CIVIL SERVICE REFORM IN THE UNITED STATES DURING THE NINETEENTH CENTURY

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CHAPTER I

THE DEVELOPMENT AND GROWTH OF THE SPOILS SYSTEM

The use of the executive patronage for political purposes in the United States may be said to have commenced with the introduction of partisan politics in the conduct of national affairs. Beginnings of political parties and the use of patronage were apparent during Washington's administration.

It cannot be denied that in the applications for office under Washington's administration we find the germs from which the spoils system afterwards developed... Soldiers of the Revolution, having received little pay during the war and none at its close, conceived that the gratitude of the country for their services should take the substantial form of civil office, and that in the states where opposition to the new government had been most successful and pronounced federal patronage was extended only to the party which supported the government. It is easy to see how the idea that something beside mere fitness for office constituted a reason for appointment should have spread rapidly through the succeeding years.¹

With the passing of the Washington administration John Adams remained clearly the leader of the old regime in which public office was the prerequisite and political activity the pursuit of only the wealthy and well-born. Since the philosophy and the principles of the Adams administration were essentially the same as that which had preceded it, there was no occasion for removal from office on political grounds during

that administration. That John Adams was not above exercising the appointing power for political purposes, however, is plainly indicated in his appointment of the so-called "midnight judges" on the eve of his relinquishment of the presidential office.

Thomas Jefferson became the champion of the newer Republicanism. He proclaimed the right of the lowly to equality of political participation. Upon assuming office as President Jefferson promptly removed those officials of his predecessor's choosing as were not secured by fully commissioned life-time appointment. Of these removals it has been said that considering the conduct of the Federalists in making appointments just before his inauguration, Jefferson showed remarkable forbearance in making no more removals than he did make. In the matter of making appointments, however, Jefferson was believed to have shown open hostility to the friends of Aaron Burr, practically excluding them from Federal office.

The successors of Thomas Jefferson, until 1829, were statesmen rather than politicians, and partisan proscription was practically unheard of during their several administrations. In Congress, however, such probity was less apparent. John Quincy Adams said, in 1821, that one-half the members of Congress

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2John T. Morse, Thomas Jefferson, p. 194.
were seeking office for themselves and the other half for their relatives. 4 That the theory of rotation in office was generally accepted in Congress is evidenced by the passage in 1820 of the Crawford Act, which limited to four years the term of such federal officials as district attorneys, customs collectors, and certain other appointees. This did not, however, forbid re-appointment.

When Andrew Jackson came into the Presidency in 1829, he responded whole-heartedly to the desires of the new type of politician which had arisen to supplant the decorous and staid type of leader of the post-Revolutionary period. In justice to Andrew Jackson, it must be recognized that he held to the belief that the administration of his predecessor had been corrupt, and that the wholesale removals from office which he effected were for the good of the public service. 5

In his first annual message to Congress, delivered in December, 1829, Jackson said:

There are, perhaps, few men who can for any great length of time enjoy office and power without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. . . . The duties of all public offices are, or at least admit of being made, so plain and simple that men of intelligence

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may readily qualify themselves for their performance. . . . Offices were not established to give support to particular men at public expense. No particular wrong is therefore done by removal. . . . Although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.6

Initiated, then, in the belief that a periodic purge of personnel would "give healthful action to the system," the politicians of the Jackson group in two brief years seized upon the democratizing principle of rotation as a legitimate instrument of party control. In a speech in 1831, Senator Marcy of New York declared that "to the victor belong the spoils."7

Such men as Daniel Webster, John C. Calhoun, and Henry Clay, who differed widely on political questions of the day, were of one mind in their opposition to the use of public offices as rewards for partisan services. Webster maintained that the existence of political parties did no great harm so long as they did not run to excess, declaring in part,

... but the patronage of office, the power of bestowing place and emoluments . . . create parties . . . upon the single ground of personal interest.8

By 1835 the better element in Congress became alarmed at the vastness of the abuse of the executive appointing and removal powers, and efforts were made to curb such powers. On February 12th of that year, John C. Calhoun, in a speech in the


7Ibid., p. 12.

8Charles E. Merriam, American Political Ideas, (Footnote), p. 272.
Senate on the subject of executive patronage, took the Jackson administration to task, pointing out the rise in governmental expenditure paralleling the increase in abuses of the patronage.9

Five days after Calhoun's speech on the subject of executive patronage Henry Clay declared:

By no practice or usage has he (the President) the power to dismiss meritorious officers only because they differ from him in politics.10

The effect of this system upon the civil service employee of the time is well stated by Nathaniel Hawthorne in a letter to a friend, under date of March 15th, 1839. Hawthorne was appointed to a position in the Boston Customs House in 1839 and removed at the next change of administration. He says, in part:

I pray that in one year more I may find some way of escaping from this unbluest Custom-House; for it is a very grievous thraldom. I do detest all offices, all, at least that are held on political tenure. And I want nothing to do with politicians. Their hearts wither away and die out of their bodies. Their consciences are turned to India rubber, or to some substance as black as that, and which will stretch as much. On thing, if no more, I have gained from my Custom-House experience, — to know a politician. It is a knowledge which no previous thought or power of sympathy could have taught me, because the animal, or the machine rather, is not in nature.11


10Daniel Mallory, The Life and Speeches of Henry Clay, II, p. 244.

It was unfortunate that the spoils system was introduced into the national political life at precisely the time that a rapid territorial and business expansion cycle was commencing. This expansion required a corresponding increase in governmental activities and agencies, and in turn, these required greater party organization. The spoils system spread like a disease during the twenty years following Jackson's first inauguration.

In the years intervening between the Jackson and Van Buren administrations and the Civil War the ancient traditions of dignity in office were ruthlessly trampled underfoot and positions of public trust became little more than the loot of political campaigners. One after another the several Presidents protested and pointed out the evils inherent in the system they were powerless to suppress. One after another these same Presidents were forced "into line" by powerful party leaders. Said Taylor, in his inaugural address:

The patronage incident to the Presidential office, already great, is constantly increasing. . . . I will at a proper time invoke the action of Congress upon this subject, and shall readily acquiesce in the adoption of all proper measures which are calculated to arrest these evils.12

President Tyler's sincerity in the matter of patronage was further established in his first annual message to Congress, delivered December 7, 1841, in which he said:

12James D. Richardson, A Compilation of the Messages and Papers of the Presidents, IV, 37-38. (Hereafter referred to as Messages and Papers.)
In respect to the exercise of this power (removal) nothing should be left to discretion which may safely be regulated by law. . . . Under the influence of these convictions I shall cordially concur in any constitutional measure for regulating . . . the power of removal.\(^{13}\)

The Taylor-Filmore administration is clearly an example of a regime in which lip-service was rendered the principle of honesty in government while in practice the conduct of officials was, to say the least, of a somewhat questionable character. Said President Taylor in his inaugural address:

The appointing power vested in the President imposes delicate and onerous duties. So far as it is possible to be informed, I shall make honesty, capacity, and fidelity indispensable prerequisites to the bestowal of office, and the absence of either of these qualities shall be deemed sufficient cause for removal.\(^{14}\)

That Taylor promptly forgot his earlier political pudicity is amply proved by the fact that in the first year of his administration there were 3406 removals in the Post Office Department alone.\(^{15}\) President Fillmore used the patronage to secure the election of delegates to the national convention of the Whig party who were favorable to his nomination.\(^{16}\)

In August, 1857, Chief Justice R. B. Taney wrote to Franklin B. Pierce:

\(^{13}\)Tbid., p. 89.

\(^{14}\)Tbid., p. 6.


I deeply regret adoption of the principle of rotation in office. Its inevitable consequence will be to multiply the number of political adventurers and trading politicians who are always ready to sacrifice the public interests for their own individual profit, and our elections instead of being contests for principles will in a short time become contests for the emoluments of office and influenced by mere mercenary motives.\textsuperscript{17}

President Buchanan, it seems, resorted not only to the use of patronage to gain his ends, but also to bare-faced bribery. There is no record that the following statement, published nine years after Buchanan's retirement from the Presidency, brought forth any libel suits:

Among other expedients, the President (Buchanan) attempted to bribe the editor of a Philadelphia newspaper, offering him the Liverpool consulship and ten-thousand dollars in money.\textsuperscript{18}

In reviewing those years of our political history, General Jacob D. Cox, one-time Secretary of the Interior, says,

\textbf{... the corrupting influence of such a use of the appointing power has been constantly widening, reaching out into new circles, until there is no back-woods hamlet so obscure that its moral atmosphere has escaped the degrading hunt for place. Beginning with the purpose of moulding an independent Congress to the Executive will, the power of patronage was found to be too seductive, and no limits could be put to its use... When the last and least clerkship had been distributed... the horse-leech cry of 'give' was only more clamorous; new places must be created that they might be given away, and dishonest gain in office...}


had to be winked at or shared, on the plea of party necessity or interest. 19

Presidential inaugurations became a Roman holiday. Mobs invaded the Capital from over the ever-widening expanse of the country, drawn by the magnet of office. Flattery, cajolery, threats, bribes, and the claims of kinship, friendship, or mere acquaintance were all advanced by the quadrennial crop of office seekers eager for a place at the banquet table of political preferment. Elections became not the means of determining the nation's policies so much as the means of determining who should raid the nation's treasury during the ensuing four years.

The President, as an individual, was powerless to halt the evils of the spoils system. The very nature of the constitutional situation made the executive department dependent upon the legislative for the furtherance of its policies; hence, the Executive was of necessity obliged to yield and purchase the support of Congressmen with the offices at its disposal. 20

Such was the situation when Abraham Lincoln was elected to the Presidency. Almost from the hour that the election returns were in, Lincoln was pursued by office-seekers both in Springfield and in Washington, and the fact that he held the Republican party together during the 1860 crisis is due in a

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large measure to his judicious use of the patronage. That Lincoln deplored the evils which had arisen as a result of the spoils system, however, is evidenced by the fact that in the 1864 campaign he did all in his power to maintain the independent franchise of the individual office-holder.

Andrew Johnson, who was personally opposed to the abuse of the patronage and used it sparingly in the early days of his administration, was soon forced to exert the removal power in self-defense. In his veto message accompanying the Tenure of Office Act, he describes the condition of the civil service at the outbreak of the Civil War as follows:

When the war broke out, rebel enemies, traitors, abettors, and sympathisers were found in every department of the Government, as well in the civil service as in the land and naval military service. They were found in Congress and among the keepers of the Capital; in foreign missions; in each and all of the Executive Departments; in the judicial service; in the post office, and among the agents for the conducting of Indian affairs. Upon probable suspicion they were promptly displaced by my predecessor, so far as they held their offices under executive authority, and their duties were confided to new and loyal successors.

President Johnson's vexations with office-seekers led him to issue an Executive Order under date of August 7, 1865, in

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22 James K. Hosmer, Outcome of the Civil War, pp. 219-220.
23 William A. Dunning, Reconstruction, pp. 72-73.
which he virtually denied himself to all personal interviews not of his own seeking. He again voiced his stand in opposition to the spoils system and its evils in his third annual message to Congress, delivered in December, 1867.25

During the year 1868, Thomas Allen Jenkes of Rhode Island, introduced a bill, H. R. 47, Fortieth Congress, second session, designed to correct many of the evils then existing in the civil service of the United States.26 In the report which accompanied his bill, Mr. Jenkes pointed out the existing evils and called attention to the fact that the United States was probably the only country in the world which did not have some type of civil service examination system.27 A number of reasons may be cited for the failure of the Jenkes Bill. Congress was more interested in Reconstruction, the resumption of specie payments, and the tariff at this particular time. As Andrew White later said:

To expect the American people to undertake civil service reform at such a time was like expecting a man to begin repairing the plumbing and drainage . . . when his roof is on fire.28

The serious advocacy of civil service reform was, in the era in question, regarded as a mild form of lunacy. One agreed,

25Ibid., p. 571.
in principle, even as one agrees with any virtuous suggestion—but to make it a subject of legislation was considered quite a different matter. Said John T. Doyle, of the failure of Jenkes Bill:

The Jenkes Bill failed probably because public sentiment had not been sufficiently awakened for such a measure, and because its provisions were radical and sweeping in their details. 29

The principal effect of the Jenkes Bill was to bring the question of civil service reform into the open so that the light of publicity might bring out the evils of an iniquitous system, and so build up a strong public demand for its abolition.

CHAPTER II

CIVIL SERVICE REFORM AS A NATIONAL ISSUE

Immediately after the Civil War the burden of debt and taxation was enormous. Reformers found economy in the administration of the Nation's Business a strong talking point in their campaign for civil service reform. Anything that savored of saving fell graciously indeed upon the ears of a war-weary public. Newspapers and magazines of the day teemed with editorials and articles hammering home the irrefutable argument that reform and economy walked hand in hand. Said General Cox, in an article of the period:

... the mischiefs of a wrong system have multiplied at the very time when we need every help in diminishing the burden that a proper organization of the public service can give. The people are aware of this, and their determination to try what reform can do has become significantly apparent.1

During the Johnson administration, while the executive and legislative controversy was at its height, it was not uncommon for office-seekers to come to Washington armed with two sets of recommendations; one setting forth to the President that the candidate had performed valiant service in his behalf, while the

other set, for presentation to the confirming power, proved the same candidate to be a radical of the radicals.²

Such was the situation in regard to the civil service when General Grant was elected to the Presidency. He was generally considered to be non-partisan in character, which fact, coupled with his military training and personal integrity, gave every indication that he would be moderate in the use of the executive appointing powers. The catholicity of his original cabinet appointments went far to bear out the belief of the reformers that the new President would support their campaign by example as well as by word. Very soon, however, political pressure forced President Grant to make new selections in his cabinet, although at the time these new appointments were made:

... instructions were duly given to the effect that there should be no sweeping and partisan changes. Removals from office might indeed be made in cases of incompetence or misbehavior, or for reasons of economy, or even where extreme partisanship had compromised the loyalty due the government, but no general proscription on account of political opinions was to be authorized. This principle was laid down by the President to the members of his Cabinet for the rule of the Departments.³

Before many days of the new administration had passed, it became apparent that President Grant, no more than his predecessors in the office, dared to withstand the pressure of Congress. It is possible that he could have withstood the importunities

²Ibid., p. 86.

of his personal friends for place. Although he was notoriously loyal in his friendships, he was also a stubborn and determined man, and once dedicated to a cause, it may be doubted that friendship alone could have swerved him from his course. Political expediency is, however, quite a thing apart from personal friendship. The President was inexperienced in political technique, and it was but natural that he should have turned for guidance to the leaders of the party which had elevated him to the presidential office. Unfortunately for both General Grant and the cause of civil service reform, such persistent opponents of reform as Morton, Conkling, and Butler found most favor at the White House.\(^4\) Thus, while the intentions of the President to prevent political proscription may have been sincere, he fell more and more under the influence of the spoilsme1n. He came to regard them as his political counsellors and personal friends.

