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Mc Crary

The Evils of the Civil Service  
and the Remedy.

Wash. 1872.



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# The Evils of the Civil Service and the Remedy.

## SPEECH

OF

## HON. GEORGE W. McCRARY, OF IOWA,

IN THE HOUSE OF REPRESENTATIVES, MARCH 23, 1872.

The House having met for debate as in Committee of the Whole on the State of the Union—

Mr. McCRARY said:

Mr. SPEAKER: I am one of the number who believe that a thorough, radical, and permanent reform in the civil service is demanded by the best interests, not only of the Government itself, but of its public servants and the people generally. I have long been convinced that the evils of the system, which for nearly forty years has been practiced by whatever party has happened to be in power, are so great as to call loudly for a remedy. So believing, I voted cheerfully for that provision of the act of March 3, 1871, which provides—

“That the President of the United States be, and he is hereby, authorized to prescribe such rules and regulations for the admission of persons into the civil service of the United States as will best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose the President is authorized to employ suitable persons to conduct said inquiries, to prescribe their duties, and to establish regulations for the conduct of persons who may receive appointments in the civil service.”

Although this provision, as I thought at the time of its adoption, promised nothing more than a partial and temporary remedy, and therefore stopped far short of the reform really needed, it seemed to me a step in the right direction. I expected little from it, because it was not aimed at the chief evil of the civil service. It limited the power of the commissioners to be appointed under it to prescribing “rules and regulations for the admission of persons into the civil service,” whereas the great evil of removals without cause was left untouched. It may be well enough to guard the entrance into the civil service by proper regulations, but this is of small moment when compared to the importance of securing to every official some certain

permanence of tenure and security against causeless and sudden removal.

The act in question also provided for establishing rules for ascertaining “the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter;” but want of fitness in these respects was, and is, among the least of the evils of the service. I supported this measure, therefore, only because I felt that something was demanded, and because at the time nothing beyond this was within our reach; but I was well convinced then and am still more thoroughly convinced now, that other and more radical and far-reaching measures must be resorted to.

### THE TRUE REMEDY.

The measures which seem to me essential are the following:

1. A fixed and definite term of office for every civil officer of the Government, (with a few necessary exceptions,) and removals for cause only.

2. The election of Federal officers by the people in all cases where this is practicable.

The first could be accomplished, temporarily at least, by an act of Congress, since the national Legislature may under the Constitution fix the tenure of all civil officers; and I am in favor of the passage of such a bill at the present session.

The second can only be accomplished by an amendment to the Constitution. In my judgment any reform in the civil service which is to permanently remedy the evils of which we complain must be by way of constitutional amendment. I have accordingly thought proper to embrace both of these propositions in the following proposed constitutional amendment:

Joint resolution proposing an amendment to the Constitution.

*Resolved by the Senate and House of Representatives*



patriotic and honest Executive such vast patronage is dangerous, because he must, in a large majority of cases, act upon the advice of others, and may therefore innocently further the purposes of corrupt and designing men, but when this vast power comes into the hands of a weak or wicked man, as it has in the past, and may again in the future, who can estimate the power for evil it would give him?

OBJECTIONS TO THE PLAN PROPOSED BY THE CIVIL SERVICE COMMISSION.

It does not seem to me to require further argument to show that at the bottom of all the evils of the civil service lies the power of removal without cause and the consequent uncertainty of tenure. These produce naturally and inevitably the great majority of all the evils of which we complain. If this be so, the utter failure of the plan adopted by the President upon the recommendation of the board of civil service commissioners is inevitable. It will fail because it does not deal with the power of removals. It will fail for other reasons, to which I will now call the attention of the House.

It is necessarily temporary. Our present Chief Executive may faithfully observe it, but will his successor do so? He has told us in his message that the rules would not bind his successor unless they shall be embodied in an act of Congress. We shall see presently that any such act of Congress without an amendment of the Constitution would be of very questionable validity. If adopted, however, what guarantee of permanency have we? Would it not be repealed by the first Congress elected after its practical operation became known? Or if it escaped this, what would be its fate if some other party than that now in power should get control? No sooner would the leaders of such a party come into power, than they would be set upon with the cry that they ought to reward those who were most active in securing their elevation, and so great would be the pressure that it would be next to impossible to prevent a repeal of all these rules and a return to the old system of rewarding the victors with the spoils.

