks of a newspaper correspondent are not to be received as official declarations, of course; but are here introduced as representing the cordial approval of the public at large, the press, and government officials, which such

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<sup>1</sup> Address of George William Curtis, before the American Social Science Association, at Saratoga, Sept. 8, 1881.

<sup>2</sup> “E. H.,” in the *Boston Sunday Herald*, of July 17, 1881.

movements commanded. But Secretary Windom is himself on record on this point, and his own words are worthy of attention:—

“I am a good deal more of a civil-service reformer than when I entered the secretaryship of the Treasury, three months and a half ago. In the last one hundred days a few thousand men in search of office have taken nine-tenths of the time of the president and his cabinet advisers. This time is due to the fifty millions of people rather than to the office-seekers.”<sup>1</sup>

The death of the president, with the consequent withdrawal of Secretary Windom, has, it is true, interfered with the sequence of these plans; but they are none the less interesting as marking the rise of the reform sentiment. In the War Department “the fact that so many of the officers are imbued with the spirit of military education and training has excluded the spirit and many of the evils of partisan intrigue.”<sup>2</sup> In the Navy Department, regulations to govern the appointment of civil engineers on civil-service reform principles have been adopted. The admirable and fearless administration of the department of justice, under Attorney-General MacVeagh, is what might reasonably have been expected of that officer, who had, before his accession to the cabinet, an outspoken record on civil-service reform. As has very truly been remarked:—

“Taken in connection with the appointment of Postmaster-General James, the most conspicuous representative in the country of civil-service reform reduced to practice, Mr. MacVeagh’s presence in the cabinet was one of the most promising signs of the times.”

In the State Department the principle of civil-service reform has, as is well known, long been a recognized feature. An order of the president, dated March 14, 1873, provided for “examinations upon subjects relative to the official service required, stated in writing.” Among other subjects included are international law and the regulations for the consular service of the United States.<sup>3</sup>

One conspicuous exception to these instances will at once occur to the reader, in the Department of the Interior, under

<sup>1</sup> Address at Long Branch, June 23, 1881.

<sup>2</sup> See “Civil-Service Commission report,” April 15, 1874, p. 45.

<sup>3</sup> Same report, p. 39.

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Secretary Schurz's successor. More extended reference will, however, be made to this later on.<sup>1</sup>

It is no slight consideration in favor of the practical nature of the reform, that it has been subject to twelve years' careful study, discussion, trial, and criticism. It is by such a process as this that we come to possess a knowledge of its actual capabilities and limitations. It is through such a process as this that the specific plan of legislation, now before congress, has been developed and shaped.

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<sup>1</sup> See Chapter 6, p. 39.

## CHAPTER IV.

## IT IS NOT UNBUSINESS-LIKE.

MANY who are favorably inclined to civil-service reform, but "doubtful of the practical success of the measures proposed," have questioned this; and in such a way as to lead one to believe "that in their minds it is an objection of great weight." This is formidable until we remember that if civil-service reform means anything, it distinctly means this very thing, the conducting of the government on business principles. Let us see: in a successfully managed mercantile house a clerk or salesman is selected with direct reference to his possessing qualifications suited to his special duties, and not from his holding certain religious or political views. Just this is true of the reformed civil-service.<sup>1</sup> Is it of the present spoils system? In a well-conducted business establishment a clerk whose long experience has made him increasingly efficient is not rotated out of office to give some one else a chance, but retained indefinitely during good behavior. True again of the reformed service, but just the opposite of the truth in the spoils system.<sup>2</sup> Again, in a business establishment such as has been supposed merit is recognized, and, as a consequence, stimulated and cultivated. The employé nearest the foot of the ladder feels that should a vacancy occur he is in the direct line of promotion, and, if found efficient, is sure to rise. This suggests another effective contrast.

But are competitive examinations a feature of ordinary business establishments? In the earlier years of the reform the champions of the present system were accustomed to become very merry over this feature, and one well-known politician, formerly a member of the senate, expressed himself very strongly in disapproval of the fine-spun theories of "them

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<sup>1</sup> See Pendleton bill, sect. 2, rule 6.

<sup>2</sup> See the resolution embodying this idea, passed at a meeting of the Providence Board of Trade, Sept. 24, 1881.

literary fellers." But the public at large has learned, long before this, that the principle of competitive examinations rests on no fanciful theory, but on sound experience. This is perhaps best seen in the case of the New York Post Office, which for several years, under the skilful administration of Mr. James, now postmaster-general, has become almost a synonym for excellent service. Mr. James, to use the language of a recent government report, "saw in the first place that it would not do to let everybody in for whom a place was applied by some man of prominence or influence." "He set his foot down in the beginning, so far as this, that no person should be admitted to a place in the post-office" "without a preliminary examination."<sup>1</sup> He found that the preliminary examination "did not remedy the evil; that, in the first place, as great pressure was brought to bear upon him in regard to selecting the persons who should submit to examination; and, in the next place, he found it very hard, without the spur of competition, to make the examinations thorough. So he has adopted the system of competitive examinations."<sup>2</sup>

Again, there has been disapproval expressed at the alleged literary nature of such an examination. Of what service will it be to a man who is to weigh sugar to be able to read the Greek drama in the original, or to one who superintends the mail service in a large city to have his mind stored with the various grades and qualities of sugar?<sup>3</sup> Of what service indeed? But if the objector had inquired, he would have found that his apprehensions were groundless. No such absurdities are committed. In fact, the competitive examinations are based on a principle of the highest importance in practical business, — the direct adaptation of means to ends.<sup>4</sup>

<sup>1</sup> "The system," says Mr. James, "has worked so well that it would now be impossible to discontinue it." — *Civil Service Record*, No. 5, Sept. 19, 1881. See also pp. 16 of this pamphlet.

<sup>2</sup> Senate report, no. 872, 46th congress, 3d session; appendix, p. 35.

<sup>3</sup> "There are certain kinds of information which every official needs: how to read, to write, to apply the elements of arithmetic. As we rise in the grades of the service technical or official information becomes indispensable. This may be peculiar to an office, as in the mint, the assay office, the postal service, the custom house." (Mr. Eaton's pamphlet, p. 55-56.)

<sup>4</sup> The *Boston Advertiser* of Sept. 17, 1881, pointedly says: "There is nothing more preposterous than this attempt to make out that the issue is a question of 'business qualifications' versus competitive examinations. There is not a person who has given enough investigation either to what is known as the spoils system, or

It is instructive to notice that this feature of competitive examinations was, when first introduced in England, as much of a bugbear as in this country. Mr. Eaton, in his volume, "Civil Service in Great Britain" (p. 198-99), states that, "by some the new system was opposed on the ground that the standard of examinations would be fixed so high that none but learned pedants and college-bred aristocrats could gain admission; and by others it was opposed for exactly the opposite, that it would be fixed so low that gentlemen would be overslaughed by a band of conceited, impracticable school-masters and book-worms." "Ridicule," however, he states (p. 211), "was soon turned against those who had laughed." Statistics are preserved showing the details of these examinations, and Mr. Eaton adds (p. 225), "as further showing in what small ratio merely literary (or not directly practical) knowledge excludes those rejected," "the report for 1867 shows that of 818 rejections in that year (from the 3,038 examined) 805 were made by reason of deficiency in knowledge of 'subjects connected with the practical work of the office,' or of ignorance in the matters of 'reading, spelling, arithmetic, and handwriting.'"

The adoption of competitive examinations in England

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to the proposed reform, who does not know that business qualifications are among the last things considered, when they are considered at all, under that system. A man is neither appointed in the first place, nor kept in the service after his appointment, on account of his business qualifications, unless, indeed, these people understand by business qualifications the knack of making a speech, packing a caucus, or carrying elections by arts which do not bear close inspection."

It is noteworthy that in the New York post-office "there are competitions and drilling in mechanical expertness in the making up, distribution, and stamping of mails, to which the community is much indebted for the promptness of their reception." (Mr. Eaton's pamphlet, p. 74.)

An article in *Scribner's Monthly*, May, 1878, gives farther details: "For instance, the clerks who are distributing matter in the mailing department were recently required to place correctly 2,200 cards, containing the names of all the post-offices in Ohio, in a series of pigeon-holes, labelled with the names of all the counties in that state. One man succeeded in making the distribution in two hours and twenty minutes, with only thirteen errors. The best man at the New York table was yet more remarkable. He put the whole 2840 into their proper counties in one hundred and five minutes, with but a single error." "In the delivery department, the box sorters, whose wonderful memory of twenty thousand names I have described" (elsewhere in the article), "are tested by the distribution of cards containing 2,000 names of persons and firms holding boxes. A little over a year ago, when these examinations were begun, the highest man on the list received a mark of ninety for correctness, while the lowest ran down to sixty. At the last trial (1878) seven were marked over ninety-nine per cent. for correctness. The swiftest assorted the whole" "in forty-five minutes; the slowest — a new man perhaps — was more than four times as long. But the very lowest of the whole twenty-nine received sixty-seven as the percentage of correctness and expertness. Such is the improvement wrought by the stimulus of emulation." — ("The New York Post Office," by Edward Eggleston, *Scribner's*, v. 16, p. 77-78.)

appears to have been, to some extent, a matter of theoretical political administration. The beauty of its actual introduction in this country as a working measure, on the other hand, consists in the fact that it was, to a large extent, a perfectly natural development from the existing conditions. Neither Mr. James, in the New York Post Office, nor Mr. Windom, in the Treasury Department, wanted these examinations. Step by step they advanced to a consideration of their value, and, in Mr. James's case, to actual trial, verification, and complete endorsement. In fact, the testimony to the value of this one feature of examinations, from the business element of the country, is very striking, and may well be considered to outweigh the criticisms that the system is unbusiness-like, made by others. Let us hear what the gentleman who has now succeeded to the presidency had to say of them, when acting as collector at the New York custom-house; and no one, we think, will consider the collector of that day as especially prejudiced in favor of civil-service reform, to say the least. He remarked, in a report to the president: <sup>1</sup>—

“No one in any degree acquainted with the necessities of the customs service can doubt the propriety of some kind of an examination for admission to it. This obvious necessity has, for many years, been recognized by requiring an examination; but it had, prior to the introduction of the new rules, become, in a great measure, formal and perfunctory. There can be no doubt that the increased strictness required by the new system has, in this respect, been beneficial.”

His successor, Mr. Merritt, who, while entering upon his duties with some misgivings as to these provisions, has gone the farthest in enforcing them, says of them that they have, in large measure, served the purpose intended. Mr. James, who, as we have seen, was almost driven to the competitive examinations, in his report to President Hayes, Nov. 8, 1879, declares: “I have no hesitation in saying that the results have been salutary in a marked degree, and that, from my experience so far, I am satisfied that the general application of similar rules could not fail to be of decided benefit to the service.” (Mr. Eaton's

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<sup>1</sup> Quoted in “Civil-Service Commission Report,” Apr. 15, 1874, p. 53.

pamphlet, p. 74.)<sup>1</sup> It is also of importance to know how these measures were regarded by the constituency of these officers, the great business community of New York city. Mr. Merritt says, in a report to President Hayes, in November, 1879: "The examinations have been attended by many citizens, who had an opportunity to thoroughly investigate the scope and character of the tests and the methods of determining the results, and those visitors have, without exception, approved the methods employed, and several of them have publicly attested their favorable opinion."<sup>2</sup>

The New York Chamber of Commerce resolved, June 2, 1881, that "The system of competitive examination has been of substantial value to the mercantile community, and is, in their eyes, of great importance." On the acceptance by Mr. James of the position of postmaster-general his position as postmaster of New York was filled by the appointment of his assistant postmaster, Mr. Pearson.<sup>3</sup> In this connection it is stated very significantly: "The demand in this city for his appointment was spontaneous, decisive, and general beyond all precedent. It was irrespective of all party lines." "Never before did public opinion in New York designate a postmaster. Now it has dictated his appointment." "His name was little known to the public. But this they knew, that Mr. Pearson had helped to take the post-office out of partisan politics; that he had been identified with the examinations which had brought in worthy clerks." (Mr. Eaton's pamphlet, p. 103.)

Again, every merchant or business man knows that while an examination is useful so far as it goes, it does not tell you all you want to know about an applicant. But let the new-comer work under the eye of the superintendent, and show his practical abilities in every-day experiences, and you can

<sup>1</sup> Mr. James also says: "It is my deliberate judgment that I and every subordinate can do more for the party of our choice by giving the people of this city a good and efficient postal service than by controlling primaries or dictating nominations."

<sup>2</sup> MacPherson's "Hand-book," 1880, p. 10.