Gideon Welles, late Secretary of the Navy, who had retired from public life with the advent of the Grant administration, describing in his diary the conditions in Washington at the beginning of that administration, wrote:

March 23, 1869. There is some satisfaction in looking in on the movements and feeling that one has no responsibility for what is being done or omitted. The strife here is great and the disappointments will be many. Some remedy should be devised for the great evil of office-seeking and the greater evil of Congressional intermeddling with appointments. The best men in the community for places of

trust are not those who rush here to get them. But where is the remedy? Congress itself is made up of vagabond adventurers to a great extent, fellows who sell their votes for money, and who intrigue for the worthless on receiving a consideration. There is but little of moral or political principle in Congress. The few who are not vicious and debased are destitute of independence, and yield to the discipline and tyranny of party.5

Under a later date, Welles records:

The administration appears to be making an unusual change or general sweep of all official incumbents, irrespective of party. Friends and supporters, men who are faith-ful and efficient, many of whom have been for years . . . in public employment, are summarily ejected from office. One cannot but feel sympathy for these suffering individuals . . . but the country is a sufferer as well as the dismissed officials . . . There are many worthless fellows in bureaus and at clerical desks who should be replaced, but such are quite as likely to be retained as any, in these party, ill considered and imprudent changes.6

Finding that he was not be "master in his own house" in the matter of patronage, President Grant, both by personal inclination and by pressure from the Grand Army of the Republic, recommended men for appointment to public office on the bases of personal friendship and past army service. The appointments so recommended were frequent sources of embarrassment to his cabinet ministers, particularly to Attorney-General Hoar, and Secretary-of-State Fish. Two examples of the President's incompetence in this connection are particularly amusing:

. . . . Hoar, asked to make a soldier Chief Justice of a territory because he had lost a leg, managed to hint that the mere absence of legs is not sufficient qualification for a


6Ibid., pp. 576-577.
judicial position, and Grant laughingly abandoned the idea. One day the Senate Foreign Relations Committee were considering the nomination of a Minister to Belgium. "Can anyone give us any information concerning Mr. Jones?" Mr. Sumner asked gravely. It had been whispered that he was interested in horses. "Well," replied Morton, "Mr. Jones is about the most elegant gentleman that ever presided over a livery stable." The nomination was not confirmed. 7

The charge of nepotism is often lodged against President Grant, but recent research has disclosed that during his entire eight years in office only twelve of his relatives were given places under the government. 8 Considering the number of potential office-holders in the Grant and Dent families the President may be said to have shown remarkable restraint.

That the President personally favored civil service reform there can be little doubt. Under date of December 5th, 1870, in his Second Annual Message to Congress, the President said:

Always favoring practical reforms, I respectfully call your attention to one abuse of long standing which I would like to see remedied by this Congress. It is a reform of the civil service in the country. I would have it go beyond the mere fixing of the tenure of office of clerks and employees who do not require the 'advice and consent of the Senate,' to make their appointments complete. I would have it govern, not the tenure, but the manner of making all appointments. There is no duty which so embarrasses the Executive and heads of the Departments, nor is there any such arduous and thankless labor imposed upon Senators and representatives as that of finding places for constituents. The present system does not secure the best men, and often not even fit men for public place. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States. 9

8 W. E. Woodward, Meet General Grant, p. 402.
The President's reference to civil service reform created considerable stir in Congress. The question was ably discussed by both the reform element and its opponents. Senator Lyman Trumbull, of Illinois, introduced a bill in the Senate on January 4th, 1871, a part of whose contents and the debates on them have been recorded as follows:

', . . to relieve members of Congress from importunity and preserve the independence of the departments of the Government by making it unlawful for any member of Congress or territorial delegate to solicit or influence in any way the appointment of any person to government office, and for the President or any head of a department to make any appointment so solicited.' The penalty for the infraction of the act was a fine not exceeding $1,000. The act did not apply to action by Senators upon nominations made by the President to the Senate.

In support of the bill Senator Trumbull said, 'It is unnecessary to recapitulate the evils of the present system; they are known to all. It is known that in the departments at Washington there are a great many more clerks than would be needed if those there were capable, efficient, and faithful officers; and it is known that many of them are put in merely as a reward for political services. If Congress divest itself of this subject, the responsibility is then upon the head of the department. He will be held responsible for the persons he appoints to office.'

Senator Sherman, of Ohio, and others supported the measure while Senator Morton, of Ohio, opposed it. Said Senator Morton, 'The bill, in my opinion, is unconstitutional from beginning to end, and proceeds upon false principles. I undertake to say that this government could not be readily or safely administered upon the bill. . . . I know there are some people in this country who believe that everybody in Congress is corrupt, and if we pass this bill they will have a right to believe that we think so; that we ourselves are willing to legislate on the idea that we cannot safely be trusted to recommend for appointments. . . .'

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A few days later, on January 27th, 1871, Carl Schurz of Missouri, spoke for the bill, saying:

... Must it not be clear to every observing mind that our present mode of making appointments is a blindfold game, a mere haphazard proceeding? Was Mr. Lincoln very wrong when once, in a moment of despair, he said with grim humor, "I have discovered a good way of providing officers for this Government; put all the names of the applicants into one pepper-box and all the offices into another, and then shake the two, and make appointments just as the names and the offices happen to drop out together."?11

In spite of the strenuous opposition of the spoils faction, on March 3rd, 1871, an act was passed, by attaching a rider to an appropriation bill, authorizing the President to appoint a Commission to determine the fitness of candidates for office as to health, knowledge, age, and character by examination, and to prescribe regulations to govern the conduct of appointees.12

Immediately upon passage of this bill President Grant appointed a commission of seven men, composed of George William Curtis, Chairman, and Joseph Medill, Alexander G. Cattel, Davidson A. Walker, E. R. Ellicot, Joseph H. Blackfan, and David C. Cox, members.13 The newly appointed commission immediately swung into action, and on December 19th, 1871, President Grant

12Benjamin Andrews, The United States in Our Own Times, p. 231.
submitted the rules they had formulated to govern the appointment, promotion, and conduct in such offices as were covered by the law. Urging their adoption with a special message to Congress he said:

These views, together with the report of the Commissioners, are submitted for your careful consideration as to whether further legislation may be necessary in order to carry out an effective and beneficial civil service reform. If left to me, without further Congressional action, the rules prescribed by the Commission, ... will be faithfully executed; but they are not binding without further legislation, upon my successors. ... I ask for all the strength which Congress can give me to carry out the reform in the civil service recommended by the Commission, and adopted to that effect. ... I therefore recommend that a proper appropriation be made to continue the services of the present board for another year. ...

The rules as submitted by the Commissioners were by no means perfect, but they were a long stride in the right direction toward assuring the honest and efficient conduct of the business of the Government. The program as outlined contained thirteen major provisions, as follows:

1. No person shall be admitted to any position in the civil service within the appointment of the President or the heads of Departments who is not a citizen of the United States; who shall not have furnished satisfactory evidence in regard to character, health, and age, and who shall not have passed a satisfactory examination in speaking, reading, and writing the English language.

2. An advisory board of suitable persons, to be employed by the President under the 9th Section of the Act of March 3, 1871, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1872, and for other purposes," shall,

14James D. Richardson, Messages and Presidents, VII, p. 156.
so far as practicable, group the positions in each branch of the civil service according to the character of the duties to be performed, and shall grade each group from lowest to highest for the purpose of promotion within the group. Admission to the civil service shall always be to the lowest grade of any group; and to such positions as cannot be grouped or graded at admission shall be determined as provided for the lowest grade.

3. A vacancy occurring in the lowest grade of any group of offices shall be filled, after due public notice, from all applicants who shall present themselves, and who shall have furnished the evidence and satisfying the preliminary examination already mentioned, and who shall have passed a public competitive examination to test knowledge, ability, and special qualifications for the performance of the duties of the office. The board conducting such competitive examinations shall prepare, under the supervision of an Advisory Board, a list of names of the applicants in the order of their excellence, as proved by such examination, beginning with the highest, and shall then certify to the nominating or appointing power, as the case may be, the name standing at the head of such list, not exceeding three, and from the names thus certified the appointment shall be made.

4. A vacancy occurring in any grade or group of offices above the lowest shall be filled by competitive examination of applicants from the other grades of that group, and the list of names from which the appointment is to be made shall be prepared and certified as provided in the preceding rule; but if no such applicants are found competent the appointment shall be made upon examination of all applicants, conducted in accordance with the provision for admission to the lowest grade.

5. Applicants certified as otherwise qualified for appointment as cashiers of collectors of customs, cashiers of assistant treasurers, cashiers of postmasters, superintendents of money order division in post offices, and such other custodians of large sums of money as may hereafter be designated by the Advisory Board, and for whose pecuniary fidelity another official is responsible shall, nevertheless, not be appointed except with the approval of such other officer.

6. Postmasters whose annual salary is less than $200 may be appointed upon a written request of applicants, with such evidence of character and fitness as shall be satisfactory to the head of the Department.
7. The appointment of all persons entering the civil service in accordance with these regulations, excepting persons appointed by the President with the advice and consent of the Senate, postmasters and persons appointed to any position in a foreign country, shall be made for a probationary term of six months, during which the conduct and capacity of such person shall be tested; and if at the end of said probationary term satisfactory proofs of their fitness shall have been furnished by the board of examiners to the head of the Department in which they shall have been employed during the said term, they shall be reappointed.

8. The President will designate three persons in each Department of the public service to serve as a board of examiners, under the supervision of the Advisory Board and at such times and places as it may determine, shall conduct, personally or by persons approved by the Advisory Board, all investigations and examinations for admission into said Departments or for promotion therein.

9. Any person who, after long and faithful service in a Department, shall be incapacitated by mental or bodily infirmity for the efficient discharge of the duties of his position may be appointed by the head of the Department, at his discretion, to a position of less responsibility in the same Department.

10. Nothing in these rules shall prevent the appointment of aliens to positions in the consular service which by reason of small compensation or of other sufficient cause are, in the judgment of the appointing power, necessarily so filled, nor the appointment of such persons within the United States as are indispensable to a proper discharge of the duties of certain positions, but who may not be familiar with the English language or legally capable of naturalization.

11. No head of a Department nor any subordinate officer of the Government shall, as such officer, authorize or permit or assist in levying any assessment of money for political purposes, under the form of voluntary contributions or otherwise, upon any person employed under his control, nor shall any such person pay any money so assessed.

12. The Advisory Board shall at any time recommend to the President such changes in these rules as it may consider necessary to secure the greater efficiency of the civil service.

13. From these rules are excepted the heads of Departments, Assistant Secretaries of Departments, Assistant Attorneys-General, and First-Assistant Postmaster-General, Solicitor General, Solicitor or the Treasury, Naval Solicitor, Solicitor of Internal Revenue, Examiner of Claims in the State Department, Treasurer of the United States, Judges of the United States Courts, District Attorneys, Ambassadors,
and other public ministers, Superintendents of the Coast Survey, Director of the Mint, Governors of Territories, special commissioners, special counsel, visiting and examining boards, persons appointed to positions without compensation for services, dispatch agents, and bearers of dispatches.\textsuperscript{15}

The rules were adopted by a reluctant Congress and the reformers soon learned that to make rules is one thing—to procure their enforcement is quite another matter. Congressional spoilsmen were not disposed to surrender the bludgeon of patronage at the first defeat. To function effectively a government commission must have funds at its disposal. By failing to appropriate funds for the use of the Civil Service Commission Congress rendered that unpopular body impotent. Public opinion was, as yet, not loud enough in its demands for reform. It was an easy matter for the politicians to render lip-service at home and legislative activity in Washington to the cause of reform, provided that activity was promptly negatived. By so doing it was possible to appease the handful of reformers in one's constituency, and at the same time "take care of the boys who helped the cause." Emasculation of reform legislation was no more an innovation then than it is now.

President Grant's official attitude toward the rules of the Civil Service Commission may be inferred from both his Executive Order of April 16, 1872, and his fourth Annual Message to Congress, under date of December 2nd, 1872. In the first of these documents he states:

\textsuperscript{15}James D. Richardson, Messages and Papers, VII, pp. 156-159.
The utmost fidelity and diligence will be expected of all officers in every branch of the public service. Political assessments, as they are called, have been forbidden within the various Departments; and while the right of all persons in official position to take part in politics is acknowledged, and the elective franchise is recognized as a high trust to be discharged by all entitled to its exercise, whether in the employment of the Government or in private life, honesty and efficiency, not political activity, will determine the tenure of office.\textsuperscript{16}

Furthermore, in the second document he says:

Under authority of Congress rules have been established to regulate the tenure of office and the mode of appointments. It cannot be expected that any system of rules can be entirely effective and prove a perfect remedy for existing evils until they have been thoroughly tested by actual practice and amended according to the requirements of the service. During my term of office it shall be my earnest endeavor to so apply the rules as to secure the greatest possible reform of the civil service of the Government, but it will require the direct action of Congress to render the enforcement of the system binding upon my successors; and I hope that the experience of the past year, together with appropriate legislation by Congress, may reach a satisfactory solution of the question and secure to the public service for all time a practical method of obtaining faithful and efficient officers and employees.\textsuperscript{17}

While President Grant's civil service reform efforts may have "smacked of eleventh-hour virtue for the coming presidential election,"\textsuperscript{18} his training as a soldier and his general personal characteristics point toward sincerity in his effort to keep the question and its solution before Congress. By so doing, he might clear himself of the onus of neglect, but at the same time avoid an open embroilment in party warfare. In


\textsuperscript{17}James D. Richardson, Messages and Papers, VII, p. 205.

\textsuperscript{18}Arthur M. Schlesinger, Political and Social Growth of the United States, 1852-1933, p. 155.
Army parlance, Grant was simply "passing the buck" back to Congress.

The President's attempt to place responsibility for civil service reform squarely upon the shoulders of Congress was not well received by the reform group. Early in 1872, a new political party, calling itself the Liberal Republican Party, was launched in Missouri under the leadership of Carl Schurz and B. Gratz Brown. Among its more influential members were Charles Francis Adams, Samuel Bowles, Murat Halstead, Horace White, and Henry Watterson. The new party was composed of a number of elements, among them tariff reductionists, opponents of the federal reconstruction policy in the South, civil service reformers, and disgruntled politicians who were nursing personal grievances.

The Liberal Republicans convened in Cincinnati, Ohio, on May 1, 1872, and inserted the following, for that day, extremely radical plank into their party platform:

The civil service of the Government has become a mere instrument of partisan tyranny and personal ambition, and an object of selfish greed. It is a scandal and a reproach upon free institutions, and breeds a demoralization dangerous to the perpetuity of republican government. We therefore, regard a thorough reform of the civil service as one of the most pressing necessities of the hour. . . . To this end it is imperatively required that no President shall be a candidate for re-election.19

19Carl R. Fish, The Civil Service and the Patronage, p. 214.
That plank in the Liberal Republican platform constituted the first formal introduction of the merit system into politics.\textsuperscript{20}

The action of the Liberal Republicans forced the regular Republican Party to recognize the demand for civil service reform in a formal declaration. The National Convention, meeting in Philadelphia on June 5th, declared:

\ldots any system of the civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally demoralizing, and we therefore demand a reform in the system by laws which shall abolish the evils of patronage and make honesty, efficiency, and fidelity essential qualifications for public position without practically creating a life tenure of office.\textsuperscript{21}

In the election which followed, Grant, renominated by unanimous vote in the Convention, defeated Horace Greeley, the Liberal Republican and Democratic parties nominee, by an overwhelming majority. Grant accepted his re-election as public endorsement of his policies, but he nevertheless continued to keep the matter of civil service reform before Congress, at least for a time.

