AN ADDRESS

DELIVERED BY

HON. CARL SCHURZ

IN OPPOSITION TO THE BILL TO AMEND THE CIVIL SERVICE LAWS OF NEW YORK STATE, COMMONLY KNOWN AS THE "BLACK ACT."

MAY 6, 1897.

AN ADDRESS DELIVERED BY HON. CARL SCHURZ ON BEHALF OF THE CIVIL SERVICE REFORM ASSOCIATION OF NEW YORK, AT A HEARING GIVEN AT THE EXECUTIVE CHAMBER, ALBANY, ON THE PENDING BILL TO AMEND THE CIVIL SERVICE LAWS OF THE STATE.

MAY 6, 1897.

Mr. Schurz said:

GOVERNOR: We appear here with the respectful request that you will not permit the bill now before you, known as the civil-service bill, to become a law.

As citizens living under a constitutional government we are all in duty bound to uphold the fundamental law of the state. The higher the officer of the state, the more weighty becomes the obligation he assumes when taking this oath: "I do solemnly swear that I will support the constitution of the United States and the constitution of the State of New York, according to the best of my ability."

The constitution of the state of New York contains this clause: "Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness, to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive." The true intent and meaning of this provision is that the civil-service system existing by law in this state should stand under the safeguard of a constitutional mandate—not, indeed, as to every detail of its mechanism, but at least as to its fundamental principles and essential features. This is no mere surmise. It is a view repeatedly and emphatically confirmed by judicial decisions. Permit me to quote one of them as a specimen:

"The rule as to open competitive examinations, and the manner of its operation and effect, were well known to the people of the state when the constitution was submitted to the popular vote. It had been in operation in the Federal service and in this and other states for ten years. That the people intended to embody the result of that experience in the fundamental law of the state is beyond question, and in construing the power of the Legislature over the manner of examinations we must give due and proper effect to that purpose and intent." [Supreme Court, case of Keymer.]

There are several other decisions to the same effect. They are, no doubt, well known to you.

The Competitive System.

The competitive examinations prescribed by the constitution are, therefore, beyond question, in every essential point such as were provided for by the civil service law at the time when the constitution was adopted—that is to say, in point of fact, what true competitive examinations were universally understood to be wherever a civil-service system like ours was in practice.

What is that competitive examination? It is an examination in which every citizen conforming to certain requirements as to age, health, and moral character has a right to appear, and in which he has a perfectly equal chance with every other candidate—whether rich or poor, whether the son of a hod-carrier or of a millionaire, whether Republican or Democrat or non-partisan, whether Christian, Jew, or Gentile—and which gives those who pass the tests of merit and fitness most successfully the best title to appointment—an examination, in one word, which puts all citizens, irrespective of wealth, of social or political influence, of party affiliation or of religious belief, upon a perfectly equal footing, giving the best man the best chance. You will admit, Governor, that a more democratic system of appointment to office could not be conceived.

It will be observed that the necessary effect of this competitive system is to confine the discretion of the appointing power within narrow limits. This is not a mere incidental effect, but it was the original design.

It has a plausible sound when we are told that the head of a public department knows best what kind of men he needs for the work to be done. In private business, where political pressure is unknown, this rule indeed holds good. But we, you and I, and many of those here present, who have the experience of public life, know but too well that, even if the head of a public department does possess that knowledge, he will, so long as he is

exposed to political pressure, not be left free to act upon it. We know but too well that this independent and enlightened discretion of the appointing officer to be freely exercised for the good of the service is a myth.

Permit me to tell you why I speak of this with so much assurance. I am not a mere theorist in this matter. During the forty years I have been more or less actively connected with public life, I have witnessed and taken part in a great many things. I have served my apprenticeship as a practical politician. I started under what is currently called the spoils system, when the distribution of offices as rewards for political or personal service was the recognized rule, and the present civil-service reform was not yet thought of. I swam with the current for a considerable period, until I saw where that current would carry us. My ideas about the evils flowing from the spoils system are, therefore, not merely evolved from my inner consciousness. They have been the product of personal observation, aye, of personal participation. I saw those evils with my own eyes; I touched them with my own hands.