<sup>3</sup> From the following newspaper paragraph it appears that the same methods are to be employed:—

"Postmaster Pearson, of New York, announces that he intends to make no new appointments. He will promote members of the existing staff in the post-office, and each of the successive vacancies will be filled by a promotion from the rank below. This is a practical reform of one branch of the civil service, and all acknowledge its benefits. Why not apply it to the custom-houses of the country? Is there any reason why post-offices should be out of politics and custom-houses in politics?"—*Boston Transcript*.

tell better at the end of six months "whether that boy will do." It is precisely this principle which underlies the fourth rule of section 2 of the Pendleton bill: "There shall be a period of probation before any absolute appointment or employment aforesaid." The examinations are by no means the whole of the system.<sup>1</sup> They represent one phase of the plan, but one only, and are most appropriately complemented with this other proviso, founded on simple, common-sense principles, which commend themselves readily to any business man. "The fact that it will be applied," says Mr. Eaton (speaking of its operation in England), "generally keeps away those young men who know, or whose friends know, they have no practical qualities for business."<sup>2</sup>

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<sup>1</sup> "Of two individuals who might present themselves for such a place, any discreet person would say that, while they might have the same mental qualifications, and might be able to answer the questions, one as well as the other, yet one might be well fitted for the service in every way, and another would fail in it. And the government will get its service best in the same way that the bank officer gets his clerks. While he in some way ascertains whether they have the proper mental qualifications, he goes further than that, and examines the men personally to see whether they are likely to be men who, in all their characteristics, will suit."—*Congressman Robinson, of Massachusetts, in Boston Advertiser, July 30, 1881.*

The following from Mr. Morrill's report, of last February, is very suggestive: "An important, and indeed indispensable, feature in the system is the rule that all appointments of successful candidates shall be made at first for a probationary term of six months only, at the end of which period the examining board shall report their conduct and efficiency during the term, and if the report is not satisfactory the employment ceases; but if satisfactory a reappointment is made. This probationary term is a practical corrective of any defects in the examinations as a test of the qualification and efficiency of those nominated for appointment. *Only four* appointees have been dropped *at the end of the probationary term.*" (Report, p. 7.)

<sup>2</sup> "Civil service in Great Britain," p. 168.

## CHAPTER V.

## IT IS NOT INDEFINITE.

BUT it is claimed that it lacks definiteness; that there is no agreement, even among "reformers," as to what specific plan to adopt. All of this was very true ten years ago; but the constant discussion of the past few years has made many points familiar, has settled some, and rendered others clearer; so that we have in the bill now pending in congress<sup>1</sup> a measure, perfected by the experience and discoveries of fourteen years, and which practically expresses the common sentiment of citizens generally. It would be a matter of surprise to observe how closely the provisions of this bill correspond with what most men have gradually come to agree upon. Yet the most significant reason for its ready acceptance lies in the fact that it distinctly represents the very features we have just been discussing, namely, the "practical" and the "business-like;" for, according to a source justly regarded as high authority on this matter,<sup>2</sup> it "is simply the legal embodiment of the system already tested in several offices in Washington and in the New York custom-house. As it has been and is now in actual operation, there is no longer any doubt of its practicability, and the results of its working have been such as to settle the question of its usefulness. Mr. Pendleton's bill is designed to perpetuate it and to give it a more general application." It may therefore not improperly be regarded as a growth of

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<sup>1</sup> Senate bill 2006, 46th congress, 3d session, "A bill to regulate and improve the civil service of the United States." This bill was reported to the Senate, Feb. 16, 1881, by a committee, of which Mr. Pendleton of Ohio, was chairman, and was ordered printed. It has been issued as Senate report no. 872, 46th congress, 3d session. The text of the bill will be found in the appendix.

<sup>2</sup> "This bill, carefully prepared by an association of gentlemen representing both parties, and, after a thorough discussion, approved by a committee of the senate, also composed of members of both parties, was reported to the senate by Mr. Pendleton last February, accompanied by an able report, with the approbation of every member of the committee who attended its meetings, including members of both parties." (Mr. Eaton, in the *North American Review*, June, 1881, v. 132, p. 551.)

<sup>3</sup> *The Nation*, Aug. 18, 1881, p. 126.

legislative enactment, from the actual facts, rather than an artificially created provision. The bill is by no means the first and only legislation offered; but this is no place in which to give a detailed history of the efforts of the past fourteen years.<sup>1</sup> It will, however, be of service to examine the bill, point by point, and see what its essential features are, and wherein it marks an advance.

It consists of seven sections, and in point of brevity, conciseness, and directness, it is a noticeable improvement over the many similar bills which have preceded it.<sup>2</sup> As we have already seen, the principle on which this legislation is founded is that "There can be neither patronage, nor favoritism in making appointments, promotions, or removals."<sup>3</sup> Proceeding, therefore, on the abundantly ascertained principle that the preëminently fairest method of acting impartially is by a system of examinations, the bill provides such a system. (Sect. 2, part 2, rule 1.) The whole of part 2, of section 2, is devoted to prescribing the details of this plan. The remainder of section 2 relates to the organization of the commission which is to act as the medium through which "to inform the conscience of the appointing power," to use the language of the United States Attorney-General's decision of 1873.<sup>4</sup> Sections 3, 4, and 5 provide for various necessary details of executing the system, and securing improved results over those of previous bills, in the extension of the system beyond the limits of the capital of the country; in making specific provision for the use of buildings in the various parts of the country for the purposes of examinations; and in making the tampering with these tests of merit a criminal offence. Section 6 provides for the necessary arrangement of the various officers in groups and graded classes, for the purpose of promotion; and here the organizing talent of Mr. James has clearly been made available. The final section, evidently the outcome

<sup>1</sup> For references to these efforts at legislation see the writer's pamphlet, entitled "The literature of civil service reform in the United States," p. 9-12.

<sup>2</sup> The 1st section establishes the "Civil-service commission;" the 2d prescribes its duties; the 3d appoints a "chief examiner;" the 4th provides for necessary expenditure; the 5th guards against abuse of authority; the 6th provides for classified grades of offices; the 7th prescribes date of operation, and discriminates between this and certain former legislation.

<sup>3</sup> Mr. Eaton's pamphlet, p. 40.

<sup>4</sup> "Official opinions of the attorneys-general," v. 13, p. 524.

of some careful study of conflicting legislation, sharply discriminates between the provisions of this bill and those of several earlier enactments, and fixes the date at which it shall take effect. The official organization to which the bill commits the execution of the plan is worthy of attention, and differs essentially not only from that of the act of 1871, now in force, but from that of each one of the six bills introduced by Mr. Jenckes (1867-71); and from that of the English civil-service commission. The Jenckes bills provided for a board of three (or, in some cases, four) commissioners. The act of 1871<sup>1</sup> commits the matter solely to the charge of three officers in each department. By the Pendleton bill "two shall be experienced officers in the public service in Washington, but not in the same department;" but the other three "shall hold no other official place under the United States" (Sect. 1), the latter provision securing the undivided service and attention of at least a portion of the board to the single purpose of executing these rules. Other features peculiar to this bill are the selection of these commissioners from different parties, "in order to be as far as possible removed from partisan influences;" the fixing of a secure tenure for their (*i.e.*, the commissioners) holding the position, and a specific declaration as to what their duties are; the act of 1871 having left this matter too largely to inference. As regards the nine fundamental rules it is to be noted that "original entrance to the public service" "shall be at the lowest grade;" that "promotions shall be from the lower grades to the higher, on the basis of merit and competition." Also that "there shall be a period of probation before any absolute appointment or employment aforesaid." Two other provisions are also in the direction of cleaner politics, namely: "That no person in the public service is for that reason under any obligation to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so,"<sup>2</sup> and "that no person in said

<sup>1</sup> "Revised statutes," sect. 1753.

<sup>2</sup> A bill was introduced at the last session of congress, by Mr. Willis, of Kentucky, entitled: "A bill to prevent extortion from persons in the public service, and bribery and coercion by such persons." For the text of this bill, see *Civil Service Record*, no. 5, Sept. 19, 1881.

service has any right to use his official authority or influence to coerce the political action of any person or body."

It should be noticed, also, that the proposed legislation is noteworthy for what it does not prescribe as well as for what it specifically covers. Three points in particular deserve attention. First, it is subversive to the slightest degree possible of the legislation of 1871, its aim being avowedly to supplement and complement what has been found of service in that act.<sup>1</sup> Second, it prescribes nothing concerning the "higher officers" who sustain relations of personal confidence, judicial officers, and a few others, too miscellaneous to be classified.<sup>2</sup> Third, it is silent as regards tenure of office. Leaving the first of these points to be treated more fully under another head,<sup>3</sup> let us examine the other two. In thus leaving, as it does, the "higher officers of the government," this simply follows the example of all previous bills, and selects for the scope of its operation the "subordinate officers and the clerks by which the federal administration is carried on," embracing the employes of the seven executive departments at Washington, and the larger custom-houses and post-offices throughout the country.<sup>4</sup> It will be observed that in the consideration already given to the practical operation of the reform, the instances were almost solely in the Washington and New York offices. In the former city the whole number of clerks is considerably above five thousand, and in the latter about two thousand five hundred. "These," remarks the Civil-Service Commission report of 1874 (p. 33), "are the places, under the rules of competition, about which the great struggle for patronage goes on and the great abuses gather." A sweeping change of this entire body is not now universally believed to be a necessary condition of popular government.

"A party is merely a voluntary association of citizens" (says Mr. Curtis, in his Saratoga address), "to secure the enforcement of a certain policy of administration, upon which they are agreed. In a

<sup>1</sup> This act (the legislation of 1871) "will remain in force so far as consistent with the bill."—Pendleton report, p. 12.

<sup>2</sup> "Civil-Service Commission report," Apr. 15, 1874, p. 32.

<sup>3</sup> See Chapter 7.

<sup>4</sup> The language of the Pendleton bill prescribes (Section 6) that its provisions may extend to those custom-houses and post-offices "where the whole number of said clerks and persons shall be altogether as many as fifty." Of these offices there are about forty in the United States.

free government this is done by the election of legislators and of certain executive officers who are friendly to that policy. But the duty of the great body of persons employed in the minor administrative places is in no sense political. It is wholly ministerial, and the political opinions of such persons no more affect the discharge of their duties than their religious views or their literary preferences. All that can be justly required of such persons, in the interest of the public business, is honesty, intelligence, capacity, industry, and due subordination; and to say that when the policy of the government is changed by the result of an election from protection to free trade, every book-keeper and letter-carrier, and messenger and porter, in the public offices ought to be a free-trader, is as wise as to say that if a merchant is a Baptist, every clerk in his office ought to be a believer in total immersion."

Yet no one professes to believe that this is the only group of positions at the disposal of the government. How is it, to take only one for instance, as regards the great number of consular appointments?<sup>1</sup>

Speaking of the dissatisfaction of American merchants in China with our consular system, a writer who is personally familiar with the facts says: "They contrast, for instance, that of Great Britain, which makes the service so honorable and attractive that entrance thereto is eagerly sought by an excellent class of specially fitted men. . . . This system they contrast with one which makes it possible to send a man to perform commercial, judicial, and almost diplomatic functions among an ancient, formal, oriental people, because he has been an efficient 'worker' in the primaries of Oshkosh or Yuba Dam. . . . Yet our system does not save us money, for satisfactory establishments at the leading ports, where alone they are needed, would cost less than the present aggregate. . . . Our consular system is something 'to make the very gods of solemnity laugh.'"<sup>2</sup>

It is scarcely necessary to add anything to this presentation of abuses, with which the public is only too familiar, except to remember the preposterous fact that the contemptible and half-balanced wretch who murdered the late president was an applicant for one of these positions. All this is true, and a "reformer" who had given the subject some

<sup>1</sup> The offices to which the legislative provisions of 1871 (and those of the Pendleton bill also) do not apply, are enumerated in its 13th rule. See, also, "Civil Service Commission report," 1874, p. 32.