Under date of January 17, 1873, he issued an Executive Order prohibiting Federal office-holders from holding office under the authority of the several states, territories, or municipal corporations in which they were residents, while holding public office under the Federal Government.\textsuperscript{22}

\textsuperscript{20}A. Bower Sagesser, \textit{The First Two Decades of the Pendleton Act}, p. 30. (Hereafter referred to as \textit{The First Two Decades}.)


In his fifth Annual Message to Congress, delivered on December 1, 1873, President Grant called the attention of that body to the fact that the rules for appointment of officials to be binding, "must have the acquiescence of Congress as well as of the Executive." He suggested that a special committee of Congress confer with the Civil Service Board "for the purpose of devising such rules as can be maintained."

On August 31, 1874, President Grant extended the civil service rules to the Federal offices in the city and customs district of Boston.

But on December 7, 1874, in his sixth Annual Message to Congress, President Grant definitely washed his hands of civil service reform. He says:

The rules adopted to improve the civil service of the Government have been adhered to as closely as has been practicable with the opposition which they meet. The effect, I believe, has been beneficial on the whole, and has tended to the elevation of the service. But it is impracticable to maintain them without direct and positive support from Congress. Generally the support which this reform receives is from those who give it their support only to find fault when the rules are apparently departed from. Removals from office without preferring charges against parties removed are frequently cited as departures from the rules adopted, and retention of those against whom charges are made by irresponsible persons and without good grounds is also often condemned as a violation of them. I announce, therefore, that 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.

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23 Ibid., pp. 254-255.
24 Ibid., pp. 284.
except as far as to require examinations for certain appointees to determine their fitness. Competitive examinations will be abandoned.

The gentlemen who have given their services, without compensation, as members of the board to devise rules and regulations for the government of the civil service of the country have shown much zeal and earnestness in their work, and to them, as well as to myself, it will be a source of mortification if it is thrown away. But I repeat that it is impossible to carry this system to a successful issue without general approval and positive law to support it.25

Since the Congress failed to act upon his suggestion, General Grant accepted their refusal in silence and neither of his two remaining annual messages to Congress contain any reference to civil service reform. There seems little enough excuse for President Grant's failure to make a more determined effort to secure funds for the Civil Service Commission's use. The strength of public opinion is attested by the flood of editorials and articles which inundated the press during the years 1872 and 1873. Typical of these are those quoted in part below:

Vice is no less vice because it goes unpunished and unnoticed. It is the duty of the government to make its service clean, even if the people do not demand it. When they do demand it, it will be idle to resist or make excuses.26

It is for the interest of everybody that men who administer the government be honest; and are not the women of this generation educating the state-making, caucus manipulating office-holders of the next? We believe the late vile political assumptions are but the necessary result of the loose moral training of children; and women being

25 James D. Richardson, Messages and Papers, VII, pp. 300-301.

largely the conservatives of morality . . . to them is vastly chargeable the loose ideas which boys now have of integrity and fidelity. 27

It was unfortunate that General Grant, a man of no political experience, should have been called to the head of the Government during this "epoch of rusty souls" 28 in which honesty and decency, both in and out of public office was a rarity.

In the election of 1876, both the Republican and Democratic parties gave definite commitments on civil service reform. The reform plank in the Republican platform was worded:

The best interest of the public service demands . . . that senators and representatives, who may be judges and accusers, should not dictate appointments to office. The invariable rule in appointments should have reference to honesty, fidelity, and capacity of appointees. 29

In the Democratic party platform for the 1876 campaign we find:

Experience proves that efficient economical conduct of governmental business is not possible if its civil service be subject to change at every election, be a prize fought for at the ballot box, be a brief reward for party zeal, instead of posts of honor assigned for proved competency and held for fidelity in public employ; that the dispensing of patronage should neither be a tax upon the time of all our public men, nor the instrument of their ambition. 30


28W. E. Woodward, Meet General Grant, p. 404.


As one editorial writer very aptly sums up the situation:

The resemblance of sentiments would be enough to convict an author of plagiarism. . . . Whether the Republicans or the Democrats succeed in electing their candidates, it is evident already that whoever will enter upon his duties pledged to measures of reform.31

There were the usual exchanges of charges and countercharges during the campaign. Each party maintained that the other had obstructed and would continue to obstruct all efforts on their part to purify the service. Rutherford B. Hayes, the Republican nominee, declared that "reform should be thorough, radical, and complete."32 Upon his election, Mr. Hayes, in his inaugural address, once more promised drastic reform, closing his remarks on civil service reform with the much quoted statement: "He serves his party best who serves the country best."33

President Hayes had called upon Carl Schurz to assist in the selection of his cabinet officers. Schurz was most insistent that the Cabinet should agree completely on the question of civil service reform.34

Accordingly, William M. Evarts, who had served as President Johnson's chief counsel at his impeachment trial, and had long been known as a champion of clean government, was chosen

31Ibid., p. 466.
34A. Bower Sagerser, The First Two Decades, p. 31.
for the office of Secretary of State. Though Schurz urged that Benjamin H. Bristow be offered the post of Secretary of the Treasury, this post was tendered to John Sherman. Schurz rightly feared that Sherman would yield to political pressure rather than the urgency of reform. Schurz himself was appointed Secretary of the Interior. The other members of the Hayes Cabinet were Richard W. Thompson, Secretary of the Navy, who was replaced in 1881 by Nathan Goff, Jr.; George W. McCurry, Secretary of War, who was replaced in 1879 by Alexander Ramsey; David Key, Postmaster-General, replaced in 1880 by Horace Maynard, after Thomas L. James had declined the appointment;35 and Charles Devers, Attorney-General.

President Hayes realized the utter futility of attempting to secure legislation on the question of civil service reform. Instead, he attempted to revive the Civil Service Commission that had been created in 1871. Failing to interest Congress in the resurrection of this unlamented corpse, Hayes adopted the executive order as a means of forcing reform. He also refused to permit himself to be besieged and overwhelmed by the usual mob of hungry office-seekers. Applications for the minor offices were referred to the heads of the departments concerned, who were given the responsibility of selecting their own officials. At the first cabinet-meeting Secretaries Evarts and

Schurz were assigned the task of formulating rules to govern the appointments of officers to all departments. These rules were subsequently carried out by all department heads except John Sherman.36

In the Department of the Interior Schurz found his first opportunity for constructive reform. The Indian Bureau was notoriously corrupt and President Hayes had appointed a joint congressional committee to investigate the possibility of transferring the agency to the War Department. Schurz opposed the transfer on the ground that civil rather than military authorities could best "civilize" the aborigines. Having won the retention of the Indian Bureau in his own department, Schurz instituted investigations into its administration. He soon found reason to believe the charges of corruption and inefficiency well founded. Accordingly, he inaugurated a reform of the agency from top to bottom. So thorough was the action that it led eventually to his own retirement from public life. But few men had ever accomplished more for the cause of good government than had Carl Schurz.37

The New York Custom House had for years borne a very unsavoury reputation for incompetency and corruption. Early in the Hayes administration a committee under John Jay was appointed to investigate the facts underlying that reputation. The Jay

36H. J. Eckenrode, Rutherford B. Hayes, p. 263.
37Ibid., pp. 266-267.
Committee made a very diligent inquiry and between May and August, 1877, submitted four reports setting forth the conditions which it had found to exist in both the Custom House and the Naval Office. Faked payrolls, bribery, smuggling, and the extortion of unlawful fees were only a few of the charges made against the personnel of these offices. The committee set its estimate of the yearly losses sustained by the Federal Government through incompetency in the Naval Office alone at one and a half million dollars.\textsuperscript{38}

The first of these reports brought forth an Executive Order under date of May 26, 1877, forbidding officers connected with the collection of revenues to take part in the management of political organizations; or collect assessments for political purposes; or to retain useless employees on their rolls.\textsuperscript{39}

President Hayes' order came as a surprise to his fellow party members. Few had believed that his speeches in favor of reform of the civil service had been more than the customary campaign twaddle, and his order was denounced as ill-advised and pre-mature. Many said that his executive order was an attempt to force Congressional action.\textsuperscript{40}

The most formidable opponent of reform in Congress was Senator Roscoe Conkling of New York. When President Hayes

\textsuperscript{38A} Bower Sageser, \textit{The First Two Decades}, pp. 32-33.
\textsuperscript{39} James D. Richardson, \textit{Messages and Papers}, VII, p. 450.
\textsuperscript{40} E. R. Sparks, \textit{National Development}, p. 156.
followed up his Executive Order with a request for the resignation of Chester A. Arthur, Collector of the Port of New York and Cornell, Naval Officer, Senator Conkling prevailed upon these gentlemen to refuse to comply with the President's request. President Hayes submitted to the Senate the names of new nominees to the offices, that of Theodore Roosevelt, the father of the President of the same name, as Collector, and L. Bradford Prince as Naval Officer. Senator Conkling marshalled his cohorts in the Senate and that body withheld confirmation of the nominations. After the adjournment of Congress, in July, 1877, President Hayes removed Collector Arthur and Naval Officer Cornell from office and appointed Edwin A. Merritt to the office of Collector and Silas W. Burt as Naval Officer. When the next Congress met, Senator Conkling again attempted to withhold confirmation of the President's appointees, but was defeated and the men were confirmed.41

To say that the Hayes-Conkling feud over the Arthur-Cornell case was a national sensation would be a mild statement. Conkling, altogether unwillingly, rendered a most valuable service to the civil service reform movement, since his bitter opposition and unlovely conduct did much to crystallize public opinion against the spoilsmen. An unsigned contemporary article says:

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41 Benjamin Andrews, The United States in Our Own Times, pp. 244-247.
He (Senator Conkling) does not like the project of reform in the civil service. Such a reform would, as he very well knows, deprive him of his influence. . . . It would bring to him the necessity of being useful in the conservation of the interests of the great state which places him in office. . . . It would compel him to depend upon his merits for success. . . . One thing is certain: that we can have no reform of the civil service until such politicians as Roscoe Conkling are put out of power. 42

Said Dana, in a similar editorial:

The difficulty lies in the unwillingness to give up the spoils system. It is expecting a good deal of the virtue of members of Congress that they should be willing to surrender this patronage. They must be forced to it by an overruling public opinion. The great mass of men who have spent a lifetime in learning to run the political machine by the spoils system must lose the fruits of their labors, and retire to private life and begin the unaccustomed business of earning a living by legitimate work of their own. . . . Public opinion must be created intelligent enough to know exactly what it is that must be changed, and what result is to be looked for, with a moral sense sufficiently awakened to feel the moral dangers as well as the ignominy of our present situation. . . . We do not think that public opinion has acquired the force to insist upon this reform. . . . We think the best service we can render . . . is . . . to attempt to aid in advancing such a public opinion. 43

In the meantime the work of civil reform was carried vigorously forward. Dorman B. Eaton visited England in 1877 to make a thorough study of the British civil service. His report was submitted to Congress by President Hayes in 1879 with a strong plea for congressional action. 44 Again in December, 1880, President Hayes in his last annual message to Congress said:

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44James D. Richardson, Messages and Papers, VII, pp. 561-566.
My views concerning the dangers of patronage ... have been strengthened by my observation and experience in the Executive office and I believe that these dangers threaten the stability of the Government. 45

The administration of President Hayes, though by no means satisfactory in the eyes of the reform leaders, had the approval of the citizenry as a whole. Although he did not succeed in effecting the drastic civil service reform he had promised, he did accomplish lasting and beneficial results. Not only were these benefits obtained without money and encouragement from Congress, but in spite of decided hostility from the majority of that body. The competitive examination principle had been tried in most of the government departments and its practicability had been conclusively demonstrated. During the Hayes administration there had been far less meddling in party politics by officers of the government than the country had seen since Andrew Jackson's time. 46

True to his promise of 1876, President Hayes did not seek the Republican re-nomination. The "Stalwart" faction of the Republican party advanced General Grant as a third-term candidate. After the thirty-fifth ballot the nominating committee stampeded to a "dark-horse," James A. Garfield of Ohio, a moderate "Half-breed." The "Stalwarts" were appeased with the

45 Richardson, Messages and Papers, VII, 603.

nomination of Chester A. Arthur, of New York Custom House fame, for the Vice-Presidency. The Democrats nominated General Hancock and W. H. English. 47 Both parties mentioned civil service reform in their respective platforms, but it was by no means regarded as an important issue in the 1880 campaign. Garfield was elected, and it was later charged that a considerable part of the Republican campaign funds had been secured through assessments levied against civil servants. 48

President Garfield attempted to place the civil service reform question squarely up to Congress. In his inaugural address he stated his views on the subject quite clearly as follows:

The civil service can never be placed on a satisfactory basis until it is regulated by law. For the good of the service itself, for the protection of those who are entrusted with the appointing power against the waste of time and the obstruction of the public business caused by the inordinate pressure for place, and for the protection of the incumbents intrigue and wrong, I shall at the proper time ask Congress to fix the tenure of minor offices of the several Executive Departments and prescribe the grounds upon which removals shall be made during the terms for which the incumbents have been appointed. 49

Pressure for office at the beginning of the Garfield administration was extremely heavy. Garfield's biographer records:


49 James D. Richardson, Messages and Papers, VIII, pp. 11-12.
The campaign had been close and bitter and now apparently everyone who had done any work, however insignificant, for the success of the ticket expected to be rewarded by a suitable position in the government service. Experienced politicians remarked that nothing like it had been since Lincoln laid the political foundations of a new party in that eventful spring twenty years before. John Hay, who had declined Garfield’s offer of the position of private secretary to the President, now congratulated himself on his foresight. He wrote that the clamor for jobs was like the sound of beasts at feeding time, and he described the President as “living in a whirlwind, fighting like a baited bull against the mob, hounded down by politicians from morning till midnight.” On March 8, Garfield wrote: "The foundations of the population seem to have overflowed and Washington is inundated ... the Spartan band of disciplined office hunters, who draw papers on me as highwaymen draw pistols, were men with whom I had to wrestle like a Greek—and the night brings me great weariness." Though Garfield kept old friends in mind and found a surprising number of positions for some of them, others were necessarily disappointed and the President ... was always deeply distressed.

In the meantime another force against the spoils system had come into being. In 1877, an organization was formed under the guidance of Henry W. Bellows and Dorman B. Eaton, named the New York Civil Service Reform Association. The Association pledged itself to the active agitation for reform of the civil service, both state and national. In October, 1880, this association was reorganized. George William Curtis and Everett P. Wheeler were elected President and Vice-President respectively, and a committee consisting of such eminent reformers as Dorman B. Eaton, Curtis, Silas Burt, Orlando B.

Potter, Everett P. Wheeler, Carl Schurz, and Wayne Mac Veagh, was appointed to draft a bill designed to regulate and improve the national civil service for presentation to Congress. In 1861 the Association was again reorganized and named the Civil Service Reform League. Its growth was not only rapid but it was widespread. It printed and distributed thousands of pamphlets, provided lecturers, and in general conducted an educational campaign of such magnitude as to mould public opinion to demand congressional action favoring civil service reform. The League made capital of such scandals as the Credit Mobilier, the Salary Grab Act, the Whiskey Ring, the Bellmap Frauds, the Tweed Ring,—in fact, every government scandal of the preceding twenty years was publicized in all its black details to show the need for immediate and drastic measures against corruption in public office.51 There is ample reason to believe that the spoils system faced early doom, even in the normal course of events, but when tragedy entered into the picture, its death-knell was rung.

