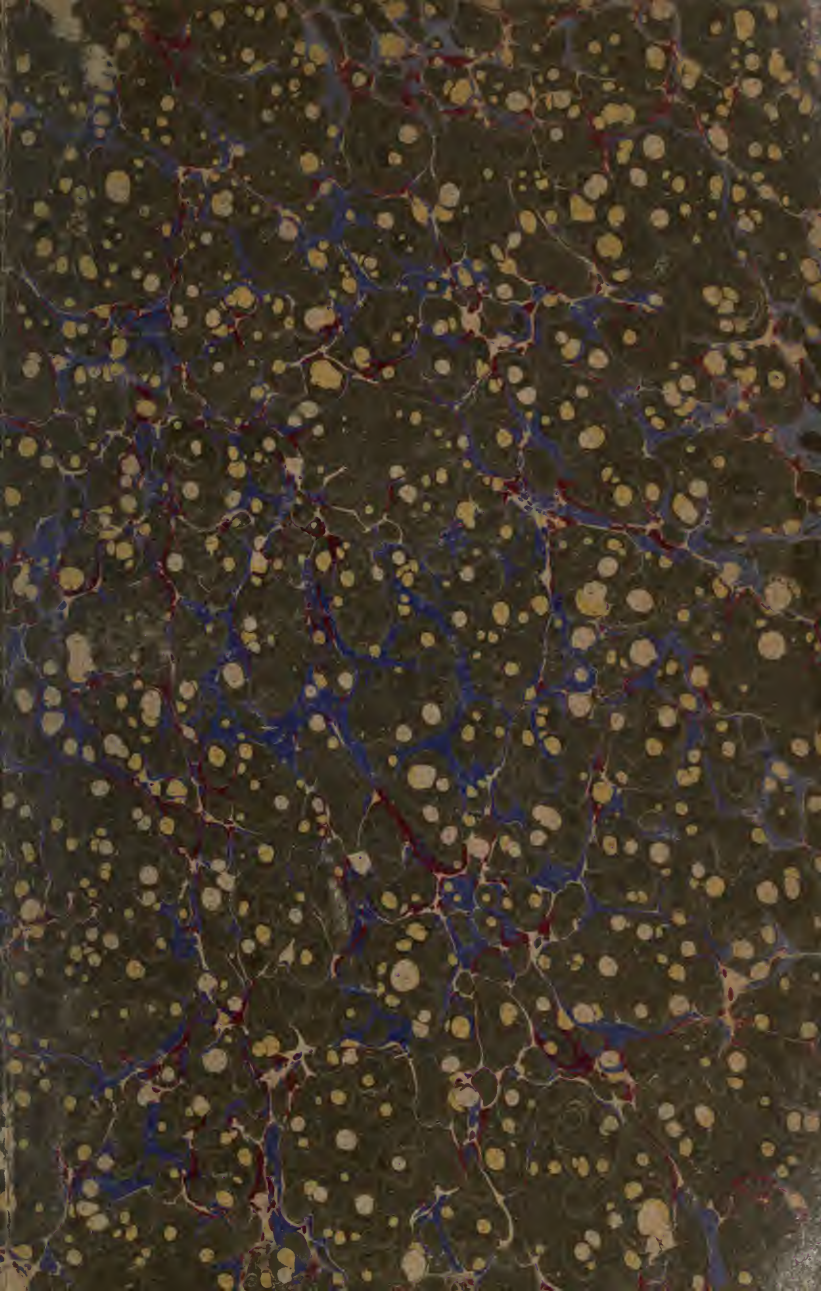
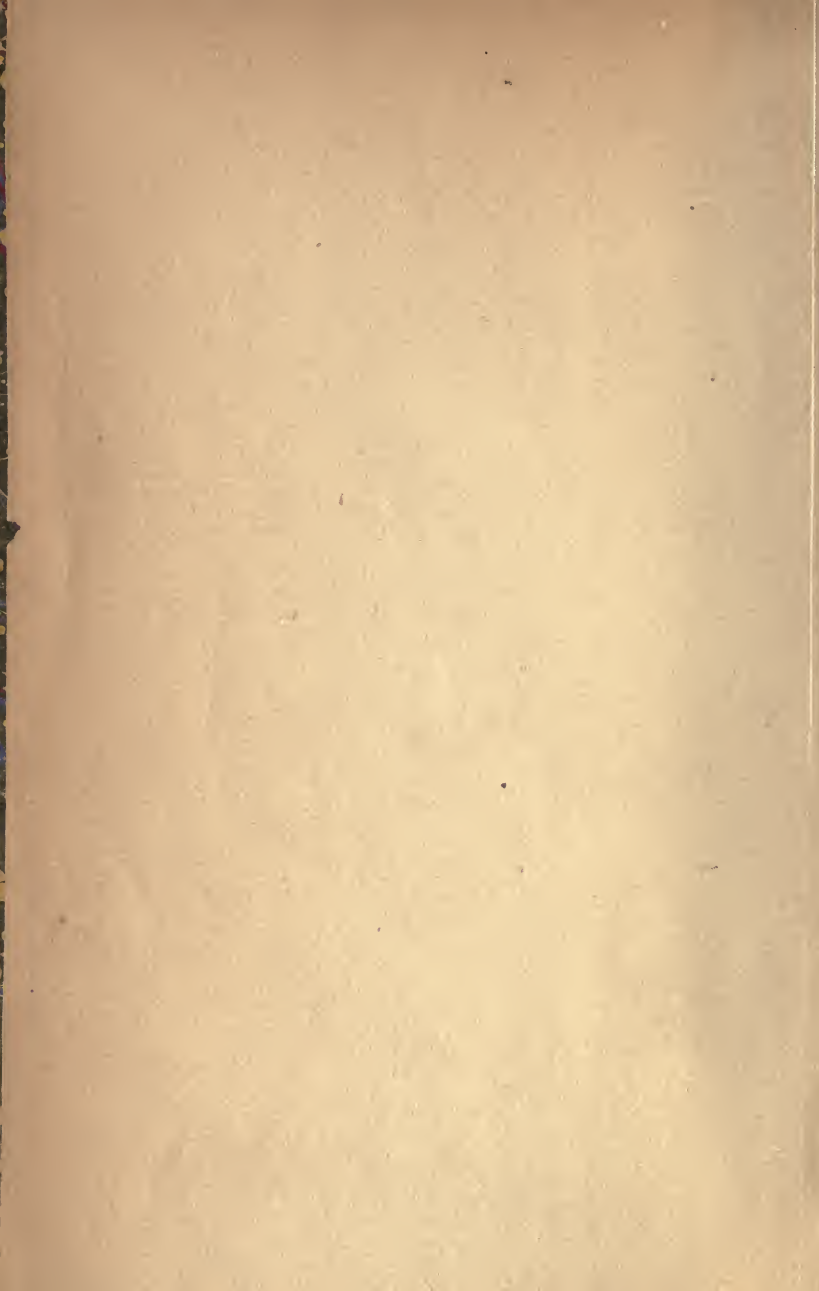




★ ★
LIBRARY
OF THE
UNIVERSITY OF CALIFORNIA.
GIFT OF

Received *Feb*, 1889
Accessions No. *38521* Shelf No.







Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation

CIVIL SERVICE.

SPEECH

OF

HON. THOMAS A. JENCKES,

OF RHODE ISLAND,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

APRIL 5, 1869.



e-
The
ques-
interest,
es, which
may appal
most can-
be as black
e it may
before
ared to

WASHINGTON:
F. & J. RIVES & GEO. A. BAILEY,
REPORTERS AND PRINTERS OF THE DEBATES OF CONGRESS.
1869.