I am not satisfied with these rules for another reason. I do not believe they are binding, or can be made binding upon any President, while the Constitution remains unchanged. The appointing power is vested by the Constitution in the President and Senate, or in the heads of Departments, or Courts of law. If Congress shall adopt the rules in question in the form of a statute, the effect of such statute, if it have any effect at all, will be to require the appointment in each case of one of three persons, to be named by a board of examiners, as the persons best qualified among the number, be it great or small, who have seen fit to

submit to a competitive examination. Does not such a provision virtually take the appointing power away from the officers in whom the Constitution vests it?

If Congress can compel the President to appoint one of three persons in a case where the Constitution declares the President shall appoint, it can of course require the appointment of one of two, and may provide that the three or the two, as the case may be, from whom the selection must be made, shall be named by some person or persons other than the President. I know it is said that Congress may provide the qualifications which a civil officer shall possess, as that he shall be a citizen of the United States twenty-one years of age, or that he shall possess certain qualifications of an educational character. This may be admitted, and the admission does not solve the difficulty. Suppose it be conceded that Congress may require all these qualifications, can it provide that the President or other appointing officer under the Constitution shall be required to take, and be bound by, the opinion of a board of examiners, as to what persons are qualified?

To state the point in another form: suppose the President, in violation of such a statute, should appoint a person possessing all the qualifications required, but who had not been examined by the board, would not such an appointment be perfectly legal? Under the Constitution I insist that the President (or the head of a Department, or judge of a court, as the case may be) can appoint any citizen possessing the qualifications required by law, and the appointing officer is to judge of, and decide upon the fitness of each applicant, and cannot be compelled to take the opinion of an examining board, and to shut his eyes to all other light. Any person who is in fact qualified may be appointed, and the appointing officer may ascertain the facts in regard to qualifications by such means as seem to him best. He cannot be required to assume that only three men in the country are qualified because only that number have been examined and certified to him as qualified. If, therefore, these rules were enacted into the form of a statute, they would not bind an Executive who did not choose to be bound by them.

Another and very serious objection to this system is, that it takes the responsibility for appointments from the President and heads of Departments, and places it practically nowhere. If an official proved unfaithful under the old system, full as it was of faults, the Administration was held, in a measure at least, responsible; but under the new system, the appointing officer can say of such an official, "He stood at the head of the list as presented by the examining board, and his appointment had to be made." The examining board will shield themselves by the plea that his exam-



ination was eminently satisfactory. Let the number of offices to be filled by appointment be curtailed as far as possible, but let the power to make appointments be placed in the hands of the Executive unreservedly, and let him stand before the country as responsible for them. Do not make him the mere instrument of executing the will of others, but in so far as he appoints at all, let him be the real appointing power.

But again, is there not a serious objection to declaring by law that no man shall have an office unless he seeks it and travels perhaps to Washington to appear before a board, and, in the confessed character of an office-seeker, to submit to the humiliation of a public competitive examination, and take all the many chances of success? Is there not something in the idea that the office should seek the man, and not the man the office? Will not such a regulation disgust the best men in the country and deter them from applying for positions in the civil service? I think it will.

In this connection let me add that it is integrity, incorruptible honesty, that is needed in public officials. These are qualities not to be discovered by a competitive examination. It is of vastly more importance that a postmaster, revenue collector, or the head of a bureau should be a man of high character for rectitude in business, for private morality and devoted patriotism, than that he should excel all others in penmanship or in his proficiency in any or all the branches of a first-class education.

Another, and I think an insuperable objection to this system is the difficulty of carrying it into effect. Will a board of examiners travel the country over so as to examine applicants at their places of residence? I apprehend such a roving commission will hardly be thought expedient or proper. It would certainly, if attempted, fail altogether to furnish equal opportunities to all the people. Will boards be organized in each locality? If so, who is to examine the examiners, and decide that they are fit, competent, impartial, and proper persons for the exercise of their almost autocratic powers? Under this plan their numbers would be legion, and as they would control all local appointments, how important that they be the right men in the right place.