What Discretion Means.

As to the point here in question, I not merely believe, I *know* that the plea for the discretion of the heads of public departments in making appointments is clap-trap of the most deceptive sort. I know that heads of departments who cared more for party politics than for the good of the service used that discretion recklessly for political or personal ends without much regard to the public good. I know that heads of departments who cared more for the public good than for party politics must have had in them the stuff that martyrs are made of, in order to resist, in the exercise of their discretionary appointing power, that political pressure which sought to extort from them appointments obnoxious to their sense of duty, and that such martyrs never have been plenty. I know that the incompetent and dishonest persons that infested the service generally got their places by such pressure. I know that no man, however able and worthy, could get a place without the favor or influence of some powerful person, save in very exceptional cases. I know that when I was a department chief myself, all sorts of incompetent or disreputable persons were pressed upon me for appointment with a force and persistency extremely difficult to withstand. I know that I could not remove a clerk for undutiful conduct, aye, not even for habitual drunkenness, without having a lot of Congressmen on my hands, protesting against the removal, and going sometimes so far as to threaten me with obstructing the appropriations for my department if I insisted. I know that when there were not places enough to go around the most unjust removals were urged to make room, or the creation of new berths was imperiously demanded, and that thus the public pay-rolls were overloaded with salaries that were mere wanton waste.

I know, further, that when I took charge of the Interior Department I saw but one way to shut off that dangerous, mischievous, demoralizing pressure, to stop that incessant and exhausting struggle against dictatorial influences which constantly sought to force my discretionary power into doing things which my sense of duty to the public forbade me to do, and to save my time and working strength for the public business to which I was commissioned to devote myself. And what was that way? It was to institute of my own motion, without being bound to do so by law, a system of competitive examinations for that department, to determine the appointments I had to make. I thus voluntarily stripped myself of my own discretionary power, and I did it for my own protection as well as for the good of the service. For when after that act members of Congress or other political potentates came to me to unload upon my department their favorites or hangers-on, I said to them: "Welcome, gentlemen. Send on your men. They will be examined by an impartial commission, and the man who comes out best will get the place."

And what did my bureau chiefs say whose positions corresponded to the heads of departments in our state government, and in our great municipalities? Did they insist that they knew best what kind of men they wanted to do their work, and that therefore they must have a controlling influence upon the appointments? Did they claim that if my examining commission judged of the "merits" of the candidates, they must themselves be permitted to judge of their "fitness"? Oh, no! They were dutiful and experienced men. They knew that just so long as they were supposed to have any discretionary influence upon appointments, they would be exposed to a pressure extremely difficult, and to them dangerous, to resist. They, therefore, did not only not remonstrate against my order, but they warmly thanked me for it as an act that would protect them in their endeavor to

serve the government to the best of their ability, and that would inspire the service with a new moral spirit. And so it did. It is true, in the camp of the spoils-seekers there was much and extremely profane swearing. I was denounced as a theorist, a visionary, a pharisee, a dude, a foreign monarchist, a Chinese, and even much worse. In spite of it all the protecting bulwark surrounding the department remained intact. We got from the competitive system a most excellent set of public servants. And every man and woman in the department was stimulated in his or her work by the inspiring consciousness that every one of them had his chance according to merit, and that no longer the aristocratic rule of personal favor or political influence prevailed in the department, but the rule of justice equal to all. And all this would have been impossible but for the competitive system, the most essential feature of which is that the examinations be conducted not by the appointing power, nor under its specific direction or influence, but in every individual case with entire, absolute independence of it.

Appointments by Favor.

