

influencing legislation. The prizes in the profession of politics being fewer, the profession is not prosecuted with the same earnestness and perfection of organization. There are, however, some cities where conditions similar to those of large Northern cities reappear, and there Ring-and-bossdom reappears also. New Orleans is the best example, and in Arkansas and Texas, where there never was a plantation aristocracy like that of the Slave States on the Atlantic coast, rings are pretty numerous, though, as the cities are small and seldom rich, their exploits attract little attention.

CHAPTER LXV

SPOILS

AN illustration of the familiar dictum regarding the wisdom with which the world is governed may be found in the fact that the greatest changes are often those introduced with the least notion of their consequence, and the most fatal those which encounter least resistance. So the system of removals from Federal office which began some sixty-five years ago, though disapproved of by several among the leading statesmen of the time, including Clay, Webster, and Calhoun, excited comparatively little attention in the country, nor did its advocates foresee a tithe of its far-reaching results.

The Constitution vests the right of appointing to Federal offices in the President, requiring the consent of the Senate in the case of the more important, and permitting Congress to vest the appointment of inferior officers in the President alone, in the courts, or in the heads of departments. It was assumed that this clause gave officials a tenure at the pleasure of the President—*i.e.* that he had the legal right of removing them without cause assigned. But the earlier Presidents considered the tenure as being practically for life or during good behaviour, and did not remove, except for some solid reason, persons appointed by their predecessors. Washington in his eight years displaced only nine persons, and all for cause, John Adams nine in four years, and those not on political grounds. Jefferson in his eight years removed thirty-nine, but many of these were persons whom Adams had unfairly put in just before quitting office; and in the twenty years that followed (1808–28) there were but sixteen removals. In 1820, however, a bill was run through Congress with hardly any discussion, fixing four years as the term for a large number of the more important offices, and making those terms expire shortly after the inau-

guration of a President. This was ominous of evil, and called forth the strong displeasure of both Jefferson and Madison. The President, however, and his heads of departments did not remove, so the tenure of good behaviour generally remained. But a new era began with the hot and heady Jackson, who reached the presidential chair in 1829. He was a rough Western, a man of the people, borne into power by a popular movement, incensed against all who were connected with his predecessor, a warm friend and a bitter enemy, anxious to repay services rendered to himself. Penetrated by extreme theories of equality, he proclaimed in his Message that rotation in office was a principle in the Republican creed, and obeyed both his doctrine and his passions by displacing five hundred post-masters in his first year, and appointing partisans in their room. The plan of using office as a mere engine in partisan warfare had already been tried in New York, where the stress of party contests had led to an early development of many devices in party organization; and it was a New York adherent of Jackson, Marcy, who, speaking in the Senate in 1832, condensed the new doctrine in a phrase that has become famous — "To the victor belong the spoils."¹

From 1828 to a few years ago the rule with both parties has been that on a change of President nearly all Federal offices, from the legations to European Courts down to village post-masterships, are deemed to be vacant. The present holders may of course be continued or reappointed (if their term has expired); and if the new President belongs to the same party as his predecessor, many of them will be; but they are not held to have either a legal or a moral claim. The choice of the President or departmental head has been absolutely free, no qualifications, except the citizenship of the nominee, being required, nor any check imposed on him, except that the Senate's consent is needed to the more important posts.²

¹ Before 1820 Governor Clinton complained "of an organized and disciplined corps of Federal officials interfering in State elections." Marcy's speech was a defence of the system of partisan removals and short terms from the example of his own State. "They [the New York politicians] when contending for victory avow the intention of enjoying the fruits of it. They see nothing wrong in the rule that to the victor belong the spoils of the enemy."

² See on this subject, Chapter V. in Vol. I. The Act of 1820 as extended by subsequent legislation now covers about

The want of knowledge on the part of the President and his ministers of the persons who applied for places at a distance, obliged them to seek information and advice from those who, belonging to the neighbourhood, could give it. It was natural for the senators from a State or the representative in Congress from a district within which a vacant office lay, to recommend to the President candidates for it, natural for the President or his ministers to be guided by this recommendation, of course, in both cases, only when they belonged to the same party as the President. Thus the executive became accustomed to admit the rights which the politicians claimed, and suffered its patronage to be prostituted to the purpose of rewarding local party service and conciliating local party support. Now and then a President, or a strong Minister controlling the President, has proved restive; yet the usage continues, being grounded on the natural wish of the executive to have the good-will and help of the senators in getting treaties and appointments confirmed, and on the feeling that the party in every district must be strengthened by a distribution of good things, in the way which the local leader thinks most serviceable. The essential features of the system are, that a place in the public service is held at the absolute pleasure of the appointing authority; that it is invariably bestowed from party motives on a party man, as a reward for party services (whether of the appointee or of some one who pushes him); that no man expects to hold it any longer than his party holds power; and that this gives him the strongest personal reasons for fighting in the party ranks. Thus the conception of office among politicians came to be not the ideal one, of its involving a duty to the community, nor the "practical" one, of its being a snug berth in which a man may live if he does not positively neglect his work, but the perverted one, of its being a salary paid in respect of party services, past, present, and future.