STATE OF RHODE ISLAND

REPORT

JK 681
P3
v.1

HON. THOMAS A. JENCKES

OF RHODE ISLAND

REPORT

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 1909.



PRINTED BY THE STATE OF RHODE ISLAND
AT THE STATE PRINTING OFFICE
PROVIDENCE, R. I.

certain battle. There are heroes in civil as well as in military life, but their deeds seldom swell the poet's song or find mention upon the historian's page. Yet it is to such civil heroes that nations chiefly owe their prosperity and happiness. I have faith, too, that commissioners who perform their duty justly will gain the confidence of the great majority of the people, and that the moral weight of that support will enable them to resist all influence which would seek to swerve them from an honorable course.

WHY SUCCESS MAY BE HOPED FOR.

The great element of success in the proposed system is the encouragement and development in the civil service of the sentiment of honor; that high tone which spurns bribes and the seductions of profligate ambition; that patriotism which dominates all selfish interests, and that resolute energy of purpose which sacrifices everything to the performance of duty. When I have seen our young men by tens of thousands at the call of duty, urged by patriotism, leave all the allurements of home and the chances of success in peaceful life to bear the privations of the camp and the march; to brave "the leaden rain and iron hail" of battle, and the lingering torture and slow death of the prison, to save their country from dismemberment, I feel that I know that from these same men there may be found a sufficient number who will hunt out and exterminate the enemies within the lines, and face the corruptions of office as unflinchingly as they faced death in war. I do not believe that where honor and duty work together with fair reward in either branch of the public service that the dollar is almighty to corrupt, or that the chances of politics can wholly deaden the conscience. It is in this faith that I advocate this measure; and if it is not sound, then a government honestly administered is not practicable among men.

THE MODE OF SELECTION CONSISTENT WITH THE ORIGINAL PRACTICE AND THEORY OF THE GOVERNMENT.

There are some who pretend to think, and perhaps believe that they do think, that the proposed system is an innovation upon our republican theory. It is, on the contrary, a necessity arising from the growth of the Republic, a demand of its intense and immense vitality. The republican idea is not that all are equally fit to hold office, but that all should have a fair chance to obtain office through fitness for it. "Equality is equal start for all." While the Republic was small, and contained few more inhabitants than the present population of the State of New York, it was possible for the President and heads of Departments to gain sufficient personal knowledge of all persons from whom they would select their subordinates. It was no more difficult than for a

general of division to recommend the promotion of a meritorious subordinate to fill a vacancy. Competitive examinations and probations would be of little use when this personal knowledge existed, and the choice was exercised conscientiously. But the multitudes by whom this Government must be carried on, and the greater multitudes from which they must be selected, have outgrown all personal knowledge and supervision. Some test must be applied to all candidates; some judgment must be had upon their qualifications.

This measure proposes to have the judgment of an independent board of qualified persons, and that access to this board shall be denied to none. Whose judgment will that of such a tribunal supersede? Not that of the President, for it is physically and mentally impossible that he should personally inquire into and decide upon the qualifications of those administrative subordinates in the cases where the appointment is vested by law in him; not that of the heads of Departments, for it is not within their power to decide personally upon the fitness of their subordinates, except those with whom they come in contact in their respective offices. If they should personally undertake this task they must neglect all other duties. What Secretary of the Interior could personally decide upon the qualifications of his Indian agents or pension office clerks, or Patent Office examiners? The Secretary of the Treasury has graver duties to perform than to select the many thousand instruments through whom he works, by personal interrogation. Those duties are graver than have ever devolved upon any of his predecessors. The management of our immense debt, the questions concerning the currency, loans, interest, redemption, fluctuations, or resources, which are constantly coming in upon him, may appal the stoutest heart and overtask the most cunning brain. Though his hair may be as black as the raven's wing on entering office it may become blanched as the snowy owl's before leaving it. In order that he may be spared to perform those grave duties in any manner it is necessary that he should be relieved from all inquiries concerning applicants for office.

NO ACTUAL JUDGMENT NOW OBTAINED UPON THE FITNESS OF CANDIDATES.

Under the present system of whom do the President and heads of Departments actually inquire; whose judgment do they get upon the persons who receive these minor appointments? If every member of this House should upon the instant answer this question each answer would be the same. We all know how this business is done, and although the people do not all know they are rapidly becoming informed. In fact, the appointing power obtains nothing which can be called a judgment upon the questions of fitness and character. It is only a

designation on account of political or personal services of persons not believed to be wholly unfit. It is a way which custom has sanctioned of paying political debts. Men who would scorn to take a dollar of the public money without right will not hesitate to place a personal or political friend in a situation where he receives the public money without giving full consideration for it. The private political debt is paid by quartering the creditor upon the public Treasury. Is the office thus solicited and passed over to a friend any less a bribe because it is not a gift which can be valued in lawful money? Is the person who thus imposes an unfaithful servant upon the public less guilty of his speculations than the criminal himself? Is it any salve to the conscience to say that if your man had not been accepted perhaps under the present system a more incompetent person would have been?

"PATRONAGE" SHOULD NOT EXIST.

But the point which I make here has a graver and deeper significance than any question concerning the method of using the patronage system as it now exists. I maintain that such a system has no right to an existence in this Republic. The three great departments of this Government are distinct and independent, each sufficient for its appropriate sphere, and all necessary for a harmonious whole. Each department is also a check upon the other, and those who are charged with duties in one cannot properly interfere with those who are charged with different duties in another. The executive department overshadows the others; the duties with which it is charged are the entire execution of the laws and the negotiation of treaties; and for the proper discharge of these duties that department is responsible to the people and to the representatives of the people. Congress should furnish the means for the performance of these duties, and, as the representatives of the people, should see that they are well performed. They should keep watch and ward over this mighty executive power and see that it is used only for the proper administration of the Government of the Republic, and not for corruption, for personal ambition, for perverse partisanship, or for any form of tyranny.

Above all things the body exercising the legislative power, supervising the exercise of all other powers, and without whose coöperation no other powers can be exercised—that which holds the purse and which alone can authorize the use of the sword—should never surrender its independence, collectively or individually, to the department which merely administers without the power to provide itself with the means of administration. We should never forget that in the Republic the representatives of the people are nearest to "the

primal springs of empire," which are the people themselves, and should never relinquish or compromise their independence while performing their high duties.

Believing this, I must express the conviction that it was an unfortunate hour for the Republic when the representatives of the people abdicated their high functions and consented to become the recipients and dispensers of what is called "executive patronage." That is, they beg the Executive, who is charged with the faithful execution of the laws, to seek its instruments in such a manner that the members of the legislative bodies can pay their political debts by designating the persons to whom the executive and administrative offices should be given. Each office thus bestowed is a link in this chain of "executive patronage."

But the Executive should have no patronage. The word "patronage" implies a bestowal by favor of what would not be obtained by the recipient by desert. That department should seek the most capable persons to transact the business of the people. Its high offices became degraded when their chief consented that they should be the instruments of such base uses. This surrender first introduced the sordid element into our politics, and caused the high tone of honor, high character, and eminent talent to begin to disappear from what has been becoming more and more a dishonored and dishonorable arena. When members of Congress became brokers of offices, as well as legislators, all their acts and votes began to bear the suspicion of being commercial transactions. This unholy alliance between the executive and legislative departments, which the Constitution created to be distinct, separate, and independent, has wrought no good to either. It is an intermingling of the *personnel* of the two which the law does not allow. It has paralyzed the executive in the administration of the Government by destroying its independence. It has prevented the revenues from being collected and caused the public moneys to be squandered. It has imported the alien curse of "patronage" into a Government which ought to give an open career to all. In a republic, which must always be divided into parties, it has debased their contests into struggles as to which partisans shall fill the public offices, instead of developing a noble strife for the success of principles and measures upon which the prosperity of the country is believed to depend. More than any one cause it has tended to estrange one portion of the nation from another, and to embitter the feuds and inflame the passions which at last lighted the fires of civil war.