Now, these things I know—not from the talk of dreamers, or as philosophical deductions from abstract principles, but from my own observation and experience of hard actual facts as a man of affairs—as a practical politician, if you please—I know them, because I was there, and I had eyes to see, and ears to hear, and a mind to understand. And, Governor, a great many of these things you know, too. For, although your experience may not have been as long as mine, it was certainly large enough to bring many of them to your notice. You know especially that what I said of the *aristocratic* character of the rule of favor and influence is true to the letter; that in the same measure as a public officer has the discretionary power of appointment, he is exposed to fierce pressure for public places by men of political or other influence; that this influence is exercised very frequently, if not in most cases, for reasons of a personal or political nature, without due regard to the public interest; that this pressure of influence is difficult to resist; that even strong men in power will yield to it sometimes, and that weaker men succumb to it habitually; that every appointment made in obedience to such pressure means that somebody got an office owing to the favor, personal or political, of some influential person; that wherever an office is bestowed by favor, persons of superior merit and fitness who may aspire to it are thereby wrongfully deprived of their chance. And you will certainly not deny that distributing offices by favor is an essentially aristocratic practice. I am therefore right in speaking of the spoils system as the rule of an aristocracy of influence.

Opponents of the competitive merit system are fond of pretending that it removes the offices from the reach of the people. But are not under the spoils system the offices open only to those of the people who have the aristocracy of influence at their backs? Can it be said that the offices are open to the people if they are open only to the favored few? Here is an object lesson. A few days ago District-Attorney Olcott in New York city appointed seven subpœna servers and one messenger after a non-competitive examination. All these appointments were made on the recommendation of the Republican county committee. Were these places open to the people? No—only to such of the people who had the influence of the county committee at their backs. I maintain that an honest competitive system breaks the aristocracy of influence *distinctly for the benefit of the people—to secure justice to the people.* Only when public places are to be reached by free and open competitive tests accessible to all, and are conducted with honest impartiality—that is, when the element of personal or political favor or influence is entirely excluded from selection for office, when the favor of the millionaire and of the party chief combined weigh nothing against a simple demonstration of merit—only then will the poor man, the man without influential backing, the man who depends entirely upon his own worth, be sure to have his fair and equal chance. Only then will public office be truly open to the people. Only then will our public service be administered upon principles truly democratic.

If the lowly, the laboring men, the men without influence, understood this competitive system—as some day, I trust, they will understand it—they would be aware that this alone opens to them and their children the road to public employment consistently with their self-respect and dignity as men, and that, without it, they will never be able to attain office unless becoming the political slave of somebody. They would be aware that every place withdrawn from honest competition and put within the discretion of the appointing

power is, as a rule, put beyond their reach, because it can be attained only by persons having the favor and influence of the powerful behind them. And knowing this, they would jealously watch every place removed from the honest competitive rule as a place stolen from them; and they would hold to stern account every political party seeking to transfer offices from competitive examinations conducted by independent examiners to the discretion of the appointing officer, and thus to expose it to political pressure and arbitrary favor; for they will have a right to denounce that party as seeking to rob the poor, the lowly, the men without backing, and their children, of their equal chance, and as playing directly into the hands of the aristocracy of influence.

What the Existing Law Does.

Now, sir, apply what I have said to our present civil-service law and to the change proposed in it by the bill before you. The existing law is based upon the right principle —that is to say, it provides for competitive examinations open to all, the examinations to be conducted by civil-service boards, which are indeed appointed and act under general rules ordered and approved by the Governor or by the Mayors of the different municipalities respectively, but are not subject to direction or influence on the part of the appointing officers as to the management of the specific examinations and the ratings to be made. Being thus independent of the appointing power, the examinations have the essential prerequisite of impartiality and freedom from influence. This system, therefore, gives everybody an equal chance without favor, and is essentially democratic.

I am aware that—mostly, if not wholly by the enemies of the system—complaints are made as to its working, charging that the examinations are too scholastic and not practical enough, that they do not sufficiently test character, and so on. Let us assume, for the sake of argument, the law or its execution were actually defective and called for amendment. To what end should such amendment be directed? Surely, if we mean to keep good faith with the people and with our own consciences, we shall exert our whole ingenuity to remedy the alleged defects by means in entire harmony with the constitutional mandate. We shall, above all things, avoid every device, aye, we shall as honest men spurn every thought of a scheme, that would strike at the fundamental principle, the essential requisite of the competitive system contemplated by the constitution—the principle that the management of the examinations and the making of the ratings shall in no wise be under the control or influence of the appointing officers.

