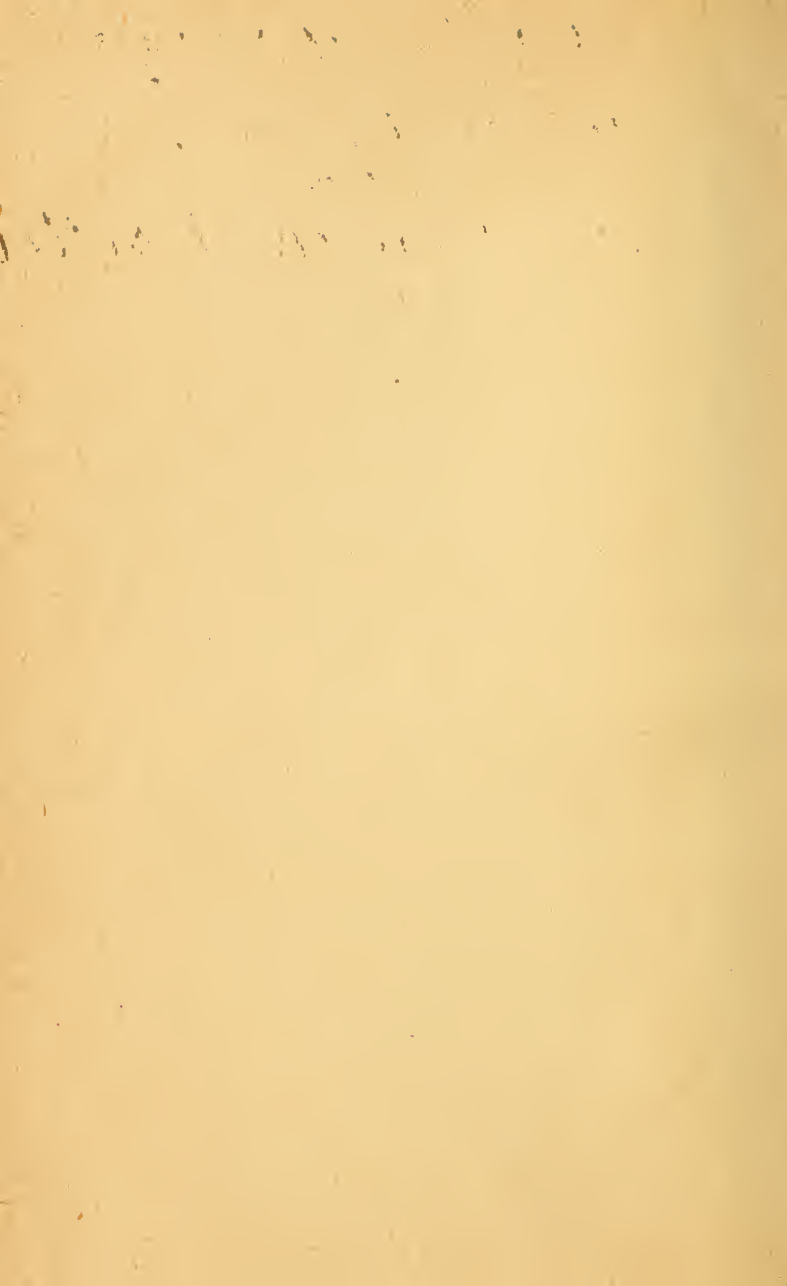


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REFORM

from John S. Hittell

OR

REVOLUTION?

BY

JOHN S. HITTELL.

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PREFACE.

To explain the chief defects of the government of the United States and to propose the best remedy for them,—these are the two main purposes of this book.

Our political evils have long been known to public opinion at home and abroad and most of them have often been mentioned in print, but they have never been explained in a connected and comprehensive manner so as to give a true idea of their magnitude and dangerous character; and because they have not been understood, they have been treated by American authors, journalists and officials generally, as relatively unimportant, and not inconsistent with the baseless claim that our national constitution is the best in the world in securing the welfare of the multitude.

I here present the compilation and explanation which others have neglected to make. By quotations from a multitude of high and undisputed authorities, I prove that our government is a disgrace to us a people. I show that no other en-

lightened nation fails, so lamentably, to perform its duties of defining and protecting the rights of its citizens, in matters relating to person and property. I collect many predictions by wise and learned men that we are rapidly advancing toward bankruptcy and national collapse. Many intelligent Americans, after carefully considering the facts here presented, will say, "We must reform these evils without delay."

A list of the books, from which citations are made, is given in the last chapter.

JOHN S. HITTELL.

Pioneer Hall, San Francisco,
September 9th, 1900.

CONTENTS.

CHAPTER I.

DIVIDED SOVEREIGNTY.

Section.	Page.
1. Three Main Evils.....	11
2. Federal Weakness.....	11
3. Federal Treason.....	17
4. Nullification.....	19
5. Cherokee Expulsion.....	23
6. Double Citizenship.....	25
7. Unprotected Rights.....	26
8. Suffrage Denied.....	27
9. Strike-Rebellions.....	30
10. Missouri-Pacific.....	31
11. Pittsburg.....	31
12. Homestead.....	32
13. Pullman.....	33
14. Wardner.....	36
15. Pana.....	37
16. Leadville.....	39
17. St. Louis.....	39

Section.	Page.
18. Griffin.....	40
19. Lynch Law.....	41
20. Koszta.....	44
21. Italians Mobbed.....	45
22. Vigilance.....	47
23. Federalism Reviewed.....	50

CHAPTER II.

CONFLICT OF DEPARTMENTS.

Section.	Page.
24. Checks.....	56
25. Divided Responsibility	59
26. The Committee System.....	62
27. Bagehot and Maine.....	64
28. Schuyler.....	67
29. Log-Rolling.....	68
30. Lobby.....	69
31. Private Bills.....	71
32. Slip-Shod Laws.....	74
33. Discordant Laws.....	78
34. Federal Senate... ..	79
35. Finances.....	83
36. Presidential Impeachment.. ..	89
37. Nullifying Courts.....	90
38. Military Discord.....	90
39. Conflict Review.....	93

CHAPTER III.

THE SPOILS.

Section.	Page.
40. The Party	94
41. The Machine	100
42. The Boss	102
43. The Cinch	105
44. The Organ	109
45. The Club	110
46. The Convention	111
47. Internal Improvements	115
48. Demagogism	117
49. Rotation	120
50. Office Begging	122
51. Inexperience	128
52. Corruption	131
53. Election Frauds	134
54. Broderick	135
55. Clark	137
56. War Frauds	138
57. Simon Cameron	141
58. Gideon Wells	143
59. Belknap	146
60. Sanborn	147
61. New York Customs	148

Section.	Page.
62. Senatorial Courtesy.....	152
63. Spoils Legislation.....	155
64. Judicial Abuses.....	155
65. Cities.....	158
66. A. D. White.....	161
67. Tweed.....	163
68. San Francisco..	166
69. Cincinnati.....	168
70. Scale of Infamy.....	170
71. Unfit Presidents.....	170
72. Presidential Candidates..	175
73. Purity Promises.....	177
74. Decline.....	181

CHAPTER IV.

PERIL.

Section.	Page.
75. Warnings.....	183
76. Kent and Webster.....	184
77. James Bryce.....	185
78. Harper.....	186
79. Holst ..*.....	186
80. Mill.....	188
81. Lecky.....	190

Section.	Page.
82. Burnett... ..	191
83. McCracken.....	192
84. Bradford.....	192
85. Hyslop.....	193
86. Rush.....	194
87. Wright.....	195
88. Various Croakings.....	196
89. Tropical Colonies.....	200
90. Negro Demoralization.....	201
91. Parallel Predictions.....	202

CHAPTER V.

REFORM.

Section.	Page.
92. Remedies.....	203
93. My Plan.....	205
94. New Constitution.....	207
95. Remarks.. ..	211
96. Our Present Constitution.....	218
97. British Constitution.. ..	223
98. Comparisons,	226
99. Other Plans.. ..	228
100. Suffrage Restriction... ..	229
101. Burnett's Plan.....	231

Section.	Page.
102. Stickney's Plan.....	232
103. Moffett's Plan.....	234
104. Hyslop's Plan..	234
105. Ford's Plan...	235
106. Seaman's Plan...	235
107. Despair...	236
108. Conclusion.....	238

CHAPTER VI.

BIBLIOGRAPHY.

Section.	Page.
109. List of Books.....	241

REFORM OR REVOLUTION?

CHAPTER I.

DIVIDED SOVEREIGNTY.

Section 1. *Three Main Evils.*—In several important points, the government of the United States is more defective than that of any other enlightened country and, as a whole, it is inferior to many others. It is so bad that it is not only disgraceful but highly dangerous to the American people, as the judicious reader will admit after reading a truthful statement of the facts, to be submitted to him in this book.

Its main defects are three; first, Divided Sovereignty, whereby many of the highest political powers, that should belong to a national government, are improperly distributed among forty-five provinces or so-called states; second, Strife between Branches, because of the lack of a proper subordination and responsibility in official authority; and third, the Spoils System which fills a large proportion of the governmental offices with dishonest or incompetent men.

Sec. 2. *Federal Weakness.*—The Constitution of the United States, as Madison said in the *Fed-*

eralist, when pleading for its adoption, is a federal not a national document. It does not apply the word national or sovereign, to any of its offices. While combining to employ federal officials to manage certain foreign and interstate affairs of subordinate importance, the states retain exclusive control over suffrage, education, marriage, inheritance, land titles, contracts, corporations and crime, and exclusive power to protect the most precious rights of person and property connected with these branches of law. A divided sovereignty implies an insecure allegiance, a questionable patriotism, and an unsatisfactory protection of the citizen. The constitution allows Congress to provide a uniform method of naturalizing aliens, but not to define the privileges of the citizenship thus created. It declares that "the citizens of each state shall be entitled to all the privileges of citizens in the several states," as if the only citizenship were that of the state, but this promise is not supported by any proper sanction or method of enforcement and therefore never has been enforced. Before 1865, the slave states generally refused to recognize the citizenship and equal civil and political rights of the colored citizens of New England and North Carolina which latter state gave citizenship and suffrage to colored freemen owning a certain amount of property. The central government made no attempt to protect the rights of these citizens; by

its inaction, it confessed its impotence and it continues the same conduct now.

The Federal Constitution declares that it shall be "the supreme law of the land" and orders that the members of Congress, "and of the several state legislatures, and all executive and judicial officers both of the United States and the several states shall be bound by oath or affirmation to support this constitution." The federal power is "supreme" in foreign and interstate relations; but as these are not one-twentieth part in number and importance of the aggregate relations of life, the supremacy is limited to a narrow range. As to the oath of allegiance to the Union, that was long treated as a nullity. Vermont was admitted in 1793 and Kentucky in 1799 with constitutions which prescribed the precise form of the oath to be taken by their officials and the state constitution was mentioned as the only sovereignty to which they were bound. Massachusetts, New Hampshire, Georgia and Maryland long preserved the same oath, thus refusing to recognize the federal supremacy.

In their constitutions for many years before the civil war, two of the states (Massachusetts and New Hampshire) declared that they were "free, sovereign and independent"; two others (Maine and Florida) that they were "free and independent"; Rhode Island that its constitution was "the supreme law of the land"; and Maryland asserted

that "the people of this state ought to have the sole and exclusive right of regulating the **internal** government and police thereof." All the state constitutions indicate, by their form, that they emanate from a power which has most of the attributes of sovereignty; everything, that they do not prohibit, may be done by the officials; whereas the federal government may do only the acts for which power is given. One is a limitation and the other is a grant of power; one defines a government, the other creates an agency.

The official name, given to the federation in the constitution,—“the United States of America”—is objectionable on linguistic grounds. It is not good English. States may unite, but when they do, they become one state. By the act of union, they cease to be plural and become singular. The word state, (like its equivalents *staat*, *etat*, *stato*, *estado* and so forth in other modern languages) means an independent nation, a separate people under a completely sovereign political organization. Some persons have said that “The United States” should be used as a singular noun as in the phrase “the United States is a nation”; but the framers of the constitution did not think so; they said “treason against the United States shall consist only in levying war against *them* and adhering to *their* enemies.”

Our federal name is objectionable on geographical as well as on linguistic grounds. The

states which form the Union are not the states "of America" but only of part of North America. When our country acquires a proper nationality, it should have a suitable name, a name in the singular number, a single word, conveying the idea of complete sovereignty as does France or Italy or Spain.

In 1798 the legislature of Kentucky adopted a series of resolutions drafted by Jefferson, declaring that the Union is a compact to which "each state acceded as a state," and that, "as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of the infractions, as of the mode of redress." The plain meaning of this language is that every state had a constitutional right to annul federal laws or to withdraw from the Union at any time without the consent of its associates. In the same year the legislature of Virginia adopted a series of similar resolutions drafted by Madison, asserting that "a spirit has been manifested by the federal government to enlarge its power by forced constructions of the constitutional charter which defines them . . . so as to consolidate the states by degrees into one sovereignty, the obvious tendency and inevitable result of which would be to transform the present republican system of the United States into an absolute or at best a mixed monarchy." The Congressional caucus of the Anti-federal party

(which elected Jefferson to the presidency) in its declaration of principles accused the Federalists of plotting to convert the presidency and the federal senatorships into hereditary offices. The elections of Jefferson in 1800 and 1804 and of Madison in 1808 and 1812 (as representatives of the Kentucky and Virginia resolutions) and of Pierce in 1852 and of Buchanan in 1856, on platforms explicitly approving those resolutions, were partisan declarations that the right of secession was part of the law of the land.

By asserting that each state has full authority to decide whether the compact has been broken and to adopt its own remedy, these "Kentucky and Virginia resolutions," as they are called, plainly mean that every state may either prohibit the enforcement, within its limits, of any federal law which it dislikes or may secede without breaking its promise to the other states. This is the interpretation which was given, by many lawyers, to these resolutions when they were first published; and it will remain sound so long as the phrases about infraction and redress have any obvious signification. Jefferson so understood them, and with his knowledge and approval, about the time when the legislature of Virginia, under his influence, declared its hostility to the idea of an indissoluble Union, it provided for the construction of an armory and the purchase of arms, to be used against the national forces, in

case of hostilities caused by a defiance of the federal authority. (Holst. 1. 178).

Sec. 3. *Federal Treason*.—Those portions of the federal constitution relating to military affairs are disgracefully weak. Nothing forbids the states to maintain their own armies and navies, under their own officers, their own flags, their own uniforms, their own commissions and their own oaths of allegiance; nothing in the law prevents them from building their own forts and fleets, or laying in unlimited supplies or acting in concert to prepare for resisting the federal government. Until a state has given its own permission, the President has no control over its militia, and the refusal of a Governor to call them out when ordered or requested by the President is not a punishable offense.

Under the influence of mean state jealousy, the federal constitution restricts treason to the levying of war against the Union. So long as there is no war there is no treason. Without violating the federal constitution state officials may urge the most treasonable ideas and most hostile plans in speech or print, may denounce the President as a usurper, may assert that some defeated candidate is the true head of the nation, may make it a criminal offense to furnish any necessary of life to a federal officer, may adopt statutes that will effectually prevent the punishment of those who murder federal officials, and may adopt com-

mon plans for enlisting large armies, purchasing numerous ships of war, giving the command of their troops and vessels to the same general and the same admiral, and exacting oaths of allegiance to the state exclusively. And all this can be done without committing treason under the Federal Constitution.

The British Government has a better idea of its dignity and duty. It provides that the speech of citizens hostile to the nation shall be punished as treason. Two hundred years ago the Briton who said in writing or print that the Pretender was the lawful King, was hanged. The statute was enforced and the Jacobites treated it with punctilious civility. We need some legislation, based on the same principle, in these United States.

The assertion has been made frequently that there will never be another attempt at secession in this country, but such prophecies are cheap and worthless. Under the present political system, no confidence can be placed in the platform promises of the American people. They do not know today what they will do tomorrow. By electing Jefferson and Madison, they accepted the doctrines of nullification and secession, and yet they applauded Jackson when he threatened to hang Calhoun. After the lapse of some years, they again sanctioned those same principles of nullification and secession by electing Pierce and again by electing Buchanan and while these

promises to let the South go in peace were yet fresh in their mouths, they overwhelmed the Secessionists with blood and fire of the Civil War. The Democratic leaders of the North were ready to make pretenses that would catch votes, but they could not control their followers when the Union was in danger of dissolution.

Today the people are ardently attached to the Union; tomorrow one-third or two-fifths of them may be its bitter enemies. If there should be another rebellion, its managers will profit by the mistakes of the last one. They will not be in so much haste to rush into hostilities, but will fortify their territory, arm and drill their people, buy ships, educate their officers, and abstain from the commission of Federal treason until they are ready to strike the decisive blow with success. They will rely for success on themselves; not on their allies in other states.

Sec. 4. *Nullification*.—The nation was dishonored by its failure to properly punish the gross defiance and insult given to it by the Nullification Ordinance of South Carolina, adopted November 24th, 1832, by a vote of one hundred and thirty-six ayes to twenty-six noes, in the State convention convened for the special purpose of taking such action. This ordinance declared that the tariff acts of 1828 and 1832, and all contracts made to secure the payment of duties under them, and all judicial proceedings to affirm their val-

idity, should be "held utterly null and void." The ordinance provided further that no lawsuit involving the validity of this ordinance or of any act of the legislature for its enforcement should be appealed to the federal Supreme Court, and any person attempting to take such an appeal should be punished for contempt of the state court. It was provided further that every officer of the state should take an oath to obey and execute this ordinance. Finally the Convention declared that "we the people of South Carolina," would not "submit to the application of force, on the part of the federal government, to reduce this state to obedience," but would "consider the passage by Congress of any act authorizing the employment of a military or naval force against the state of South Carolina" as inconsistent with the longer continuance of South Carolina in the Union and would "forthwith proceed to organize a separate government."

President Jackson on December 10th 1832 issued a proclamation explaining the pretensions of South Carolina and warning the people of that state that he would enforce the laws. After having stated the facts and constitutional principles involved he said "This then is the position in which we stand. A small majority of the citizens of one State in the Union have elected delegates to a State convention; that Convention has ordained that all the revenue laws of the United

States must be repealed, or that they are no longer a member of the Union. The Governor of that State has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended; and it is the intent of this instrument to proclaim, not only that the duty imposed on me by the Constitution 'to see that the laws be faithfully executed,' shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of Congress shall devise and entrust to me for that purpose, but to warn the citizens of South Carolina who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention; to exhort those who have refused to support it to persevere in their determination to uphold the constitution and laws of their country; and to point out to all the perilous situation into which the good people of the State have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support. . . .

"Fellow citizens of the United States! The threat of unhallowed disunion,—the names of those once respected, by whom it was uttered,

the array of military force to support it, denote the approach of a crisis in our affairs, on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend. The conjuncture demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and, as the claim was asserted of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our Government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties, which has been expressed, I rely, with equal confidence, on your undivided support in my determination to execute the laws, to preserve the Union by all constitutional means, to arrest, if possible, by moderate but firm measures, the necessity of a recourse to force; and, if it be the will of Heaven, that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States."

After all this brave talk, Congress adopted and Jackson signed a compromise bill reducing the import duties which provoked the defiance of South Carolina. She was the real victor in this

controversy, and thus and otherwise was encouraged to secede thirty years later.

Sec. 5. *Cherokee Expulsion*.—The federal government was defeated humiliated and dishonored by the state of Georgia in a controversy about the Cherokee Indians between the years 1825 and 1830. Under all the administrations, Congress and the President recognized the larger Indian tribes within the territory of the United States as independent or semi-independent nationalities, and as such, treaties were made with them to purchase lands from them, to set aside other lands for their occupation, and to pay them annuities. One of the tribes with which such treaties had been made was that of the Cherokees, for whom a large reservation in Northern Georgia had been set apart, (with a promise that it should be theirs forever) by a treaty to which no objection was made by the state officials when it was formed, submitted to the Senate for ratification and ratified. About 1820 some of the people of that state became greedy for this land and in 1825 the state as a whole determined to have it, whether the treaty were violated or not and whether the federal authorities were willing or not. The legislature ordered a survey which the federal law and President Adams forbade. Gov. Troup announced that the survey should be made nevertheless and the President gave orders to the federal troops to protect the Cherokee reservation. The

legislature appealed to all the states from Virginia and Missouri to the gulf to unite in resisting the federal power. The other states gave no military aid but their newspapers and politicians encouraged the rebellious spirit. A man who had committed murder in the Cherokee territory was arrested by state officials, tried and condemned to death by a state court in violation of the treaty which gave the Indians exclusive jurisdiction over all crimes committed within their reservation. The convicted man appealed to the Federal Supreme Court which issued a writ of review. Georgia defied the mandate of the federal tribunal and hanged the man. The state also imprisoned some missionaries who were living on the Cherokee reservation without a state license, which last was devised for the purpose of excluding white men who would advise the Indians how to protect their rights. One of these missionaries appealed to the Federal Supreme Court which decided that the license law was void and the imprisonment under it illegal. This judgment did not come till Jackson was President, and as he hated the Cherokees and John Adams and John Marshall the Chief Justice of the United States, and adapted his opinions to his passions, he refused to enforce the order of the Court. He said "John Marshall has made his decision, let him enforce it." The federal troops were withdrawn from the reservation, the Cherokees were given up to their

enemies; their land was taken, and they were driven away to the region west of the Mississippi, and the authority of the United States was defeated and disgraced.

Sec. 6. *Double Citizenship*.—If one citizen of California sues another, he must bring his action in a state court, before a judge elected, for a short term, by the people; but if he sues a citizen of Oregon he may take his case to a federal court before a judge appointed for life by the President. The difference of these jurisdictions is often of great pecuniary importance, and implies a serious inequality in the rights attached to residence. Double citizenship, double allegiances, double governmental protections and double jurisdictions in the same class of lawsuits, all imply political blundering. An alien also has the choice of beginning his suit in a federal or a state court, thus giving him a decided advantage over a citizen, who applies to a court in a civil case, in his own state.

The federal government not only fails to perform its highest duty, that of protecting its citizens, but it proclaims the fact that the exclusive power to protect them belongs to the states. Murder and arson and riot may rage publicly over extensive districts for week after week in its territory without the least obstruction by the forces of the United States. By its impotence in many places where it should be master, it exposes itself to hatred and contempt.

Sec. 7. *Unprotected Rights.*—The highest duty of government is to protect the rights of its people; and in our country, this duty belongs, legally not to the nation but to the state which has exclusive jurisdiction over the relations of parent and child, husband and wife, master and servant, landlord and tenant, seller and buyer, and criminal and victim of crime. The nation has citizens but has not the constitutional power to guard them against oppression. It can talk much and do little.

More than a hundred American citizens are murdered, in the average year, by mobs,—in exceptional years more than three hundred,—without punishment, without serious prosecution and without violation of federal law. If a general of the United States, while marching at the head of a large national army through Chicago or any other American city, should find himself in the midst of a great riot, and should see a mob massacre a hundred men and set fire to a thousand houses, he would have no official right to interfere, though solicited to do so by the citizens by the mayor; or by the city council, and it may be doubted whether he could properly interfere at the request of the Governor, until after the latter had satisfied the President of the United States that he could not convene the legislature.

In a proclamation issued October 17th, 1876, President Grant said "It has been satisfactorily shown that insurrection and domestic violence

exist in several counties in the state of South Carolina and that certain combinations of men against the law exist in many counties of the state, known as 'rifle clubs,' who ride up and down by day and night in arms, murdering some peaceful citizens and intimidating others." This complaint of a wide-spread, very serious and long-continuing wrong was not followed by any punishment of the offenders, nor by any respectable attempt to punish them.

After the officials of South Carolina, under the authority of a local law, had repeatedly imprisoned colored citizens of Massachusetts who as sailors or ship cooks entered the harbor of Charleston, and had kept them in jail till their vessels were about to sail away, in 1844, Samuel Hoar, a lawyer of Boston was sent by his state to plead the rights of these men in the courts, under the federal constitution; but his stay was very brief, for he was driven out by a mob, sanctioned by the leading men of the city and of the state government, and told that if he should return, the mob would promptly take his life. The Union did nothing in this case.

Sec. 8. *Suffrage Denied.*—Year after year for a quarter of a century, the federal government has violated its public promise to hundreds of thousands of its colored citizens that they should be allowed to have a share in the government as voters. It has the excuse that it has not power

enough to keep its promise, but why should it continue to exist if it cannot perform the most important of its duties? Why not make way for another government that can protect its citizens? Why not revoke the promise which it cannot keep? The intelligent white men of South Carolina, Mississippi, Louisiana and Georgia say that the exclusion of the negroes from the polls is absolutely necessary for the protection of life and property and public order; and that they are compelled to violate the law at every election for the purpose of preventing anarchy. They have a right to complain of being subjected to such a compulsion. The following table shows the population of some southern states in 1890, the number of votes which they cast at the Presidential election in 1896, and the percentage of votes as compared with the total population in each of these states and in all the states:

States.	Population.	Vote.	Per cent.
Alabama	1,513,017	194,572	13
Arkansas	1,128,179	149,397	13
Florida	391,422	46,461	11
Georgia	1,837,353	163,061	9
Louisiana	1,118,587	101,045	9
Mississippi	1,289,600	70,566	6
S. Carolina	1,151,149	68,907	6
All States	61,908,906	14,073,285	21

Among a hundred people in the United States the average number who voted at the Presidential election in 1896 was twenty-one; but in two of the states, where the proportion of negroes is largest, the number was only six; in two others it was nine; in one it was eleven and in two thirteen. At least 800,000 negroes, who had a legal right to vote and who would have liked to vote, stayed away from the polls for fear of being beaten or killed if they insisted on voting.

This treatment of the negroes and whites in the cotton states suggests other interests besides those of the victims of the oppression. Though reason and justice are often grossly and persistently abused, they have a habit of occasionally squaring accounts with a rudeness proportioned to the magnitude of their wrongs. The conduct of our rulers towards its negro citizens has a queer counterpart in the quixotic enterprise of giving "a stable independent government," (so the purpose has been officially defined) to the inferior, alien, and ignorant tropical mulattoes and negroes of Cuba,—an enterprise undertaken at the demand and with the coöperation of both the great political parties of our country. The example that we have set, of interfering to give political power to people, unfit for it, is too foolish to stimulate European nations to meddle in our internal affairs with a similar motive.

Sec. 9. *Strike-Rebellions*.—Our country has been disgraced by a number of Trade Union strikes which developed into prolonged, extensive and destructive rebellions, never equalled elsewhere because no other land combines an industry so highly advanced with a government so feeble in its dealings with internal disorders. Great strikes have been numerous in England, but their greatness there in the last generation has been confined to the long abstention from work by many men; whereas the worst American strikes have been distinguished by their insurrectionary violence, their public murders and massacres, their battles with troops, their immense destruction of property, their wholesale robberies, their control over the local police, militia and magistrates, and the inability of the government to punish the criminals.

A government cannot protect its citizens nor give them a proper moral education without punishing crime promptly and severely; and this remark applies as much to the crime actuated by a false conception of political right,—such as the assassination of a ruler, or the anarchical destruction of private or public property,—as to that actuated by personal greed or malice. Of the numerous great crimes committed by mobs in the United States, not one has ever been properly punished; and the consequence is a dangerous condition of public feeling in many cities.

Sec. 10. *Missouri Pacific*.—The great Missouri Pacific Railway strike began at Marshall, Texas, by order of the Knights of Labor on the 1st of March, 1886, and was maintained for three months without interference by the federal authorities, except that a Congressional Committee investigated the matter and advised the strikers to compromise on the basis that those who had not been guilty of violence should be restored to their places. The railways affected by this strike had an aggregate length of 5,000 miles, employed 10,000 men, and furnished transportation for 4,000,000 people, occupying an area of 400,000 square miles. A large amount of property was destroyed; besides the men in the railway service, a very large number of others were deprived of employment, and the total money loss was estimated to be \$20,000,000 of which the railway companies lost \$5,500,000. The Governors of Missouri, Kansas, Arkansas and Texas, each, issued a proclamation urging the people to protect the property which the strikers were destroying or injuring; and several of them called out the militia to aid in the preservation of order; but they did not appeal to the federal authorities.

Sec. 11. *Pittsburg*.—In June, 1877, a great strike of railway laborers paralyzed business in Maryland, Pennsylvania, Ohio, Indiana, Illinois and Kentucky. Among its results were the murder of fifty persons, the serious wounding of one

hundred others, the destruction of property worth \$10,000,000, the disturbance of business inflicting losses of at least \$25,000,000 additional on individuals, and the stopping of traffic on 6,000 miles of railway. In Pittsburg it became most violent, a mob held control for more than twenty-four hours; the large railway station was burned; a hundred locomotives were ruined by fire, and merchandise was stolen from hundreds of freight cars. The militia were called out in Pittsburg, Baltimore and Chicago and in the last named city nineteen persons were killed in a conflict between the troops and the rioters. The federal authority did nothing to repress or punish the crimes of this great strike.

Sec. 12. *Homestead.*—In June, 1892, the men employed in the Homestead Iron Works near Pittsburg struck, and threatened to destroy the mills. The employers brought two hundred and seventy Pinkerton men from Chicago to protect their property. The news of this importation of defenders gave great offense to the Trade Unions of Pittsburg and vicinity, and they prepared a reception for the strangers. They stationed themselves on the bank of the river,—the Pinkertons came in a boat,—and when it was near the landing place, the Unionists attacked the boat with rifles and a cannon. The result was that seventeen men were killed and thirty-five wounded, and the Pinkertons were driven away. The

strike lasted five months, caused thirty-five violent deaths, inflicted a loss of \$4,000,000 on the Homestead Company, and a loss of much more on people not members of the Company. This strike did not come within the range of federal law.

