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Alleged Violations of the Civil-Service Law

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IN THE SENATE OF THE UNITED STATES.

March 1, 1894.—Referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

The Vice-President presented the following

REPLY OF U. S. CIVIL SERVICE COMMISSION TO SENATE RESOLUTION OF JANUARY 23, 1894, CALLING FOR STATEMENT OF INVESTIGATIONS SINCE MARCH 4, 1889, OF VARIOUS ALLEGED VIOLATIONS OF THE CIVIL-SERVICE LAW AND RULES BY THE HEAD OF ANY ONE OF THE EXECUTIVE DEPARTMENTS OR BUREAUS, OR BY ANY OFFICER OF THE UNITED STATES WHOSE APPOINTMENT IS SUBJECT TO CONFIRMATION BY THE SENATE.

February 28, 1894.

The President of the U. S. Senate:

Sir: In accordance with the resolution of the Senate dated January 23, 1894, the Commission has the honor to make the following statement of investigations since March 4, 1889, of various alleged violations of the civil-service law and rules by the head of any one of the Executive Departments or bureaus or by any officer of the United States whose appointment is subject to the confirmation of the Senate.

The cases embraced include most of those of importance undertaken by the Commission. A number of cases of investigations were begun but abandoned because of the evident worthlessness of the evidence preferred or because of a failure of all evidence. A number of cases of violation of the civil-service laws have been investigated during this period which do not come within the scope of the resolution; these cases being, for the most part, in reference to efforts to collect political assessments by persons not in the Government service.

There are certain cases which the Commission is in doubt whether it should or should not submit. Many of the cases of political assessment are of this kind. In most of these cases only persons not in the Government service were implicated, but in some of them Government employés were concerned. In cases of this latter kind the Commission feels that whether the courts act or not, the head of the Department should himself remove the offending subordinate.

POLITICAL ASSESSMENTS.

During the period referred to there has been only one case of political assessment coming clearly within the scope of the resolution. This occurred among the employés of the Internal-Revenue Service in the Second and Fifth districts of Kentucky. The charge was against Collector Scott, of the Fifth; Collector Feland, of the Second district; and
certain of their subordinates. It was charged that these individuals had systematically blackmailed Government employees for political purposes on a most extensive scale, and had also used their offices in contesting the control of the primaries and nominating conventions of their district, notably with reference to the contest for delegates to the approaching Presidential convention.

On December 15, 1891, the Commission called the attention of the President to these charges, recapitulating them and recommending action by the Department of Justice. The cases were turned over to Mr. George W. Jolly, U. S. district attorney for Kentucky, who prosecuted them with such zeal, fidelity, and success as to entitle him to the respect of all believers in decent government. As to certain of the individuals implicated the charges proved to be true in every particular, and, thanks to Mr. Jolly's energy and professional ability, convictions were secured of five of the offenders, although, it is understood, a new trial has been granted in two of the cases.

Two cases are here presented where subordinates in the Departments were implicated in an effort to collect political assessments, where the attention of the head of the Department was called to the facts, but where no action was taken, so far as the Commission is informed. The first case is that of Mr. Daniel A. Grosvenor, in the Treasury Department. It arose in connection with an investigation made by Commissioners Roosevelt and Thompson, in the fall of 1890, concerning charges of violation of the civil-service law, in making political assessments, especially in the Treasury Department. The two following reports state the facts disclosed in this investigation:

**The President of the Civil Service Commission:**

Sir: In pursuance of the direction of the Commission, and in accordance with the letter of the Secretary of the Treasury of October 30, I this morning went up to the Treasury Department and began an investigation into the alleged violations of the civil-service law forbidding political assessments. The only case I took up was that of Mr. Grosvenor, an employe of the Treasury Department. Mr. Grosvenor appeared before Assistant Secretary Nettleton and myself and stated that there was a political and social club entitled the Ohio Republican Association, composed of between two and three hundred members, all but twenty or thirty of whom were in the departmental service; that the initiation fees were $1, and the annual dues $1; that the club had been in active existence for a number of years, with the exception that its activity had been suspended during the greater portion of President Cleveland's administration, but that in 1883, when the civil-service law went into effect, the club's constitution was carefully revised so as to be, in the opinion of what the club deemed competent legal authority, in accordance with the provisions of the law.

Mr. Grosvenor stated that this association had done what it could to procure the sending of members and other employes home to vote, and qualified the statement by adding that the club never did this as an association, but as individuals merely, doing the work in their private capacity. He stated that he was correctly reported in the public press as having said, at a meeting of the club, that all employes ought to contribute voluntarily, and that those who did not contribute did not deserve to be retained in the public service; and he added that he thought that this statement, coming from him as a public officer, was an unwise one to make, or words to that effect. In my opinion it was more than unwise, for such a threat, made to other officeholders, was a most effectual method of directly soliciting them to contribute.

Mr. Grosvenor further said he remembered being present at the meeting of the association at which Mr. Hahn, the chairman of the Republican executive committee of Ohio, was present, and urged members to raise contributions. He added, in response to a remark of mine, that he thought the circular sent out by this Ohio executive committee was very unwise or unfortunate in its wording. I then took a copy of the Daily Critic, of Tuesday, October 21, 1890, containing an account of the meeting of the Ohio Republican Association on the evening of October 20 at Grand Army Hall, and questioned him about the statements made therein.

The Commission will remember that these statements are contained in the report of one of the Critic reporters, Mr. John A. Cole, who has appeared before this Com-
mission and stated that he is willing to make affidavit to their substantial accuracy. It will not be necessary to call him, however, for Mr. Grosvenor readily admitted that the remarks attributed to him were substantially correctly reported. He stated that he had been present at the aforesaid meeting, Acting Superintendent of the Census Childs being in the chair, and that he had there made public inquiry as to the amount of money that had been raised, and expressed his dissatisfaction because there was not, in his opinion, enough, and that he then made a motion that Mr. Mayse and Judge Lowry be authorized by the club to procure some person to visit the clerks outside of the Departments at their own homes and solicit them for contributions for campaign purposes. He stated that his motion was adopted by the club, but that he did not know that it had ever been acted upon, and further stated that at the meeting he had said that he would himself furnish or get some person for Judge Lowry and Mr. Mayse to appoint to solicit or procure the contributions. A clipping from the Critic is herewith appended as an exhibit.

Mr. Grosvenor stated to me that he was a lawyer, 52 years old, and he was confident he had not violated the civil-service law; and furthermore that he was confident that some sections of that law were unconstitutional. The motion he made in the association as above reported was, of course, avowedly for the purpose of evading the law in so far as it provides against any Government employé soliciting or being directly or indirectly concerned in soliciting contributions for political purposes from any other Government employé. His motion or resolution was adopted by the club. If it had been acted upon, and if an individual or committee appointed in pursuance of it had solicited contributions, it seems to me that the entire club, and especially the mover of the motion, would have been clearly guilty inasmuch as they would certainly have been directly or indirectly concerned in the solicitations. Mr. Grosvenor, it must be remembered, made the motion and spoke in its behalf. He would beyond question therefore have been at least indirectly and probably directly concerned in every solicitation made in accordance with that motion by the committee authorized by the club. We have no means of knowing whether the committee was actually appointed and the solicitations made.

Mr. Grosvenor says that this was not the case. Accepting this statement as true, it might or might not be possible to establish Mr. Grosvenor's guilt in a court of law. It will be noticed, however, that the question of his legal guilt hinges entirely on the actions of others. He advised and inaugurated a plan which, if consummated by others, would have rendered him guilty before the law, and it was only the failure of others to consummate it which saves him, if he has been saved, from the guilt of lawbreaking. As far as his own actions could go, the infraction of the law was complete; and whether the act was or was not consummated by others does not in the least alter the question of his misconduct. He did all he could to bring about a breach of the law and to render himself liable as a lawbreaker. He advised the commission of an illegal act and took the initiatory steps toward its commission, and is therefore morally quite as guilty as if the act had actually been committed.

There has been beyond question much individual and some organized effort to evade the act against political assessments, the parties implicated taking great pains to keep just outside of the letter of the law. In my opinion those who thus deliberately set to work to evade the law and to break it in spirit are morally no whit better than those who break it outright. When they are private citizens we can not reach them except through the courts; but when they are in the Government service it is in the power of the Government to punish them by dismissal. Mr. Grosvenor, however, is not merely guilty of an attempt to evade the law; he is guilty of a deliberate attempt to break it, an attempt which may have been successful, and which, if it was not successful, failed only because others did not consummate the action which Mr. Grosvenor inaugurated. I accordingly recommend that his case be brought to the attention of the Secretary of the Treasury, that it may be determined whether in view of these facts he is a fit person to be retained in the public service.

Theodore Roosevelt, Commissioner.

Hon. Chas. Lyman, President Civil Service Commission:

Sir: In accordance with the direction of the Commission, we have recently been engaged in investigating the charges concerning the alleged violations of the civil-service law in the matter of making political assessments. We have examined some 30 clerks in different Departments at Washington, but notably in the Treasury Department. There were only 2 Government employés now in the service against whom we could get any specific accusation. One of these is Mr. Gros-
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venor, concerning whom Commissioner Roosevelt has made a special report; the other was an employé of Congress, named Stratton. Mr. Stratton is quoted in the press as having, in an interview, stated that all Pennsylvania employés in the Government service who refused to contribute to the Republican campaign fund would be blacklisted and called to account therefor, the inference being, of course, that they would be dismissed.

If Mr. Stratton had used this language to any employé, he could undoubtedly be indicted; but it appears that he has very prudently abstained from doing so, having confined himself to interviews in the press. His threats were mere bravado, for, as far as we have been able to find out, he has no influence whatever in any of the Departments, and his course was emphatically repudiated by members of the Republican Association from Pennsylvania. One of the officers of that association testified to us that as soon as the threat was made public the association had at once destroyed the records of its members who went home to vote, in order that there might be no chance of blacklisting or molesting those who did not go home to vote, and, as a matter of fact, we have been unable, by any inquiry, to find out that there has been the least effort made to put the threat into execution, although many of the Pennsylvania Government employés had neither contributed nor gone home to vote. We have not been able to find a single instance where a Government employé was solicited directly, or indirectly, in a Government building by anyone, or was solicited anywhere by another Government employé, with a single exception, to be noted hereafter.

We have not been able to find an instance where a Government employé in the departmental service was molested in any way for not contributing, although the bulk of the employés examined testified of their own accord that they did not contribute. We find, however, that there has been of recent years a systematic effort to secure contributions by various campaign committees of both parties. Both in 1888 and in 1890 the campaign committees of the dominant party for the time being sent solicitations for subscriptions for campaign purposes to very many of the employés in the departments at Washington, but sent them to their homes and not to the Government buildings. A comical feature of this action was the fact that in 1888 almost all, and in 1890 one, of the Civil Service Commission’s own clerks were thus solicited for contributions, the letters being sent, of course, to their homes and not to the office of the Commission. We could find only one instance in which there was any allegation that pressure was brought to bear by a Government officer to make his subordinates contribute. In the instance referred to testimony was given us to the effect that in 1888 a chief of division, now out of office, had practically forced two clerks to contribute to the campaign fund of the then dominant party. The clerks declined to give the name of this chief of division. Their statements make it doubtful whether he could be proceeded against under the law, even if his name were known.

We are clearly of the opinion that the law forbidding political assessments should be amended so as to forbid the solicitation of Government employés by anyone at any time and in any place. Our investigations clearly show that during the last few years there has been much solicitation by campaign committees of whichever party happened to be in power at the time, and of course it is really a matter of little moment whether this solicitation of the Government employés took place at their homes or in a Government building. As far as our examinations show, and we have examined both Democrats and Republicans, who have been in office under President Cleveland as well as under President Harrison, no man who has had the manliness to resist an effort to make him contribute has been in any way molested for so doing; and no head of a Department or other high official has countenanced any effort to prejudice a man for contributing or not contributing to whichever party he choose. But undoubtedly there are plenty of Government employés who get frightened when approached by men of high position in the party to which the administration for the time being belongs, and who yield to them and contribute against their will, with an idea that they will be molested if they refuse to do so.

It seems to us that every consideration of public policy warrants the passage of a law forbidding Government employés from being solicited in any manner by anyone at all. If they wish to contribute voluntarily, let them do so; but they always know when a campaign is going on, and it is safe to say that if they really desire to help any political organization they will do so on their own accord without reminder. When a campaign committee solicits a private citizen, neither he nor they can have any thought of duress in the matter; but the ease is instantly changed when the man is an officelholder. He feels that he owes his retention in office to the good will of his superiors, and solicitation coming from the party chiefs of the organization to which these superiors belong must inevitably carry with it an improper weight. We especially recommend that action be taken in the premises before the Presidential election of 1892, for our investigations into the solicitations as carried on here
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in 1888 and 1890 convince us that much more of this solicitation occurs during a Presidential year than at any other time. It is a species of DIScreditable blackmail which ought to be stopped at once.

We have not been able to make full investigation at this time to see how the law against the solicitation of Government employes has been observed in the local post-offices and custom-houses. We are informed, however, that in at least one post-office in Ohio, some or all of the employes, both Democratic and Republican, received a circular sent to their homes, of which the following is a copy:

[Headquarters Ohio Republican State Executive Committee, 120 East State street (opposite Government building).]

COLUMBUS, OHIO, October 4, 1890.

DEAR SIR: This committee is now organized and ready for the work of the campaign. We therefore appeal to officeholders for reasonable donations, and as you are one of that number we take the liberty of asking you to send us a contribution, the usual amount being 3 per cent of salary. Please let us hear from you at once, either in person or by letter, at 120 East State street.

Yours, truly,

W. M. HAHN,
Chairman.

At present it seems that the observance of the law in its spirit in the local offices at any rate must depend largely upon the character of the head of the office. Thus from information gained in previous investigations we found that in 1888 there were certain post-offices and custom-houses in which assessments of subordinates were practically universal, and others in which there were absolutely none at all. Doubtless the same is true of the offices at the present time. The law should be so amended as to make solicitations impossible anywhere. Even in its present state the law does away with much, probably with the great bulk, of the evil that formerly existed, but some evil still remains.

Our attention has been called to the existence of political or politico-social organizations here in the Departments at Washington. We find that there are a number of such that are now or recently have been in existence. The usual course of procedure seems to be for all the members from one State belonging to one party to organize themselves into a club or association known by some such title as The Pennsylvania Republican Association, The Illinois Democratic Association, or the like.

These associations receive initiation fees and annual dues, and as they are composed largely of officeholders and are of a political or semipolitical character it is a question in our minds whether these dues or initiation fees are not paid in disregard of law. We find that the Democratic associations which were in existence during the last administration have fallen into abeyance during the present administration, and that, on the other hand the Republican associations which were then in abeyance have now sprung up into activity. It is needless to point out that if these associations are allowed to exist at all there should be some steps taken by which they shall be allowed to exist equally among both parties. Unless members of both parties have the right to form such associations at all times, under any administration, then neither party should be permitted to do so.

We wish to express our appreciation of the heartiness with which Secretary Windom and Assistant Secretary Nettelton rendered us every aid in conducting the investigation into the alleged violations of law in the Treasury.

THEODORE ROOSEVELT,
Hugh S. Thompson,
Civil Service Commissioners.

In pursuance of these two reports a letter was written to the Secretary of the Treasury December 2, 1890, transmitting a copy of the reports of Commissioners Roosevelt and Thompson. A copy of the same report was sent to the President December 3, with the recommendation that he prohibit the organization of the employes of the Departments at Washington into political clubs. No action was taken on either of these two letters.

The second case referred to is that J. J. Verser, an employe of the Government Printing Office, and W. C. Elam and D. J. Godwin, employes of the Interior Department. It appeared that these gentlemen, with several outsiders, in the fall of 1889 organized a campaign club in...
the interests of the Republican party in Virginia, and solicited various employés in the public service from Virginia for money for political purposes. Mr. Verser was treasurer of the club, his name so appearing on the printed circular soliciting contributions. Messrs. Elam and Godwin permitted their names to be used on these circulars without protest or disapproval on their part. Indictments were found against Verser and Newton, the latter of whom was not an officer of the United States. They were prosecuted by the Department of Justice, to which the letter of the Commission of November 18, 1889, detailing the case was submitted.