<sup>2</sup> Eaton's "Civil service in Great Britain," p. 440, where the language is quoted from the *International Review*, Apr., 1879, p. 357-59.

earnest attention, but not an exhaustive study, — nay, we may almost say, one who had not been practically and intimately concerned with the constructive work of executing and formulating reformed methods, — would, we think, be inclined to call at once for the immediate abatement of these abuses by legislation, as well as the others. It shows, as we believe, the cautious, moderate, and reasonable spirit in which the reform has been approached by the framers of this bill, that they have left, for the present, this group of offices, which are compassed with more practical difficulties as regards legislation, and “apparently with a view to the most ample experience before its general enforcement,”<sup>1</sup> have limited the proposed system to the group above indicated.<sup>2</sup>

As regards tenure of office, a writer in the *North American Review*, April, 1881 (v. 132, p. 312), soberly declares that one of “the significant provisions of the bill” is “the tenure to be for life, and removal only for cause;” a statement so extraordinarily far from the truth that it is charitable to suppose he had never read the bill itself.<sup>3</sup> The fact that similar statements have been widely repeated renders it important that the provisions of the bill should be intelligently examined. The bill does not even refer to tenure of office except in section 2, part 2, rule 6, which provides the officer “will not be removed or otherwise prejudiced for refusing to do so” (*i.e.*, to engage in party work or pay party assessments). Having ascertained what the bill does actually provide, we may go farther, and ask whether it ought to provide more.

This feature of the reform, tenure of office, has received extended discussion,<sup>4</sup> and as a result of the careful attention

<sup>1</sup> *North American Review*, v. 132, p. 555.

<sup>2</sup> Senator Dawes, of Massachusetts, who has been an intelligent observer of the reform movement during the past fourteen years, says: “Do we not endeavor to cover too much ground in our discussions of this subject, and in that way diffuse, scatter, and differ, rather than concentrate upon one thing, and, accomplishing that, move on to the next? Civil-service reform proposes to reach the best possible civil service by bringing about many changes, all necessary, but having an order of precedence and different degrees of importance.” — Letter to the *Springfield Republican*, dated July 19, 1881.

<sup>3</sup> A writer in the same periodical suggests that this mis-statement resulted from information “confined to the contents of a telegraphic despatch found floating in the newspapers” (v. 132, p. 549).

<sup>4</sup> See Mr. Eaton’s article, “A new phase of the reform movement.” — *North American Review*, June, 1881, v. 132, p. 546-58.

Also his article, “Tenure of office.” — *Lippincott’s*, June, 1881, v. 27, p. 580-92. Also his remarks on this subject in his volume, “Civil service in Great Britain,” p. 368-69.

given it by Mr. Eaton, who certainly has not had inferior opportunities for observing the practical workings of such a provision, is thus stated: "The true rule is to fix the term of office with stern and sole reference to the most beneficial doing of the public work."<sup>1</sup> In another discussion of the subject, the same writer says: "Morally and legally there is now no right to remove without good cause." "There is also now a plain duty to remove for good cause." Should the proposed legislation make any specific provision, it would either establish a life tenure or one lasting for a specified number of years. The former is objectionable as leaving the government powerless to remove abuses if they originate, and the latter as directly stimulating rotation in office, on the theory elsewhere examined,<sup>2</sup> of giving every citizen a chance to hold office. This is strikingly characterized by Mr. Eaton<sup>4</sup> as "a change for the sake of a change, — a theory that could not bring about the justice to which it appeals, even if official tenure was for only a single day."

Mr. Charles Gibbons, in a paper read before the Church Congress, at Providence, R.I., Oct. 25, 1881, touched upon a kindred difficulty: —

"The merit system alone cannot bring that relief to members of congress and the president which is so necessary to the public welfare. There seems to stand in the way of that an act of congress passed in 1820, which limits the term of certain offices to four years. Officers now commissioned for four years only are judges of territorial courts, assistant treasurers, principal officers of customs and internal revenue, governors and secretaries of territories, land officers, Indian agents, pension agents, postmasters of the first, second, and third classes, district attorneys and marshals, numbering, perhaps, many thousands.

"So long as this act of 1820 and others like it remain upon the statute book, so long must the president and members of congress be harassed by hordes of their political partisans, demanding positions which the laws open for them, and which they know may be filled by new appointments if the president chooses to make them. If the law operated as a restraint upon the power of removal, there might be some value in it; but it does not. It cannot; because the power is the gift of the constitution, and cannot be taken away by an act of congress. Mr. Webster said of it, 'The law itself vacates the office, and gives the means of rewarding a friend without the exercise of

<sup>1</sup> *North American Review*, June, 1881, v. 132, p. 558.

<sup>2</sup> *Lippincott's*, v. 27, p. 534.

<sup>3</sup> See p. 6.

<sup>4</sup> "Civil service in Great Britain," p. 295.

the power of removal at all. Here is increased power with diminished responsibility. Here is a still greater dependence for the means of living, on executive favor, and, of course, a new dominion acquired over opinion and over conduct.<sup>1</sup> It was admitted in the debate that the law had wrought more harm than good, and the senate by a vote of 31 to 16 passed a bill for its repeal. It was at the close of the session, and the bill never reached the other house."

Most persons, we believe, who have followed Mr. Eaton's line of thought, will admit with him (1) that indiscriminate and partisan removals are an evil of such magnitude as to require the interposition of some guard; (2) that the removal, together with the appointment, is most wisely ordered by freeing it from all connection with personal favoritism by the employment of the competitive examinations, and from all connection with party considerations by the 6th rule, above quoted;<sup>2</sup> (3) that an administration of the office on business principles implies and comprehends all the other considerations which require to be observed.

In thus stating the provisions of this bill, and representing the present phase of opinion on the subject, let us not be understood as insisting on this or that system as alone entitled to be called "civil-service reform," any variation from which is to be treated as heresy. Such a narrow and unscientific view is unfitting the discussion of any political principle, least of all of one which is so essentially grounded on reasonableness and fitness. That extensive difference of opinion exists as to more than one of the provisions of this bill is to be expected, and it would be strange, indeed, were the case otherwise. Yet, in answer to the objection of indefiniteness which may be brought against the reform, its framers, we believe, are justified in adducing this much in favor of this specific bill: First, it represents more than any other the result of experience in practical administration, it being, as has already been shown, "simply the embodiment of the actual experience at the New York offices and the Washington departments," in legal form.<sup>3</sup> Second, it, more than any other, represents the careful study of the most efficient methods of legislative enactment, with a view to ascertaining what the relation of any proposed legislation should be to acts already in force

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<sup>1</sup> Speech on the appointing power, Feb. 16, 1835, in his "Works," v. 4, p. 182.

<sup>2</sup> See p. 30.

<sup>3</sup> See p. 28.

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and to the administrative details. Third, no other has received so wide-spread formal endorsement and recognition from the public at large, from the press, and from the various civil-service reform organizations of the country.<sup>1</sup> The sentiment, not only of the press, but of the public, is well expressed by the *New York Evening Post*,<sup>2</sup> as follows:—

“Among those who have made the condition and need of the civil service a subject of earnest study there is scarcely any difference of opinion as to the desirableness of the passage of such a law.”

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<sup>1</sup> The latter have in most instances passed formal votes of approval, as separate organizations; but besides this, at the “Conference of the civil-service reform associations of the United States,” held at Newport, R.I., Aug. 11, 1881, it was unanimously

“Resolved, That the bill introduced in the senate by Mr. Pendleton, of Ohio, provides a constitutional, practicable, and effective measure for the remedy of the abuse known as the spoils system, and that the associations represented in this conference will use every honorable means, in the press, on the platform, and by petition, to secure its passage by congress.”

<sup>2</sup> Aug. 12, 1881.

## CHAPTER VI.

## IT IS NOT UNNECESSARY.

It being the case, as has just been stated, that a desirable and practicable system "has been and is now in actual operation," the question is a natural one, Why is any legislation needed? Is not the reform movement unnecessary? It is needless to say that this is a consideration of the highest importance; since one of the obstacles to progress in any country is unnecessary legislation. But let us see. If no legislation be needed, one of two things is true. Either the executive alone is sufficient for the establishment and perpetuation of the reform, or the legislative department alone. What do we find with regard to the executive? Under President Grant an attempt at reform was made. "The adverse pressure," says Mr. Curtis, was tremendous. "I am used to pressure," said the soldier. So he was, but not to this pressure. In a message dated Dec. 19, 1871, he says, "I ask for all the strength which congress can give me to enable me to carry out the reforms in the civil service."— (Macpherson's "Hand-book," 1872, p. 31.) — And President Grant's testimony, in his message of Dec. 7, 1874, is noteworthy and significant: "If congress adjourns without positive legislation on the subject of civil-service reform, I will regard such action as a disapproval of the system, and will abandon it."— (Macpherson's "Hand-book," 1876, p. 54.)

President Hayes came to the presidential chair with the undoubted advantage of having placed himself on record in his letter of acceptance — (See Macpherson's "Hand-book," 1876, p. 212) — with unusual directness and emphasis, declaring that "the reform should be thorough, radical, and complete." Under his administration genuine advance was made, for which the country is sincerely grateful; yet we find him, in his third annual message, Dec. 1, 1879, speaking (Mac-

pherson's "Hand-book," 1880, p. 9) of the "many embarrassments" under which the reform had been conducted.

President Garfield, in the course of a public life devoted to the careful study of the theory and practice of government, and after having declared that "To reform this service is one of the highest and most imperative duties of statesmanship"—(*Atlantic Monthly*, July, 1877, v. 40, p. 61)—asked, in that part of his letter of acceptance touching the civil service, that "congress should devise a method that will greatly reduce the uncertainty which makes that service so unsatisfactory."<sup>1</sup>—(Macpherson's "Hand-book," 1880, p. 193.)—And is not the brief four months' experience which this perhaps best equipped of all our presidents had with the office-seeking torrent which discharged itself upon him, in itself the most significant commentary on the powerlessness of the executive to accomplish the reform single-handed?<sup>2</sup> And, though the appointment of government officers is the constitutional duty of the president,<sup>3</sup> it was never intended, to use the language of Mr. Eaton in a recent letter, that "the whole burthen and effort of reform" should be put "upon his shoulders, leaving senators and representatives at liberty, as before, to promise appointments for votes and to torment the president daily because his doctrinaire policy, his competition and his rules,—as they have been called,—would not allow their cousins, their favorites, and other henchmen, to step into the places they might seek, and for which they are pushed. The people have a right to claim, and they will insist—as duty and justice require—that senators and representatives, as well as presidents and heads of departments, shall from the beginning share in the responsibility if not in the work."—(Letter in the *Springfield Republican* of Oct. 7, 1881.)

Supposing, however, for the sake of the argument, that

<sup>1</sup> And in his inaugural address he declares that "The civil service can never be placed on a satisfactory basis until it is regulated by law."

<sup>2</sup> So obvious was this that a daily newspaper (the *Boston Herald*), in somewhat striking language, called attention to the spectacle of "a president whose instincts are believed to be honest, and whose intelligence is unquestioned," who is so powerfully acted on that "he feels the need of fixed laws to keep him from going astray from the paths of virtue."

The language is perhaps unjust, but it serves to show the urgency of the case.

<sup>3</sup> See Chapter 2.

some one president had succeeded in accomplishing the reform. So long as he remains in office, well and good; but the expiration of his term installs in his place a successor who may or may not share his own deep sense of its importance, and the reform is seen to be ephemeral.<sup>1</sup> No. In order to guarantee its permanence, it must not merely represent the convictions of some one man, but must have its foundations laid deep in well-considered and far-reaching legislation.<sup>2</sup> Says Mr. Curtis, in his Saratoga address<sup>3</sup>:—

“In this country law is only formulated public opinion. Reform of the civil service does not contemplate an invasion of the constitutional prerogative of the president or the senate, nor does it propose to change the constitution by statute. The whole system of the civil service proceeds, as I said, from the president, and the object of the reform movement is to enable him to fulfil the intention of the constitution by revealing to him the desire of the country through the action of its authorized representatives. When the ground-swell of public opinion lifts congress from the rocks, the president will gladly float with it into the deep water of wise and patriotic action.”

But let us interrogate the other branch of the government, the legislative.

<sup>1</sup> General Garfield, in his letter of acceptance, bore emphatic testimony to the fact that congress should “co-operate with the executive departments in placing the civil service on a better basis. Experience has proved that with our frequent changes of administration no system of reform can be made effective and permanent without the aid of legislation.”—Macpherson’s “Hand-book,” 1880, p. 193.

<sup>2</sup> In the hearing before the Peudleton committee at Washington, last January, the question was asked: “If the executive branch of the government would take its own administration of public affairs into its own hands,” and administer them with the courage of such convictions as you have, is there any need of legislation at all?—[Senate report, no. 872, 46th congress, 3d session, p. 42.]

While the answer to this is obvious, bearing in mind the constitutional declaration, it remains that no president will in fact do this under existing circumstances. The pressure is too great.

<sup>3</sup> The same is true, not only of the fact that one president may be succeeded by another who will not carry out his work, but also of heads of departments. A notable instance is that of the Interior Department, which, under Secretary Cox and Secretary Schurz, had been attaining a high degree of efficiency.