Sec. 13. *Pullman*.—The Pullman Railway strike occurred in June, 1894, and was, in some respects, a very notable affair. The Pullman Palace Car Company had its shops in a town all the land and houses of which it owned. It employed hundreds of men, paid them good wages, gave them steady employment, and made sacrifices to provide them with comfortable homes and good surroundings. Throughout the United States business was greatly depressed in 1893 and 1894, and the Company finding that it could not sell its cars at cost, after losing \$50,000, instead of dismissing half of its workmen, made a relatively small reduction in wages so that half the subsequent loss should fall on the laborers and half on the company. Some of the mechanics planned a strike against this reduction and, for the purpose of having strong support, joined the American Railway Union (a Trade Union) which had 150,000 members, and which, as it claimed to be composed entirely of men employed by railway companies, should not have admitted car-builders. The Railway Union sent a committee of Pullman laborers to the office of

the Pullman Company to demand a restoration of the former rate of wages. The Vice President, who was the acting head of the Company, told the committee that a little time would be required for the examination of their representations and that they should soon have an answer; and he assured them that no one of the committee would be discharged for his action as a committeeman. Several days later a foreman, who knew nothing of what had been done at the meeting, discharged two members of the committee temporarily, because just then there was nothing in the shop for them to do. The Railway Union assumed that this "laying off" or temporary discharge was a deliberate violation of the Vice President's promise on the 13th of June, ordered a strike and sent a demand to all the railway companies which had offices in Chicago that they should not haul Pullman cars in their trains.

This preposterous demand was refused and thereupon the American Railway Union ordered all its men employed on these roads to quit work. The train men obeyed; they would not operate trains nor let others operate them. They made great riots; burned hundreds of cars; tore up tracks; paralyzed the railway traffic of a large part of the country; beat the outsiders who wanted to do the work and caused the death of a dozen persons, and the loss of \$20,000,000 to the companies and the people.

As the companies were not permitted to transport the mails as they had been in the habit of doing and they had contracted to do, President Cleveland sent national troops to protect the trains and when the strikers interfered, a federal judge sent their leader to jail for contempt of court to ruminate for six months in duration. Of the numerous murders and other crimes committed in this rebellion, for such it was, not one was punished under the law of the United States. The federal courts had no jurisdiction over these offenses, not even when the victims were officers of the federal army, slain while they were enforcing, and because they were enforcing the federal laws. A lieutenant of the federal army was murdered by strikers in California,—the disturbance crossed the continent—and the chief murderer was tried and convicted by a state not a federal court.

The nation was placed in a humiliating position when it could not punish the interruption of its mails in any way except by treating it as a contempt of court. In reference to this affair H. J. Ford (286) says: "In assuming to regulate interstate commerce, Congress put upon the national administration the responsibility of maintaining interstate railroads as national highways. The significance of this never dawned upon the country until the railroad strikes of 1894 took place, when the arm of the federal

power was suddenly extended to suppress riot and quell disorder. The popular belief had always been that the national government could not act in such cases until requested by state authority, but now state authority was not only ignored, but its protests were unheeded. Time was when such action would have convulsed the nation and might have caused collision between state and federal authority, but the act was hailed with intense gratification both North and South; the governors who took up the old cry of state rights were loaded with derision, and a Congress, Democratic in both branches, passed resolutions by acclamation approving the action of the executive."

This strike continued for several weeks and might have been maintained for months, but it soon collapsed when President Cleveland showed them that, if necessary, he would order an army to Chicago to fight the populace. The Governor of Illinois, a man utterly unfit for such a place, not only did not request federal aid but protested against federal intermeddling.

Sec. 14. *Wardner*.—Between 1892 and 1899, the mining district near Wardner, Idaho, was the scene of many crimes committed by the members of the Miner's Union who beat, drove out, and murdered many good citizens, blew up two valuable gold mills, destroyed much other property, terrorized and corrupted the officers of the law,

defied the militia, gave them battle and defied the government. The criminals elected men of their own class to the county offices and those who should have enforced the law, participated in the mobs and committed perjury when brought before the state courts and compelled to give evidence about the crimes they had witnessed. On the 29th of May, 1899, a party of eight hundred men, gathered in the town of Burke, seized a railway train, went with it to Wardner and there blew up the Bunker Hill mill (which cost \$200,000), murdered one man, wounded several, and threatened many. The federal authority cannot punish any of these crimes. Of these eight hundred rioters and murderers, ten were convicted and sentenced to brief terms of imprisonment, because the Governor of Idaho was a man of superior character; and willing to ruin his political career rather than let such great crimes go without punishment.

Sec. 15. *Pana.*—The coal mining region of central Illinois in which Pana is a prominent point has been in a riotous and rebellious condition frequently within the last ten years. In 1894, four officers of the law were seriously wounded, and the hoisting works of two mines were burned by members of the Miner's Union. These people were so violent, so arrogant and so criminal, that the owners of the coal mines determined to employ negro miners, American citizens, who would

be more peaceful and more faithful. On the 12th of October, 1898, fourteen persons, mostly negro miners were murdered, twenty were wounded, and all negroes in the town of Virden were forcibly driven out. The governor of the state called out the state militia, not to enforce the laws, but to violate them, not to protect the orderly citizens of the United States but to assist the rebels against those laws to drive the negro laborers away. Two months later President McKinley delivered a long message to Congress on the political condition of the country, but said nothing about the murder of citizens and their unlawful expulsion from places where they had a right to be. Such wrongs were no part of the business of the United States; if these colored American citizens had gone to Mexico, or France, or China, or Germany, and had there been murdered or driven out by force, the President would have made a great blow about the wrongs.

On the 9th of April, 1899, seven men were killed and nine wounded in a riot in Pana, and on the 17th of September, 1899 six negro miners were murdered at Cartersville in open daylight; and these crimes, witnessed by many men, have not been punished nor has any serious attempt been made to punish them. The strikers and murderers have numerous votes of which the officials are afraid.

Sec. 16. *Leadville*.—Because their demand for an increase of daily pay from two dollars and fifty cents to three dollars was denied, the Union miners of Leadville, Colorado, struck in June, 1896; and threatened to burn the mills and hoisting works of the silver mines. The state militia were called out to protect the property and on the 21st of September there was a battle in which six persons were killed and a dozen seriously wounded. After the strike had continued nine months, and the community had lost \$4,000,000, peace and quiet were restored. The federal authority did not interfere in this disturbance.

Sec. 17. *St. Louis*.—A typical street-car strike, similar in its main features to many others in the cities of the United States, began in St. Louis on the 8th of May 1900, and continued more than a month, with riotous disorders on many days, frequent use of fire-arms and dynamite, a dozen violent deaths, many wounds, much damage by mobs to cars, tracks, buildings, employees and passengers; great pecuniary loss to many persons; the failure of the authorities of the law to protect person or property or to punish the criminals and the prosecution in the courts not of the rioters but of those citizens who, under the direction of the law, resisted the mob. The officials of the city were guided by the precedents of inefficiency in other cities and by the fear of losing the votes of the mob at the next election.

Sec. 18. *Griffin*.—The newspapers of the 25th of May 1899 published the following telegram sent on the previous day from Griffin, Georgia, "The flogging of three colored operatives of the Kincaid mills on Monday night by Whitecaps has led to sensational developments. Last night another negro was taken from his house and severely beaten and cut. These negroes are law-abiding citizens. To-day the superintendent and others at the Kincaid mills were notified to leave at once or they would be 'dealt with.' It now develops that there has been a club formed here known as the Laborer's Union Band, with the purpose of driving the negroes out of the country. The band has about five hundred members, a large number of whom are boys under age. Upon orders from the Governor the Griffin Rifles are in their armory awaiting orders from Judge Hammond to proceed to the factory. The Mayor has been reliably informed that if the militia go to the factory there will be trouble in the city tonight. He has ordered all the police on duty throughout the night." The journal from which that was cut gave no later news from Griffin; possibly, as often happens, the news collector of the place was warned that the climate would be unwholesome for him if he sent any more news over the wires about the local "labor troubles." The Griffin mob did what many other mobs in the cotton states have done; they forbade the

negroes to compete with white people who wanted to earn money in a certain branch of employment. In such cases violence is threatened to the outsiders who wish to work and to the employers who are anxious for their services; and the strikers, who interfere with the liberty of the two other classes, are criminals whom the community tolerate or encourage and the law fails to punish.

Sec. 19. *Lynch Law*.—The following extract from a press telegram gives an account of a notable case of American lynch law, with which the federal authorities have no concern because the victim was an American citizen tortured and murdered in his native state. “Maysville (Ky.), December 6. [1899]—Richard Coleman, a negro, the confessed murderer of Mrs. James Lashbrook, wife of his employer, expiated his crime in daylight to-day at the hands of a mob, consisting of thousands of citizens, by burning at the stake after suffering torture and fright beyond description. The dreadful spectacle occurred on the peaceful cricket grounds of this, one of the oldest and among the proudest cities in Kentucky. The barbarities inflicted upon this young negro by citizens of one of the most highly civilized cities of the State are mostly beyond belief and can only be accounted for by the intense horror created by long consideration of the atrocious crime of which full confession had been made by Coleman.

“The mob carried Coleman to a small hollow near the railroad, where they bound him tightly to a young sapling. Then they heaped a pile of brushwood and timber around him and fired the stack. Some one cut his eyes out and in a moment his head rolled around and he was believed to be dead. The scene was a fearful one. Around the funeral pyre were thousands of mad-dened people headed by the husband of the dead woman. A match was applied simultaneously and tongues of fire swept up and around the agonized wretch.

“The place of execution had been selected weeks ago in accordance with all other arranged details of the programme mapped out by the leaders of the mob. The prisoner was dragged to the sapling and strapped against the tree and faced the husband of the victim. Large quantities of dry brush and large bits of wood were piled around him while he was praying for speedy death. James Lashbrook, the husband of the victim, applied the first match to the brush. A brother of the victim struck the second match. Some one with a knife viciously slashed at the prisoner’s chest. By a sort of cruel concurrence of action on the part of the mob not a shot was fired. The purpose seemed to be to give the wretch the greatest possible amount and duration of torture. A fatal shot would have been merciful, but there was no mercy in the crowd surrounding the murderer.

“As the flames arose Coleman’s terror increased. He made vain efforts to withdraw his limbs from the encroaching fire and his eyes rolled in a frenzy of suffering. The ropes securing him to the tree were burned and his body finally fell forward on the burning pile. Even then, although it was not certain whether he was living or dead, the vengeful purpose of the crowd led them to use rails and long poles to push his body back into the flames. It is not certain how long life lasted. During the process of burning, while his voice could be heard, he begged for a drink of water, his tongue protruding and his eyeballs fairly starting from his head. At the end of three hours the body was practically cremated. During all that time members of the family of Mrs. Lashbrook had remained to keep up the fire, and to keep the body in position where it would continue to burn. After three hours a nephew of Mrs. Lashbrook was still pushing the body on the burning embers, while a curious crowd of several thousand persons lingered on the scene.”

Maysville is a city of about 10,000 inhabitants and is situated on the southern bank of the Ohio. A thousand, if not thousands of outrages, similar to this one, have been committed in the United States, and not one has ever been punished, or made the subject of special complaint by a President of the United States. He is quick to com-

plain when one of our citizens is maltreated in Turkey or China.

Sec. 20. *Kosztá*.—Although the President and his generals and admirals are powerless to protect American citizens within the limits of the States, even subordinate officers have authority to give such protection in foreign lands and waters. The most notable instance of such protection occurred in the bay of Smyrna in July 1853 when Capt. Ingraham of the sloop of war *St. Louis* demanded from an Austrian warship the surrender of Martin Koszta, a Hungarian who had declared his intention to become an American citizen but had not been finally naturalized. This demand was accompanied by a threat that if denied, the guns should be brought into play. The Austrian Commander, fearful to assume responsibility, gave up the man. The conduct of Ingraham was approved and justified, in diplomatic correspondence, by President Pierce, and commended by Congress which ordered that a medal should be struck in honor of the event.

The contrast between this extreme efficiency in protecting abroad one man who was not a citizen of the United States and the absolute inability to protect at home hundreds or thousands of native born citizens is remarkable. The federal government is nowhere so weak as within its own territory.

Sec. 21. *Italians Mobbed*.—A mob murdered some Italians in New Orleans in 1891, and the Italian government was not satisfied with obtaining an indemnity of \$5,000 for each of the victims but complained bitterly of the national government which did not punish, nor try to punish, nor possess the power to punish such international outrages. Benjamin Harrison, who was President at the time, makes the following remarks about the affair in his book entitled *This Country of Ours* (123) "Some suggestions growing out of this unhappy incident are worthy the attention of Congress. It would, I believe, be entirely competent for Congress to make offenses against the treaty rights of foreigners domiciled in the United States cognizable in the Federal Courts. This has not, however, been done. . . . It seems to me to follow, in this state of law, that the officers of the State charged with police and judicial powers in such cases must, in the consideration of international questions growing out of such incidents, be regarded in such sense as Federal agents as to make this Government answerable for their acts in cases where it would be answerable if the United States had used its constitutional power to define and punish crimes against treaty rights."

While he was suggesting amendments to the law he might have proposed that the state which permits the murder of a man by a mob shall pay

\$10,000 damages to his family or relatives, and also that the citizen should have as much protection as the alien.

In 1899 another massacre of Italians, in Louisiana, furnished the basis for the following telegram sent out from Washington on the 13th of January 1900: "The Italian Government has signified to the Government of the United States in the polite and courteous way known to diplomacy a wish that the persons guilty of lynching the five Italians at Talulah, La., last spring should be punished. Heretofore in cases of lynching of Italians the matter has been compromised by the payment of an indemnity, but this does not meet the present demand of the Italian Government.

"As under the existing law the trial and prosecution of such cases as this is left entirely to the state authorities, the National Government is well nigh helpless to meet the request of the Italian Government. The investigation made by the State of Louisiana was so unsatisfactory that the National Government undertook an investigation by its own agents to learn the facts attending the lynching. The result of this inquiry is now on file. But the United States Government cannot make the report the basis of any legal proceedings against the lynchers. As an outcome of this embarrassing position the President will probably make fresh representations to Congress, urging the speedy passage of the bills

intended to remove from state courts jurisdiction in cases where persons claiming treaty protection are the victims and transferring jurisdiction over them to the Federal courts."

Sec. 22. *Vigilance*.—The impotence of the federal government has been shown in many historical cases. One of the most noted was that of the San Francisco Vigilance Committee of 1856, which was master of the city for three months. It included many of the leading merchants, bankers and educated men of the city, and had 5000 members, whom it armed, drilled and kept under strict discipline. It was the most orderly and admirable mob the world has ever seen; it rebelled against one of the most corrupt bosses and municipal rings in the United States. On the 21st of May it marched with muskets and a cannon to the city jail, compelled the sheriff to let it take out two murderers, whom it imprisoned for three days in its own prison, and then after trying and convicting, publicly hanged in open day, the leaders and members of the Committee showing their faces and making no secret of their responsibility. The Committee afterwards arrested and executed two other murderers with equal deliberation and publicity. They banished twenty ballot-box stuffers whose crimes were not punishable with death under the law, and forbade them to return under penalty of the gallows. They imprisoned D. S. Terry, Chief

Justice of the Supreme Court of the State, seven weeks and did not liberate him until the physicians declared that the committee's officer whom Terry had wounded, would recover. They held military control of the city for three months while the state authorities were powerless. The Governor appealed to U. S. Major General Wool but he would do nothing because he said the Governor could convene the legislature and did not do so. To assemble the legislature would require at least a month,—at that time there were few miles of railway or telegraph in the state—and such a delay in dealing with a mob was ridiculous.

Terry came to the city to see what he could do to assist in the enforcement of the state authority and in his presence an agent of the Committee undertook to arrest a man. Terry stabbed and dangerously wounded this agent and was thereupon seized and kept in prison for seven weeks, until the wounded man was out of danger. A state Court issued a writ of Habeas Corpus for Terry's release, but the state authorities were powerless, so the writ was practically a nullity. Thereupon an application was made to Judge McAllister of the U. S. Circuit Court, but he kept the matter under consideration for weeks until Terry was at liberty. To refuse or delay the issuance of a Habeas Corpus writ is a very serious judicial offense, in a case over which the

Court has jurisdiction; but in this case, the imprisonment of Terry was a matter that came under the exclusive control of the state laws. No censure was pronounced by the President or Congress on General Wool or Judge McAllister; they were treated as if they had done their whole duty.

The Governor after failing to obtain help from Gen. Wool, applied to the President who refused to do anything, perhaps for the reasons that his interference might seriously injure the Democratic party in the presidential election then near at hand, and that the Committee would probably have disbanded within the two months that must elapse between the sending of such an application, and the receipt of a response.

Besides serving to illustrate the inability of the nation to protect its citizens, this Vigilance Committee is interesting as a proof that some of the American law is so bad that the best citizens may combine for its violation, and may be honored in later years because they did so. The men who were members of this organization established the People's Party, which for nearly twenty years maintained the best municipal government in the United States at that time. After they became a small minority of the voters, corruption again obtained control.

A national government, which refuses to interfere in a state rebellion, at the request of the

governor, until his application has been approved by the legislature, is a fit associate for a state government, the head of which sides with the mob, as in Illinois, and protests against the protection of the postal system by the federal authorities. Such are some of the beauties of our government.

Sec. 23. *Federalism Reviewed.*—All the disgraceful events, all the disorders, and all the dangers, described in this chapter, have their origin in the Divided Sovereignty of our government. Federation is responsible for the secession agitation which was a great and continuous menace to our national existence for sixty years and was powerful enough to control the choice of a president, in nine out of twenty-two elections.

The weakness of our central administration was indirectly to blame for the frequency, the virulence, the prolonged maintenance and the extensive prevalence of strike-rebellions, openly favored by millions of citizens who lacked the power but not the wish to overwhelm law and government for the purpose of securing their foolish and criminal demands. If we adhere to our federal feebleness, a future conjuncture of circumstances may enable some strike-rebellion to overwhelm us with a national catastrophe greater than any in our past history.

By leaving the highest attributes of sovereignty to the states, by limiting the authority of its officials to foreign and interprovincial affairs and by thus accepting a subordinate and weak position, our central government has deprived itself of the power to command the devout allegiance of its citizens or to gain the admiration or respect of other countries.

Intense prejudices separated the states at the close of the last century. New England, New York, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina had differences of blood, law, church and industry. Fish, ships, furs, wheat, tobacco, timber, tar and rice were the production of regions that had conflicting interests. The descendants of the Puritans and the descendants of the Cavaliers had not lost the animosities that filled the heads of their ancestors; and both classes hated the Dutch of New York and the Germans of Pennsylvania as much as they hated each other. There was no intimate intercourse between the groups of colonies. They had neither railways nor steamboats; they had not consorted in the country west of the Alleghanies; their meetings in the revolutionary armies, instead of making friendships had in some cases, increased animosities.

The ablest men of the revolutionary period wanted a consolidated government, and among them were Washington, Hamilton, Marshall,

Franklin, and John Jay. Finding that they could not get anything stronger than a weak federation, they became its ardent advocates, not because they could consider it satisfactory but because it was the best within reach. Hamilton did not conceal his disappointment; he said a "nation without a national government is a frightful spectacle."

The record of federalism in history, considered as a whole is not creditable.

The Achaean League from 281 to 146 B. C. in ancient Greece had a brief existence and achieved no great result.

The Swiss League from 1291 till 1900 was enabled to maintain its existence by the jealousy of its neighbors. It did not become fully independent of the German Empire until 1648, and since that year has had no foreign war of note. Its federalism, made excusable by the differences of two religions and three languages in its century, is much stronger than ours, and its government has not only been more harmonious but much purer and better in nearly every respect.

The Dutch Republic from 1579 to 1795, had a short life and a career, brilliant on many points, and yet dark with many serious internal dissensions.

The United States of America, from 1789 to 1900, full of interprovincial discord and demands of separation for three quarters of a century and

full of corruption and disorder during the remainder of its existence.

The United States of Mexico from 1825 till 1900, with interruptions. Its nominal federalism has usually been anarchical or despotic.

The same remark applies to the United States of Central America, which, however, had a brief existence.

The United States of Colombia, when orderly, have been anarchical or despotic.

So also the United States of Venezuela.

So also the United States of Ecuador.

The Argentine Republic has been the most successful federation in Latin America.

The United States of Brazil have had a very brief career.

It is a noteworthy fact that no American author has written an argument to prove that the federal system is better than a consolidated nationality; and yet if such proof could be furnished, its publication would be one of the most urgent duties of our statesmen, lawyers and professors of political philosophy. John Adams, Jefferson, John Quincy Adams, Kent, Story, Wheaton, Webster, Sumner, Calhoun, Cooley, Lincoln, Garfield and others, who discussed important governmental questions with learning and wisdom, never selected this topic as the subject of an essay, an oration or a book. Their avoidance of it is significant. The division of

sovereignty has not been commended by the most eminent foreign political philosophers of our time, nor has it been copied from us in any of the European constitutions of the XIXth century; but it is in favor with the anarchists, collectivists and socialists. The enemies of efficient government are friends of federalism by instinct.

“The English constitution,” says Bagehot (289) “in a word, is framed on the principle of choosing a single sovereign authority and making it good; the American, upon the principle of having many sovereign authorities and hoping that their multitude may atone for their inferiority. The Americans now extol their institutions, and so defraud themselves of their due praise. But if they had not a genius for politics, if they had not a moderation in action singularly curious where superficial speech is so violent; if they had not a regard for law such as no great people have yet evinced and infinitely surpassing ours,—the multiplicity of authorities in the American constitution would long ago have brought it to a bad end. Sensible shareholders, I have heard a shrewd attorney say, can work any deed of settlement; and so the men of Massachusetts could, I believe, work any constitution.

Political liberty is a condition in which a community is secure in the enjoyment of equal civil and political rights; and of such enjoyment there

is less today in the United States, than in Great Britain, Belgium, Holland, Sweden, Norway, Denmark, Germany or France. In those countries, crime is punished and riot suppressed promptly and efficiently; and a central government being responsible for the maintenance of order, order is maintained.

CHAPTER II.

CONFLICT OF DEPARTMENTS.

Section 24. *Checks.*—The federal and state constitutions of our country have been framed under the influence of Montesquieu's whim, that the legislative, administrative and judicial departments should be kept separate, by providing that a person, who has authority in one, shall have none in another. This idea, adopted in defiance of all political experience, has proved to be one of the greatest blunders of our government.

Among the results, of this lack of a central dominant and responsible power, are great confusion and inefficiency in all governmental affairs, bad management of the currency, careless and incompetent legislation, log-rolling and lobbying, extravagance tending to national bankruptcy; and a system of jurisprudence that is more complex, technical and expensive than any other in the world.

All those European States which enjoyed steady prosperity, through many centuries under constitutional governments, gave the control of

the administration to the legislature; and the republics and monarchies of Europe, in proportion as they are more or less constitutional, have adopted this principle, and given it prominence in their political systems.

John Adams wrote an instructive account of the checks and balances of our federal system in 1814, when some of the worst features of our government, as it is now, had not yet been developed, when no good account of the system of cabinet rule in Great Britain had been published, and when some of its main principles were not yet finally settled. He said (VI. 467) "Is not the constitution of the United States complicated with the idea of a balance? Is there a constitution on record more complicated with balances than ours? In the first place eighteen states and some territories are balanced against the national government, whether judiciously or injudiciously, I will not presume at present to conjecture. We have seen some of the effects of it in some of the southern and middle states, under the two first administrations [Washington and Adams] and we now behold some similar effects under the two last [Jefferson and Madison]. Some genius more prompt and fertile than mine may infer from a little what a great deal means. In the second place the House of Representatives is balanced against the Senate and the Senate against the House. In the third place, the executive author-

ity is in some degree balanced against the legislature. In the fourth place, the judiciary is balanced against the House, the Senate, the Executive and the State governments. In the fifth place the Senate is balanced against the President in all appointments to office and in all treaties. This, in my opinion, is not merely a useless but a very pernicious balance. In the sixth place the people hold, in their own hands, the balance against their representatives by biennial, which I wish had been annual elections. In the seventh place, the legislatures of the several states are balanced against the Senate by sexennial elections. In the eighth place, the electors are balanced against the people in the choice of President. And here is a complication and refinement of balances which for anything I recollect is an invention of our own and peculiar to us."

This system of checks divides and practically destroys responsibility, and renders proper official discipline impossible. From the federation it extends into the states and cities, and there produces even greater confusion and evil. By his appointing power, the President has a partial control over his administrative subordinates but under the Government and Mayor the heads of departments owe their places to the Boss or the Machine, and are exempt from any control.

In his statement, Adams omits many pernicious

checks, including the Committee System, which however was not fully developed in his time, and including also the numerous boards which have independent control of important portions of administrative work in our states and cities.

Sec. 25. *Divided Responsibility.*—Instead of defining and strengthening responsibility, as they should have done, if they had understood the lessons of political experience, our lawmakers have placed nearly all our officials in such positions that they can not be held accountable or punished for their mistakes or malfeasances. The administration is independent of the legislature not only in the federation but also in the states and cities; the governors are independent of the President; inferior executive officers are independent of the governors, and so also are the mayors, to whom many inferior executive officers in their respective cities owe no obedience.

Much of the governmental work of our states and cities is done by boards, which are constituted in such a manner that they are not subject to any proper control. Many valuable lessons of experience, clearly taught in European books of political philosophy, are unknown to American officials; and, even if they were known, could not be applied in a country where most of the places in the public service are given for short terms to unfit men, as rewards for partisan service. The only responsibility, felt by such officials, is to

their party which is always anxious to conceal their blunders and their crimes.

In his *Representative Government* (266) John S. Mill says, "A most important principle of good government, in a popular constitution, is that no executive functionaries should be appointed by popular election, neither by the votes of the people themselves nor by those of their representatives. The entire business of government is skilled employment; the qualifications for the discharge of it are of that special and professional kind which cannot be properly judged of except by persons who have themselves some share of those qualifications, or some practical experience of them. The business of finding the fittest persons to fill public employments,—not merely selecting the best who offer, but looking out for the absolutely best, and taking note of all fit persons who are met with, that they may be found when wanted,—is very laborious, and requires a delicate as well as highly conscientious discernment; and as there is no public duty which is in general so badly performed, so there is none for which it is of greater importance to enforce the utmost practicable amount of personal responsibility, by imposing it as a special obligation on high functionaries in the several departments. All subordinate public officers who are not appointed by some mode of public competition should be selected on the direct responsibility of the minis-

ter under whom they serve. The ministers, all but the chief, will naturally be selected by the chief; and the chief himself, though really designated by Parliament, should be, in a regal government, officially appointed by the crown. The functionary who appoints should be the sole person empowered to remove any subordinate officer who is liable to removal, which the far greater number ought not to be, except for personal misconduct, since it would be in vain to expect that the body of persons by whom the detail of the public business is transacted, and whose qualifications are generally of much more importance to the public than those of the minister himself, will devote themselves to their profession, and acquire the knowledge and skill on which the minister must often place entire dependence, if they are liable at any moment to be turned adrift for no fault, that the minister may gratify himself, or promote his political interest by appointing somebody else."

Mill had much experience in the management of an extensive administration,—that of Hindostan under the East India Company,—and, besides, he possessed rare political learning and the wisdom to understand the lessons of governmental experience. His remarks, therefore, are entitled to much weight, when referring to the unfitness of a legislative body, like the American Congress, for meddling with minor matters of administration, he says (103):

“But a popular assembly is still less fitted to administer, or to dictate in detail to those who have the charge of administration. Even when honestly meant, the interference is almost always injurious. Every branch of public administration is a skilled business, which has its own peculiar principles and traditional rules, many of them not even known in any effectual way except to those who have at some time had a hand in carrying on the business, and none of them likely to be duly appreciated by persons not practically acquainted with the department. I do not mean that the transaction of public business has esoteric mysteries, only to be understood by the initiated. Its principles are all intelligible to any person of good sense, who has in his mind a true picture of the circumstances and conditions to be dealt with; but to have this, he must know those circumstances and conditions; and the knowledge does not come by intuition. There are many rules of the greatest importance in every branch of public business (as there are in every private occupation), of which a person fresh to the subject neither knows the reason nor even suspects the existence, because they are intended to meet dangers or provide against inconveniences which never entered into his thoughts.”

Sec. 26. *The Committee System.*—There are two methods of doing legislative work; one, called

Responsible Government, under the control of a ministry which is a committee of the legislature, is of English origin, and is harmonious, economical and efficient; the other, called the Committee System, most highly developed in the United States, divides the business among a number of independent committees who do their work discordantly, inefficiently and extravagantly, with the aid of lobbying, log-rolling, and other various forms of corruption to be mentioned in this chapter and the next one.

The Committee System was an unforeseen product of the federal constitution; when that document was framed and under consideration, before its adoption, none of its enemies suggested that the independence of the administration would demoralize Congress, and inflict on the country political evils the like of which the world had never seen, but under which their grandsons and great-grandsons have suffered.