The defendants were, however, acquitted, and on the ground of this acquittal the Secretary of the Interior and the Public Printer declined to dismiss Elam, Godwin, and Verser, though the acquittal appears to have been on technical grounds, there being no doubt of their guilt. The letter of the president of the association, May 23, 1890, shows that Verser and Godwin, and probably Elam, must have known that one of the prime objects of the club to which they belonged was to solicit Government employés for political purposes. It was evident, therefore, that they organized the club partly with the purpose of evading or violating the civil-service law, and whether they did or did not themselves technically violate that law they should, in the opinion of the Commission, have been dismissed from the public service. No action was taken, however, in any of the cases by either the Department of the Interior or the Government Printing Office.

Commissioner Roosevelt, in January, 1890, investigated certain charges of political assessment at the New York custom-house, some of which were alleged to have been made at the instigation of Surveyor Beattie under the preceding Democratic administration. The following is a copy of the report on the subject:

JANUARY 17, 1890.

Gentlemen: I herewith have the honor to report the results of my investigation into the alleged violations of the civil-service law in the New York custom-house, both in the employment of persons performing clerical and other duties who have not passed our examinations and in the collection of contributions for political purposes just prior to the Presidential election of 1888. I submit the testimony (Exhibits H to Q) and sundry other exhibits (A to G). My examination occupied several days—December 3, 16, 17, 23, 26, 27, and 28, ultimo, and January 9 and 10, instant. My thanks are due to the collector for his courtesy in allowing me the use of his stenographer, Mr. Epstein, and to the deputy surveyor, Mr. Nicolas, who himself acted as stenographer for a large portion of the time. Had it not been for the kindness of these two gentlemen I should have been put to very serious inconvenience, as the Commission's stenographers were already so much worked that it was impossible to spare them. My report comes properly in two divisions.

I.—EMPLOYÉS IN THE SURVEYOR'S OFFICE.

The allegations of improper employment of clerks all relate to the surveyor's office. In relation to them I examined Messrs. Jardine, O'Brien, and Letzeiser (see their testimony; also Exhibits D, E, and G). The service is a peculiar one, necessarily elastic in character; and though in my opinion the elasticity is carried too far, yet this is a matter to be considered by the Department rather than by our Commission. The temporary assistant weighers are employed irregularly, day by day, and after having been once sworn in are considered as being always in the service whether they are dropped from the rolls merely for a day or two or for a space of several years. There are thus considerably over a hundred of them—perhaps two hundred—on whom to draw for the work to be done each week; work that may need a dozen, and may need fifty, but which always fluctuates. Any new appointments must be made from our eligible lists; but as a matter of fact, since this rule went into effect no new appointments have been made, there being so much old material to draw from. A few of the men employed as temporaries really do permanent work. The work of the others is irregular, and it would seem to be impos-
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sible to employ them permanently. Apparently most of them are employed without very much regard to politics, though the present system undoubtedly gives much opportunity for personal favoritism, and there seems to be some ground for supposing that a change of parties produces a certain change in the personnel actively in service by giving weight to the recommendation of different sets of politicians—at least this is a fair inference from the cautious admissions of Mr. O'Brien, a Demo-

crat, as to the weight he has given since the Presidential election to the recommenda-

tions of one or two prominent Republican ward leaders.

On the pay rolls of the temporary assistant weighers appear the names of one or two men, that of G. J. Smith for instance, whom the witness is styled "temporary clerks," though they appear to have no official designation except that of temporary weighers. They do clerical work precisely similar in character to that of the temporary weighers detailed to do clerical work, but they are not sworn in. Smith was appointed last spring without being sworn in or passing an examination, and not from our eligible lists; as he appears on the temporary weighers' list, and does work, which, though nominally temporary, is apparently in reality of permanent character, precisely similar to that of the weighers detailed as clerks, his appointment would certainly seem to be irregular. If he is one of the assistant weighers he should be appointed from among them; if he is a clerk he should be called such and appointed from some clerical register. Both his style and his employment as "temporary clerk" seem to be wholly abnormal.

There are also laborers detailed as clerks; for instance, Frank Morrison and C. S. Grant. They were appointed as laborers at $2.50 a day a couple of months ago, and have been detailed to do clerical duty steadily ever since. Others, as Messrs. Stanbury and Snyder, are detailed as "temporary clerks" and nominally paid by the hour, 30 cents an hour. In reality they have been steadily at work for years, like any other clerks; yet they were appointed without examination. Gen. Jardine stated that if he chose he could fill all the clerical places by detailing laborers to them. As a matter of fact it seems to have been pretty generally done for a long time.

The ruling of the Commission in the case of the temporary weighers seems to pro-
hibit the appointment of the so-called "temporary clerks," who really do permanent clerical duty, and whose names appear on the pay roll of the temporary weighers, as being paid like them at a rate of compensation greater than $900 per year, and who are therefore brought within the limits of the classified service. Their appointment in so irregular a manner, without examination, seems a clear evasion of the law. The detailing of laborers to do clerical work is precisely what has been done of recent years, and is now being done in the Philadelphia custom-house, as is shown by my recent report thereon. This is prohibited by our rules in the Departments at Wash-

ington, and I can see no good reason why it should be allowed to continue elsewhere, at least not without very rigid restrictions. The whole case emphasizes in the strongest manner the need of a complete reclassification of the customs service.

II.—THE COLLECTION OF POLITICAL ASSESSMENTS PRIOR TO THE PRESIDENTIAL ELECTION OF 1888.

The law prohibiting political assessments of any kind or the collection thereof in any manner or under any disguise is sweeping and thorough in its provisions. Up to 1882 these collections were made perfectly openly, the employés being publicly notified how much they were to pay, when it was to be paid, and at what place. The present law has put a complete stop to this open spoliation of poor clerks, and has made it comparatively difficult to mulct them even secretly. In an honestly administered office there is now no danger of this particularly mean and cowardly wrong being committed; and even where the head of the office is indifferent, the bolder employés, who are not easily bullied, can safely defy attempts to make them contribute. But there are always a great many weak or timid people whom it is easy to coerce, and where the head of the office deliberately seeks to get around the law it is always possible for him to bring such pressure to bear on his subordinates as to force them to contribute, though he himself does no overtly illegal act. It is comforting to add, however, that in this effort to just keep within the law, while nevertheless evading it, all save the very most adroit wrongdoers are apt to make some slip and put themselves where they can be punished, although it is a matter of great regret that the sharp originator and instigator of the misdeeds should so often escape while his clumsier tool is caught.

It is worth while saying at the outset that experience in a number of investiga-
tions of this sort has convinced me that the talk so often heard about the injustice of not allowing clerks to make "voluntary contributions"—which the law in nowise prevents—is all nonsense. Government employés do not as a rule contribute simply from a desire to help the political cause in which they believe. The so-called "voluntary contributions" are nine times out of ten made from some per-
sonal moties; that is, either in the hope of being retained in office or else with the object of gaining some advantage over the other clerks. In other words, the employees are coerced into making them for fear their position will be jeopardized if they fail to do so. It is probably safe to say that 90 per cent of the money collected for political purposes from minor governmental employees represents simply so much blackmail. This particular species of robbery is mean enough at best, and one of its most nefarious features is the fact that the men most susceptible to pressure, are those of opposite political faith to the dominant party. Those who agree in politics with the party in control feel some assurance of protection if they refuse to be coerced into parting with their money, but the unhappy of opposite political faith feel they have no power behind the throne on which to rely, are nervously afraid of giving offense, and yield helplessly when threatened. The amount paid is not absolutely very great in any individual case, but to a poor clerk barely able to get along the loss of 3 per cent of his salary may mean just the difference between having and not having a winter overcoat for himself, a warm dress for his wife, or a Christmas tree for his children. Such a forced payment is a piece of cruel injustice and iniquity.

Another fact to be remembered is that very much of the money so collected is never turned into the party campaign chest at all, being kept for their own private uses by the jackals who have collected it. If the head of the office is determined to have his subordinates contribute, the latter soon know it, and the fact that they must pay becomes common talk among them. In some offices the system of making political assessments has obtained steadily for so many years that many of the clerks have come to regard it as part of the established order of nature, against which they do not think of rebelling, but, whatever their own politics, regularly pay their contributions into the campaign chest of the dominant party; as one of them expressed it, "they feel that the desk, not the man at it, owes just so much to the party in power." Many politicians take this view as a matter of course. One of the witnesses in the present case, a strong Republican, who was holding office under the last administration, testifies that he was advised to contribute to the Democratic campaign fund by one of his own friends, a New York Republican district leader, as being the only thing to do if he wished to keep his place.

In investigating the alleged violation of the law against making political assessments I have made a more or less complete examination into the conduct in this respect of the offices of the collector, surveyor, and naval officer of the port of New York during the Presidential election of 1888. It is most instructive to note the differences in the way the law was observed in the three offices named.

In the naval office, under Mr. Burt, my investigation goes to show that the law was observed absolutely, both in letter and spirit. As far as I can find out, there were no collections made for political purposes, in any shape or form, and nothing like political coercion was tolerated; each employee was left entirely free to contribute to whichever political party he desired, or not to contribute at all if he did not wish to. In other words, the subordinates were treated as American citizens ought to be; they were required to do their full duty to the Government, and, this done, were left free to exercise their own judgment in political matters.

In the collector's office, under Mr. Magone, there was apparently widespread, but not universal, and by no means always successful, efforts to evade the law by persuading or forcing the Republican clerks to contribute. Some list of these Republican clerks must have been kept, because they were especially singled out for more or less indirect solicitation, either personally or by circular; and there is the testimony of one witness that this solicitation was undertaken by the express command of Mr. Magone's private secretary (there being nothing to show, however, that Mr. Magone was aware of his secretary's action.) On the other hand, there was certainly no active coercion of these same clerks; for as a matter of fact very many of them refused to contribute, and nevertheless were not molested on account of their conduct. Moreover, the effort to make them contribute was always made indirectly, and usually so guardedly that it is difficult to say if the law was actually violated in its letter.

In the surveyor's office, under Mr. Beattie, the contributions, as far as is shown by the testimony of the twenty-eight witnesses examined, were universal. The Democrats generally gave their money of their own accord; but all the clerks and clerks were practically forced against their will to pay what were in reality political assessments for the benefit of the party to which they were opposed. This was accomplished by a very ingenious and widespread system of veiled threats and covert intimidation, so well carried out that it was completely successful, the extent of the success being shown by the fact that all, even the most unwilling of the clerks whom I examined, were in the end forced to pay. Every method was resorted to so to extract the contribution, while at the same time avoiding the actual demand of money. For instance, some of the witnesses were forced to contribute by being made very uncomfortable in their work until they did so. They were originally at work
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at stations near their homes and were suddenly shifted to others far distant and very inconvenient for them to go to. Their inquiries failed to discover the reason for the change; and they were kept at the new stations until they finally made up their minds to pay, when they were usually promptly transferred back to their old posts without a word being said. Other witnesses testify that they were threatened that if they failed to contribute, "special agents" would be put to watch them and to make out cases for their discharge.

Others were informed that blacklists were being kept at headquarters of all who failed to pay. Others were merely asked, again and again, if they cared to contribute, or if they knew where they could contribute if they wished, the place being named, or if they had been down to visit this same place. Generally, these questions were asked with much pretense of personal friendliness; sometimes, however, this mask was dropped and the advice was given openly, perhaps accompanied by a scarcely hidden threat. The campaign circulars demanding funds were sent to all the employes. The man who was collecting these funds was one R. Jordan, in Liberty street, and his cards were also sent, sometimes several times, to the employes; and on several occasions they were distributed by hand. Finally, some of the more refractory men who held out longest were told outright that if they wished to avoid trouble and retain their places they had best pay.

By these various means so much pressure was brought to bear on the employes that in the end they all succumbed and paid their money. I do not charge the head of the office, Mr. Beattie, with complicity in this wrongdoing; but the fact remains that these acts were committed in the office under his control. Of course no chief can be held in the slightest degree responsible for isolated cases of violation of the law among his subordinates; but according to the unanimous testimony of the twenty-odd Republican clerks examined, there existed in the surveyor's office a system of combined extortion and coercion, which was seemingly organized with minute thoroughness, which was so comprehensive as to take in every one of the numerous subordinates, whom, choosing in many cases merely at random, I had before me, and which was completely successful in the attainment of its objects. Such widespread and far-reaching evasion and violation of the law speaks but ill for the vigilance of those whose duty it was to see it enforced. The contrast in this respect between the surveyor's office under Mr. Beattie and the naval office under Mr. Burt reflects credit on the latter and does not reflect credit on the former.

The testimony taken tends to incriminate eleven men, who were at the time Government employes, as having taken a more or less active part in soliciting contributions. They were for the most part head clerks or foremen. Against one man, Hughes, there is merely the testimony of a single witness, Kraemer; and against another, Barnes, there is also the testimony of only a single man, Finkenberg, who, by the way, was a most unwilling witness. In the same way, against Reagan, there is only the testimony of one witness, Roberts. It is, therefore, perhaps, unadvisable to proceed further against these three men, beyond calling the attention of the collector to Barnes, who is still in the service; it is stated that the other two are no longer in Government employ.

Against John W. O'Brien there is only the direct testimony of the witness Knox, who testifies that O'Brien sent for him and advised him as a matter of policy to pay the assessment, but thinks the advice was given in a more friendly way. The witness O'Connor testifies that O'Brien refused to advise him, merely stating the amount he could pay if he chose. The witness Rafferty testifies that O'Brien brought him down to Liberty street to see Jordan, who was receiving the money on behalf of the Democratic campaign committee. The witness Abercrombie testifies that O'Connor informed him that O'Brien had asked him to pay; Rafferty testifies to the same effect. There does not seem to be sufficient ground for taking any action against O'Brien, save, perhaps, to lay the testimony in his case before the Secretary of the Treasury; but he should be warned hereafter to refrain from giving advice on such subjects to his subordinates.

Against Alexander C. Hinton there are two witnesses, Foster and Lowenstein. Both testifies that he handed them, at their desks, sealed and unstamped envelopes containing Democratic campaign circulars soliciting contributions (see Exhibits A and B), although, as he himself states, it was not his custom to deliver the mail. Beyond the statement that Mr. Hinton "laughed" as he laid the circulars on the desks, and the fact that it was unusual for him to deliver the mail, and the further fact that these campaign circulars are generally easily recognizable as such, there is nothing to show that Hinton knew the contents of the envelopes he was handing. He himself denies all knowledge thereof. The case hardly seems, in my opinion, to warrant more than calling the attention of the collector thereto.

There are two witnesses against Charles T. Duryea. One Stratton testifies that at the end of the month, when the clerks were swearing to their pay rolls, Duryea told him of his own accord where he could make a "voluntary contribution," handing him Jordan's card and a pencil and pad to take a memorandum of the address;
and at a later date the conversation was repeated. The other witness, Birdsall, testifies that on several occasions Duryea asked him if he had not contributed, and on the pay day before election offered to give him the address where he could pay the money, and accordingly wrote it down for him. Mr. Duryea states that he has no recollections of having done what is alleged against him. It seems doubtful if there is sufficient testimony to warrant an indictment; but Duryea certainly came dangerously near the line which forbids solicitation, "directly or indirectly," and the attention of the collector should be called to the case, for, unless the accusation be disproved, Mr. Duryea would seem to have forfeited his right to remain in the public service. The present law has been framed expressly for the purpose of putting a stop to "indirect solicitation," a much more difficult matter than to prevent its being done "directly." It is hardly too much to say that the open brutality with which money was formerly extorted from unfortunate clerks is preferable to—it is certainly more manly than—the indirect methods, of which those it is alleged Mr. Duryea employed may be taken as samples. Even if a man has managed to keep just within the law, if his purpose to evade it is evident he should at least be dismissed from office.

There are three witnesses against Augustus Gerritson. The witness Viele testifies that Gerritson approached him and told him that the committee (the campaign committee) would like a contribution from him; that the contribution would be entirely voluntary, but that "he knew what was liable to happen if he didn't feel inclined" to make it. The witness Larner testifies that Gerritson came up to him at his desk, "gave him to understand that he was expected to contribute," and specified the sum demanded, which was $60. The witness McLaughlin testifies that Gerritson came up to him and told him "where he could contribute voluntarily," specifying the amount as 3 per cent of his salary. Mr. Gerritson's denial is couched in rather vague terms. This case is much like Duryea's, but I am inclined to believe that he may have overstretched the line and become answerable to the law. To volunteer the information where "voluntary contributions" can be paid, to specify the amount which can be thus "voluntarily" contributed, and to give a hint which is practically a threat as to what may happen if the contributions are not made, certainly seems to amount to indirect solicitation. At any rate I recommend that the evidence in this case be laid before the district attorney for his decision; and that it also be given to the collector for his action in the matter. The offender may be dismissed, even if it proves impossible to prosecute him.