“Mr. Kirkwood” (to quote from the *The Nation* of May 5, 1881, p. 307-308), “when he came into office, found the new plan at work there, and thoroughly successful after four years’ trial. But he was old; it was novel to him; he had never seen it or heard of it ‘in politics;’ it seemed ‘visionary’ and ‘literary;’ so, without examining its operations for one week even, he abolished it and went back to the old, corrupt, demoralizing, dishonest, embezzling system of allowing congressmen to fill the places with their henchmen as a means of paying their political debts. He soon plunged the department into confusion, found himself overwhelmed with office-seekers, and is to-day a sadder and wiser man.”

It may be added that the levying of political assessments (which the Willis bill, already alluded to, seeks to abate) needs no less the specific legislation sought. The extent to which this abuse still flourishes even in the New York Custom House and Post Office is a striking confirmation of the fact.

When a member of the House of Representatives, in 1872, Mr. Garfield said (*Congressional Globe*, Apr. 19, 1872, p. 2583), "Individual members of congress are no longer wholly responsible for this state of things, for they are also pressed by their political friends for help which, it is understood, they are able to render. It is hardly possible for any man in public life to escape this pressure." Senator Dawes, of Massachusetts, in a letter to the *Springfield Republican*, dated July 19, 1881, says: "No one can altogether escape responsibility for the existing state of things. The president has encouraged it, if not directly, certainly by recognizing and yielding to it." Congressman Robinson, of the same state, says (see *Boston Advertiser*, July 30, 1881): "I have no question at all that members of congress would welcome any change that would relieve them from participating in this matter."

It appears, therefore, that neither of the two departments has felt equal to the responsibility of acting alone in this matter. But, it may be asked, have not matters improved since some of these declarations were written? Few will urge that the legislation of 1871 is sufficient and adequate, after examining the repeated appeals in the annual message of every president since that year, and of the other government officers friendly to reform, for farther legislation.<sup>1</sup> In that act, particular methods, since seen to be well-nigh essential, were not specifically prescribed, and thus obstruction was made possible. But it may be supposed that, since the competitive examinations, as conducted at New York and elsewhere, have proved themselves so abundantly effective, they may be extended to the other offices without legislation. On this point a recent statement of Mr. Eaton sheds important light, and shows that it is not to be expected: —

"The self-sacrificing labors of a few men of rare ability, patriotism, and experience, whose earnestness in the cause went beyond words, scorning alike the sarcasms of chieftains and high officials, alone made such results possible. It is too much to expect that their patriotic labors will be indefinitely continued. Such men are not likely to be found in every place where examinations will be needed. A great nation has no right to ask that private citizens as a charity,

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<sup>1</sup> See McPherson's "Hand-book of Politics."

and the more self-sacrificing and devoted of its salaried subordinates working beyond office hours, — as have been the facts in the cases to which the learned senator has referred, — shall carry on a great national reform unaided — unrecognized even — by the national congress, in order that its members may not have to perform a plain public duty at a time when, perchance, it might not be agreeable.” — [Letter in *Springfield Republican*, Oct. 7, 1881.]

The fact that the president has an undoubted right to ask the opinion of a senator in the matter of an appointment, where he is certain that a candidate unknown to him is personally known to the senator, is not to be confused with an obligation to do so.<sup>1</sup> In the early days of the republic, with the constitutional provision fresh in the public mind, the matter came before President Washington<sup>2</sup> for action, and was promptly settled by him.

“In 1794 it was rumored that President Washington contemplated appointing Alexander Hamilton to be minister to England. Mr. Monroe, who was the leader of his party in the senate, was opposed to this appointment, and wrote to the president, asking that he be granted a personal interview in regard to the matter. President Washington, with a wisdom and foresight that is wonderful, saw instantly the danger of establishing such a precedent.” He refused to grant the interview, and, on the 9th of April, 1794, wrote as follows to Monroe: “If you are possessed of any facts or information which would disqualify Col. Hamilton for the mission to which you refer,” I request “that you would be so obliging as to communicate them to me in writing. . . . As I alone am responsible for a proper nomination, it certainly behoves me to name such a one as, in my judgment, combines the requisites for a mission so peculiarly interesting to the peace and happiness of this country.”<sup>3</sup>

For a time, as may well be imagined, the effect of this unmistakable deliverance from the executive, which must have cooled the air like a thunder-shower, was to put an end to any tendency towards the usurpation of executive powers by congress. Insidiously, however, it has gradually made itself

<sup>1</sup> A legitimate and constitutional view of the matter is that which, according to the testimony of Congressman Stone, “Senator Edmunds of Vermont is said to permit to himself. His reputed rule of action is to take no notice of matters of executive appointment, unless the appointing power requests his advice in regard to a pending appointment.” — *Boston Advertiser*, July 30, 1881.

<sup>2</sup> For striking facts connected with this circumstance and others collected by Mr. John Jay, and furnished to the *New York Tribune*, see its issue of June 12, 1881. For a valuable study of the course the practice has taken, see the article by Senator G. F. Hoar, of Massachusetts, on “The appointing power,” *North American Review*, Nov., 1881, v. 133, p. 464-76.

<sup>3</sup> “Writings of George Washington,” v. 10, p. 399-400.

a recognized precedent under the name of the "courtesy of the senate;"<sup>1</sup> and the advent of the civil-service reform discussion, fourteen years ago, found it not only securely entrenched, but a most formidable obstacle to any such reform. It is of no little interest now to notice that, in 1872, Gen. Garfield, then a member of congress, brought the force of his commanding intellect and profound knowledge of political history and development to bear upon this very matter in a characteristically able and convincing argument.<sup>2</sup> In the light of this fact, it is not a matter of wonder that, on becoming president, he should, in the still unforgotten contest of last spring over the New York collectorship nomination, have given the "courtesy of the senate" its most telling blow. Whatever we may think as to the justifiable nature of this struggle, it was effective.<sup>3</sup> It is in the light of this earlier position of his also that a passage in General Garfield's letter of acceptance, which has, we think, been somewhat misconstrued, should be understood: —

<sup>1</sup> It is somewhat remarkable that one of the most extreme statements of this perverted view should come from Gen. Grant. He said, June 12, 1881: "When the president makes an appointment in any state, and it fails to elicit the approval of the two senators from that state, the matter should end there, and the nomination be rejected. If the Republican senators from any other state object to any nomination, the rest of the party is expected to support them in the matter without exception. The same is, of course, true of the Democrats." — *Providence Star*, June 15, 1881.

<sup>2</sup> *Congressional Globe*, April 19, 1872, p. 2583.

See also his language in the magazine article elsewhere referred to: — "The evil has been greatly aggravated by the passage of the tenure of office act of 1867, whose object was to restrain President Johnson from making removals for political cause. But it has virtually resulted in the usurpation by the senate of a large share of the appointing power. The president can remove no officer without the consent of the senate; and such consent is not often given, unless the appointment of the successor nominated to fill the proposed vacancy is agreeable to the senator in whose state the appointee resides. Thus, it has happened that a policy inaugurated by an early president has resulted in seriously crippling the just powers of the executive, and has placed in the hands of senators and representatives a power most corrupting and dangerous."

"I affirm that this present custom is an apostasy from the original policy of the government, — an apostasy alarming in its character, — and that the chief reason why a reform in the civil service is required is that the three powers, or particularly the two powers of the government, the legislative and the executive, may be restored to their independence, may be left unawed and uninfluenced by the pressure of personal dictation and control." — *Allantic Monthly*, July, 1877, v. 40, p. 61.

<sup>3</sup> The theory as to his action in this matter, suggested by a recent correspondent of *The Nation*, deserves consideration; but it should be remembered that this can, at best, be only a matter of speculation. The correspondent says: "Thoroughness in the mastery of every situation in which he was placed was a leading trait." — "Are we not to believe that he made himself master of that situation in which he found himself placed with reference to the spoils system when he came to be president?" — "In his secret purpose, thinking his way along, with light dawning on him as he went, independent of popular criticism," "he cleared the way of the most formidable obstacle to civil-service reform." — "In doing so, he took the risk of not being understood in case of failure; but he risked his reputation for the sake of the people." — *The Nation*, Oct. 13, 1881, p. 293.

“To select wisely from our vast population those who are best fitted for the many offices to be filled, requires an acquaintance far beyond the range of any one man. The executive should, therefore, seek and receive the information and assistance of those whose knowledge of the communities in which the duties are to be performed best qualifies them to aid in making the wisest choice.”<sup>1</sup>

He by no means recognized in this declaration the right of congress to invade his prerogative. Indeed, in another part of the letter, he expressly disclaims that very thing. Nevertheless, what was the case on his accession to office? His time was seized upon and monopolized by applicants for office and members of the government, engaged in pressing the claims of candidates. *The Nation* says:—

“It was not work imposed on him by the constitution or the laws. It contributed nothing to the improvement of the administration or of any other public interest. It did not tend to promote the public welfare in any manner whatever.”

“Now, in what did this work consist? What was it? Simply the work of listening to arguments in favor of giving some hundreds of small offices, which were not vacant, to a few thousand insignificant and obscure persons who had discovered that they were unable to make a decent livelihood in any of the ordinary pursuits of active American life. It was to this class—one of the least important and least worthy of the community—that he made the tremendous sacrifice of health and strength to which all the newspapers called attention during his first four months of office.”

It is, then, one reason, and by no means an unimportant one, why the proposed reform is “not unnecessary;” that “congress,” to use the recent language of a newspaper writer, “is part of the thing to be reformed;” and the measures need to receive, by this legislation, “that essential strength and stability which only the approval of congress can impart.”<sup>2</sup>

<sup>1</sup> McPherson's "Hand-book," 1880, p. 193.

<sup>2</sup> "Report of Pendleton committee," p. 12.

## CHAPTER VII.

## IT IS NOT DESTRUCTIVE.

AN intelligent and acute observer in writing on the subject of government, ten years ago,<sup>1</sup> called needed attention to the extent to which the well-being of the people may be made to depend upon "improvement," in the matters alluded to, more "than even in what are called great reforms."

There is much truth and sound sense in this observation, and one which lies at the foundation of the most intelligent support which the present movement has. Destructive legislation, while it may have a glamour for unthinking minds, has never commended itself to the intelligence of English-speaking people, either in this country or Great Britain. (It is for this reason that a plain, moderate, business-like measure, like the one now urged, has to meet the criticism not only of those to whom such measures are not at all welcome, but also of those who demand some more striking, perhaps revolutionary step. It is, however, fortunate that only a small minority is represented by "the impatient reformer who troubles himself with nothing short of some grand enactment sweeping the whole field at once, and passing into history under some great name, as celebrated English statutes do, all-comprehensive and all-powerful for regeneration and reformation." (Letter of Senator Dawes, to the *Springfield Republican*, dated July 27, 1881.) There are several reasons why the movement is to be regarded as constructive rather than destructive, and as comprehending the various elements which go to make a stable and well-balanced enactment. And, first, it does not leave out of consideration the historical experience; for a plan of constructing systems of government which should leave out of account the teachings of history would be short-sighted indeed. The suggestive writer just quoted, remarks in another place, "History is

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<sup>1</sup> "Thoughts upon government," by Sir Arthur Helps. (Am. ed., p. v-vi.)

the chart and compass for national endeavor. Our early voyagers are dead;" were it not for the history of these voyages contained in "hoarded lore of all kinds, each voyager, though he were to start with all the aids of advanced civilization (if you could imagine such a thing without history), would need the boldness of the first voyager."<sup>1</sup>

Other nations have had similar abuses to remove, have grappled with them, and have risen above them. The present German empire owes its efficient administration to the fact that in the early part of the century Baron Stein "secured the gratitude, and, in large measure, the greatness of his country, by three great measures of administrative reform,"—among them, that of the "constitution of the supreme administrative departments."<sup>2</sup> Competitive examinations are in force in most of the leading European government services.<sup>3</sup> The French system of consular service, for example, has been so admirably efficient that it has remained unchanged for nearly fifty years. It is, of course, the efforts made in England which appeal most strongly to our interest and attention, and it is a fact of no little significance, as showing the careful account which those who most clearly see the need of the reform in this country have taken of the experience which other countries furnish, that out of the work of the United States Civil Service Commission during the past ten years has grown the most comprehensive addition to the literature of the British experience.<sup>4</sup> No extended reference is necessary here to a subject which has been so comprehensively treated

<sup>1</sup> "Friends in council," by Sir Arthur Helps. 1st series, v. 1, p. 190-191.