Now, when this long and bloody conflict has ended, and the grass is growing over its graves; when the Republic is being reconstructed upon the principles of the immortal Declaration, its

original corner-stone, it has seemed to me wise that in matters of administration we should also return to the principles upon which our fathers set this Government in motion. I would restore the executive to its original independence, and remit the Legislature to its appropriate sphere. What the bill proposes is simply to furnish means to the Executive to obtain, independent of dictation from any quarter, competent and faithful persons to perform the duties required of that department by the Constitution and the laws. This is the origin, the aim, and the scope of this measure. The commissioners and their assistants are the eyes, the ears, and the mind of the Executive for the selection of instruments; they have no power, no patronage; they can neither reward friends nor punish enemies. It is true that they may not do their work as all would wish it to be done; they can be but men, and consequently fallible instruments; but no one can deny that they will be better than no instruments at all. Even if this board should degenerate into a partisan machine, yet in course of time it must become the instrument of different parties; and it seems to me better, if our offices are to be filled with partisans, that we should secure the best material of each party by this mode of selection, instead of some of the worst, as we do now. And it is the worst of bad logic as well as the poorest of compliments to say to the President that because he may fail to select the four men best qualified for this board, that therefore he should not have the aid which this bill gives him, but be obliged to select through the present more fallible and less impartial instruments the more than forty thousand officers within the scope of this measure. The same rule applies to each one of the forty thousand that those who argue against me seek to apply to each one of the four. The false logic is too apparent, and the corrupt motive which advances such sophistry cannot escape detection. Under the present system the range of selection is confined to the personal and political friends of the politicians who push their favorites. Under the proposed system the choice must be made from the whole American people. The constituency is as numerous as the nation. Why should not the Republic have the choice of its best sons for its service, instead of being obliged to grope around among the refuse for its servants? Why should it not go at once into its vigorous forests of native growth for its timber, instead of endeavoring to pick out some passable stick here and there from among the political drift-wood of its periodical freshets?

I have heard it said by a member of a former Congress, I might say more than one—I say nothing of any member of the present Congress—that he thought he could choose better officers for his district than any board of examiners whatever. Each of such former mem-

bers might have spoken, not his belief only, but the truth. In no case have I been disposed to question it, but it never seemed to have occurred to those former members that the selection of executive and administrative officers was no part of their constitutional duty. It was just what they were elected not to do. They had no more right to claim or exercise any portion of the executive power than of the judicial. I can fill a volume of quotations from the fathers to show how unwarranted by authority or tradition such a claim is on the part of members of the Legislature. It is one of the many corruptions that have threatened to change the character if not destroy the existence of this Government by the intermingling of the functions of the branches which the Constitution created as separate and declares to be distinct. The evil of some of these attempts has been so glaring that they have been cut off by penal statutes. One was the seeking of contracts by members; another, the use of influence at the Departments for any purpose for a consideration, and the soliciting of offices for hire of money. It has been found necessary to purge Congress of these corruptions by prohibitory and penal statutes. So far have these statutes gone as to prohibit a member of Congress from being solicitor for a claimant in the Court of Claims, from acting as attorney for any claimant before any Department or public officer, and even from arguing a case in court for a fee in which the Government is a party. The great, the chief of these corruptions which yet remains unprohibited and unpunished is the attempt to gain control of appointments to office, the wielding of the so-called executive patronage and the exercise thereby of a share in the executive power.

LEGISLATIVE AND EXECUTIVE DUTIES SHOULD NOT BE INTERMINGLED.

Upon this subject I speak only for myself. I do not know that the opinions of any other member will in this respect coincide with mine. I do not intend that my words shall express a criticism upon either the language, the opinions, or the conduct of any other member. The constituency which I have the honor to represent, not inferior to any other constituency in any respect, elects one of the Representatives of the people in the Congress of the United States. It is his duty to scan closely the measures proposed by the executive department, to vote for furnishing means for carrying on the Government according to the views of the Administration when convinced that these demands are warranted by law and are in other respects reasonable and proper, and for denying them when not needed or when the means might be used for improper purposes. In the district and among the people I represent the Government of the United States is felt through its officers of customs and

internal revenue; indeed, few districts acknowledge the tax-gatherer's presence by larger contributions; and is welcomed by its postal conveniences, the presence of its judges, and its occasional and somewhat fitful aid to commerce and manufactures. It shares with all other districts an equal right in making laws for the whole country, and sends a Representative here for that purpose. But it is no more a part of that Representative's duty to seek and dispose of executive offices than to solicit pardons for traitors or condemned criminals. It is a part of his duty to prevent the appointment of incompetent persons by general law if he can, if not by personal remonstrance.

But if, as a matter of personal or political favor, he goes to the State Department to beg a consulate, or perhaps something higher, for a friend, or to the Treasury for an office within its gift, he is made to feel, if his natural instincts are not sensitive enough to be impressed before going there, that he surrenders his independence as a legislator when he accepts the gift, and that the person and the power which grants his request will not be slow to claim his assistance in the Capitol when it is needed. I know there are ingenious ways for covering up this barter. The Secretary may say that he defers to the superior means of knowledge and to the judgment of the member in selecting his appointee, and may claim the member's vote upon an exceptional measure upon the ground of allegiance to party. But, nevertheless, the bargain is made. Perhaps I could select as good executive and administrative officers in my district as any board of examiners could choose for the Government, but when I am tempted to enter upon this business I am checked by the reflection that I should be a mere volunteer. The people have not charged me with it; the Constitution does not require it of a legislator; the Executive has not yielded it; and its exercise would seriously interfere with the performance of my proper duties.

The Constitution contains a clause in restraint of bribery; the laws enacted to carry that clause into effect are full of penalties upon the use of money and the receipt of it by and among legislators. I do not see the difference between the bestowal of the gift of the nomination to an office upon a member, to be passed over to his friend, a political creditor, and the largess of a measure of coin for the same purposes. It may be a peculiarity of my own mental vision, but I cannot think that I am doing my country service by becoming the almoner of my party in the distribution of administrative offices when at the same time I am assuming obligations to the executive power which are inconsistent with my position as an independent legislator. It is my duty to aid the Government in procuring the best service that its salaries will bring, in every district and

in all localities where the flag floats; and that result I am endeavoring to secure by general law with such persistence and ability as have been allotted me. But no provision in the Constitution, no law, no healthy custom, authorizes the blending of the legislative and executive duties in this illicit manner. I do not belong to the executive department, nor has that department any claim upon me as a Representative to relieve it from the proper and responsible exercise of its duties, or to stifle my criticism or choke my opposition to their improper exercise, by inviting or permitting me to share its power. If I perform the duties with which I am charged under the Constitution, I must stand aloof from the other departments of the Government, and exercise the utmost vigilance which I possess, and which my constituents expect of me, to see that the officers of the other departments perform the duties which the Constitution and the laws require of them; and if the laws are weak and insufficient, to urge a remedy by new and wise legislation, which, with regard to one defect, I believe I am now doing.

THE PRACTICE AND ITS RESULTS IN THE FIRST FORTY YEARS OF THE GOVERNMENT.