What, then, does the bill before you provide? Under the constitution appointments shall be made "according to merit and fitness to be ascertained, so far as practicable, by competitive examinations." So far, during the fourteen years that the competitive system has been in practice in this country, and during the many more years that it has been in practice elsewhere, the two words "merit" and "fitness" have been used by everybody who has had anything to do with civil-service legislation, as meaning substantially the same thing—as one of those tautologies so frequent in our legal vocabulary. Nobody has ever thought of making, as applied to the civil service, any distinction between them. But now, all of a sudden, the authors of this bill have made the startling discovery that the two words mean essentially different things—so different, indeed, that a candidate for office should not be examined as to his "fitness" by the same board that examines him as to his "merit." This strikes me as if, when a candidate for a place were required to be "hale and hearty," one physician should examine him as to whether he was "hearty," and the other as to whether he was "hale."

I hold in my hand a report of questions actually asked in civil-service examinations conducted by the Civil-Service Board in New York city. Of these, I will give you an example:

WEIGHMASTER.—FIRE DEPARTMENT.

(1.) Do you consider it the duty of a weighmaster in a city department personally to supervise all weighing of coal delivered to that department? Give the reasons for your answer.

(2.) In your opinion should all coal so delivered be weighed, or would the weighing of samples be sufficient? Give the reasons for your answer.

(3.) What, in your opinion, would be a proper system of checks in order to prevent any collusion between the weighmaster and dealer?

(4.) To what points, in particular, would your attention be directed in order to prevent dishonest delivery?

(5.) If you were called on to superintend the issuing of stores from the general store-room for the

use of the department, state what vouchers you would think essential, and what system of records you would keep, in order that the accounts might be in proper form?

(6.) Given, the necessary character, ability, and acquaintance with the duties of the position of weighmaster, what do you consider the most important qualification for that position?

(7.) What simple way is there of testing the accuracy of a beam balance?

Will you kindly ask yourself whether these questions should come under the head of "merit" or of "fitness," and why, if "merit," they should be asked by one board, and if "fitness" by another? And so you may go through this whole record, which I beg leave to commend to your study, and you will find that, as soon as this novel distinction is practically tested, it turns out to be a mere piece of hair-splitting pettifoggery.

The Bill's Most Vicious Feature.

But this hair-splitting has been resorted to for a purpose. So far "merit and fitness" have been tested together in one competitive examination, by boards independent of the appointing officers, which independent boards ascertained the results, made the ratings, and certified the candidates rated highest on a scale of 100 for appointment. This method, honestly executed, gave every person, however lowly or uninfluential, a fair chance, for there was no arbitrary favoritism or political influence in the proceeding. But now, under this bill, only what is called "merit" shall be examined into by civil-service commissions independent of the appointing officers, and however successfully the examined candidate stands the test, he shall at best receive only a rating 50 in 100—that is to say, he shall be considered only half qualified for appointment, the other half of qualification to be rated by another authority that is to examine him for what is called "fitness." And who is that other authority? The appointing officer himself.

Thus the essential principle, that to secure the examination of candidates for office against the interference of arbitrary favoritism or political influence, they must be independent of the discretion of the appointing officers—the principle evidently contemplated by the constitutional mandate—is completely nullified. Is it not? Is there anything in this bill affording the slightest guaranty of impartiality in conducting the examinations or making the ratings on the part of the appointing officer? Let us see. The bill provides:

Sec. 2. The fitness of the applicants shall be determined by examination, to be conducted by the person or persons holding the power of appointment or promotion, or by some person or board designated by the person holding such power of appointment, and the rating on such examination for fitness shall not exceed in any case 50 per cent. The rating upon the examination for fitness shall be added by the person or persons holding the power of appointment or promotion to the rating given each applicant, respectively, by the Civil Service Commissioners or Examining Board, as provided in section one of this act.

Think of this! The appointing officer may conduct these examinations just as he pleases, in secret or in public, orally or in writing, personally or through whomsoever he may designate—a party district committee, or a consistory of divines, or even the barkeeper of the nearest saloon, for there is nothing to prevent it. Whatever he may do, he need not leave any record of it. Our Civil-Service Commissioners have to keep the examination papers on file. They may be looked into, and if any mistake has been made it can be discovered and corrected; if any injustice has been done it can be redressed. But the appointing officer under this bill is relieved of such surveillance. This examination into fitness may be wholly oral and leave no trace behind it except the verdict. And that verdict, absolutely unrestrained as it is, and utterly arbitrary and unjust as it may be, is to stand unimpeachable, and is to weigh as much as the examination held by an independent and impartial board. And this is called an impartial machinery for competitive examination.