The general results of Responsible Government in British experience are that the ablest men of the country, as a class, desire to have places in Parliament, that the moral standard of official life is high, that the Ministers are men of distinguished ability and long experience in high public place, that every important measure is well stated and argued on both sides in the House of Commons, that the policy of the nation is relatively steadfast, and that the management

of the finances is economical. These results are the opposites, in nearly every point, to those of the Committee System in the United States. Our ablest men do not want places in Congress; many of the men most influential in our government have had little or no experience in that body; the most important bills are rushed through without public debate, our governmental policy undergoes frequent great changes, and the management of the finances is most extravagant.

Under the British plan, an important bill cannot be passed, and a financial bill cannot be considered, without the approval of the Cabinet which, because it directs legislation, as well as administration, is responsible to the people for the management of the Government. If the majority of the House of Commons should vote against one important bill proposed by the Cabinet, the latter go out or appeal to the people, and if the decision be adverse, let the other side take charge.

Sec. 27. *Bagehot and Maine.*—Bagehot thus explains (*British Constitution*, 85) one of the objections to the Committee System; “It causes the degradation of public life. Unless a member of the legislature be sure of something more than speech, unless he is incited by the hope of action and chastened by the chance of responsibility, a first-rate man will not care to take the place, and

will not do much if he does take it. To belong to a debating society adhering to an executive (and this is no inapt description of a congress under a presidential constitution) is not an object to stir a noble ambition, and is a position to encourage idleness. The members of a parliament excluded from office can never be comparable, much less equal, to those of a parliament not excluded from office. The presidential government, by its nature, divides political life into two halves, an executive half and a legislative half; and by so dividing it makes neither half worth a man's having,—worth his making it a continuous career,—worthy to absorb, as cabinet government absorbs, his whole soul. The statesmen from whom a nation chooses under a presidential system are much inferior to those from whom it chooses under a cabinet system, while the selecting apparatus is far less discerning."

Explaining the British constitution, Maine says (239) "It is in the Cabinet that the effective work of legislation begins. The Ministers, hardly recruited from the now very serious fatigues of a session which lasts all but to the commencement of September, assemble in Cabinet in November, and in the course of a series of meetings, extending over rather more than a fortnight, determine what legislative proposals are to be submitted to Parliament. These proposals sketched, we may believe, in not more than outline, are

then placed in the hands of the government draftsman; and so much is there in all legislation which consists in the manipulation of detail and in the adaptation of vaguely conceived novelties to preëxisting law, that we should not probably go far wrong, if we attributed four-fifths of every legislative enactment to the accomplished lawyer who puts into shape the government bills. From the measures which come from his hand, the tale of bills to be announced in the Queen's speech is made up and at this point English legislation enters upon another stage. . . . Every bill introduced into Parliament by the Ministry (and we have seen that all the really important bills are thus introduced) must be carried through the House of Commons without substantial alteration or the ministers will resign and consequences of the gravest kind may follow in the remotest part of an empire extending to the ends of the earth. Thus a government has to be forced through the House of Commons with the whole strength of party organization and in a shape very closely resembling that which the Executive Government gave it. . . . It is therefore the Executive Government which should be credited with the authorship of the English legislation."

To this may be added that at this cabinet meeting every secretary states the urgent needs of his department, and is prepared to go into detail if

questioned by his associates. In many cases his bills drawn by his subordinates or under their direction are ready to be submitted to the statute-drafting lawyer, whose duties are to revise the phraseology and to see that the provisions of the bill do not conflict with previous legislation.

Sec. 28. *Schuyler*.—In his book on *American Diplomacy*, (3) Eugene Schuyler thus explains the distribution of political power in Washington when there was only one Appropriation Committee in the House of Representatives. “The government of the United States, in ordinary peaceful and uneventful times, is a nearly irresponsible despotism, composed of five or six men, working under and through constitutional forms, and subject only to the penalty which is always attached to very grave mistakes. These six men are the President of the United States, who is, it is true, elected by the people, but only from two or three candidates proposed by partisan conventions as the result of intrigue or of the failure of intrigue; the Secretary of State and the Secretary of the Treasury, named by the President as his colleagues and associates, rather than his advisers and servants, confirmed by the Senate which never refuses its approval except for cause of the most scandalous nature or for reasons of extreme partisan feeling; the Speaker of the House of Representatives who is elected as such by his fellow-congressmen at the dictation

of a clique or as the result of a compromise between the factions and the personal ambitions of the dominant party; the Chairman of the Standing Committee on Appropriations and the Chairman of the Standing Committee on Ways and Means in the House of Representatives, both appointed by the Speaker, leading men in Congress and generally his rivals for the speakership." Since that statement was written the number of the ruling clique has been increased by the multiplication of chairmen of appropriation committees.

Sec. 29. *Log-Rolling*.—Log-rolling is an institution peculiarly adapted to the intelligence and morals of the average American legislator. It gives him a sphere of activity which he can soon learn, and which enables him to go back to his constituents with tangible results of his influence. He and his associates divide the Union or the State into districts and distribute a large portion of the public revenue among them by giving to one a public building, and to others other things. In this method Congress distributes federal buildings, navy yards, fortifications, and improvements in rivers and harbors. There is also a log-rolling of occupations; the silver miners, iron smelters, coal miners, cotton spinners, wool growers and lumbermen combine to restrict competition and to compel the general public to pay a higher price for their products. In every

branch of American legislation, the predominant influence is regard not for the general interest but those particular interests which have obtained a majority of votes by log-rolling.

“For the last ten or fifteen years” wrote Thaddeus Stevens in 1867, “the legislature of Pennsylvania [of which state he was then a Representative in Congress] has had a most unenviable reputation. Corruption, bribery and fraud have been freely charged and I fear, too often proved, to have controlled their actions. No matter how honest when chosen, the atmosphere of Harrisburg seems to have pierced many of them with a demoralizing taint. A seat in the Legislature became an object of ambition, not for the per diem, [the salary] but for the chance of levying contributions from rich corporations and other large jobs. Corruption finally became so respectable as to seduce candidates for office boldly, to bid for them, and to pay the cash for the delivery of the ballot. The very office of [federal] senator is known to have been once bought for gold.”

Sec. 30. *Lobby*.—The legislation of an American city is usually, and that of a State, sometimes controlled by a Boss, but when he does not possess or exercise a dominating influence, the Lobby may assume direction. The Lobby is a man or set of men, usually working for hire, to secure the adoption or defeat of bills. The Lobbyist

takes charge of work which the Boss does not direct. He studies the character, career, ambition, pecuniary condition, habits, weaknesses, vices, associates and pet measures of the members whom he supposes manageable and, as most of them are men without high character or capacity, he usually finds little difficulty in making himself useful to them and making them useful to himself. He buys them as cheaply as he can, and often manages Log-rolling schemes, so that he gets their votes without money payment.

Referring to the desirability of introducing responsible government, Gamaliel Brandford says (II. 409) that "the opposition hardest to be overcome is that of the Lobby. We have pointed out the immense power which private interests have acquired and are more and more acquiring in a legislative body, disorganized, without leaders, composed of equal units and working by standing committees, whether elected or appointed by the presiding officer; a body in which majorities must be made up by an accumulation of votes one by one, worked up by log-rolling, trading, and all sorts of motives, in practical secrecy, without personal responsibility and with very little reference to the administrative effect upon the country. As party success has come to depend largely upon operations of this kind, so, on the other hand, the private interest, having entrenched themselves behind the parties in Con-

gress, will be in deadly hostility to any movement which threatens to introduce public and personal responsibility among members and by public debate and discussion to let in a flood of light upon methods of legislation."

The Lobbyist dislikes the discussion of bills which he advocates or opposes, and discussion is becoming rare in our legislative bodies. He wants to arrange business in private conversation, and to avoid appeals to public opinion. He makes his living by secret methods, and hates all others. Prof. Hyslop (12) complains that though our legislatures "were intended primarily to be deliberative assemblies where debate is supposed to be free and rational, and where voting can be reached after a reasonable amount of time has been allowed for deliberation and discussion," yet that most of them "are either constituted or controlled by men who either cannot or dare not discuss the measures proposed by them. They maintain silence against all reason and vote submissively in obedience to a boss, or they open their mouths only to obstruct legislation and to make a strike."

Sec. 31. *Private Bills*.—One notable result of our defective political system is the vast multitude of private and local bills which have no parallels in the British Parliament and should not be permitted in our country. Some of the state constitutions have greatly restricted them with

very beneficial results; but the restrictions have not been entirely successful because now general bills are more frequently passed for special and private purposes. In Congress and many of the states however there is no limitation.

When taking leave of the House of Representatives on the 4th of March 1885, Speaker J. G. Carlisle said: "It is evident that unless some constitutional or legal provision can be adopted which will relieve Congress from the consideration of all or at least a large part of the local and private measures which now occupy the time of the committees and fill the calendars of the two houses, the percentage of business left undisposed of at each adjournment must continue to increase." G. F. Edmunds, Acting President of the Senate delivered a parting address to that body on the same day and said, "It is . . . an evil of large and growing proportions that measures of the greatest importance, requiring much time for proper examination and discussion in detail, are brought to our consideration so late that it is not possible to deal with them intelligently and which we are tempted (over tempted I fear) to enact into laws in the hope that fortune rather than time, study and reflection will take care that the republic suffer no detriment."

The terms being brief, the pay small in relation to the large expenses of the canvass and election, the work uninstrucive and in many respects of-

fensive, men of high character and capacity rarely seek the legislative career. The inferior men who obtain it for a brief season, do not get their bills in shape until the close of the session, and then do most of their work in the last week or even in the last day, and in many cases, hold back their bills purposely to rush them through when there is no time for examination or opposition.

The ministry in Great Britain and various other European countries, being responsible to public opinion for every important legislative measure, is extremely careful that its bills shall be drawn by learned and able men and by them made to harmonize with all antecedent legislation. There is no such responsibility and therefore no such care in the national and state legislation of our country, and consequently our courts frequently have to deal with the litigation arising out of conflicting and vague statutes.

Holst (IV. 218) thus characterizes the common procedure of the managers of congressional business; "Their unscrupulous selfishness, their ardent race for the spoils, their habit of bargaining in great things and small, their intellectual and moral stagnation of party spirit, destitute of thought and principle alike, their faith in the omnipotence of their petty, professional tricks and artifice, invested in impenetrable mist what in itself was so terribly clear."

Joseph H. Crooker (*Problems in American Society*, 187) says "Is it not a fact that we have come to dread sessions of Congress and of Legislatures as carnivals of selfishness, while we feel relieved when the day of final adjournment arrives? That we anticipate a political campaign with dread and disgust, as a scourge of slander and unreason? That official position, instead of conferring honor, raises in the public mind the suspicion of the occupant's integrity, political life having come to be looked upon as so much baser than other callings? That young men almost everywhere take it for granted, in their discussion of the merits of different vocations, that political success can only be won by the tricks of the demagogue? That we are glad to have people know as little as possible of the actual methods by which laws are made, so shameful is the process that, were the inside history of legislation generally known, public respect for our statutes would be destroyed? That political newspapers are not expected by the masses to tell the truth? Now, is not this a lamentable state of affairs,—a state of popular opinion which argues ill for the future of America, even if so extreme an opinion is not warranted by the actual facts?"

Sec. 32. *Slip-Shod Laws*.—The law-making of the country is done without proper knowledge, care or integrity in the federal, state or municipal councils. Membership in these bodies is giv-

en to persons not properly qualified for their work. Nine out of ten cannot draft a bill or understand its force when they read it. The term of members in the federal House of Representatives lasts only two years each of which has about one hundred working days of the session; and as the majority are new to the business, they do not become masters of the routine methods, leaving the higher principles of legislation out of consideration. The work is un instructive, its aims low, its methods careless. The first point of ambition with the majority is to get public buildings, river or harbor improvements, military posts or the expenditure of federal moneys in some form for their respective districts, and secure kinds of taxation advantageous to their constituents. The second point is to show that, if they did not succeed, they at least made a good fight to obtain more than a fair share of the public plunder.

Most of the bills are special in character even when the title and initial section are general in form. They are drawn with limitations which restrict their operation, and enable their advocates to say when objection is made to them, "these bills apply only to Buncombe county and therefore do not concern you; if you defeat our bills, we will defeat yours." The same principle of special legislation, the same custom of letting the representatives of every district have their

own way in regard to local affairs, and of dividing up important general questions into territorial divisions, prevail in state as well as federal legislation. The country suffers with a flux of bills. The average annual number is more probably at least 20,000; and two hundred,—as many as the British Parliament enacts for an empire with 350,000,000 inhabitants,—would be sufficient.

In a message to the legislature of New York in 1885, Governor Hill (quoted by Simon Sterne in his *Questions of the Day*, 105) complained “that one of the greatest evils incident to the hasty methods of modern [American] legislation is the careless and imperfect manner in which bills are generally passed. Much needed legislation is annually lost because of the large number of measures which are left in the hands of the executive at the adjournment of the legislature which are so defective that they cannot possibly be approved. . . . The record shows that during the legislative session of 1883, some forty-five bills were recalled from the executive chamber after their final passage for necessary amendments and corrections, while during the last session of 1884 there were some fifty of such instances.” Such blunders are doubtless as numerous in most of the other states as in New York; and the errors of form are much less serious than mistakes in substance.

Our municipal system is a national disgrace. It is a wonderfully complex product of ignorance and folly. One relatively brief parliamentary statute is the charter of nearly all the English cities; a single sentence, in a national law authorizing them to manage their municipal affairs, is the charter of the French cities; and the Prussian law, conferring corporate power, on cities is brief. There, the national government seldom interferes in municipal affairs; and the city officials are experienced, capable and honest.

Here things are managed differently. In most of our states, every city must have its special charter, peculiar in phraseology and ideas, in many cases an elaborate document, ten times as long as our federal constitution, complicated by numerous legislative amendments, and requiring hundreds of judicial decisions of the State Supreme Court to interpret its vague, conflicting and complex provisions. In many cases, the legislature has and exercises the power to change the charter, notwithstanding the protest of the city officials, to order that certain municipal work shall or shall not be done, that certain bills shall or shall not be paid, that certain persons shall or shall not have municipal offices, and that new elections shall or shall not be held. In the number, variety and extravagance of our municipal blunders, we beat all the other nations of the earth.

Sec. 33. *Discordant Laws.*—Instead of having a comprehensive and harmonious government, uniform in all its geographical divisions, the country has more than two scores of petty legislative, administrative and judicial systems, each of which has its independent and in many cases discordant laws regulating civil and criminal affairs. The citizen may find that by crossing a river within the limits of the United States, he has passed beyond the dominion of the legislation with which he was familiar, and has reached a region where conveyances, wills, promissory notes, marriages and divorces made according to the forms authorized in his native state have no validity. The confusion and litigation resulting from this diversity of laws are serious evils but are small as compared with the great expense of maintaining forty-five unnecessary sets of governmental officers.

Though not worse in principle than many other discrepancies of American legislation, there is something peculiarly offensive in the laws relating to matrimony and divorce. A man may at the same time have half a dozen lawful wives or even more, from whom he has no divorce lawful in the state in which each of them resides, in which he established his residence with each of them and from which he never took them or demanded that they should move. By leaving them without notice of his intentions to desert them fi-

nally, and to obtain a divorce he may obtain one without giving actual notice of his suit and without staying more than a week within the limits of the state which grants his secret application to be released from the bonds of matrimony. The law requires that notice shall be given to persons out of the state by publication in a newspaper, but as this newspaper is not seen by the defendant, the proceeding is, in many cases, practically secret and he or she may remain ignorant for years that the divorce has been granted. The law in many states makes incompatibility of temper a sufficient cause for action, and when the bond becomes irksome to either party, the tempers are incompatible. Those who are legal spouses to each other in the morning may be the legal spouses of others in the afternoon of the same day. Journalistic exaggeration says railway trains stop an hour at some stations in Indiana to allow passengers to get divorces, and that a gentleman claimed relationship with a lady in Chicago because her fourth husband had married his second wife.

Sec. 34. *Federal Senate*.—The municipal council, the state legislature and the federal senate compete for the distinction of having reached the highest eminence among the political bodies of the United States in official corruption. Much may be said for each claim but I am disposed to award the prize to the Senate, because, not of the

greater baseness of most of its members, but of its superior prominence and dignity which give more influence to the numerous great abuses it practices and sustains.

Some of the federal senators have served in the legislature or lower House of Congress, and by the aid of experience and tact, have become state bosses, with influence enough to secure their advancement to the highest legislative office in the country. Their chief duties are to secure appropriations and other governmental favors for their constituents; not to legislate for the general good nor to plead for the rights of humanity. The time has passed when a Webster or a Sumner could get an attentive hearing in the Senate of the United States. Instead of giving his chief attention now to national or international affairs the favorite son of the State must secure the expenditure of a large amount of federal money among his constituents or must see to it that their products are protected against competition by an excessive duty on imports.

The candidate, who has a high position among senators and can secure great favors for his state, is almost sure of re-election; but when, as often happens, no one of the aspirants has superior claims, then the man with money sees his chance to capture the prize. Before the time has come for nominating legislative candidates, he visits or sends an agent to visit all or most of the

counties of his state; sees the members of the County Committees, and the men who want to go to the legislature; finds popular candidates who are willing to vote for him for Senator; offers to pay their campaign expenses; and contributes liberally to the campaign fund of the county. In this way he secures a majority of the members of his party in the legislature, and if they have control, he is sure of going to the senate. He has given money freely and perhaps lavishly for campaign expenses; he has not exacted a strict account of the method of expenditure; he can say that he has not given a bribe to anybody, and yet if he had not spent a large amount of money, he could not have been elected. So many rich men have reached the senate within the last thirty years that it has been called with some exaggeration, "a club of millionaires." Most of its present members were politically corrupt before they were elected and they use their power in methods which disgrace the government.

During the first half century, the senate was a relatively honest and scrupulous body but it has now acquired other characteristics. It makes a practice of blocking business, "holding up" the other house and compelling it to deliver public plunder. Cannon, Chairman of the Appropriation Committee in the House of Representatives said in the Fifty-Fourth Congress on the 9th of March, 1897: "The General Deficiency bill in

recent sessions, as it leaves the House, providing for several deficiencies in current appropriations for the support of the government, is a mere vehicle wherein the Senate loads up and carries through every sort of claims that should have no consideration in either branch of Congress except as independent bills reported from competent committees."

All the appropriation bills have their origin and are carefully studied in the House of Representatives, but the Senate has adopted the practice of refusing to pass them without amendments drawn for purposes of personal or local favoritism. This custom is called "the Senatorial hold-up"; suggested by the highwayman's cry of "hold up your hands." The financial policy of the House is bad and that of the Senate is worse; the former is positive and the latter superlative in its greed for plunder.

In 1894 Senator Vest, as quoted by Ford (*Rise and Growth of American Politics*, 270), declared that "after my experience in the last five months, I have not an enemy in the world whom I would place in the position that I have occupied as a member of the Finance Committee under the rules of the Senate. I would put no man where I have been to be blackmailed and driven in order to pass a bill that I believe is necessary to the welfare of the country, by senators who desired to force amendments upon me against my

'better judgment and compel me to decide the question whether I will take any bill at all or a bill which has been distorted by their views and objects.'"

"Senators take care" says H. J. Ford (319) "to load bills with matter for use in making mock concessions, while they extort, from the House, everything they really want. This arbitrary control of Senators over legislation was the issue really involved in the conflict between the two Houses over the tariff bill of 1894. Fear, lest the bill might be defeated altogether, caused the House suddenly to pass the bill just as it came back from the Senate. This unprecedented action made a chance exposure of the way in which legislation is really shaped. Some senators found themselves badly caught at their own tricks, provisions, which they introduced with a jockeying purpose, being converted into law. Senator Sherman complained that 'there are many cases in the bill where the enactment was not intended by the Senate. For instance, innumerable amendments were put on by senators on both sides of the chamber . . . to give the Committee of Conference a chance to think of the matter and they are all adopted, whatever may be their language or the incongruity with other parts of the bill.'"

Sec. 35. *Finances.*—The Committee System has a bad influence on every branch of legislative work

but especially on the management of the finances. The federal House of Representatives has about fifty committees, each independent of the others, and each interested in carrying its own bills without much regard for other business. Any one of many may recommend large appropriations,—there are eight “appropriation committees,”—and there is no harmonizing supervision. Nor is there any provision in the constitution forbidding the attachment of most incongruous provisions or riders to measures necessary for the collection of revenue or the payment of the army. The rider is especially odious when mounted on some indispensable measure which has been delayed, carelessly or purposely, till the last days of the session, and then changed in one house so that it must be entrusted to a joint or conference committee representing both houses. Such a committee has exceptional and despotic power, and two Senators or two Representatives out of three can say “pass the bill as we have doctored it or assume the responsibility of seriously injuring the business of the country or the interests of your party.” The doctoring which they have introduced may include ideas of which neither house had the least thought when the bill was referred.

The federal treasury is rushing towards bankruptcy. Its expenditure is increasing seven per cent annually, more than twice as fast as the

national wealth, and three times as fast as the population. This pace has been kept up for thirty years and has a most grave significance to any one who understands the main principles of finance. We must stop soon or break. There is a great peril in even a brief continuance of our present gait.

In a luminous address to the House of Representatives, James A. Garfield, in January, 1872, stated that the federal expenditures of the previous fiscal year, exclusive of payments on the public debt, amounted to \$166,000,000. In the fiscal year of 1896-97, more than a quarter of a century later, the same classes of expenditure (as reported in the *Annual American Cyclopaedia*) amounted to \$763,000,000. The increase is nearly seven per cent compounding annually. The movement in the expenditures of states and cities in the same period was very irregular, but showed an average increase perhaps as large.

The spirit in which Congress draws up its revenue bills is suggested by a remark of Senator Allen (*Congressional Record*, June 29th, 1897) that "The consumers seem largely to get the worst of it in the framing of a tariff bill. That is true partly because they have nobody here looking after their interests particularly. They are not organized." This implies a fact which we know from other sources that the national legislature is guided in such matters much more

by regard for private than for public interests; and that the classes not represented in the lobby are not well protected in the laws.

There are eight different appropriation Committees in the House of Representatives where most of the congressional work of expenditure is managed, and each of these committees acts independently and most of them are under the influence of partisan, personal and local interests and not of national policy. The system is one not found in any other enlightened nation, and not approved by any great authority on finance. Prof. Woodrow Wilson predicts (*Congressional Government*, 191) that under it, "the finances will go from bad to worse." In 1885 when the appropriation work was divided up among numerous committees, Mr. Randall, an able Congressman warned his associates that they were starting on a career of accelerating extravagance which threatened to bankrupt the treasury. Experience has justified his warning. There has been an increase of \$50,000,000 annually of expenditure beyond the relative increase of population; and the wastefulness and the accompanying demoralization in Congress increase with every administration.

A fundamental defect of our national finances is that they are not managed by the cabinet; they are not even controlled by one legislative committee, but demoralized by the conflicting pur-

poses of eight different appropriation committees, in the House of Representatives and then are further thrown into disorder by a corrupt and reckless Senate. Moffett (68) says truly that "The unity of the budget is a principle so essential to anything like scientific, or even decent, finance that nothing but inexhaustible wealth has enabled this country to get along without it. Our national financial system appears deliberately designed for the encouragement of extravagance. The taxes are fixed for an indefinite period, and the rates are based to a great extent on considerations independent of the needs of the Government."

The national revenue system is hampered and degraded by the clause providing that every direct tax imposed by Congress must be levied on the states in proportion to their population. This restriction indirectly exempts property both real and personal, and also incomes, from the jurisdiction of the national treasury, which is thus compelled to obtain its funds from burdens levied not on the wealth but on the consumption and largely on the labor of the country.

Because of its defective financial system, the greater number of its officials, their higher salaries, their usual inexperience and inefficiency, their inferior discipline and their dishonesty in many cases, the American government is the most expensive in the world. According to calculations

made by political statisticians, it pays five times as much for the same amount of work in some important departments as does the British government. Several years before his election to the presidency, Garfield declared in Congress, that the clerks, laborers and messengers in the federal service in Washington received twice as much as was paid for similar service by private citizens; and he implied that the work was not so well done. He quoted and accredited the words to Hugh McCulloch, Secretary of the treasury under Grant, "If you will give me one-half what it costs to run the treasury department of the United States I will do all its work better than it is done and make a great fortune out of what I can save."

A remarkable feature in the management of the federal finances is the payment of \$2,000,000,000, of military and naval pensions in the twenty-five years ending with June, 1899. The main motives for this most extravagant expenditure were not to clear off the debt and properly reward the soldiers and sailors who saved the Union, but to buy the votes of the pensioners and of those people who derived a profit from a high protective tariff. If the money had been used to extinguish the national debt, there would have been no excuse for a high tariff, which last the Lobby wanted, and therefore it also wanted an extravagant pension list.

Partly because of the lack of harmonious and responsible financial management, many of the states have repudiated debts amounting in the aggregate to about \$180,000,000 and some of these states were, at the time, abundantly able to pay, and in this class were Pennsylvania, Michigan and Minnesota. Those Southern states which had been plundered by the carpet-baggers had better excuses for their pecuniary delinquencies, which nevertheless were most disgraceful to the nation.

Sec. 36. *Presidential Impeachment.*—The government of the United States was subjected to a very serious strain in 1867, when Congress, having quarreled with the President about the method of restoring the Southern States to their share in the federal government, attempted to expel him from office by the process of impeachment. In reference to this affair Bagehot (*English Constitution*, 52) says “The quarrel, in most countries, would have gone beyond the law and come to blows; even in America, the most law-loving of countries, it went as far as possible within the law. Mr. Johnson described the most popular branch of the legislature,—the House of Representatives,—as a body ‘hanging on the verge of the government’; and that House impeached him criminally, in the hope that, in that way, they might get rid of him civilly. Nothing could be so conclusive against the American con-

stitution, as a constitution, as that incident. A hostile legislature and a hostile executive were so tied together, that the legislature tried and tried in vain, to rid itself of the executive by accusing it of illegal practices. The legislature was so afraid of the President's legal power that it unfairly accused him of acting beyond the law."

Sec. 37. *Nullifying Courts.*—With forty-six conflicting constitutions, and forty-six conflicting legislatures, and five hundred elaborate municipal charters, each differing from all the others, and 7,000 new statutes adopted annually in haste by men, many of whom are grossly ignorant or dishonest,—with all these features in our government, we need a political balance wheel different from any found in other governments. Fortunately we have it in our system of courts clothed with authority to nullify statutes, and ordinances by declaring them unconstitutional. Even a Justice of the Peace may declare a federal law to be unconstitutional. Such a judicial power would be an intolerable evil in a well-organized state; here it is a blessing.

Sec. 38. *Military Discord.*—Our military system is disgracefully weak and discordant. Our land troops are divided into two classes, the regulars or national army and the militia or state armies, each state having its independent military organization. The federal constitution pro-

vides that Congress shall have power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions"; and also "to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress." It also provides that the United States shall protect each of the States "against invasion; and on application of the legislature, or of the Executive (when the legislature cannot be convened against domestic violence."

These provisions assume that there is a militia or military force in each of the states; that this force is, under ordinary circumstances, to be paid, enlisted, and uniformed by the State, under a State oath of allegiance and under a State flag, if the State see fit to so order. The appointment of the officers and the training of the State are irreconcilable with uniformity of discipline or strength of national feeling.

A statute of 1795 and another of 1861 provide that the President shall have authority to call out the militia whenever he considers it necessary and the Federal Supreme Court has decided that he has exclusive authority to determine that necessity; but so long as the governors

are not under his control and may refuse to obey his orders, as they did in 1812 and in the war of 1861, without exposing themselves to the least danger of punishment, the President's control over the militia is extremely uncertain. In 1863 General John A. Dix, fearing that Governor Seymour of New York would call out the state militia to resist the orders of the President of the United States, suggested that an order calling out the militia of that state should be sent not to the Governor but to his subordinate, General Sandford (*Memoirs of J. A. Dix* II, 342). Dix was an able man, learned in the law, and his suggestion, a proper one under the circumstances, made by him in his position of commanding general in New York city, implies a great defect in our military system. In providing that the officers of the militia shall be appointed by the State, the Federal Constitution implies that they shall be subject to the orders of the Governor who is their local head.

The militia is not only to a large extent independent of, but is also by certain conditions of its organization, hostile to the regular army. When called out for war, its officers are appointed by the governors under the Spoils System; and they are not only ignorant of military affairs but, as a class, they have no strong motives to learn their duties, to enforce discipline or to protect the government against gross frauds in contracts for transportation and supplies.

The state troops and their officers possess great political influence and therefore, on many important occasions, take precedence of the regular army when laurels are to be gained or honors enjoyed, and they are shielded against exposure and punishment for their blunders, their cowardice, and their frauds. The political "pull" hampers and paralyzes the highest integrity and courage in the Presidency, in the Cabinet and in Congress.

Sec. 39. *Conflict Review*.—In this chapter, we have seen that our government is full of conflicting bothers between departments and offices, and that there is a complete lack of that harmony necessary to national credit and governmental economy and efficiency. We have no proper gradation of authority, and therefore many of our place-holders are insubordinate and are responsible to no superior except a corrupt political organization. Abuses fill all the branches of the public service and are so hidden by a pernicious system that, in most cases, the fault cannot be traced to the evildoer. Nobody is to blame. Our Independent Administration, our Committee System, our Lobby, our Log-rolling, our Independent Governors, and our Independent State Armies are unknown in other enlightened countries and are disgraceful to our intelligence.

CHAPTER III.