Suppose the office of postmaster in California shall become vacant, the salary being more than two hundred dollars, will the Postmaster General send a commission to California to examine applicants for the place, or will he require all applicants to come to Washington for examination? The former would certainly not pay; the latter would be the most outrageous injustice. Will he then appoint a board of examiners for California composed of residents of that State? If so, I ask again, might he not with equal safety,

and much less trouble and expense, appoint the postmaster at once? It is said the special agents of the Post Office Department will make these examinations, but these special agents have not been appointed with any reference to any such duties, and are, many of them, entirely unfit for them.

Besides, the rules require an examination by a board, and not by a single individual. To send a special agent over the country with power to decide who may and who may not be appointed to the office of postmaster is hardly in keeping with the spirit of our republican institutions. The old system of consulting the member of Congress representing the district in which the officer is located, may have been bad, but surely this would be worse.

For these reasons, and others which I might name, I have no faith in competitive examinations as a cure for the evils of the civil service. To recapitulate briefly, I insist that this remedy will fail—

1. Because it does not provide against removals without cause, and hence does not secure permanency of tenure.

2. Because it assumes that the evil grows out of incompetency among officers, which is not the case, and that competitive examinations would secure greater competency and efficiency, which is not so.

3. Because it favors unjustly the highly educated, and discriminates unjustly against those less favored, but not less competent.

4. Because it cannot be made permanent.

5. Because it cannot be made legally binding upon the appointing power.

6. It invites office-seeking, and excludes those who will not personally seek for official position.

7. Because the all-important question, "Is he honest?" cannot be settled by it.

8. Because it cannot be practically applied to many of the offices of the country.

9. Because it takes away the responsibility of the appointing power.

I do not complain of the President for adopting the report of the civil service commission. I believe he did right. That board was composed of able and eminent men, and it was due to them and to the country that their plan should have a fair trial. Nor can the commissioners be blamed. They were limited by the act Congress to "prescribing rules and regulations for the admission of persons into the civil service," &c. The questions of removals and of official tenure were not within the scope of their powers. In my opinion the result of their labors is the best possible illustration of the fact that our legislation did not touch the vital evils, and therefore did not open the way for thorough reform. I hear complaints made against the President and against the civil service commission because these rules are not satisfac-



tory. It may be questioned whether the rules are the best that could have been framed under the act; but certain it is that the act itself is very far from what it ought to have been, and therefore Congress should accept its full share of the blame, if blame there be. For myself, however, I am disposed neither to censure nor blame the President, the civil service commission, or Congress, but rather to rejoice at what has been done by each. Not that the best thing or the right thing has been done, but because by what has been done this great question has been brought prominently before Congress and the country, and has been so much agitated that it must and will have a solution.

#### ELECTION OF FEDERAL OFFICERS BY THE PEOPLE.

When the Constitution was adopted, the question how postmasters should be chosen was doubtless considered as of little consequence. The office is not mentioned by name in the Constitution. The framers of that instrument, wise and far-seeing men as they were, could have had little conception of the wonderful growth of the postal system of the United States which seventy five years has developed. And the system is yet in its infancy. In fifty years from to-day we shall doubtless have one hundred thousand post offices in the United States.

At the time of the adoption of the Constitution there were only seventy five post offices in the Union; on the second day of the present month there were thirty-nine thousand nine hundred and fifty. The increase during the last nine months has been nine hundred offices. The number of post offices was—

In 1800.....	903
In 1895.....	1,558
In 1810.....	2,300
In 1815.....	3,000
In 1820.....	4,500
In 1825.....	5,677
In 1830.....	8,450
In 1835.....	10,147

And from 1835 to the present the increase has averaged over eight hundred per annum.

Why should the forty thousand postmasters which we now have, and the one hundred thousand which we shall have in half a century more, be appointed by an officer at the seat of Government, who can in the nature of things know nothing personally about the person appointed? Is there any good reason for continuing this system?