The reformers were not in the least backward about seizing this opportunity for publicizing their cause. The nation's periodicals were literally flooded with articles and editorials, of which the following extracts were typical examples:

51 A. Bower Sageser, The First Two Decades, pp. 34-35.
His (Culpeo's) story was in substance that he belonged to the portion of the republican party opposed to the President, and led by General Grant and Mr. Conkling; that he wished General Arthur to become President; and that if he did so he (Culpeo) expected to be rewarded for his trouble with an office, besides being pardoned for the murder. It appeared, too, on inquiry, that he had unsuccessfully sought office from President Garfield. ... Now the public was startled at finding that he was tolerably correct in his view of the political situation. He described it much as any "stalwart" would have described it. What he desired ... is exactly what all "stalwarts" desired. ... The quarrel of the stalwarts with the President was a quarrel about offices and nothing else. What they asked of him and reproached him for not granting, was a different distribution of offices from the one he had made. ... 52

In an unsigned editorial headed simply, "Garfield," we find the following comment:

Fool, or maniac, or simply devil ... (the people) refuse to believe in a class of him, or to suppose that he forms a dangerous element. 53

The unanimity of the demand for reform was pointed out in no uncertain terms in a lengthy article of which the following forms the closing line:

... If there is any proposition concerning which the highest authorities in this country concur, it is that of the injurious nature of a partisan civil service. 54

On December 15, 1880, Senator George H. Pendleton of Ohio, had introduced a bill designed to effect reform of the civil service which the reformers realized had little chance


of adoption because several of its provisions were clearly un-
constitutional. Dorman B. Eaton prevailed upon Senator Pendleton to withdraw his bill and substitute in its place the bill
which the Reform Association committee had drawn up the previ-
ous year. That substitution was effected on January 10, 1881,
and was designated as the "Pendleton Bill." The bill was re-
ported out by the Senate committee in February, 1881, but no
further action was taken during that session. The same fate
befell a house bill of a similar character introduced by Repre-
sentative Willis in January, 1881.55

When President Garfield died on September 19, 1881, many
people throughout the country shared the consternation of one
man who exclaimed, "Chez Arthur President of the United States!
Good God!"56

There is an old maxim that says, "Some swell under re-
sponsibility; others grow." To the surprise of the whole
nation Arthur proved himself a member of the latter group.
While he retained only one member of Garfield's cabinet, the
son of the late President Abraham Lincoln, there was no gener-
al or widespread removal from the lesser offices. Even
Robertson, President Garfield's appointee to the office of

56 Arthur M. Schlesinger, Political and Social Growth
of the United States, p. 176.
Collector of Customs for the Fort of New York, was retained in office.

President Arthur's attitude toward civil service reform shown in his first annual message to Congress in which he criticized the setting of a too high intellectual standard in the civil service examinations, but pledged his support to any measure that the Congress might see fit to adopt in order to effect needed reform. 57 During the following year he urged appropriate legislation designed to protect government employees in their positions and relieve the President from the burdens incident to patronage. 58

In the meantime the reform movement was sweeping the country.

The reviews and magazines are going vigorously into the question. 59 Newspapers which were formerly lukewarm are now recognizing on the one hand the necessity for a change and on the other the pressure of public opinion. And it is a very significant sign, that the principle of the Pendleton Bill has become a favorite subject of discussion from the evening meetings in the country school-house to the debating clubs of the universities. 59

The barrage of publicity was beginning to have its effect. The opponents of reform were being called upon to provide arguments for their opposition to a so obviously popular reform.

57 James D. Richardson, Messages and Papers, VIII, pp. 61-63.

58 E. E. Sparks, National Government, p. 198.

Nor were they at loss for words. Among the arguments which they advanced, the following seem the most popular:

Henceforth, entrance into the civil service is to be through the narrow portal of competitive examinations, practically limiting entry to the graduates of colleges, thus admitting a Pierce and excluding a Lincoln. . . . The number of persons of equal fitness to fill them is very great. There must be choice and this must be governed by some consideration. Political considerations are as appropriate as any. . . . The American feeling of sturdy independence and personal equality is offended by the presence of an official class, with life tenure and a tendency to heredity.60

On December 6, 1881, Mr. Pendleton again introduced his bill in the Senate. In the debates that followed, the arguments pro and con were furiously partisan. A number of bills were introduced in both houses to prevent passage of the measure. One bill, introduced by Senator Dawes of Massachusetts, called for an appropriation of $25,000 to be used in making the law passed in 1871 effective. The Senate Committee on Civil Service and Retrenchments started hearings on the Pendleton and Dawes Bills in February, 1882. Again the Pendleton Bill was favorably reported, but no congressional action was taken.61

When Congress adjourned, another and more vigorous than over campaign for reform opened. From press and from pulpit


61Sageser, op. cit., p. 43.
the reformers joined battle with increased fury and zeal. All during the summer and fall of 1882, congressmen were deluged with demands for action. The public was thoroughly aroused and civil service reform seemed to head the "must" list for the coming session of Congress.

In the 1882 elections it was charged by the reformers that assessments of approximately two per cent of salaries were being collected from office-holders by the Republican Congressional Committee. This charge was later verified on the floor of the Senate.62 President Arthur, however, made a public statement that no office-holder need feel obligated to make political contributions.63

President Arthur's Second Annual Message to Congress, delivered on December 4, 1882, called for decisive action on the part of that body in the matter of civil service reform.64

Senator Pendleton brought up his bill for the third time, and the debates thereon in the Senate were opened on December 12, 1882.

In reporting the bill to the Senate, the Committee had declared in part, after tracing the growth of the nation in area, number of states, and population, from its origin:

62 Congressional Record, 47th Congress, 2nd Session, p. 283.
63 James D. Richardson, Messages and Papers, VIII, p. 147.
64 Ibid., p. 146.
Then one man might personally know, appoint on their merits, supervise the performance of their duties, and for sufficient cause remove, all officers; now, no single human being, however great his intelligence, discrimination, industry, endurance, devotion, even if relieved of every other duty, can possibly, unaided, select and retain in official station those best fitted to discharge the many and varied and delicate functions of the Government. . . . Political considerations have come to play the most important part in the distribution of the vast patronage. It boots not to consider the origin of the evil, or the responsibility of one party more than another. The fact is confessed by all observers and commanded by some, that "to the victor belong the spoils;" . . . that with each new Administration comes the business of distributing the patronage among its friends.

It has come to pass that the work of paying political debts and discharging political obligations, of rewarding personal friends and punishing personal foes, is the first to confront each President on assuming the duties of his office, and is ever present with him, even to the last moment of his official term, giving him no rest and little time for the transaction of any other business, or for the study of any higher or grander problems of statesmanship . . . Instead of the study of great questions of statesmanship, of broad and comprehensive administrative policy . . . he must devote himself to the petty business of weighing in the balance the political considerations that shall determine the claim of this friend or that political supporter to the possession of some office of profit or honor under him . . . Thus hampered and beset, the Chief Magistrate of this nation wears out his term and his life in the petty services of party . . . The Executive Mansion is besieged, if not sacked, and its corridors and chambers are crowded each day with the ever-changing but never-ending throng. Every Chief Executive, since the evil has grown to its present proportions, has cried out for deliverance. Physical endurance even is taxed beyond its power. More than one President is believed to have lost his life from this cause.65

In introducing the bill in the Senate on the afternoon of December 12, 1882, Senator Pendleton said, in part:

... This subject, in all its ramifications, was submitted to the people of the United States at the fall elections, and they have spoken in no low or uncertain tone. ... I do not say that the civil service of the Government is wholly bad. ... I do not say that the men who are employed in it are all corrupt or inefficient or unworthy. ... But I do say that the civil service is inefficient; that it is expensive; that it is extravagant; that it is in many cases and in some senses corrupt; that it has welded the whole body of its employees into a great political machine; that it has converted them into an army of officers and men, veterans in political warfare, disciplined and trained, whose salaries, whose time, whose exertions at least twice within a very short period in the history of the fair results of Presidential elections.

The bill has for its foundation the simple and single idea that the offices of the Government are trusts for the people; that the performance of the duties of these offices is to be in the interests of the people; that there is no excuse for the being of one office or the paying of one salary except that is in the highest practicable degree necessary for the welfare of the people; that every superfluous office-holder should be cut off; that every incompetent office-holder should be dismissed; that the employment of two where one will suffice is robbery; that salaries so large that they can submit to the extortion, the forced payment, of 2 or 10 per cent are excessive and ought to be diminished. ... If it is true that offices are trusts for the people, then it is also true that the offices should be filled by those who can perform and discharge the duties in the best possible way. ... I believed then, (when Senator Pendleton first entered the Senate) and I believe now, that the existing system which, for want of a better name, I call the "spoils system," must be killed or it will kill the Republic. ... I am no prophet of evil ... but I do believe that if the present system goes on ... the Presidency of the country, if it shall last in name so long, will be put up for sale to the highest bidder, even as in Rome the imperial crown was put up to those who could raise the largest fund.66

In the debates which followed the introduction of the Pendleton Bill, were revealed a number of objections to the measure, some doubtless sincere, but in the main the true

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66 Congressional Record, 47th Congress, 2nd Session, pp. 204-206.
objection was purely partisan. The Republicans were in office and the Democrats looked forward to an almost certain victory at the next presidential election. They did not wish to see the passage of an act that would confirm in office and make permanent the tenure of a host of Republican incumbents. Though many of the Democratic Senators felt that reform was urgently needed, they hesitated to return to their constituencies after having surrendered the patronage privilege and face a campaign for re-election empty handed. Senator John S. Williams of Kentucky spoke at considerable length in opposition to the measure, saying, in part:

I will not vote for this little fiction, ... Why, sir, there is nothing in this little civil service bill, nothing in the world; it does not amount to a hill of beans. It is a little cataplasm too small to cover half the sore. It is deceptive; it is a little sham; it is a mere make-believe; and I will not vote for a measure the effect of which is to deceive the people of the country into the belief that we are making an honest effort to make some advance in the reform of our civil service, ... To this I am utterly opposed, and I know the very genius of the institutions under which we live is opposed to it. ... Our civil service would not be a bad one if it was honestly and fairly administered. It is not of the patronage, of the power of the President that the people complain; it is of the abuses of both. ... The people think, and so do I, that whatever party is in power has the right to put its friends in. I think that the people believe that, and it is right; and the idea of passing a law to stop it is ridiculous to my view.67

Senator Wilkinson Call of Florida, questioned at some length the constitutionality of the measure, as well as its effectiveness if put into actual practice.68

67 Ibid., p. 504.  
68 Ibid., pp. 470-471.
Senator Francis M. Cockrell of Missouri, after demonstrating how this reform could have been accomplished by the Republican heads of the several departments during the past twenty years by means of the legal machinery already available, proceeded to castigate the Republican Party for having introduced a bill which in effect would rob the Democratic Party of an opportunity to accomplish such reform after the next presidential election.\(^69\)

Senator Daniel Vorhees of Indiana, attacked the bill on the grounds that it affected only the lower offices. He said, in part:

> Of 100,000 employees of the Government, 90,000 of higher grades, those of importance, those of power for good or evil, are left untouched. ... Will anybody tell me, will the most zealous advocates of this bill tell me where and when he has heard of any official scandal or any fraud in the civil service of this Government growing out of the lower grades of clerical life? Have the fourth grade clerks been engaged in star-route transactions? Have they been in post-traderships; whiskey rings and Credit Mobilier? ... This bill proposes to reach only the humble, the poor, the lowly, and the powerless. The arrogant, the strong, the corrupt, and the vicious who have power in high places are to stay where they are and continue to plunder the Government. ... This is a mere dip-net for minnows, and not a harpoon or hook for the whales or sharks or the large ravenous fish that swim in the dark seas of political corruption.\(^70\)

Senator Joseph E. Brown of Georgia, speaking against the measure expressed the fear that an official class similar to the Praetorian Guards of Rome, and quite as dangerous, might develop

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\(^69\) Congressional Record, 47th Congress, 2nd Session, p. 505.
\(^70\) Ibid., pp. 355-360.
from office-holders enjoying life-tenure. Brown also raised the objection that the present office-holders being in the main Republicans, the passage of the bill would shut off Democratic party patronage. Said the Georgian in part:

... This is a republican government; it is democratic in form, and you would have to change the nature of the Government and change human nature also before you will be able to adopt in practice here any utopian theories about civil service.\textsuperscript{71}

The friends of the measure were quite as verbose as were its foes. Senator Hawley of Connecticut, spoke at considerable length on the bill, describing its operation as well as pointing out some of the defects in the civil service as then constituted that the measure was designed to remedy. In summing up his own reaction to the conditions he made the following statement:

... Had I a son of twenty years of age who wanted to enter this service here, or a nephew or other young friend who sought subordinate service here, I would say, "I will lend you twenty-five cents to buy a rope to hang yourself with, but I will not have the responsibility of putting any live, active, good, steady, moral young American into the Government offices in Washington until the service shall stand on a better foundation."\textsuperscript{72}

Senator George F. Hoar of Massachusetts, an ardent reformer, spoke at great length in favor of the bill. He gave his reasons for supporting the bill and concluded his remarks with:

\textsuperscript{71} Congressional Record, 47th Congress, 2nd Session, pp. 277-278.

\textsuperscript{72} Ibid., p. 245.
... I believe the adoption and inauguration of this scheme, if it shall prove successful, as I confidently expect, will be regarded in the future by the American almost as the adoption of a new and better constitution.73

Senator Henry L. Dawes, also of Massachusetts, described the bill as a patient suffering from too many doctors and too much medicine, referring to the great number of amendments which had been offered. He pledged his support, however, in spite of the amendments.74

The purely partisan nature of the debates disgusted many members of the Senate. This disgust was well voiced by Senator Thomas F. Bayard of Delaware, who declared:

... Is this debate to continue ... until the bill shall pass the Senate ... or is it ... to lose its entire character, to be entirely displaced ... and become a matter of the merest of the poorest party wrangle? ... I want no such wrangle in regard to a bill of this kind; I do not wish to discuss it with acrimony, or with temper, or with a narrow party view. I shall not be driven from my support of this bill by sneers or by laughter; come from whence they may.75

After fifteen days of debate in the Senate the Pendleton Bill came to a vote on December 27, 1882, and was passed by a vote of thirty-eight to five, thirty-three being absent from the voting. The affirmative vote was politically divided as follows: twenty-three Republicans, fourteen Democrats, and one Independent. All five of the negative votes were cast by Democrats. Those not voting were fourteen Republicans, eighteen Democrats, and one Re-adjuster.76

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73 Ibid., p.
74 Ibid., pp. 466-468.
75 Ibid., p. 371.
76 Sagesser, The First Two Decades, p. 57.
Immediately the results of the ballot were known, Senator Brown of Georgia, offered an amendment to the title of the bill. Said he:

I think the title ought to conform to the body of the bill. I move to strike out the words "A bill to regulate and improve the civil service of the United States" and insert the words "A bill to perpetuate in office the Republicans who now control the patronage of the Government." 77

On January 4, 1883, the Pendleton Bill came up for consideration by the House of Representatives. In spite of the obstructionist maneuvers of Representatives Bland, Atkins, Sparks and Reagan, the bill was read for consideration as soon as reported. Representative Reagan of Texas objected to the bill on the ground that it was not effective, nor was it honestly intended to be effective, in accomplishing its stated objective, reform of the civil service. He held that while the bill provided that neither government officers nor employees would be permitted to collect or to make contributions to campaign funds from or to other government employees, nothing in the bill prevented such activities among them by persons other than government officers or employees, acting as their agents. 78

Representative Robinson of New York proposed an amendment making the effective date of the legislation July 1, 1885, in

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77 Congressional Record, 47th Congress, 2nd Session, p. 661.
78 ibid., p. 862.
order that it might be inaugurated by the next rather than the present President. 79

That the discussion of the bill in the House of Representatives was centered chiefly upon the effect of its passage upon partisan politics is amply proven by the assertion of Representative Hilary A. Herbert of Alabama, who said, in part, that he intended to support the bill because it would put some Democrats into positions even in a Republican administration. 80

Representative Buckner of Missouri, speaking in favor of the bill took a far-sighted viewpoint, stating that he was for it more for its future than its immediate benefits. 81

Representative Willis of Kansas, spoke at great length for the measure. Said Mr. Willis in part:

A change has come over the spirit of our legislative desires and purposes. Apathy has given way to activity; ridicule has been succeeded by eulogy and admiration; the stone which was rejected of the builders has become the chief cornerstone of our political temple. From the first hour of this second session until the present moment, bill has followed bill and resolution has crowded fast upon resolution; civil service is the watch-word—the high and most imperative demand of the hour. Thus in the words of Gerald Massey:

"We are beaten back in many a fray,
But never strength we borrow;
Where the vanguard camps today
The rear shall rest tomorrow." 82

The bill was passed by the House of Representatives on January 4, 1883, the vote being 155 for the bill, 47 opposed.