The case against Frederick N. Dodge is peculiar in that it directly involves the collector's own office. Six witnesses, Vance, Treloar, Lewis, Roberts, Snow, and Pegnan testify that Dodge came to them, on a number of different occasions, and told them that if they wished to contribute they could go down to Liberty street and do so; and he afterwards asked some of the witnesses if they had contributed, and finally advised two of them, Treloar and Snow, that it would be better for them if they did contribute. Mr. Dodge, who testified very frankly, and with an evident desire to tell the whole truth, admits that he told the men that if they wished they could contribute, and mentioned the place where they could go to do so; and that he may have told some of the men more than once. He also states that he tried to impress on the men's minds the fact that they were not obliged to contribute unless they wished; and as a matter of fact they did not contribute. Mr. Dodge states that he spoke to his subordinates at all only because he had received orders to do so from one of his superiors. In his letter supplementary to his testimony he says: "I was requested from the collector's office, I think by Mr. Kimball, private secretary to Mr. Magone, to inform any of the clerks who desired to contribute that they could make such payments at Jordan's office. This case does not seem to warrant an indictment; but it is needless to point out the gross impropriety of any officer, standing in close relations to the collector, directing his subordinates to tell the clerks where they could pay "voluntary" contributions. Information of such a character, coming from such a source, was certain to be taken by all weak and timid clerks as a strong intimation that they must contribute.

There are two witnesses against John U. White. The witness Kraemer testifies that White handed him a card containing the name and address of Jordan, who was collecting the money for the campaign fund, and told him that, for his own benefit, he had better go down and see Jordan—the meaning of his remark being evident. The witness Orton testifies that White merely handed him one of Jordan's cards. White admits that he had a bundle of the cards in his possession, they having been given him up at the Democratic headquarters for distribution; but he denies that he ever distributed them, which he says he knows would have been against the law. Both of the men approached ultimately paid after receiving several circulars or cards with Jordan's name and address. There does not seem to be enough in the case to warrant our asking for an indictment; but White's intent in handing the cards seems evident, and his case should be called to the attention of the collector.
ALLEGED VIOLATIONS OF THE CIVIL-SERVICE LAW.

The evidence against Thomas J. McGee is stronger than that against any of those implicated, with one exception. The witness Eldridge testifies that McGee asked him if he had paid his assessment, and told him that if he wished to remain where he was, undisturbed, he had better pay it; and that if he did so he would be all right. The witness Hopkins testifies that McGee approached him and asked him if he had paid, telling him again that he had better do so as soon as he could; and that later on McGee once more came up to him, having with him a list, and asked him if he had yet paid, telling him again that he had better do so. The witness Hunter testifies that McGee came to him in his office and left with him for distribution, a number of the campaign cards, with Jordan's name and address, before mentioned, telling him at the same time that it would be well for him to put in an appearance at "Liberty street," the place where the campaign funds were collected. Later on, McGee again came to Hunter and told him that there had been some delinquencies in contributing among the men who were under him; that Jordan had not received their contributions. As a result, Hunter, Eldridge, and Hopkins were all forced to contribute.

I am of the opinion that McGee can be prosecuted not only for indirect, but for direct, solicitation, and recommend that all the evidence in his case be turned over to the district attorney, for such action as he may deem fit, and that he should also be reported to the collector.

The case against Peter Rafferty has some very curious features. Rafferty was the first man to furnish information about these political assessments; and he gave the names of two men who, as he asserted, would testify against O'Brien. Only one of them would do so, however; the other, O'Connor, tried to shield O'Brien, and both testified against Rafferty himself, as did a number of other witnesses during the examination. Rafferty then requested (see Exhibit D) that the whole matter be dropped, on the ground that there was a "combination" against him; but I do not feel that I have the right to take any such action.

The witnesses Knox and Madden testify that Rafferty approached them several times to make them pay, but believe that it was done through motives of friendship; he told them that they would get into trouble if they did not pay, and accordingly they did. The witness O'Connor testifies that Rafferty "harassed" him to make him pay, speaking to him a number of times, and telling him that the contribution would be very little and he could well afford it.

The witness Skidmore testifies that Rafferty approached him and advised him to contribute, specifying the amount as $30, telling him that if he did not pay it "special agents" would be put on his track and he would be removed.

The witness Letzeiser testifies that Rafferty handed him one of Jordan's cards, with the remark that he "had a little joker there for him," and that "he had better go and make his (Jordan's) acquaintance and sink over the $30." On a subsequent occasion Rafferty again approached him, complaining that he had not contributed, and saying, in substance: "The collector and surveyor have called me up on this, and they want these contributions to be paid forthwith. Those men who don't pay, they will put special agents on right along, and if you want any peace you had better pay."

The witness Bertholf testifies that after having received one of Jordan's cards, to which he paid no heed, he was approached by Rafferty, who gave him another, saying that as he had not paid any heed to the first, he had better pay heed to the second, and specifying $20 as the sum he should send.

The witness Mallon testifies that Rafferty handed him one of Jordan's cards, remarking that Jordan would be glad to see him.

The witness Daily testifies that on several occasions Rafferty told him he had better contribute or the "special agents" would be put upon him.

The witness Putnam testifies that Rafferty handed him one of Jordan's cards, and on several occasions advised him to contribute, telling him that there was a black list in the custom-house of all those who did not pay, and that all such would be removed.

As a matter of fact, all the men thus solicited did contribute.

The evidence seems to be conclusive as to Rafferty's guilt, and I recommend that it be laid before the district attorney for his action under section 11 of the civil-service act.

In conclusion, let me say that the evidence against the incriminated men seems to show that they were all, apparently acting under directions, trying to make their subordinates and fellow clerks contribute, and at the same time carefully endeavoring to avoid violating the provisions of the law. Some in spite of their precautions did, as I think, violate the law, and can and ought to be held accountable therefor. Others, who are morally equally guilty, seem to have been successful in their efforts to evade the law without breaking it in a manner that would render them liable to punishment. It is most important, however, that every effort be made to convict all the guilty parties, for it is especially necessary that the wrongdoers be taught
that they can not violate with impunity the laws against indirect solicitation; for
it is in this way that the great bulk of the money extorted from the Government
employees for political purposes is now procured.
I therefore recommend that copies of all the evidence in the case be laid before
the Secretary of the Treasury, that he may take such action as seems to him proper
in the cases of those of the men who are still in Government employ, and before
the Department of Justice, with a view to the prosecution of any of the offenders
who may have violated the law.
Very respectfully,

Theodore Roosevelt.

The same Commissioner also investigated charges that political
assessments had been made in the post-office at Baltimore and that the
postmaster and marshal in that city had used their offices to control
elections in the primaries held in March, 1891. His report is as follows:

United States Civil Service Commission,
Washington, D. C., May 1, 1891.

The Civil Service Commission:

Sirs: On March 28 last, I received a communication from John C. Rose, esq.,
formerly a member of the civil service postal board at Baltimore, Md., tending to
show that the civil service law was being violated in the Federal offices at Balti-
more. Mr. Rose’s information was that the law against political assessments was
being grossly violated in the post-office and custom-house at Baltimore, and also
that the three Federal offices were being used, apparently by the postmaster, mar-
shal, and collector of the port, to influence the primary election to be held in Balti-
more on March 30, in seeming violation of General Rule 1, which provides the pen-
alty of dismissal for any Federal officeholder who thus uses his official influence to
control any election.

In accordance with your direction, I investigated the matter, going down to Bal-
timore for that purpose on March 28, March 30, and April 6, 13, and 18, and in
accordance with my direction the chief examiner at the same time made an exhaust-
ive investigation of the records of the custom-house and post-office. I was assisted
throughout my examination by Messrs. Bonaparte and Rose, of the Maryland Civil
Service Reform Association. At the request of the internal-revenue collector I also
visited his office, most of the information I obtained in regard to this office being
that volunteered by the internal-revenue collector himself, who very frankly fur-
nished me with the names of all his men who, so far as he knew, had taken part in
the contested primary election on either side. In order to decide whether the offices
were used to influence the primaries, it was of course necessary to know what part
the officeholders took in running them, and accordingly on the day when the pri-
maries were held, I went round in person to several of the wards to observe what
was done, preferring to see for myself what the facts really were, rather than to
seek to sift them out afterwards from the conflicting testimony of scores of inter-
ested and possibly untrustworthy witnesses. I herewith submit all the testimony
taken. In my opinion it establishes the following facts:

The primaries held on March 30 were marked by a very bitter contest between two
factions of the Republican party. One of these factions was generally known in
the newspapers, as well as among its own supporters and opponents, who took part
in the primary election, as the “Johnson crowd,” or “Johnson-Airey faction,” Mr.
Johnson being the postmaster and Mr. Airey the marshal in Baltimore. The other
faction was known, similarly, as the “Henderson faction,” or “Henderson-Stone
faction,” Messrs. Henderson and Stone having been, respectively, candidates for
appointment to the positions of postmaster and marshal. The “Johnson-Airey”
people claimed to represent the administration. This the “Henderson-Stone”
people stoutly denied, asserting that they were as loyal to the administration as
their opponents. It was evident, however, that many of the witnesses on both
sides used the term “administration” merely as synonymous with “officeholders”
(84). There were side issues that complicated the struggle somewhat, but in its
essence it was, without doubt, mainly a fight between the officeholders on one side
and the disappointed office-seekers on the other; the “Johnson-Airey” men repre-
senting the former and the “Henderson-Stone” the latter (126). The custom-house
and internal-revenue office, however, were apparently not used to influence the
election, and, accordingly, the employees in these two offices took sides as they felt
inclined—though, undoubtedly, some even of these officeholders perpetrated illegal
acts. As far as I could find out from the witnesses there seemed to be no question
of principle at stake at all, but one of offices merely.
This was recognized as much by one faction as by the other. It was felt by both sides, accordingly, that the officeholders and disappointed office-seekers were the persons chiefly interested in the affair—that it was not a primary which particularly affected the interests of private citizens. Several of the newspapers commented on, and one or two of the witnesses complained bitterly of (77), the alleged fact that most of these office-holding or office-seeking ward workers on both sides showed more activity and zeal in this contest, waged within the party, than they had ever shown in the contests for party supremacy at the polls; and my observation leads me to believe that such was the case. Seemingly, many of them regarded victory in the primaries as of more importance than victory at the polls, because the former gave the control of the party machinery, and would, therefore, in their own language, entitle them to "recognition" in the distribution of patronage. Apparently, they cared primarily for the offices, party success being a purely secondary consideration, important only because it facilitated getting them. It seems to me that this fact alone furnishes a tolerably accurate measure of the much-vaulted usefulness to any party of the office-mongering, office-seeking, and office-holding variety of ward-worker.

As a whole, the contest was marked by great fraud and no little violence (82, 84, 89, 91, 92, 95, 116). Many of the witnesses of each faction testified that the leaders of the opposite faction in their ward had voted repeaters, Democrats, and men living outside of the ward, in great numbers (91, 101, 118, 122, 138), and I am inclined to believe that in this respect there is much reason to regard the testimony of each side as correct in its outline of the conduct of the other. Accusations of ballot-box stuffing were freely made, with much appearance of justification (85, 97, 129, 133). A number of fights took place (82, 94, 109, 128, 138). In many wards there were several arrests (82, 88, 95, 128, 138, 140); in one or two cases so many men were arrested that police patrol wagons could not accommodate them (134). In several cases the judges of the election were themselves among those arrested (85, 94, 97). The judges, 3 in number, in each ward, sat within a house at a window opening on the street, and the voters at the primary were marshaled in a line outside, surrounded by a great crowd of onlookers. Each party or faction had its ticket-holders, who presented their ballots to the voters, and its challengers, who challenged those of the opposite party. Much complaint was made in certain wards of one side or the other being "in" with the police, who would accordingly arrest and drag out of the line voters of the opposition faction, and would decline to do so in the case of voters of the protected faction (139, 140).

In many of the wards furniture wagons were hired to bring voters up to the polls. The ward workers stood about shouting, challenging, occasionally fighting, seeing that the ticket holders peddled their tickets actively, keeping the furniture wagons sharply on the move, taking doubting or wavering voters into the saloons and treating them to drinks. In some cases the whole aspect of the primaries, save only in those wards where there was no contest, bore no distant resemblance to the parliamentary elections described in Charles Lever's novels.

One of the incidents of the day was an effort on the part of Marshal Airey to drag a judge, whom he accused of misconduct, out of the window, a fierce struggle being the result (139).

In another ward a Johnson clerk detected, as he thought, signs of cheating, and broke open the ballot box, taking out two huge handfuls of so-called "pudding" ballots; whereupon the two Henderson judges threw him out of the window, and all three were arrested (85).

In another ward a Henderson worker, an employé of the custom-house, pulled down the window at which the judges were sitting and tried to stop the election. On account of this excessive zeal he was taken to the watch house and fined (140).

In a number of wards the election was practically stopped, on account of the disorder, early in the day. There was a general feeling that whichever side had the majority of the judges had the election. In some wards the use of the so-called "pudding" tickets seemed to have been quite common, a "pudding" ticket being composed of six or seven ballots folded together as if only one. There was considerable complaint of bribery; in some cases votes were said to have been bought for money; in others, the charge was that outsiders, not Republicans, possibly not residents of the ward, had been offered drinks to participate in the primary. Most of the witnesses spoke of the cheating in a matter-of-course way, as being too universal and too common in primaries generally to be worthy of notice, and a great number of them did not seem to bear any special malice against their opponents for having cheated successfully—if anything, rather admiring them for their shrewdness—and frankly testified that it was only lack of opportunity that had hindered them from doing as much themselves. Two of the witnesses, both Henderson adherents, employés of the custom-house, testified with refreshing and cheerful frankness to this effect. One of them, Mr. Horner, remarked anent fixing up "pudding" tickets, "I would have done the same thing myself; I believe in doing anything to win" (134).
This individual's son was one of the judges of the election. Whether he shared his parent's latitudinarian views of political morality, I do not know. The testimony of the other, Mr. Reed, ran as follows:

"I don't say I wouldn't cheat in the primaries. Whoever gets two judges wins.

"Q. Each side cheats as much as it can?—A. Certainly; that's the way. I do it just the same as they do. They had two judges. * * * "

"Q. How do you do your cheating?—A. Well, we do our cheating honorably. If they catch us at it it's all right; it's fair. I even carried the box home with me on one occasion. * * * I have broken up more than one election" (142).

Both of these persons testified very frankly and showed that they possessed a fine sense of humor, besides being seemingly innocent of any idea that they had done wrong. Both of them expressed, with somewhat cynical absence of reserve, views which were evidently held by the major portion of the other office-holding or office-seeking ward workers whom I examined, and which are undoubtedly held by the great bulk of spoils politicians everywhere. All of the office-seeking or office-holding ward workers who came before me evidently believed that the business of managing primaries and, in fact, the business of conducting politics generally, belonged of right to the office-holding caste. They were as thorough believers in a system of oligarchical government as if they had lived in Venice or in Sparta, only the names enrolled in their "Golden Book" were those of the men who through political influence had been fortunate enough to get government place, or who hoped to get it. While all who were questioned evidently held this view, few of them avowed it quite so frankly as Messrs. Horton and Reed, who testified with delicious naïveté throughout. Mr. Horton asserted "that it is the office-holders' business to manage the primaries" (144).

Mr. Reed's testimony was as follows:

"As a matter of fact, in your ward, it is the officeholders who do and always have taken an active part in the primaries.—A. Exactly; they are the ones that ought to.

"Q. It is mainly the officeholders who run the primaries?—A. Most undoubtedly; * * * the great majority are officeholders or people who want office (141)."

This testimony has a certain value aside from its relation to the case in question, for, undoubtedly, the individuals above quoted simply expressed in naked form what the average politician of the spoils variety believes. No greater service can be rendered the cause of good government than to impress on the mind of the average citizen that such views as those expressed above are those which are held by the great bulk of the people actively interested in opposing the cause of civil-service reform. They are the views of the men who dread the overthrow of the patronage system and the introduction of the merit and nonpartisan system of appointment to and retention in public office. Resolved into its ultimate elements, the view of the spoils politician is that politics is a dirty game, which ought to be played solely by those who desire, by hook or by crook, by fair play or by foul play, to win pecuniary reward, and who are quite indifferent as to whether this pecuniary reward takes the form of money or of office. Politics can not possibly be put upon a healthy basis until this idea is absolutely eradicated. At present the ordinary office-seeking ward workers and a very large percentage of officeholders have grown to believe that it is part of the natural order of things that those who hold or seek to hold the offices should exercise the controlling influence in political contests.