The theory of this Government is that all power is derived from the people. I believe in this theory, and would reduce it to practice as far as possible. Public offices must sometimes, it is true, be filled by appointment, but they are supposed to be thus filled by the agents and servants of the people, and therefore indirectly by the people themselves. To make good our theory we should allow offices to be filled by appointment, only in cases

where there is something in the character of the office, or of its duties, to make appointment the better mode. In every case where it is practicable local officers should be chosen directly by the people whose servants they are to be, excepting a few, such as judges of the courts and clerks in certain Government offices. If the amendment to the Constitution which I have proposed shall be adopted, the details will be of course for Congress to arrange by determining what local officers shall be elected, and providing the mode and manner of holding the elections.

There is no officer of the Government, State or national, who sustains toward the people for whom and with whom he transacts public business such intimate, important, and delicate relations as the postmaster sustains to the community whose correspondence passes through his hands. It would seem that if there is any officer in the Government who ought to be chosen directly by the people he is to serve, it is the postmaster. He is, perhaps, the only public officer with whom all the people have to deal, and he is certainly the only one with whom most of the people in his neighborhood are compelled to have almost daily intercourse. I suppose for such an office the aim should be to get a man who would best satisfy the majority of the people. How can the President or the Postmaster General know who is that man? It is impossible that they should know one in ten thousand of their appointees. They must appoint a person who is recommended by some one who is supposed to know more than they about the wishes of the people. No one can know so well as the people of the locality themselves who is their choice. Why not let them make the choice at once? There is always an effort to ascertain the wishes of the community before a postmaster is appointed. Petitions are often resorted to, the local representative is generally consulted, and all for what? To ascertain, not precisely who is the fittest and most acceptable person, but to ascertain who among the members of the dominant party is most acceptable to the people.

All this amounts to a concession that the people are to be consulted—that they are most deeply concerned. It is impossible that the President should be able, in many cases, to determine for the people who they want. Necessity only can justify the appointing power in cases of this kind; and there is no necessity. These are purely local offices. The district which shall elect the postmaster at a given place can be easily fixed and established by law, or by an order of the Department. All the details can be readily arranged by legislation. Faithfulness and promptness can be doubly assured by bond and security, and by the power of removal for cause. It is idle to say that the power of



removal without cause is necessary to the efficiency of the service.

THE ELECTIVE SYSTEM BEST FOR PRESIDENT AS WELL  
AS PEOPLE.

The plan of electing local Federal officers is not only best for the people, and due to them, but it is best for the Executive. I am sure no true man can hold the office of President without devoutly praying for relief from the annoyance, the anxiety, and the responsibility of such vast patronage. The control of these tens of thousands of appointments, scattered from ocean to ocean, to be filled in nearly every case upon the recommendation of others, without knowledge or the means of knowledge as to the fitness of applicants, with conflicting and contradictory recommendations from equally reliable sources in most cases, with the certainty of making a dozen enemies to one friend in deciding every important case of conflicting claims for an office—what greater blessing could be conferred upon the President than to relieve him of this great burden and great annoyance? What time or opportunity can he have for proper attention to the weightier affairs belonging to his great office, if he is daily and almost hourly occupied with these matters? Let it be remembered that the vast majority of the officers now appointed by the President or heads of Departments are postmasters and other local officers, whose election by the people could readily be provided for if the pro-

posed amendment to the Constitution shall be adopted, and that by this means the Executive will be benefited as much as the people themselves.

The proposition to fill this vast number of local offices by a vote of the people rather than by Executive appointment must, I am sure, commend itself to every member of this House who will seriously consider it. It is simple justice to the people, who can always select for themselves from among their neighbors more acceptable officers than any one man living thousands of miles away from them, however pure and disinterested he may be, can select for them. It will allow those most interested to choose. It will remove from our politics a vast source of corruption by taking these offices from the hands of politicians, who too often use them as so much political capital in securing or keeping political power, and placing them in the hands of the people where they rightfully belong. It will relieve the national Executive from duties and burdens already too multitudinous and harassing, and destined soon to become too great to be discharged by any one man. It is entirely practicable; it is eminently just; it is greatly needed and highly important now; it will soon become imperatively necessary. To say that it is unsafe or unwise is to question the virtue of the people and their ability to govern themselves. Let us inaugurate it at once.

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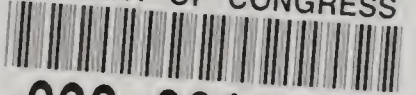








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