79 Ibid., p. 362.
80 Ibid., pp. 363-364.
81 Ibid., p. 364.
82 Ibid., p. 365.
and 87 not voting. Politically, the vote was 102 Republicans, 49 Democrats, 4 Nationals in the affirmative; 7 Republicans, 39 Democrats, 1 National in the negative; while 39 Republicans, 41 Democrats, and 7 Nationals failed to vote.

President Arthur signed the measure and it became a law on January 16, 1883. He immediately put its provisions into effect and by the expiration of his term of office 15,573 positions in the Federal service had been classified and filled under the provisions of the new law.

Of the sincerity of President Arthur in regard to reform measures in general, said Elihu Root, in 1899:

The genuiness of his patriotism, the integrity of his purpose, and the wisdom of his conduct, changed general distrust to universal confidence, re-established popular belief in the adequacy of our constitutional system in all emergencies, and restored an abiding trust in the perpetuity of our government.

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Ibid., p. 867.
Sageser, op. cit., p. 59.
Civil Service Commission, Fifteenth Report, p. 139.
Charles B. MacCr. The White House, p. 192.
CHAPTER III

REFORM VICTORIOUS AT LAST

In the campaign of 1884, President Arthur had lost the support of the "Stalwart" element of his party. The reformers, being still dubious of the sincerity of his conversion to their faith, would not support him. The Republican nomination for the Presidency, therefore, went to James G. Blaine on the fourth ballot, though against the opposition of such reformers as Carl Schurz, George W. Curtis, and the younger and more progressive element in the party represented by Theodore Roosevelt and Henry Cabot Lodge. These elements of the Republican party indicated their intention to support a Democratic candidate if that party should nominate a person acceptable to them.

The Democratic convention nominated Grover Cleveland on the second ballot. Cleveland had already established a sound reputation for honest government, and in accepting the nomination, said in regard to the patronage:

The selection and retention of subordinates in government employment should depend upon their ascertained fitness and the value of their work.\(^1\)

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Likewise, in reply to a questionnaire submitted to him by the Civil Service Reform Association a few days after his nomination, Cleveland replied in part:

... When contests between parties are waged for the purpose of securing places for professional politicians of high or low degree, whose only recommendation for appointment is their supposed ability to do partisan service, the people are apt to be defrauded by the displacement of tried and faithful servants, well able to perform the duties for which they are paid with the people's money, and the substitution of those who are unfit and incompetent. ...

This pernicious system gives rise to an office-holding class who, in their partisan zeal, based upon the hope of personal advantage, arrogate to themselves an undue and mischievous interference with the will of the people in political action; this breeds the use of dishonest and reprehensible methods, which frequently result in the servants of the people dictating to their masters.²

Blaine's lukewarm attitude toward civil service reform was evident from his own statements made in regard there-to, of which the following is typical:

The settled judgement of discreet men in both political parties is adverse to the custom of changing non-political officers on merely political grounds. ... The inauguration of a new system is hindered somewhat by an honest difference in opinion touching the best methods of selecting subordinate officers. Competitive examination is the method most warmly advocated, and on its face appears the fairest; yet every observing man knows that it does not always secure the results most to be desired. Nothing is vouched for more frequently by chiefs of the Government bureaus than that certain clerks who upon competitive examination would stand at the head do in point of efficiency and usefulness stand at the foot.³

²Denis Tilden Lynch, Grover Cleveland, pp. 110-111.
The platforms of the two parties were in complete accord. Both lauded civil service reform. The bitter campaign that ensued centered mainly on the personal and political characters of the candidates. Cleveland's victory was by no means proof of the strength of the Democratic party. Many Republicans voted for the Democratic candidate rather than turn the reigns of government over to Blaine, whose political character was considered by them to be as reprehensible as Cleveland's personal conduct was deemed by others to be immoral.

In reply to a letter from George W. Curtis, very shortly before the election day, Cleveland gave an inkling of his future policy in regards to civil service and the patronage. He wrote, in part:

   I am, of course, a Democrat attached to the principles of the party; and if elected, I desire to remain true to that organization. But I do not think partisan zeal should lead to the arbitrary dismissal for party or political reasons of officials of the class above referred to, (officials of a non-political character) who have attended strictly to their public duty and have not engaged in party service, and who have not allowed themselves to be used as partisan instruments or made themselves obnoxious to the people they should serve, by the use of their offices to serve party ends.\(^4\)

   In his inaugural address, delivered on March 4, 1885, Cleveland voiced the following sentiments in regard to the civil service:

The people demand reform in the administration of the Government and the application of business principles to public affairs. As a means to this end, civil service reform should be in good faith enforced. Our people have the right to protection from incompetence of public employees who hold their place solely as a reward for partisan service, and from the corrupting influence of those who promise and the vicious methods of those who expect such reward.5

It is greatly to be doubted that a newly-elected President had ever faced a more difficult problem than that of President Cleveland in 1885. Elected largely through the influence of the "Mugwumps," he was nevertheless a loyal member of the Democratic party, a party that had been out of power for twenty-four years, a party whose members longed for the fruits of the patronage vine and political fig-tree. To deny, entirely, such fruits would be tantamount to political suicide. Not to deny them would be equally hazardous. Truly, the courage of desperation must have, in some measure at least, dictated his reply to the Civil Service Reform League's inquiry regarding his future policy under date of Christmas Day, 1884, in which he referred to the patronage question as follows:

... That a practical reform in the civil service is demanded is abundantly established by the fact that a statute to secure such a result has been passed in Congress with the assent of both political parties; and by the further fact that a sentiment is generally prevalent among patriotic people, calling for the fair and honest enforcement of the law which has been thus enacted. I regard myself as pledged to this, because my conception of True

5James D. Richardson, Messages and Papers, VIII, p. 503.
Democratic faith and public duty requires that this and all other statutes should be, in good faith and without evasion, enforced, and because in many utterances made prior to my election as President, approved by the party to which I belong and which I have no disposition to disclaim, I have in effect promised the people that this should be done.

I am not unmindful of the fact to which you refer, that many of our citizens fear that the recent party change in the National Executive may demonstrate that the abuses which have grown up in the civil service are ineradicable. I know that they are deeply rooted, and that the spoils system has been supposed to be intimately related to success in the maintenance of party organization; and I am not sure that all those who profess to be friends of this reform will stand firmly among its advocates when they find it obstructing their way to patronage and place.

But fully appreciating the trust committed to my charge, no such consideration shall cause a relaxation on my part of an earnest effort to enforce this law.

There is a class of government positions which are not within the letter of the civil service statute, but which are so disconnected with the policy of an administration that the removal therefrom of present incumbents, in my opinion, should not be made during the terms for which they are appointed, solely on partisan grounds and for the purpose of putting in their places those who are in political accord with the appointing power.

But many holding such positions have forfeited all just claim to retention because they have used their places for party purposes, in disregard of their duty to the people, and because, instead of being decent public servants, they have proved themselves offensive partisans and unscrupulous manipulators of local party management.

The lessons of the past should be unlearned; and such officials, as well as their successors, should be taught that efficiency, fitness, and devotion to public duty are the conditions for their continuance in public place, and that the quiet and unobtrusive exercise of individual political rights is the reasonable measure of their party service.

If I were addressing none but party friends, I should deem it entirely proper to remind them that though the coming Administration is to be Democratic, a due regard for the people's interest does not permit faithful party work to be always rewarded by appointment to office; and to say to them that while Democrats may expect all proper consideration, selections for office not embraced within the civil service rules will be based upon sufficient inquiry as to fitness, instituted by those charged with that duty, rather
than upon persistent importunity or self-solicited recommendations on behalf of candidates for appointment.\(^6\)

There seems little doubt that President Cleveland subscribed to the principles of civil service reform as he interpreted that term. He seemed, however, to regard it as no particular offense against reform to request the resignation of Republican office-holders whose offices brought them into confidential relations with the administration, and to fill such offices with Democrats.\(^7\)

This attitude, of course, brought down upon his head the wrath of the reformers who had supported him in the election, on the grounds that his post-election performance and his pre-election pledges were widely at variance. But if the reformers were disappointed, so also were the spoilsmen of his own party disappointed. While the President removed many of the Republican holders of the unclassified positions and appointed Democrats to their places, the established classified service was left, in the main, undisturbed. Cleveland's honest view of the reform was that it could not be brought about successfully by sudden and drastic action, but must be worked out through the slower political processes.\(^8\)

A careful examination of Cleveland's letter of December 25, 1884, to the Civil Service Reform League reveals no specific

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\(^8\)Ibid., p. 160.
statement of policy nor does it make broad and sweeping promises to that organization. In spite of his assurances of adherence to the principles of reform, the Republicans had little faith in his future conduct in the matter. A Republican writer of the time said in part:

All expectations of reform under the in-coming administration are childish. No reformation ever results from any movement, however honest at the outset, if in its eagerness for the means of success it parallels all the objectionable features of that which it promises to reform. Of course, every good citizen hopes that our new President will rise superior to the power that created him such.

The pressure to which he was subjected in the earlier days of his administration was quite unprecedented. Secretary of State Bayard reported in March, 1885, that the boards of office-seekers exceeded those of 1861, and other Washington officials of both parties were in complete accord in saying that President Cleveland occupied a most difficult and trying position. More than any president since the Civil War, Cleveland personally strove to make wise appointments, devoting much of his time to the business. His own party, no less than the Republican party was ready with severe criticism of his reform policy, as evidenced by the following extract from an editorial which appeared in October, 1885:

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Democrats deplore this unearned and baneful influence of a clique outside the Democratic party (the Hugwumps) and refuse to surrender their convictions upon matters which they consider vitally to affect their discipline and organization. But though the future alone can unfold the result of this conflict, it is to be hoped that those who believe that the raison d'être of the Democratic Party is the preservation of free constitutional government in this country, will not realize the apprehensions of evil which this unlocked for policy would seem to forebode and that this transient question of civil service reform will not be considered of more paramount importance than the conservation of the beneficent ascendency of the Democratic Party.\(^{10}\)

The magnitude of the task Cleveland had set for himself is apparent when one considers that there were in all a total of about 106,000 appointive offices available, only something like 14,000 being protected under the Pendleton Act.\(^{11}\) In a letter to Wilson S. Bissell, dated June 25, 1885, Cleveland wrote:

Somehow this letter (Bissell's) has impressed me with the suspicion that in one quarter at least, there is an idea that I owe something to friends for political aid, which I am not ready enough to acknowledge. Perhaps this is true. At all events, I tell you now, with the utmost sincerity, that I cannot rid myself of the idea that I owe so much to the country, that all other obligations shrink to nothingness before it. . . . For three months I have stood here and battled with those of my party who deem party success but a means to personal advantage. They have been refused and disappointed, . . . The end will come; and if on that day I can retire with a sure consciousness that I have done my whole duty according to my lights and my ability, there will be some corner for me where I can rest.\(^{12}\)

In his efforts to achieve administrative reform, Cleveland did not hesitate to direct the elimination of unnecessary


\(^{11}\) Denis Tilden Lynch, *Grover Cleveland*, p. 300.

clerks and other officials. The work of Secretary Manning in dropping about 500 of the 2,300 employees of the Treasury Department early in the administration, and the reorganization of the Navy Department by Secretary Whitney, were outstanding examples of the economies effected. Such practical reforms demonstrated to the nation that its business was under careful management and watchful scrutiny.13

Cleveland's appointments to the positions immediately below cabinet rank were made with exceptional discrimination and no little courage. Many officers of proven ability and honesty from former administrations were either retained or re-appointed regardless of party affiliations. To the "old line" Democrats, office-hungry after a quarter of a century of famine, this was nothing short of treason, but the President remained adamant.

Of course there were some mistakes made, as in the case of the appointment of Edward L. Hedden to the position of Collector of the Port of New York. After a very specific warning to Hedden 14 went unheeded, he was dismissed and Daniel Magone appointed to his place.15 During the campaign of 1886, two U. S. Attorneys, William A. Benton of Missouri, a Democrat,

15 Allan Nevins, Grover Cleveland, p. 241.
and William A. Stone of Pennsylvania, a Republican, actively participated in speech-making and general electioneering. Cleveland immediately ordered their suspension. His non-partisan action in these cases was at first praised very highly on the plea that his political activity had in no wise interfered with his official duties. He failed to state, however, that in his speeches he had declared civil service reform to be humbuggery, and that he had personally assailed the President. 16

The office-seekers themselves were not the only patronage pests which Cleveland had to endure during the early period of his presidency. Members of Congress demanded the right of filling certain offices. As an example, the gentlemen from Missouri demanded five ministerships, six consulates, three bureau chieftainships, three Indian agencies, and a territorial chief justiceship as their share in the patronage. 17

President Cleveland had the misfortune of being under such great pressure from his own party on the one hand, and the reformers on the other, that whatever course he might take, he would be open to virulent criticism. 18 The Democrats' assertions of disloyalty to the party can scarcely be held to

16Denis Tilden Lynch, Grover Cleveland, pp. 327-328.
17Sageser, op. cit., p. 83.
18Davis R. Dewey, National Problems, p. 28.
be valid when we consider the fact that in the first two years of Cleveland's administration two-thirds of the total of all Federal employees were changed. Of the 58,000 fourth class postmasterships, land officers, and collectors, 45,000 were changed. Of 111 collectors of the customs 100 were either removed or not reappointed, and all of the 35 revenue collectors were removed.19

The first clash with the Senate over patronage came quite early in 1886, because of the suspension from office of George W. Dutil, Federal Attorney for the Southern District of Alabama, and the nomination of John B. Burnett as his successor. The Senate demanded the papers in the case, which Attorney-General Garland, on the President's order, refused to surrender. President Cleveland thereupon addressed a very vigorous message to the Senate declaring that the sole right of removal was vested in the executive authority; that the papers in the case were entirely of a private nature, and would not be surrendered to the Senate.20 The Senate then initiated the repeal of the Tenure of Office Act of 1867, removing all restrictions on the removal powers of the President. The House approved the measure almost immediately. It was doubtless believed that Cleveland


21 E. Benjamin Andrews, *The United States in Our Own Times*, p. 496.
would avail himself of this opportunity to make wholesale re-
movals, thus discrediting himself in the eyes of the reformers.\(^{21}\) In this, however, Cleveland's enemies were disappointed, as no
wholesale removals followed the repeal of the Tenure Act.