The politicians, however, could hardly have riveted this system on the country but for certain notions which had become current among the mass of the people. "Rotation in office" was, and indeed by most men still is, held to be con-

4000 offices. Its mischief, however, is not confined to the legal vacating of these posts, but has lain largely also in establishing a custom applying to a far larger number of minor places.

formable to the genius of a democracy. It gives every man an equal chance of power and salary, resembling herein the Athenian and Florentine system of choosing officers by lot. It is supposed to stimulate men to exertion, to foster a laudable ambition to serve the country or the neighbourhood, to prevent the growth of an official caste, with its habits of routine, its stiffness, its arrogance. It recognizes that equality which is so dear to the American mind, bidding an official remember that he is the servant of the people and not their master, like the bureaucrats of Europe. It forbids him to fancy that he has any right to be where he is, any ground for expecting to stay there. It ministers in an odd kind of way to that fondness for novelty and change in persons and surroundings which is natural in the constantly-moving communities of the West. The habit which grew up of electing State and city officers for short terms tended in the same direction. If those whom the people itself chose were to hold office only for a year or two, why should those who were appointed by Federal authority have a more stable tenure? And the use of patronage for political purposes was further justified by the example of England, whose government was believed by the Americans of fifty years ago to be worked, as in last century it largely was worked, by the Patronage Secretary of the Treasury in his function of distributing places to members of the House of Commons, and honours (such as orders of knighthood and steps in the peerage) to members of the House of Lords, ecclesiastical preferments to the relatives of both.¹

Another and a potent reason why the rotation plan commended itself to the Americans is to be found in the belief that one man is as good as another, and will do well enough any work you set him to, a belief happily expressed by their old enemy King George the Third when he said that "every man is good enough for any place he can get." In America a smart man is expected to be able to do anything that he turns his hand to, and the fact that a man has worked himself into a place is some evidence of his smartness. He is a "practical man." This is at bottom George the Third's idea;

¹ Now of course the tables have been turned, and the examples of the practically irremovable English civil service and of the competitive entrance examinations in England are cited against the American system.

if you are clever enough to make people give you a place, you are clever enough to discharge its duties, or to conceal the fact that you are not discharging them. It may be added that most of these Federal places, and those which come most before the eyes of the ordinary citizen, require little special fitness. Any careful and honest man does fairly well for a tide-waiter or a lighthouse keeper. Able and active men had no great interest in advocating appointment by merit or security of tenure, for they seldom wanted places themselves; and they had, or thought they had, an interest in jobbing their poor relatives and unprosperous friends into the public service. It is true that the relative or friend ran the risk of being turned out. But hope is stronger than fear. The prospect of getting a place affects ten people for one who is affected by the prospect of losing it, for aspirants are many and places relatively few.

Hitherto we have been considering Federal offices only, the immense majority whereof are such petty posts as those of post-master in a village, custom-house officer at a seaport, and so forth, although they also include clerkships in the departments at Washington, foreign ambassadorships and consulates, and governorships of the Territories. The system of rotation had, however, laid such a hold on the mind of the country that it soon extended itself over State offices and city offices also, in so far as such offices remained appointive, and were not, like the higher administrative posts and (in most of the States and the larger cities) the judicial offices, handed over to popular election. Thus, down to that very recent time of which I shall speak presently, appointment by favour and tenure at the pleasure of the appointer became the rule in every sphere and branch of government, National, State, and municipal. It may seem strange that a people so eminently practical as the Americans acquiesced in a system which perverts public office from its proper function of serving the public, destroys the prospect of that skill which comes with experience, and gives nobody the least security that he will gain a higher post, or even retain the one he holds, by displaying conspicuous efficiency. The explanation is that administration used to be conducted in a happy-go-lucky way, that the citizens, accustomed to help themselves, relied very little on their functionaries, and did not care whether