Consequences of Breaking Down the Law.

The consequences, if this bill becomes a law, are easily foreseen. No sooner will it be known that the appointing officers have the power to shape the examinations for "fitness" as they please, than the pressure of the aristocracy of influence will again be upon them in full force, cajoling, urging, bullying them into compliance with it behests. And how many of the appointing officers will be strong or virtuous enough to resist? We are told that, when we predict the return of the spoils abuses as the result of such a law, we are reasoning upon the assumption that the appointing officers will not do their duty. Why, sir, we do not reason upon any mere assumption at all! We reason upon the universal experience that whenever appointing officers had such discretionary power, they, in nine

cases out of ten, were cajoled, urged, bullied into compliance with the pressure of influence. There is no assumption, no guesswork about it. We reason upon the basis of indisputable fact. There were examinations conducted under the control of the appointing officers in the federal departments for many, many years before the introduction of the competitive system. These examinations soon degenerated into the veriest farce. They never offered the slightest obstacle to the bestowal of place as spoil or favor. They may have served sometimes to turn away a candidate without backing ; but they never served to keep out of place any one whom the appointing officer or the influence ruling him really desired to appoint.

Is it objected that the examinations for "fitness" under this bill are to be competitive? Yes, competitive with a vengeance. Let us see how the machinery will work. The bill as amended provides that the Civil-Service Commission under the orders of the Governor shall fix a minimum rate which in the examination for "merit" the candidate must have reached in order to be admitted to the examination of "fitness." Suppose this minimum is fixed at 30 or 35. Now some scores or some hundreds of candidates who have reached that minimum trot around from one appointing officer to another to show themselves fit—in itself a wonderful arrangement, ludicrous enough to extort a smile from a mummy. What will the appointing officers do? I will not speak of a department chief who cares more for party politics than for the good of the service. The whole business of examining for "fitness" will be regarded only as good fun by him. No ; let us take a departmental chief who does care for the interest of the service, and who is full of those good intentions with which the road to hell is paved. Here are some of those successful "merit" men who present to Mr. Commissioner letters from some millionaire, some railroad magnate who wishes to dump upon the public service certain poor relatives or useless hangers-on, and promises Mr. Commissioner a return of favors. Mr. Commissioner is pleased, and his virtue feels the flattering temptation. Other candidates are urgently recommended by a party committee, which informs him that the organization wants recognition, and reminds Mr. Commissioner of his party obligations. Still other candidates bring an order from the supreme party boss, who curtly demands places with good salaries for these men, and in a tone of command bids Mr. Commissioner not to be squeamish, but to hustle. Mr. Commissioner's virtue is knocked into unconsciousness, and begins to arrange for the tests of "fitness."

Tricks of Appointing Officers.

Suppose, then, there are some other young men, sons of lowly parents, without the influence of millionaires or of party committees or bosses behind them. They have in the "merit" examination the highest rating, 50, while the favorites of influence stand only little above the minimum, say 35. Mr. Commissioner calls one of the poor boys without influence before him for examination into his "fitness." The department, let us say, is that of public works. Mr. Commissioner asks : "How many cubic feet are there in two rods square. Answer quickly." The poor candidate looks perplexed. "You can't answer?" says Mr. Commissioner. "Sorry ; you seem to have lots of 'merit,' but no 'fitness' to speak of." Now comes the rating. "Merit," 50 ; "fitness," zero ; total, 50. A candidate with the millionaires', or party committee's, or bosses' influence appears. "How much is four times four?" asks Mr. Commissioner. "Sixteen," cheerily answers the candidate. "Excellent!" says Mr. Commissioner. "You have not much 'merit,' but 'fitness' plenty and to spare." Rating : For "merit," 35 ; for "fitness," 50 ; total, 85. The poor, uninfluential "merit" man walks sadly off, and the "fitness" man with strong backing gets the place.