<sup>2</sup> Eaton's "Civil service in Great Britain," p. 337. See also the discussion of the German methods of reform, considered by R. von Mohl, in the "Journal of the American Social Science Association," 1870. European systems of public service are also discussed by J. G. Rosengarten, in this journal, 1871. Compare, also, the report of Mr. Patterson's committee to the United States senate, July 2, 1868, on "The foreign service."

<sup>3</sup> Mr. Eaton also states: "There is not a great nation of Europe in which the large post-offices and custom-houses have not been as corrupt and inefficient as in New York. Long before there were parties to seize the monopoly of patronage and spoils that monopoly belonged to the crown or the aristocracy. The need in each of the more advanced nations of the better officials which that monopoly excluded, has long since enforced the test of examinations. Examinations once established in any country have never been abandoned or limited, but have been steadily extended. All the leading European states now enforce them, and in each they aid the cause of education and political morals."

<sup>4</sup> "Civil service in Great Britain," by Dorman B. Eaton, New York, 1879.

in Mr. Eaton's admirable volume. In brief, it may be said that "it must be apparent how wide and varied, in Great Britain and India, is the field of official life, political activity, and personal ambition and jealousy, which is now dominated by the reform methods. They extend to all but a very few of the highest places for the exercise of the appointing power of the crown. They are supreme through almost the whole vast range of what was, for generations, the patronage of the treasury and of members of parliament,— a patronage which was as much greater than that of our heads of departments and members of congress, as their authority would be greater if the entire legislative and executive power of the states was made a part of the federal jurisdiction. The merit system, therefore, with its tests of character and capacity, and its claims of justice and principle against favoritism and partisanship, has achieved a victory over patronage as seductive and universal; has suppressed opportunities of intrigue and corruption as varied and numerous; has overthrown a tyranny of partisan and official influence as pervading and powerful, as would be involved in this country in a struggle which should draw to itself every selfish and partisan element; all the offices and gains; all the intrigue and influence; all the hopes and fears of a presidential campaign, of senatorial contests, and of elections for governors, united into one grand issue, dependent upon a single national vote at the polls."<sup>1</sup>

In the next place, it is constructive because it does not shut its eyes to the peculiar and individual circumstances of our own nation. The historical experience of other countries is to be studied and availed of, but not necessarily to be transferred bodily. It is for the very reason (as was shown at the beginning of this discussion)<sup>2</sup> that the reform is essentially democratic in its nature, that, at certain points, its better adaptedness to American than to English institutions will call for a replacing of some of the features of the English plan by improved methods.<sup>3</sup> Sir Arthur Helps, also,

<sup>1</sup> Eaton's "Civil service in Great Britain," p. 316.

<sup>2</sup> See Chapter I.

<sup>3</sup> Mr. Eaton is chairman of the Civil Service Commission of the United States, and his volume was prepared directly in consequence of an official request of President Hayes, in 1877, that he would investigate and make a report to him concerning the action of the English government in relation to its civil service, and the effects of

whom we have already quoted, enlarged upon the inadequacy of competitive examinations alone to bring the "fittest men" into the service of the government.<sup>1</sup> But the plea which he so earnestly makes is answered by the supplementary principle of probationary appointments, an essential and most vital principle in the bill now proposed in this country,<sup>2</sup> but not, at the time Sir Arthur was writing (1871), fully established in the enactments of the British system.<sup>3</sup> An examination of the American legislation, and especially of the bill now proposed, will show an intelligent and statesman-like aim to construct it on the basis of the underlying principles of the American political system.

Again, it is constructive for the reason that the proposed enactment disturbs existing legislation to the least degree possible, and, in fact, may be described as essentially complementary to these enactments. As has already been indicated,<sup>4</sup> the legislation of 1871 "will remain in force so far as consistent with this" bill now proposed. Nor is it simply an attempt to avoid destructive legislation by thus conforming to the obvious methods of supplementing the former acts; but the closing section (Sect. 7) shows a painstaking research, on the part of its framers, to avoid any unwitting and unforeseen clashing with existing laws. Nor does it avoid destructive methods alone in its general theory and scope; but, descending to each individual sub-office in which its provisions may be put in force, its method is not to sweep aside at one blow the whole organization; but, after a certain specified date, beginning at the lowest grade, the new element is introduced, which is gradually to per-

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such action since 1850. "This volume," says a competent authority, "will become a text-book among us on the science of administration. It would be well worth the pains to compile an abstract from it in the form of a manual for use in schools."—(*The Nation*, Jan. 15, 1880, v. 30, p. 47.)—Another journal (the *New York Tribune*) says: "The gravity of his style is in keeping with the dignity of his subject. His statements exhibit exhaustive research, discriminating judgment, candor of opinion, and moderation of expression."

<sup>1</sup> A writer (an Englishman) in the *Contemporary Review*, October, 1881, p. 647, says: "In my opinion it would hardly be well for the American people slavishly to imitate the English system." In England, he says, a reforming minister may be "seriously hampered by the unreasoning conservatism and official routine displayed by the permanent staff of his department." It should be noted that this writer expressly declared (p. 645 of the same article) that "Competitive examinations seem to be the only means whereby the civil service of the United States can be purified and invigorated."

<sup>2</sup> See Pendleton bill, sect. 2, pt. 2, rule 4.

<sup>3</sup> Eaton's "Civil service in Great Britain," p. 229-30, 264.

<sup>4</sup> See Chapter 3.

meate the mass. (Pendleton bill, Sect. 6.) The framers of the bill thus recognize the value of time and patience as elements in any permanent and substantial construction; and not less in the fact already indicated,<sup>1</sup> that the measure, as a whole, is moderate rather than sweeping; and, as regards the scope of its operations, begins with those government offices only to which the provisions can at first be most practically applied.

But if the reform may not with truth be described as destructive, what shall be said of the partisan system which it aims to replace? Can any possible theory of civil-service reform be so utterly destructive as this principle, avowed by a former government-officer? — “I believe that when the people vote to change a party administration they vote to change every person of the opposite party who holds a place, from the president of the United States to the messenger at my door.” (Quoted in Mr. Curtis’ Saratoga address.) Mr. Schurz, in an address made in 1876, presented it in very forcible language: —

“Imagine that, in this year of the great centennial anniversary, some of the wise men of this republic — Washington, Adams, Jefferson, Hamilton — could rise from their graves in order to ascertain by tour of inspection what had become of their work in these hundred years. Of course we would have to show them our civil service; and would it not make them stare? We would have to explain to them how, nowadays, things are managed; how, on the accession of a new president, the whole machinery of government is taken to pieces, all at once, to be rebuilt again out of green materials, in a hurry; how 60,000 or 70,000 or 80,000 officers are dismissed, without the least regard to their official merits or usefulness, simply because they do not belong to the party, to make room for a ‘new deal.’”

Or, to quote another authority: “At the end of each four years the entire federal patronage (amounting to one hundred and ten thousand offices) is collected in one lot,” which the President, when elected, is “compelled to distribute to his party.” “No nation can withstand a strife among its own people, so general, so intense, and so demoralizing. No contrivance so effectual to embarrass government, to disturb the public peace, to *destroy political honesty, and to endanger the common security*, was ever before invented.”<sup>2</sup>

<sup>1</sup> See Chapter 5.

<sup>2</sup> “Report of the committee on alleged frauds,” March 3, 1879 (Mr. C. N. Potter, chairman), p. 64.

There is no necessity whatever for exaggeration. The abuses of various descriptions which have made so painful an impression on the public during the later years of our history are fresh in memory: the whiskey frauds, the New York Custom House frauds, the Sanborn contracts, the Indian bureau corruption, the Star route frauds, — all of which have been directly connected with the civil service. It is not, it is true, “the worst on the globe;” for those of Russia and Turkey are, doubtless, capable of surpassing it in these abuses. Nor does it mend matters much to claim, as has been done, with a show of truth, that it is, “for the most part, a bad system in good hands.” (*Boston Saturday Evening Gazette.*)<sup>1</sup> As has been abundantly shown, there is nothing to guarantee its being confined to “good hands.”

Nor is it absolutely necessary to look for the immediate and sudden ruin of the country. To quote once more Sir Arthur Helps,<sup>2</sup> “When a state has attained a certain amount of force and prosperity,” “it takes a long time to break it down. You may heap muddlement upon muddlement, and with a free people, though much mischief is done and much good prevented, still they work on steadily, each man in his private capacity doing something to retrieve the effects of bad or of indolent government.”<sup>3</sup>

Would any “lover of his country, however,” to quote his next remark, “wish for such a state of things to continue indefinitely,” and wish to “leave things alone”?

Not so thought General Garfield, and if any American public man was entitled to be called preëminently a constructive statesman, our late president was. “To reform this service,” he wrote, “is one of the highest and most imperative duties of statesmanship.”<sup>4</sup>

<sup>1</sup> The writer in the *Contemporary Review*, already quoted, alludes (Oct. 1881, p. 645), though with evident gratification and surprise, to “the splendid work which has been done in many public departments, both state and national, in America.”

<sup>2</sup> It is somewhat amusing to notice that certain opponents of civil-service reform in this country have delighted in quoting Sir Arthur Helps as an authority. (See the point cited by Mr. B. F. Butler, when a member of congress from Massachusetts, *Congressional Globe*, April 19, 1872, p. 2582.) But Sir Arthur’s works, if searched, will show that he had an unmistakable sympathy with efforts to improve government administration; and believed that, “if public business is for the future to be better conducted than it is now, the public offices must be intellectually strengthened.”

—“Friends in council,” 2d series, v. 2, p. 159.

<sup>3</sup> “Friends in council,” 2d series, v. 2, p. 158.

<sup>4</sup> *Atlantic Monthly*, July, 1877, v. 40, p. 61.

## CHAPTER VIII.

## IT IS NOT OPPOSED TO PUBLIC SENTIMENT.

ON the contrary, it is strongly favored by public sentiment. But, it may be demanded, how do we know that? We know that in a certain year public sentiment was in favor of the Whig party, because that party received a vote of 1,275,017; while its antagonist received only 1,128,702. But has any general vote ever been taken to show the strength of the civil-service reform sentiment? Assuredly not; and yet any one who has carefully observed its manifestation will, we think, admit the statement.

Nor is this a fact of slight moment. It is of all-pervading importance. The question as to what the people themselves think and believe is ultimately the significant one. It is this which the English writer last quoted had in mind in his reference to "a free people" retrieving the effects of bad government. If it be the case in Great Britain, much more is it in this country, whose government springs directly from the people; and we shall find that in the discussion of the subject during the past few years this phase of it has been frequently uppermost. Senator Dawes, in his letter of July 21, 1881, to the *Springfield Republican*, expresses himself to the effect that, while the president and congress are undeniably responsible for the reform, yet its speedy accomplishment, or its hindrance, depends on the people themselves, who have it in their power to delay it indefinitely by their "pressure" for office.<sup>1</sup> Of this attitude of Mr. Dawes, the *Springfield*

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<sup>1</sup> In the course of the hearing before the Pendleton committee, in February, he also said: "I think that for years past, and for years to come, the members of congress have been, and will be, between the upper and the nether millstone." On the one side is the executive, who makes those appointments, and on the other the "people, who have been viciously educated by all parties" "for the last forty years. They have come to believe that this is the way to live; the administration at the other end of the capital conforms to that view, and the members of congress are in the middle." "We cannot get legislation and make it permanent, unless our constituents behind us will support us in it." "We can never make any better laws than in the long run the public behind us sustain."—(Report of Pendleton committee, p. 42.)

*Republican* remarks: "His disposition to hold the people to their full share of responsibility for a manifest evil is aggressive, but not unhealthy." An ably edited New England daily (the *Providence Journal*) has returned to this phase of the subject again and again. In its forcible way it remarks:—

"The reform needed is a reform of public opinion. No law will be of the slightest effect in the long run, so long as the education of the people is that everybody is fit for every office; and that, if it can be got, the means by which it is obtained do not much matter. Our children have been taught that political office is the symbol and guarantee of public esteem and personal power; and they have seen that 'out West' mighty men have been elected justices of the peace. Why should not everybody go in for the spoils?"

Mr. Chace, recently elected to the House of Representatives, from Rhode Island, suggests:—

"Let us remember that the rulers of the people are what the people make them. No fountain rises higher than its source. If the people are honest, intelligent, and determined to preserve their own rights and maintain the government in its purity, then they will have honest and intelligent servants."

"That civil-service reform must come in this country is inevitable. That it will come if it is left to the people who dispense the offices it seems to me is very uncertain. The movement must arise with the people."