In his second annual message, delivered December 6, 1886,
President Cleveland praised civil service reform accomplish-
ments up to that time, saying in part:

> The continued operation of the law relating to our
civil service has added the most convincing proofs of
its necessity and usefulness. It is a fact worthy of note
that every public officer who has a just idea of his duty
to the people testifies to the value of this reform.\(^{22}\)

It is quite probable that many of the removals of which
Cleveland is charged were made by his administrative officials
without his knowledge. Postmaster General Vilas, in 1885, di-
rected a circular to certain Congressmen in which he urged a
broad interpretation of President Cleveland's term, "offensive
partisanship," in recommending removals from fourth class
postmasterships. Of the Vilas circular Lucius B. Swift later
wrote:

> The Vilas circular providing for the removal of
postmasters for offensive partisanship was curious evidence
of an endeavor to divide spoil and stick to reform. It was
conclusive evidence of barrenness of resources. It was the
entering wedge. An affidavit or newspaper clipping secured
the removal of any fourth-class postmaster, and his place
was at once given to a partisan as offensive as the displaced

\(^{21}\)E. Benjamin Andrews, *The United States in Our Own Times*,

official. Congressmen were made superintendents of the
operation, and their henchmen were the beneficiaries. By
tacit consent the plan spread to other branches of the
service, and under it removals got an irresistible headway,
and the easy step was soon taken of making them without
charges and upon the simple fact that incumbents were Re-
publicans. This did not differ from the ordinary prostitu-
tion of the service. 23

In the same article, Swift accuses Secretary of the Navy
Whitney of spoilsman practices and accuses the Civil Service
Commission itself of failing to take an aggressive stand against
the politicians.

Official Congressional opposition to reform, though not
notably successful, was none the less persistent. During Cleve-
land's administration, seven bills to repeal the Pendleton Act,
all sponsored by Democrats, were introduced. None of these
bills, however, were favorably reported from the committee on
reform. 24

As the 1888 presidential campaign approached, the cam-
paign against Cleveland's reform policies became more and more
furious. In a bitter attack on Cleveland in the Senate,
Senator Hale of Maine, in the spring of 1888, stated that up
to June 11, 1887, the administration had made 42,992 changes
in the 56,154 unclassified positions, and that only 9,000 Re-
publicans remained in these positions. He charged further that

23Lucius B. Swift, "A Review of Two Administrations,"
24Sageser, op. cit., p. 115.
of the 52,609 fourth class postmasterships approximately 40,000 had been changed, of the 2,359 presidential postmasterships available about 2,000 had been changed, that 32 out of 35 foreign ministers and 138 out of 219 consuls, 33 out of 33 surveyors of customs, 100 out of 111 customs collectors, 94 out of 85 collectors of internal revenue, 65 out of 70 district attorneys, 51 out of 69 Indian Agents, 16 out of 18 pension agents, and 22 out of 30 territorial judges had been removed and new incumbents installed.\textsuperscript{25}

A Senate committee consisting of four Republicans and three Democrats was appointed on March 13, 1883, to investigate the Civil Service Act with reference to political activities and assessments. Three of the Republicans and two of the Democrats signed a majority report condemning the practices of the administration, while one Democrat and one Republican filed a minority report condemning the other members of the committee for partisan findings. The minority report stated further that there were twelve times as many Republicans in office in 1883, as there had been Democrats in office in 1885.\textsuperscript{26}

Swift, in summing up the causes of Cleveland's failure to achieve civil service reform states:

\textsuperscript{25}\textit{Congressional Record,} 50th Congress, 1st Session, pp. 371-379.

\textsuperscript{26}\textit{Sagersor, op. cit.,} pp. 118-119.
His first fault was in entering upon a gigantic undertaking without plan. It is to be charged against him that he did not select his cabinet officers with reference to this particular undertaking, nor did he see to it that the heads of important divisions should be in sympathy with his views. . . . That the administration had no fundamental plans for reform, but was simply drifting, soon became apparent. . . . The immense army of claimants for office referred to by Mr. Cleveland in his first annual message laid seige to the patronage of the government, and Mr. Cleveland slowly yielded to them. He did not invite his partisans to come and receive spoil; he gave it grudgingly. Nevertheless, he gave it, and by the end of his term a clean sweep had very nearly taken place.27

President Cleveland felt that he had striven to comply with the requirements of the Pendleton Act fairly and honestly throughout his administration. When he became President there had been 15,573 positions in the classified service; when he handed over the reins of government to Benjamin Harrison there were 27,330 classified positions.28

In its report of 1893, the Civil Service Commission records of President Cleveland's activities in behalf of the Pendleton Act:

President Cleveland lost no opportunity to make it effective, and to increase its usefulness made wide extension of its application.29

Cleveland himself said of the Pendleton Act in operation:

Its staunchest friends are found among those who understand it best, and its warmest supporters are those who are

28Civil Service Commission, Fifteenth Report, p. 130.
29Ibid., p. 138.
restrained and protected by its requirements. ... If the people of this country ever submit to the banishment of its underlying principle from the operation of this Government they will abandon the surest guarantee of the safety and success of American institutions. 30

In spite of the Democrats' complaints that Cleveland had failed to turn Republicans out of office fast enough and that he was guilty of catering to the Mugwump element entirely too much, 31 he was renominated by his party. In the election of 1888, he was defeated by his opponent, Benjamin Harrison, mainly on the tariff issue. Though Cleveland received a popular majority, Harrison's control of the populous industrial states set his electoral votes at 235 to Cleveland's 168. 32

Cleveland accepted his defeat in good spirits, seemingly relieved to be rid of the burdens of his high office. Many testimonials from his fellow citizens of high and low estate throughout the land attested the high regard in which he was held, even in defeat. None, however, were more picturesque than that from the pen of H. Clay Freuss of Maryland, two stanzas of which are quoted below:

PRESIDENT CLEVELAND

When like Diogenes of old,
The people ruled by power of gold,
Cried out aloud on every hand,
"O! God, for a true and honest man!"
They found in you what they had sought,
A man too honest to be bought.

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30 Ibid., p. 61.
31 Allan Nevins, Grover Cleveland, p. 394.
And by the magic power of gold,
Our ruling men were bought and sold,
'Twas then you took your noble stand,
To weed corruption from the land;
To bravely face the coming storm,
And introduce all true reform.33

Moran, in his summary of President Cleveland says of him:

As in the case of President Wilson, his (Cleveland's) achievements do not seem commensurate with his great ability and high character. The reason is not far to seek. He was tactless and intolerant and often found it impossible to work with other men. He antagonized Congress. . . . Grover Cleveland made a distinctive contribution based on the talents he possessed, and it is futile to philosophize about what he might have done had other talents been added unto him.34

To bring the Mugwumps back into the fold of the Republican Party and to secure their support during the campaign, the Republican platform had vowed adherence to civil service reform. During his campaign, when directly questioned in regard to the management of civil service, Harrison declared that he would abide by the provisions of the platform.35 But in his inaugural address, probably aware of the temper of his party, he let it be known that he did not intend personally to assume the burden of the patronage in the departments, for he said in part:

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33Ibid.
34Thomas F. Moran, American Presidents, pp. 211-213.
The civil list is so large that a personal knowledge of any large number of the applicants is impossible. The President must rely upon the representation of others, and these are often made inconsiderately and without any just sense of responsibility. I have a right, I think, to insist that those who volunteer or are invited to give advice as to appointments shall exercise consideration and fidelity. A high sense of duty and an ambition to improve the service should characterize all public officers.36

In the same speech, the new President again intimated that he regarded civil service reform to be a secondary matter, although an attempt to uphold the letter of the law embodied in the Pendleton Act would be made:

Honorable party service will certainly not be esteemed by me a disqualification for public office, but it will in no case be allowed to serve as a shield of official negligence, incompetency, or delinquency... Persistent inactivity will not be the best support of an application for office. Heads of departments, bureaus, and all other public officers connected therewith will be expected to enforce the civil service law fully and without evasion. Beyond this obvious duty I hope to do something more to advance the reform of the civil service. The ideal, or even my own ideal, I shall probably not attain.37

President Harrison chose a Cabinet quite undistinguished for outstanding statesmanship. James G. Blaine for Secretary of State was not a Presidential choice, but his selection was dictated by political considerations. William Windom, formerly a senator from Wisconsin, was made Secretary of the Treasury; Redfield Proctor, head of the Vermont Marble Company, became Secretary of War; W. H. H. Miller, formerly Harrison's law partner, was made Attorney-General; and Benjamin Tracey was

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36James D. Richardson, Messages and Papers, IX, p. 11.
37Ibid.
made Secretary of the Navy. The remaining Cabinet appoint-
ments, with the exception of John Wannamaker as Postmaster-
General, were obscure business men, who earned for that body the
name of a "Businessman's Cabinet." 38

The appointment of John Wannamaker as Postmaster-General
was gleefully hailed by the cartoonists of the day, who pic-
tured him with a tape-measure over his arm excitedly shouting
"Cash!", the implication being that political offices had
now been placed on a "Bargain Day" basis. 39 That the car-
toonists had made a rather shrewd estimate of the situation
can be inferred from the advice which Wannamaker gave the
President on the subject of reform, that is, that he save
himself from the blunder of too drastic reforms and that he
give full weight to claims of patronage advanced by members
of Congress. 40

Before the expiration of his term of office, President
Cleveland had directed that the 5,320 positions in the Rail-
way Mail Service be placed on the classified list by March
15, 1889. Charles Lyman, at that time the only Civil Service
Commissioner, was unable to get the eligibility lists ready
by that date and the incoming President postponed the date to

39 Ibid., p. 440.
40 Ibid.
May 1, 1889. In the six week's interval more than 2,100 of the incumbents of that service were dismissed and replaced by Republicans. 41

Swift states, in regard to Harrison's patronage practices:

He divided a valuable block of offices among his relatives by blood and marriage, commencing with his brother as a marshall in Tennessee. 42

As the preparations for the 1890 census got underway, some 50,000 positions, including 1,200 clerkships, became available. Says Swift of these positions:

It was practicable to make the appointments competitive and keep them from partisan influence; yet the President refused to allow the Civil Service Commission to apply the merit system to even the 1,200 clerks and the whole 50,000 places were in general distributed according to the worst methods of the spoils system. 43

Under Wannamaker, Assistant Postmaster-General Clarkson engineered the patronage of the Post Office Department. The spoilsman's cry of "Turn the rascals out," and "Cut with the 55,000 by January 1st!" (referring to the fourth-class postmasterships) had been nearly complied with, for quite early in 1890, "Headman" Clarkson is reported to have said of his exploits:

I expect to change 10,000 more before I quit. I expect before the end of the month to see five-sixth of the Presidential postmasters changed. Then I can paraphrase old Simon and say, "Let them servant depart in peace." 44

41Swift, op. cit., pp. 207-208.
42Ibid., p. 203.
44Josephson, op. cit., p. 441.
Such exhibitions President Harrison watched without a word of protest. As a matter of fact, says a contemporary writer:

President Harrison, instead of being a leader in the fulfillment of the promises upon which he was elected, became a leader of the worst elements of his party in a prostitution of the civil service in a manner which has increased instead of diminishing the dangers to free institutions which lurk in the power of official patronage. He did not wait for pressure. There is nowhere in his career a sign that he has acted with reluctance; but on the other hand the evidence is conclusive that he has been a willing leader with a purpose to use the full power of the Federal patronage to accomplish, first, personal, and second, party ends.

One of the first steps in this direction was the distribution of offices among newspapers. To the "New York Tribune," the "Cincinnati Commercial Gazette," the "Indianapolis Journal," the "New York Press," the "North American Review," the "Utica Herald," the "Worcester Spy," the "Iowa State Register," the "Detroit Tribune," and a host of other papers, great and small, throughout the country, the President gave a large share of the great bounty he was distributing, and it was accepted. That it does not take away their independence and bind them to Benjamin Harrison personally can be argued, but no conviction will result. Other Presidents have given offices to newspapers, but never before has a large number of the great journals been in effect subsidized.45

The attitude of the Harrison administration in general toward civil service reform was quite well expressed by Senator Ingalls of Kansas, who referred to the reform as a "Product of tea-custard and syllabub dilettantism and frivolous sentimentalism," and he added:

The purification of politics is an irredecent dream. Government is force. Politics is a battle for supremacy; parties are the armies. The Decalogue and the Golden

45Swift, op. cit., pp. 210-211.
Rule have no place in a political campaign. ... To defeat the antagonist and expel the party in power is the purpose. 46

The popular outcry against the rape of the civil service became so insistent that the President was forced, however reluctantly, to make some show of calling a halt to the high-handed procedures of his political bed-fellows. Accordingly, the ardent young reformer, Theodore Roosevelt, was appointed to the Civil Service Commission. Prior to Roosevelt's appointment, the Commission had been composed of mild-mannered, scholarly gentlemen who had carried out their duties unobtrusively and more or less perfunctorily. Roosevelt was anything but mild-mannered and unobtrusive. He injected life and energy into the Commission, answering epithet for epithet—with interest added. 47

With Roosevelt, on the Commission, were Charles Lyman, Hugh S. Thompson, and later, John R. Proctor. Of his associates Roosevelt spoke very highly. Their ardent support of his vigorous policies contributed much to their success. 48

Roosevelt outlined his course of action and, as with everything that he did, gave it the widest publicity possible. In a statement to the press he said:

We have to do two things. One is to make the officials themselves understand that the law is obligatory, not optional, and the other is to get the same idea into the heads of the people. 49

Roosevelt sincerely believed in civil service reform, not only as a moral issue, but also as a matter of political science. In his *Autobiography* he said of the spoils system:

Patronage does not really help a party. It helps the bosses to get control of the machine of the party . . . but it does not help the party. On the average, the most sweeping party victories in our history have been won when the patronage was against the victors. All that the patronage was and does is to help the worst element in the party retain control of the party organization. 50

During the next three years, 1889, 1890, and 1891, Roosevelt fought the spoils men in high places and in low, wherever their trails might cross. The battles then ensued seemed to give the belligerent Commissioner genuine personal pleasure, as he zestfully recounted in his story of this phase of his political career:

The first real effort of myself and my colleagues was to secure the genuine enforcement of the law. In this we succeeded after a number of lively fights. But of course in these fights we were obliged to strike a large number of influential politicians, some of them in Congress, some of them the supporters and backers of men who are in Congress. Accordingly, we soon found ourselves engaged in a series of contests with prominent Senators and Congressmen. There were a number of Senators and Congressmen . . . who abhorred the business of the spoilsman, who efficiently and reasonably championed the reform.


at every turn, and without whom the reform certainly would have failed. But there were plenty of other Senators and Congressmen who hated the whole reform and everything connected with it, and everybody who championed it; and sometimes, to use a legal phrase, their hatred was for cause, and sometimes it was premeditated—that is, sometimes the Commission interfered with their most efficient, and incidently most corrupt and unscrupulous supporters, and at other times where there were no such interferences, a man nevertheless had an innate dislike to anything that tended to decency in government. These men were always waging war against us, and they usually had the more or less open support of a certain number of Government officials from Cabinet Officers down. The Senators and Congressmen in question opposed us in many different ways. Sometimes, for instance, they had committees appointed to investigate us . . . sometimes they tried to cut off the appropriation for the Commission.