You may say that this is a caricature and a farce ; and, truly, so it looks. But is it a mere creation of fancy? What is there in this bill to prevent it from actually happening? Nothing—absolutely nothing. Will you say that such brazen things will not happen? Why, they actually have happened. There is now in the service of this state a gentleman who years ago, when in the federal service examinations were conducted under the control of the appointing officers, was, as a favored candidate, actually asked the identical question : "How much is four times four?" And in addition : "What is the capital of this Union?" And having answered these questions correctly, he got the place. Why should not this happen again? If Mr. Commissioner should be ashamed to do the thing himself, he can, under this bill, delegate the job to some district committeeman, or to the nearest barkeeper. They will do the business with zest.

Will you say that the Governor would stop such scandals by ordering proper rules for regular competitive tests to be made? Well, there are other tricks equally effective. If the appointing officers manage the examinations, they may simply furnish the favored candidates beforehand with the questions to be asked, and with the correct answers. You think such things will not be done? I tell you such things have been done. Some time ago the majority of the Fire Board of the city of New York in its original composition wanted a certain favored person to pass a competitive examination in order to get a certain place. They wished that the questions should be "practical," and, "knowing the work to be done," they furnished a set of questions to the city Civil-Service Commission to be propounded to the candidates. What happened? The Civil-Service Commission framed a different set of questions, although running in the same line. When the examination papers were taken up, it was found that the favored candidate had, in the place of the questions put by the Civil-Service Commission, written down the questions coming from the Fire Board, with the correct answers. The fraud was evident. It failed. Why did it fail? Because the examination was managed by an independent Civil-Service Commission. Had it been managed by the Fire Board, the appointing officers, the fraud would, of course, have succeeded, and the favored candidate would have got the place by a so-called competitive examination. And when that fraud had failed, the Fire Board caused to be put through the Legislature a bill transferring all examinations for the Fire Department to the Fire Board itself—that is, to the appointing officers, thus trying to get for that department, of course for crooked ends, substantially the same power which this bill is to give all the public departments of the state and of the municipalities. The bill of the Fire Board failed through the veto of the Mayor after the close of the session. But, sir, is it a wonder that the Board of Fire Underwriters, in the interest of the insurance companies and of the public, now solemnly protests against the much more general and more dangerous bill before you?

Thus it is vain to say that such things, or even things more outrageous, will not happen. I ask you once more, what is there in this bill to prevent them? Why, this measure is so loosely constructed that the merest tyro at fraud can drive a coach and four through all the pretence of competitive examinations. It furnishes such facilities that it *invites* such things to be done. Nay, go around among the spoils politicians of this state and you will hear them say that this bill is gotten up for the very purpose that such things *shall* be done, not as an exception but as a rule. There is absolutely no difference of opinion about the certain effects of this bill. Because it will surely bring back the abuses of the spoils system, the friends of an honest civil service oppose it. And why do the spoils politicians advocate it? Because it will bring back the spoils system with all its consequences. Its opponents protest against it and its friends advocate it—both for exactly the same reason, in perfect agreement as to its inevitable results.

The Power to Amend the Rules.

However, let us give its authors as to their intentions the benefit of the doubt. If you think, sir, that the existing civil-service system has defects which should be remedied, then I ask you, in all candor, do you see no other way to accomplish that object than this sure method utterly to ruin and destroy the system? Must you needs burn down the whole house to make a chimney draw? What do you complain of? That the questions asked in the examinations are too scholastic? That no sufficient means are employed to ascertain character? That the interests and wishes of the several departments are not sufficiently regarded in the purview of the examinations? Why, sir, if these complaints were well founded, you as Governor have the amplest power to rectify all this in the simplest way. The law gives you the power to approve or disapprove, aye, virtually to make the rules in accordance with the constitutional mandate, and to modify in a general sense the methods of proceeding of the civil-service boards. And so have the Mayors of the cities the power. All that is required is that you should sit down and, with such expert aid as you can abundantly command, go over the rules and over the records of the examinations. You can say: Here is a rule that seems to be too broad or too narrow, and I order it to be changed thus and so; or, I fail to find here proper methods for the ascertainment of character or of practical skill or experience, and I direct that such and such methods be adopted, or that the departments be consulted as to the line the examinations should follow. You, as Governor, can do all this. You can do everything consistent with the fundamental principle of the con-

stitutional mandate. There is absolutely no obstacle in your way—and we shall all be happy to aid you in making the system more effective and beneficial.

