

CHAPTER LXVII

CORRUPTION

No impression regarding American politics is more generally diffused in Europe than that contained in the question which the traveller who has returned from the United States becomes so weary of being asked, "Isn't everybody corrupt there?" It is an impression for which the Americans themselves, with their airy way of talking about their own country, their fondness for broad effects, their enjoyment of a good story and humorous pleasure in exaggerations generally, are largely responsible. European visitors who, generally belonging to the wealthier classes, are generally reactionary in politics, and glad to find occasion for disparaging popular government, eagerly catch up and repeat the stories they are told in New York or San Francisco. European readers take literally the highly coloured pictures of some American novels and assume that the descriptions there given of certain men and groups "inside politics" — descriptions legitimate enough in a novel — hold true of all men and groups following that unsavoury trade. Europeans, moreover, and Englishmen certainly not less than other Europeans, have a useful knack of forgetting their own shortcomings when contemplating those of their neighbours; so you may hear men wax eloquent over the depravity of transatlantic politicians who will sail very near the wind in giving deceptive pledges to their own constituents, who will support flagrant jobs done on behalf of their own party, who will accept favours from, and dine with, and receive at their own houses, financial speculators and members of the legislature whose aims are just as base, and whose standard is just as low as those of the worst congressman that ever came to push his fortune in Washington.

I am sensible of the extreme difficulty of estimating the amount of corruption that prevails in the United States. If a

native American does not know — as few do — how deep it goes nor how widely it is spread, much less can a stranger. I have, however, submitted the impressions I formed to the judgment of some fair-minded and experienced American friends, and am assured by them that these impressions are substantially correct; that is to say, that they give a view of the facts such as they have themselves formed from an observation incomparably wider than that of a European traveller could be.

The word "corruption" needs to be analyzed. It is used to cover several different kinds of political unsoundness.

One sense, the most obvious, is the taking or giving of money bribes. Another sense is the taking or giving of bribes in kind, *e.g.* the allotment of a certain quantity of stock or shares in a company, or of an interest in a profitable contract, or of a land grant. The offence is essentially the same as where a money bribe passes, but to most people it does not seem the same, partly because the taking of money is a more unmistakable selling of one's self, partly because it is usually uncertain how the bribe given in kind will turn out, and a man excuses himself by thinking that its value will depend on how he develops the interest he has obtained. A third sense of the word includes the doing of a job, *e.g.* promising a contractor that he shall have the clothing of the police or the cleaning of the city thoroughfares in return for his political support; giving official advertisements to a particular newspaper which puffs you; promising a railroad president, whose subscription to party funds is hoped for, to secure the defeat of a bill seeking to regulate the freight charges of his road or threatening its land grants. These cases shade off into those of the last preceding group, but they seem less black, because the act done is one which would probably be done anyhow by some one else from no better motive, and because the turpitude consists not in getting a private gain, but in misusing a public position to secure a man's own political advancement. Hence the virtue that will resist a bribe will often succumb to these temptations.

There is also the sense in which the bestowal of places of power and profit from personal motives is said to be a corrupt exercise of patronage. Opinion has in all countries been lenient to such action when the place is given as a reward of party

services, but the line between a party and a personal service cannot be easily drawn.

Then, lastly, one sometimes hears the term stretched to cover insincerity in professions of political faith. To give pledges and advocate measures which one inwardly dislikes and deems opposed to the public interest is a form of misconduct which seems far less gross than to sell one's vote or influence, but it may be, in a given instance, no less injurious to the State.

Although these two latter sets of cases do not fall within the proper meaning and common use of the word "corruption," it seems worth while to mention them, because derelictions of duty which a man thinks trivial in the form with which custom has made him familiar in his own country, where perhaps they are matter for merriment, shock him when they appear in a different form in another country. They get mixed up in his mind with venality, and are cited to prove that the country is corrupt and its politicians profligate. A European who does not blame a minister for making a man governor of a colony because he has done some back-stairs parliamentary work, will be shocked at seeing in New York some one put into the custom-house in order that he may organize primaries in the district of the congressman who has got him the place. English members of Parliament condemn the senator who moves a resolution intended to "placate" the Irish vote, while they forget their own professions of ardent interest in schemes which they think economically unsound but likely to rouse the flagging interest of the agricultural labourer. Distinguishing these senses in which the word "corruption" is used, let us attempt to inquire how far it is chargeable on the men who compose each of the branches of the American Federal and State government.