they were skilful or not, and that it was so easy and so common for a man who fell out of one kind of business to take to and make his living by another, that deprivation seemed to involve little hardship. However, the main reason was that there was no party and no set of persons specially interested in putting an end to the system, whereas there soon came to be a set specially concerned to defend it. It developed, I might almost say created, the class of professional politicians, and they maintained it, because it exactly suited them. That great and growing volume of political work to be done in managing primaries, conventions, and elections for the city, State, and National governments, whereof I have already spoken, and which the advance of democratic sentiment and the needs of party warfare evolved from 1820 down to about 1850, needed men who should give to it constant and undivided attention. These men the plan of rotation in office provided. Persons who had nothing to gain for themselves would soon have tired of the work. The members of a permanent civil service would have had no motive for interfering in politics, because the political defeat of a public officer's friends would have left his position the same as before, and the civil service not being all of one party, but composed of persons appointed at different times by executives of different hues, would not have acted together as a whole. Those, however, whose bread and butter depend on their party may be trusted to work for their party, to enlist recruits, look after the organization, play electioneering tricks from which ordinary party spirit might recoil. The class of professional politicians was therefore the first crop which the Spoils System, the system of using public office as private prize of war, bore. Bosses were the second crop. In the old Scandinavian poetry the special title of the king or chieftain is "the giver of rings." He attracts followers and rewards the services, whether of the warrior or the skald, by liberal gifts. So the Boss wins and holds power by the bestowal of patronage. Places are the guerdon of victory in election warfare; he divides this spoil before as well as after the battle, promising the higher elective offices to the strongest among his fighting men, and dispensing the minor appointive offices which lie in his own gift, or that of his lieutenants, to combatants of less note but equal loyalty. Thus the chieftain consolidates, extends,

fortifies his power by rewarding his supporters. He garrisons the outposts with his squires and henchmen, who are bound fast to him by the hope of getting something more, and the fear of losing what they have. Most of these appointive offices are too poorly paid to attract able men; but they form a stepping-stone to the higher ones obtained by popular election; and the desire to get them and keep them provides that numerous rank and file which the American system requires to work the Machine. In a country like England office is an object of desire to a few prominent men, but only to a few, because the places which are vacated on a change of government are less than sixty in all, while vacancies in other places happen only by death or promotion. Hence an insignificant number of persons out of the whole population have a personal pecuniary interest in the triumph of their party. In England, therefore, one has what may be called the general officers and headquarters staff of an army of professional politicians, but few subalterns and no privates. And in England most of these general officers are rich men, independent of official salaries. In America the privates are proportioned in number to the officers. They are a great host. As nearly all live by politics, they are held together by a strong personal motive. When their party is kept out of the spoils of the Federal government, as the Democrats were out from 1861 to 1885, they have a second chance in the State spoils, a third chance in the city spoils; and the prospect of winning at least one of these two latter sets of places maintains their discipline and whets their appetite, however slight may be their chance of capturing the Federal offices.

It is these spoilsmen who have depraved and distorted the mechanism of politics. It is they who pack the primaries and run the conventions so as to destroy the freedom of popular choice, they who contrive and execute the election frauds which disgrace some States and cities, — repeating and ballot stuffing, obstruction of the polls, and fraudulent countings in.¹

In making every administrative appointment a matter of party claim and personal favour, the system has lowered the

¹ The fact that in Canada the civil service is permanent has doubtless much to do with the absence of such a regular party Machine as the United States possess.

general tone of public morals, for it has taught men to neglect the interests of the community, and made insincerity ripen into cynicism. Nobody supposes that merit has anything to do with promotion, or believes the pretext alleged for an appointment. Politics has been turned into the art of distributing salaries so as to secure the maximum of support from friends with the minimum of offence to opponents. To this art able men have been forced to bend their minds: on this Presidents and ministers have spent those hours which were demanded by the real problems of the country.¹ The rising politician must think of obscure supporters seeking petty places as well as of those greater appointments by which his knowledge of men and his honesty deserve to be judged. It is hardly a caricature when, in Mr. Lowell's satire, the intending presidential candidate writes to his maritime friend in New England, —

“If you git me inside the White House,
Your head with ile I'll kinder 'nint,
By gittin' you inside the light-house,
Down to the end of Jaalam pint.”