The civil-service law is doing much to disabuse them of this idea, and the further it can be extended and the more rigidly it can be executed the healthier the result will be. The ward worker, who is simply in politics for the offices, is a curse to the community, and the sooner this is recognized the better. His political activity is purely unhealthy and mischievous. Take it out of the power of any politician to give him any office and he will cease from his noxious labors in a very short space of time. As for the Government officeholder, he must be taught in one way or another that his duty is to do the work of the government for the whole people, and not to pervert his office for the use of any party or any faction. In some communities this lesson is taught with comparative ease, and has, at any rate in many offices, already been learned. In other communities and other offices the scholars seem to be slower of apprehension, and if they can not be taught by easy means then they must be taught by hard. The officeholders who belong to the dominant party should be allowed precisely the same liberty of political action that is allowed the officeholders who do not belong to the dominant party, and no more. Actions which would cause scandal and be subversive of discipline if indulged in by officeholders who belong to the party which is out of power must be forbidden among officeholders of any party.

The internal-revenue collector's office at Baltimore was not used in the interest of either faction (127, 129). As far as I could find out none of the employees were assessed for political purposes. Over half of the men took no active part in the primary whatever. Some of the remainder worked for the Johnson side, some for the Henderson side. The two witnesses, Messrs. Brenton and Stewart, both Hen-
ALLEGED VIOLATIONS OF THE CIVIL-SERVICE LAW.

As already said, the collector, Mr. Marine, has retained the great majority of the Democrats appointed under the preceding administration in the classified service. These men are still in office. No dismissals, excepting for apparently excellent cause, have been made, and the number of changes in the classified service does not seem to have been excessive. Apparently, no appointee, Democrat or Republican, in the classified service, who does his duty under Mr. Marine, need fear being turned out for political reasons. But Mr. Marine needs enlightenment on one point. He practically admitted that in choosing from the certifications made him he would prefer a Republican to a Democrat (65). The examinations for the custom-house were perfectly straight, no vacancies have been made for the purpose of allowing partisans to be appointed, and no man has received an appointment unless he passed so high that he was one of the first three on the list; but it seems clear that Mr. Marine believes that he has the right to discriminate among these three for political reasons. At least such would seem to be the effect of his testimony. Now, undoubtedly he has no such right. He is especially barred from discriminating among the three for any political or religious reasons. He has a right of choice among them, but he has no right to exercise this choice on political or religious grounds. Any discrimination of the sort calls for severe rebuke and, if persisted in, for prompt punishment.

This is the only criticism, however, that is to be made upon Collector Marine's conduct of the office. Otherwise, both he and the deputy collector, Mr. Lingenfelder, are apparently seeing that the civil-service law is obeyed faithfully and in its spirit. Of course the nonclassified force does not come within my ken in making these remarks.
ALLEGED VIOLATIONS OF THE CIVIL-SERVICE LAW.

One of the witnesses at the custom-house, Mr. Charles H. Ray, was caught in the most flagrant falsehood. I recommend that his dismissal be asked for on the ground that he has been guilty of flagrant mendacity, with intent to impede an official investigation (67-71).

Another custom-house employee, Capt. Fensley, likewise developed a most treacherous memory, but as he was clearly guilty of collecting and contributing money for political purposes in defiance of the law, I deal with his case elsewhere.

At the different polling places visited by me two or three custom-house employees were pointed out to me as working for the Johnson ticket, and two or three for the Henderson ticket, but they were not at the polls in anything like the numbers that the post-office people were. I find that the custom-house, as such, was not used to influence the primary election; though this fact of course does not shield in the least those employees who were guilty of individual misconduct.

The case is very different in regard to the post-office and the marshal’s office. The evidence seems to be perfectly clear that both of these offices were used with the purpose of interfering with or controlling the result of the primary election, and that there was a systematic, though sometimes indirect, effort made to assess the Government employees in both for political purposes.

Marshal Airey was undoubtedly one of the leaders of one of the factions at the primaries, and took a very active part therein, even to the extent of coming into physical collision with one of the opposition judges, whom he accused, whether rightly or wrongly, of cheating (139). The witnesses, even of the Henderson faction, evidently set a high estimate on his ability, saying that he furnished the brains of his faction.

One of the custom-house employees, Mr. McAllister, a Henderson man, testifies that before the election Marshal Airey sent for him to come up to his office and there endeavored to persuade him to vote the Johnson ticket (129, 130). The only two deputy marshals examined, Messrs. Biddleman and Sultzler, both confessed that they had collected money for political purposes from other officeholders, in defiance of the law, and that they took a very active part at the polls (93, 96). It seems clear from the testimony of these two deputy marshals, and of Mr. McAllister, as well as incidentally from the testimony of some of the other witnesses, that the marshal’s office was used, apparently by or with the consent of the marshal himself, to influence the election. General Rule I of the civil-service rules reads as follows:

"Any officer in the executive civil service who shall use his official authority or influence for the purpose of interfering with an election or controlling the result thereof * * * shall be dismissed from office."

I am not aware that the phrase “official authority or influence” has ever been authoritatively construed; or, indeed, that hitherto this whole section of the rule has ever been construed as in my opinion it should be. Thus, from the testimony taken before the Senate committee in 1888, it appears that under the last administration the naval officer, Mr. Freeman Rasin, and other Government officials, such as Mr. Morris Thomas, took at least as active a part in the primaries as Mr. Airey did, using their “official influence” to control the primary elections. As far as is known they received no official rebuke of any kind for their actions.

There are but few employees in the marshal’s office, so that when scattered through the wards the effect of their activity upon the primaries can not be very great. It is due to Marshal Airey to say that during the investigation he behaved with much frankness, and seemed quite unconscious of there being any possibility of questioning his conduct. His letter, herewith appended, is noteworthy for several reasons. He seems to make out a strong case of attempted improper conduct against what he styles the antadministrative faction, which was led, as he says, by a “disappointed applicant” for office. He says that the opposition did their best to cheat, and that it was necessary to “make strong efforts to obtain fair play,” this being the justification of the officeholders for taking so active a part in the primaries. He evidently uses “administration” as a term in part synonymous with “officeholders.” He speaks feelingly of “the uphill work the friends of the administration had, proceeded by the civil-service rules from being active participants, and with all our active Republicans in office.” The significance of the statement that all the active Republicans were in office is marked; and if Marshal Airey believes that he himself and his deputies were not “active participants” in the primaries, it would be interesting to find out what he would accept as “activity.”

Marshal Airey’s letter is additional evidence that the struggle was mainly one between the officeholders and the disappointed office-seekers; and that the participants regarded office as the fruit of party or factional success, while outsiders took but a languid interest in the result. Primaries managed on such a basis are of course thoroughly unhealthy for the party, and this Baltimore example shows in the most striking way the inevitable tendency of the spoils system to take away political power from private individuals and lodge it in the hands of the officeholding or office-seeking caste. It is the “plain people” of Abraham Lincoln who are
most vitally interested in the abolition of the spoils system, less for the sake of improving the public service—though this is one of the results—than for the sake of purifying politics and restoring to the private citizen the power that has been usurped by the “boss” and the ward heeler.

There is need of a severe lesson to teach the officeholders that they are not to use their positions to run elections. Once this lesson is taught the pressure of politicians for place will be minimized, for there will be no temptation to reward an active politician by office when the price of his obtaining that office is the cessation of his activity.

The Republican employés from the postoffice furnished the organized band around which the Johnson-Airey forces rallied in every ward where there was a contest. There is no testimony showing that Mr. Johnson himself took any direct part in influencing his subordinates as to their action in the primary, and he was absent from the city when the primaries took place. But undoubtedly his office was used to influence the primary election, and the great bulk of his appointees, both in the classified and unclassified services, took a very active part in preparing for and in managing the primaries.

In the post-office I examined a number of employés from the Third, Fifth, Sixth, Seventh, Eighth, Thirteenth, Fourteenth, and Sixteenth wards. Judging from the testimony of these witnesses it appears that in each ward the Republican appointees in the post-office, whether in the classified or the unclassified service, either belonged to the ward club of the Johnson-Airey faction or shortly before the primary election effected some sort of organization of their own (23, 31, 46, 69, 72). A few days before the election these officeholders of each ward met together to talk over the plans for the primaries and to raise money therefor (25, 29, 36, 38 etc.). Sometimes the meeting was held at a private house of one of the officeholders (38, 42, 74, etc.), sometimes it was held in a regular Republican club room (26, 83, 96, 108), and in one or two instances the meeting took place in the post-office building itself (113). Judging from the testimony it appears that the bulk of the money to defray the expenses of the Johnson faction at the primary was raised among the officeholders themselves (94, 96). Apparently most of the post-office people subscribed from $3 to $10 apiece. Sometimes the money was paid undisguisedly for the election expenses; sometimes it was paid under cover of club dues, or nominally for the purchase of a pool table, or for a banquet (44, 56, 125). The Democrats in the post-office took no part in this; but it appears that the great majority of the men appointed since Mr. Johnson was made postmaster are connected with the Republican ward organizations (126), and these did take an active part (103).

In one or two instances the local Republican leaders paid most of the money themselves (98, 101), some of these leaders being in the Federal service while others held positions under the State or municipal government. But the great bulk of the money seems to have been raised in the post-office. Sometimes this money was paid, in evasion of the letter of the law, by the officeholders to some nonofficeholder, chief of the local ward organization. This was the case, for instance, in the Fifth ward. There are eight or ten officeholders from that ward in the post-office. All of these, so far as I can find out, took a very active part in the primaries and paid $5 apiece to the chairman of their local ward club. Post-office employés J. Philip Sindall, William Root, James Fosler, and S. M. Armstrong were among those who thus paid $5 apiece (44, 78, 119). Two of these I myself saw taking an active part in the primary in that ward; Messrs. Sindall and Root were challenging at the polls and doing all they could to influence the election. In the Fourteenth (37, 38), Sixteenth (101), and Thirteenth (34), wards the arrangement seems to have been substantially similar. In the Third ward there are said to be some fourteen officeholders, most of whom took a more or less active part in preparing for or managing the primary. About half of them met before election in the Fairmount Republican Club. They there raised $5 apiece to pay the expenses of the Johnson-Airey faction at the primary, and paid the money to one Henry Martin, one of their own number, a letter-carrier. Among those who thus paid, or agreed to pay, were Messrs. J. E. Wilson, Henry Glass, W. A. Mitchell, and Robert Reed, all of the post-office (23, 29, 52). Mr. Martin asserted, seemingly as an afterthought, that this money had been paid to purchase a pool table, but the original testimony was explicit that this was not the case. Undoubtedly the fund was raised for political purposes, to defray the expenses of the primary election.

In the Seventh ward the meeting of the officeholders in the interest of the Johnson-Airey faction took place a few days before the primary, at the house of one John A. Bell, a letter-carrier. A custom-house employé, W. H. Ray, above mentioned, was one of these employés who went to Bell’s house and agreed to pay $5 (70). One of the post-office employés, Charles Oeh, paid $5, but says he paid it to the president of the local club (49). Another post-office employé, Mr. J. L. Webber, says he took the same course, having been present at the meeting; he seemed in his
testimony to be trying to conceal the truth (42). Apparently, almost or quite all the officeholders in this ward from the post-office paid and took an active part in the primaries. A post-office clerk, L. E. Gladfelter, paid $5 to John Bell for political purposes, for use in the primary, in the post-office building itself (46). Mr. Bell also solicited subscriptions for political purposes from one of the custom-house employees, Mr. T. Sewall Plummer (63). Being warned by Mr. Plummer that he was violating the law he left the custom-house. I was myself present at the primary in the Seventh ward, and saw several of the post-office employees taking an active part in it, Mr. John Bell being there. One or two of the witnesses evidently believed that he was under the influence of liquor at the time.

In the Eighth ward substantially all of the Republican appointees in the post-office and marshal's office took part by raising money for the primaries and afterwards attempting to control them in the interest of the Johnson-Airey faction. The course of action was decided at a purely public meeting in the local Republican club rooms and partly at a meeting held in the post-office building itself, the latter meeting seeming to have been of an informal character (86, 114). The Johnson-Airey leader in this ward appears to be Mr. William H. H. Sultzer, a deputy marshal, to whom the post-office employees ultimately turned over their money, through John R. Tweddle, a clerk in the post-office (85, 96); but see also Mr. Sultzer's letter, herewith appended. I can not accept this letter as against Sultzer's and Tweddle's original testimony; Mr. Short's alleged intervention seems to have been merely a blind. Mr. Tweddle received $5 or $10 apiece from several post-office employees, including William T. Birmingham, Joshua N. Richardson, George G. Holtz, C. W. Hamill, Edward Perine, and Erwin Foutz (87, 98, 108, 113, 114, 123). The latter, however, claims that he contributed merely toward the cost of a banquet. The money for defraying the expenses of the Johnson-Airey faction at the primaries in this, the Eighth, ward was raised almost solely from among the officeholders above mentioned, Mr. Tweddle collecting it from Birmingham, Richardson, Hamill, Holtz, and Perine, and paying it over to Sultzer, who received it and expended it. Some $80 was thus raised. Ten ticket holders, or ticket peddlers, were paid $2 apiece to work up the vote; $2.50 was paid for one-half the rent of the window; $7 were paid for tickets; the balance went to give a new suit of clothes to a young man who was a clerk of the Johnson-Airey faction, and who discovered, as he claimed, apparently with much reason, that the Henderson people were cheating. He then burst open the ballot box, and was thrown out of the window by the Henderson judges. All were arrested in consequence (85, 97).

Mr. Holtz, above mentioned, got into a political fight with a negro, and was badly beaten on the day of the primary. There was great disorder in this ward.

In the Sixth ward the officeholders in the post-office, and to a certain extent in the marshal's office and custom-house, were also fully organized in the Johnson-Airey interest. About eighteen of them met a few days prior to the primary in the house of C. G. Smith, a letter-carrier, to perfect their arrangements and raise funds to pay the political expenses of their faction (72, 76). Through some oversight, a Henderson man from the custom-house, one Kimball, was present, but paid nothing. The letter-carrier, C. G. Smith, William Fensley, a custom-house employee, and Edward Biddleman, a deputy marshal, were appointed to receive the funds and to expend them, and actually did so. All of the eighteen employees present, including the thirteen or fourteen from the post-office, paid, or promised to pay, and afterwards did pay from $3 to $10 apiece to one of the above-mentioned persons (85, 93, 115). Among the post-office employees who did so were Oscar W. Gibson, H. L. Theiss, John Bond, and Daniel Phelps (115, 116, 117, 120). Over $100 were raised, all the expenses of this ward being paid by the officeholders. Ten or twelve dollars went in printing and room rent, $94 were expended in paying forty-seven ticket holders $2 apiece to work up the vote (89), an expenditure so excessive for the purpose as to suggest that it was really a form of bribery. Deputy Marshal Biddleman marshaled the vote at the primary, getting 200 voters together in a body; but the primary was broken up with violence before the vote could be polled.

When the first witnesses who testified as to these facts came before me, I was inclined to draw the distinction we have usually drawn between those who pay the money and those who extort it. But I soon became satisfied that in this case no such distinction could be drawn. Here all were undoubtedly equally guilty, the men who received the money being appointed to do so merely for convenience sake, it being an arrangement among the employees to assess one another, and to contribute for political purposes. In my opinion, therefore, all the following governmental employees should be dismissed from office for violating sections 11 to 14 of the civil-service law: Edward Biddleman and William H. H. Sultzer, of the marshal's office; John Fensley and W. K. Ray, of the customs service; John A. Bell, James Wilson, William H. Mitchell, James L. Webber, Robert F. Reed, Henry Martain, Henry Glass, Louis E. Gladfelter, John B. Tweddle, Charles G. Smith, Charles W. Ham-
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mel, George G. Holtz, William T. Birmingham, Joshua N. Richardson, Edward Perine, Erwin Foutz, Oscar W. Gibson, H. L. Theies, John Bond, Daniel Phelps, and Noah Pierson (compare his statements (18, 61); he did not seem to be testifying frankly). The testimony of John H. Horner and John Reed, of the custom-house, betrays certain views of political morality, which, in my opinion, entitle us to call the attention of the collector of the port to their cases, to determine whether they ought to be retained in the service.