No President has ever been seriously charged with pecuniary corruption. The Presidents have been men very different in their moral standard, and sometimes neither scrupulous nor patriotic, but money or money's worth they have never touched for themselves, great as the temptations must have been to persons with small means and heavy expenses. They have doubtless often made bad appointments from party motives, have sought to strengthen themselves by the use of their patronage, have talked insincerely and tolerated jobs; but all

these things have also been done within the last thirty years by sundry English, French, and Italian prime ministers, some of whom have since been canonized.

The standard of honour maintained by the Presidents has not always been maintained by the leading members of recent administrations, several of whom have been suspected of complicity in railroad jobs, and even in frauds upon the revenue. They may not have, probably they did not, put any part of the plunder into their own pockets, but they have winked at the misdeeds of their subordinates, and allowed the party funds to be replenished, not by direct malversation, yet by rendering services to influential individuals or corporations which a strict sense of public duty would have forbidden. On the other hand, it is fair to say that there seems to be no case since the war—although there was a bad case in President Buchanan's Cabinet just before the war—in which a member of the Cabinet has received money, or its equivalent, as the price of either an executive act or an appointment, while inferior officials, who have been detected in so doing (and this occasionally happens), have been dismissed and disgraced.¹

Next, as to Congress. It is particularly hard to discover the truth about Congress, for few of the abundant suspicions excited and accusations brought against senators or members of the House have been, or could have been, sifted to the bottom. Among four hundred and fifty men there will be the clean and the unclean. The opportunities for private gain are large, the chances of detection small; few members keep their seats for three or four successive congresses, and one-half are changed every two years, so the temptation to make hay while the sun shines is all the stronger.

There are several forms which temptation takes in the Federal legislature. One is afforded by the position a member holds on a committee. All bills and many resolutions are referred to some one of the committees, and it is in the committee-room that their fate is practically decided. In a small body each member has great power, and the exercise of power (as observed already)² is safeguarded by little responsibility.

¹ The so-called Whiskey Ring of 1875 and the Star Route gang of more recent times are perhaps the most conspicuous instances of misconduct in the civil service. ² See Chapter XV. in Vol. I. on the Committees of Congress.

He may materially advance a bill promoted by an influential manufacturer, or financier, or railroad president. He may obstruct it. He may help, or may oppose, a bill directed against a railroad or other wealthy corporation, which has something to gain or lose from Federal legislation.¹ No small part of the business of Congress is what would be called in England private business; and although the individual railroads which come directly into relation with the Federal government are not numerous,—the great transcontinental lines which have received land grants or other subventions are the most important,—questions affecting these roads have frequently come up and have involved large amounts of money. The tariff on imports opens another enormous sphere in which legislative intervention affects private pecuniary interests; for it makes all the difference to many sets of manufacturers whether duties on certain classes of goods are raised, or maintained, or lowered. Hence the doors of Congress are besieged by a whole army of commercial or railroad men and their agents, to whom, since they have come to form a sort of profession, the name of Lobbyists is given.² Many congressmen are personally interested, and lobby for themselves among their colleagues from the vantage-ground of their official positions.

Thus a vast deal of solicitation and bargaining goes on. Lobbyists offer considerations for help in passing a bill which is desired or in stopping a bill which is feared. Two members, each of whom has a bill to get through, or one of whom desires to prevent his railroad from being interfered with while the other wishes the tariff on an article which he manufactures kept up, make a compact by which each aids the other. This is Log-rolling: You help me to roll my log, which is too heavy for my unaided strength, and I help you to roll yours. Sometimes a member brings in a bill directed against some railroad or other great corporation, merely in order to levy blackmail

¹ I remember to have heard of the governor of a Western Territory who, when he came East, used to borrow money from the head of a great railway which traversed his Territory, saying he would oblige the railway when it found occasion to ask him. His power of obliging included the right to veto bills passed by the Territorial legislature. This governor was an ex-boss of an Eastern State whom his party had provided for by bestowing the governorship on him.