After this, it seems a small thing to add that rotation in office has not improved the quality of the civil service. Men selected for their services at elections or in primaries have not proved the most capable servants of the public. As most of the posts they fill need nothing more than such ordinary business qualities as the average American possesses, the mischief has not come home to the citizens generally, but it has sometimes been serious in the higher grades, such as the departments at Washington and some of the greater custom-houses.² Moreover, the official is not free to attend to his official duties. More important, because more influential on his fortunes, is the duty to his party of looking after its interests at the election, and his duty to his chiefs, the Boss and Ring, of seeing that the candidate they favour gets the party nomination. Such

¹ President Garfield said “one-third of the working hours of senators and representatives is scarcely sufficient to meet the demands in reference to the appointments to office. . . . With a judicious system of civil service, the business of the departments could be better done at half the cost.”

² Sometimes the evil was so much felt that a subordinate of experience was always retained for the sake of teaching those who came in by political favour how to carry on the work.

an official, whom democratic theory seeks to remind of his dependence on the public, does not feel himself bound to the public, but to the city boss or senator or congressman who has procured his appointment. Gratitude, duty, service, are all for the patron. So far from making the official zealous in the performance of his functions, insecurity of tenure has discouraged sedulous application to work, since it is not by such application that office is retained and promotion won. The administration of some among the public departments in Federal and city government is more behind that of private enterprises than is the case in European countries; the ingenuity and executive talent which the nation justly boasts, are least visible in national or municipal business. In short, the civil service is not in America, and cannot, under the system of rotation, become a career. Place-hunting is the career, and an office is not a public trust, but a means of requiting party services, and also, under the method of assessments previously described, a source whence party funds may be raised for election purposes.

Some of these evils were observed as far back as 1853, when an Act was passed by Congress requiring clerks appointed to the departments at Washington to pass a qualifying examination.¹ Neither this nor subsequent legislative efforts in the same direction produced any improvement, for the men in office who ought to have given effect to the law were hostile to it. Similar causes defeated the system of competitive examination, inaugurated by an Act of Congress in 1871, when the present agitation for civil service reform had begun to lay hold of the public mind. Mr. Hayes (1877–81) was the first President who seems to have honestly desired to reform the civil service, but the opposition of the politicians, and the indifference of Congress, which had legislated merely in deference to the pressure of enlightened opinion outside, proved too much for him. A real step in advance was, however, made in 1883, by the passage of the so-called Pendleton Act, which instituted a board of civil service commissioners (to be named by the President), directing them to apply a system of com-

¹ To have made places tenable during good behaviour would have been open to the objection that it might prevent the dismissal of incompetent men against whom no specific charge could be proved.

petitive examinations to a considerable number of offices in the departments at Washington, and a smaller number in other parts of the country. President Arthur named a good commission, and under the rules framed by it some good was effected. The action of the two succeeding Presidents has been matter of recent controversy; but while admitting that less has been done in the way of reform than might have been desired, it is no less true that much more has been done than it would have been safe to expect fifteen years ago. In the so-called "classified service," to which the examination system is applied, some removals for political reasons are still occasionally made, but the percentage is far smaller than in the unclassified service, and the Civil Service Commissioners seem justified in the view they expressed in their report of 1891, that "either outside the classified service poorer grades of appointments are made, or else there are many removals of perfectly good men who are sacrificed simply for party or personal considerations. Probably both these conclusions would be just."

The Act of 1883 originally applied to only 14,000 posts. It has since been so extended as now to apply to about 43,000 out of a total estimated at 130,000 posts in the national civil service; and the salaries of those covered by it amount to one-half of the total sum paid in salaries by the government. Its moral effect, however, has been even greater than this proportion represents, and entitles it to the description given of it at the time as "a sad blow to the pessimists." Public sentiment is more and more favourable, and though the lower sort of "professionals" are incensed at so great an interference with their methods, all, or nearly all, the leading men in both parties seem now disposed to support it. It strengthens the hands of any President who may desire reform, and has stimulated the civil service reform movement in States and municipalities. Several States have now instituted examinations for admission to their civil service; and similar legislation has been applied to New York, Brooklyn, Philadelphia, Boston, and other cities. Some years must pass before the result of these changes upon the purification of politics can be fairly judged. It is for the present enough to say that while the state of things above described has been generally true both

of Federal and of State and city administration during the last sixty years, there is now reason to hope that the practice of appointing for short terms, and of refusing to reappoint, or of dismissing in order to fill vacancies with political adherents, has been shaken. Nor can it be doubted that the extension of examinations will tend more and more to exclude mere spoils-men from the public service.