We all know how in the early days of the Republic appointments to civil office were the subjects of personal care and supervision by the President and heads of Departments. The correspondence as to the character, fitness, integrity, and patriotism of candidates was thorough and exhaustive. When the testimony concerning qualifications was balanced or doubtful a personal acquaintance was not unfrequently sought, and its results determined the choice. The exercise of this intelligent care produced its legitimate results. For the first forty years of the existence of this Government under the Constitution no people ever had a more faithful and efficient body of public servants. Frauds, peculations, and defalcations in the civil service were almost unknown, and so heinous was the offense deemed that the few perpetrators in almost every instance fled the country. Personal supervision by responsible and capable chiefs was possible in those days when the numbers of the force were few. The service was honorable; its members were respected; removals for cause were few; political opinions were not deemed a cause; and though every commission limited the term of office to the pleasure of the President it was practically for life. Under that system the revenues were faithfully collected, the public money honestly kept and disbursed; our prosperity increased; the direct and indirect taxes, save the customs, were removed; the Government, although generally called an experiment, gained the confidence of the people and of the world; its credit was strengthened and remained unimpaired; its revenues were increased; its debts incurred in its two great struggles for existence extinguished.

THE CHANGE AND THE TIME OF IT UNFORTUNATE.

It was especially unfortunate that the change which made the civil offices of the Government the spoils of party, and the Government itself a political machine operated for the benefit of a party, took place at the time when the receipts from customs exceeded all lawful expenditures, and were canceling the debt. While the Treasury from this source was being filled to overflowing, the people did not feel the burdens of taxation, and did not scrutinize closely the details of administration. They grew heedless of the extent and unmindful of the consequences of the viciousness and of the corruptions that were eating into the life of the Republic. If it were not that every one is now made to feel the pressure of the great national debt, the price of the nation's life as the former debts were of liberty, there would be little hope of rousing the nation to overthrow the vicious political system which from forty years sufferance has almost become an accredited custom.

THE ANTICIPATED RELIEF.

This nation, yet in its youth, has had to struggle for its life with two enormous evils. One, the curse of slavery, had coiled itself like a serpent around the young Republic, and when its black folds had encircled every limb of the Government it sought to crush out the spirit of liberty, the soul of the Republic. The effort of the nation to free itself from the crushing grasp of this reptile enemy was the greatest civil war of all times. While every energy was thrown into this struggle, another equally insidious and dangerous enemy, born of the strife itself, enveloped and almost paralyzed the force which finally laid the first foe dead at its feet. This second serpent is the debt which now oppresses the nation, and within whose folds these thousand corruptions which we complain of are bred and have their existence. It is true, as argued by the gentleman from Pennsylvania, [Mr. WOODWARD,] that if we did not have this debt, and the necessity attending it, of raising and disbursing immense sums of money, we should not have these corruptions in their present magnitude. The proposed reform is one of the methods of strangling this monster also. When the energies and intelligence of the people are bent upon this enterprise there can be no doubt as to the result. This young nation will deal with its debt as with slavery, and both, like the serpents sent to strangle the infant Hercules, will themselves be destroyed in its vigorous and conquering grasp. It will hardly have commenced its career till these two enemies shall have been annihilated.

It has been demonstrated over and over again that our tax and tariff laws call for \$400,000,000 of revenue annually, and that but \$300,000,000 reach the Treasury. That

this missing \$100,000,000 is lost by the incompetency and rascality in some branches of the civil service has also been fully proved. Greater care in the selection of our servants will secure men who will see that this \$100,000,000 will be restored to the Treasury, and enable the Government to purchase its indebtedness before it comes due. If we find the right men for the service they will find that lost dollar out of every four, that quarter out of every dollar, which eludes the grasp of our present revenue officials. Our problem is to find men honest enough, intelligent enough, faithful enough to seize that missing dollar which in the year swells to the enormous aggregate of \$100,000,000, and toss it into the Treasury instead of letting it slide into the pockets of corrupt officials and their confederates.

WHAT IS GAINED BY COMPETITIVE EXAMINATIONS.

But, says the gentleman from Pennsylvania, [Mr. WOODWARD,] this cannot be accomplished by competitive examinations, and he argues as if the whole scope of the bill was limited to these. He holds them up to ridicule as being the contests of boys just from school, determining nothing but a superior flippancy and superficial excellence. He does not deem such an academic contrivance worthy of being admitted into the serious business of life. He entirely omits the consideration and value of the probations. He forgets that in some branches of this very business of public employment a competition is constantly going on in which the employers are the examiners. We see it here in our Hall every hour. The stenographers who take down and report every word uttered upon this floor have achieved their positions by admitted excellence in the most vigorous of competitive examinations and trials. The gentlemen in the gallery over the Speaker receive their credentials and cards of admittance after a more severe scrutiny into their qualifications than any candidates for the Government service will ever be required to submit to. Every live business that is going on around us is organized on this principle, which is absent from the Government service alone.

This examination into qualifications and character will render ineligible for the administrative branches of the public service all the idle, the lazy, the drunken, the dissolute, the incompetent, the vicious, the thievish. It will exclude the shoulder-hitter, the garroter, the repeater, the pipe-layer, the ballot-box smasher, the false oath taker, the ward-room bully, the primary meeting manager, the ballot changer, the smuggler, the rioter, the speculator, the gambler, the thief. But in this representative Republic the avenues to elective offices will continue to be open to all these. They may become aldermen, mayors, Governors of States,

congressmen, and in some States even judges, by the popular choice. This reform is limited to an humbler sphere, though one which vitally affects the public interests. It simply provides that skill and vigor in striking straight out from the shoulder when brought to bear in behalf of either party in a strife to capture a ballot-box or to smash it, shall not be considered evidence of the champion's qualifications for an office in the appraiser's department of a custom-house or a clerkship in the State Department; and that alacrity and facility in doing the dirty work of a party shall not entitle the person adorned by these qualities to a place where he shall handle the public moneys. I have no fear that the persons who seek these lesser places will be too learned or too competent. Young men who seek the great prizes of life will not imprison their energies or capacities in this limited sphere. We shall not coax distinguished scholars, adorned with university honors, into post office clerkships, or make them custom-house weighers or whisky gaugers. We shall not require Hebrew and Greek in the Indian Bureau, or the higher mathematics in the State Department. But we shall require, and shall succeed in obtaining, fitness for our work.

FIDELITY IN THE MINOR OFFICES WILL SECURE INTEGRITY IN THE HIGHER.

But it is objected that as this measure deals only with the inferior offices it will not check the thieving which the gentleman from Massachusetts [Mr. BUTLER] alleges is chiefly performed by those of higher grade. He insinuates, although he has not directly asserted, that the deficiencies in the revenue are owing more to the vices of collectors and assessors than to the clerks and subordinates. But if their clerks and subordinates are honest, faithful, and diligent how can their superiors be dishonest without detection? No one knows better than the gentleman from Massachusetts that the money is not stolen after it comes into the hands of these great officers or into the coffers of the State. These magnates do not boldly commit grand larceny with comparative impunity, for they are surrounded by too many checks to make this kind of appropriation safe. It would be as great folly for them to make such an attempt as it would be for a covetous commander of a department in war time to put his hand into the military chest and convey the contents to his own pocket. Such great embezzlements cannot be effected without a back door to his headquarters and convenient and pliable aids, quartermasters, commissaries, sutlers, and storekeepers—his creatures, ready and willing to join in the public plunder. If the dishonest collector cannot have his choice of instruments; if, on the other hand, all his subordinates are selected for their honesty and capacity by men over whom he can have no influence or control, then they are

guards over him as well as over the smugglers he would favor, and speculation becomes impossible except by actual crime. Each is a watch over the other, and if one becomes a thief, detection will be quick and punishment certain. I do not deny that large sums have been diverted from the Treasury by the connivance of the higher officers, but it has been done with comparative impunity only when they have had the designation of their subordinates, who have been in fact their accomplices.