THE SPOILS.

Section 40. *The Party.*—Our third political evil is the Spoils System with its boss, journalistic organ, brevity and rotation of official terms popular election of administrative and judicial officers, numerous candidates (sometimes fifty) on one ballot, and the treatment of the public service as pay for partisan service. These detestable features of our government are without parallels in most other enlightened countries.

By its control over leading newspapers, political organizations, officials and aspirants for office, the Party System is enabled to fill the ignorant multitude with narrow prejudices and unsound ideas. It magnifies petty and minimizes large governmental questions. It asserts what is false and denies what is true. It exaggerates the importance of many minor points of financial policy. It fosters and strengthens local prejudices. It makes up a long platform with many vague, incoherent, insincere and fraudulent promises each devised to catch the support of some class of votes; and all when considered together, furnishing conclu-

sive proof of the gross unfitness of the men, who framed the document, to be trusted with the management of a government. It enforces rotation and the Spoils System, thus rendering it impossible for the state to get men of experience and competency in most of the offices. It stultifies the people and debases the public service.

Exclusive of the military and naval departments, our country has about 180,000 federal offices of which 80,000 are held for terms of four years, and at the beginning of every presidential term, each of them is solicited by five aspirants on an average, making 400,000 federal office seekers. In the diplomatic and consular service there are fifty applicants for each place. The state, county, city and town offices with pay or possible pickings number 500,000, and become vacant once in three years on an average. For each of these offices there may be five aspirants, making a grand total of 2,900,000 office-seekers, or nearly one in five of all the voters, who must attach themselves to some leader with influence that may secure a nomination or appointment. Thus, a large proportion of the population are enchained to the partisan organization, and are bribed to exaggerate the importance of the ostensible principles involved in the partisan conflicts. These facts go far to explain the unparalleled excitement of the presidential campaigns which touch the pockets of a large proportion of the people.

The recipient of an office knows the persons to whom he is indebted and accepts it with an implied if not an express promise that he will reciprocate by a contribution to the party fund, by a percentage of his salary, by giving the appointments of his subordinates, by awarding contracts, by making purchases, or by other official favors at the expense of the public. He who refuses to render compensation is denounced, persecuted and excluded from later favors.

The demoralization of the public service is the result not of any enfeeblement of the conscience that necessarily follows the establishment of Democratic government or induction into office, but is caused by the system which selects incompetent men for office, gives them no inducement to perform its duties properly, and if they steal, protects them as far as possible against exposure and punishment. European writers upon political philosophy are right in asserting that our official system (including short terms, rotation in office, nominations given as rewards for partisan service, and all the circumstances that accompany the adoption of the rule that the public offices are spoils to be divided among the victors in the elections) necessarily leads to corruption. No such malfeasance in office is known in any other civilized country, and no other country treats all the public offices as partisan spoils. In Great Britain, the self-governing British Colonies, France, Ger-

many, Italy, Switzerland, Holland, Belgium, Denmark, Sweden, Norway, and Spain, nearly all the servants of the government hold their offices during good behavior. They must learn their business; they do not owe their promotion to partisan influence, and if they prove incompetent or dishonest, there is no partisan influence to protect them. They work for small salaries, because their office is a life-long business, and an honor of which Americans have no example and scarcely a conception.

“What was intended” says Stickney in his *Democratic Government*, “to be a free democratic government has grown to be a tyranny,—a tyranny of a new kind,—a tyranny, not of men, but of a system. Our rulers have no wish or purpose to enslave the people. They would, if it were in their power, serve the people faithfully, to the best of their abilities. But no man in this country now has anything that deserves the name of full political freedom. The magnitude of the election work made necessary by our present system of government, with the lack of the natural organ for the thought and action of the people, has brought into existence great and powerful organizations, which so fetter the action of the citizen, of the people, and of all our public servants, that an honest, efficient administration of public affairs is an impossible thing. The whole body politic is in chains. Citizens can do nothing

but cast a ballot prepared for them by some great and powerful election organization. The people cannot freely form and utter its own judgment or will, on either men or measures. Public servants are compelled to use their public powers to serve the personal ends of the great election organizations. Those organizations control nominations, and thereby substantially appoint and largely control all of our highest public servants. The men who hold the highest public places, on whom we must necessarily depend for the efficient administration of all public affairs, are not free men. They are engaged in a perpetual struggle for political existence, and, to a greater or less extent serve the powers on whom they depend for a continuance of their political lives. So long as our present system of government continues, we can expect no permanent improvement in the administration of our public affairs."

The same author in *A True Republic* (151) complains that "The thing that we call party is the poison which makes a healthy national life an impossible thing. These great party combinations, instead of being combinations of citizens to carry wise measures in the interest of the people, are only combinations of politicians to carry elections in their interest. . . . The party oligarchy under which we now suffer is not the creation of any one set of men. The present party leaders are not responsible for its exist-

ence; they are not to be blamed for it. It is the natural legitimate fruit of our government system."

"Factions, which at one time seem bent on tearing each other to pieces, may at another time be seen snuggled together cheek by jowl. These adjustments of interest are sometimes entered into under written covenants as formal as in regular business negotiation. Of course, such instruments rarely see the light of day, for even faction fury is slow to commit such an imprudence, yet such a thing has happened. A quarrel of Pennsylvania factions made public a remarkable draught of a treaty between state and local political interests, the preamble of which set forth that it was for 'mutual political and business advantage.' [See Pittsburg newspapers of March 16th, 1896.] . . .

"The political class, like every class of business men, includes great variety of talent and character. Vulgar cheats and ordinary rogues get into politics and use their opportunities for their own pelf with as little regard for the interest of their party as they dare reveal. This class of politicians sometimes invades city councils and state legislatures, to such an extent, as to stamp those bodies with their character. Indeed, it may be said to be the rule that lobby influence, which, within its legitimate field, of advocacy, is a valuable and a really necessary adjunct of legisla-

tion, is compelled to assume a corrupt character, and it must select, for its principal service, agents skilled in systematic bribery."

Sec. 41. *The Machine*.—The student of our politics and the reader of our newspapers often encounters the term "machine" in the meaning of a political party, though he never finds the same word in the same signification in British or French usage. There is a reason for the difference. No other national parties are such machines as are ours.

Office in the United States is given by a political party under the conditions that the recipient will be controlled, in his official action, by the principles, interests, and usages of the organization, and that he will be governed by the idea that he is part of the "machine" with all the movements of which he must keep in harmony. He must regard his party as the only safe guardian of the welfare of the country. He must never do or say anything that will bring it into discredit, and therefore must not publish its delinquencies or prosecute its crimes.

Believing that the success of their party is necessary to the welfare of the country, many zealous American partisans habitually guide their conduct by the maxim "our party right or wrong," and do not hesitate to be guilty of falsehood or fraud in its service. They act as if the public treasury were to be open, without strict supervision, to

their associates; and as if embezzlement by their political friends should never be made a subject of criminal prosecution or scandalous exposure. Therefore it is that in many cases of theft from the public treasury, discovered by honest men, there is no prosecution. The general sentiment among the men influential in political circles is that such matters should, if possible, be kept secret. The exposure discredits the party and weakens it at the approaching election. The defalcations that come before the courts are numerous; but those that do not are still more numerous. A trustworthy gentleman, an intimate friend of mine, told me that when he held a responsible position in the municipal government of San Francisco, many years ago, he employed an accountant to examine the pecuniary affairs of a certain office in which many clerks had opportunities to collect fees from the public; and this accountant found that nineteen out of twenty of those clerks had pocketed moneys that should have gone into the treasury of the city. The embezzlers were compelled to pay up, so far as their embezzlement could be traced, but they were not prosecuted, nor dismissed from their places, nor exposed in the newspapers. About 1896 numerous thefts of provisions and supplies were committed in the Napa Insane Asylum by the servants of the State, and the Governor of California put a detective among the servants, who found the offenders. Not one of

them was prosecuted or exposed in the newspapers but all were dismissed. In 1862 a forged certificate was sent to the Secretary of State of California declaring that polls had been opened at the precinct of Big Springs, Mono County, and that so many votes had been given for various candidates. According to this paper, a large majority had been given in this precinct for the Democratic ticket, so large that it gave majorities to the candidates for Senator and Assemblymen for the county. The proofs that the certificate was fraudulent, that no polls had been opened there, and no population sufficient to cast one-tenth of the vote reported existed there, were overwhelming; but the Democratic Senate declared the certificate true and admitted the Democratic Senator; and the Republican Assembly declared the certificate fraudulent and admitted the Republican Assemblyman. The records of many of the legislative bodies of the United States abound with similar incidents. The party, right or wrong, is the motto of the zealous partisan.

Sec. 42. *The Boss*.—The political system of the United States is a government of the people by the party for the benefit of the bosses. It is a system of plundering the many by the few, and those few, the basest class who control any civilized state. They are worse than the worst ruling class in Europe. The chief institutions of the political party in the United States are the boss, the journalistic

organ, the township club, and the primary election, the county, state and national committees and conventions.

The Boss is the most prominent and potent institution of American politics. He is the head and manager of his party in every township, county or state, unless his power is shared by associates, as is often the case. If there are several, they usually work together because there is more profit for them in harmonious than in conflicting action. The Boss understands all the tricks of partisan management and gives much of his time to it. He is familiar with the active politicians in his district, and in case that the parties are nearly equally divided, not unfrequently agrees with the leader of the other side about a method of managing the campaign, so that each shall be sure of a profit in any event. If dishonest, as he is in a majority of cases, he levies a tribute on the public treasury or percentage on the salaries of those who obtain office by his help. The township Boss usually allies himself with the county boss, and the latter with the state boss if there be such a personage, though in most of the states there is none. The Boss attains his greatest power and the most plunder in the large and rich cities, and especially in New York, Philadelphia, Chicago, Baltimore and San Francisco.

The mastery of the Boss implies the helplessness of intelligent public opinion, a condition full of

danger in a republican country, if not inconsistent with the essence of republicanism. Henry C. Adams (*Finance* 144) complains that "the problem in the United States at the present time pertains to the control of the legislature." But why does he limit the evil to one department of the government? The evils pervade all and are highly pernicious in the administrative as well as in the legislative department.

"The Boss and the Machine," as Godkin remarks (80, 156,) "hold the keys to all our leading offices. It is they who say whether a man shall ever be allowed to compete for public favor. It is they who decide whether a second term in office shall be accorded to him, whether his career in public life shall be closed or continued. This question, as he knows well, is determined by considerations which have little to do with the real value of his public services. It is determined by secret rules of distribution in the matter of offices, of which every boss has a code. Whether the man shall have a nomination depends largely, not on his exposition of political doctrine or on his advocacy of certain measures, but, on his services as an instrumentality for the division of patronage; for it is with patronage simply, and but rarely of policy, that the boss occupies himself. . . .

"Few or none of the bosses have ever been writers or speakers or have ever been called on to dis-

cuss public questions or have opinions about them. The principal ones, Tweed, Kelly, Croker [three bosses of New York City], Platt [state boss of New York] and Quay [of Philadelphia and Pennsylvania] have been either silent or illiterate men, famed for their reticence and have plumed themselves on their ability to do things without talk. In New York they have succeeded in diffusing among the masses, to a certain extent, the idea that a statesman should not talk but simply 'fix things.'"

Sec. 43. *The Cinch*.—One of the most common and most productive forms of public plunder is known in New York as "striking," and in California as "cinching," corporations. State legislatures have authority to regulate railway fares and city council to fix the charges that may be collected by corporations for gas, electricity, water and tramway transportation, and to demand statements about the cost of works and of management, as bases for prices. A contribution made nominally to the campaign fund of the dominant party, but really to the private purse of its boss, is often the only way to escape from a ruinous reduction or a long and costly litigation.

According to the *Forum* of June, 1897, the payment of money to the boss by corporations was then a common custom in New York City, and was considered necessary as a means of protection against more costly forms of official robbery. A

leading lawyer, Mr. W. H. Peckham, declared publicly that he knew that two corporations each paid \$50,000 yearly. Mr. H. A. Havemeyer, President of the sugar trust, testified before a congressional committee in June 1894, that every wealthy industrial corporation in New York did such things. Mr. E. C. Benedict, a director in many corporations, said that "the government of this state [New York] is in three houses, and the third house [the lobby] does business on the principle of 'stand and deliver.' That's the way the legislature treats corporations. I am mentioning no names but I will say that the present ruler [boss] is as much more expensive than the former one, of a different political stripe, as an educated high-priced man is than an ignorant low-priced one."

Mr. W. D. Guthrie a respectable and able member of the New York bar said in a speech in Carnegie Hall, New York on December 23rd 1896; "Since the days of Tweed, a new system of political corruption has come into existence. The individual legislator is now seldom directly bribed. Corporations or individuals, seeking protection or valuable charter rights at the hands of the legislature, retain a recognized political boss and pay him for the service to be rendered. This secures the desired favor. They pretend that these payments are contributions to the party, but, as a matter of fact, they are tributes to the fund of the boss, who turns over to the national, state or

county committee as much of the spoil as he sees fit, distributing most of it for the purpose of electing to the legislature his own nominees. In form, it is a contribution to the party; in substance and truth, it is bribery and black-mail. Most of these contributions are made by corporations. The items are entered on their books under fictitious sundry accounts and hidden from public investigation."

E. L. Godkin (*Unforeseen Influences*, 161.) says "Nothing is known certainly about the amounts levied in this way, but there are two thousand corporations in New York [city] exposed to legislative attack, and in the aggregate their contributions must reach a very large sum. Since the boss has obtained command of the legislature as well as of the city,—that is since Tweed's time,—they are literally at the mercy of the legislature, or, in other words, at his mercy. Their taxes may be raised, or, in the case of gas companies or railroad companies, their charges lowered. The favorite mode of bringing insurance companies to terms is ordering an examination of their assets, which may be done through the superintendent of insurance, who is an appointee of the governor and Senate, or, virtually, of the boss. This examination has to be paid for by the company and, I am told, may be made to cost \$200,000; it is usually conducted by politicians out of a job, of a very inferior class. To protect themselves from

annoyances of this sort, the corporations, which it must be remembered are creations of the law, and increase in number every year, are only too glad to meet the demands of the boss. Any campaign contribution, no matter how large, and it is sometimes as high as \$50,000 or even \$100,000, is small compared to the expense which he can inflict on them by his mere fiat."

The Boss as the same author says (118) "summons from every quarter needy young men and helps them to get into places where they will be able to add to their pay by some sort of corruption however disguised, perhaps rarely direct bribery but too often black-mail or a share in jobs. To such it is not necessary that the legislature should be an agreeable place, so long as it promises a livelihood. This system is already working actively in some states; it is spreading to others and is most perceptible in the great centers of affairs. It is an abuse too, which, in a measure, creates what it feeds upon. The more legislatures are filled with bad characters, the less inducement there is for men of a superior order to enter them; for it is true of every sort of public service, from the army up to the cabinet, that men are influenced as to entering it by the kind of company they will have to keep."

The American citizen as Moffett remarks (*Suggestion* 8) "is fond of calling himself a sovereign. As a rule however his only act of sovereignty is

that of deciding which of two bosses shall rule over him. When the two bosses are privately in partnership, as they often are, the principle of independent self-government, as we practice it, is carried to its logical limit." It then reaches its illogical limit when they are not partners.

Sec. 44. *The Organ*.—Next to the Boss, the most prominent if not the most pernicious institution of the American Party System is its Journalistic Organ, the average daily of the city and the weekly of the county. It owes its existence to the office-seeking class, panders to their low policy, and often owes much of its profit to the public printing which it gets from them corruptly. Most of its readers want something better intellectually and morally but they are not organized and they do not control the plunder of the treasury and therefore they cannot maintain newspapers adapted to their tastes. The main duties of the Journalistic Organ are to assert that the enforcement of the party's platform will supply all the political wants of the country; that the boss is a noble patriot; that the Spoils System enables the people to retain control of the government; that civil service reform would establish an office-holding aristocracy; that capital is the enemy of labor; and that monopolies and trusts are the greatest dangers to free institutions.

It is a mistake to believe the common assertion that the newspapers are as good as the community

which supports them. The public opinion is above the level of its corrupt journalists and office holders, but having fallen under their yoke has not been able to emancipate itself from them. The Party System has blinded some and muzzled others of those who should have led the way to reform, but the multitude will overthrow the abuses of the present, as their ancestors overthrew those of the past.

A large part of the business of the partisan managers and their journalistic and stump-speaking sycophants is to magnify the importance of small questions, to minimize that of large ones, to mislead the people with false ideas, and to fill them with the hope of receiving services that are not to be rendered to them. Therefore great outcries are made about matters of relatively little significance, and promises are published with no intention of keeping them. If any large class has conceived a prejudice in ignorance and folly that it is the victim of oppression by some other class with a smaller number of votes, the politicians will do their utmost to strengthen the prejudice and increase the folly for the purpose of catching the votes of the many.

Sec. 45. *The Club*.—Third among the institutions of the Party System, coming after the Boss and the Journalistic Organ, is the Township Club, an association that pretends to represent all the members of the party in its township, but really

represents only the managers of the local organization, and is so constituted that they and their followers have ordinarily complete control of all its proceedings. They exact a promise from all members of obedience to the majority, and this majority consists of men subject to their orders. In 1858 out of 58,000 Republican voters in New York city only 800 belonged to the Clubs, which made the nominations; and in some other cases, the proportion of club members to voters has been even less.

The Club directs the local work of the party. It designates the nominees for the township offices and the delegates to the county convention which makes up the county ticket, or if such business is to be done through the agency of a primary election, it manages that affair, selects the men to receive and count the ballots, fixes the time and place, and formulates the qualifications of voters in such a manner that the independent and intelligent voters generally shall not participate, or at least shall not obtain control.

Sec. 46. *The Convention.*—The township club or the primary election designates delegates to a county convention which nominates candidates for county office, and elects a county committee and delegates to a state convention. An aspirant to a county office, whom we shall call Smith, a member of the dominant party, wants to be sheriff. With a commendatory letter from the county

boss, he visits all the townships a month or two before the county delegates are to be chosen, sees the township boss or bosses, explains his plans, listens to theirs, tries to come to an agreement for their gratification and his own and promises to reward them for successful efforts in his service. He seeks the aid of the Justice of the Peace, the Constable and the Postmaster; if he is an influential man, they want his help and give theirs in return. Taking advantage of their personal feeling and political ambition, Smith manages to secure a dozen supporters, if possible, in each village, and when the time for the township meeting comes round, they visit their friends and urge them to attend and to vote for the men selected as Smith's delegates. Out of two hundred Republican voters in a township, perhaps thirty attend the meeting; twenty, including three opposed to Smith, understand, or feel an interest in the proceedings, and Smith's delegates are chosen. If in this manner Smith carries a majority of the townships he is certain, before the convention meets, of the nomination. If he have only a third or fourth part, he will agree with a candidate for another office, to join forces or, perhaps, with others, until the combination is strong enough to make a majority of the Convention. Sometimes the delegates object to being traded off, but usually they are entirely under the control of the man in whose interest they were

chosen. Not unfrequently he pays all their expenses in attending the Convention. They may spend a day in going to the County Seat, another in returning, and sit in the Convention two days, making four in all. Generally the members of Conventions are not disposed to do such things for nothing. They expect something in return, and often demand cash for their votes from candidates to whom they have made no promises.

It is ordinarily understood that the delegate pledged to a certain candidate will not only vote for him, but will accept all the bargains and fulfill all the pledges necessary to secure his nomination; but after that is gained, he is free, and may make as much for himself as the situation permits. Most of the members of the Convention of a dominant party are pledged before they are elected; otherwise the managers would not foreknow the result as to the most important places and would fail in the chief business entrusted to them. The state and national conventions are managed on similar principles.

Every sheriff, county clerk, recorder, treasurer, tax collector, and assessor has the exclusive authority to appoint his subordinates; and these places are greatly coveted because the hours are brief, the work easy and the pay twice or three times as much as the deputy could get in any other occupation. Such appointments are often given to pay for aid in securing the nomination.

Thus when Smith and Jones are aspirants for the office of Sheriff, they may find that if both keep the field, both will probably be defeated, but that if they combine, one of them can certainly be elected. Then they may toss up for the nomination, with the stipulation that the winner shall give the place of chief deputy to the loser. In many cases the friend who gives security for the official, designates the chief deputy who is to have charge of the books and funds. The deputy who has no strong backing may have to contribute a share of his salary every month, to the man who appointed him or secured his appointment.

Custom, now well established, requires every national convention that nominates a presidential ticket to set forth in a Platform the principles which will guide the representatives of the party if it should obtain control of the administration. The election of the candidates closes the contract between the voters and the new officials. That is the theory; the practice is that partisan managers try to cheat the multitude with ambiguous phrases. A common feature of political hypocrisy is that the opposition accuses the administration of violating the constitution and yet adopts similar measures when it obtains the power; and justifies itself by the assertion that it is so honest that it can safely do things which would be very dangerous if done by the rogues of the other side.

Sec. 47. *Internal Improvements.*—For the purpose of catching votes in doubtful campaigns, all the Republican and Democratic national conventions from 1872 till 1892, to the great disgust of the machine politicians who were a large majority, of the delegates, promised a reform of the federal civil service, “honest civil service reform,” as the Democratic convention called it in 1884; and both parties enacted laws to secure the appointment of officials for merit and to secure their retention in office during good behavior. In 1896, the Democrats, who had emancipated themselves from the influence of Cleveland, grew tired of their hypocrisy and declared against “life tenure in office” and in favor of return to the spoils. Then the Republican administration, released from its fear of being outbid in this matter by the opposition, threw open to the spoilsmen many offices from which they had been excluded for years.

The region south of the Potomac and Ohio rivers does not possess any long land route of the first importance for commerce, nor before 1830 did its traffic demand any great canal or macadamized road; and partly because of these facts the Democratic party, which had its stronghold in that part of the Union, was hostile to the “internal improvements” at the expense of the federal treasury. While the south had no enterprises of this kind, the north was going ahead with

wonderful energy. The Erie Canal connecting the Hudson river with Lake Erie was the most extensive, the most costly and the most brilliantly successful industrial enterprise of its time. It stimulated Pennsylvania to make her canal from the Delaware to the Ohio; Ohio to make two from Lake Erie to the Ohio; Indiana to make one from Lake Erie to the Wabash; and Illinois to make one from Lake Michigan to the Illinois river. In 1815 Congress, had declared by resolution that it had constitutional authority to construct post roads, and though the strict constructionists protested, this view prevailed in the government for more than a dozen years. In accordance with it, the National Road was planned to be about six hundred miles long from the Ohio river opposite Wheeling to the Mississippi opposite St. Louis through Indianapolis, nearly straight in its course, and a hundred feet wide, with a well graded bed of macadam, the grandest wagon road ever surveyed. It was completed through Ohio and work on it was then stopped by President Jackson. Under his influence the Democratic platforms of 1840 and 1844 declared that the federal government had no constitutional authority to make internal improvements, and this policy prevailed until 1860. Since then the Democrats have denied the right of Congress to appropriate money for such purposes, and have striven to get as many and as large appropriations as possible

for the Democratic states. In 1892 and 1896, their platforms declared in favor of the improvement of the Mississippi river, and by this they meant the lower part of the river where it runs through Democratic territory. Consistency is not allowed to stand in the way of profit.

Sec. 48. *Demagogism*.—For the purpose of catching votes the partisan managers do not hesitate to make the most disgraceful, dishonest and unpatriotic concessions. Such were the Kentucky resolutions by the National Democratic Conventions of 1852 and 1856 asserting the rights of secession and nullification, and such also was the resolution of the Democratic National Convention of 1896 promising that the Party if victorious, would pass an act providing that in certain cases of contempt of court, the offender should not be punished until after a jury trial. This was an implied promise that in case of another Pullman riot, the federal authorities would not interfere but would let the Railway Companies and the mob settle their controversies in their own way. In that Pullman affair, Eugene Debs, as President of the American Railway Union, violated an order of the federal Court in Chicago and had been sent to jail for several months in punishment, an act that contributed much to the restoration of order. To provide for the jury trial of a contempt of court would be an effective method of making the courts contemptible for inefficiency.

This Democratic bid for the votes of the Chicago rioters and their sympathizers elicited from H. J. Ford (*American Politics* 329) the remark that "Party organization, therefore, exploits outbreaks of popular folly and knavery, and caters to the prejudices of ignorance and fanaticism in a way that invests them with factitious importance and confers upon them inordinate legislative influence. This feature of American politics, more than any other, causes the national character to be misunderstood, and the worth of democratic institutions to be undervalued."

Prof. Hyslop (220) says "In the recent Presidential election, [1896] where the issue was largely the repudiation of public and private debts, and the withdrawal of federal interference in labor strikes against railways and enterprises involving public interests, and perhaps all strikes whatever, the regular Democratic nominee of the Chicago Convention supporting this demand, which threatened to lead straight to anarchy, the inmates of the New Haven (Conn.) jail were asked their presidential preferences. Of two hundred and ninety-one prisoners, two hundred and eighty-four were for the regular Democratic nominee, and only six for the Republican, and one undecided, he being insane. It would have been interesting to have obtained a general census of the preferences among the criminals of the whole country."

If the spirit of Democracy were properly represented by the National Convention of 1896, it would be a base and pernicious plan of government, much worse than an enlightened despotism.

A peculiar feature of our political system is the "pivotal vote"; that is the vote of a small class of persons who, in many elections, hold the decisive positions, and may be controlled by fraud. In the average presidential election, two-fifths of the States are surely Republican; two-fifths are surely Democratic; and the other fifth may be uncertain. Upon these most of the energies and money of the campaign managers is spent. In these doubtful States, there are small classes of voters, not more than one in ten of all in these respective States and in the aggregate not one in a hundred of all in the Union, who are ready to vote for some liberal concession to their local interests, or some excitement of their passions. These relatively few voters hold the result in their hands and it is the characteristic triumphs of a presidential campaign to capture these fools. The energy of both parties is largely turned to this ambition; and the false promise, the ambiguous promise on the platform, and the forgery published a day or two before the election when there is no time for controverting proof, are familiar parts of our political history. Demagogism is as old as popular government but never in any other country did it approach the baseness that it has reached among us.

The special object, selected just now for abuse by the demagogues, is the Trust, a combination of corporations, which owe their existence to statutory enactment, must manage their business under statutory limitations, and, in many cases, must buy exemption from legislative plunder by paying black-mail to the boss. Instead of demanding specific amendments of the corporation law, the demagogues denounce the trusts in general terms.

Sec. 49. *Rotation*.—The treatment of 400,000 federal, state, county, city and township offices, as the spoils of partisan warfare to be distributed anew after biennial or quadrennial elections, is a peculiar and most pernicious feature of the American political system. It fills the government with corruption, extravagance, inefficiency and inexperience, and has led to the general adoption of the rule among office holders that under ordinary circumstances, they must conceal the delinquencies and embezzlements of their associates.

A peculiar feature of American polity is the brevity of the term, usually not more than two years in the city or county, or four years in the state or national office. One and perhaps the main purpose of the brevity is to permit frequent rotation, so that many of those who have contributed much to the victory of the party, should, in succession, share its spoils which are the funds collected from the people by taxation.

Rotation is a device to give the control of the government to the professional politicians. It drives the good from the public service and retains the bad. It degrades the nation by giving places to incompetent men; for competency is an acquirement not to be obtained without many years of experience. The man who is successful in business or sees that he is on the sure road to success, will not accept office because he can do better and maintain his self-respect in private station. The average office seeker is a man who has failed in his attempts to get into other profitable occupation, and takes to politics as a last resort. He knows that he lacks the education and experience needed for the place but consoles himself with the thought that he is as good as the other aspirants. When he obtains it his chief ambition is not to qualify himself for it but to gain influence with the party managers to secure a renomination.

Brief official terms had their origin in New England where the towns annually elected and usually reelected their clerk, treasurer, constable and councilors, and had excellent administrations because the voters were few, intelligent, permanent and well acquainted with one another. But the same system led to pernicious results when adopted by large communities of less intelligent and less permanent citizens, who in many cases voted for candidates of whom they

knew nothing. The argument for short terms is thus made in the constitution of Maryland: "A long continuance in the executive departments of power or trust is dangerous to liberty; a rotation therefore in these departments is one of the best securities of permanent freedom." This assumes that it is better to have a succession of incompetents and thieves succeeding one another annually,—that is the practical result of annual elections generally,—than to have one honest and competent man in the office continuously. The security for permanent freedom in a succession of incompetents and rogues is not self-evident.

Sec. 50. *Office Begging*.—The custom of begging for office is a prominent feature of American political life and is adopted at one time or another by about one voter out of five, if not by a larger proportion. The beggar not only solicits a place but demands that the person, to whom he applies, shall give him a long and respectful hearing, under the penalty of driving the applicant with his friends into the other party.

Every official, who has authority to appoint many subordinates, from the President down, accepts his place with the implied promise that his conduct will be controlled by regard for the interests of his party, that he will not offend its voters and that he will maintain the custom of permitting the office beggar to intrude into his

home, to shake his hand, and occupy his time with the solicitation of political favors. Benjamin Harrison wrote thus (*This Country of Ours*, 111. 166. 174): "The President's popular receptions begin the next day after his inauguration, and are continued for a good many days without much regard to hours. When the great East Room fills up he goes down and takes his station near the door of exit. The head usher introduces some who are known or who make their names known to him, but generally the visitors make known their own names to the President, or pass with a hand-shake without any introduction,—often at the rate of forty or fifty to the minute. In the first three weeks of an administration the President shakes hands with from 40,000 to 60,000 persons. The physical drain of this is very great, and if the President is not an instructed hand-shaker a lame arm and a swollen hand soon result. This may be largely, or entirely avoided by using President Hayes's method,—take the hand extended to you and grip it before your hand is gripped. It is the passive hand that gets hurt.