There is food for reflection in these statements, founded, as they are, on universally acknowledged truths.

But they gather fresh significance, considered in connection with the sentiment which has been manifesting itself. It has not always been so. A dozen years ago, to quote from Mr. Curtis's Saratoga address, "To the country, reform was a proposition to reform evils of administration, of which it knew little, and which at most seemed to it petty and impertinent in the midst of great affairs." And if we seek for the reasons underlying the growth of this sentiment, we shall find fresh evidence of the natural and healthy process by which, with very little artificial shaping, it has thus developed itself. Without much doubt the first advance was made when the actual evidence of its practical operation was furnished. The administrations of Secretary Schurz in the Interior Department, and Collector Merritt and Postmaster James at New York, bore stronger testimony than any words,

to the fact that it was possible, practical, and business-like. And the spontaneous recognition of their services by the business community, chambers of commerce, etc., has been dwelt upon elsewhere in this discussion.<sup>1</sup> Another advance in public sentiment was connected with the accession of General Garfield to the presidency. It was felt to be significant that a public man who had so conspicuously identified himself with advocating this reform should be placed in the executive chair. It is moreover true that many citizens expected to see him consummate the reform single-handed, and the fact that he, exceptionally equipped for this as he was, was seen not to be able to withstand the pressure, and to be appealing to congress for specific legislation, was a striking lesson as to the necessity of legislation. It will be seen, in fact, that these successive stages of the reform constituted in themselves an education of the public mind.

That the fearful tragedy by which the country was cruelly robbed of President Garfield's precious life and inestimable services has a significant bearing upon the matter, none can doubt. To state with perfect accuracy what its significance is, and to indicate its full extent and comprehensiveness, is a question of much gravity and practical difficulty. We are yet too near the terrible event to judge it without heat. This much, however, is plain, that (to use the language of the *Boston Transcript*), "this sad event which has befallen the nation, and under the shadow of which it still rests, has directed public attention to civil-service reform as it never was before" directed. Public opinion had been accumulating in volume and in definiteness for the past few years, but the impetus given by this shock was remarkable. To quote Mr. Curtis once more:—

"Like the slight sound amid the frozen silence of the Alps that loosens and brings down the avalanche, the solitary pistol shot of the 2d of July has suddenly startled this vast accumulation of public opinion into conviction, and on every side thunder the rush and roar of its overwhelming descent, which will sweep away the host of evils bred of this monstrous abuse. This is an extraordinary change for twelve years; but it shows the vigorous political health, the alert common-sense, and the essential patriotism of the country, which are the earnest of the success of any wise reform."

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<sup>1</sup> See Chapter 4.

Of the sentiment now existing there are numerous manifestations. Even a casual examination of the daily and weekly press, during the past few years (and particularly the past few months), reveals it. The matter has, within these years, also developed a literature of its own, of less ephemeral nature than the newspaper.<sup>1</sup> It has become a subject of earnest and determined discussion in our colleges.<sup>2</sup> The voice of the business community has been expressed through the resolutions and addresses of chambers of commerce and boards of trade. With remarkable unanimity the pulpit has expressed it.<sup>3</sup> Congressmen have put themselves on record in the matter, in reported conversations or in letters to the press. Local and state political organizations, in their annual conventions, have voiced the convictions of the party.<sup>4</sup> The national political conventions, in their utterances during the past ten years, have shown an increasing definiteness and emphasis scarcely exceeded by the presidents' messages of the same period, and individual voters of the country, gathered in the "civil-service reform associations," which are now springing up all over the country, have served to crystallize and render more effective the reform sentiment.<sup>5</sup>

Let us glance for a moment in detail at the gradual rise,

<sup>1</sup> See the writer's pamphlet, "The literature of civil-service reform in the United States" (1881).

<sup>2</sup> In order more effectually to encourage and to develop this, two prizes, one of \$100 and the other of \$50, have been offered by the Boston Civil-Service Reform Association, for the best essays on the subject presented by college students.—See *Civil Service Record*, No. 2, June 18, 1881.

<sup>3</sup> At the seventh church congress in the Protestant Episcopal church in the United States, held at Providence, Oct. 25-28, 1881, the subject of civil-service reform was discussed with great vigor. (See *Providence Journal*, Oct. 26, 1881.)

<sup>4</sup> See *The Civil Service Record* for some of these miscellaneous expressions of sentiment.

<sup>5</sup> The most fully organized of these associations are those in New York and Brooklyn, and those in Boston and Cambridge. Their close proximity renders it practicable for the two former to combine with each other, and the two latter to combine with each other, in the issue of publications, the holding of public meetings, the conducting of correspondence, etc.

The publications of the New York Association are:—

- I. "Purposes of the Civil-Service Reform Association."
- II. "The beginning of the spoils system in the national government, 1829-30."
- III. "The spoils system and civil-service reform in the custom-house and post-office at New York," by Dorman B. Eaton.

The Boston and Cambridge Associations publish *The Civil-Service Record*, a periodical of which six numbers have appeared.

The Providence Association ("Young Men's Political Club") has published the pamphlet already alluded to, "The literature of civil-service reform in the United States," by W. E. Foster.

in force and degree, of the sentiment of the national political conventions.<sup>1</sup>

The improvement is gratifying, and will any one say that there was not sad need of it? For the dictum, already quoted, "No fountain rises higher than its source," has a wider significance than as referring to the votes cast for some particular measure. It is because the people have not before this risen to the point of disapproving a system the spirit of which develops professional politicians, rather than statesmen, that our politics have remained on the lamentably low plane which have characterized them for many years. It cannot be claimed that there has been a lack of distinguished and able men in the country. In previous periods of the government they have appeared. This nation has had in its revolutionary epoch such men as Benjamin Franklin and Samuel Adams; in the period of its constitutional development such men as Alexander Hamilton and Thomas Jefferson; and in the early presidential administrations such presidents as Washington, Madison, and John Quincy Adams. The discussion of vital constitutional questions, later on, developed the three great statesmen of our middle period, Webster, Clay, and Calhoun. Already, however, the partisan system of spoils had settled down over the country, and when the great heroic epoch of the civil war dawned in 1861, while it was impossible that the occasion should not call forth and develop characters memorable through all coming history, yet the great names of that period were not connected with legislation.

A notable exception readily suggests itself to all minds. He who so lately took his seat in the presidential chair, only to be wickedly murdered after a few short months, was the

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<sup>1</sup> In 1872 the Republican national platform favored making "honesty, efficiency, and fidelity, the essential qualifications for public positions." In 1876 it declared in favor of allowing all other appointments (than the higher offices) "to be filled by persons selected with sole reference to the efficiency of the public service,"—a noticeable advance in definiteness and specific provisions. In 1880 it demanded "that congress shall so legislate that fitness, ascertained by proper practical tests, shall admit to the public service;" thus advancing to the recognition of examinations as a method, and legislation as an essential. In 1881, at the Massachusetts Republican Convention (a definite bill to compass this reform having in the mean time been introduced in congress), the sentiment expressed was thus definitely formulated: "Appointments to clerkships to depend, in the first instance, upon successfully passing a proper examination, open to all applicants without distinction of party; and, secondly, upon satisfactory service during a period of probation."

most conspicuous example of a statesman as distinguished from a politician that later years have witnessed. A statesman needs a broad foundation of scholarship on which to build; he needs also a natural capacity and faculty for acquiring the details of his subject, and a close and ready familiarity with history; he needs, moreover, a natural predilection for affairs of state, and long and careful training in their exercise; he needs a wide and thorough knowledge of men, and daily intercourse with them; he needs that excellent quality, tact, in dealing with other men; he needs, certainly, a sense of humor, for the lack of which even Mr. Gladstone has sometimes made his course a needlessly difficult one; he needs (to use the language of President Eliot, of Harvard)<sup>1</sup> "the power of clear, forcible, and persuasive exposition." Judged by this standard, does our late president fail to come up to the requirements? Rather, is he not the most conspicuous instance we know, of a man coming to the presidency, nay, coming to each position of responsibility which he occupied in turn, before reaching the presidency, fully equipped for that position by long, patient, profound, far-reaching study of the principles and problems involved?<sup>2</sup> It has been said of another public man, whose public career recently closed quite suddenly, that "the most important questions of his time have taken no hold upon him: tariff reform and our commercial relations with other countries; methods of taxation; regulations of elections, etc." But whoever that public man may be, to whom such language was applicable, there is, assuredly, no one of whom it was more untrue than President Garfield. His acquaintance with all these points was intimate and thorough. Yet this is not all. President Eliot goes on to say, that, if mental preparation be essential, moral qualities are even more so. President Garfield was, as the whole American people have seen in the closing portion of his career, a man, in the truest, highest sense. He possessed a character preëminent in its loftiness and purity, a possession which he has left as

<sup>1</sup>At the Schurz banquet, Boston, March 22, 1881. — (In *Harvard Register*, v. 3, p. 257.)

<sup>2</sup>"There was nothing cloudy about his writing or speaking." It "contains a body of doctrine of which, taken for all in all, any American may be proud, — such doctrine as perhaps no other man among us, who for so long a period successfully retained his place in public life, could show." — *The Nation*, Sept. 29, 1881, p. 246.

a precious legacy to the American people. Where will you find elsewhere a man of such "high heart," to use the French term, who bore not only with fortitude, but with unflagging spirits, a phenomenal pluck and even keen sense of humor, the long and excruciating days of pain? His was the "victorious spirit," which not even the most adverse physical surroundings could subdue. Well has a writer in *Punch* expressed it:—

"So fit to die, with courage calm,  
Armed to withstand the threatening dart.  
Better than skill is such high heart  
And helpfuller than healing balm.

"So fit to live, with power cool  
Equipped to fill his function great,  
To crush the knaves who shame the state;  
Place-seeking pests of honest rule.

"Equal to either fate he'll prove.  
May Heaven's high arm incline the scale  
The way our prayers would fain avail,  
And weight it for long life and love."<sup>1</sup>

Where will you find one who has attached greater importance to the heroic virtues of patience and self-reliance; who has climbed, by dint of his own efforts, to the highest point; who has, with calm dependence on the results of time, taken time for the accomplishment of needed projects? Where will you find one in whom the moral element has so predominated; who has acted constantly, not for the sake of gaining the flattering and shallow praise of some one else, but has constantly obeyed the dictates of his own conscience and preserved his own self-respect? "It is of some moment to me," he once said to a meeting of his own constituents, "what this and that one may think of me; but this is of no weight as compared with this other consideration, What will James A. Garfield think of me?"

But how exceptional to the direct tendency of the system itself such a career as President Garfield's was, his whole life witnesses, for it was a prolonged struggle with that system; nay, his words themselves bear witness. In an

<sup>1</sup> *Punch*, July 16, 1881, p. 15.

article already quoted from, he said: "The present system . . . impairs the efficiency of the legislators; . . . it degrades the civil service; . . . it repels from the service those high and manly qualities which are so necessary to a pure and efficient administration; and, finally, it debauches the public mind by holding up public office as the reward of mere party zeal. To reform this service is one of the highest and most imperative duties of statesmanship."<sup>1</sup>

This declaration is strikingly borne out by figures which have been collected, showing, for example, the withdrawal of educated men from active participation in the government.<sup>2</sup> "The truth is, and it is well that it should be impressed upon the public mind, that the struggle for principles is ennobling. It makes men think. It makes men feel themselves to be the instruments of the great forces that uphold and control society." "A struggle for spoils, on the other hand, is the reverse of ennobling."<sup>3</sup>

It is not, then, that the nation is destitute of men who can render the highest service to their country, but that that service has not attracted them. Has there not been, to quote again from the same journal, a diversion of some of "the most powerful personalities into business enterprises? Is it not true that the finest spirits, and the men best qualified by character, and best equipped by culture for public service, have turned away from such a career into the walks of literature, art, science, or philanthropy? And can it be said that there is no connection between such facts as these and the ascendancy of the politician class?" "It is time to substitute measures for men, and principles for patronage, in the management of parties and the conduct of the government. Personal politics beget small men."

For many years public sentiment has supported, or seemed to support, the rule and management of the late senior senator from New York. This is no place to give to his career any extended consideration, though the minute analysis, — one might almost say "dissection" — of it in a late periodical article well merits thoughtful study.<sup>4</sup> It is sufficient to

<sup>1</sup> *Atlantic Monthly*, July, 1877, v. 40, p. 61.

<sup>2</sup> *Penn Monthly*, July, 1881, v. 12, p. 516-17.

<sup>3</sup> Professor Charles Carroll Everett (in *Boston Sunday Herald*, Oct. 16, 1881).