WHAT SORT OF AN ARISTOCRACY IT CREATES.

Of all the objections to the proposed reform the most singular is that which denounces it as creating an aristocracy which may tend to change the character of our republican institutions. An aristocracy is generally understood to be a governing class, which through the chances of fortunate birth, great wealth, family connections, social influence, and special education are enabled to exercise a controlling power in the Government. We associate the term with great estates, liberal expenditures, fine equipages, lordly manners, brilliant assemblies, armorial bearings, and all the insignia of hereditary nobility. But alas for the comparison! Within the scope of this bill there are not a hundred officers whose salaries are over \$3,000 a year, and the average is less than \$1,200. These are filled with hard-worked drudges, whose hours of toil are from six to ten each day. An aristocracy of deputy collectors, clerks, inspectors, mail-agents, Indian agents, letter-carriers, lighthouse keepers, and tide waiters! It is true that the bill provides means for obtaining the best persons for these places; but he who can see an aristocracy in this host of subalterns—in the offensive or dangerous meaning of that term—must be in that calenture of the brain which can discern green fields in the waves of the sea or observe men as trees walking. It is a mirage of an over-heated intellect.

If such an aristocracy were created by this measure we should see the flower and cream if it here in Washington. Its lords would be the poor clerks who perform dusty drudgery in the Departments, and beg and beseech us for an additional twenty or ten per cent. of pay in order that they may meet their board and grocery bills; and the queens of that dangerous society would be the poor women who clip and count the paper currency in the Treasury, or copy records in the Patent Office. These "bloated aristocrats" on \$1,800 a year, and these "flaunting ladies" on \$900, may disturb the dreams of the gentleman from Illinois, [Mr. LOGAN,] but the constitution can withstand their insidious plottings. Although we deal only with subalterns, there is not enough in this aristocratical notion to bring out of it a new farce of "High life below stairs." It runs itself into the ground without comicality.

It is true that they form a class by themselves, excluded from the actual business of the world, and seeming to be connected with the business of the State, earning a miserable pittance by reluctant labor, their energies paralyzed and their hopes extinguished by the uncertain tenure of their employment; but that they should ever become one of the dangerous classes is a new if not a patentable discovery. Among them are some noble, faithful, earnest, hard-working men and women, worthy of respect and deserving of honor. Would that they were all such, and that hereafter they may be, is one of the objects of this measure. I have not met with one of this better class who has not said to me, make your tests by examination and probation as rigid as you please; we will gladly submit to them if, after having passed them honorably, our offices shall thenceforth become permanent and respectable. They know and feel and the whole people are beginning to perceive that the aristocratic element in our system is the patronage which bestows its gifts upon favorites, which removes faithful public servants from caprice, and which places the worthy beneath the worthless.

That merit shall have the places it deserves is the true republican doctrine, and the measure which is devised to bring forward and advance merit and merit alone in the public service, is the keen edge of the ax to the root of these alien, corrupt aristocratical practices. Its benefits will be at once felt in the better spirit and higher tone which will be developed in each officer. Hitherto the position of all these subordinate officers has not been merely a service, but a servitude. The mode of obtaining office and the servility necessary to retain it, have brought into action the worst qualities of those thus serving. But when the officer obtains his place by his qualifications for it, holds it during efficiency, and can be advanced by merit, he becomes independent of the courtiers or politician's arts, and his best qualities are developed instead of his worst. Not the least beneficial effect of this measure in this era of emancipations, will be the abolishment of the servitude of office, which has been a blight upon the service and a curse to the Republic.

I admit that if the measure should be strictly enforced the Government servants would become a class with distinctive qualities. In that class would be found only the qualified, the honest, the faithful, the capable, the energetic, the patriotic, the competent, while the opposites of all these would be turned back at the doors of the examination halls. It brings into the public service only the skilled laborer whose education has been in a great measure completed before he receives his pay from the people's money; while under the present system the people pay the greater portion of those

who are thrust into their service while their education is going on and which in many cases never is and never can be completed. The proposed law elevates the meritorious and rejects the unworthy. If this be "class legislation," make the most of it.

The most disingenuous of the attacks upon this measure is that it creates a life tenure of office in these subordinates. The present bill is so drawn as to remove any possible pretext for that charge. It merely holds on to the faithful officer as long as he performs his duties efficiently; when he falls below the standard it puts him out. The interest of the Government only is regarded, not that of the servant. It may be cruel in many cases to the old and meritorious officer, but it is the hard condition upon which he is allowed to serve at all.

It is also argued against the provision for promotions for merit by the gentleman from Illinois that it might be used unfairly, as he intimates some advancements were made by boards during war time. Again we meet the same false logic that was used with regard to the commissioners. Because individual cases of favoritism or incorrect judgment may occur in the administration of a system framed for just ends, therefore no such system should be established at all, but everything should go by favor, and the consideration of merit be entirely excluded. Because merit might not in a few cases get the desert to which it is entitled under this system, therefore merit should not have the chance to win desert at all in the public service. This is the sum of that so-called argument.

Nor is it a valid objection to the measure that it does not include the higher officers. By the Constitution these are left to the exclusive jurisdiction of the President and Senate. It is a most insidious opposition to a measure that it does not go far enough. It is a part of the false logic I have already commented upon that would argue that we should not attempt to do any good, because we do not undertake at one effort all that may be supposed attainable. But the limit in this case is not of my seeking; it is found in the Constitution itself. The most that can be done in that higher sphere is to give the higher powers the use of the means which we create. The bill proposes to do this. For the results we are not at all responsible, for they are now, and must continue to be, beyond our jurisdiction or control.

WHY THE EXPERIENCE OF OTHER COUNTRIES SHOULD BE TAKEN ADVANTAGE OF.

It is objected to this measure by the gentleman from Pennsylvania [Mr. WOODWARD] that the examples drawn from other Governments, "despotic or monarchical," "never can or ought to become a rule for a free republic." "It is one of the great vices of the bill," says he, "that it is not built upon the American ideas of government, but upon those of the

Old World." He says, further, that our Constitution "starts all the people even in the race of life, and recognizes no distinctions except such as they create themselves." This is precisely what this bill proposes to secure to every citizen, according to the spirit of the Constitution as the gentleman interprets it. Across the avenues to public employment are now placed bars which are taken down only for political and personal friends of the person who holds the appointing power, or for those who have exerted influence for the party to which that person belongs, or to those who may work for that party if admitted within the magic circle of office. This measure proposes to throw down all these bars. Every one is to have a fair chance. Every young man in the country is to have the opportunity, if he chooses, of competing for the privilege of entering the public service, and to be entitled to the right to enter it if he proves that he has prepared himself for it better than his competitors. Its principle is that the people have a right to the service of the best men, and that the best men have the best right to serve the people. If this be not the true idea of the Republic my studies have been in vain. And even if the selection should be confined to the party in power the honest application of this measure would secure the services of the best material from each party as it came in power, instead of admitting some of the worst of each, as under the present system.