I am well aware that in recommending so many removals there is a semblance of harshness, and that among these men there may be a few who have some apparent claims to indulgence. While a large proportion are evidently simply local professional politicians, with very low standards of morals, others are apparently reputable men, who acted as they did partly from real ignorance as to the law, but mainly because they did not believe the law would be or was in truth intended to be enforced; and the abuses which appear to have flourished in the Federal offices in Baltimore under the late administration made this belief on their part by no means unreasonable. Nevertheless, I adhere to my recommendation of dismissal in every case above specified, for I am satisfied that only by a severe lesson will this class of offenders be taught to respect the law, and I consider a few instances of hardship to individuals a less evil than it is to have this law generally evaded and often brought into public contempt by the impunity with which it may be even openly violated. The Commission has repeatedly warned Federal officeholders in Baltimore. It investigated the post-office while administered by both Mr. Veasey and Mr. Brown, and pointed out grave irregularities in each case, although it is fair to say far graver in the former than in the latter, Mr. Veasey's violations of the law being of the most scandalous kind. There can be no reasonable doubt that every one guilty of these offenses ought to have known, and was derelict in his duty as an officer for not knowing, what was the law, even if he was in fact ignorant of it. I think that the time has come to show by an example which everybody must understand that punishment will follow proven guilt.

In connection with the conduct of the post-office employees, J. Philip Sindall, William Root, W. E. Allerdice, James H. Biddle, and Joseph Solomon, Joseph Foster, Samuel M. Armstrong, Charles Oeh, J. S. Shields, J. W. McCormick, J. W. Boulten, who, together with the gentlemen named above, took part in arranging for and manipulating the primaries, working openly as challengers, etc., at the polls, I desire to direct attention to section 480 of the Postal Regulations, still in force, which reads in part as follows:

"The influence of Federal officeholders should not be felt in the manipulation of political primary meetings. * * * The foregoing regulation has peculiar application to postmasters."

Postmaster W. W. Johnson has been in office a little over a year. During that time about 50 per cent. of the classified force has been changed. In the nonclassified and excepted places, and the places to which he appoints by virtue of his being custodian of the post-office building, some 60 in all, a nearly clean sweep has been made. Postmaster Johnson's testimony as to the way the appointments to these nonclassified and excepted positions were made was so frank that I give it in full. It seems somewhat extraordinary, but it is particularly valuable because it undoubtedly describes truthfully the methods by which all patronage appointments are made in every office throughout the country, where the old system prevails in any degree, and where in consequence outside politicians in reality do the appointing.

The testimony is as follows:

"Q. The amount of it is that in making the nonclassified appointments you have to parcel them out to the different wards—the different ward leaders nominates men for the positions?—A. Yes, sir; there are about 1,800 applicants and about 60 places (126)."

This testimony is especially valuable as showing the utter nonsense of the talk that under the old spoils system the appointing officers themselves make the appoint-
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ments. They do nothing of the kind. The outside politicians make the appointments for them, and the appointing officers have really little or nothing to say in the matter.

Another point of interest is the incidental showing that there is a far greater "eligible list," if one may use the expression, for the nonclassified appointments than for the classified. Mr. Johnson had thirty applicants for every single position in his gift that did not come under the civil-service rules, whereas there were only about three applicants for every position in the classified service. Mr. Johnson's testimony shows with startling vividness the humiliating position in which the spoils system puts the appointing officer. It practically places him at the mercy of a lot of irresponsible outsiders who force him to take their political henchmen, without regard to his own wishes. These men, when they are once appointed, feel themselves responsible, not to the appointing officer, but to their backers. They feel that their duties are primarily political, and that their services are only secondarily due to the community and to the Government.

The testimony of some of these employes gives striking incidental glimpses of the way in which the ward leaders use patronage as a bribe for service to be rendered, or as a reward for services that have been rendered. Thus the testimony of Philip Hahn was in part as follows, in speaking of the fight in the Thirteenth ward (138):

"Winnie Johnson was the main one (leader of the Johnson-Airey faction of the ward).

"Q. Mr. Johnson, up till last spring, was usually supposed to be a Henderson man, was he not?—A. Yes, sir.

"Q. Just before he was appointed to the post-office he voted with the Johnson party?—A. Yes, sir.

"Q. As a matter of fact, what you know is that he voted the other way from the side he had been voting with, and was almost immediately appointed to a position in the stamp department of the post-office?—A. Yes, sir."}

The testimony of Mr. John Reed contains the following statement. He had just been testifying that Mr. Brown and Mr. Butnetz were the leaders of the Johnson faction in his ward (140, 141):

"Q. Were you not offered a place in the post-office this spring?—A. Yes, sir; I was offered a place at $840 if I would vote for them, but I wouldn't do it.

"Q. You are going to remain your own master?—A. Yes, sir.

"Q. Who offered you that place?—A. Charley Brown offered me that place.

"I said I would not accept any job that I would have to be bought to take.

"Q. Brown said you were playing politics for a job, and would not take a job when you were offered one?—A. Yes, sir. Henderson is a friend of mine, and whichever way he goes I go.

"Q. The job offered you was for $840?—A. The job doesn't pay $840; it was on the elevator.

"Q. Who did they give it to?—A. Jim Beale.

"Q. Did he work for the Johnson ticket?—Yes, sir; of course.

"Q. You were offered a place in the post-office at $800, or about that, which was given to Mr. Beale afterwards in your stead, and they would have expected you to work for the Johnson ticket if you had taken that place, and Mr. Beale, who did take it, did work for the Johnson ticket?—A. Yes, sir.

"Q. And Butnetz and Mr. Brown distributed the patronage for the post-office?—A. Yes, sir; most undoubtedly.

"Q. Mr. Johnson turned the office over to them?—A. They go and see Mr. Johnson, I suppose, and they put in a good word for the men they want appointed, and, in consequence, whoever they want is appointed."

It is evident from the testimony that the nonclassified service in the Baltimore post-office, as is the case with the nonclassified service in almost every patronage office, was treated as a bribery chest from which to reward influential ward workers who were useful, or likely to be useful, to the faction in power. The appointments were made primarily in the interests of the local leaders and of the local organizations, and only very secondarily with a view to the well-being of the public service.

In the classified service Mr. Johnson has changed about 50 per cent of the force, only half of the Democrats who were in when he took office being left in now. He has, however, filed reasons for the dismissals; and there can be no question that in at least a very large number of cases his reasons were perfectly good. Unquestionably he received the office in a greatly demoralized condition from the hands of his predecessor, Mr. Brown, who had received it in still worse order from Mr. Veazey. Many of the men whom he (Mr. Johnson) found there he could not allow to stay if he wished to have good work done. It was doubtless to the interest of the public
service to make a very considerable number of removals, although it may well be a
question if it was to the interest of the service to make them as sweepingly as has
been the case. Charges have been made to me that many of the removals, though
nominally for cause, have in reality been due to political reasons. Unfortunately,
the charges were scarcely of a kind that the Commission has power to investigate.
I am, as always, strongly of the opinion that the civil-service law should be amended
so as to require written charges to be filed before a man is removed, to require that
the accused be given an opportunity to be heard in his own defense, and to authori-
ize the Commission to investigate and report on any removals alleged to have been
made, directly or indirectly, for partisan reasons.

Under the last administration the Baltimore post-office, both under Mr. Veazey
and Mr. Brown, was without doubt used as a machine in the interests of the Demo-
cratic party. Large campaign funds were raised among the employés of the post-
office at every election; a clean sweep was made of the Republican employés, 96 per
cent of them being turned out; their places were supplied exclusively by Democrats,
in the classified no less than in the unclassified service, most of the appointees thus
obtaining positions being Democratic ward workers. Mr. Veazey, the first Demo-
cratic postmaster, did not obey the law at all, and, indeed, made no pretense of so-
doing; while his successor, Mr. Brown, made a practically "clean sweep" of the
Republican employés in his office. It must be borne in mind, as some extenuation
of Mr. Johnson's actions, that he inherited, therefore, great difficulties from his prede-
cessor.

Of the men appointed in the classified service since Mr. Johnson took office, appar-
ently the very great majority were active ward workers of Republican organiza-
tions.

Many of the ward workers, however, who were thus appointed, entered the exa-
nination before Mr. Johnson became postmaster, which was a year and a quarter after
the Presidential election. It appears that at the first examination held after the Pres-
dential election, in February, 1889, few or no Democrats entered the examinations,
and a great number of Republicans, almost all of them connected with the ward
organizations of the Republican party, did enter and pass or fail, as might be. Dur-
ing the time of Democratic supremacy none but Democrats had been appointed, and
all the Republicans in the office had been turned out. The ward leaders apparently
took it for granted, as did most of the inhabitants of Baltimore who thought any-
thing about it, that the same course was to be pursued under Republican auspices;
that the Democrats would be turned out, and that only Republicans with political
influence could take their places, the examinations being accepted merely as disa-
greeable tests which had to be submitted to before the ward worker could get his
appointment. This feeling can only be changed by radical measures.

It is true that Mr. Johnson has appointed the men right along in their order, skip-
ning very few, and these apparently for good reasons. He has taken no steps what-
ever, however, to disabuse the public mind of the idea that appointments were to
be made only of Republicans, and has made no effort to get men to come into the
examinations without regard to party. While permitting his name to be used in
the newspapers and by his own adherents, without protest on his part, as giving
the title to one faction of active ward workers, he has refrained from doing anything
to convince private citizens that the classified service was really open to applicants
without regard to party. I thus find that in his office he has dismissed about half
of the classified force, this half being composed purely of Democrats, and has sup-
planted them with active Republican ward workers, who could pass the examination
fairly well.

It may have been necessary for Mr. Johnson to make many changes in the classi-
ified service, but it was incumbent on him, when he was forced to turn out a very
large number of Democrats, to see that the public did not believe that this was
done with the object of replacing them by the same number of Republican "work-
ers." It was incumbent on him not merely to refrain from turning the post-office
into a Republican machine, but within the limits of his authority to see that it was
not turned into a Republican machine. The moment that an appointing officer of
any kind finds it necessary to make sweeping changes and turn out large numbers
of men of the opposite party, it becomes his bounden duty to see that the public
mind is entirely disabused of the idea that the places of the expelled men are to be
taken purely by adherents of his own party. Only by following this course can he
protect himself from the just suspicion that he has been to a greater or less extent
influenced in his actions by partisan consideration. This does not require any im-
possible conduct on the part of the appointing officers; it merely requires that he
shall act as Postmaster Field, of Philadelphia, and the late Postmaster Wallace, of
Indianapolis, have acted, with such admirable results. Be it remembered, too, that
Messrs. Field and Wallace took office under conditions at least as adverse as those
that surrounded Mr. Johnson.

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It appears that Mr. Johnson was not present at the primaries himself, and that previous to leaving the city, two or three days before they took place, he called his superintendents together and told them in his own words to “keep their hands off; that he did not want them to bring the office into disrepute.” As a matter of fact, however, if by this advice he meant that the post-office should not be used to influence the primaries, his advice was utterly disregarded, and quite publicly, all the newspapers containing accounts of the way the post-office employees took part in the primaries, and their intention to do so had been a matter of common notoriety for days beforehand. It was openly asserted in the newspapers that such would be the case. Mr. Johnson knew that all his appointees, with trivial exceptions, were active ward workers, under the influence of the ward leaders, and feeling responsible to them. If Mr. Johnson meant his protest to be effective he ought to have seen that it was obeyed by his subordinates. He must have known perfectly well that they had every intention of disobeying it, and as a matter of fact they did disobey it, and he has never rebuked them for their disobedience. It fact it seems evident either that Mr. Johnson did not really mean his protest to be heeded, or else that he is helpless to enforce obedience from his subordinates. It is no small count against Mr. Johnson that without public protest of any sort he allowed one of the active factions to be christened with his name in the most public manner by the newspapers, and by his own adherents in the primaries and at the convention, this faction being sometimes even called “the post-office faction.” The mere public and unrebutted use of his name in such convention was certain to influence his employees to take active part on behalf of the faction headed by their superior officer, and, incidentally, was undoubtedly one among the causes which have tended to prevent any save ward workers from taking the examinations.

Therefore, while it does not appear that Mr. Johnson, himself used the post-office to influence the primary election, it is evident that it was so used with his full knowledge, and that he took no effective steps whatever to prevent such use thereof.

Mr. Johnson’s case is thus peculiar. When he took office he inherited many difficulties which have hampered him in the discharge of his duties. His sins have been of omission rather than of commission, and his position was in many ways peculiarly difficult. Yet it seems to me impossible not to hold him responsible, at least in a measure, for what has been done. He must be held accountable not for what he did but for what he failed to do. It is not enough that a postmaster shall passively obey the law; he ought to be required actively to enforce it. Mr. Johnson has filled the entire unclassified and half the classified service with Republican ward workers, and has permitted the post-office to be turned into a machine to influence primary elections. Doubtless, unless checked, it will be similarly used as a machine to influence the course of State and national elections.

It seems almost as much of an offense for the head of an office supremely to allow the civil-service law or rules to be violated by his subordinates, or through their instrumentality, as it is for him to violate the said law and rules himself. General Rule 1, already quoted, provides for the dismissal from office of any officer who uses “his official influence” to interfere with an election. It has not been shown that Mr. Johnson did directly so use his official influence, but it has been shown that, with his knowledge, the entire influence of his office was used by others. As in the case of Marshal Airey, however, it must be said that this rule has never withstood being strictly construed, and in fact that it can hardly be said that there has been any effort so to construe or enforce it. As appears in the testimony taken before the Senate committee in 1888, it was then charged that Mr. Johnson’s predecessor in the post-office had used his official position to influence the election of delegates to a nominating convention, but no heed was ever paid to the charge.

I am strongly of the opinion that at least decided steps should be taken to show that this rule is not hereafter to be regarded as a dead letter, and that from henceforth any violation thereof shall be treated as furnishing cause for dismissal.

Yours, truly,

Theodore Roosevelt.

A full investigation of the case was afterwards made by the Civil Service Committee of the House of Representatives. Their printed report is H. R. 1669, Fifty-Second Congress, first session; it approves the action of the Commission. The postmaster has never been rebuked or punished for his action, and is now in office.

Prior to holding this investigation Commissioner Roosevelt had, in July, 1889, investigated the conduct of this post-office under the Democratic postmaster, then at the end of his term of office. It was brought out in this investigation that 96 per cent of the Republican employees of the office had been changed during the Democratic administration,
that the office had been used to influence elections, and that there had been a systematic assessment of the employees of the office for political reasons.

In October, 1891, it was charged that Postmaster Van Cott and Collector of Customs Hendricks, at New York City, had been implicated in making political assessments in that city. The matter was investigated with the following result, as shown in the report of Commissioner Roosevelt:

**DECEMBER 5, 1891.**

To the Commission:

About the middle of October there appeared in several of the New York daily papers statements alleging that there had been an effort on the part of the Republican State committee to assess the employees of the post-office and custom-house in New York City for political purposes. It was stated that a letter had been sent to all of the employees, soliciting contributions, the letter being signed by Congressman Wadsworth, as treasurer, and that on the letter were the names of the State committee, including the name of Mr. Hendricks, the collector of customs, and Mr. Van Cott, the postmaster, whom, it was alleged, had, by permitting their names to be thus printed on the circulars, themselves been guilty of indirect solicitation of the employees of the custom-house and post-office to whom the circulars were sent.

A day or two afterwards a notice appeared in the papers that Mr. Wadsworth had stated that his name had been signed to the circulars wholly without his knowledge and that he, in consequence of having his attention called to the matter, had promptly repudiated through the public press any connection therewith and had resigned his position of treasurer.