² See *ante*, Note (B) to Chapter XVI. in Appendix to Vol. I.

upon it. This is technically called a Strike. An eminent railroad president told me that for some years a certain senator regularly practised this trick. When he had brought in his bill he came straight to New York, called at the railroad offices, and asked the president what he would give him to withdraw the bill. That the Capitol and the hotels at Washington are a nest of such intrigues and machinations, while Congress is sitting, is admitted on all hands; but how many of the members are tainted no one can tell. Sometimes when money passes, it goes not to the member of Congress himself, but to some Boss who can and does put pressure on him. Sometimes, again, a lobbyist will demand a sum for the purpose of bribing a member who is really honest, and, having ascertained that the member is going to vote in the way desired, will keep the sum in his own pocket. Bribery often takes the form of a transfer of stocks or shares, nor have even free passes on railroads been scorned by some of the more needy legislators. The abuse on this head had grown so serious that the bestowal of passes was forbidden [on inter-State lines] by Federal statute in 1887, and is now forbidden by the Constitutions of many States.¹ In 1883 portions of a correspondence in the years 1876-78 between Mr. Huntington, one of the proprietors and directors of the Central Pacific Railroad, who then represented that powerful corporation at Washington, and one of his agents in California, were published; and from these it appeared that the company, whose land grants were frequently threatened by hostile bills, and which was exposed to the competition of rival enterprises, which (because they were to run through Territories) Congress was asked to sanction, defended itself by constant dealings with senators and representatives—dealings in the course of which it offered money and bonds to those whose support it needed.²

¹ All lines traversing the territory of more than one State are subject to the power of Congress to "regulate commerce." As to free passes, see the instructive remarks of the Inter-State Commerce Commission in their First Report. The grant by the State of free passes on railways to members of the Chambers has led to abuses in Italy.

² Mr. Huntington comments freely on the character of various members of both Houses, and describes not only his own operations, but those of Mr. Scott, his able and active opponent, who had the great advantage of being able to command passes on some railways running out of Washington. In one letter he uses a graphic and characteristic metaphor: "Scott has switched off

It does not seem, from what one hears on the spot, that money is often given, or, I should rather say, it seems that the men to whom it is given are few in number. But considerations of some kind pretty often pass,¹ so that corruption in both the first and second of the above senses must be admitted to exist and to affect a portion, though only a small portion, of Congress.² A position of some delicacy is occupied by eminent lawyers who sit in Congress and receive retainers from powerful corporations whose interests may be affected by congressional legislation, retainers for which they are often not expected to render any forensic service.³ There are various ways in which members of Congress can use their position to advance their personal interests. They have access to the executive, and can obtain favours from it; not so much because the executive cares what legislation they pass, for it has little to do with legislation, but that the members of the Cabinet are on their promotion, and anxious to stand well with persons whose influence covers any considerable local area, who may perhaps be even able to control the delegation of a State in a nominating convention. Hence a senator or congressman may now and then sway the executive towards a course it would not otherwise have taken, and the resulting gain to himself, or to some person who has invoked his influence, may be an illicit gain, probably not in the form of money, but as a job out of which something may be made. Again, it has been hitherto an important part of a member's duty to obtain places for his constituents in the Federal civil service. There are about 130,000 of

(*i.e.* off the Central Pacific track and on to his own railroad track) Senators S. and W., but you know they can be switched back with the proper arrangements when they are wanted."

The Report of the U. S. Pacific Railway Commission says of these transactions, "There is no room for doubt that a large portion of the sum of \$4,818,000 was used for the purpose of influencing legislation and of preventing the passage of measures deemed to be hostile to the interests of the company, and for the purpose of influencing elections." — Report, p. 84.

¹ The president of a great Western Railroad told me that Congressmen used to come to the company's office to buy its land, and on seeing the price-list would say, "But isn't there a discount? Surely you can give the land cheaper to a friend. You know I shall be your friend in Congress," and so forth.

² Among the investigations which disclosed the existence of bribery among members of Congress, the most prominent since that of 1856-57 are those of the Credit Mobilier and the Pacific Mail cases.