"When the inaugural visitors have disappeared these popular East Room receptions are brought into order and occur usually three times a week at one o'clock. It has been suggested that a bow should be substituted for the hand-shake; but it would be quite as admissible to suggest a revision of the Declaration of Independence. The in-

terest which multitudes attach to a hand-shake with the President is so great that people will endure the greatest discomfort and not a little peril to life and limb to attain it. These are not the office-seekers, but the unselfish, honest-hearted, patriotic people whose 'God bless you' is a prayer and a benediction. They come to Washington for the inauguration, and later with visiting excursions, but they are mostly to be found near their own homes. They come out to meet the President when he takes a journey, and his contact with them, and their affectionate interest in him, revive his courage and elevate his purposes. Mr. Lincoln is said to have called these popular receptions his 'public opinion baths.' . . .

"Unless the President is very early, he will find some callers waiting for him as he passes through the Cabinet room to his office. The rules, which are displayed on large cards, announce that the President will receive persons having business with him between certain hours, usually from 9.30 or 10 A. M. until 1 P. M., except on Mondays; but the hours and the exception are very little regarded, and it is a rare piece of good fortune, during the early months of an administration, if the President gets one wholly uninterrupted hour at his desk each day. His time is so broken into bits that he is often driven to late night work, or to set up a desk in his bedroom, when preparing a message or other paper requiring unbroken

attention. Thoughtlessness is the root of all this. 'I only want five minutes'; and if he were the only one it could be spared; but his double is at his heels, and the urgent public business is postponed or done at night with a jaded mind. It may be said that untimely visitors should be excluded, and so they should; but thoughtfulness on their part would be a cure without a smart. The President's messenger brings in the cards or announces orally the names of the visitors, and they are admitted singly, or all are ushered, as they arrive, into the President's office, as he may direct. He usually receives them standing near his desk—especially when a number are present—and in the order of their official station, if they are public officers. Those not engaged with the President stand back, and the conversation with each, as he is received, is conducted in a low tone that secures some degree of privacy. There are many Senators and Representatives, often accompanied by friends or constituents, either singly or in delegations, sometimes simply to pay their respects, but more often to urge some appointment.

"In the latter case the President listens, and seems to the applicant to be painfully reticent. He concludes the brief interview by saying: 'Please file your papers in the proper department, and I will consider the matter.' This incident is repeated over and over—perhaps a hundred times in the course of a morning. The business has not

been much advanced, if at all. The appointment may not come before the President for action for several months, and in the nature of things he can recall little, if anything, of what was said so long before. He has been told that Mr. A—, an applicant for the post-office at—, is a dissipated, disreputable man, and that Mr. B—, who wants the same place, possesses all of the virtues and talents of the highest order; but if the President depended upon his memory these vices and virtues might be wrongly assigned. All this is explained over and over again to applicants and their friends, but the feeling that something is, or may be, gained by a personal interview prevails, and for the first year and a half of an administration the President spends from four to six hours of each day talking about things he will not have to act upon for months, while the things that ought to be done presently are hurtfully postponed. Generally in the case of home places, the application is for a particular office, but in very many cases, especially as to consular places, the application is general—for a place to be hunted up by the President and fitted to the applicant. Such cases are particularly trying. . . .

“The Civil Service Law has removed a large number of minor offices in the departments at Washington and in the postal and other services, from the scramble of politics, and has given the President, the Cabinet officers and the Members

of Congress great relief; but it still remains true that in the power of appointment to office the President finds the most exacting, unrelenting and distracting of his duties. In the nature of things he begins to make enemies from the start and has no way of escape,—it is fate; and to a sensitive man involves much distress of mind. His only support is in the good opinion of those who chiefly care that the public business shall be well done and are not disturbed by the consideration whether this man or that man is doing it; but he hears very little directly from this class. No President can conduct a successful administration without the support of Congress; and this matter of appointments, do what he will, often weakens that support. It is for him always a sort of compromise between his ideal and the best attainable thing.”

George W. Julian, who was a member of Congress for more than twenty years, gives in his *Recollections* (323) this account of some of his troubles with office-seekers. “During the winter [1868-9] preceding the inauguration of the President I was besieged by place-hunters more than ever before. They thronged about me constantly, while I generally wrote from twenty to thirty letters per day in response to inquiries about appointments from my district. The squabbles over post-office appointments were by far the most vexatious and unmanageable. They were singu-

larly fierce, and I found it wholly impossible to avoid making enemies of men who had supported me with zeal. I was tormented for months about the post-office of a single small town in Franklin county, where the rival parties pounced upon each other like cannibals, and divided the whole community into two hostile camps. I was obliged to give my days and nights to this wretched business, and often received only curses for the sincerest endeavors to do what I believed was right. This experience became absolutely sickening, and could not be otherwise than seriously damaging to me politically."

Sec. 51. *Inexperience.*—Nowhere is official inexperience more prominent or relatively more pernicious than in the state legislatures, the majorities of which are made up of men who have never before served in such a body or have had no legal education, and cannot draft a bill or understand its force when they read it. They serve for only three months, and in that brief period learn nothing about the science of law-making and yet they have the power to adopt new systems of revenue, to alter the guaranties of person and property, and to plunder the treasury. Because of the frequent great changes in the distribution of business and population, and also because of the established method of electing federal senators (of whom two must be elected in every six years) it is considered necessary that every legislature should

meet biennially, if not annually, and the appropriations for the maintenance of governmental institutions are made for a term not exceeding two years. They must meet, but their session fills the intelligent business men generally with serious apprehension lest folly, ignorance and corruption combined do serious damage to the public interests. When such a body adjourns without having done some highly discreditable and dishonest act, the people congratulate themselves on their escape.

Sometimes it happens that an able and successful lawyer or merchant goes to the legislature, not for the purpose of serving the public, but with the object of passing some bill which if not corrupt in motive is at least questionable in policy, and could probably not become a law unless it were pushed by an influential man who devotes all his energies during the session to its support. Such a man does not go to the legislature for reputation, because he knows that there is little prospect of success. Neither does he go for pecuniary profit from the official salary because the pay is small and is insufficient to compensate him for the interruption and neglect of his ordinary business. He usually presents his bill late in the session, and its passage is the chief object of his legislative ambition. For this he pleads, for this he makes friends, to this he devotes much of his energy, and in some cases for this he log-rolls and bribes. In

San Francisco, for instance, the opening of Montgomery Avenue, the cutting through of the hill on Second Street, and the building of the City Hall on its present site, was each secured by a man who made it the special object of obtaining a seat in the legislature; and though in each case, the advocate presumably believed that he would confer a benefit on the public as well as on himself, yet he would not have consented to serve in the legislature, if he had not desired to secure the adoption of a measure which would put a considerable sum of money into his pocket. The Montgomery Avenue and Second Street enterprises proved to be not only unprofitable to the public and to their respective legislative parents, but disgraceful to the city.

Brief terms imply inefficiency as well as inexperience. Competent men will not accept places that have no permanence. As a consequence of the rarity of high capacity and character among the officials, our government cannot safely undertake the work that is done with success by other governments. It does not own and manage savings banks, and railways, and telegraphs, and telephones, and sewage farms, and lodging houses for the poor as is done by various European governments. Few American cities own their water works, gas works, and electric light. Philadelphia made its own gas and failing to manage the business honestly or economically, leased the es-

tablissement to a company of capitalists. The federal government has numerous and very costly navy yards but its best ships are built under contract with independent ship-yards.

In the United States, there are not three times as many people as in Great Britain, but, excluding the army and navy, there are five times as many officials, though the governmental work is not so extensive nor so well done. The proportionate excess in the number of officials is caused mainly by their inexperience, inefficiency and dishonesty.

Sec. 52. *Corruption*.—Official station in the United States often perverts those of its recipients who were not, and increases the depravity of those who were previously base. Many will not accept bribes, neglect their duties or embezzle the public funds, but even these, usually, conceal or try to conceal the frauds and neglects of their associates, who cannot be exposed and punished without a public scandal that may result in the defeat of the party and the consequent installation of another set of men equally corrupt. So long as the Spoils System is maintained, there is no hope for any permanent and secure improvement. No reform can be introduced by changing the thieves; and that is what the alternating dominion of faction sometimes accomplishes in this country. The degree of depravity increases with the amount of revenue subject to control. No wonder that successful business men advise their able sons to keep out of politics.

According to an opinion prevalent among intelligent men at least one-fifth of all the members of county, city, state and national legislatures and administrative boards in the United States, are corrupt men who seek and obtain official position with the intention of accepting bribes or embezzling public money when favorable opportunity permits. Neither House of Congress or any legislature in any of the larger states has at any time within the last half century been above suspicion; and if as sometimes happens, a small state senate or city council or board leaves office with an unblemished reputation the fact is considered wonderful.

In an oration delivered at Dartmouth College in June, 1882, Senator James A. Bayard said: "A system has grown up gradually yet almost imperceptibly in our government which has reached a point of growth and power that enables it to overthrow the main objects for which our constitution and laws were established and to substitute a system which enables men once vested with official power to use that power as a stepping stone for its own perpetuation and advancement regardless of all changes in the condition of popular sentiment. . . . Thus gradually an army of mercenaries has been organized who are strong enough to control conventions and nominating assemblies, set at defiance public opinion and laugh to scorn public conscience."

In his *Constitutional History* (231) Simon Sterne says that "the Spoils System demoralizes both parties." Any influence that can corrupt the bosses who usually have a controlling influence in the Republican and Democratic organizations must be superlatively debasing. Bryce remarks correctly (1,384.) that the corner stone of practical politics in the United States is the Spoils System; if it were overthrown the partisan organizations as they now exist, would immediately disappear, or they would change so greatly that they would not know themselves.

D. A. McKnight declares (*The Electoral System of the United States*, 330) that "since that date (1829) the American civil service has been a reproach and a shame." In his *True Republic* (91) Albert Stickney asserts that "the political history of the United States, in the years since the war, has been a long story of corruption and misconduct on the part of public officers." In his *Political Problem* (28-36) the same author tells his readers that a large proportion of the officials in the United States obtain their places by the help of "professional election brokers," (that is what many of the bosses are;) and he implies that the officials must pay commission for the brokerage. There is no equal proportion of such corruption in any other enlightened country and George Wm. Curtis did not pass beyond the bounds of the truth when he said, after giving much attention to

the subject, that the American civil service was "the worst in the world."

According to D. B. Eaton (*Lalor's Cyclopedia* III 783) "The unparalleled abuses in past years at the New York Post Office and Custom House and the municipal, judicial and other corruptions associated with the names of Barnard, McCunn, Tweed and Fisk at the city of New York have made the consequences of a long and general toleration of that [Spoils] System as a part of our familiar history."

Sec. 53. *Election Frauds*.—Many statutes have been enacted in the United States for the purpose of defrauding voters of a fair share of political power. One of the most common tricks is the gerrymander, by which the election districts are so arranged that some are to have very large majorities of the party to be cheated, and others are to have small majorities of the party to be favored. By this method, with an equal number of votes, the gerrymandering side may gain three-fourths of the members of Congress or legislature to be elected in the state. With the help of such a law, the Democrats of Ohio, in 1862 when they had a minority of 25,000 votes, were enabled to elect fourteen out of nineteen congressmen. Both political parties have made a practice of rewarding the men who devised and enacted gerrymandering bills, and thus indicate that for voters generally

the partisan success is more prized than official integrity.

Frauds in elections are frequent, and among them are stuffing the ballot box with ballots not cast; false returns; the reception of votes by non-residents; the reception of many ballots from a person who has a right to cast only one; the stuffing of the register by putting down the names of non-residents; colonization or the transfer for election purposes of persons from one district to another; and bribery or payment for votes. These frauds have a large influence in the aggregate on the distribution of the offices.

It is the business of the professional politician to hold himself up as the protector of the poor against their oppressors. Sixty years ago the great enemy against whom he roused the prejudices of the ignorant was the beneficent national bank; afterward it became the protective tariff (which the great mass of the poor never felt), and now it is the trust, or great combination of capital, which reduces the costs of production and distribution and thus cheapens the prices of the necessaries and luxuries with great benefit to the multitude.

Sec. 54. *Broderick*.—David C. Broderick, who misrepresented California in the Federal Senate from 1857 till 1859 was a good type of a bad senator. He was the Democratic Boss of San Francisco from 1851 till 1859, and during most of these

years he had no business but politics, was without office, had no property known to have been acquired in a creditable way, and yet he had an abundance of money, obtained, it was reported by those who knew him well, by levying contributions on those who were indebted to him for official positions. The Vigilance Committee which rose in 1856 against the city officials whom he had put in office, organized the People's Party to deprive him of control over the city government, and succeeded in their purpose. He however managed to secure a large number of adherents in the legislature elected in November 1856, but not quite enough to give him the nomination for the federal senatorship. He secured the prize however by telling some friends of M. S. Latham that if he (Broderick) were elected senator he would like to have that gentleman for his colleague to be chosen at the same time as there were two vacancies. This declaration was meant and was understood to be an implied promise that if Broderick were nominated in the Democratic caucus by the aid of Latham's friends, Latham should be nominated by the aid of the friends of Broderick. Thus the latter secured his nomination and instead of giving his votes to Latham, he adjourned the caucus so that he might have time to make bargains with his chief rivals, Gwin and Latham, that they should let him have exclusive control of all the federal appointments in California, and

thus surrender control of the Democratic party in the state to him. His plan was to obtain written pledges to that effect from each of them, produce these pledges in the caucus as proofs that they had sold themselves to him, and use their public degradation as a power to get the nomination for his friend, J. W. McCorkle, who had no strength of his own. This scheme was foiled by the refusal of Latham to walk into the trap; Gwin, who gave the paper demanded, was elected. Broderick went to Washington and presented a list of the men whom he had selected for the federal offices in California to President Buchanan who consulted his old friend Gwin. The latter probably told the whole story, as he knew it; at any rate Buchanan refused to accept the recommendations and gave the places to enemies of Broderick. The latter then turned against the President, abused Gwin and Gwin's friends, and provoked a duel in which he was killed.

Sec. 55. *Clark*.—A notable case of legislative corruption was exposed by testimony taken by a Congressional committee on the 6th, 8th, 11th and 13th of January 1900 in the case of Wm. A. Clark, Democrat, elected to the Federal Senate by the legislature of Montana. The evidence showed that Clark bought many votes, paying \$10,000 for Democrats and \$5,000 for Republicans, and secured fifty-four out of ninety-six votes. The re-

port of the Committee was filed on April 22nd and before the Senate could act on it, Clark resigned.

Sec. 56. *War Frauds*.—In treating of the management of the federal finances during the Civil War, Bolles remarks (231) that “The opportunities for perpetrating frauds and making fortunes were improved so quickly that in a short time after the war began the people generally were disturbed by the stories of speculation. At the July session in 1861 the speaker appointed a special committee to investigate them. Beside Mr. Van Wyck, the chairman, were six more members, E. B. Washburne, W. S. Holman, R. E. Fenton, H. L. Dawes, W. G. Steele, and James S. Jackson. The committee performed a vast amount of labor, and made three reports, the first on the 17th of December, containing over eleven hundred pages, the second on the 17th of July the following year, and which was a much larger document than the other, and a third and final report on the 3d of March, 1863. One of the gravest wrongs reported was the plain violation by the departments of the law which required them in making contracts to advertise for proposals and to accept the proposal of the lowest bidder. Instead of executing this reasonable requirement, the secretaries in many cases made contracts with their friends for the furnishing of supplies, justifying themselves on the ground of public exigency. Commissions were usually paid on the purchase-money, vary-

ing from two and one-half to five per cent. The committee recommended the passage of a resolution condemning this practice, and it was passed unanimously. The resolution was especially aimed at the navy department, where most of these peculiar contracts appeared. Unhappily, they were not limited to that department. Others were found in the war department, which had been made during the administration of President Lincoln's first war secretary."

W. Van Wyck chairman of the committee said "The mania for stealing seems to have run through all the relations of the government—almost from the general to the drummer boy; from those nearest the throne of power to the nearest tide-waiter. Nearly every man who deals with the government seems to feel or desire that it would not long survive, and each had a common right to plunder while it lived. [Volunteer] colonels, intrusted with the power of raising regiments, colluding with contractors, bartering away and dividing contracts for horses and other supplies to enrich personal favorites, purchasing articles and compelling false invoices to be given. While it is no justification, the example has been set in the very departments of the government. As a general thing, none but favorites gain access there, and no others can obtain contracts which bear enormous profits. They violate the plain provisions of the law requiring bids and proposals

on the false and shallow pretext that the public exigency requires it.”

Mr. Bolles (132) remarks that “The investigating committee were subject to severe criticism from the time of beginning their work until the end of the Congress. Nearly every person who had wronged the government had friends, and sought to defend himself. Newspapers often fought valiantly for the speculators, and so did some of the members of Congress. The enemies of the committee were watchful, and improved every favorable opportunity for an assault. Especially when the members were absent from the House, investigating, in New York or elsewhere, an assailant would deliver a speech in the House, and the news would be sent abroad that the investigating committee had been attacked and no one had replied. In many ways the assailants sought to lessen the importance of the work of the committee, and to render the members unpopular. Mr. Roscoe Conkling, at that time a member of the House, sharply denounced the work of the committee, maintaining that ‘the nation, the government, classes of individuals, and individuals themselves, had suffered in character; that we had lost caste, and that much harm had come, not from detecting or exposing fraud or extravagance, but from magnifying and exaggerating what had happened, and charging and publishing to the world what had never happened at

all.' His best known ally who assailed the committee was Schuyler Colfax, of Indiana."

Sec. 57. *Simon Cameron*.—Rumor current at the time, often reported in print and extensively believed, asserted that the managers of the candidacy of Abraham Lincoln for the presidency in the National Republican Convention of 1860, held in Chicago, bought the vote of the Pennsylvania delegation by promising that Simon Cameron, of that state, should have a place in the Cabinet; but the biographers of Mr. Lincoln declare that he had not authorized any bargain of that kind, and that he considered it a most unpleasant duty to keep the contract and accept a man of extremely bad political reputation as one of his constitutional advisers. This story is told in Lamon's *Life of Lincoln* (p. 459). A congressional committee investigated Mr. Cameron's management and made a report, (*House of Representatives, 37th Congress, 2d Session, Report No. 2*) in which we read as follows about some of the bargains made by the Secretary of War for the United States: "Five thousand carbines belonging to the Government were sold to a private individual for three dollars and fifty cents apiece, and were immediately repurchased for the government for twenty-two dollars apiece, making a difference on this one transaction of nearly \$90,000. One lot of these carbines suffered this process of sale and repurchase twice. They were first sold by the Government

at a price merely nominal, and were repurchased at fifteen dollars apiece. They were again sold by the Government at the price above stated, of three dollars and fifty cents and again repurchased at twenty-two dollars. How many other times these arms did service under the purchase and sale treatment, or whether they ever did service in the field, did not appear.

“A certain contractor testified that he furnished supplies to the Government to the amount of \$800,000, on which he made a profit of over forty per cent. The purchases from him were made in direct violation of law. Two politicians in New York, one of them an old personal and political friend of the Secretary of War, had \$2,000,000 of Government money placed in a private banking-house, subject to their order for the purchase of supplies, in violation of law: \$250,000 of this money they spent without ever accounting for any of it. It was in evidence that of this amount \$10,000 was paid for a large quantity of groceries supplied by a dealer in hardware. And another sum of over \$20,000 was paid for straw hats and linen trousers. But no one in the army saw any of our troops decked in this fantastic costume. Within the period of one month \$151,000 was paid for fortifications which were to be constructed at St. Louis, before even the contract for doing the work was executed. Two steamers were purchased by a friend of high Government officials for about

\$100,000, and were immediately sold to the Government for \$200,000. One steamer was chartered to the Government for \$2500 a day, and the Government paid \$135,000 for a period in which she lay at a wharf before she was ever once used. One railroad company received for transportation in one year from the Government over \$3,500,000, being an excess over the company's entire earnings for the previous year of \$1,350,000 or about forty per cent. and the rates charged for this transportation were about thirty-three and one-third per cent. in excess of the rates paid by private individuals. The brother in law of the president of this railroad company was Mr. Lincoln's Secretary of War."

Sec. 58. *Gideon Welles*.—The Secretary of the Navy under Lincoln, Gideon Welles pursued methods similar to those adopted by Mr. Cameron and of him the Congressional Committee say "It would seem natural and reasonable that vessels to be purchased should be fitted for the use they were to be put to. The arms to be bought should have been such as could be of service. And it was very clear that the men, of all others, who would be the best judges of what was needed by the two branches of the service in the way of ships and arms would be the officers of the navy and army. And the officers of the navy, in the beginning, had nothing else on which they could be well employed except these very purchases. For we had no ves-

sels for them to command. For some reason, however, best known to the men who conducted the affairs of the country at the time, the political friends of Congressmen and cabinet members were found, of all men in the United States, to be the only ones having the needed skill and knowledge which fitted them to make purchases for the government.

“The purchasing of vessels for the Navy Department at the port of New York was taken from the Commandant of the Navy-Yard there, and transferred to a man of whom a House of Representatives Committee says that he had ‘never had the slightest experience in the new and responsible duties which he was called upon to discharge, either in the naval service, the building or buying and selling of ships, or in any pursuit calling for a knowledge of their construction, capacity, or value, never having spent an hour in either.’” The committee further say that “The evidence was abundant before the committee, that if it had been necessary to obtain the services of any gentleman outside of the navy itself, those gentlemen, combining from experience and education the knowledge most calculated to fit them for this duty, independent of outside aid, could have been secured without the slightest difficulty for a salary not exceeding \$5,000 for the year.”

The Committee say of this purchasing agent that he “received as compensation during the

period of seven weeks previous to the 6th day of September, when this testimony was taken, the enormous sum of \$51,584, as admitted by himself before the committee. When this testimony was taken, information of its extraordinary character and import was communicated to the department, in the hope that an abuse so glaring, when pointed out, might be corrected. Yet, notwithstanding the department became thus possessed of the information that its own agent was, by this system of commissions, amassing a private fortune, the committee have been surprised to learn, from a recent communication from the Navy Department furnishing them with the numbers and prices of vessels purchased by Mr. Morgan for the Government since said 6th day of September, that the cost of those thus purchased by him amounts in the aggregate to the sum of \$1,736,992. If he had received the same rate of compensation since as before that date, there must be added to the sum of \$51,584 paid him before that date the further compensation of \$43,424 for services rendered since, making in all the sum of \$95,008 paid to a single individual for his services as agent of the Government since the 15th day of July, a period of four and one-half months." And the committee add: "The committee do not find in the transaction the less to censure in the fact that this arrangement between the Secretary of the Navy and Mr. Morgan was between brothers in law."

Sec. 59. *Belknap*.—Though not more corrupt than Cameron, W. W. Belknap who held the same office, Secretary of War fifteen years later, was impeached by the House of Representatives for selling a place of post trader and to escape punishment, he resigned his office. The Senate, however, did not dismiss the charge but examined the evidence and declared by a vote of thirty-five to eighteen that he was guilty, several of the minority declaring that they voted not guilty merely because by his resignation, he had taken himself out of the jurisdiction of the court. The case was made the subject of editorial comment by the leading newspapers of London. The *Times* observed that "This event is more grave because it is confirmatory of suspicions which have long prevailed among the American public. The reputation of the official world has not of late years been so high as is desirable in a model republic." The *Telegraph*, which stood by the Union and was its most efficient British journalistic advocate during the civil war, admitted that such events "have produced and are producing that sinister opinion abroad about the national morality in the States to which no country however great can remain indifferent." The *News*, another journalistic friend of the American people, remarked that "The vicious system on which the civil service of the United States had been based and continued, in spite of numerous warnings and the teachings of

the wisest statesmen, was seen by all eyes to be bearing its poisonous fruits with remarkable fertility." The *Standard*, never very friendly to Brother Jonathan, gratified its feeling by saying, "Happily the countries are few where so gross an abuse of trust as appears to have just been confessed by the United States Secretary for War would be possible. That the public service of the United States is worm-eaten by corruption, that men are put into office for party considerations, and use their powers to enrich themselves, and that political life has degenerated into a mere scramble for the spoils of victory, all these things are notorious."

The *Contemporary Review* not referring to the Belknap case said (XL, 634.) "Flagrant dishonesty has prevailed in the United States, extending through all grades of the public service from weighers and gaugers to cabinet ministers and members of Congress."

Sec. 60. *Sanborn*.—A contract, for the collection of certain delinquent internal revenue taxes, given in Grant's first presidential term, to John D. Sanborn, caused a great public scandal. It diverted business from the Commissioner of Internal Revenue, to whose department it properly belonged, and paid extravagant percentages to an outsider. The Commissioner addressed a protest to the Secretary of the Treasury but obtained no reply, though the Secretary had previously ad-

vised the repeal of a law permitting such contracts. The matter got into the newspapers and then there was a congressional investigation. The Secretary and Assistant Secretary testified that they knew nothing of the contract except that they had signed under the advice of the Solicitor of the Treasury; the Solicitor testified that he had prepared the contract under the direction of his superior officers. The responsibility was not fixed on any one person, and the President, instead of insisting as he should have done, on turning out somebody, took no decisive action. In Bolles (429) the reader may find details and references to authorities.

Sec. 61. *New York Customs*.—In 1863, Mr. Jordan, the solicitor of the treasury, investigated the frauds committed against the government by the officers of the custom-house in New York, and in his report as quoted by Bolles (II, 519) he said: "As to the accessibility of many of those employed in the custom-house to corrupt influences, the evidence is conclusive and startling. . . . The statements herewith submitted seem to justify the belief that nearly the entire body of subordinate officers, in and about the custom-house are, in one way or another, in the habitual receipt of emoluments from importers or their agents. One lawyer declares that he has paid to a single record clerk the sum of \$1800 within a period of fifteen months. Entries from the books of an import-

ing house, doing but a moderate business, are discovered, showing that about \$1000 had been paid by it to an examiner within a period of a year. It is shown that a bond clerk, with a salary of \$1000 per annum, enters upon a term of eight years with nothing, and leaves it with a fortune of \$30,000. A majority of the officials questioned on the subject by me, admit that they receive such emoluments to a greater or less amount."

Wm. E. Dodge a prominent and reputable merchant of New York city gave the following testimony before a Congressional Committee in 1872 (*Report of N. Y. Custom House Investigation* pp. 45-47) "From the standard of character in the Custom-house, I would not take the average employés into my store under any consideration, or trust them with my business at all. . . . If character and qualifications were the standard of employés in the Custom-house that two-thirds of the number now paid by the Government would do all the business better than it is done now. . . . It cannot fail to be a charge on the commerce of New York to have its Custom-house a hospital for broken-down politicians. That is just what it is. There is no use in talking about it; that is just what it is. There are men there—hundreds of them—that I would not allow to come in my office if they would come for nothing. I would not trust them in my store to have anything to do with my goods. They are broken-down politi-

cians, skilled only in political manipulations. For rapidity and correctness in performing the business, and the intricate calculations necessary in the Custom-house, a man should learn and understand it and get the facilities. In our house we train men for particular branches of business and have clerks who have been at the same desk for twenty and thirty years. A man who has been in the Custom-house for ten years knows how to do the business, where to find the necessary papers, etc. In his place there comes a stupid, drunken, broken-down, swearing fellow, whom you have to tell how to do his business and show where to find the papers."

The New York Custom-House, while under the control of Chester A. Arthur, afterwards President of the United States, was subjected in 1877 to an investigation of which John Sherman who was then Secretary of the Treasury writes thus in his *Recollections* (II, 678) "The investigation showed that ignorance and incapacity on the part of the employés were not confined to the surveyor's department, but were found in other branches of the service,—creating delays and mistakes, imperiling the safety of the revenue and the interests of importers, and bringing the service into reproach. It was intimated by chiefs of departments that men were sent to them without brains enough to do the work, and that some of those appointed to perform the delicate duties of the ap-

praiser's office, requiring the special qualities of an expert, were better fitted to hoe and to plow. Some employés were incapacitated by age, some by ignorance, some by carelessness and indifference, and parties thus unfitted have been appointed, not to perform routine duties distinctly marked, but to exercise a discretion in questions demanding intelligence and integrity, and involving a large amount of revenue.

“The evidence shows a degree and extent of carelessness which we think should not be permitted to continue. This point was illustrated to some degree by the testimony of the chiefs of the appraiser's department, the important duties of which would certainly justify a reasonable exactness. The invoices, which are recorded in that office, and which are sent out to the different divisions to be passed upon and then returned to the chief clerk, are found to exhibit, on their return, errors on the part of theseveral divisions,—according to one witness, nearly eight hundred errors a month,—although the number by the appraiser was estimated at a less figure. A part of these errors may be assigned to a difference of opinion as to the classification of the goods; but fully one-half are attributed to carelessness. At the naval office it was stated that the balance in favor of the government, of the many and large errors which they discover in the custom-house accounts of the liquidation of vessels and statements of re-

fund, amounts to about a million and a half of dollars per annum."