<sup>4</sup> *International Review*, Oct., 1881, v. 11, p. 375-90.

say, in the language of another writer,<sup>1</sup> that "The interest he now awakens is due to the fact that he is the representative and the victim of the spoils system, from the great manor where it was born and is now developed. His utter neglect of great things, and his supreme care for little things, his rise, his rule, and his collapse, alike illustrate the spirit and the effects of that system."

It is plain, then, that there has been a progress in public opinion not only truly remarkable, and extremely gratifying, but well-nigh controlling. We say "well-nigh controlling," for it is above all things important, in a matter like this, to recognize the extent and influence of the opposing sentiment.

And there are several reasons for this. In the first place, the very fact that the reform is essentially a reasonable one, and one which advances by gradual and natural stages, renders it natural that there should be many honest and sincere lovers of their country who are not yet persuaded as to its overwhelming importance. And so there are every day many who are for the first time opening their eyes to the fact that the reform is not undemocratic, is not unnecessary, is not impossible, or is not unbusiness-like. And, until recently, it has been true, as expressed by the *Boston Advertiser*, that "the masses of the people will not be moved until, with the proof that matters are in a bad way, they are furnished with a complete, intelligible, and practical plan, demonstrably better in practice than the old, while obviously better in principle;" an objection removed by the bill now proposed. All sensible advocates of the reform will heartily admit, with the same paper, that it is a great mistake to "think that any one who tries to test the value of their remedy is an enemy. Every one who is prepared to admit that the prevailing method of choosing subordinate officers of the United States is irrational and harmful to the political morals of the people is a possible reformer." In this many-sided, bewilderingly complex civilization or ours there is opportunity to give time and attention to only a small number of those topics which one would like to study thoroughly; and, unquestionably, there are hundreds of citizens who have heretofore dismissed this reform from their

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<sup>1</sup> *Princeton Review*, Sept., 1881, p. 169.

minds for this reason, who, once they give their whole mind to the subject, cannot help being "reformers," if they try.<sup>1</sup> Another reason is, as Mr. Eaton suggests in his letter to Mr. Dawes,<sup>2</sup> that "the nomenclature of reform is so little settled, and so much feeling enters into its discussion, that we should not be surprised either at honest misapprehensions or at artful misrepresentations." Perhaps the most potent element of misunderstanding, however, is in a supposed inherent clashing of theory and practice. Were the present movement a "theoretical" one, it would justly give occasion for distrust. That it is, in its present stage, advocated by some, out of the entire mass who "see only one side of the shield," is not incredible. "Many of the friends of reform," says Mr. Eaton,<sup>3</sup> "are only in the stage of disgust, denunciation, and general discontent." "They have not those definite views needed for devising or even for giving effective support to better methods." No one can wonder that a man like Senator Dawes, who has given years to the study both of its theory and practice, should say with some weariness: "I have found the theoretical reformer very impatient and unwilling to listen to anything but a reference to his demand for a law which shall do this work and save us further trouble."<sup>4</sup> And one can readily sympathize with the feeling thus expressed by a daily newspaper:<sup>5</sup> "But what did Senator Dawes expect of or from the 'theoretical reformer'? Has not the 'reformer' insisted for the last thirty years that law, not virtue in the people, would suppress intemperance? There is, or ought to be, a theory underlying each and every law. The trouble with the reformers, with which the senator is exasperated, is that their theory excludes the most essential elements of the problem."

<sup>1</sup> See Mr. Schurz's address at Boston, March 22, 1881, where he said: "What the country wants is an honest, wise, business-like administration of public affairs. It wants to have questions of public interest discussed and decided upon their own merits. In order to have this, the offices of the government must cease to be mere spoils of party contests, and thus the spoils must cease to be a great motive-power in political contests. Many who did not see this yesterday see it to-day, and many who do not see it to-day will see it to-morrow. I believe there is a growing sentiment in favor of a thorough reform, and greater hope of its accomplishment. What has been gained in that direction cannot be abandoned by either political party, with impunity, and each party will find itself obliged to move onward, if it be only from motives of self-preservation."

<sup>2</sup> Printed in the *Springfield Weekly Republican*, Sept. 30, 1881.

<sup>3</sup> "Civil service in Great Britain," p. 402.

<sup>4</sup> Third letter to the *Springfield Republican*, dated Aug. 13, 1881.

<sup>5</sup> *Providence Journal*, Aug. 19, 1881.

Let it not be supposed that the objections urged do not comprise some definite and clearly stated criticisms of specific points. These are worthy of the most careful and candid study on the part of those who support the reform.<sup>1</sup> But there is nothing surprising in this. It is the common and the natural course, and gives us reason to believe in its ultimate establishment. Its experience may be (to quote once more from Sir Arthur Helps) that of another great question in another country. This opinion, he says,<sup>2</sup> "has gone through a series of stages of development. It was at first held by two or three thoughtful writers, who perhaps were the only persons who thoroughly believed in it, and were willing to accept all its consequences. The opinion very gradually grew into favor, until it came to be held by an overwhelming majority." The practical question now is what shall be done to assist in its development. For one thing, no steps backward should be permitted. That which has been accomplished should be sacredly guarded. That so large a body of citizens already believe in its necessity should be only an additional reason for extending and enlarging the public sentiment. There should be intelligent and painstaking study brought to bear on the provisions of

<sup>1</sup>The following references to articles presenting objections are here given, not as comprising an exhaustive list, but embracing some which deserve particular attention:—

Argument by Mr. J. M. Connell, included in Mr. Jenckes's report of May 14, 1868, p. 73-77.

"Will democracy tolerate a permanent class of national office-holders?"—*Lippincott's Magazine*, Dec., 1880, v. 26, p. 690-97. [Answered in same magazine, June, 1881, v. 27, p. 580-92. "Tenure of office," by D. B. Eaton.]

"Reform versus reformation," by A. W. Tourgee.—*North American Review*, April, 1881, v. 132, p. 305-19. [Answered in same magazine, June, 1881, v. 132, p. 546-58. "A new phase of the reform movement," by D. B. Eaton.]

"Loop-holes in the Pendleton scheme of reform."—*Boston Advertiser*, Aug. 26, 1881.

A discussion of the competitive examination feature.—*The American*, April 2, 1881, v. i, p.

Professor W. G. Sumner, of Yale College, a student of the reform for many years, discusses "Presidential elections and civil service reform."—*Princeton Review*, Jan., 1881, p. 129-48.

Senator Dawes of Massachusetts, who has been intimately identified with the legislative discussion, the last ten years, examined some of the features proposed, in three letters to the *Springfield Republican*, July 21, July 29, and Aug. 15, 1881.

He was answered by Mr. Eaton in four letters to the same paper, Sept. 30 (weekly), and Oct. 7, 17, and 24, 1881. Also (perhaps by a former cabinet minister), in *The Nation*, Aug. 4, 1881, v. 33, p. 36. A conversation with Mr. David A. Wells, as to the constitutional point, is printed in the *Boston Sunday Herald*, of Aug. 21, 1881.

For other articles see the pamphlet, "The literature of civil-service reform in the United States," p. 13.

<sup>2</sup>"Thoughts upon government," Am. ed., p. 13.

the reform and of kindred points in administration. Especially should there be the freest discussion of objections, and a candid examination of intelligent criticism. All this, it may be said, will be practically an education of the public. Precisely; and, should this be accomplished, whatever legislation is enacted will have a tenfold security of basis. Says a daily paper:—

“How to utilize this informed and awakened public sentiment, and to apply the practicable remedy in law and in administration, is the problem of the hour.”

If any point has been clearly forced upon our mind in the course of this discussion it is that the executive has repeatedly appealed for assistance in the shape of additional legislation; that members of congress themselves admit its necessity; and that the sentiment of the people is largely for that specific thing. Clearly the next step should be the passage by congress of some bill, and it is difficult to see that it could do better than to pass the particular bill which we have been considering. Whether this will be done is of course still a matter of speculation. “It may be true,” says the *New York Evening Post*, “that congress, as at present constituted, is not favorable to any thorough-going reform measure.” “But congress has had to do many things in obedience to public opinion, and there is an opportunity now for the friends of civil-service reform to make that opinion commanding and effective.” One congressman, during the summer, has expressed the optimistic opinion that the civil service will take care of itself if we only give the people “the highest mental, moral, and physical culture.” (Senator Ingalls, at Williams College, July 4, 1881.) It is also somewhat disheartening, as the *Boston Advertiser* suggests, that, considering “the length of time during which the question has been agitated and the length of time during which the system has been on trial in some form, here and elsewhere, some of our congressmen show a singular unfamiliarity with its place and usefulness as an adjunct of the civil service.”

In his letter to the “*Springfield Republican*,” dated Sept. 22, 1881, Mr. Eaton says:—

“It now remains to be seen whether the senators and representatives from Massachusetts will be ready to take that lead upon the

subject, in the halls of legislation, which her people have taken among the States. And who can doubt that they will?"

About the date of this letter the annual Republican State Convention in Mr. Dawes's state (Massachusetts) was held. At this, as at every previous state convention since 1875, intelligent resolutions were adopted on the subject of the civil service. The platform of this year, however, says "*The Nation*" (Sept. 29, 1881, p. 242), "goes one step further than any party platform has hitherto done, in the minuteness of its definition of a 'thorough reform.'" "It will be difficult," adds *The Nation*, "for any Massachusetts representative, at least, to get round the above in any creditable way." They "are cut off by the platform from the work of barren criticism." In this connection it is worthy of notice that Mr. Rice, a representative from Massachusetts, has stated definitely:—

"As I am at present advised, my opinion is that the first thing is for congress to enact (similar) legislation, leaving the execution of it to heads of departments, and watch the result."<sup>1</sup>

Also that Mr. Hoar, the junior senator from Massachusetts, has, in a current periodical article,<sup>2</sup> given the Pendleton bill the weight of his approval. He says:—

"It has worked well in several important offices. Its adoption will be an emphatic expression, both by congress and the executive, of a desire to coöperate in getting away from the evils of the existing system. It will enable the executive to make an honest and earnest effort to take the civil service of the country out of politics, under circumstances which promise the coöperation of congress and the support of public opinion." (p. 476.)

The need of caution in estimating the extent of public sentiment has been touched upon in these pages. No student of history or political science will question the fact that legislation without a sound basis of public sentiment is valueless. There is, however, such a thing as erring in the direction of allowing legislation to lag too far behind the sentiment of the people, as well as the opposite error. In

<sup>1</sup> *Boston Advertiser*, July 30, 1881.

<sup>2</sup> "The appointing power" by Senator George F. Hoar, *North American Review*, Nov., 1881, p. 464-70.

fact, as Mr. Eaton says, in a third letter to the *Springfield Republican* (dated Sept. 25, 1881):—

“ In Webster’s speech on the Greek revolution, he treated debate in congress as a fit means of arousing and guiding a sound public opinion. In his view, and in that of Mr. Sumner, as I interpret them, it is the part of a statesman and legislator not to doubt and hesitate in silence, until swept on by an omnipotent sentiment, but to speak early in behalf of what ought to be done, and to speak fearlessly, for the encouragement of the spirit and intelligence which make it possible. ‘There are excitements to duty,’ says Mr. Webster in his oration at Bunker Hill, ‘but they are not suggestions of doubt.’ It is a part of the duties and functions of a legislator not only to discover and arraign abuses in the public administration, but to devise and put in force the proper remedies. They have no right to be ignorant as to such remedies.”

Certainly there are few who better express the sentiment of Massachusetts than her present able and statesmanlike governor. Governor Long, as reported in the *Boston Traveller*<sup>1</sup> (July 27, 1881), says:—

“Mr. Dawes would have done better service” (than in seeking some other remedy) “if he had developed the simple, practical, and excellent plan reported last year by the committee of which he is an able member, and of which Mr. Pendleton is chairman. It is a plan which has the merit of working no violent changes. It applies only to bureaus where fifty or more appointees are employed. In New England, therefore, it would affect, I take it, only the Boston Custom House and Post Office. Its adoption would make no more shock than the shifting of a belt from one wheel to another. It guards against unfit and mistaken selections, by putting every successful candidate upon probation, so that if with all his success and merit in passing examination he fails after a few months’ trial in practical work, he receives no appointment, and gives way to the next in order. This reform is coming as sure as fate,” “not because we have not good men now in our civil service, nor because, indeed, we can much improve on them; not because it is English; but because it is fair, because it is democratic, and gives to the people equal chance to go in on their merit and not on their control of political influences. And, finally, it is coming because the business interests of the people demand it,—demand that the congressman shall give his time, which is their time, to questions of legislation and not of office filling,—and because the congressman himself feels the imperative need of such relief.” “But just as soon as the Pendleton-Dawes bill is made plain to the people, and they see what a practical measure it is, and realize its value, they will compel the adoption of it or something else as good.”