But the idea that we should not take a hint from the improvements in the machinery of administration made in other countries because their Governments are "despotic and monarchical" is as ridiculous as it is preposterous. The same rule would require us to reject the steam-engine, the railway, and the locomotive because they came from Great Britain, and the art of printing because it came from Germany, and all inventions and discoveries in the arts and sciences which may originate among the subjects of the emperor of the French or the autocrat of all the Russias. These free trade men upon all articles of manual manufacture would be prohibitionists upon ideas and inventions. They forget that the science of government is progressive, and that all improvements in it are the common property of the human race, to whom governments of some sort are a necessity. The great family of civilized nations are continually borrowing from and giving to each other, and gaining by the exchange. It never could have entered into the mind of any but a Pennsylvania Democrat, who has been educated in the belief which he still clings to, that the administration of Andrew Jackson was the perfection of civil government, that we should not seek and receive lessons from the experience of other civilized nations, especially when that experience is in the line of our own innova-

tions upon ancient traditions in opening a career for the children of the people, and not merely for "privileged classes" and "aristocratic ranks," or "the younger sons of a landed nobility."

We should remember that our present system of appointments to office is of monarchical origin and is copied from that of the parent nation. Our fathers adopted the best system which they knew of. They did not invent any. The offices which they created were to be held at the pleasure of the President. The commissions for all inferior offices within the scope of this bill still read that the office is to be held during the pleasure of the superior from whom the appointment is received. This, in 1787, was the best known mode, and the fathers of the Republic adopted it as the best. It was not till some years later that the French republic discovered a better. But, like many good things evolved in that Revolution, it was lost sight of among its companion evils, and has but recently become apparent to the civilized world. And when its value has once been discovered we look further and find that it has existed as an immemorial usage in the most ancient of civilizations, and that it is the secret of the long continuance of the government of the greatest of the oriental nations. Like many other arts and inventions, it was known to them before our civilizations were born.

We are constantly borrowing ideas in jurisprudence and in legislation from other countries. All our jurisprudence is based upon that of the country from which our first colonists emigrated, England, monarchical England. Our Government itself, with an executive chief, our representative legislature and independent judiciary, are all copied from the same model. We have made what we think are many improvements upon that system, but if we should reject other improvements made in the parent country because first made there we might as well reject the parent system itself. Underlying all our constitutions, all our legislation, colonial, State, and national, is the great common law of England; a system of jurisprudence whose merciful maxims, wisely administered, have done more for the improvement of the human race in civil government than any utterances save those upon the Mount—the common law of England, which is to-day the rule of action for more millions of the human race than any other system of jurisprudence which ever emanated from man's experience; whose vigorous root and giant growth have sent its offshoots over the land and under the sea wherever colonies of the parent nation have been planted, on every continent and in every clime; which have again taken root and flourished with a vigor equal to the parent stock; whose fair flower has been the perfect freedom of thought and speech to all whom it shelters, and whose ripe fruit is the perfect equality of all men before the law.

It would be as unwise to reject any improvements upon that law as to attempt to reject the law itself. And as of the law, so of improvements in administration which are akin to it. Nothing can be more foolish than for any man to believe that all wisdom dwells in one man's head, or in the practice and policy of any one nation. We render to other nations far more striking results of experience in civil government than they can give to us, for in them history but repeats itself in the main; and while we absorb yearly some hundreds of thousands of their citizens, we should be unwise to reject the practices by which they make their administration more perfect and their Governments more secure.

THE ECONOMY OF THE MEASURE.

In its economical aspect I also ask for this measure the approval of the House and of the country. The gentleman from Pennsylvania [Mr. WOODWARD] has figured up the annual expense of the commission, including all salaries and incidental expenses, at about sixty thousand dollars, and I think they would not exceed that sum. He omits to estimate the credit to which it would be entitled from the receipt of fees; nor does he reflect that the sum of the salaries of the appointment clerks now employed in every Department and in the principal post offices and custom-houses exceeds all the salaries and expenses of the commission. This mote in his eye prevents his seeing the hundred millions that we lose for want of some system like this. On the day when this measure was defeated by a majority of two votes in this House in the Thirty-Ninth Congress a fraud was detected in the Treasury, perpetrated by a clerk who had procured his appointment under an alias, which could not have been done if the proposed commission had been in existence, to an amount which would have paid the expenses of the commission for a year. While the bill was under debate during the session of the Congress just closed the amount discovered to have been lost in the drawback frauds in a single custom-house, and which never could have been committed under the proposed system, would have paid the expenses of the commission for at least ten years. I speak only of particular instances of discovered embezzlements. We all know that the amount which annually disappears from our revenues would pay the expenses of the commission for a thousand years. We hire the reapers that the harvest may be gathered; but parsimony like that which begrudges the expense of this inquest would let the grain rot on the ground before it would pay the hire of the laborer.

Nor is this loss alone in the failure to collect the revenues; it is almost as flagrant in the expenditures. The chairman of the Military Committee in the last House declared on this

floor that out of every dollar appropriated for the benefit of the Indians but twenty cents was ever received by them. We have just appropriated \$4,500,000 for their benefit, and on his estimate eighty per cent. of this sum must be a dead loss. We have also just appropriated \$8,000,000 for the collection of our internal revenue, about five per cent. on the total receipts; while in other countries with a well ordered revenue service it costs less than two and a half per cent. for collection. In the customs the cost of collection is about equally extravagant. Much of the loss is due to positive dishonesty; nearly, if not quite, an equal amount to incapacity. We do need an accession of intelligence as well as integrity to this branch of the civil service, although from what has been said in former discussions some members do not seem to think so. I have seen custom-house clerks who knew no more of the foreign weights and measures in the invoices placed before them, and of the coinage in which the articles were valued, than they did of Sanscrit; and appraisers who had no more idea of the manner in which the goods they were called upon to value were manufactured, or of the cost of manufacture, than of the physical constitution of the moon; and gaugers who could not read the instruments put into their hands; and collectors and inspectors to whom the common chemistry of distillation was as much unknown as any of the lost arts. A former member of this House told me of one who said he could tell the strength and quality of whisky better by the "taste and the bead" than he could by any of "these new-fangled instruments." It would require numerous relays of such officers to obtain correct returns from a single distillery. There is as much abstracted and withheld from the revenue under the noses of incapables as through connivance with the dishonest. The Government is plundered as well as defrauded; and so great is the extent of the thievery that the amount of it would buy up the national debt before it is due. Is it not a measure of economy to furnish means to the executive department to present a check to these gigantic frauds? It may not be thoroughly successful; no legislative measure can be; no millennium can be brought about by act of Congress. Yet the service can be improved by it. This measure simply proposes to fill a void in the present system, caused by the great growth of the country and its business. The garments which clothed it in its youth are now altogether too small for it. We must provide for its present and future gigantic proportions. We cannot return to the simpler and cheaper practices of earlier days. This Government cannot be set back into the condition in which it was in the days of President John Quincy Adams. You might as well undertake to remand it to the

colonial condition. All our legislation should be based upon the possible requirements of fifty States and a hundred million people. We shall reach that stature before the heads of our young men shall grow white; and if the Government shall have honest and capable men in its service and no others, the present burdens of taxation upon the people would diminish so rapidly that their previous existence would be as soon forgotten as was the debt of the war of independence funded by Hamilton. Those with whom we deal financially must not only be impressed with the extent of our resources, but also must be made to have faith in the honesty of the administration of our revenues. The credit of this Government would stand higher than any other upon the money exchanges of the world, and the Government itself would receive what is its just due—the respect, the reverence, and the love of all mankind.

I shall take the earliest occasion to present the following bill, and ask its reference to the appropriate committee:

A bill to regulate the civil service of the United States.

Be it enacted, &c., That hereafter all appointments of civil officers in the several Departments of the service of the United States, except postmasters and such officers as are by law required to be appointed by the President by and with the advice and consent of the Senate, shall be made from those persons who shall have been found best qualified for the performance of the duties of the offices to which such appointments are to be made in open and competitive examinations, and after terms of probation, to be conducted and regulated as herein prescribed.