Occasionally we would bring to the Senate or Congressmen who fought the Commission by the simple expedient of not holding examinations in their districts. This always brought frantic appeals from their constituents, and we would explain that unfortunately the appropriations had been cut, so that we could not hold examinations in every district, and that obviously we could not neglect the districts of those Congressmen who believed in the reform and therefore the examinations. The constituents then turned their attention to the Congressmen, and the result was that in the long run we obtained sufficient money to enable us to do our part of the work . . . most of the opposition took the guise of shrewd slander. Our opponents relied chiefly upon downright misrepresentation of what it was that we were trying to accomplish, and our methods, acts, and personalities. I had more than one lively encounter with the authors and sponsors of these misrepresentations, which at the time were full of interest to me. . . . A favorite argument was to call the reform Chinese, because the Chinese had constructed an inefficient governmental system based on the theory of written competitive examinations. The argument was simple. There had been written examinations in China; it was proposed to establish written examinations in the United States; therefore, the proposed system was Chinese. . . . It was impossible to answer every falsehood about the system. But it was possible to answer certain falsehoods, especially when uttered by some Senator or Congressman of note. Usually these false statements took the form of assertions that we asked preposterous questions of applicants. At times they also included the assertion that we credited people to districts where they did not live; this simply
meaning that these persons were not known to be active
ward politicians of those districts.\textsuperscript{51}

In addition to his spectacular tactics in the actual
performance of his duties as Civil Service Commissioner, Roose-
velt contributed copiously to the press and appeared far and
wide on the lecture platform, helping to mould an intelligent
public opinion on the subject of civil service reform and a
healthy demand for the strict enforcement of the requirements
of the Pendleton Act. Of Roosevelt's contribution to civil
service reform Howland states:

The six years which Roosevelt spent in the Civil
Service Commission gave an impetus to the cause of
civil service reform which far surpassed anything it
had received until his time. Indeed, it is probably not
unfair to say that it has received no greater impetus
since.\textsuperscript{52}

The spoilsmen were naturally vociferous in their demands
that Roosevelt be removed from the Commission. Whatever the
feelings of President Harrison may have been in regard to the
belligerent young reformer, officially, at least, he threw
no obstacles in his way, and steadfastly refused to remove
him. Roosevelt is said, however, to have written at a later
time of Harrison, that Boss Platt seemed "to have a ring in
the President's nose," as he never gave the Civil Service Com-
mission "one ounce of real backing."\textsuperscript{53}

\textsuperscript{52} Harold Howland, \textit{Theodore Roosevelt and His Times}, p. 39.
\textsuperscript{53} James Truslow Adams, \textit{The March of Democracy}, Vol. II,
p. 207.
President Harrison's contribution to the classified list, some 15,598 positions, of which 6,908 were by normal growth of the service, 54 has been referred to as "contemptible," 55 and rightly so, when one considers the opportunities presented by the Census Bureau alone. During the early part of his administration, Harrison suspended from the classified service, by executive order, a number of positions which his predecessors had classified. 56 These suspensions were temporary in nature, and seem to have been kept in force just long enough to permit the positions to be filled by political appointees.

The political activities of office-holders in 1890 campaign was offensive, marked, and open. Said Swift of such action:

No check has been placed by President Harrison upon Federal office-holders making their influence felt in primaries, conventions, and elections. . . . Forty office-holders . . . helped to manage the Indiana State Convention in Iowa in 1891 more than 62 Federal office-holders were delegates, (In the convention at Minneapolis) the President had 142 office-holders voting as delegates in the convention. Several thousand other office-holders were at hand bearing down opposition, . . . The result is a startling proof of the reasonableness of the fear expressed in the Republican platform of the dangers to free institutions arising from the power of official patronage. 57

Probably the most important contribution to the work of the Civil Service Commission made by President Harrison

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54 Civil Service Commission, Fifteenth Report, p. 139-55.
55 Swift, op. cit., p. 213.
56 Richardson, Messages and Papers, pp. 27-32.
during his entire term of office, was his revocation of the rule allowing persons outside of the classified service entry to the classified service because of efficiency and fidelity. While such entry required not less than two years of unclassified service, and might be effected only on the request of the Commission, it none the less tended to weaken the competitive examination system and presented a tempting back-door entry to the classified service.58

On April 13, 1891, President Harrison extended the classified list to include physicians, school superintendents, and assistant superintendents, teachers, and matrons of the Indian Service,59 in all 686 positions.60

After the Republicans had lost the election of 1892, there was a mad scramble to extend classification to as many incumbents as possible before Grover Cleveland's second inauguration. Cleveland, when informed of this activity, is reported to have expressed his hearty approval, feeling doubtless that it would lessen his own future patronage burdens. In addition to the gains listed above, Secretary-of-the-Navy Tracy made many improvements in methods of selection of employees in the Navy Yards.61

58Sageser, op. cit., p. 158.
59Richardson, op. cit., p. 173.
60Civil Service Commission, Fifteenth Report, p. 139.
The attitude of the Congress toward civil service reform during President Harrison's administration was quite the opposite of cordial and co-operative. Eight bills were introduced in the Fifty-first and Fifty-second Congresses to repeal the Pendleton Act, though none were reported from the committees. 63

Roosevelt reports frequent failures of the Congress to provide funds for the use of the Civil Service Commission, 64 and the Commission's almost constant shortage of clerks often placed its work far behind schedule and led to the belief that it was dilatory and inefficient in the extreme.

In November, 1891, under the leadership of Frank Hatton, an organization devoted to opposition to the merit system was formed, but soon died out. This organization was known as the Anti-Civil Service Reform League. The following year a Departmental Civil Service League, a form of employee's union devoted to civil service reform was instituted by classified employees themselves. It seems not, however, to have gained any great degree of strength or popularity. 65

While it may be somewhat unjust to classify President Harrison as a wholehearted spoilsman, it is equally erroneous to classify him as personally attached to the cause of reform.

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63 Congressional Record, 51st Congress, 1st Session, pp. 102, 247, 254, 4109 and Congressional Record, 52nd Congress, 2nd Session, pp. 1027, 1034.

64 Roosevelt, op. cit., p. 135.

He failed utterly to take measures sufficiently drastic to
curb, much less stop, patronage abuses by his subordinates.
Nor can there be any doubt that he was not above using the
patronage for personal and party ends in his own right. The
valiant efforts of "Headsman" Clarkson set the pattern for the
administration, and even if both the spirit and the letter
of the Pendleton Act had been strictly observed for the re-
mainder of the administration, it is very doubtful that the
pattern so set could have been erased from the public mind.

The presidential campaign of 1892, as that of 1888, cen-
tered mainly on the tariff and currency issues, civil service
reform being regarded as a more or less minor question. Na-
turally, the Republicans, desiring to cover their own civil
service derelictions, attempted to compare the Harrison with
the first Cleveland administration to their own advantage,
but the picture was far from convincing.

President Harrison, renominated by the Republican
party, received only 145 electoral votes to the 277 received
by the Democratic standard bearer, Grover Cleveland. The re-
maining 22 electoral votes went to James B. Weaver, the Popu-
list candidate. The campaign itself was a relatively quiet
affair for that day and time.

In his campaign, Cleveland, who frankly made political
capital of the retrogression of civil service reform during
the Harrison administration, boldly linked reform and economy.
He contended that the former was a means to the latter highly
desirable end. This motif was also carried out in his inaugural address, for after general comments on thrift and economy in both private and public life:

One mode of the misappropriation of public funds is avoided when appointments to office, instead of being rewards for partisan activity, are awarded to those whose efficiency promises a fair return for the compensation paid to them. To secure the fitness and competency of appointees to office and remove from political action the demoralizing madness for spoils, civil service reform has found a place in our public policy and laws. The benefits already gained through this instrumentality and the further usefulness it promises entitle it to the hearty support and encouragement of all who desire to see our public service well performed, or who hope for the elevation of political sentiment and the purification of political methods.66

Cleveland's Cabinet was a sectionally balanced body, the Northern, Southern, and Western elements being carefully represented. Secretary-of-State Walter Gresham of Indiana, held progressive views on civil service reform. John Carlisle of Kentucky, as Secretary of the Treasury, was, unfortunately addicted to the abuse of alcohol and steadily declined during his term of office.67 Among the other Cabinet ministers chosen were Richard Olney of Massachusetts as Attorney General, Wilson S. Bissell as Postmaster General, Heke Smith of the Atlanta Journal as Secretary of the Interior, Sterling Morton of Nebraska, a noted reformer and conservationist, as Secretary

66 United States, A Compilation of the Messages and Papers of the Presidents, Vol. XII, p. 5935. (Hereafter referred to as U. S., Messages and Papers.)

of Agriculture, Hilary A. Herbert of Alabama as Secretary of the Navy, and Daniel S. Lamont, formerly Cleveland's private secretary, as Secretary of War.

The pressure placed upon the President and the members of his Cabinet by the swarms of office-seekers was heavy indeed. Nevins records that when one Cabinet member boarded a train to go to New York, thirty office-seekers were counted boarding the train in his wake.\[68\]

At the beginning of his term, the President promulgated a definite set of rules governing interviews and appointments to office. He declared that no one who had held office in his first administration would be re-appointed; and that extreme partisanship did not constitute a qualification for public office.\[69\] While the announcement brought some relief from the office-seekers themselves, the pressure exerted in their behalf by members of Congress was so great that on May 8, 1893, the following Executive Order was promulgated:

It has become apparent after two months' experience that the rules heretofore promulgated regulating interviews with the President have wholly failed in their operation. The time which under these rules was set apart for the reception of Senators and Representatives has been almost entirely spent in listening to applications for office, which have been bewildering in volume, perplexing and exhausting in their iteration, and impossible of remembrance. A due regard for public duty, which must be neglect-ed if present conditions continue, and an observance of

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\[68\]Nevins, op. cit., p. 515.

\[69\]bid.
the limitations placed upon human endurance oblige me to
decline from and after this date all personal interviews
with those seeking appointments to office, except as I on
my own motion may especially invite them. . . . I earnestly
request Senators and Representatives to aid me in securing
for them uninterrupted interviews by declining to intro-
duce their constituents and friends when visiting the
executive mansion during the hours designated for their
reception. Applicants for office will only prejudice
their prospects by repeated importunity and be remaining
in Washington to await results.70

A storm of protest swept officialdom as a result of the
Executive Order of May 8, it being held that Cleveland was
aping despotism in holding himself apart from his fellow
citizens. But throughout the country generally, and by the
reform element in particular, he was vigorously commended for
his stand. Contemporary publications gave much space to the
"Cleveland Manifesto," as the order was called in the press.
Said a writer in The Forum:

Whenever a change has occurred in the National Ad-
ministration, this humiliating spectacle shocks our
national pride; we see thousands of our fellow citizens
go begging for office. These men comprise all the
various types of politicians; a few seek distinction,
many look for a sinecure pure and simple, where they will
be well paid for doing nothing. . . . The duties of the
positions they seek do not concern them, because they do
not expect to perform any duties. The precious time of
our President and his cabinet has been absorbed in listen-
ing to the importunities of such persons who consider
themselves entitled to rewards for political services.71

In the same article the writer, in speaking of the re-
sults hoped for from the order:

If a reform in this direction diminished the num-
ber of politicians of today, the public interest will

70U. S., Messages and Papers, XII, p. 5879.
71Louis Windmiller, "Office-seekers and the President's
not suffer. It will elevate politics and the character of men who engage in politics.\footnote{Windmiller, \textit{op. cit.}, p. 482.}

As was the case in the first Cleveland administration, the reformers no less than the spoilsmen, were dissatisfied. There can be little doubt of the President's sincere desire for honest administration of government business, yet his inconsistencies cannot be denied. His appointment of James J. Van Alen as Minister to Italy created nothing short of a national scandal. About the only qualification for the office Van Alen could boast was his $50,000 contribution to the Democratic campaign fund.\footnote{William Dudley Foulke, "Are Presidential Appointments for Sale?", \textit{The Forum}, XVI (December, 1893), p. 399.} Likewise the appointment of Charles W. Dayton to the New York City Postmastership was regarded by the reformers as a signal victory for the spoilsmen.\footnote{Davis R. Dewey, \textit{National Problems}, p. 278.}

The Consular Service rather than the Post Office Department, as in previous administrations, furnished the main target of the reformer's slings. The Van Alen appointment had directed the public attention to our foreign service and plenty of grounds for complaint were found as fact after unsavory fact was uncovered. Secretary Gresham in accepting his Cabinet post had done so with the understanding that he be not burdened with appointments. Consequently Josiah Quincy of Boston was given the assistant secretaryship with the
stipulation that he resign after the more important posts had been filled. By August of the first year of the administration 117 of 317 consuls had been removed and replaced. 75 Press comment was loud and bitter over this department of the government. Said one writer:

If our consular service was organized to furnish a fund of official positions subject to the President's draft in the payment of political debts and the advancement of party interests, it certainly answers admirably the end for which it was created . . . When political opinion and partisan services shall no longer constitute the controlling factors in consular appointments . . . then only shall we rear a class of consuls in no way inferior to those of any other nation. 76

As a result of this furore, as well as the result of the demands of American business men engaged in the foreign trade for improvement in the consular service, a series of non-competitive tests to determine the fitness of the candidate for the particular consular post sought were set up in 1895, though appointments to the consular service were not placed under the control of the Civil Service Commission until after 1906.