Now, since you can do all this by a simple exercise of your executive power, why, in the name of common sense, why this bill? Why this unheard of and ridiculous petty-foggery about the difference between "merit" and "fitness"? Why this multiplication of examinations, this trotting around of hundreds or thousands of candidates from "merit" to "fitness" tests, which would increase labor and cost beyond computation? Why this exposure of appointing officers to no end of pressure and temptation, exhausting their time and working force, and corrupting their morals? Why this vast complicated machinery, which, even if it were honestly used, would throw the civil service into inextricable and ridiculous confusion? Why all this, when for a real, honest improvement of the system you need only a conscientious use of the power you have as Governor under the constitution and the law?

Sir, if this bill is really intended to improve the existing civil-service system, it must be regarded as one of the most pitiable abortions ever brought forth by human ingenuity. But if it has been devised by its authors to subvert that system and to open again all the gates to the abuses of spoils politics, then we would have to admit it to be a success. In that case the only fault to be found with the authors would be that they did not have the courage openly to avow their purpose, but with craven hypocrisy hid that purpose behind a network of false pretences.

Character of the Bill's Support.

May I be pardoned for inquiring who asked for this bill? I know, indeed, a host of good citizens who condemn it with indignation and alarm. Look over the list of names on the petition for this hearing. There you find the foremost representatives of the church, of education, of science, of commerce, of industry, of labor—all uniting in this condemnation. Every man in the public service who cares more for the public good than for party politics abhors it. Nay, not a few of the very members of the Legislature, who voted for it under caucus dictation—a practice which may mark the temporary success of despotic leadership, but is the moral ruin of political parties—many of those very members of the Legislature, secretly or openly, protested against it. Thus we know what sort of people condemn this measure, although many of them have not yet spoken. But may I again inquire, who asked for it? It would be of great interest to the people of the State, Governor, if you would make known a list of its sponsors.

We know some of the men who support it now—all on the ground that it will make all the thousands of offices of the State and its municipalities the prey of the spoils politicians again. One of them, Mr. Abraham Gruber, has elaborated his reasoning into a systematic philosophy of American politics, which teaches us this: The American people need the stimulant of party spoil in the shape of offices, to create in them that interest in public affairs without which democratic institutions would perish. If the spoils of office are withdrawn from our party contests by civil-service reform, then another stimulant, namely, money, will take their place. The spoils of office are, therefore, necessary to prevent general bribery and corruption by money.

This is Mr. Gruber's philosophy of American politics, and, therefore, he is an ardent friend of this bill. Sir, have you considered what this means? It means that of all the nations which live under constitutional governments, none of which, except ourselves, has the spoils system, the American people are the only one so constitutionally mercenary, so hopelessly depraved, that they will not take any interest in their public affairs unless they are stimulated by the prospect of reward, either in the shape of office plunder or of bribe money. And this fact is to be officially recognized by our civil-service legislation. Sir, can this be so? Have we indeed sunk so low? Is this really the character of our citizenship? Is this the outcome of a century of democratic government in this great and glorious republic? If this were so, then indeed we should have to despair of the capacity of man to govern himself. But I pronounce it a foul and atrocious calumny. Never was a more wanton, a deadlier insult thrown into the face of a high-minded and patriotic people. And every honest American heel should lift itself to kick the vile slanderer into the sea!

Yes, there are indeed some men among us, fortunately a small minority, who will take an interest in public affairs only for personal reward, and are patriots for revenue only. It would be much better for our public morals, as well as for the dignity and wel-

fare of the American people, if those mercenary bands ceased to take *their* interest in our public affairs, and to disgust and crowd out and to rule better citizens than themselves. But I appeal to your instinct as a patriot, sir, should we feed that greed, should we gratify and stimulate that mercenary spirit by legislation like this?

A Final Appeal.