The matter was deemed of sufficient importance to warrant an investigation, and accordingly I was directed by the Commission (as will appear by the minutes of October 21) to proceed to New York and make the investigation. On the 23rd of October accordingly I went to New York and visited the New York custom-house. On October 24 I received a letter from Mr. Griffin, the chairman of the Democratic State committee, in reference to these alleged political assessments. This letter was printed in the papers on the morning of October 25, so that I saw it in the public press before I myself received a copy of it. It dealt merely in generalities, stating vaguely that there had been gross violations of the law, and that employees had complained to Mr. Griffin about it; not giving the details in any case and not giving the name of a single employee who had complained, nor of a single witness, of any violation of the law. I immediately laid this letter before the Commission, and on the 27th of October wrote an answer, which is herewith appended likewise. This answer was itself printed a day or two afterwards in the public press. In it I stated that the Commission would begin a thorough investigation the moment Mr. Griffin would give us any facts on which to go; and that as far as we could we would guarantee protection to any witness testifying to the truth, and would even go to the length of communicating with the witnesses in advance if necessary, and arranging that their names should not be known to any of the authorities as having volunteered information, but that it was useless to undertake an investigation merely upon anonymous letters. I asked for an immediate answer, pointing out the necessity of beginning the investigation at once, if good was to come. If Mr. Griffin really had any facts whatever in his possession upon which to base his complaint this letter deprived him of all excuse for not forwarding them to us at once. Nevertheless, he made no answer.

When I found I could get no answer from Mr. Griffin I carried on the investigation on what I had seen in the newspapers. I examined a number of employees in the custom-house and post-office, and I also saw the collector and postmaster and Congressman Wadsworth. I obtained a copy of a circular, which is herewith inclosed. It was sent to Secretary Babcock, of our local customs board, at his house. I found that a large number (say half) of the employees that I examined had received circulars of this sort, all sent to their houses. The names of neither Mr. Van Cott, the postmaster, nor Mr. Hendricks, the collector, appear on this circular, nor is there a shadow of evidence tending to show that either of these gentlemen had any knowledge that the circular was sent to Federal employees. None of the men whom I examined and who had received the circular had paid or subscribed. It appears that Mr. Wadsworth did not know that his name had been attached to the circular when it was sent out, and knew nothing about the circulars having been sent to Government employees, and that the minute he heard of it he repudiated all connection with it and publicly resigned his position as treasurer.

As not a single complaint of specific wrongdoing has been made to us I had to choose my witnesses quite at random, and to try to discover as well as I could from
members of the local board and from others what had been done. I therefore find
as follows:

(1) Judging from the witnesses I have examined, it appears that many, if not
most, of the Federal employés of the post-office and custom-house received circulars
soliciting subscriptions for campaign purposes from the Republican State committee.
It appears, however, that these circulars were, in almost every case, addressed
to the men at their houses. In my opinion it ought not to be legal for any citizen
to solicit a Government clerk for subscription. It is against public policy that he
should be so solicited. Let him pay if he wishes, but do not bring any kind of
duress to bear upon him, even by so much as asking him directly or indirectly.
However, the law as it now stands does not prohibit this.

(2) No pressure, so far as I could discover, was brought to bear upon the subor-
dinates by their superior officers to make them perform political service or to make
them pay any assessment or contribute any sum of money for political purposes.
As a matter of fact, no one of the witnesses that I examined had so paid or con-
tributed.

(3) As far as I could find out, neither the postmaster, Mr. Van Cott, nor the col-
lector, Mr. Hendricks, had been implicated in any way, directly or indirectly, in
the sending of these circulars. Indeed, they stated that they had no knowledge
that the circulars had been sent to any of the Federal employés other than what
they might have seen in the newspapers. Their names were not on the circulars
which I have seen.

(4) In relation to Congressman Wadsworth, it appears that the circular sent to the
employees was signed with his name. If this had been done by him or with his
knowledge, I am clear that it would have been a direct violation of the civil-service
law; but it appears that it was done without his knowledge, and that he repudiated
the act as soon as it was brought to his attention and resigned his position as treas-
urer in consequence. I accordingly am of the opinion that no action should be taken
against him.

I therefore report that there is nothing for the Commission to do in the matter as
the case now stands.

THEODORE ROOSEVELT.

In 1892 the postmaster at St. Joseph, Mo., took part in making politi-
cal assessments in his office. The case was investigated by Commis-
sioner Roosevelt, but the postmaster died within a few days of that
time and no further action was taken.

In April, 1892, Commissioners Lyman and Roosevelt investigated
certain charges made against Federal officials at New Orleans in the
matter of political assessments and the use of their official positions to
control elections and primaries. The testimony was very conflicting,
but the Commissioners concluded that the charges had not been sus-
tained, although it was undoubtedly true that the unclassified service
of the custom-house had been used as patronage in the interest of one
faction of the Republican party, and although the collector and other
officers in New Orleans had taken a very active part in factional and
partisan politics. The report of the Commissioners was sent to the
Secretary of the Treasury and the Attorney-General, the latter of whom
replied, stating that he saw no reason for questioning the correctness
of the conclusions expressed.

During the Presidential campaign of 1892 the Commission made every
effort to prevent the levying of political assessments. On July 27 it
issued the following circular:

At the outset of the political campaign which is now pending, this Commission
feels it to be its duty to call public attention to the provisions of the civil-service law
in relation to political assessments or contributions, to inform Government employés
of their rights in the premises, and to warn those not in the Government service, of
whatever political party, not to infringe upon these rights. Political assessments
under any guise are prohibited by law. The provisions of the law on the subject
are, in substance, as follows: That no Government officer or employé shall, directly
or indirectly, solicit or receive, in any manner whatever, a contribution for political
purposes from any other Government officer or employé. Second, that no Govern-
ment officer or employé shall make a contribution for political purposes to any other
Government officer or employé. Third, that no person shall in any manner, directly
or indirectly, solicit or receive contributions for political purposes in any room or building occupied by Government employees in the discharge of official duties; and, fourth, that no superior officer shall discriminate against or in favor of any Government officer or employee on account of his action in reference to contributions for political purposes. Government employees must be left absolutely free to contribute or not as they see fit, and to contribute to either party according to their preference, and an employee refusing to contribute must not be discriminated against because of such refusal.

It is the duty of the Commission to see that the provisions of this law are enforced, and it will employ every available means to secure the prosecution and punishment of whomever may violate them. The Commission requests any person having knowledge of any violation of this law to lay the facts before it, and it will at once take action upon them.

Numerous cases of alleged attempts to assess employees were called at this time to the Commission’s attention. Usually the action complained of was taken by some nonofficeholder, and all that could be done by the Commission was to give the widest publicity to the facts, and stating through the newspapers to the clerks that they need not contribute a penny, turning over to the Department of Justice the papers in the case where it seemed possible that a prosecution of the offender might be had. This was the course taken in reference to Secretary Thomas, of the New York State Republican committee, accused of soliciting contributions from Federal employees in New York; Chairman Goudy, of the Republican State committee in Indiana, accused of soliciting contributions from Government employees in that State; Chairman Greene, of the South Dakota Republican central committee, accused of soliciting contributions from Government employees, including women and Indians, at certain Indian agencies and schools; Secretary Stevenson, of the local Congressional district committee, accused of soliciting contributions from Government employees at Haskell Institute, in Lawrence, Kans.; Chairman Middleton, of the Jefferson County Republican committee, in New York, accused of soliciting contributions from Federal officeholders in that county; Messrs. Duhorst and Roberts, of the Republican State committee of Maryland, accused of soliciting contributions from Federal officeholders in Washington, D. C. The same course was followed in reference to the action of certain Republican State and county committeemen in Alabama, and in the case of the Alleghany County, N. Y., Postmasters’ Republican Association. In the last case the secretary of the Commission was summoned before the grand jury of the county, but no indictment was found. The Commission has no knowledge of any action being taken in the other cases, but it believes that the mere publicity given to all the cases in the midst of the campaign effectually prevented, in most instances, the collection of the assessments and served to protect the clerks.

There were other cases where circulars were sent assessing Government employees, for instance, in Ohio by the Ohio Republican committee and in Washington, D. C., by the Missouri State Association, where the Commission did all it could by publishing a circular stating the facts that had come to its notice, denouncing the solicitation and assuring employees that they need not contribute. In certain cases the Commission knows positively that immediate stoppage of the attempt to assess followed its action. At Watertown, N. Y., for instance, the county committee tried to get back the circulars they had sent out, and the Commission was assured that no money would be received by the committee or the employees. It will be noticed that the Commission issued its first circular on August 15, before any of the assessing had begun. The earliest date of any assessment circular which the Commission
could find was that of the one sent to Pine Ridge Agency, of August 23, and from that time on the most vigilant watch was kept, the Commission finding some new case every few days and taking immediate action upon it. The Civil Service Commission, not having authority to summon witnesses or administer oaths, can not make complete investigations, neither has it power to institute prosecutions, but can only report the results of its inquiries, with the evidence furnished it, to those officers of the Government who have the power to act upon the evidence.

The following letter was sent to the Secretary of the Treasury in reference to an attempt to secure political service from Government employes, which occurred in Texas. As far as the Commission is informed no action was taken in the case.

OCTOBER 28, 1892.

SIR: The Commission has the honor to invite your attention to the inclosed copy of a circular issued by the State Republican executive committee of Texas to various public employes in Texas, and to the inclosed copy of a card issued by the Commission in reference thereto. The Commission is informed that William E. Easton, whose name appears on the circular, is an employe in the Galveston custom-house. Section 2, division second, subdivision fifth of the civil-service act provides that no public employe shall be required to render any political service; and subdivision sixth provides that no person in the public service has any right to use his official authority or influence to coerce the political action of any person or body. This circular is clearly an effort to coerce their political action. Mr. Easton, by allowing the use of his name on the circular, is clearly a partner in the effort. We respectfully call your attention to the case for such action as you may deem wise.

Very respectfully,

CHAS. LYMAN,
President.

The SECRETARY OF THE TREASURY.

In September and October, 1892, information was furnished to the Commission showing that certain Republican associations, and also the American Protective Tariff League, had, through their officers, sent circulars to various postmasters requesting lists of the names of the patrons of their offices, with information as to their politics and the kind of campaign literature which it would be wise to send them. The Commission at once issued a circular letter to the different postmasters, calling their attention to the fact that it was contrary to the postal regulations to furnish such information as had been requested; that they were under no obligation whatsoever to render such service, which was political in its nature, and that they could not legally be molested for refusing to render it. The Commission further stated that if any postmaster was molested it would do what it could to protect him. The Commission had, of course, no power to direct them to refuse to perform the service, this power lying only with the Post-Office Department; but it at once called the attention of the Post-Office Department to the matter, and was informed that the First Assistant Postmaster-General, Mr. Evans, had already notified several postmasters that no such information as had been requested should be given.

In December, 1892, charges were made to the Commission concerning a rather peculiar case of political assessment in the Indianapolis, Ind., post-office. The history of the case is given in the following report.

On this report the offender was removed by the Post-Office Department:

DECEMBER 15, 1892.

GENTLEMEN: I have carefully examined and analyzed the testimony taken in the investigation recently made, under orders from the Commission, by the postal civil service board in Indianapolis into alleged violation of the law concerning political
ALLEGED VIOLATIONS OF THE CIVIL-SERVICE LAW.

assessments. From this testimony it appears that after the late election the Democratic campaign committee in Indianapolis found itself in arrears to the extent of several thousand dollars and began to take steps to reimburse itself. The committee appears to have had its headquarters in the rooms of a local Democratic organization known as the Hendricks Club, and its membership is apparently partially drawn from among the members of the club. The county treasurer, a Mr. Backus, was the member who appears most prominently in the testimony. It seems that he spoke to a letter-carrier, C. J. Dunn, explaining about the shortage in the funds of the committee and stating, apparently as the result of the decision of the committee, that the Democratic post-office employees (the so-called "hold-overs") ought to contribute in the neighborhood of four hundred dollars toward making up the shortage. (See testimony, p. 100.) Backus further notified him to request various individuals among these employees to come up to a meeting at the Hendricks Club in order "to see what they felt like doing."

Accordingly it appears that the various Democratic employees were notified, most of them apparently by Dunn, to come to the meeting of the Hendricks Club, it being understood that the meeting was partly for the purpose of raising funds, partly with the idea that they should press one of their number, Mr. Lorenz, for the superintendency of the carriers under the incoming administration, and also to meet Mr. Sahm (pp. 39-40), the talk among "the boys" being that this Mr. Sahm had been decided upon as the next postmaster (p. 42). It appears that Mr. Lorenz himself was also instrumental in requesting the carriers to go to the meeting at the Hendricks Club (p. 46). It appears that the letter-carrier, Dunn, then approached various individuals among his fellow Government employees, as requested by Backus. Alexander McNutt testified that Dunn told him that the local committee was in debt, and asked "if we could reach in our pockets and help them out" (p. 2). He explicitly says (p. 4) that Dunn approached him in regard to making a donation to make up the deficiency, the request being made in the letter-carriers' office, but no specific amount being named by him, though witness appeared to think that about ten dollars apiece was expected. McNutt further testifies that he did not contribute, and that since refusing to contribute he and Dunn had not been on good terms. The letter-carrier, W. A. Balk, testifies to the same effect, namely, that after the campaign Dunn came to him and asked him to give what he could, or a certain amount, for the campaign, the request being made in the carriers' office, in the post-office building; and furthermore, that Dunn asked him to call at a certain time at the Hendricks Club room.

R. O. Shimer, another letter-carrier, says that Dunn said to him: "The committee is short some money and we want to know if you can't help to make it up," or something to that effect. The witness first said that Dunn did not ask him for a contribution, merely speaking about the need of money.

Jacob Methins, another letter-carrier, states that Dunn asked him to come down to a meeting at the Hendricks Club, saying that there was a shortage in the Democratic campaign fund and that he was authorized to notify the boys that they had to raise some money (pp. 23, 24, and 25), the witness explaining that by "boys" he understood to be meant the Democratic carriers in office. At the end of his testimony the witness stated that he understood that the money was demanded, the demand being made and the money having to be raised.

William Darby, a letter-carrier, testifies that Dunn asked him on the street not to give any specific amount, but saying merely that the committee would be pleased if he would donate something. The witness reiterates that Dunn did not ask him for any money, but later testified (p. 49) that Dunn had told him that the committee would require $10 or $15 apiece from the boys to make up the sum that was expected. Dunn also asked him to attend the meeting at the Hendricks Club room.

F. A. Lorenz, a letter-carrier, states that Dunn made a statement to him that the Democratic committee was short and desired the Democrats of the post-office to help them out. He also says the same fact was mentioned several times, but particularly that Dunn, not in the building, but on the street, said to him that the campaign committee was short in its funds and wanted them (the Democratic postal employees) to help them out, adding, "What will you do?" "Will you do anything?" (p. 61.) "Can you do anything?" and stating the amount he expected the Democratic carrier force in the office to contribute, it being about $400 all told. C. W. Parish testified that Dunn notified him that there was need of money, and told him to go to the Hendrick's Club room on a certain date (p. 73). The witness testified explicitly (p. 78) that Dunn asked him for a contribution, stating that they wanted to raise about $400 from the officeholders. He stated that he had refused to give Dunn a cent, and told him that he would not give him anything.

W. P. Marlatt, another letter-carrier, testifies that Dunn told him, in effect, that the Democratic committee would be glad to receive any contributions which any one desired to give to make up the shortage (p. 90).
Dunn states (p. 100) that he has no remembrance of telling any man that he was expected to pay a sum of money when he went to the meeting, and that he does not remember speaking about the finances at all when he invited the boys to the Hendrick's Club (pp. 98, 100), but afterwards says (p. 104), "I might have told one or two that there was a shortage; * * * I might have made a statement something like that. This seems to be practically an admission that he did tell some of the boys that there was a shortage in the treasury chest of the Democratic committee. If his denial were positive, which it is not, it could not stand against the explicit testimony of Duruy, Parish, McNutt, Balk, and others.

In consequence of these requests a number of the Government employees, chiefly letter-carriers, but with one or possibly more clerks among them, perhaps a dozen in all (p. 65), went down to the Hendricks Club at the time appointed. A number of the ordinary members of the club were present, but the letter-carriers met in a room by themselves, no outsider but Mr. Backus being present (p. 40). Mr. Sahm was not in the room, though he was in the club at the time (pp. 76 and 106). Mr. Sahm's presence of course was of no consequence, save that if the letter-carriers believed, as they were informed, that he was to be the next postmaster, it might have had the effect of making them more ready to give contributions. Backus then addressed the letter-carriers, stating that there was a shortage after the campaign expenses had been paid of several thousand dollars, and that they thought three or four hundred dollars of the amount ought to be raised by the post-office employees (pp. 41 and 66). He said that the meeting was for the purpose of paying the campaign expenses, but that no assessment would be made, the men being free to give or not (pp. 12 and 33). There was some discussion at the club as to how the money should be given, and objections were at once made to giving it to Mr. Dunn or to taking receipts for it (pp. 38 and 52), and Dunn was warned that he had better be careful in his behavior lest he might get in trouble by coming in contact with the civil-service law (p. 55). At one time Dunn intimated that he would receive the money himself (p. 68), and again, it was suggested that the money should just be left in a box in the office (p. 86). Evidently the men present were not acting in complete ignorance of the law, but were uneasily trying to evade its provisions. Backus was careful to state that the numbers could give or refuse money as they chose, but he was also careful to state (p. 67) that "the next postmaster was named, and that he was a good Democrat," and "that those that contributed freely would be remembered" (p. 108). It is needless to point out the implication contained in these two sentences.