Sec. 62. *Senatorial Courtesy*.—The judges, attorneys and marshals of the federal courts, the collectors of customs and of internal revenue, the appraisers of imported merchandise, the superintendents of the mints, the registers and receivers of the land offices and the postmasters of the large cities hold their places by presidential appointment and senatorial confirmation. The Senate having the power to defeat the presidential appointment, has adopted the rule that all names, not acceptable to the administration senator of the state or district in which the office is situated, shall be rejected. That is they divide up these offices among their dependents. This is called the rule of Senatorial Courtesy, implying that it would be discourteous to a Senator of the administration party to deprive him of the privilege of controlling the large federal offices in his territory. For similar reasons, the Congressmen claim the control of the appointments of the petty federal offices in their districts. The Presidents have found that the members of both legislative houses will not do the work necessary to the conduct of government business unless the control of the appointments is given to them; and have submitted to the unavoidable evil, to which custom has given its sanction.

A remarkable illustration of this custom occurred about 1875. Some federal officials in Texas were found guilty of committing serious frauds and were dismissed by the head of the department in Washington, and the President nominated other men to fill their places. The Texas Senator who had selected the thieves protested against their removal and demanded that confirmation should be refused to the successors, and thus his friends should be restored to their places. The majority of the Senate, however, declared that the gentleman from Texas was overstraining the rule of senatorial courtesy, which did not go to the length of keeping thieves in office when the proof of their guilt was conclusive and notorious.

As the Senator may designate important appointments, so if he should fall into discredit with his party, his selections are in danger of being punished for his political offenses. Thus when Charles Sumner, though he continued to be an ardent republican, refused to follow President Grant in his wild scheme to annex San Domingo, he was punished by the removal of his friend John Lothrop Motley, the historian, from his place as Ambassador to Great Britain.

The federal senatorship is attractive to some millionaires and bosses because of its large patronage, its long term, its high political influence and the ease with which it can be acquired by the help of money or skill in partisan management. He

who aspires to it is not compelled to make speeches, to solicit the votes of the multitude, or to ascend laboriously through subordinate offices. If he is the boss or has the purse, he can take the prize.

Of late years the members of minority parties in the Senate have more patronage and plunder than in earlier times and McConaghie (*Congressional Committees* 293) makes these remarks about the change:—"The key to these increased privileges of the minorities, and to this enlargement or inflation of the committee system by one-third, is the demand of individual Senators for quarters and clerical aid at public expense. This motive was avowed by Lyman Trumbull twenty-five years ago. When a select committee on woman's suffrage was created, Dec. 16, 1881, Senators Vest and Morrill intimated that the covert object was a room and employés for a Senatorial lord of creation. 'What these gentlemen want, to come down to the real facts of the case' said Senator Morgan, 'is a convenient body servant, a man who will wait upon them in a quiet and excellent way. It is not for the public service, it is for private service, that we are voting these messengers, and for the accommodation of a few gentlemen.' The Senate refused to abolish the Committee on Revolutionary Claims because its room belonged by custom to the minority caucus. In 1884 Senator Vest returned to the charge against 'the sinecure

committees,' affirming that there were six which had 'never had a bill or a resolution or a particle of business before them.' At that time the Butler House, rented annually for from twenty-five to thirty-five thousand dollars, was being used avowedly for committee meetings, really for individual accomodation."

Sec. 63. *Spoils Legislation.*—With Divided Sovereignty and Conflict of Departments, the Spoils System coöperates to demoralize our national, provincial and municipal legislative bodies. By its rule of rotation, it prevents the retention of experienced men in office, repels the competent, and gives the places to those who have failed in other business. Thus it corrupts the public service and lays the foundation for numerous, vast and varied frauds.

The members of Congress and of the state legislatures number about 7000 in the aggregate, and of these probably one in twenty, is fit for his place; as many others should be in the chain gang; and the majority are incompetents. The number of statutes enacted in the average year is at least 7000 or more than thirty times as many as the British Parliament enacts for a population four fold larger.

Sec. 64. *Judicial Abuses.*—Many causes contribute to make our administration of justice slow, costly and inefficient. There is a lack of harmony in the federal and state methods of procedure; and

in many cases, the jurisdictions overlap or conflict. Most of the judges hold for brief terms, get small salaries and obtain their places by popular election and by playing the demagogue. The decisions rendered by unfit judges and the statutes enacted by unfit lawmakers favor the prolongation, and the complication of litigation by postponements, rehearings, new trials, appeals, and technicalities far beyond example in any other country, civilized or uncivilized. Cases that would be dispatched within a few months in Great Britain here drag along for years. Criminal proceedings are especially slow and vexatious, as if the laws had been devised for the purpose of exhausting the witnesses for the prosecution and enabling the attorneys for the defense to draw the last dollar from the criminal and his family. It often happens that murderers of whose guilt the proof is overwhelming, are tried repeatedly with a verdict of guilty every time, before punishment is inflicted; and there is one case on record, of five trials in the court of original jurisdiction before an able, learned and honest judge, and four trials on appeal, in the state Supreme Court, before the villain's neck was stretched. Although our criminal law closely resembles that of England in most of its provisions, many changes have been made for the apparent purpose of increasing the work, the importance and the incomes of the lawyers. An average lawsuit, civil or criminal, lasts about four

times as long and costs four times as much as in England.

Most of the judges, federal as well as state, obtain their places by zealous partisan service, and sometimes, as a condition of nomination, must pledge themselves to platforms declaring in favor of certain interpretations of the constitutions and laws, thus promising to render partisan decisions after reaching the bench. Peter H. Burnett, at one time chief justice of California, said (*American Theory of Government*, 63) that in such a case the judge might properly address the lawyer, "on the other side," on these terms "I cannot hear argument upon this question, because it would be idle to do so. I have pledged myself in advance, to my constituents, to decide the question against you and I must keep my pledge to them though it may be true that you are in the right and could plainly make it appear. But as the matter now stands, this court does not in fact, decide cases itself but simply records the judgments of public opinion for the time being. I am sorry for you and your client but I love myself better than I love the law of this case, and I could not have been elected unless I had made the pledge I did and I was bound to be elected."

The high technicality, delay, expense and uncertainty of our criminal courts are largely to blame for the frequency of lynching. The expense of punishing a villain by a court is great and by a

mob, small. In 1890, perhaps an average year, 132 persons were executed under judicial sentence and 190 by mob law in the United States; and not one in Great Britain, France, or Germany. Thousands of persons participated in these lynch murders; not one was legally punished. The Americans brag they are "a law abiding people!"

Sec. 65. *Cities*.—Dr. Albert Shaw who has made a study of municipal characters and is a high authority on the subject says that those in the United States are "the very worst in the world." He might have added that as a natural consequence of this defective legislation, the municipal administrations in our country are, as a class, inferior in competency, efficiency, economy and integrity to those of every other enlightened country. The Commissioners appointed by the State of New York in 1876 to investigate the affairs of its chief city declared that more than half the total amount of city debts in the United States then outstanding had been contracted as the result of official fraud. Whether there has been any notable improvement in such matters since 1876 is doubtful. The municipal officers in three-fourths of the large cities are generally unfit for their places; and under a sound political system the city work could be done better and at half the expense by half the number of men.

The condition of things in some American cities is such says G. W. Hosmer (*The People and Politics*,

264) that "whatever way the people vote, they can only choose between alternative conspiracies of adventurers when they have little more control in their politics than they have in the choice of the Emperor of China and where the government is literally and absolutely in the hands of an oligarchy of nimble-witted thieves."

Under many administrations, the governments of New York, Philadelphia, Chicago, St. Louis, San Francisco, Baltimore, Cincinnati and Cleveland have been corrupt beyond any example recorded in the municipal history of other countries. Two of the great criminals, W. M. Tweed of New York and Henry Meiggs of San Francisco achieved world-wide notoriety; scores of other equally base but of inferior capacity, lived and died in relative obscurity.

The *North American Review* of October 1866 said "we have undertaken to write something about the government of the city of New York and we have fallen into a discourse upon stealing." The same periodical in July 1867 lamented that "The disgraceful character of the municipal government of New York is notorious. The absolute exclusion of all honest men from any practical control of affairs in that city and the supremacy in the Common Council of pick-pockets, prize-fighters, emigrant runners, pimps and the lowest class of liquor dealers are facts which admit of no question." Mr. Bannatyne a lawyer of that city in

a book published in 1887 said that "in this year's board of aldermen . . . there are five liquor dealers, eighteen political workers and one honest man." A New York Commission with W. M. Evarts at its head, to investigate municipal abuses reported in 1876 that the principal cities of the state had been afflicted by "elaborate systems of depredation" which passed "under the name of city governments." In its number for May 1899 the *Review of Reviews* informs its readers that "Chicago aldermen were bought by the street railroad magnates as if they had been so many cattle." Bryce (I, 516) observes that the officials of New York, Philadelphia, Baltimore, Chicago and San Francisco have not only plundered the city taxpayers outrageously but have done their best to corrupt the legislatures of their respective states.

In 1848 a society of citizens organized to correct some of the governmental abuses in New York City, called the Council of Political Reform, published an appeal to the people in which among other things it said "The active political classes of the City are found chiefly among its adventurers, idlers and criminals, uneducated, and without either moral or patriotic convictions. If left to themselves these classes will succeed in giving their own character to the administration of the government, and in electing men of their own stamp to office; men who are champions and exponents of the very class against which society is

organized to protect itself. This fact is strikingly illustrated in the character of the most of men who, till within two years, held office in this City. These men made it their study and effort to pervert the best provisions of law, to circumvent the most carefully considered safeguards of the public interests, to screen criminals, and to commit and cover up frauds upon the Treasury of such proportions and audacity as astounded the world. They administered their offices very much as a gambler plays his cards, solely with the view to make all the money out of the people they could, and keep out of jail. The appointed guardians of the public peace were often the very class from whom every good interest had most to apprehend, and against whom there was most need of protection."

Sec. 66. *A. D. White*.—"Without the slightest exaggeration we may assert" says Andrew D. White (*Forum*, 1890, 357) "that, with very few exceptions, the city governments of the United States are the worst in Christendom,—the most expensive, the most inefficient, and the most corrupt. No one who has any considerable knowledge of our own country and of other countries can deny this.

"Among our greater municipalities, we naturally look first at New York and Philadelphia. Both are admirably situated; each stands on rising ground with water on both sides; each is hap-

py in position, in climate in all advantages to be desired by a great metropolis. In each, what is done by individuals is generally well done and sometimes splendidly done; and in each, what is due from the corporate authorities, in matters most essential to a proper city government, is either wretchedly done or left utterly undone. One has but to walk along the streets of these and other great American cities, to notice at once that some evil principle is at work. Every where are wretched wharves, foul docks, inadequate streets, and inefficient systems of sewerage, paving, and lighting. Pavements which were fairly good at the beginning, have been replaced with utter carelessness, and have been prematurely worn out or ruined. The stranger, seeking to find his way in the first of these great cities, is guided by few signs giving the names of streets; in the most frequented quarters there are generally none at all. Obstacles of all sorts are allowed; tangled networks of wires frequently exist in such masses overhead as to prevent access to buildings in case of fire, and almost to cut off the rays of the sun. Here and there corporations or private persons have been allowed to use the streets in such manner as to close them to the general public. In wet weather many of the most important thoroughfares are covered with reeking mud; in dry weather this mud, reduced to an impalpable dust containing the germs of almost every disease, is

blown into the houses and into the nostrils of the citizens.

“The city halls of these larger towns are the acknowledged centers of the vilest corruption. They are absolutely demoralizing, not merely to those who live under their sway, but to the country at large. Such cities, like the decaying spots on ripe fruit, tend to corrupt the whole body politic. As a rule, the men who sit in the councils of our larger cities, dispensing comfort or discomfort, justice or injustice, beauty or deformity, health or disease, to this and to future generations, are men who in no other country would think of aspiring to such positions. Some of them, indeed, would think themselves lucky in keeping outside of the prisons. Officials intrusted with the expenditure of the vast wealth of our citizens are frequently men whom no one would think of entrusting with the management of his private affairs, or, indeed, of employing in any capacity. Few have gained their positions by fitness or by public service; many have gained them by scoundrelism some by crime.”

Sec. 67. *Tweed*.—Between 1866 and 1871 the city of New York was under the rule of Tweed and his associates who obtained at least \$30,000,000 by fraud, and a large additional sum by wasteful management that was perhaps chargeable rather to incompetence and carelessness than to intentional dishonesty. Several leading newspapers

of the city were pleased or bribed by advertisements for which \$1,000,000 were paid annually from the municipal treasury and most of them had nothing to say against the embezzlers until after their share of the plunder had been cut off. The main facts of these frauds are well told in a chapter of Bryce's *American Commonwealth*. Tweed was convicted of fraud but never properly punished.

An interesting feature, of this glorious achievement of the Spoils System, was the passage of a statute by the New York legislature, under Tweed's dictation, authorizing the City Comptroller, the accomplice of the great Boss, to audit and pay claims against the city with money to be derived from bonds. The claims thus audited amounted to \$12,500,000, and of this amount sixty-five per cent or \$8,125,000 was divided among five members of the Ring, Tweed taking twenty-five per cent of the whole amount or \$3,125,000. If the effete monarchies of Europe can show any municipal financiering equal to that, let them trot it out.

In 1882, John A. Dix who had been federal senator and governor of New York, in a public address (*Memoirs*, II. 401) said "It is difficult to fancy a more heinous crime, except the willful destruction of human life, than that committed by the leader of the corrupt combination by which this city [of New York] was plundered of \$20,-

000,000 through a deliberate and systematic scheme of fraud extending through a period of years; and yet, before he was shut up (it cannot be said imprisoned) six months of the twelve years to which he was sentenced, he was the subject, as he is still, of a somewhat extended sympathy. A portion of the public press contributed to this morbid and misplaced tenderness of feeling. One said his custodians were denounced because they allowed him to use his cottage furniture; another, when it was alleged that he was exempted from the usual rigors in our system of prison discipline to which no criminal ought to be subjected; and a third suggested that it would be a merciful act to pardon the old man and let him go. Now, I believe it may be truly said that he was never imprisoned in strict accordance with the sentence of the court by which he was convicted, or in the sense in which other criminals, who have committed, by comparison, the most insignificant offenses, undergo their sentences. The typical divinity who presides over the administration of public justice is always represented as blindfolded. If her bandage had been taken off at Blackwell's Island [where Tweed was imprisoned nominally] she would have witnessed what has never been seen before in the history of criminal jurisprudence—a convict who was allowed a private secretary to help him take care of his plunder . . . His escape from custody and

the indulgences extended to him during his detention, constitute the most disgraceful chapter in the history of the State, for it cannot be doubted that they were procured by corrupting public officials."

Sec. 68. *San Francisco*.—If report, generally credited by intelligent citizens at the time, was correct, the government of San Francisco during most of the years between 1880 and 1890 was directed by a boss who managed the primaries and conventions, distributed the nominations of his party, controlled the City Council and Board of Education, sold most of the fat offices and contracts, and in many cases exacted a monthly tribute from teachers in the city schools and clerks in municipal offices ranging from a tenth to a quarter of their salaries, under penalty of dismissal in case of refusal.

In the same city, a custom was maintained for many years that the assessor should have a profit from his office much larger than his salary and legitimate fees. He took advantage of the statutory clauses providing that citizens owning taxable property should deliver a list of it to the assessor on the first day of March in each year, and that in case of refusal or neglect to do so, he might fix the amount arbitrarily. These clauses are not drawn wisely; and therefore are generally neglected. The thrifty assessor saw and used his opportunity to levy blackmail. He made extrav-

agant assessments of the stocks of many merchants,—especially of aliens, unpopular men, and persons of no influence in his party,—and then sent a note to each, stating the amount and announcing that he would be in his office at a certain hour on a certain day, to hear objections if there were any to his action. The victim went to see the assessor, found that he was alone with him, and that he could have the figure reduced to a reasonable amount if he would pay one hundred dollars, \$1,000, or \$5,000 according to circumstances. Many of the victims told one another how they had been fleeced, but each had been fleeced separately, and the law left them without remedy.

Rudyard Kipling was in San Francisco once and wrote some of his experiences in his book *From Sea to Sea*. He says (II 3) "I went . . . to a saloon where gentlemen interested in ward politics nightly congregate. They were not pretty persons. Some of them were bloated, and they all swore cheerfully till the heavy gold watch-chains on their fat stomachs rose and fell again; but they talked over their liquor as men who had power and unquestioned access to places of trust and profit. . . . They banged their fists on the table and spoke of political 'pulls,' the vending of votes and so forth. Theirs was not the talk of village babblers reconstructing the affairs of the nation but of strong, coarse, lustful men fighting for spoil and thoroughly understanding the

best methods of reaching it. . . . Then I began to understand why my pleasant and well-educated hosts in San Francisco spoke with a bitter scorn of such duties of citizenship as voting and taking an interest in the distribution of offices. Scores of men have told me with no false pride that they would as soon concern themselves with the public affairs of the city or state as rake muck."

Sec. 69. *Cincinnati*.—The following exposition of the political condition of Cincinnati, in 1892 deserves full credence because it was written by John Sherman, a man of high official position, federal Senator from Ohio for many years and Secretary of the Treasury for eight years, of high character, who had the best opportunity for knowing the facts and who, years after writing them, published them in his *Recollections* (II 1158).

"As I understand, the substantial control of all local Republican appointments, and nominations to public offices or employments of every grade in Hamilton county, is practically in one man; that it is rare that anyone can secure any place on the Republican ticket, from judge of the highest court in your county, to the least important office, without his consent, and this consent is secured in most cases by the payment of a specific sum of money; that the money so collected is apportioned between the 'boss' and what is called the 'gang,' and used to control the primaries for the election of delegates to your county, state, and

congressional conventions; and that when any office carries with it patronage it is made the express and implied condition in the nomination of the candidate that this patronage must be transferred to the boss.

“I understand also that the appointments made by your local boards, and even by some federal offices, are in effect transferred to the same person to whom applicants are sent and whose recommendation decides the appointment, so that one man controls by corrupt methods nearly all the nominations and appointments in Hamilton county, and this rule is only tempered by occasional respect to public opinion, when the boss thinks it unsafe to disregard it. These methods were strikingly exemplified in the last county convention, when a decided majority of a delegation of ten representatives and three senators were nominated for the Ohio legislature, pledged beforehand to vote for the person to be designated by the boss when the time came for the election of the Senator of the United States. His decision was carefully withheld until the election was over and was then announced. In this way the vote for United States Senator of the most populous city and county in Ohio was, during the canvass, held, as I believe, for sale, not by the persons nominated as Senators and Representatives, who are highly reputable citizens, but by a corrupt organization which was able to control the nomi-

nations and practically to exercise the power to vote for United States Senator intrusted to its nominees.”

Sec. 70. *Scale of Infamy*.—In proportions as the amount of political business done in a state or city is large and complicated, as its voters include many ignorant foreigners, as its officials are numerous, as their terms are short, and their responsibility for abuses is divided in those proportions approximately, extravagance and corruption prevail. The county is worse than the township, the Union worse than the county; the state worse than the Union; and the large city worst of all.

Sec. 71. *Unfit Presidents*.—Most of our presidents were unfit for their places.

Jefferson wrote the Kentucky resolutions of 1798 declaring that the Union is a compact of the States, each of which has a right to judge for itself of infractions of the compact and of “the mode of redress,” and as nullification and secession are possible modes of redress, both are justified by these resolutions; which were adopted by the people when they elected him to the presidency knowing that he was the advocate of the resolutions. His unconstitutional and injudicious embargo inflicted great loss on New England and made the federal authority odious to many citizens. His false and malignant character has been concealed in most of our history

but is partly exposed in Morse's *Life of Alexander Hamilton*, and in Holst's *Constitutional History*.

Acting in concert with Jefferson, Madison wrote the "state rights" resolutions adopted by the legislature of Virginia in 1799; so he too was a secessionist and unfit for the presidency. He declared war against Great Britain long after he should have declared it and, because of his delay, came out disgracefully, getting no redress for the great wrong that had been done to American mariners.

Monroe was a partisan of Jefferson and Madison and, like them, a secessionist.

Andrew Jackson, a man of narrow mind and intense prejudices, was easily managed by base men who knew how to take advantage of his weaknesses. By vetoing the bill to renew the charter of the National bank, he threw the currency of the country into most disastrous confusion. Though he accepted the State Rights resolutions of 1798 and 1799 and therefore was a secessionist, he bitterly denounced Calhoun's plan of nullification; but he signed the second Compromise bill which granted the substance of South Carolina's demand. He did more than any other man to introduce the Spoils System into federal office and thus corrupt our government. He refused to enforce the judgment of the federal Supreme Court against the state of Georgia and thus practically

applied the State Rights doctrine in federal relations. He owed his election to the fact that he won the battle of New Orleans more by luck than by generalship.

Martin Van Buren obtained the presidency because he was one of Jackson's most assiduous sycophants.

Wm. H. Harrison was nominated because he had defeated undisciplined and poorly-armed Indians in two battles, and because he had no prominent political record; and also because Jackson's blundering financial measures had thrown the business of the country into confusion.

Polk was a secessionist, a demagogue and a man of ordinary capacity. Holst (II, 533) gives a clear account of his discreditable conduct in the presidency.

Zachary Taylor was unfit for his place, elected because he was a military hero.

Franklin Pierce was elected on a platform which explicitly accepted the resolutions of 1798 and 1799, the purpose of the acceptance being to prepare the way for a practical secession. In his term the Missouri Compromise was repealed for the purpose of legalizing slavery in all the territories.

James Buchanan was elected on a platform reaffirming the resolutions of 1798 and 1799; and in the last months of his term, he not only refused to obstruct the secession of the Southern Confed-

eracy but allowed a member of his cabinet to retain his place while he went to Raleigh to urge the legislature of North Carolina to secede from the Union.

The last of our presidents grossly unfit for his office was Ulysses S. Grant. The accounts of his political blindness may be read in the orations of Charles Sumner (XIV. 102, XV. 85) and the records of the trials of Belknap and Babcock.

Secessionist principles were approved by twelve presidential elections, twice each for Jefferson, Madison, Monroe, and Jackson, and once each for Van Buren, Polk, Pierce and Buchanan; yet the South was overwhelmed with fire, blood, confiscation and carpet-bag oppression because she undertook to act on the principles which the majority of the Northern States had repeatedly accepted in the presidential elections. Under our partisan system no declaration of the popular will can be trusted. The control of the platforms is in the hands of professional politicians who have no conscience.

The following story, which came to me from a source entitled to much credit, deserves a place here. Late one evening, not more than thirty, nor less than fifteen, years ago, a distinguished lobbyist, familiar in the highest official circle of Washington,—I style him Mr. Slick,—visited a distinguished millionaire,—whom I will style Mr. R. R. Prince,—and said he had come with a message

from the President of the United States, who was then at a gambling house, at such a number, in such a street, that he must have \$10,000 without delay. Mr. Prince said that the President was a cursed fool to send such a message to him, but he Mr. Prince would like to have a chat with Mr. Slick over a glass of whiskey in his dining room. While ordering his refreshment, he secretly called for a carriage, to be ready at a side door, then sat down with his guest, until he had a signal that the vehicle was ready, when he begged to be excused for a little while on account of urgent business, drove rapidly to the gambling house, found the President there, took him into a room where they were alone, learned that Slick's message was authorized, and after warning the President never to do things in that way, with him again, gave the \$10,000 in large bills without a receipt, and then hurried away, for he detested gambling houses.

The three personages mentioned in this story are all dead. I knew Mr. Prince and Mr. Slick personally, and the parts attributed to them, are in keeping with their reputations, with my conception of their character and with the relations between them as represented by current rumor.

The political managers accuse the plutocrats of corrupting our high officials, who however are incurably corrupt before they obtain positions of much influence and, after obtaining them, levy

black-mail systematically on all the great capitalists whose property is exposed to their depredations. In our political life, the boss and the corporation play the parts which were acted by the wolf and the lamb in Æsop's fable.

Sec. 72. *Presidential Candidates.*—Financial capacity one of the greatest needs of the government has never counted for much in a national convention, because it is shown only in financial reforms which disturb abuses, make enemies and cost votes. By his services in drafting the resumption act of 1875 while in the Senate, and afterwards in resuming specie payment as Secretary of the Treasury, John Sherman deserved but did not get the presidency. Robert J. Walker and Hugh McCullough were able financiers, more competent to be at the head of the government than the men under whom they were secretaries. Other able financiers like Hamilton and Gallatin were favorites with the educated few but not with the multitude and therefore were not available.

The characteristics of many presidential candidates and the influences that controlled their nomination, imply that neither eminent statesmanship, nor legal learning, nor oratorical genius, nor experience in high political office is an indispensable qualification. The most available person is the one who is the most popular with the ignorant class of people. Without the informa-

tion or the discriminating judgment needed to measure the relative merits of the candidates, the multitude follow their impressions and prefer the man who has done something to please and nothing to offend them, whose name and character have become familiar to them, and has been painted to them, perhaps most erroneously, as a heroic personage. They may elect relatively obscure men like Polk, Pierce, Lincoln and Hayes and reject men long eminent as successful and favorite congressional leaders like Clay, Webster, Douglas, Seward and Blaine. In their tribunal several petty mistakes will outweigh a multitude of great public services; and for this reason a long and prominent official record is more harmful than helpful to a candidate.

From 1832 to 1896 inclusive there were seventeen presidential elections with twice as many leading candidates, among whom twelve had been generals in war, and owed their nominations mainly to that fact. These were Jackson, Wm. H. Harrison, Taylor, Pierce, Scott, McClellan, Grant (twice), Hayes, Hancock, and Benjamin Harrison twice. Garfield is not counted because he was a leader in Congress as well as a general in the army. If, however, he had not distinguished himself in the war, he would probably never have risen to a position of political prominence. Of these twelve military candidacies, ten were successful. Fremont might be added to the

list; for though he had not been a general, when nominated for president, he owed his nomination to his reputation made while in the army.

In these seventeen national campaigns, men, who had previously held leading positions in Congress, were seven times candidates, including Clay (three times), Cass, Buchanan, Douglas; and Blaine. Of these none save Buchanan reached the presidency. Webster, Calhoun and Seward, other very eminent politicians, could not obtain nominations. Our political system requires that we should have a war once in twenty years, with some weak nation, so that we may have a regular supply of victorious generals for presidential nominees.

Sec. 73. *Purity Promises.*—The Republican Party in its national platform of 1872 declared that “we therefore favor a reform of the system of laws which shall abolish the evils of patronage and make honesty, efficiency, and fidelity the essential qualifications for public positions, without practically creating a life tenure of office.” The Democratic Party in its national platform of the same year said that “We therefore regard a thorough reform of the civil service as one of the most pressing necessities of the hour; that honesty, capacity, and fidelity constitute the only valid claims to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patronage, and

that public station shall become again a post of honor. To this end it is imperatively required that no President shall be a candidate for reëlection." Many state conventions of each party repeated these pretenses of zeal for the purification of the Government. In 1871 the Illinois Democrats and the Republicans in Maryland, Massachusetts, New Jersey, Ohio and Wisconsin, and the Democrats in New York, Ohio, Pennsylvania, and Wisconsin, and in 1872 the Republicans in Delaware, Illinois, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, and Tennessee, and the Democrats in Connecticut, New York, North Carolina, Pennsylvania and Texas, all confessed the corruption and demanded the remedy.

That these denunciations of the spoils system were insincere and were made for the sole purpose of catching votes is evident from the facts that the professional politicians, who control all the national and state conventions of both the great parties, have been and still are bitter enemies of civil service reform; that they have not given their explicit approval of its extension; and that they have not used their influence to introduce it into the administrative offices of the States, counties, and cities under their control.

The Congressional Committee on Civil Service in a report made in 1874 said: "There had been developed, mainly within a single generation, and

was existing with fearful powers of expansion and reproduction, an aggressive and unscrupulous spirit of mercenary partisanship, which, promoting and dominating the pursuit of politics as a trade, and seeking public office and party and caucus leadership principally for the spoils of money and patronage they could command, was degrading all party action in popular estimation and impairing alike official integrity, political honor, and private morality. This spirit developed and animated all over the country large numbers of little and great partisan combinations, faithful to no party principles, inspired by no patriotic sentiments, conducting no useful debates, contributing nothing to public intelligence or public virtue, but meddlesome and insatiable, everywhere, whenever any official selection was to be made or any official authority was to be exercised. More frequently obstructing, or basely conditioning, than aiding, the large and legitimate movements of the parties,—acting as the henchmen of local aspirants and the retainers of unscrupulous men of fortune, rather than as the friends of statesmen and the advocates of principles,—the active members of these organizations were becoming, especially in the larger cities, the banditti of politics and the pawnbrokers of patronage, by whom many honest and intelligent members of all the great parties were kept out of public positions and thousands of worthy voters were dis-

couraged from going to the polls. . . . When, for example, in 1868, Congress sought information of the abuses in the Departments, a member declared, in a speech in the House, that 'nothing impressed me more with the rottenness and corruption of our present want of system than the tears of those old and faithful servants, who begged that they might not be placed on record as witnesses of the faithlessness of their associates, and that it might not be known that they had been called as witnesses. Nothing but the assurance of secrecy could procure us evidence of how the people were being plundered.' . . . It would be easy to show that it has caused great numbers of needless officials and employés to be foisted upon state and city treasuries, and has been the main cause of those alarming spoliations of State and municipal funds which have so often shocked and alarmed the country. In some particulars, indeed, the abuses in these quarters seem to have been greater than in the civil service of the nation; for, since this report was begun, the judge at the head of an important court in a great city has stated to a member of this Commission that he has been compelled to resist, to the uttermost, a concerted attempt, by traders in politics in that city, to substitute their favorites for all the skilled and faithful officials of his court; and, but a short time since, the public journals of the city of New York contained a correspondence, beginning

with a demand in writing from a similar source, upon a criminal judge of high jurisdiction, that he should at once give the favorites named from each of several wards in that city, official places in his court, though none were vacant."