³ See Vol. I., p. 121, note.

such places. Here was a vast field, if not for pecuniary gain, for appointments are not sold, yet for the gratification of personal and party interests. Nor does the mischief stop with the making of inferior appointments, for the habit of ignoring public duty which is formed blunts men's sense of honour, and makes them more apt to yield to some grosser form of temptation. Similar causes produced similar effects during last century in England, and it is said that the French legislature now suffers from the like malady, members of the Chamber being incessantly occupied in wheedling or threatening the executive into conferring places and decorations upon their constituents.

The rank and file of the Federal civil service attain a level of integrity as high as that of England or Germany. The State civil service is comparatively small, and in most States one hears little said against it; yet cases of defaulting State treasurers are not uncommon. Taking one part of the country with another, a citizen who has business with a government department, such as the customs or excise, or with a State treasurer's office, or with a poor law or school authority, has as much expectation of finding honest men to deal with as he has of finding trustworthy agents to conduct a piece of private commercial business. Instances of dishonesty are more noticed when they occur in a public department, but they seem to be little (if at all) more frequent.

It is hard to form a general judgment regarding the State legislatures, because they differ so much among themselves. Those of Massachusetts, Vermont, and several of the North-western States, such as Michigan, are pure, *i.e.* the members who would take a bribe are but few, and those who would push through a job for some other sort of consideration a comparatively small fraction of the whole.¹ Even in the North-west, however, a wealthy man has great advantages in securing a Federal senatorship at the hands of the legislature. Some States, including New York and Pennsylvania, have so bad a name that people are surprised when a good act passes, and a strong governor is kept constantly at work vetoing bills corruptly obtained. Several causes have contributed to degrade the

¹ The new Western (including the Territorial) legislatures vary greatly from time to time. Sometimes they are quite pure; the next election under some demagogic impulse may bring in a crowd of mischievous adventurers.

legislature of New York State. The Assembly having but 128 members, and the Senate 32, each member is worth buying. There are in the State, besides New York and Brooklyn, several smaller Ring-governed cities whence bad members come. There are also immensely powerful corporations, such as the great railroads which traverse it on their way to the West. Great corporations are everywhere the bane of State politics, for their management is secret, being usually in the hands of one or two capitalists, and their wealth is so large that they can offer bribes at which ordinary virtue grows pale. They have, moreover, in many cases this excuse, that it is only by the use of money they can ward off the attacks constantly made upon them by demagogues or blackmailers. The Assembly includes many honest men, and a few rich men who do not need a *douceur*; but the proportion of tainted men is large enough to pollute the whole lump. Of what the bribe-taker gets he keeps a part for himself, using the rest to buy the doubtful votes of purchasable people; to others he promises his assistance when they need it, and when by such log-rolling he has secured a considerable backing, he goes to the honest men, among whom, of course, he has a considerable acquaintance, puts the matter to them in a plausible way, — they are probably plain farmers from the rural districts, — and so gains his majority. Each great corporation keeps an agent at Albany, the capital of the State, who has authority to buy off the promoters of hostile bills, and to employ the requisite professional lobbyists. Such a lobbyist, who may or may not be himself a member, bargains for a sum down, \$5000 or \$10,000, in case he succeeds in getting the bill in question passed or defeated, as the case may be; and when the session ends he comes for his money, and no questions are asked. This sort of thing now goes on, or has lately gone on, in several other States, though nowhere on so grand a scale. Virginia, Maryland, California, Illinois, Missouri, are all more or less impure; Louisiana, under the influence of its lottery company (now happily at an end), was even worse than New York. But the lowest point was reached in some of the Southern States shortly after the war, when, the negroes having received the suffrage, the white inhabitants were still excluded as rebels, and the executive government was conducted by Northern

carpet-baggers under the protection of Federal troops. In some States the treasury was pilfered; huge State debts were run up; negroes voted farms to themselves; all kinds of robbery and jobbery went on unchecked. South Carolina, for instance, was a perfect Tartarus of corruption, as much below the Hades of Illinois or Missouri as the heaven of ideal purity is above the ordinary earth of Boston and Westminster.¹ In its legislature there was an old darkey, jet black and with venerable white hair, a Methodist preacher, and influential among his brother statesmen, who kept a stall for legislation, where he dealt in statutes at prices varying from \$100 to \$400. Since those days there has been a peaceful revolution for the better at the South, but some of its legislative bodies have still much leeway to make up.