Sec. 2. And be it further enacted, That there shall be appointed by the President, by and with the advice and consent of the Senate, a board of four commissioners, who shall hold their offices for the term of five years, to be called the civil service examination board, among whose duties shall be the following:

First. To prescribe the qualifications requisite for an appointment into each branch and grade of the civil service of the United States, having regard to 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.

Second. To provide for the examinations and periods and conditions of probation of all persons eligible under this act who may present themselves for admission into the civil service.

Third. To establish rules governing the applications of such persons, the times and places of their examinations, the subjects upon which such examinations shall be had, with other incidents thereof, and the mode of conducting the same and the manner of keeping and preserving the records thereof, and of perpetuating the evidence of such applications, qualifications, examinations, probations, and their result as they shall think expedient. Such rules shall be so framed as to keep the branches of the civil service and the different grades of each branch, as also the records applicable to each branch, distinct and separate. The said board shall divide the country into territorial districts for the purpose of holding examinations of applicants resident therein and others, and shall designate some convenient and accessible place in each district where examinations shall be held.

Fourth. To examine personally, or by persons by them specially designated, the applicants for appointment into the civil service of the United States.

Fifth. To make report of all rules and regulations established by them, and of a summary of their proceedings, including an abstract of their examinations for the different branches of the service, annually, to Congress at the opening of each session.

Sec. 3. And be it further enacted, That all appointments to the civil service provided for in this act shall be made from those who have passed the required examinations and probations in the following order and manner:

First. The applicants who stand highest in order of merit on the list of those who have passed the examination and probation for any particular branch and grade of the civil service shall have the preference in appointment to that branch and grade, and so on in the order of precedence, in examinations and merit during probation to the minimum degree of merit fixed by the board for such grade.

Second. Whenever any vacancy shall occur in any grade of the civil service above the lowest in any branch, the senior in the next lower grade may be appointed to fill the same, or a new examination for that particular vacancy may be ordered, under the direction of the Department, of those in the next lower grade, and the person found best qualified shall be entitled to the appointment to fill such vacancy: *Provided,* That no person now in office shall be promoted or transferred from a lower to a higher grade unless he shall have passed at least one examination under this act.

Third. The right of seniority shall be determined by the rank of merit assigned by the board upon the examinations, having regard also to seniority in service; but it shall at all times be in the power of the heads of Departments to order new examinations, which shall be conducted by the board, upon due notice, and according to fixed rules, and which shall determine seniority with regard to the persons ordered to be examined, or in the particular branch and grade of the service to which such examinations shall apply.

Fourth. Said board shall have power to establish rules for such special examinations, and also rules by which any persons exhibiting particular merit in any branch of the civil service may be advanced one or more points in their respective grades; and one fourth of the promotions may be made on account of merit, irrespective of seniority in service, such merit to be ascertained by special examinations, or by advancement for meritorious services and special fitness for the particular branch of service, according to rules to be established as aforesaid.

Sec. 4. And be it further enacted, That said board shall also have power to prescribe a fee, not exceeding five dollars, to be paid by each applicant for examination, and also a fee, not exceeding ten dollars, to be paid by each person who shall receive a certificate of recommendation for appointment or for promotion, or of seniority, which fees shall be first paid to the collector of internal revenue in the district where the applicant or officer resides or may be examined, to be accounted for and paid into the Treasury of the United States by such collector, and the certificates of payment of fees to collectors shall be forwarded quarterly by the commissioners to the Treasury Department.

Sec. 5. And be it further enacted, That said board shall have power to prescribe, by general rules, what misconduct or inefficiency shall be sufficient for the removal or suspension of all officers who come within the provisions of this act, and also to establish rules for the manner of preferring charges for such misconduct or inefficiency, and for the trial of the accused, and for determining his position pending such trial. Each member of said board shall have the power of administering oaths in all proceedings authorized by this act, and testimony may be given orally by witnesses in any hearing before said board or any member thereof, or by deposition to be taken in the manner prescribed by law, or upon such notice and in such manner as said board shall by general rule or special order direct.

Sec. 6. And be it further enacted, That any one of said commissioners may conduct or superintend any examinations, and the board may call to their assist-

ance in such examinations such men of learning and high character as they may think fit, or, in their discretion, such officers in the civil, military, or naval service of the United States as may be designated from time to time, on application of the board, as assistant to said board, by the President or heads of Departments, and in special cases, to be fixed by rules or by resolutions of the board, they may delegate examinations to such persons, to be attended and presided over by one member of said board, or by some person specially designated to preside.

SEC. 7. *And be it further enacted,* That the said board may also, upon reasonable notice to the person accused, hear and determine any case of alleged misconduct or inefficiency, under the general rules herein provided for, and in such case shall report to the head of the proper Department their finding in the matter, and may recommend the suspension or dismissal from office of any person found guilty of such misconduct or inefficiency; and such person shall be forthwith suspended or dismissed by the head of such Department pursuant to such recommendation, and from the filing of such report shall receive no compensation for official service except from and after the expiration of any term of suspension recommended by such report.

SEC. 8. *And be it further enacted,* That the President shall have power at any time to revoke and cancel the commission of any officer appointed in pursuance of the provisions of this act: *Provided however,* That said revocation and cancellation shall not take effect if said officer demand a trial upon charges to be preferred against him in the manner prescribed in this act within thirty days from the time of being served with notice of such revocation and cancellation, unless he shall be found guilty upon his trial of the misconduct or inefficiency alleged against him in such charges. The discontinuance of an office shall discharge the person holding it from the service.

SEC. 9. *And be it further enacted,* That the salary of each of said commissioners shall be \$5,000 a year, and the said board may appoint a clerk at a salary of \$2,500 a year and a messenger at a salary of \$900 a year; and these sums and the necessary traveling expenses of the commissioners, clerk, and messenger, to be accounted for in detail and verified by affidavit, shall be paid from any money in the Treasury not otherwise appropriated. The necessary expenses of any person employed by said commissioners as assist-

ants, to be accounted for and verified in like manner, and certified by the board, shall also be paid in like manner.

SEC. 10. *And be it further enacted,* That any officer in the civil service of the United States at the date of the passage of this act, other than those excepted in the first section of this act, may be required by the head of the Department in which he serves to appear before said board, and if found not qualified for the place he occupies he shall be reported for dismissal, and be dismissed in the manner hereinbefore provided, and the vacancy shall be filled in manner aforesaid from those who may be found qualified for such grade of office after such examination and probation as is hereinbefore prescribed.

SEC. 11. *And be it further enacted,* That any person appointed and commissioned in pursuance of the provisions of this act may be required to serve in the branch and grade to which he may be appointed in any part of the United States where the head of the Department in which he serves may think proper, and in case of removal from one place of service to another the necessary traveling expenses of such officer, to be ascertained and allowed according to fixed rules, shall be paid out of the Treasury.

SEC. 12. *And be it further enacted,* That all citizens of the United States shall be eligible to examination and appointment under the provisions of this act, and the heads of the several Departments may, in their discretion, designate the offices in the several branches of the civil service the duties of which may be performed by females as well as males, and for all such offices females as well as males shall be eligible, and may make application therefor and be examined, recommended, appointed, tried, suspended, and dismissed, in manner aforesaid; and the names of those recommended by the examiners shall be placed upon the lists for appointment and promotion in the order of their merit and seniority, and without distinction, other than as aforesaid, from those of male applicants or officers.