Sec. 74. *Decline.*—As the Spoils System has risen, the character of the government has fallen. From 1789 until 1829 the offices created by federal law were generally held during good behavior. There were no conventions, no direct participation of the populace in presidential elections, no extravagant appropriations, no general recognition of the spoils system. The degradation of the government began in 1829 when Andrew Jackson became President. In 1874 the Civil Service Committee in the House of Representatives made a report in which it said, "Only those [officials] of merit were [in the early years of the Republic] nominated or confirmed, and no removals were made in the clerical force on account of mere opinions. During eight years, Washington removed but nine persons (except for cause); John Adams, during his term, removed but nine, and not one on account of opinions; Jefferson removed but thirty-nine; Madison only five; Monroe only nine; J. Q. Adams only two. These were officers confirmed by the Senate. Of what might be called the clerical force, not one was removed save for cause, until Andrew Jackson was elected, when the era of political proscription began, from

which we are now recovering. For partisan reasons, that President removed nearly 2,000 persons in a single year. This was the inauguration of the spoils system. Perhaps no people were ever served by worthier officers and clerks than those who served the people of this country for nearly forty years after the adoption of the Constitution. Defalcations were but rarely known, and public opinion would not tolerate official delinquents in the country."

Before 1828, the same general principles prevailed in the political affairs of most of the states as in those of the Union, and then the country laid the foundation for much of the prosperity which it has since enjoyed. The National Convention, the platform adopted by the national convention, the primary election, the boss, rotation in office, the lobby, log-rolling, popular elections for judges and mayors, and the spoils system were either unknown or had little prominence. We have abandoned much of the political system which our grandfathers and great-grandfathers adopted.

CHAPTER IV.

PERIL.

Section 75. *Warnings.*—The opinions of the number, magnitude and peril of our political defects, explained in the preceding chapter, are so different from those of many books by distinguished authors, that the intelligent reader may wonder, why, if they are true, he should now meet them for the first time explained, in a manner, giving to them a most significant importance.

After a little consideration he will not doubt their accuracy. They are accredited by the precision of averment requisite in trustworthy documents. They are strengthened by their consistency with one another; and they are proved by numerous witnesses of the highest character. Many of them are familiar by name to the reader. He knows something about the frequent threats of secession in Congress before 1861 and of the compromises adopted in the hope of terminating the turbulent agitation; he remembers the widespread and long-continued strike-rebellions; and he has not forgotten the vast and numerous corruptions in the administrative and legislative departments of the Union, the states and the cities.

These things, however, did not make much impression on his mind, because some of their significant points were not brought out distinctly at the time of their occurrence and they were not brought together. That long-neglected work was left for me to do.

Intelligent Americans, who imagine that they have kept up with contemporaneous literature relating to our country, may be surprised to read here that distinguished statesmen and authors have not only predicted the collapse of our government, but have even fixed a limit within which the catastrophe will probably begin. One mentions 1910 as the year; another, 1925; a third, 1930; a fourth, 1999; and others say the disaster may happen any day. The prophets, who give us these direful warnings, are not shallow alarmists, but are among the high political authorities of the XIXth century, and include James Bryce, Herman von Holst, John Stuart Mill, T. B. Macaulay, W. E. H. Lecky, Sheldon Amos, James Kent, James A. Garfield, George Wm. Curtis, Daniel Webster, Gamaliel Bradford, Richard Rush, and W. D. McCracken. He who does not know the great weight of the opinions of these men, when they agree upon a single point, understands little of the political literature of our time.

Sec. 76. *Kent and Webster*.—Chancellor James Kent, called attention (*Commentaries*, I. 234) to “the dangerous tendency of such combined

forces as universal [manhood] suffrage, frequent elections, all offices for short periods, all offices elective and an unchecked press." By an unchecked press he meant newspapers controlled by professional politicians and not subject to a proper law of libel. In 1835, Daniel Webster spoke (*Works* IV. 179) in the Senate of the United States, against the Spoils System which Jackson had introduced into the administrative department of the federal government, and demanded a radical change, without which he predicted that our political experiment "must inevitably fail."

Sec. 77. *James Bryce*.—In his *American Commonwealth* (II. 700) written in 1880, James Bryce thus warns us: "There is a part of the Atlantic where the westward speeding steam-vessel always expects to encounter fogs. On the fourth or fifth day of the voyage, while still in the bright sunlight, one sees at a distance a long low dark gray line across the bows, and is told this is the first of the fog banks which have to be traversed. Presently the vessel is upon the cloud and rushes into its chilling embrace, not knowing what perils of icebergs may be shrouded within the encompassing fog. So America, in her swift onward progress, sees looming on the horizon and now no longer distant, a time of mists and shadows, wherein dangers may lie concealed, whose form and magnitude she can scarcely yet conjecture. . . . High economic authorities pronounce

that the beginnings of this time of pressure are not more than thirty years ahead. . . . It will be a time of trial for democratic institutions."

In another place (I. 318) he says with the evident intent of giving a warning to a people who do not understand their danger, "The liability to be caught by fallacies, the inability to recognize facts which are not seen but must be inferentially found to exist, the incapacity to imagine a future which must result from the unchecked operation of present forces are defects of the ordinary citizen in all countries" not excepting the United States.

Sec. 78. *Harper*.—The prediction of Bryce may have inspired a similar idea in an address delivered before the University of California on the 23rd of March 1899 by W. R. Harper, President of the University of Chicago. He said "Another quarter of a century of deterioration, another quarter of a century without radical modification of the present plan will put popular government in a position which will be embarrassing in the extreme."

Sec. 79. *Holst*.—Holst says that the American people regard their federal constitution with "a most ruinous idolatry" (I. 68); that their officials generally are distinguished by "half educated mediocrity" (I. 203); that Congress habitually treats important economical questions with frivolity and incapacity (I. 203); that "the politi-

cal thought of Americans is much more superficial and immature than that of Europeans" (I. 74); and is distinguished by "pharisaical self-righteousness" (I. 34); and that "It is owing only to the astonishing vitality of the people of the United States, and to the altogether unsurpassed and unsurpassable favor of their natural conditions that the state has not succumbed under the onerous burden of the curse." Elsewhere (II. 77) he says "The undeniable and sadly plain fact is, that since that time [1829] the people have begun to exchange the leadership of a small number of statesmen and politicians of a higher order for the rule of an ever increasing crowd of politicians of high and low degree, down even to the pot-house politician and the common thief, in the protecting mantle of demagogism. When people from the region lying between the limits of society and the house of correction obtained a controlling influence in politics, this at first appeared as the consequence of an unfortunate condition of local affairs. And that politics became a profession in which mediocrity, on an ever descending scale, dominated, and moral laxity became the rule, if not the requisite, people refused to consider an unfortunate condition so long as a life devoted to acquisition approached nearer to the goal of its satisfaction. Live and let live had become a general maxim to such an extent, that the politicians marvelled at even the uprising in which the

people tore to pieces the bridle to which they had been so long used, when it looked as if they were to be ridden into the abyss to which they had, since the origin of the republic, in part, been drawn nearer, and to which, in part, they had nearer and nearer glided.

“A popular state in which the generality drops into a *dolce far niente* in relation to politics, seeing in the election of their legislators, in universal suffrage and the like, in and of themselves, the guaranties of freedom, is ever on a declivitous path. . . . But when, in a popular state, politics become a despised trade, the state is brought face to face with the question of life or death.”

Sec. 80. *Mill*.—One of the best books on modern democracy, John Stuart Mill's *Representative Government* suggests in many passages the serious defects of the American Constitution which he had not studied in its details, and therefore did not discuss, except in a few brief and incidental passages. He took occasion however to express his intense dislike of our constitution, and said that it is “a collective despotism,” (166) a potent influence inconsistent with the spirit of political equality. Further he says (160, 171.) “It is an admitted fact that in the American democracy, which is constructed on this faulty model, the highly-cultivated members of the community, except such of them as are willing to sacrifice their own opinions and modes of judgment, and become the

servile mouthpieces of their inferiors in knowledge, do not even offer themselves for Congress or the State Legislatures, so certain is it that they would have no chance of being returned. . . .

“Almost all travelers are struck by the fact that every American is in some sense both a patriot and a person of cultivated intelligence; and M. de Tocqueville has shown how close the connection is between these qualities and their democratic institutions. No such wide diffusion of the ideas, tastes, and sentiments of educated minds has ever been seen elsewhere, or even conceived of as attainable. Yet this is nothing to what we might look for in a government equally democratic in its unexclusiveness, but better organized in other important points. For political life is indeed in America a most valuable school, but it is a school from which the ablest teachers are excluded; the first minds in the country being as effectually shut out from the national representation, and from public functions generally, as if they were under a formal disqualification. The Demos, too, being in America, the one source of power, all the selfish ambition of the country gravitates toward it, as it does in despotic countries toward the monarch; the People, like the despot, is pursued with adulation and sycophancy, and the corrupting effects of power fully keep pace with its improving and ennobling influences.”

In his *Discussions* (380) he observes that "A center of resistance is as necessary when the opinion of the majority is sovereign as when the ruling power is a hierarchy or an aristocracy. . . . Where no such *point d'appui* exists, there the human race will inevitably degenerate; and the question whether the United States for instance will sink into another China resolves itself, to us, into the question whether such a center of resistance will gradually evolve itself or not."

Sec. 81. *Lecky*.—Lecky is another able foreign author who seems to doubt whether our constitution will continue to work well under the influences now dominant. He says (*Democracy and Liberty*, I. 133) "As the country fills up . . . the necessity of placing the administration, in all its branches, in trustworthy and honest hands, must be more felt and the future of America seems to me very largely to depend upon the success with which reformers can attain this end."

Elsewhere he remarks (I, 113.) that "There is one thing which is worse than corruption [in a government]. It is the acquiescence of a whole people in [that] corruption. No feature of American life strikes a stranger so powerfully as the extraordinary indifference, partly cynicism and partly good nature, with which notorious frauds and notorious corruption, in the sphere of politics, are viewed by American public opinion." These remarks are acute and just. The people are not

indifferent to their political evils, but having had no satisfactory remedial plan, and being full of faith in their national future, they have tried to make the best of their situation.

Sec. 82. *Burnett*.—A lawyer, who was the first governor of the state of California and afterwards its Chief Justice, Peter H. Burnett, published a pamphlet advocating a radical reform of the American constitution (see section 101) and also an interesting autobiography. In the latter work (87) he makes the following remarks: “When the population becomes dense, dependent and suffering, and for that reason more corrupt, then will come the genuine test of our existing theory; and I think without a thorough and radical amendment it must fail. The three principles of universal [manhood] suffrage, elective [executive and judicial] offices and short terms, will in due time politically demoralize any people in the world. . . . I am now of the opinion that the masses will never permit a sound conservative amendment of our theory except by revolution, which I think will occur in the next fifty years.” Thus he wrote in 1880. In 1863 in his *American Theory of Government* (77) he said “There is no government less worthy of the respect of mankind and of the obedience of those whom it mocks with a farcical rule and protection than that which is impotent to accomplish the very ends for which government is alone instituted.”

Sec. 83. *McCracken*.—W. D. McCracken, an American who has written an excellent book entitled *The Rise of the Swiss Republic*, in which he compares the Helvetian with the American government, observes (342) that “It has become somewhat of a commonplace assertion that politics in the United States have reached the lowest stage to which they may safely go. There seems to be no longer any necessity to prove this proposition, for the general conviction has gone abroad, amply justified by the whole course of history, that no democracy can hope to withstand the corrupting influences now at work in our midst, unless certain radical reforms are carried to a successful conclusion.”

Sec. 84. *Bradford*.—Discussing the political condition of the United States, Gamaliel Bradford remarks (I. 430) that “if the government is loose and capricious; if law as well as administration is changing and unsteady; if private interests get the upper hand, and the people imbibe the idea that they are being sacrificed though they do not know how; if the men in public life are believed to be caring much more for the interests of themselves and their powerful supporters than for those of the people at large; if the only personalities whom the people can see are regarded by them with distrust and contempt;—then the road is straight, even if more or less long, to revolution and military despotism.”

The ifs in this passage are all intended to suggest prominent features of the political condition of the United States as Mr. Bradford sees them. When he says "if private interests get the upper hand" he means evidently that he accepts the cry of the demagogues that the trusts and corporations are oppressing the people, an idea which I do not accept.

In another passage the same author says (I. 56) "The future history of this country will determine whether it will be covered with immortal glory, growing brighter as the centuries elapse or whether, the Union being displaced by a military empire or destroyed and local despotisms established as the result of bloody civil wars, it will be banished to the storehouse of political relics. . . . Sound organization is the basis and foundation stone of permanent success and to it we, in this country, must turn our attention, if we wish to escape evils which if they are less obvious than those of a hundred years ago are hardly less dangerous to the life of the republic."

Sec. 85. *Hyslop*.—According to Prof. Hyslop, though "we indulge the pleasing illusion that democracy is a paradise" our political condition is "anarchy not government" (33) our financial management is ruinously expensive, our system of national taxation is shameful, our elections and legislatures are controlled by bribery (248) and (117) "Neither the legislature nor the electo-

rate is qualified to perform the tasks imposed upon it, and the executive is neither permitted nor able to do it. Between the constitutional disqualifications of the executive and the moral disqualifications of the legislative power the tendency seems to be straight toward chaos." He admits (278) that "our institutions are a failure," and complains (179) that our political methods are "worthy of pandemonium." He remarks further (32) that "Machine politics are completely subversive both of democracy and of the principle of responsibility for which democracy is supposed to stand. It constitutes nothing but a system of self-appointed rulers and the principle of elective representatives of which we boast becomes a farce." On another page (35) he says "A small country with a scanty population, few sources and industries and similar social sentiments may go on without much difficulty under democratic institution, [I suppose he means of the present American pattern]. But a vast territory with untold material wealth, waiting for labor, a growing population, and with an increase in the severity of the struggle for existence and the great diversity of moral, economic, political and social sentiments, must call for government that corresponds to this complexity."

Sec. 86. *Rush*.—Richard Rush, an American eminent in the first half of the XIXth century, said in 1853 (*Biography of W. W. Seaton*, 215) "This

now established practice of universal change every four years and the terrible contests and corruptions to which it will give birth in our presidential elections, the ratio of each increasing geometrically, as offices and emoluments grow more numerous and tempting, must end in breaking the government to pieces."

Sec. 87. *Wright*.—In 1892 John A. Wright a highly respectable lawyer who had been appointed by the Bar Association of San Francisco to a position on its Judiciary Committee, published a pamphlet in which (14) he said "Do we not present a pitiful, nay, contemptible, aspect to humanity? This government is part of ourselves. And if we are afflicted with a loathsome disease, should we make an exhibition to the world of our sores? If we proclaim to the world that we are incompetent to create efficient tribunals, or to select just judges, how can we hope to be respected? How can we expect our children to grow up with love of country or regard for morality? If a government can secure to us neither property or honor, how long shall we endure it? And though we may be willing to live our lives in cowardly suspicion and distrust of those to whom we commit the sacred trust of administering justice, shall not a better generation arise to destroy a system of government that debases the soul of man? . . . If the day is not approaching when we shall put faith in the impartiality of our tribunals, the

day is approaching when an end will be put to our present form of civil society." This publication by Mr. Wright provoked no protest, censure, refutation or denial; its author continues to stand well in the Bar Association and before the Bench. His complaint refers almost exclusively to the judiciary and yet that is, as all admit, by far the best department of our government, and is not worse in California than in the other states generally.

Sec. 88. *Various Croakings*.—Sheldon Amos who is an eminent living authority on the principles of government expresses the opinion in his *Science of Politics* (209) that "The United States are only beginning to grapple practically and seriously with the constitutional problem" and that "the irresponsible and autocratic powers of the President coupled with his firm tenure of office," threaten disaster.

In his *Psychology of Socialism* (337) Gustave Le Bon gives a brief account of the Pullman Strike, and then says "The United States would seem fated to furnish the Old World with the first examples of the struggles which will take place between intelligence, capacity [and] capital [on one side] and the terrible army of the unfit [on the other.] . . . The issue of the struggle in the United States will doubtless be their division into a number of rival republics." In his *Psychology of Peoples* (148), he warns his readers that our coun-

try "is threatened, in consequence of its recent invasion by an immense number of inferior and unassimilable elements, by a gigantic civil war."

In his *English Constitution*, Bagehot confesses that he cannot imagine "how any free government is to exist in societies where so many bad elements are so much perturbed."

Tocqueville's *Democracy in America*, written about 1835, was an excellent book for its time, before our Spoils System and our Committee System had obtained full swing, but is now behind the times. In many passages, it indicates its author's opinion that a satisfactory national government is impossible under a federal constitution.

In his *Study of the United States*, the Marquis de Talleyrand-Perigord laments our "unexampled political rottenness" (223) and asserts that our government is "rapidly advancing to certain ruin" (224).

A Congressional Report on Election Frauds submitted to the House of Representatives March 3, 1879, and quoted as correct by Eaton, (442) said "At the end of each four years, the entire federal patronage . . . is collected into one lot and the people divide themselves into two parties struggling . . . to control the enormous patronage. . . . A prize so great . . . would jeopard the peace and safety of any nation. . . . No nation can withstand a strife among its own people, so general, so intense and so demoralizing."

James Russell Lowell lamented (*Writings* VI. 99) in 1885 that the political condition of the country had been growing worse for the previous twenty years, and (VI. 210) that the people seemed to regard corruption of the government as something beyond remedy, and (VI. 214) that the public business of the nation was managed by a succession of apprentices, incompetent for any useful career. As Mr. Lowell had held high official station, his opinion on this subject is entitled to much weight.

In a letter written May 23d 1857 to H. J. Randall T. B. Macaulay said "Either some Caesar or Napoleon will seize the reins of government with a strong hand or your republic will be fearfully plundered and laid waste by barbarians in the XXth century." I am satisfied that this letter is genuine though it does not appear in Trevelyan's *Life and Letters of T. B. Macaulay*.

George William Curtis complains of the Spoils System (*Orations*, II. 4.) that by "vitiating the very character of the people it endangers the permanence of the nation. And yet however plain the peril, because the ship bored by a thousand worms has not yet sunk, there are those who tell us that wormeaten wood is as safe as sound timber."

In a speech delivered in Congress on January 23, 1872, J. A. Garfield (I. 3) said the great expenditure of the French government between 1860

and 1869 indicated that it was "rushing to certain and inevitable ruin," and then, turning to American affairs, remarked that "we have seen in some of our municipal and perhaps in our state governments, the same process going on, which if not arrested, must inevitably bring them to a fate hardly less deplorable."

John C. Calhoun says in his *Discourse on Government* that the Spoils System is "the most corrupting, loathsome and dangerous disease that can infect a popular government."

In *The North American Review* of July 1878, Francis Parkman remarks that "There are prophets of evil who see in the disorders that involve us the precursors of speedy ruin; but complete disruption and anarchy are, we may hope, still far off."

Eben G. Scott, author of a book on *Reconstruction* (187) hears "the mutterings of a revolution which are ominous of a violent reorganization of society."

In his treatise on *Municipal Government*, Delos F. Wilcox says "Democracy is on trial in the United States," evidently meaning that our government is a questionable experiment. He should have said that a Sham Democracy, based on federalism, conflicting departments and the Spoils, has been tried and has been proved to be a disgraceful failure.

In his *Ills of the South* (213), Otken writes that "Men, who live in the South, familiar with what

has been going on for twenty-five years, seeing the strong racial qualities of this people, involving black and white in ruin and who dare to speak out without gloss or varnish and with no selfish motive governing them, are bound to say the situation is full of alarm." On another page (227) he declares that "the factors of ruin among the black people are making steady progress."

Sec. 89. *Tropical Colonies*.—Besides the dangers which confronted our country, when most of the preceding predictions were written, others of later date, and full of serious menace, have arisen or shown themselves more distinctly. The recent acquisition of tropical colonies, Hawaii, Puerto Rico, and the Philippines, abound with difficulties and perilous problems. In all of these new possessions the majority of the inhabitants are of the black or yellow race, illiterate, ignorant of the English language, unaccustomed to self-government, heterogeneous in blood, and in many cases different in speech, and barbarous or savage in culture. They are not more fit for political power than the Jamaican negroes who, after having the ballot were deprived of it as the only means of saving the islands from anarchy.

We have no stock of men like the officials in the Crown colonies of Great Britain, educated in all the knowledge needed for the government of such possessions, and, if we had them, we would not

appoint them, because they would not be the servants of the Spoils System; and because, if we should appoint them, they would not accept the places to work for small salaries and be turned out at the end of four years. Integrity, thorough training and the safe traditions that can be acquired only under a permanent tenure of office, can never characterize the American administration under the influences that are now in control of Congress. The government of these insular possessions may be marked by plunderings, outrages, revolts, and wars to find a parallel for which we must go back to the Roman republic in the times of the Gracchi and of Cicero.

Sec. 90. *Negro Demoralization.*—*The North American Review* of June, 1900, contains an impressive and apparently a truthful article on the condition of the negroes in the United States by J. R. Straton, professor in the Mercer University at Macon, Georgia, who tells us that the proportion of crime is ten fold greater among the blacks than among their white neighbors; that it is twice as great in Tennessee and Maryland as in Mississippi and Louisiana; greater in Pennsylvania than in Maryland; and greater among the educated than among the illiterate; and that on account of their brutal acts of violence in the cotton states “there have been a dozen times within the past year or two, when the least indiscreet act on either side might have

precipitated a race war." Without a strong and wise national government this negro problem will never be solved with credit to the nation.

Sec. 91. *Parallel Predictions.*—In their number, clearness, authority and significance, the predictions quoted, in this chapter, of an approaching political convulsion in the United States, are more remarkable than those made by Chesterfield, Victor Mirabeau, Rousseau, Voltaire, Louis XV, and others of the French Revolution of 1789. Then the warnings were disregarded by the people in power and the crash was most frightful; and though our crash would be different, it too may, be one of the great calamities of history.

In 1753, thirty-six years before the attack on the Bastille, Lord Chesterfield wrote "In short all the symptoms, which I have ever met with in history previous to great changes and revolutions in government, now exist and daily increase in France." Victor Mirabeau warned his countrymen that they were in danger of a general overturn. Louis XV said "After us the deluge." Fifteen years after his death it came.

CHAPTER V.

REFORM.

Section 92. *Remedies.*—One of the greatest misfortunes of our country has been the failure of our statesmen and political philosophers to explain, in print, the main defects of our government long since, by their silence and implied acquiescence, permitting the people to imagine that the course of national affairs was satisfactory while, in fact, the evils were expanding and multiplying to a highly dangerous degree.

We need a reform which shall give us a consolidated nationality with all the attributes of sovereignty and a harmonious, honest and competent body of officials. This change is not impossible; it has been achieved in other countries where the people are less intelligent than they are here.

The national government should be consolidated not centralized. Much of the power, now held by the wire pullers, should be given to the people. The voters should be made to feel that they have much more influence in the government than they have had since 1830. Every town, city, county and province or department should have its own elections and control its local affairs, under a

system uniform from the Atlantic to the Pacific, and from Canada to Mexico. A proper method of consolidation will greatly increase the interest of citizens in their local political affairs and give them a higher pride in their nation. It will lay the foundation for a strong and universal patriotic feeling.

Our Constitution should give us one country, one nation, one flag, one allegiance, one army, one navy, one citizenship, one rule of suffrage, one monetary law, one code of civil right, one code of political rights, and one code of judicial procedure. It should be the product of the wisest statesmanship, not of the basest demagogism.

Objections will, of course, be offered to any proposed reform; those, who profit by ancient abuses, usually make strenuous efforts to maintain them. The federalists will assert that consolidation would centralize political power and destroy all the local liberties. They will pretend not to know that the cities, of Great Britain, Prussia and France, have much more independence of action than those of the United States. They will predict that the overthrow of the Spoils System would lead to establishment of a Bureaucracy by which they mean an oppressive and insolvent body of public servants; though the fact is that we now have a worse body of officials, a true Kakistocracy or government of the worst men, than can be found in any other enlightened nation.

If this book has any importance its most valuable part is the explanation of our political condition. When that is generally and clearly understood, public opinion will demand and compel the adoption of a remedy. After the people can distinctly see the processes by which they are plundered, they will, with great urgency, demand a reform, the character of which is the subject of this chapter.

For the purpose of assisting my readers to form clear ideas about the best method of reforming our government, I submit to them a proposed national constitution, different in form and expression from any heretofore drafted, and designed partly in the hope that it will provoke thought and inquiry.

Sec. 93. *My Plan.*—If the defects of our government have been truthfully described here, our citizens should not only demand a reform, but they should study reformatory plans one of which I now submit to them. All its important features have been approved by experience, the safest guide.

The present federal constitution provides that it may be changed by amendments adopted by Congress or by a constitutional Convention called by Congress at the demand of two-thirds of the states, and afterwards approved by three-fourths of the states acting either by their legislatures or by special conventions. There is no mention of a

new constitution, the authorization for which should be given by an amendment to the fifth article. I propose such an amendment so that a convention may draft an entirely new constitution,—and that Congress shall afterwards call a convention, consisting of ninety delegates, to meet after a lapse of two years in Washington to frame a new constitution, each to receive \$5,000 for his service, including the studies between the time of appointment and the meeting of the convention. The interval of two years would give time not only for study by the delegates but for discussion by all the masters of political science in books and magazines, a discussion that would interest and instruct the whole world. I would have forty-five state delegates, one from each state, appointed by its governor; and as many delegates at large appointed by the President of the United States, all to be qualified by having held some high office in the federal or state government or a presidency or legal, political or financial professorship in a great University.

As suitable persons for membership in this convention I suggest, without their permission, Benjamin Harrison, Grover Cleveland, Thomas B. Reed, John G. Carlisle, Andrew D. White, Seth Low, Prof. Woodrow Wilson, Richard Choate, James Olney, Prof. Oliver W. Holmes, Dr. Edward R. Taylor, Prof. F. J. Goodnow, Prof. J. H. Hyslop, Horace Davis, Prof. H. J. Ford, Prof. E.

R. A. Seligman, Prof. Henry C. Adams, Gamaliel Bradford, Albert Stickney, Albert Shaw, Abbot L. Lowell and Dorman B. Eaton.

Sec. 94. *New Constitution.*—This is the form of the new constitution which I propose:—

1.—The people of the country hitherto known as the United States of America, adopt this constitution for the purposes of reforming their government, defining the character and spirit of their political institutions, increasing their harmony and prosperity, developing and more precisely defining their political and civil liberties, and limiting the power of their national legislature.

2.—The name of the country shall be and that of the nation, the Republic of

3.—The Senate, the national legislative body, shall provide for the efficient protection of all citizens, for the maintenance of law and order, for the prompt and cheap settlement of civil and criminal litigation, for the enforcement of political equality, for the promotion of the greatest good of the greatest number, for the advancement of knowledge and education, for the encouragement of the useful and ornamental arts, and for the preservation of harmony between the different classes of society.

4.—The Senate shall be a single legislative body with one hundred and ninety members, divided into three classes. The first class shall number one hundred and thirty-five who shall be elected

by the people for full terms of nine years by forty-five election districts, each of which shall choose one senator every third year, except that at the first election and at the second election under this constitution, some shall obtain only parts of full terms, as distributed by lot after the first election. The second class shall number forty-five, who shall be elected by the Senate itself for full terms of nine years, fifteen every third year, except that at the first election fifteen shall be chosen for three and fifteen for six years. The third class shall number ten and shall be appointed by the President to hold during his pleasure. No one shall be qualified to be a Senator of the second or third class unless he shall have previously served a full congressional term under this constitution or under the constitution of 1787, or has been a member of the cabinet, or has been judge of a court of record for four years, or a colonel, or higher officer in the army of the country, or captain or higher officer in the navy of the country, or has been the governor of a state or province, or unless he be appointed to the office of Senator by the President for the purpose of making him a minister. By a majority vote Congress may expel any of its members, and such expulsion shall disqualify its object to become a member again until after a lapse of eight years. A military or naval officer appointed or elected Senator may retain his rank, with a right to restoration to

active service after the close of his senatorial term, if his age permits.

5.—The Senate shall have authority without a trial to remove from office the President; and by a two-thirds vote without a trial to remove any officer appointed by the President; and such removal shall render the persons so removed incapable of holding any office under presidential appointment until after a lapse of five years.

6.—The Senate shall provide for the organization and define the jurisdiction of the judicial department of the government including a Supreme Court and subordinate tribunals.

7.—The political divisions of the country are subject to the control of the Senate which shall enact laws for their government, giving to the people a large influence and an active interest in the management of their local affairs under a harmonious and a well disciplined official system.