Of city governments I have spoken in previous chapters. They begin to be bad when the population approaches 100,000, and includes a large proportion of recent immigrants. They are generally pure in smaller places, that is to say, nearly as pure as those of an average English, French, or German city.

The form which corruption usually takes in the populous cities is the grant at a wholly inadequate price of "franchises" (especially monopolies in the use of public thoroughfares), — a frequent and scandalous practice,² — the jobbing of contracts, and the bestowal of places upon personal adherents, both of them faults not unknown in large European municipalities, and said to be specially rife in Paris, though no rifer than under Louis Napoleon, when the reconstruction of the city under Prefect Haussman provided unequalled opportunities for the enrichment of individuals at the public expense. English vestries, local boards, and even, though much more rarely, town councils, do some quiet jobbery. No European city has, however, witnessed scandals approaching those of New York or Philadelphia, where the public till has been robbed on a vast scale, and accounts have been systematically cooked to conceal the thefts.

On a review of the whole matter, the following conclusions may be found not very wide of the truth.

¹ Τόσσον ἔνεργ' Αἰδεω ὄσον οὐρανός ἐστ' ἀπὸ γαίης.

² The most notorious recent case is the sale by the New York aldermen of the right to lay a tramway in Broadway. Nearly the whole number were indicted, and some were punished by imprisonment.

Bribery exists in Congress, but is confined to a few members, say five per cent of the whole number. It is more common in the legislatures of a few, but only a few States, practically absent from the higher walks of the Federal civil service, rare among the chief State officials, not frequent among the lower officials; unknown among the Federal judges, rare among State judges.¹

The taking of other considerations than money, such as a share in a lucrative contract, or a railway pass, or a "good thing" to be secured for a friend, prevails among legislators to a somewhat larger extent. Being less coarsely palpable than the receipt of money, it is thought more venial. One may roughly conjecture that from fifteen to twenty per cent of the members of Congress or of an average State legislature would allow themselves to be influenced by inducements of this kind.

Malversation of public funds occurs occasionally in cities, less frequently among Federal or State officers.

Jobbery of various kinds, *i.e.* the misuse of a public position for the benefit of individuals, is not rare, and in large cities common. It is often disguised as a desire to render some service to the party, and the same excuse is sometimes found for a misappropriation of public money.

Patronage is usually dispensed with a view to party considerations or to win personal support. But this remark is equally true of England and France, the chief difference being that owing to the short terms and frequent removals the quantity of patronage is relatively greater in the United States.

If this is not a bright picture, neither is it so dark as that which most Europeans have drawn, and which the loose language of many Americans sanctions. What makes it seem dark is the contrast between the deficiencies which the government shows in this respect, and the excellence, on the one hand, of the frame of the Constitution, on the other, of the tone and sentiment of the people. The European reader may, however, complain that the picture is vague in its outlines. I cannot make it more definite. The facts are not easy to ascertain, and

¹ Senators are often charged with buying themselves into the Senate; but, so far as I could ascertain, it does not often happen that a candidate for the Senate directly bribes members of the State legislature, though frequently he makes heavy contributions to the party election fund, used to defray the election expenses of the members of the party dominant in the State legislature.

it is hard to say what standard one is to apply to them. In the case of America men are inclined to apply a rigid standard, because she is a republic, professing to have made a new departure in politics, and setting before her a higher ideal than most European monarchies. Yet it must be remembered that in a new and large country, where the temptations are enormous and the persons tempted have many of them no social position to forfeit, the conditions are not the most favourable to virtue. If, recognizing the fact that the path of the politician is in all countries thickly set with snares, we leave ideals out of sight and try America by the average concrete standard of Europe, we shall find that while her legislatures fall much below the level of purity maintained in England and Germany, and also below that of France and Italy, the whole body of her Federal officials, in spite of the evils flowing from an uncertain tenure, is not, in point of integrity, at this moment markedly inferior to the administrations of most European countries. The same may be said of the State officials. It cannot, however, be said of those who administer the business of the larger cities, for the standard of purity has there sunk to a point lower than that which the municipalities of any European country show.