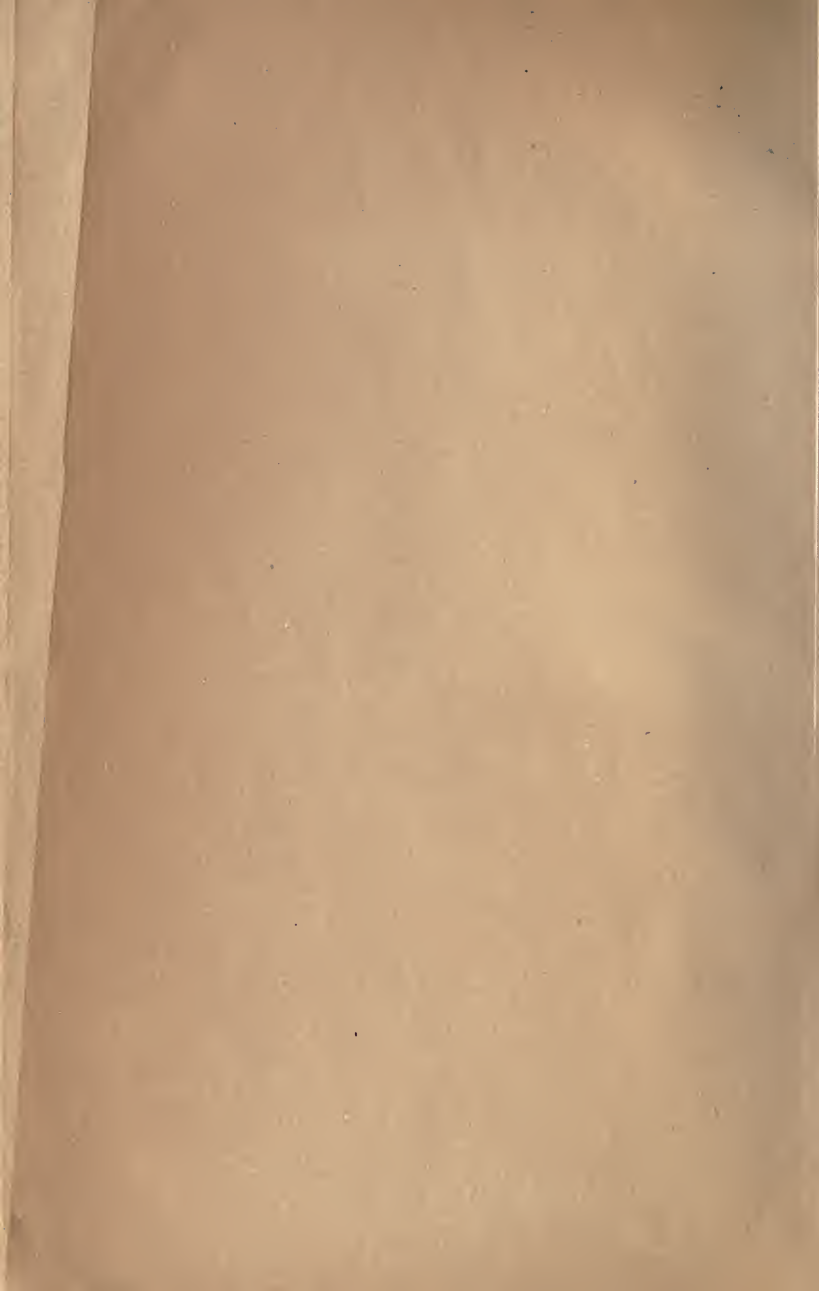
SEC. 13. *And be it further enacted,* That the President, and also the Senate, may require any person applying for or recommended for any office which requires confirmation by the Senate to appear before said board and be examined as to his qualifications, either before or after being commissioned; and the result of such examination shall be reported to the President and to the Senate.

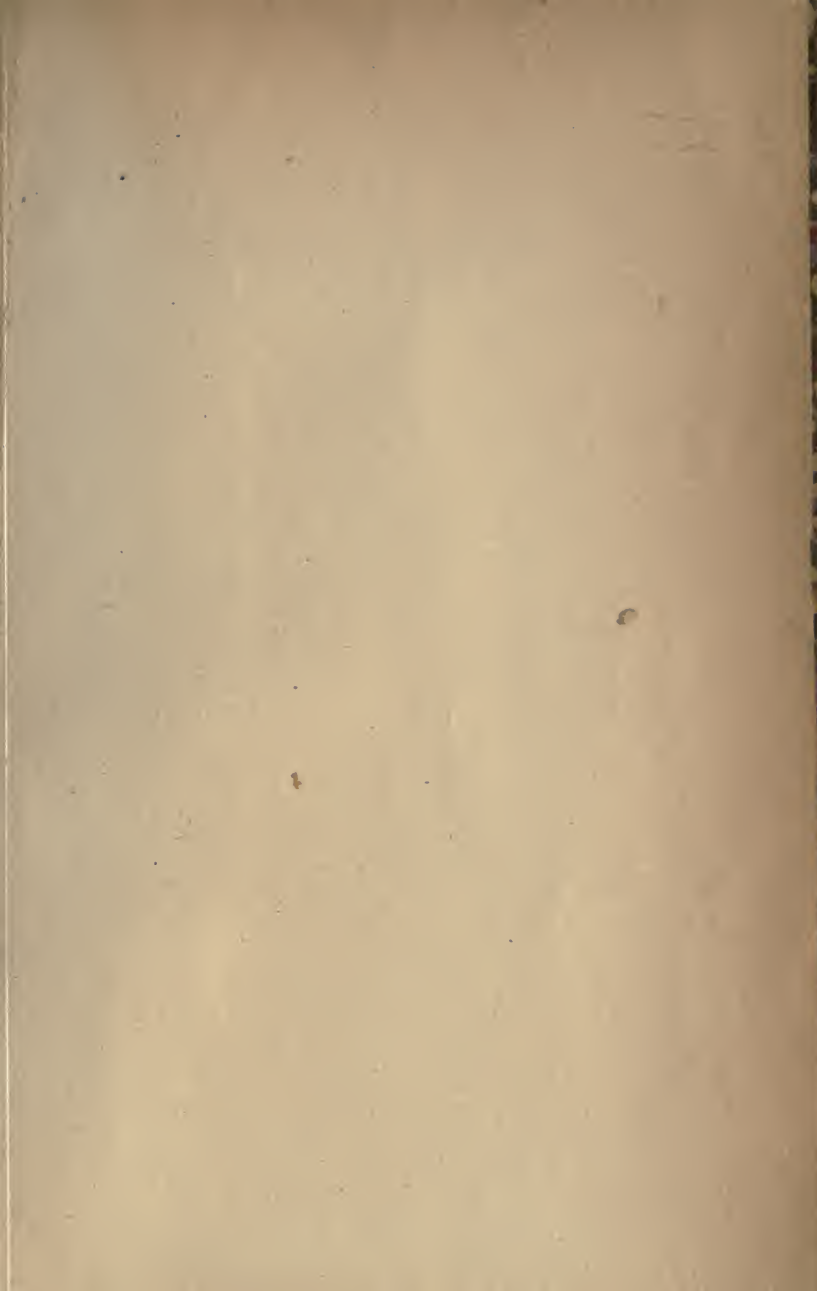
THE HISTORY OF THE

of the

of the

of the





14 DAY USE
RETURN TO DESK FROM WHICH BORROWED
LOAN DEPT.

RENEWALS ONLY—TEL. NO. 642-3405

This book is due on the last date stamped below, or
on the date to which renewed.
Renewed books are subject to immediate recall.

REC'D LD AUG 25⁷⁰ -5 PM 89

REC. CIR. JAN 24 1979

SENT ON ILL

NOV 12 1997

U. C. BERKELEY

LD21A-60m-3,'70
(N5382s10)476-A-32

General Library
University of California
Berkeley

JK 681

.F3

vl

38221