8.—The head of the government styled the President, shall be elected by the Senate to hold office during its pleasure. He shall appoint the Ministers, the Chief Justice and the Associate Justices of the Supreme Court, and of the provincial Courts, the Governors of the provinces, the ambassadors to foreign nations, the generals, colonels and captains of the army; the admirals, commodores and captains of navy and such other officers as the Senate may direct, and under such laws as the Senate may enact. He and his sub-

ordinate officers under his direction, shall have power to declare martial law, and to suspend the writ of Habeas Corpus. The judges and other officers to be appointed by the president under the authority of this section, and the subordinate administrative officers shall hold office during good behavior, and may be dismissed in methods prescribed by the Senate.

9.—In case of the removal of the President from office, or of his death, resignation or inability to discharge the duties of his office, the senior member of the cabinet shall succeed to his office and exercise its duties until the Senate shall elect a person to fill the vacancy. The right of succession to presidential authority after the head of the cabinet shall devolve on the other members in regular order, in case of vacancy or inability.

10.—No person shall be President or justice of a national court, or member of the cabinet or governor of a province unless he be a native of the territory that now belongs at the time of his birth to the United States, nor unless at the time of his election or appointment he be thirty years of age. Residence in a congressional district or in a province shall not be a necessary qualification for any office in the national government.

11.—The Cabinet shall comprise twelve ministers, who shall be the administrative Committee of Congress and shall be acceptable to the major-

ity of that body. One of them appointed by the President shall be Prime Minister and he shall appoint and may dismiss his associates. The twelve shall each be at the head of one of the administrative divisions first the Interior; second the Treasury; third the Exterior; fourth the Provinces; fifth Law; sixth Education and the Fine Arts; seventh Commerce; eighth Manufactures; ninth Agriculture and Mines; tenth Mails; eleventh Army; and twelfth Navy. The Prime Minister may have charge of any department. The jurisdiction of these divisions may be defined and changed by the Senate.

Sec. 95. *Remarks.*—A legislature organized on my plan would be superior to any described in history. In its single chamber, its long term of membership, the slow change of its partisan character, and the administrative experience of its members, it suggests the Roman Senate, to which it would be superior because the majority of its members would be lawyers, scholars and business men, whose ambition it would be to enrich their country by the arts of peace, and not by the plunder of hostile countries and subject provinces.

A serious defect in nearly all the national legislatures of our time is that all the members of the popular house, elected by the people, are chosen at the same time, thus facilitating great changes in membership and sudden alterations in policy.

The proper remedy for this evil is the rule, approved by experience in some municipal councils, that not more than one-third of the members shall be chosen for full terms at any one general election, and that every electoral district shall have three members, each to hold his office for a full term of six years.

Another principle that has been applied with excellent results on municipal councils, and would serve as well on national legislatures is that of filling one-fourth of the places by appointment with persons who have distinguished themselves in the public service and have acquired a large stock of valuable official experience. This method of securing a fit man for a legislature reminds us of the Roman Senate, every member of which was appointed for life after he had held the office of Consul or Prætor to which he had been elected by the people after serving creditably in ten campaigns, usually in some responsible positions of command. Thus the Senate collected among its members the highest ability and experience of the republic. It made Rome the mistress of the world and exerted a political influence on mankind inferior only to that of the English Parliament.

In the British Parliament and in the Congress of the United States, the two legislative houses represent separate classes or interests which must cooperate to make the government successful.

No such reason exists for the maintenance of the bicameral system in our state legislatures, but in them also, two chambers are considered indispensable because each falls under the control of a leader or clique, and each corrects many errors and defeats many injudicious or corrupt purposes in the work of the other. The less fit the men for their positions, the greater the need of a separation into two houses.

The second chamber and the veto are valuable where incompetency and dishonesty are so prominent among legislators as they are in the United States now; but under a Cabinet government, with a well constituted Congress, a second Chamber would be an element of danger, by leading to conflicts of polity and compromises of fraud such as are now frequent in Washington.

The number of Senators should not exceed two hundred; as many as could participate actively in legislative proceedings. They should hold for long terms so that their places will be coveted by able and successful men; and not more than one-fourth of them should be elected by the people in any one year, so that the partisan character of their body should not be subject to frequent and sudden changes.

All the national laws should emanate directly or indirectly from the Senate. It should have exclusive jurisdiction to define all legal rights, provide for their enforcement, enact civil and

criminal codes, and direct the methods of judicial procedure. It should regulate suffrage, and maintain or control educational, charitable and correctional institutions. All the courts should be organized on a harmonious plan, with strict subordination of the lower to the higher tribunals, the judges to hold for life under administrative appointment.

The election of the President by popular vote is a blunder. It brings the legislative and executive departments into frequent conflict and thus breeds inefficiency and extravagance. It has led to the general adoption and great power of the spoils system and thus corrupted all branches of the government and brought disgrace on the nation.

The independent position of the President and his cabinet under the constitution of 1787 has rendered it impossible to obtain harmonious management of congressional work. Legislation instead of being directed by the cabinet as it should be, is controlled by thirty or forty committees, each of which tries to get as much money and power as it can, and all of which in their struggles have carried the system of logrolling to a pernicious prominence not approached in any other great country.

Instead of being elected by the people the head of the Administration should be designated by the legislature and then the administrative and

legislative departments of the government would never be discordant as they often are under the present system. The subordination of the administrative to the legislative authority gives the best combination of flexibility with strength in government, a fact conclusively established in the experience of modern Europe; and therefore it is that France, Italy, Belgium, Holland, Denmark, Sweden and Spain have adopted the British rule that the Ministry must be a committee of the national legislature, under the monarch who has been reduced nominally at least to a position of ceremonial headship with the obligation of acting in harmony with the representatives of the people. France and Switzerland have presidents and ministers elected by the legislatures and always in harmony with them. Germany and Austria have many British and few American ideas in their constitutions. The political world is moving in the British not in the American track.

Except the President, his ministers and a few others holding partisan places, the administrative officers should be admitted by competitive examination to the public service between the ages of twenty and thirty, and should hold during good behavior and be promoted for merit only. Then we should have an honest, efficient and economical public service, one very different from that which has been maintained since 1830.

Judicial power to nullify legislative acts for unconstitutionality is an indispensable part of our present political system. Without it the peace and prosperity of the Union could not have been preserved. It has been exercised in hundreds of important federal and state cases and in its general influence has been so beneficent that no person of much weight has demanded its abolition. It has been commended by many foreign writers as the most original and most meritorious feature of our government and it gives to our judiciary, the best branch of our public service, a peculiar importance and dignity. This power owes all its value to the peculiar unfitness of our national and state legislatures for the functions entrusted to them. If they were well qualified to make laws, we should not need to entrust the authority to declare their acts unconstitutional to judicial tribunals. The British Parliament has not needed such a check, neither did the Roman Senate; nor will the American Congress when organized wisely.

The new constitution should contain a clause in reference to the date or dates when it or part of it are to take effect, but the phraseology of such a provision should be controlled by conditions to be fixed by the convention.

I intentionally omit a declaration of the popular rights of the liberties of person, speech, press, worship and public meeting, the equality of civil

and political rights, the publicity of governmental proceedings and records, the prohibitions of perpetuities, long or consecutive entails, arbitrary arrests and confiscations, arbitrary arrests and seizures, imprisonment for debt, and the prolix administration of justice. Under a well organized government, these rights should be left under the control of the legislature, as they are in Great Britain. Constitutional limitations have been multiplied and amplified far beyond the bounds of wisdom, in our country, and by increasing technicalities have often smothered the principles of justice.

A great nation has urgent need of a national bank, and on this subject I adopt the language of Hugh McCulloch who, after having been the Secretary of our Federal Treasury, the ablest man, except Alexander Hamilton, who ever held the place, says in his *Men and Measures* (61) "What the United States needs to-day, and will need still more when the National Banking System shall cease to exist, is a national bank with capital enough to enable it to act as a regulator of the rates of interest, and consequently to a large extent of business. Such a bank is the Bank of England, which has been of incalculable benefit to Great Britain—a bank which, in its management, is outside of politics, and over which there are never any partisan squabbles; which is independent of the Crown, and practically of Parlia-

ment; which keeps its fingers on the business pulse of the country, and by its wise and prompt action contributes immensely to the stability and healthiness of trade.”

The reformation of our government would enable us soon to annex Canada, and thus to accomplish what should be one of the chief objects of our national ambition. Our neighbors on the north detest our political abuses, but as soon as we correct them and give satisfactory assurances of an intention to adopt and maintain a policy of harmony with all the branches of the great Anglo-Saxon family, they will be ready to come into our Union, and to share the benefits of our great national household.

As a name for our country I can find none that pleases me better than Yumerica, which suggests our Union and our Continent, and easily adapts itself to all the purposes for which such a word is needed.

Sec. 96. *Our Present Constitution.*—For the purpose of assisting the reader to compare the political system of our country with that of Great Britain, I here explain the main features of both. The government of the United States includes the federal and state authorities.

The supreme authority is divided between the state and the federation; the former having the higher attributes of sovereignty, and the latter being mainly an agent for foreign and interstate

affairs. The constitution of the State limits and that of the Union confers power; the State can do all those acts not forbidden, the Union only those for which permission is given. In this relation, the State appears as the principal and the Union as the agent. The State defines and protects all the most precious rights of person and property; it enacts and administers the civil and criminal laws; it alone can take private property for public purposes; and it opens its courts to the federal government when the latter wants to expropriate sites for fortifications or light houses. It confers the right of suffrage, and no vote for President or Congressman can be counted except under its directions. It creates all the minor political divisions, including counties, cities, townships and school districts. It organizes and directs the public school. Thus it controls nearly all the most important political and civil relations of life.

The State has its legislature which consists of two chambers and meets once in two years for a session of three months. The senators are elected for two terms, half of them going out at the end of each session; the assemblymen are all chosen on the same day for a single term. The heads of the State executive departments,—governor, secretary, treasurer, school superintendent, and usually some others,—are elected by manhood suffrage for four (in some states for two) years; and each appoints the clerks in his office

for personal or partisan considerations. Each is independent of the others and independent also of the legislature. There is a state militia which has no discipline, and its officers are politicians who are more anxious to catch the votes of rioters than to maintain the dignity of the law.

No State has exactly copied the constitution and statutes of another, and the country has forty-five different systems of law and legal procedure, of rights and remedies. The deeds, wills, marriages, divorces and commercial contracts valid on one side of a small river may be void on the other bank, and the act criminal in one village may be permissible in another not a mile distant.

Every State has its supreme appellate court, its district courts, with original jurisdiction in important civil and criminal cases, and its petty tribunals for misdemeanors and small civil suits. The judges are elected for short terms under partisan platforms, the principles of which often require specified interpretations of constitutions and laws. The forty-five states comprise nearly three thousand counties each of which has its legislative, executive and judicial officers, elected by the people for short terms, including a sheriff, clerk, recorder, treasurer, assessor, coroner, and public administrator, each of whom appoints his clerks and deputies.

The counties are divided into more than 30,000 townships, each of which has its officials and its

political jurisdiction. In New England, the control of the small township is held by the popular assembly or town meeting; in the south and west by an elected council. The large township or city is much more populous than the average county; and one-fourth of the population of the United States is in three hundred and fifty cities, of which twenty-eight had each in 1890 more than 100,000 inhabitants. The systems of local government differ greatly in the various states; and the rural townships are much more important politically in New England than in the southern and western states. Superior disciplinary control is lacking everywhere. There is also a wonderful diversity in the city charters, many of which are wonders of complexity and absurdity.

The federal constitution, the supreme law of an indissoluble Union, provides for a federal government, with legislative, administrative and judicial branches, a treasury, an army and a navy. The head of the administration is a president who is elected indirectly by the people in every leap year. He appoints the federal judges, the military, naval and civil administrative officers, to hold during good behavior. The national legislature consists of two houses; the Representatives apportioned according to population, elected for a two years term by manhood suffrage; and the Senators elected by the state legislatures, two for each state for a six years term. Con-

gress has control over currency, copyright, patents for inventions, naturalization, and foreign and interstate commerce.

The revenue of the federal government is obtained, nearly all of it, from import duties and excise taxes. Congress may levy direct taxes on the states in proportion to their population; but as the ratio of wealth to inhabitants varies greatly such an assessment would be very unfair to some of the states, and besides the Union has no officials and no legal system for making collections from such sources.

The federal judicial system comprises a Supreme Court, which sits at Washington, and Circuit and District Courts which hold sessions in other cities. The courts have authority to declare federal and state statutes void because not authorized by the Constitution.

The main principles of English liberty guaranteed in the Great Charter, the Habeas Corpus Act and the Bill of Rights are stated in the Constitution of the United States. Every part of the country, except the District of Columbia and the sparsely populated territories, is represented in Congress with a voice in the enactment of laws, the levying of federal taxes and the appropriation of money. The business of the government is conducted in offices and recorded in books open to the people. The rights of jury trial, of confronting witnesses, of knowing the accusation

and the name of the accuser in criminal cases, and of having counsel, and the liberties of worship, speech, petition, press and public meeting are all held sacred.

By its foreign jurisdiction, the Union controls treaties, embassies, consulships, foreign commerce, shipping, war, peace, army, navy, fortifications, light houses, coast survey and harbor work. Under its domestic powers, it manages indirect taxation, coinage, postal affairs, patents, copyrights, weights, measures, interstate commerce and interstate litigation. Its two highest executive officers, the President and Vice President, are elected by the people for quadrennial terms; the others are appointed by the President or his subordinates, most of them to hold for four years. The federal judges, appointed by the President to hold during good behavior, have power to nullify statutes and executive acts for unconstitutionality. This original American idea, is extremely important because of the numerous blunders committed in the legislative and administrative departments, and it gives to our judiciary an influence and dignity not equalled elsewhere.

Sec. 97. *British Constitution*.—The British Constitution is “unwritten”; that is, it consists of principles which have never been collected into an authoritative document, and many of them have never been officially defined. It confers om-

nipotent political power on Parliament, the national legislature, composed of two Houses, that of the Peers and that of the Commons. The House of Peers includes two estates of the realm; the ecclesiastical Peers or bishops appointed by the Crown, and the secular Peers, who inherit their titles or are appointed by the Crown with the right of succession in their male heirs. The Crown cannot make a peerage to end with the death of the appointee. The Commons the third estate, by a suffrage limited to about one-half the adult males, elects representatives, who make up the lower House of Parliament and control the government. No law can be enacted without the consent of the Peers, but they must concur when the Commons insist. If they should be stubborn, the Crown must appoint new Peers to out-vote the obstructionists. Their House is useful to prevent inconsiderate action.

Every act of Parliament is constitutional; no court has authority to declare it void because it does not harmonize with a previous enactment. Parliament has made the constitution and can change it by simple statute. The rights of representation, of free speech, free press, religious liberty, jury trial, habeas corpus, and all the other leading features of political and civil liberty in England have had no higher source.

Royalty is not an estate of the realm, nor a political office; its authority is merely ceremonial.

All its official acts must be done under the guidance of the ministry, and therefore it is not responsible and, according to the customary phrase, can do no wrong. The Crown is hereditary in the Hanoverian dynasty and may be worn by a woman but not by a Roman Catholic.

The Administration is controlled by the Ministry which is a Committee of the House of Commons, though none of its members may be in the House of Lords. This Ministry is responsible for every important legislative and executive act, and therefore it must control all taxes, appropriation, and measures of domestic or foreign policy. It must keep the intellectual leadership in Parliament; and therefore must triumphantly defend its conduct before the bar of public opinion. It holds its mastery by discussion; it instructs the people on all the leading questions. Its parliamentary debates are the most instructive in the world.

The political system of England had its main source in the mediaeval local institutions which have been maintained, developed and expanded, until no other country has better organizations for the control of local affairs. The parish, the town, the city and the county are practically independent in the management of the public business that should belong to their respective jurisdictions. The centralization of all the higher functions of government in London does not interfere in the

least with the liberty of the minor geographical divisions.

The British Constitution has great merits. It has surpassed all others in the long period (eight centuries) of its almost continuous development, in the great number and high value of its original features, in the adoption of many of its principles by all other enlightened countries, and in its grand influence in raising Great Britain to the first place among all the nations of history.

Sec. 98. *Comparisons.*—Of all national constitutions, the British is the best because it works most smoothly, gives most satisfaction to its intelligent citizens and is administered by a people who have had the longest and the most instructive experience in the methods of governing themselves through national and local agencies. The points in which it is decidedly superior to the American constitution are that its central power is greater, it secures a more harmonious working of all its parts, the members of its chief legislative body have a longer tenure of office (their full term in the House of Commons being seven years and many of them being reëlected frequently), their Executive Committee or Ministry, assisted by numerous able and experienced specialists control the administration and the legislation; and the officials in the judicial and administrative departments do honor to the nation.

The most serious defect of the British Constitution is that the House of Commons is subject to sudden revolutionary changes by the election of all its members at one time. This evil should be corrected by lengthening the full term to nine years, giving three members to each parliamentary district and electing one every third year, only the oldest member to go out in case of a dissolution.

The French people have neither the long familiarity with constitutional government nor the education otherwise needed to make a decided success of republican institutions with manhood suffrage. They would never be quiet under a despotism and therefore they will probably worry along under a disorderly republic until they adopt reforms which will give smoothness to their political movements. They have a great advantage over the people of the United States in the matter of national unity; their central government can protect its citizens.

The constitutions of Great Britain and Italy work more smoothly than those of Germany and France, partly because they have a limited suffrage. If they allowed their large class of very ignorant men to vote they would have much more disorder than they have. Though the British Parliamentary Reform of 1832 corrected many grave abuses directly and indirectly, it has been followed by a lowering of the character of the

House of Commons, which is not so steadfast in its policy nor does it contain so large a proportion of very able men as before the change. Then the average parliamentary term was much longer than at present and the greater permanence not only attracted superior talents but gave an experience that was of vast benefit to the public service.

Sec. 99. *Other Plans.*—Various inefficient or insufficient plans to cure our political evils,—plans that may be called false remedies,—will be mentioned here.

First, among these is the suggestion that all the offices should be given to good men. It is as wise as the scheme of the young rat to put a bell on the cat. Under our political system it is as impossible to keep unfit men out of a large proportion of the influential places as it was for the rat to put a bell on the cat.

We have had a Civil Service Reform movement in the United States for the last thirty years, in which period its friends have held many meetings, published many papers, and obtained partial recognition in many political conventions, but they have gained little in the form of legislative enactment, and that little is insecure.

Their plan of action may be compared to that of a company made up to hunt a tiger which has done immense damage in an extensive region, under a written agreement that the beast should

not be killed under any circumstances but should if possible be captured in a cage and then after one or two of its claws should be clipped, should be turned loose without other injury.

Every state is now a stronghold of the Spoils System, and the best method, if not the only hope of purifying the government is to consolidate the nation and thus prepare the whole people for the overthrow of the pernicious influences which have been corrupting and debasing our public service.

Sec. 100. *Suffrage Restriction*.—Many intelligent men believe, and some distinguished authors have said, that one of the greatest political evils of the XIXth century has been the extension of the suffrage, and they find many facts in the history of the United States, Great Britain and France to support this opinion. H. S. Maine (*Popular Government*, 98) says “It seems to me quite certain that if for four centuries there had been a very widely extended franchise and a very large electoral body in this country, there would have been no reformation of religion, no change of dynasty, no toleration of dissent, not even an accurate calendar. The threshing machine, the power loom, the spinning jenny and possibly the steam engine would have been prohibited. Even in our own day vaccination is in the utmost danger; and we may say generally that the gradual establishment of the masses in power is of the blackest omen for all legislation

founded on scientific opinion which requires tension of mind to understand it and self denial to submit to it."

Most of the political evils that have risen or greatly expanded since the suffrage was granted to poor and ignorant men, have been the results not of that liberality, but of the gross laxity with which paupers, professional criminals, nonresidents, aliens and the recipients of bribes, have been permitted to vote, and of the spoils system, which has organized the citizens into large parties for the purpose of plundering the public treasury.

Poverty should not exclude any American from a share in the government; the dignity, attached to the ballot, should be given to all the men who support themselves honestly, read English, have permanent homes, and have been adult citizens for five or ten years. A new constitution might wisely provide that after it had been in force for ten years, the suffrage should be limited to men who had reached the age of twenty-five, and ten years later to those of thirty years. By such changes the ballot would obtain a much higher value than it now has. Such a restriction of the suffrage however I do not consider indispensable to a good government.

Frank J. Goodnow, Professor of Administrative Law in Columbia University, and the author of several good books on his specialty, regards

universal suffrage as our greatest political evil and says (*Municipal Problems*, p. 150) "It must, however, be recognized that, as yet, the people are not generally convinced of the impropriety of universal suffrage. It will, unquestionably, take long years of agitation to bring such a conviction home to them and it will have to be shown that the present recognized evils of our governmental system are, without doubt, due to universal suffrage before they will be brought to make any change." Many others agree on this point with Prof. Goodnow, but say nothing about it publicly, and thus indicate that they have little hope of reform. If they were right, the future of our country would be very dark.

Sec. 101. *Burnett's Plan*.—In 1861, Peter H. Burnett published a pamphlet entitled *The American Theory of Government* urging a radical reform of the national constitution, the consolidation of the nation, the conversion of the states into provinces, the prolongation of the presidential term to twenty years of the senatorial term to life, of the term in the House of Representatives to five years, and of terms in administrative offices generally to good behavior, and the administrative officials to be appointed not elected. Though this plan is much superior to our present constitution, it has serious defects, of which the most prominent are the independent administration, the bicameral legislature, and the simultaneous elec-

tion of all the members of the House of Representatives.

In his book entitled *Republican Superstitions*, Moncure D. Conway demands the consolidation of our government but does not explain, in detail, his ideas of the needful reform.

Sec. 102. *Stickney's Plan*.—Albert Stickney is the author of three books on American Polity entitled *A True Republic*, *The Political Problem* and *Democratic Government*; and in this last one he demands the reorganization and consolidation of the nation on a novel and meritorious plan. He would give the legislative authority in the township to the assembly of the adult male citizens, who in their meetings, to be held in the day time once a year or oftener, should levy town taxes, order improvements, make appropriations, and elect their mayor, every vote being taken by the voice on a roll call. The mayor should appoint the clerk, assessor, collector and other heads of departments; and each of these should have authority to appoint and remove his subordinates, and should thus be responsible for the conduct of his office, as the mayor should be for them. The mayor should hold office until deposed by the township assembly.

The county council should consist of a deputy from each township elected in the same manner as the mayor; and the county officials should be organized on the same general plan as those of

the township, with a similar tenure and similar responsibility. The city council would be organized on the same principles, except that the councilors would be elected by precincts, the assemblies of which would have no authority to control their local government that being left to the city authorities. The county and city councilors would hold office until removed by the assemblies of their respective precincts.

The state or provincial legislature would consist of legislators elected from districts containing several precincts each, the election to be by voice of the precinct assemblies. The legislature would elect the governor, who would appoint the secretary, treasurer, controller and so forth, to hold their places till deposed by the appointing power. Many precincts would be combined to choose a national Congressman, and also a presidential elector, and all these would hold till removed by the appointing power. The President would appoint all the heads of national administrative departments (each to select his own subordinates) and would also appoint the judges. There would be no popular election except in a township or precinct assembly and then by voice, only one office of a kind to be filled at a time; there would be no double legislative chamber; no presidential veto; no division of responsibility, no secure tenure of any office in defiance of popular will.

Sec. 103. *Moffett's Plan*.—The novelty and ingenuity of this political scheme are unquestionable but in the fourteen years since it was submitted to publication it has gained no advocates and though it might work better than our present plan, yet within the range of probabilities now perceptible, it has no chance of adoption. S. E. Moffett, another original thinker, in his book entitled *Suggestions in Government*, accepts the main features of Mr. Stickney's plan, but proposes some changes. He would have the township assembly meet once a month in the evening, and elect by ballot instead of by voice the officials designated by Mr. Stickney. He would also give to the administrative head of the nation, state, city or county, or to one-fifth of the precincts, the authority to subject any legislative act to a referendum, or popular vote to be taken at the township or precinct meetings. He would also require a two-thirds vote of the electing body to depose any legislative or administrative official. He makes some good suggestions about the method of counting votes.

Sec. 104. *Hyslop's Plan*.—In a book entitled *Democracy*, Prof. J. H. Hyslop has demanded a reform of our Government, and proposed certain measures which however are far from making a complete system, and thus he has left the reader in doubt as to his meaning. Not having obtained a clear view of the defects, he does not see dis-

tinctly how they should be remedied. Much, however, that he says deserves consideration.

Sec. 105. *Ford's Plan*.—Henry J. Ford demands (*American Politics*, 365) some amendments to the federal constitution, for the purposes of converting the presidency into a ceremonial office, diminishing the power of the senate and admitting the members of the cabinet into the House of Representatives, but his reformatory ideas are presented in vague terms as if they were not conceived clearly. His book has much information and implies the urgent need of a great reform.

Sec. 106. *Seaman's Plan*.—In 1870 E. C. Seaman published a book advocating the adoption in our government of these principles:—

1. Minority representation.
2. Cumulative voting.
3. Double elections, the first to make nominations; the second to select officers from the candidates thus chosen.
4. Prohibition of nominations by caucuses or conventions.
5. The appointment of judges and state administrative officers or their election by the legislature.
6. The limitation of the presidency to one term.
7. A property qualification (two hundred and fifty dollars) to vote for state senator, sheriff, assessor and constable.

Sec. 107. *Despair*.—The reformatory ideas of Burnett, Conway, Stickney, Moffett, Hyslop, Ford and Seaman have been treated with neglect not only by the literary critics, but also by the high officials, the lawyers and professors of political philosophy in our universities; and our intelligent citizens generally have never even heard of their suggestions. This fact becomes more noteworthy when we recall to mind the fact that the opinions prevail extensively that our political condition is not only unsatisfactory but dangerous, and that therefore there is urgent need of higher wisdom in the guidance of national affairs than we have had in the XIXth century.

In private conversation, the opinion is often expressed that no practical remedy for the corruption of our government is within the reach of the present generation; that in our time the people will not be able to emancipate themselves from the dominion of the bosses. In his book on *Municipal Home Rule* (8) F. J. Goodnow writes of "The despair of the people of ever obtaining good government through their own efforts." In his *Trial of the Constitution*, (347) S. G. Fisher laments that "Everything has been bought and sold. . . . Every one deplors them . . . yet cannot think of a remedy." In his *Rise and Growth of American Politics* (215) H. J. Ford remarks that "Throes of change rack the state with pain in every limb

and evoke continual groans. A cry for relief is the burden of public utterance." Lecky tells us truly in his *Democracy and Liberty* (I, 113) that "In no Teutonic nation of our day is the difference so marked between the public and private standards of morality as in the United States." In other words, he means to say that the office holders are much more inferior to the educated people generally in character and capacity than in other enlightened countries, and that we are submitting to a political system that is a disgrace to us, because we have not known how to place our politics on a level with our ethics.

In his book on *Municipal Reform* (6) T. C. Devlin assures his readers that we, the Americans, at least admit our failures and our people are fast learning that there is no reason for the continuance of blundering mismanagement of municipal affairs and (that) the sooner it is replaced with permanent and systematic methods which will ensure good government, the brighter will be the outlook for the perpetuity of our national institutions."

Prof. Woodrow Wilson (318) complains that "the federal government lacks strength, because its powers are divided,—lacks promptness because its authorities are multiplied, lacks wieldiness because its processes are roundabout, lacks efficiency because its responsibility is indistinct, and its action without competent direction." His

neglect, to propose a plain remedy for these evils, seems to indicate that he is almost hopeless.

The main reason, for the neglect with which the advocates of reform, in our national constitution, have been treated, is, if I mistake not, that they did not distinctly explain the evils to be corrected, and thus failed to lay the foundation for their own argument and for the provocation of independent thought and subsequent research by their readers. Whether this effort of mine is to be more successful, time will show.

Sec. 108. *Conclusion.*—The Americans generally have little veneration for most of the opinions and products of past centuries, but there is one notable exception; they blindly venerate their federal constitution. Having read that that document saved their country from the great evil of secession in 1799, 1819, 1830, 1850 and 1861, they imagine that it must be highly beneficent and almost faultless.

Possessing little knowledge of the principles of government, except what they have learned from their office-holding and journalistic demagogues, they imagine that they possess the highest political wisdom and that the world will soon come to them for instruction. They do not know that Europe long since studied and rejected most of their political ideas, and regards them as marvels of folly, ignorance and danger.

When it was adopted, the federal constitution did not satisfy any party. It was the result of a compromise, in which each side surrendered much for the sake of maintaining the Union. The nationalists, including Hamilton, Washington, Jay, Franklin and Gouverneur Morris, wanted a strong nationality; their opponents wanted a very weak federation. Neither party got what they wanted and yet now our politicians say their work is nearly perfect.

The political system of the country has been greatly modified since 1787 though the federal constitution remains nearly as it was then. At first all the judges, mayors, and heads of the administrative offices in the counties and cities were appointed, not elected by the people, and they held during good behavior, as did the heads of federal administrative offices generally. Most of the members of the legislative bodies were elected again and again, so that there were majorities of experienced members. The Committee System had not then taken shape, and the Spoils System had not then blossomed out into its national conventions, platforms, bosses and other pernicious features.

The changes generally have been for the worse, but some for the better. Slavery has been abolished; ecclesiastical animosity and privilege has diminished, and education has greatly advanced. The people of the distant parts of the

country have been brought together by railways, steamboats, telegraphs, and the intimacies of travel and traffic, until they have been cured of many of their local prejudices and animosities. They have learned to feel and to say that they are a nation.

When they fully understand what nationality means and what blessings it could confer on them, they will consolidate their government.

CHAPTER VI.

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