This case seems to me to be akin to the case of political assessments in the Baltimore post-office at the time of the Republican primaries in the spring of 1891, and in the departmental service by the Old Dominion Republican club in the fall of 1889. In both of these cases the evidence showed that Government employees had been endeavoring to assess other Government employees, aside from what the evidence showed against outsiders. In each of these cases it was the opinion of the Commission on the evidence taken that certain Government employees were clearly guilty, exactly as it seems to me that the evidence shows Dunn in this case to have been clearly guilty of directly or indirectly soliciting money for political purposes from certain of his associates, and in one or two cases thus soliciting them in a Government building. In each case the Commission brought the matter to the attention not only of the Attorney-General but of the head of the department wherein the officials implicated were employed, being of the opinion that in many of these cases, even where there is difficulty in securing a conviction, there may nevertheless be amply sufficient evidence to remove all reasonable doubt of the guilt of the accused and to warrant his dismissal from office, it being in the opinion of the Commission very desirable that appointing officers shall take prompt action to punish the wrongdoers themselves wherever they are in Government employ.

This case and the two cases above mentioned have of course many points of dissimilarity, although they resemble one another in their essentials, all three including attempts to collect money for political purposes by certain employees from other employees of the Government. In the case of the Old Dominion League, an organization composed partly of outsiders and partly of individuals in Government employ, an attempt was made to collect funds from various employees in the departments at Washington from the State of Virginia for the purpose of aiding the Republican campaign in that State. At Baltimore the postal employees, together with some of the employees in the offices of the collector and the marshal, joined to assess one another and to solicit and receive from one another sums of money to be expended in the interests of one faction at the Republican primaries. In the present instance a Democratic letter carrier, appointed when a Democratic postmaster was in office at Indianapolis, but continued in office to this day under the operations of the Civil Service Law, acts as the instrument of a local Democratic campaign committee in the effort to procure political contributions from various other Democratic letter carriers in order to make up a shortage in the campaign account of the committee.
This request is in the nature of a *reductio ad absurdum* of the arguments usually advanced in behalf of political assessments. Thus the circular sent out by the Ohio Republican State committee in the last campaign requested money from the various postal employees in Ohio, upon the ground that they owed their positions to the Republican party. This was, of course, in so far as these positions are under the civil-service law, a deliberate and willful untruth, and in any event furnished no excuse for the attempted blackmail. But the climax of iniquitous absurdity is certainly reached when an attempt is made to collect money from Government employes by a Democratic campaign committee on the ground that, thanks to the operation of the civil-service law, these same employes have been kept in office nearly four years under a Republican administration. I recommend that the case be brought to the attention of the Postmaster-General and of the Attorney General.

Very respectfully,

THEODORE ROOSEVELT.

The Civil Service Commission.

In December, 1893, the Commission's attention was called to a case of political assessment in the Toledo, Ohio, post-office. The history of the case is given in the following communication sent by the Commission to the Postmaster-General and the Attorney-General:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., December 14, 1893.

Sir: The Commission invites your attention to the following extract from a report made by its secretary, Mr. John T. Doyle, under date of December 12, 1893, of an inquiry made upon the direction of the Commission, respecting political assessments at the post-office at Toledo, Ohio:

1. An assessment of 2 per cent on annual salaries made by the Lucas County Republican central committee in 1892, solicited from Sherwood Myers, George Lathrop, H. C. Rake, William R. Taft, and other employes of the post-office at Toledo, Ohio.

This assessment was paid quite generally by the employes. Mr. F. W. Rickenbaugh, of the committee, under date of October 7, 1892, addressed a circular (see copies with the envelopes annexed hereto) to the employes of the office, through the mail, directed to each by name at the post-office. The names of the employes, so Mr. Rickenbaugh told me, were taken by him from a list in the appendix of the City Directory. On October 17 a second circular was similarly addressed to those who had not responded. On October 26 Mr. Rickenbaugh likewise addressed the remaining delinquents in a third letter, stating that the committee wanted a contribution on November 1 of 2 per cent. On November 2 a fourth letter was issued. Each envelope of the first three requests bore the direction 'Post-office, city.' The fourth request was addressed 'Toledo, Ohio.' All four had the printed heading of the committee with the names of its members, and were received by the employes through the mail at the post-office. The testimony hereto appended shows that many of the employes called on Mr. Rickenbaugh, who had a list of their names and salaries. He told them that he had been directed by the committee to collect 2 per cent of their salaries. Some paid the amount in cash, and some signed orders on the assistant postmaster for the payment of the assessment in two parts out of their salaries. These orders were presented by Mr. Rickenbaugh to the assistant postmaster, who cashed them, and when the carriers came on the first of each of the two months for their pay they found the sum deducted and a card in the pay envelope on which was written '$10, Rickenbaugh.' Receipts signed by Mr. Rickenbaugh 'ac. political contribution,' will be found in the testimony of Taft and Rake. See also the explanation of Mr. Corlett, assistant postmaster, respecting the payment of these orders. I saw Mr. Rickenbaugh, and he admitted, in substance, the facts as I have stated them.

"It seems from these facts that F. W. Rickenbaugh has violated section 12 of the civil-service act of January 16, 1883, by soliciting in some (any) manner a contribution of money for a political purpose in a 'room or building occupied in the discharge of official duties by any officer or employe of the United States.'"

"In United States v. Newton, Washington Law Reporter, Vol. xix, p. 772, the question whether the sending of a letter or circular of solicitation of pecuniary aid for political purposes through the mail, directed to a person at one of the places specified in section 11 of the act is prohibited, is mentioned but not decided."

Mr. Doyle also calls attention to the fact that the name of Mr. J. C. Rike, at that time and now superintendent of carriers at the Toledo post-office, appears upon the assessment circulars. Mr. Rike's statement of his connection with the committee is appended hereto. Mr. Rike states that he did not know at the time that Mr.
Rickenbaugh was sending letters to officeholders on which his (Rike's) name appeared as a member. The Commission does not regard Mr. Rike's explanation as satisfactory, and thinks that he should be prosecuted under section 11 of the act, being an “officer of the United States” “directly or indirectly” soliciting, or in some manner concerned in soliciting, a contribution for a political purpose from persons receiving salaries from the Treasury of the United States.

Very respectfully,

The Attorney-General.

RAILWAY MAIL SERVICE.

One of the first investigations undertaken by the Commission after March 4, 1889, was into the alleged appointments of clerks in the Railway Mail Service without authority. In March and April, 1889, there was but one Commissioner; Commissioners Thompson and Roosevelt were appointed to the two vacancies and took their oaths of office on May 9 and 13, respectively. The Commission, as reorganized, was almost immediately called on to take action in respect to what had occurred in the Railway Mail Service. This service was classified to take effect on March 15, but owing to necessary delays the date had been deferred to May 1. Advantage was taken of this necessary delay in completing the classification to remove 1,932 Democratic clerks prior to May 1 and appoint their Republican successors for partisan reasons without examination. This was an outrage; but as the removals were all made prior to May 1, the Commission was powerless to deal with them. However, a large number of the men appointed to the vacancies did not actually take the oath of office and enter upon their duties until sometime after May 1, although the orders for appointment were made prior to that date.

In June, 1889, the Commission made a test case of the removal of a clerk named W. O. Tobias and the appointment of his successor, J. M. Taylor. The appointment of Taylor was under date of April 28, 1889, but he did not take the oath of office until May 18, 1889. The Commission could, of course, do nothing about the removal in this or in any other case, but if it could have succeeded in declaring the appointment of Taylor illegal, most of the removed men would doubtless have been reinstated. After having satisfied itself of the facts, the Commission, on June 28, 1889, wrote to the Postmaster-General, asking by what authority Taylor was appointed on May 18 (the appointment having been dated back to April 29) without examination. No answer was received to this request, and on July 25 the Commission wrote reiterating its inquiry. An answer was then received stating that no appointment had at any time been dated back as charged, and that the appointment in question was made in the usual way on April 29. The papers being made up and executed as was customary, and forwarded, together with notice to the appointee, in the usual manner. The letter further stated that all appointments to the Railway Mail Service became effective on the day they were approved by the affixing of the signature of the First Assistant Postmaster-General, which in this instance was April 29.

The Commission did not agree with this view, holding that appointments ought to date from the time of taking the oath of office, and that the mere writing of the letter on April 29, by the First Assistant Postmaster-General, did not of itself constitute such appointment. After some further correspondence the Commission, on September 24, laid
the case before the President in order to obtain the opinion of the Attorney-General as to the legality of the appointment. On October 14, 1889, the Commission received through the President the decision of the Department of Justice in favor of the legality of the course pursued by the Post-Office Department and against the view of the Commission, holding that Taylor was legally appointed on April 29. In view of this decision the Commission could, of course, do nothing further in the matter.

In March, 1890, Congressman Charles Tracey called the attention of the Commission to the fact that three railway mail clerks had been appointed without examination in violation of the law at Albany, N.Y. Commissioner Lyman investigated the case and reported that the facts were as Congressman Tracey alleged, that the law had been violated and that the men should be removed. The general superintendent of the Railway Mail Service, Mr. Bell, declined to agree to this construction of the law and asked that the case be submitted to the Attorney-General. This was done, and on July 8 the Attorney-General decided in favor of the view entertained by the Commission. The three men were accordingly dismissed.

POST-OFFICES.

During an investigation begun in June, 1889, the Commission found that in at least eight cases which occurred during the years 1888-'89 the postmaster at Minneapolis, Minn., had appointed men in advance of certification or without any certification. These appointments were therefore improper and illegal; and the men so employed had no legal right to draw any salary. The Commission recommended that the postmaster be severely reprimanded for his conduct. Other accusations of a very grave character were reported to the Post-Office Department, as they appeared to be proper subjects for investigation by it rather than by the Commission. The persons who had been afterwards regularly reached upon certification were permitted to remain in the service and the others dismissed.

In June, 1889, the Commission investigated the Milwaukee office, the postmaster of which was then closing his term of service. The Commission found that the postmaster had been guilty of the grossest misconduct in violating and evading the rules and law in making appointments. When its report was published the postmaster had resigned, and his resignation was accepted by the Department, with the notification that if he had not resigned he would have been removed. This case has been fully investigated and the action of the Commission sustained by the Civil-Service Committee of the House of Representatives so that it is not necessary to say more about it here. At the same time the Commission investigated the post-offices at Indianapolis, Ind., and Troy, N.Y., where there were newly-appointed postmasters. At Indianapolis a general laxity was found in the way the law was being administered, but fortunately the Commission took the matter in hand so early that the violations of the law were immediately corrected. Three men had been illegally appointed, and all three were removed on the recommendation of the Commission. It is due to the post-office authorities at Indianapolis, both to the then postmaster, Wallace, and to his successor, Postmaster Thompson, to say that from this time on no violation of the law occurred there, and that the office has since been managed in every respect as a first-class office should be. The irregularities that had occurred at the beginning of the administration were
doubtless due to want of familiarity with the rules rather than to any bad faith, as they were rectified immediately on attention being called to them by the Commission. Moreover, the administration of the Indianapolis post-office during the years it has been under Postmasters Wallace and Thompson has been in strict accordance with the civil-service law and rules, and this fact is all the more creditable for the reason that it furnishes such a striking contrast to the administration of the office during the preceding four years, under the administration of Postmaster Aquila Jones.

The investigation in the Troy post-office showed that there was reason to believe that Republicans who were in political sympathy with the new administration of the office had, indirectly at least, been encouraged to come into the examinations to the exclusion of Democrats, with the idea that they would, through political backing, get appointments. Accordingly, the Commission canceled this examination and ordered another held under its own supervision, taking care to see that in this the rights of all applicants, irrespective of party, were carefully observed.

In June, 1890, charges were brought to the Commission that at Troy there had been sweeping removals for partisan reasons among the Democrats in the force, over 70 per cent having been removed. This office was accordingly investigated by Commissioners Roosevelt and Thompson, whose report is given below. The case was one of those which, in the opinion of the Commission, shows how important it is that it should be allowed to investigate all cases of removal. In this instance the postmaster freely stated the causes for removal, and the Commission confronted him with the discharged employés and heard the statements of both sides; but it is a question whether the Commission could have forced the postmaster to do this had he refused. Moreover, in all cases like this the Commission's power of reporting, even in relation to political removals, is so narrowly guarded that often it is brought face to face with a condition of facts where, although seemingly adequate reasons are assigned for the removal, it is convinced that these are not the real reasons, but that they are advanced simply as an excuse for discharging the man whom it is desired to get rid of merely for political or personal considerations. The Commission should be given full power to investigate all cases of removal and to report fully in regard to them.

WASHINGTON, D. C., July 21, 1890.

Sir: Pursuant to the directions of the Commission, we went to Troy to examine into the observance of the civil-service law at the post-office in that place. We took the testimony of the postmaster and assistant postmaster and of all of the discharged employés whom we could get to appear before us. Before going in person to the office we had sent on Mr. Holtz to hunt up the discharged employés and find out what complaints they had, and to ask them to appear before us and testify in person.

We find that the postmaster has made a very extraordinary number of removals, amounting to little over 70 per cent, during his thirteen months of office. This fact, in our opinion, establishes a presumption against any appointing officer. If an appointing officer removes 70 per cent, or thereabouts, of his employés during a single year, the presumption ought to be, in our judgment, that he has done it for political reasons and not for the good of the service, and he should be required to overcome this presumption by showing specifically in each case that the removal was necessary and for the good of the service.

The postmaster at Troy, however, was able to make this showing in the great majority of the cases. He furnished us detailed and specific charges against almost all of the men whom he had removed, the charges being generally in relation to misconduct of a very gross character, such as drunkenness, the use of profane language, gross carelessness, insolence and insubordination, refusal to pay debts, failure to deliver mail, etc. These charges, if sustained, would have amply warranted the
postmaster in removing the men against whom they were made. Wherever possible, we confronted the man who had been removed with the postmaster and assistant postmaster. He then repeated his charge of drunkenness or whatever it was, which the man would deny, and it would come down to a square issue of veracity between the postmaster and assistant postmaster, sometimes supported by other employees of the office on the one hand, and the discharged man on the other. Occasionally it was evident that there might be some mutual misunderstanding, but as a whole the committee was thoroughly convinced that the postmaster was justified in what he did. However, though, in the great majority of the instances it is evident that the postmaster undoubtedly acted with entire propriety, yet there are two or three cases, notably those of Denny and Brophy, in which your committee is of the opinion that the discharged employees were treated with unnecessary abruptness and harshness. None of the men were told of the charges against them or given an opportunity to prove them false. This naturally left the impression on the minds of many that they were discharged merely for political reasons.

Your committee therefore concludes that, though the discharge of such an unusual proportion of the force raised a strong presumption against Mr. Ashley that the discharges were due to political reasons, yet that Mr. Ashley has fairly overcome this presumption in at least a great majority of the cases. Undoubtedly when he took control at Troy the force was in a thoroughly demoralized condition, and there was need of drastic measures to restore it to efficiency. The improvement in the condition of the office as regards cleanliness, etc., when compared with what it was a year ago, at the time of the previous visit of the Commission, is most marked; and on the whole, the character of the employees seems also to have much improved. It must be remembered that of the old employees very few, indeed, came into the Government employ through our civil-service examinations. The committee is satisfied from its personal investigation that the postmaster was warranted in discharging the major part of the men he did discharge though we are still of the opinion that there were a few who were treated with needless severity in being discharged for faults of which they had no knowledge and which they were given no opportunity to explain away. We earnestly recommend that some rule be made by which a man can only be discharged after written charges have been submitted against him, and after he has been allowed to see these charges and to make his defense, the charges to be published if he so desires.