As an under-secretary in charge of appointments, Secretary of the Treasury Carlisle's son, Logan Carlisle, so resembled "Reedsman" Clarkson of the Harrison administration, in his activities, that Theodore Roosevelt labeled him, "that curse to reform." 77

75 Nevins, op. cit., pp. 516-517.
77 Sageser, op. cit., p. 137.
Bissell, as Postmaster General, soon won the hearty hatred of the spoilsman for his uncomprising attitude in favor of reform and loyalty to his old friend and partner, the President. He felt that anything Wannemaker had done during his incumbency must be wrong and he attempted to run his department on that basis. In making appointments, he was guided by his own sturdy judgement, and the importunities of self-seeking politicians fell upon deaf ears.\textsuperscript{78}

Whatever may have been his faults, and doubtless these were many; in spite of glaring errors in judgement in making many important appointments, Grover Cleveland strove constantly throughout his second administration, as he had throughout his first, to further the cause of reform in a practical manner, keeping the ideal of honest efficiency constantly before his subordinates, the people, and himself. During the 1892 campaign, Franklin McVeaghi had said of Cleveland:

While neither of the parties heartily supports civil service reform, the masses of the Democratic party have certainly approved of what Grover Cleveland has done for it. ... When elected in 1884, he was so much a civil service reformer that it was practically his one political idea, and he doubtless intended to carry it into practice more completely than he afterward carried it. ... It was not long after he was in the White House that he discovered that he could not do all he wished to do for civil service reform. But it remains true that he did so

\textsuperscript{78}Nevins, \textit{op. cit.}, p. 513.
much that no fair minded civil service reformer doubts today that Mr. Cleveland stands today as to this reform precisely where he stood in 1884.79

Taking McVeagh's appraisal of the responsibilities of dual leadership—that of the party as well as of the nation—into consideration, one cannot entirely condemn Cleveland's occasional lapses from the reform ideal, lapses which are more an indictment of the system of party politics than an indictment of the individual officer. At least, it seems scarcely accurate to make the sweeping accusation of corruption Swift made when he said:

Our real rulers are in politics for the plunder there is in it.... In our Federal Government the offices comprise the plunder; .... the real object of the party machine is to control this plunder. The members say little for the public ear, but among themselves this object is never absent from their thoughts.80

Cleveland's condemnation of the "Fee System" and his recommendation for its early abolition81 may with reason be regarded as evidence that in his case at least, "plunder .... is never absent from their thoughts," did not apply.

A summary of the advancements made in the national civil service between 1893 and 1896 inclusive, is made in the Report of the Executive Committee, New York Civil Service Reform Association for 1897, which follows in part:

Through the extensions of the Federal classification during President Cleveland's second administration, the


80Swift, op. cit., p. 201.
number of positions covered by the civil service rules was increased two-fold. On March 3, 1893, the number classified was 48,928. By a series of executive orders ranging from March 20, 1894 to June 25, 1895, 10,000 places were added to the list, bringing the total to approximately 55,000. Meanwhile, the Civil Service Commission had recommended to the President a general revision that would correct the imperfections of the original rules and extend their scope to the full degree contemplated by the Pendleton Act. After much correspondence and consultation with department officers, and careful work on the part of the Commission, the rules of May 6, 1896, were promulgated. They added to the classification about 23,600 more places, and by transferring to the control of the Commission the system of Navy Yard employment established by Secretary Tracy, brought the total number in classified service to 87,117.82 The positions in the Executive branch unaffected by these orders include those classes expressly excluded by the statute—persons nominated for confirmation by the Senate and those employed merely as laborers and workmen—together with the fourth-class postmasters, clerks in post-offices other than the free delivery offices and in customs districts having less than five employees, persons receiving less than $500 annual compensation, and about 1,000 miscellaneous positions of minor character, not classified for reasons having to do with the good of the service—91,600 in all. Within the classified service, the list of positions exempted from competitive examination was confined to the private secretaries and clerks of the President and Cabinet officers, cashiers in the Customs Service, the Internal Revenue Service, and the principal post-offices, attorneys who prepared cases for trial, principal Customs Duties, and all assistant postmasters—781 in all. The new rules provided for a general system of promotion, based on competitive examination and efficiency records, and gave the Commission somewhat larger powers in the matter of removals by providing that no officer or employee in the classified service, of whatever station, should be removed for political or religious reasons, and that in all cases like penalties should be imposed for like offenses.83

82Civil Service Commission, Fifteenth Report, p. 141, lists this figure as only 86,932.

The Rules of May 6, 1886, referred to in the report quoted above were the most sweeping reform yet instituted in the civil service and embodied the main reforms that had been the principal issue between reformers and politicians for over half a century. Of this order President Cleveland said in his last annual message to Congress, December, 1896:

The civil service rules as amended during the last year provide for a sensible and uniform method of promotion, basing eligibility to better positions upon demonstrated efficiency and faithfulness. The absence of fixed rules on this subject has been an infirmity in the system more and more apparent as its other benefits have been better appreciated. 84

By no means perfect, they yet formed a practical and sound basis for appointments, promotions, and dismissal in the Federal civil service and were the consummation in a major victory for that long line of reformers who had so steadfastly fought the spoilsmen of the nation.

In the presidential campaign of 1896, the reform issue was so completely overshadowed by the tariff and sound money issues that many believed it a dead issue. The Democratic party platform was particularly luke-warm on the subject, stating that the party did not believe in life tenure in office, favoring rather a fixed tenure, though retaining fitness and merit as the bases of appointment. Nor did William Jennings Bryan, the Democratic candidate, help his party's cause by his too-frequently expressed view that the civil service rules as

84 U. S., Messages and Papers, XIII, p. 6172.
now in force excluded the more humble from government office. Reformers felt that the Democratic party had abandoned the merit system along with sound money.\textsuperscript{85}

The Republicans claimed credit for the Pendleton Act and all its subsequent benefits, and their candidate, William McKinley, pointed to his record of continuous friendliness toward the Civil Service Commission and his support of all appropriation bills for funds for that body. Through the adroit management of Mark Hanna and the lavish expenditure of eastern money, the popular vote—the greatest in the nation's history—was 6,500,000 for Bryan and 7,000,000 for McKinley. Hanna's telegram to McKinley on the night of the election: "God's in his heaven, all's right with the world,"\textsuperscript{86} sounded the clarion call which the Republican spoilsmen had long awaited. The trek to Washington was on.

Those reformers who expected from the newly elected President McKinley the same support for civil service reform which Cleveland had accorded it were doomed to disappointment. In the first place, McKinley lacked the vigor of personality that had characterized his predecessor in office. He was vacillating and wavering in this as in other matters. Secondly, McKinley, having served a long apprenticeship in Congress,

\textsuperscript{85}Sageser, \textit{op. cit.}, p. 204.

\textsuperscript{86}Josephson, \textit{op. cit.}, pp. 706-707.
was keenly aware of the value of legislative support and the devastating potentialities of congressional opposition to the Executive, and therefore hesitated to oppose the wishes of the individual Congressmen too strenuously. Lastly, he was bound by many pre-election promises and obligations which his manager and mentor, Mark Hanna, was not likely to permit him either to forget or ignore.

His Cabinet selections seemed, on the whole, wise. John Sherman, Secretary of State, was already on record as a supporter of the merit system. Lyman J. Gage, Secretary of the Treasury, promised publicly to support the merit system in his department. John D. Long, a member of the Boston reform association, was appointed Secretary of the Navy. James Wilson, also known as a reformer, became Secretary of Agriculture, and Cornelius N. Bliss, Secretary of the Interior, declared himself in sympathy with civil service reform. Joseph McKenna, Attorney-General, Secretary of War Russell Alger, and James A. Gary, Postmaster-General, were non-committal on the subject and were regarded as doubtful. 87

In his inaugural address, President McKinley already showed signs of "straddling the fence" in regard to the civil service question. He declared:

Reforms in the civil service must go on; but the changes should be real and genuine, not perfunctory, or

87 Sageser, op. cit., p. 208.
prompted by a zeal in behalf of any party simply because it happens to be in power. As a member of Congress I voted and spoke in favor of the present law, and I shall attempt to enforce it in the spirit in which it was enacted. The purpose in view was to secure the most efficient service of the best men who would accept appointment under the Government, retaining faithful and devoted public servants in office, but shielding none under the authority of the rule or custom, who are inefficient, incompetent, or unworthy. The best interests of the country demand this and the people heartily approve the law wherever and whenever it has been thus administered.88

Before President McKinley's inauguration, and for some months thereafter, the onslaught of the office-seekers was particularly heavy. Great was the disappointment when they discovered that, while the present incumbent of an office sought might be easily removed, the vacancy so created could legally be filled only from the already long eligible lists—and the only road to the eligible lists lay through competitive examination.

Pressure on the Executive and his Cabinet was relaxed somewhat as the office-hungry hordes turned upon their Congressmen with demands that the Pendleton Act be repealed, or that the members of Congress prevail upon the President to revoke, or at least materially modify the classified list. The House of Representatives devoted considerable time to the subject in connection with its discussion of the Civil Service Commission's annual appropriation, but for the time being, neither the Executive nor the Congress yielded to the pressure.89

88U. S., Messages and Papers, XIII, 6241.
In the Senate, however, the Committee on Civil Service and Retrenchment had been directed to investigate "the operation of the law creating the Civil Service Commission and to report whether the law should be continued, amended, or repealed." On March 9, 1898, this committee submitted three reports, in none of which was there any unfavorable criticism of the Commission or its administration of the law. It was generally agreed that since the President already possessed the power to make such modifications as he might deem necessary, no further legislation was needed. All three reports recommended the exclusion of certain offices from the classified list on the ground of their fiduciary or executive character.90

In his first annual message McKinley spoke at some length on the civil service. His most important statement on the subject, however, was in regard to his policy on the classified list. He said:

There are places now in the classified service which ought to be exempted and others not classified may properly be classified. I shall not hesitate to exempt cases which I think have been improperly included in the classified service or include those which in my judgement will best promote the public service. The system has the approval of the people and it will be my endeavour to uphold and extend it.91

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90 Civil Service Commission, Fifteenth Report, pp. 32-33.
91 U. S., Messages and Papers, XIII, 6275.
This statement may well be traced back to the dissatisfaction of many of the members of the Cabinet as well as to the pressure from politicians both in and out of Congress, with the then current classified list. The reform in the Consular Service begun in 1895 was not continued, and the ageing Secretary of State found the Commission's control of appointments most irksome. Secretary-of-the-Interior Bliss bitterly complained of the Commission's "hampering influence," while neither Cary nor E. O. Smith, his successor as Postmaster-General, co-operated fully with the Civil Service Commission in filling offices.\(^2\)

The Spanish-American War necessitated increase in personnel in many departments and the deficiency appropriation bill of July 7, 1898, allowed the employment of temporary employees without regard to competitive examination. In spite of the fact that the Civil Service Commission's eligible lists contained several thousand names, approximately 3,500 such appointments were made in the best spoils tradition, mainly in the War and Navy Departments.\(^3\) Other inroads on the Civil Service merit system were made from time to time under the guise of war emergency, but the final surrender of the President to the spoilsmen was delayed until May 29, 1899. On that date an order was issued greatly modifying, if not in


\(^3\)Civil Service Commission, *Sixteenth Report*, pp. 23.
effect destroying, the civil service rules. Many offices entirely and many transfers within the service on a noncom-
petitive basis were authorized. In explanation of his order President McKinley said:

The executive order of May 6, 1896, extended the limits of the classified service, brought within the operation of the civil service law and rules nearly all of the executive civil service not previously classified.

Some of the inclusions were found wholly illogical and unsuited to the work of the several Departments. . . . After long and very careful consideration, it became evident . . . that in order to remove these difficulties . . . certain amendments were necessary. . . . The principal purpose of the order was to except from competitive examination certain places involving fiduciary responsibilities or duties of a strictly confidential, scientific, or executive character which it was thought might better be filled either by non-competitive examination or in the discretion of the appointing officer than by open competition. These places were comparatively few in number. . . . All of the amendments had for their main object a more efficient and satisfactory administration of the system of appointments established by the civil service law.94

If President McKinley had thought to make his peace by this surrender to the spoilsmen he had sadly under-estimated the power of the reform element. The Executive Committee of the National Civil Service Reform League went into action immediately and gave wide circulation to the following expose of the scope of the President's order:

The National Civil Service Reform League, after mature consideration, regards the order of President McKinley of May 29, changing the civil service rules, as a backward step of the most pronounced character. . . . Its immediate effects, which have been understated, may be set forth as follows: (1) It withdraws from the

94 U. S., Messages and Papers, XIII, 6405.
classified service not merely 3,000 or 4,000 positions, but as nearly as can be now estimated, 10,109. It removes 3,693 from the class of positions filled hitherto through competitive examination or through an orderly practice of promotion, and it transfers 6,416 other positions in the War Department filled hitherto through a competitive registration system under the control of the Civil Service Commission, to a system to be devised and placed in effect by the present Secretary of War. (2) It declared regular at least one thousand additional appointments made temporarily, without examination—in many cases in direct disregard of the law—in branches that are not affected by the exceptions, but that remain nominally competitive. (3) It permits the permanent appointment of persons employed without examination, for emergency purposes during the course of the war with Spain, thus furnishing a standing list of many thousands from which positions in the War Department may be filled, without tests for fitness, for a long time to come. (4) It alters the rules to the effect that in the future any person appointed with or without competitive examination, may be placed by transfer in any classified position without regard to the character or similarity of the employments interchanged, and after non-competitive examination only. (5) It permits the re-instatement, within the discretion of the respective department officers, of persons separated from the service at any previous time for any stated reason.\footnote{Report of the Executive Committee of the National Civil Service Reform League, as quoted in The New Llamar History, III, p. 1847.}

The practice of withdrawing classified positions from the classified service did not, however, commence after the issuance of the order of May 29, 1899, but prior to that order. In the Fifteenth Report of the Civil Service Commission, is found this protest of that practice:

In several branches of the service positions of classified laborers have been withdrawn from classification by the heads of departments and the positions filled without examination. In the custodian and janitor service of the public buildings throughout the country about ninety such changes have been made.\footnote{Civil Service Commission, Fifteenth Report, p. 274.}
Thus it may be seen that the order of May 29, 1899, far from establishing a new legal method of appointment of spoils-men to office, merely gave sanction and legality to an illegal practice which had already gained considerable headway prior to its issuance.

Of this same order of May 29, 1899, after it had been in operation over eighteen months, the Executive Committee of the National Civil Service Reform League reported, under date of December 14, 1900:

The year has shown that the step remains as unjustified in principle as ever and that it has produced, in practical result, just the injuries to the service that were feared, as the reports of our committee of the various branches of the service have proved.97

Another practice of the McKinley administration subject to severe criticism on the part of the reform element, by which the spirit, if not the letter of the Pendleton Act was frequently transgressed, was the assignment of unclassified personnel to classified duties. This was particularly the case in regard to persons employed as laborers and assigned to duties as clerks. In protesting this practice the Civil Service Commission quoted an executive order of President Cleveland, under date of June 10, 1896, and stated:

While, perhaps, this sort of assignment is not in direct violation of any provision of the law or rules,

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yet it is clearly subversive of the principles of the system sought to be established by the civil service act, and the conditions resulting therefrom . . . cannot but be detrimental and demoralizing to the service.98

In all, during the first McKinley administration, some 8,800 positions were excepted from examination, though they were still retained as classified in the Civil Service Commission's accounting. Consequently, counting all temporary positions created incident to the emergency of the war with Spain, the classified but excepted positions, the 1,715 new positions added to the classified service by President McKinley, and through other growth of the service, there were at the time of McKinley's assassination, a total of 106,205 classified positions in the Federal civil service. There were, at the same time, 235,766 positions in the executive civil service, counting both classified and unclassified positions.99

Thus, the long struggle for civil service reform had, seemingly suffered defeat just as victory had become a reality. Yet the same assassin's bullet which, on September 6, 1901, ended the career of McKinley, elevated to the Presidency that "ardent young reformer" and former Civil Service Commissioner, Theodore Roosevelt. From him the reformers had

98Civil Service Commission, Fifteenth Report, pp. 24-25.
99Sageser, op. cit., p. 220.
ample reason to anticipate not only the restoration of all
ground lost to the spoilsman during the McKinley administration,
but also a still further extension of civil service reform.
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