For such reasons, Governor, we appear here to pray that you may refuse your signature to this bill. A few days after the fall of Richmond, in 1865, Abraham Lincoln pointed out to a friend the usual crowd of office-hunters and their backers besieging his door, and he said: "Look at this. Now we have overcome the rebellion, but here you see something that may become more dangerous to this republic than the rebellion itself." Had he lived he would perhaps himself have led in the effort to avert a danger which his great mind so clearly foresaw. But that task has dropped upon the shoulders of another generation—the task of destroying the spoils system, which, according to Lincoln's utterance, appeared to him no less important than the task of destroying the slave power, and which has proved hardly less difficult. But it is certainly no less hopeful.

With faithful and unremitting effort the opponents of the spoils system succeeded in the enactment of laws and the introduction of rules promising the complete accomplishment of their object in a future not very remote. The obstacles which the advancing reform had to overcome and the bo sterous reactionary movement that has now set in vividly recall to my mind the changing fortunes of the struggle against slavery. I remember the enthusiastic uprising of the anti-slavery sentiment after the pro-slavery attempt upon Kansas, the high hopes of immediate victory that was set upon the Fremont campaign of 1856, the thick gloom that followed Fremont's defeat, how the slave power seemed to carry all before it under Buchanan's administration, how even the highest judiciary of the republic wrote one of the few dark pages of its history in fortifying slavery by the Dred Scott decision, how all seemed lost, and how then those dismal days were speedily followed by the complete and final triumph of freedom.

With proud confidence in the sense of national honor, in the virtue and the wisdom of the American people, I venture to predict that as they wiped out the blot of slavery from the national escutcheon, so they will surely at last sweep away the barbarism and corruption of spoils politics. It is true, a violent and noisy effort is now in progress to wrest from the reform the ground it has conquered. The party in power, which has been most positive in its pledges to support and advance the reform, is urged by some of its members with furious cries to dishonor itself by breaking its word; and timid leaders are frightened by the deafening clamor of a greedy minority as if it were the voice of the people. All this may appear very formidable to-day, but it will not prevent the ultimate consummation. The reform cause may, indeed, meet with temporary obstruction, as the anti-slavery movement did in Buchanan's time. Some men in conspicuous position may disgrace themselves and regret their weakness for ever after. This or that political party may prove faithless to its pledges, and invite the discipline of defeat. You may sign this bill and make it a law—although I think it can hardly be the ambition of a Governor to figure as the Buchanan of New York in the history of the State. If it does become a law it may indeed cast a shadow upon the fame of New York. It may serve for a short while to interrupt and retard the onward march of reform. But the whole reactionary attempt of which this bill is a part cannot finally stop that onward march. The present attempt can only succeed in reviving old abuses and scandals, and in furnishing fresh object lessons which will teach the people all the more clearly that the completest and most rigorous enforcement of the reform is imperatively required for the honor as well as the welfare of the republic. And that will all the more certainly come.

We are, therefore, very far from begging here for the life of the reform movement. That is well enough assured. We ask only that trouble which is altogether useless and unnecessarily disturbing, be avoided. We may add by way of friendly caution that the time is not far when public men will be as sorry to have figured as the aiders and abettors of the barbarous and corrupt spoils system, as, in the North at least, other public men are sorry for having in the past made a record as aiders and abettors of slavery.

Humble private citizen as I am, it may appear in me a presumptuous fancy to imagine myself as occupying the seat of power now held by you. Pardon me for indulging myself in that dream for a moment, to consider what I would do in your place. I would —as I trust you do—keep steadily before my mind the solemnity of the oath I had sworn,

"to support the constitution of the State according to the best of my ability." I would ask myself most conscientiously whether the scheme involved in this bill was really the best that my ability could devise to carry out the true intent of that constitution which I had taken a sacred oath to support. I would most scrupulously avoid doing or sanctioning anything that might prejudice or obstruct those among my people that are poor and lowly and without power and influence, in enjoying their full right to public position according to their merit, on a footing of perfect equality with others more favored. And as I valued the good name I wished to leave as an inheritance to my children, I would never, never put that name under a bill so full of mischief and indignity as this.