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<sup>1</sup> Quoted in *Civil Service Record*, No. 4, Aug. 13, 1881.

It has been questioned by certain journals whether "the active politicians in this country," and "those in Washington upon whose shoulders the responsibilities of the government rest, realize the depth of feeling that has been stirred in the hearts of the people of this country on the subject of civil-service reform." It is certainly to be hoped that they do. Indeed the testimony collected here, as well as in another part of this discussion, shows that some of them at least appreciate it; and if they do not, certainly the people are to be blamed for not expressing their convictions in unmistakable form. It must be remembered that in a representative government, the legislative body expresses in the long run the popular voice; and, to quote once more from a journal not committed by any means to the support of this bill (the *Providence Journal*): —

"When it is really thought better to limit or regulate this power, the voice of the people will be heard. Congress will pass just such laws as the constituencies of the members by a large majority agree upon. There is no man upon the face of the earth more amenable to reason than a congressman, when that reason is backed by a sufficient number of votes."

Among the duties justly considered imperative in this matter, not the least imperative is that of the people themselves, to manifest their convictions.

## APPENDIX.

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### THE PENDLETON BILL.

#### A BILL TO REGULATE AND IMPROVE THE CIVIL SERVICE OF THE UNITED STATES.

*Whereas* common justice requires that, so far as practicable, all citizens duly qualified shall be allowed equal opportunities, on grounds of personal fitness, for securing appointments, employment, and promotion in the subordinate civil service of the United States; and whereas justice to the public likewise requires that the government shall have the largest choice among those likely to answer the requirements of the public service; and whereas justice, as well as economy, efficiency, and integrity in the public service, will be promoted by substituting open and uniform competitive examinations for the examinations heretofore held in pursuance of the statutes of 1853 and 1855: therefore,

*Be it enacted, etc.:* That the president is authorized to designate and employ five persons, not more than three of whom shall be adherents of the same party, as Civil-Service Commissioners, and said five commissioners shall constitute the United States Civil-Service Commission. Three of said commissioners shall hold no other official place under the United States, and the other two shall be experienced officers in the public service in Washington, but not in the same department, and shall remain commissioners no longer than they shall remain in the public service in some department, and reside in the District of Columbia.

The president may remove any commissioner for good cause, after allowing him an opportunity for making an explanation in answer to any charges against him, such cause to be stated in writing in the order of removal, which shall be filed with the secretary of state; but no removal shall be made by reason of opinions or party affiliations; and any vacancy in the position of commissioner shall be so filled by the president as to conform to said conditions for the first selection of commissioners.

The three commissioners required not to hold any other official place shall each receive a salary of \$3,500 a year, and the two members holding some other public office shall each receive a salary of \$500 a year in addition to their respective salaries in said office. And each of said commissioners shall be paid his necessary expenses incurred in the discharge of his duty as a commissioner.

SECT. 2. That it shall be the duty of said commission :—

*First.* To devise and submit to the president for his approval and promulgation, from time to time, suitable rules, and to suggest appropriate action for making this act effective ; and when so approved and promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate, to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

*Second.* And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration shall warrant, as follows :—

*First,* for open, competitive examinations for testing the capacity of applicants for the public service now classified or to be classified hereunder ;

*Second,* that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections from among those graded highest as the results of such competitive examinations.

*Third,* that original entrance to the public service aforesaid shall be at the lowest grade ;

*Fourth,* that there shall be a period of probation before any absolute appointment or employment aforesaid ;

*Fifth,* that promotions shall be from the lower grades to the higher on the basis of merit and competition ;

*Sixth,* that no person in the public service is for that reason under any obligation to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so ;

*Seventh,* that no person in said service has any right to use his official authority or influence to coerce the political action of any person or body ;

*Eighth,* there shall be non-competitive examinations in all proper cases before the commission, when competition may not be found practicable ;

*Ninth,* that notice shall be given in writing to said commission of the persons selected for appointment or employment from among those who have been examined, of the rejection of any such persons after probation, and of the date thereof, and a record of the same shall be kept by said commission.

And any necessary exceptions from said nine fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the commission.

*Third.* Said commission shall make regulations for, and have control of, such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same ; and said commission shall keep minutes of its own proceedings.

*Fourth.* Said commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action

of any examiner or board of examiners, and its own subordinates, and those in the public service, in respect to the execution of this act.

*Fifth.* Said commission shall make an annual report to the president, for transmission to congress, showing its own action, the rules and regulations, and the exception thereto in force, the practical effects thereof, and any suggestion it may approve for the more effectual accomplishment of the purposes of this act.

SECT. 3. That said commission is authorized to employ a chief examiner, who may also be the secretary of the commission, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him.

After an opportunity of being heard in explanation of any charge against him, he may be removed by the commission for cause to be entered on its minutes, and a successor appointed. The chief examiner shall be entitled to receive a salary at the rate of \$4,000 a year, and he shall be paid his necessary travelling expenses incurred in the discharge of his duty.

The commission is also authorized to employ a stenographer and copyist, who shall be entitled to receive a salary of \$1,600 a year, and he may be removed and a successor appointed as is provided as to the chief examiner. The commission may also engage the services of a messenger, at a salary of \$600 a year, and may dismiss the same at pleasure.

The commission may, at Washington, and in any other part of the country where examinations are to take place, designate and select a suitable number of persons in the official service of the United States, after consulting the head of the department or office in which such person serves, to be members of boards of examiners, and may at any time substitute any other person in such service in the place of any one so selected.

And any person so selected shall be entitled, during the period he shall serve on any such board, to receive a compensation for such service at a rate not exceeding \$500 a year in addition to his regular salary in the public service; the amount of such additional compensation to be approved by the president, but the whole of such additional compensation which shall be authorized to be paid in any one year to all the examiners shall not exceed \$10,000. It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside the District of Columbia where examinations are directed by the president or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same.

SECT. 4. That it shall be the duty of the secretary of the interior to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at

the city of Washington, for carrying on the work of said commission and said examinations, and to cause the necessary stationery and other articles to be supplied, and the necessary printing to be done for said commission. And the cost and expense thereof, and the several salaries, compensations, and necessary expenses hereinbefore mentioned, upon the same being stated in detail and verified by affidavit, shall be paid from any money in the treasury not otherwise appropriated.

SECT. 5. That any said commissioner, examiner, copyist, or any person in the public service, who shall wilfully and corruptly, by himself or in coöperation with one or more other persons, defeat, deceive, or obstruct any person, in respect of his or her right of examination according to any such rules or regulations, or who shall wilfully, corruptly, and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or who shall wilfully and corruptly make any false representations concerning the same, or concerning the person examined, or who shall wilfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospect or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offence be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment not less than ten days nor more than one year, or by both such fine and imprisonment.

SECT. 6. Within sixty days after the passage of this act it shall be the duty of the secretary of the treasury, in as near conformity as may be to the classification of certain clerks now existing under the 163d section of the Revised Statutes, to arrange in classes the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service, at their respective offices in each customs district where the whole number of said clerks and persons shall be all together as many as fifty. And thereafter, from time to time, on the request of the president, said secretary shall make the like classification or arrangement of clerks and persons so employed, in connection with any said office or offices, in any other customs district. And upon like request, and for the purposes of this act, said secretary shall arrange in one or more of said classes or of existing classes, any other clerks, agents, or persons employed under his department in any said district not now classified; and every such arrangement and classification, upon being made, shall be reported to the president.

*Second.* Within said sixty days it shall be the duty of the postmaster-general, in general conformity to said 163d section, to separately arrange in classes the several clerks and persons employed, or in the public service, at each post-office or under any postmaster of the United States where the whole number of said clerks and

persons shall together amount to as many as fifty. And thereafter, from time to time, on the request of the president, it shall be the duty of the postmaster-general to arrange in like classes the clerks and persons so employed in the postal service in connection with any other post-offices; and every such arrangement and classification, upon being made, shall be reported to the president.

*Third.* That from time to time said secretary, the postmaster-general, and each of the heads of departments mentioned in the 158th section of the Revised Statutes, and each head of an office, shall, on the request of the president, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purpose of the examinations herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks and officers in the public service, pertaining to their respective departments not before classified for examination.

SECT. 7. After the expiration of four months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith.

But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the 1754th section of the Revised Statutes, nor to take from the president any authority not inconsistent with this act conferred by the 1753d section of said statutes; nor shall any officer not in the executive branch of the government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by direction of the senate, shall any person who has been nominated for confirmation by the senate be required to be classified or to pass an examination.

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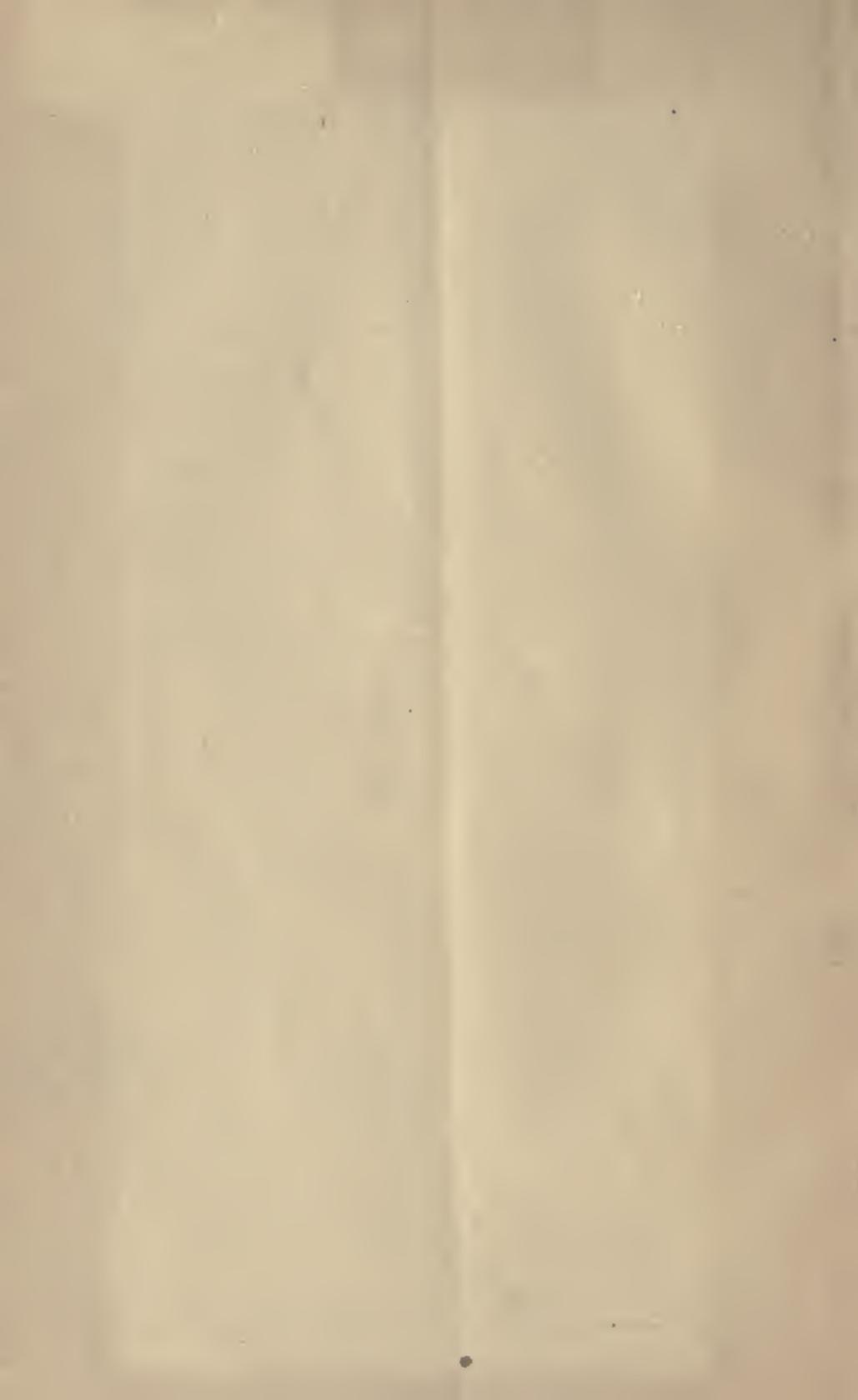
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