In conclusion, the committee would say that they desire to call particular attention to Mr. Ashley's testimony made at the close of the investigation, wherein, in response to the questions of Commissioner Roosevelt, he distinctly stated that he had never made any removals in the office for political reasons; that he had never made any appointments to the classified service of the office for political reasons; that he had never been influenced in the least by political considerations in choosing one eligible out of the three certified to him for appointment, and that he had never rejected a man because he was a Democrat or appointed one because he was a Republican. Full weight should be given such a statement from any appointing officer of good reputation. It appears that the great bulk of the new appointees, however, are Republicans, although there are a great many concerning whose politics the postmaster and assistant postmaster were both entirely ignorant, and one or two whom they presumed, without knowing, to be Democrats. Only by gradually instilling into the public mind belief in the honesty and good faith with which the law is administered can the feeling which brings about this condition of things be altered.

Mr. Ashley furnished us with all the information we asked promptly and frankly, and showed every desire to facilitate our inquiries. It would be unjust not to say this, and at the same time to express our belief in the entire good faith of Mr. Ashley's conduct throughout, and our belief, likewise, that he was uninfluenced by political considerations.

The President of the Civil Service Commission.

In February, 1890, Commissioner Lyman investigated the post-office at Atlanta, Ga., concerning which similar charges had been made. From Commissioner Lyman's report it appeared that the postmaster had made certain appointments illegally and that he ought to have known that they were illegal; but that he seemingly acted in good faith, that he was new to the office, and that he was much hampered by a very peculiar and unusual combination of circumstances. Before action was taken on the report the improperly appointed men, with perhaps one exception, had been regularly examined and appointed.

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In view of these facts the Commission recommended that the postmaster be reprimanded and the attention of the Postmaster-General was called to the fact that the moneys paid appointees while they were illegally acting would seem to have been paid without warrant of law.

Early in 1891 the Commission had its attention called to alleged illegal appointments in the post-offices at Rochester and Buffalo. There had been previous correspondence with these offices in regard to alleged irregularities. Chief Examiner Webster visited both the offices, and there was much correspondence held with them and the Post-Office Department in regard to them. It was found that at Rochester there had been certain appointments made without warrant of law. In accordance with the report of the Chief Examiner, three of the men thus appointed were recommended for removal from the office, and were so removed. At the same time it was found that in Buffalo two men had been illegally reinstated in the office. Both of these men were likewise removed from office on the report of the Commission, and it was the understanding of the Commission that the postmaster himself had to defray the amount he had paid them in salaries.

In May, 1891, some irregularities were committed by the postmaster at Washington, D.C. An investigation showed that there were about twenty men illegally in the classified service. Thirteen of these were afterwards regularly examined and appointed through competitive examination, three were appointed to places in the unclassified service, and four were removed. Much difficulty was experienced with the postmaster in connection with some of these employees illegally appointed, to whom he had allowed salaries in excess of those given to other clerks who had entered the office under an examination of higher grade, the result being practically to defraud the persons who had come in upon the higher competitive examination of portions of the salary to which they were entitled, which were given to the men referred to who had been illegally appointed. The Commission at last succeeded in having this rectified, but only after it had notified the postmaster that it would ask that all of the surplus salary be stopped out of his own allowance if matters were not righted.

In September, 1891, the chief examiner investigated the Omaha post-office, and discovered that the then postmaster had illegally in his employ five clerks and three carriers, the clerks having been appointed by the Republican postmaster and the carriers by his Democratic predecessor, all illegally. On the recommendation of the Commission, based upon this report of the chief examiner, the Post-Office Department removed all eight of the persons implicated.

In October, 1891, charges having been made that the law was loosely administered in the post-office at Denver, Colo., Commissioner Lyman visited that office and found that the postmaster was employing six clerks who had been irregularly appointed. The Commission called the attention of the Postmaster-General to the facts, requesting the immediate dismissal of the men, and they were accordingly dismissed.

CLASSIFICATION OF NEW FREE-DELIVERY OFFICES.

On January 5, 1893, the remaining 548 free-delivery post-offices were classified, and after the change of administration in a few of these offices, for instance, Topeka and Kansas City, Kan.; Quincy, Bloomton, and Galesburg, Ill.; Plattsburg, N.Y.; Athens, Ga.; Little Rock, Ark., and several others, there was a repetition on a much smaller scale and with the parties reversed of what had occurred in the Railway-Mail Service just prior to its complete classification in 1889. In
the above post-offices the postmasters who took charge just before
the classification went into effect took advantage of the fact that the
classification had not yet gone into effect to make sweeping removals
of Republicans and appointments of Democrats for partisan purposes.
The conduct of the postmaster at Topeka was aggravated by such
grossly untruthful statements on his part that he was removed from
the service. In all these cases, of course, there was nothing for the
Commission to do, it having no power to act upon what had occurred
prior to the complete classification of the office, exactly as it had no
power to act in respect to what had occurred in the Railway-Mail Serv­
ice prior to the time the rules took effect on May 1, 1889.

At Athens, Ga., however, where the postmaster took charge the day
before the classification went into effect a peculiar condition of things
followed. The postmaster removed all the clerks and carriers and ap­
pointed their successors. He had the right to employ the clerks, but
the carriers could only be appointed by the Postmaster-General, and
the new men were not thus appointed until several days after the
classification had taken effect. The Commission held the appointment
of the carriers to be illegal and recommended their removal, ordering
a new examination held to supply their vacancies. This examination
was held by the local board and resulted in all the men affected passing
the examination and retaining their places. The Commission was not
satisfied with the fairness of the examination and directed that it be
cancelled and another held by a member of the Commission’s own force.
This was done and only one of the men illegally in the service suc­
cceeded in passing. The three others were removed.

There would have been trouble of this kind in many more offices had
the classification been longer delayed; but fortunately the Commission,
by lending all its energies to the task, and thanks largely to the hearty
and efficient cooperation of the Post-Office Department, under Post­
amaster-General Bissell, was enabled to complete the classification of
these offices by July 1.

At Rome, Ga., an act of fairly comic impropriety was committed by
the predecessor of the present postmaster. This predecessor, Mr. Z. B.
Hargrove, was originally appointed under President Cleveland and had
been permitted to serve through the term of President Harrison. Dur­
ing this term he had appointed both Republicans and Democrats, but
immediately after the second inauguration of President Cleveland he
sent to all the Republican employes under him a dismissal, stating that
he sent it because as the administration had changed he thought the
force of his office should change also. There seems small need of com­
ment on his action, in view of the fact that he himself had held over
through an administration to which he was politically opposed. The
Commission laid the facts before the Postmaster-General, at whose in­
stance the offending postmaster was promptly removed.

At Terre Haute, Ind., the newly appointed postmaster took violent
possession of the office the day before the classification took effect, evi­
dently for the sole purpose of making a clean sweep for political rea­
sons. The report of Commissioner Roosevelt, whom the Commission
directed to investigate the facts, is as follows:

The Commission:

Sirs: I have the honor to report as follows concerning my recent investigation of
the post-office at Terre Haute, and submit herewith, also, a stenographic report of
the testimony taken in connection therewith.

The examination at Terre Haute was originally appointed for May 6. It was
defered until May 13, however, by order of the Commission, because of charges
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preferred against the local board at the Terre Haute office by Senator Voorhees in a letter to this office. He stated in this letter that the board was composed of three intensely partisan Republican political workers, and that, as far as he knew and believed, from reliable information, no Democrat had contemplated going before it for examination, feeling that justice could not be obtained before it.

In the interval between the 6th, the date originally set for the examination, and the 13th, to which it was deferred, the commission of the new postmaster was sent on to Terre Haute, and on the 12th he attempted to take forcible possession of the office. The retiring postmaster telegraphed for instructions to the Post-Office Department at Washington, and received in reply a telegram from the First Assistant Postmaster-General, instructing him to deliver the office on Saturday evening. Relying upon this telegram, the outgoing postmaster, Mr. Greiner, refused to deliver the office; while the new appointee, Mr. Donham, trusting to his commission, insisted upon taking immediate possession.

Complaints and counter complaints are made as to the alleged forcible entry by Mr. Donham and the alleged forcible barring out by Mr. Greiner, and both parties kept a mixed possession of the office until Saturday evening, when Mr. Greiner finally transferred it to Mr. Donham.

Meanwhile, on the 12th, the day before the examination, Mr. Donham, claiming that he was in full possession and had the right to make all the appointments, proceeded to make a nearly clean sweep of the postoffice force for avowedly political reasons, sending notices of dismissal to all of the old members of the force save three, and appointing their successors, these successors being men upon whose appointment he had settled before receiving his commission. The examination was held the following day.

The reason for the violent effort to obtain immediate possession of the office was without doubt the promulgation of the decision of the Attorney-General, under date of May 5, 1893, as to the time when the President's order, including the free-delivery offices in the classified service of January 5 last, became effective. In the final paragraph of the Attorney-General's letter he sums up as follows:

"The revised civil service rules come into force at each free-delivery office, in my opinion, as soon as " the first examination shall have been provided by the Civil Service Commission, whether or not such examination shall result in an eligible register."

Under this decision each office, it would appear, becomes fully classified when an examination is held, and until the holding of the examination the Commission has no power over the appointments and removals; but, after the examination is held, appointments and removals can not be made save under the conditions prescribed in the civil-service act.

I examined at Terre Haute the ex-postmaster, Mr. Greiner, and his brother-in-law, Mr. Bauer, and Mr. George Miller, the only member of the board against whom a single definite statement was made. All three of these men were Republicans.

I also examined Mr. A. Z. Foster and Dr. W. H. Roberts, both of them prominent Democrats, and the latter an ex-Confederate soldier, but both belonging to the wing which styles itself the Cleveland or anti-machine Democracy.

I further examined the postmaster, Mr. Donham; his brother-in-law, Mr. Ball, who is the editor of the Democratic newspaper of Terre Haute; ex-Congressman John E. Lamb, Mr. Crawford Fairbanks, Judge D. N. Taylor, and Mr. D. Fasig, all of these being also Democrats, and Messrs. Ball, Taylor, and Fasig being called at the request of the postmaster.

I called and examined whomever the postmaster wished, and, after having completed my examination, told him that I would incorporate into the evidence any supplementary statement which he might choose to make. He accordingly sent on a supplementary statement, which is incorporated in the stenographic testimony taken.

In the first place it appears that there is no basis whatsoever for the charges, because of which the examination was deferred. No attempt whatever was made to produce a single specific instance in which the board had failed to do exact and equal justice to all applicants, whether Democrats or Republicans, and, as a matter of fact, it appears probable (see letter of Mr. Bailey and also statement of Mr. Foster, who was present during the examination) that a majority, perhaps two-thirds, of the applicants who had applied for admission to the first examination, as well as those who actually entered the final examination, were Democrats; that is, so far from it being the case that no Democrat would go before the board, it appears that the bulk of the people making requests to go before the board were actually Democrats.

Mr. Foster testifies that he knows the members of the civil-service board; that they were reputable men, and that he had never heard any statement from any responsible source against their integrity or any doubt expressed as to their fairness
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n giving application papers to all comers and their impartiality in conducting the examination.

Dr. Roberts testifies to the same effect. His testimony is peculiarly valuable because he was the doctor who signed the medical vouchers for many of the Democratic applicants for the examination, and he testified that none of them spoke a word as to having had any difficulty in securing fair treatment by the board.

The postmaster himself, and the witnesses examined at the postmaster's request themselves, all stated that they knew of no instance in which the board had failed to do justice to all applicants. Mr. Lamb said he had "heard" of men who had been treated rudely by the board, but was not able to give the name of a single individual.

As a matter of fact, many of the men who were appointed by Mr. Donham just prior to the examination had made application, although none of them actually entered the examination, evidently supposing that their appointments were safe anyhow.

One of the members of the board, its chairman, is a man who served all through the first administration of President Cleveland in the Terre Haute post-office, and is one of the three men whom Mr. Donham excepted from the otherwise clean sweep of the office; certain proof that the Democrats themselves regarded him as a fair and honorable man. Against the secretary of the board nothing was alleged.

As for the third member of the board, while nothing whatsoever was said against his conduct while a member of the board, it was alleged that he had been improperly active in politics last fall. The witness against him was Mr. Fasig, who stated that "it was generally understood" that this member of the board, who is active in the Grand Army, had been organizing and getting the old soldiers into line for the Republican party. Mr. Miller, the member of the board, flatly denied that there was any truth in the statement; and Mr. Fasig then stated that he did not know himself that Mr. Miller had been doing political work, but that he did know that he had met him going about the different Grand Army encampments very frequently. Consideration must also be given to Mr. Ball’s statement as to Miller’s partisanship, for Mr. Ball was evidently testifying with an entire purpose to state facts as they were; but even if the charge is regarded as substantiated it refers only to Mr. Miller’s conduct long before he was a member of the board. I, therefore, find that the conduct of the board was proper in every particular, and that there was no justification whatsoever for the charges because of which the examination was deferred.

The examination having been thus deferred, advantage was taken of it to try to make a clean sweep of the office, removing the Republican appointees and putting Democrats in their places. The testimony of Messrs. Ball and Donham shows conclusively that the reason for the hurry in taking possession of the office prior to the examination was the promulgation of the Attorney-General’s decision.

The Republicans in office were men appointed under the old spoils system by the Republican postmaster, Mr. Greiner, who, on taking office four years ago, made a clean sweep of the Democratic employes, appointing Republicans in their places; and the reason that Mr. Greiner strove so hard to keep possession of the office was, without doubt, because he desired to keep the Republican employes in until after the examination had been held, when they would be covered by the provisions of the civil-service law.

The object of Mr. Donham was to make a clean sweep in his turn, precisely as Mr. Greiner, the Republican postmaster, had done in 1889, and as Mr. Greiner’s predecessor, the Democratic postmaster, had done in 1885.

Mr. Donham strove so hard to get possession, because, like Mr. Greiner, he believed that if he could get in before the examination took place he would be able to turn out all the Republicans before the civil-service law went into effect in the office, and to get in his own Democratic adherents in their places.

Mr. Ball testified with a frankness which contrasted very honorably with the efforts evidently made by certain of the witnesses to cover up their actions and motives. Mr. Ball, in speaking of the efforts of Mr. Greiner to keep, and of Mr. Donham to obtain, possession, says, doubtless with entire truth: "The motive was precisely the same in both cases."

He, Mr. Donham, assumed that he had perfect liberty to make a clean sweep." Mr. Donham, when before me, testified as follows:

"Q. Your belief is that Mr. Greiner was seeking to continue the control of the office until Saturday evening, with the idea that after the holding of the examination the office would be classified and you would not be able to make your appointments? A. Yes.

"Q. And your object in getting possession of it Friday was that you might make your appointments before the examination? A. Yes."

In his supplementary statement Mr. Donham states that he did not intend to make the last answer; but, in my opinion, the answer represents his actual meaning. In his original answer to Mr. Bailey, Postmaster Donham distinctly said that he had

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discharged the old Republican force for political reasons, discharging them because they were Republicans, and appointing only Democrats in their places.

Before me he testified that he had appointed none but Democrats who had political backing as well as backing as to their fitness, and who were vouched for and their appointments requested by Democrats in good party standing.

The claim that Mr. Donham dismissed the Republican employés because of insubordination is sheer nonsense; it can only be regarded as an effort to wriggle out of the consequences of his action.

Before me he testified that he had spent three months previous to his appointment in canvassing the different applications before him and had in his own mind carefully chosen all the positions when he came into the office on the 12th, and that on the afternoon of the 12th he turned out the Republican force and put in the Democrats whom he had been selecting for the three months preceding. He appointed the new men at 4 o'clock in the afternoon, swearing them in at that time, and inserting on the blanks as a cause for the removal of the old employés “for the good of the service.”

The alleged insubordination took place, according to his own statement, after 6 o'clock, and so, subsequent to 8:30 o'clock, he inserted, in addition to the cause “for the good of the service,” a general charge of “insubordination” against each employé, In other words, the successors to the old incumbents were appointed several hours before the alleged insubordination, because of which it is now stated that these incumbents were removed, took place. See page 20 of the written testimony. The testimony then runs as follows:

“Q. Then about 4 o'clock in the afternoon you made your appointments of the successors of all these people, and some six hours later you sent out the notices of dismissal to the employés whose places were to be taken by the men whom you had already appointed?—A. Yes.

“Q. Your list of appointments had been prepared the day before you got your commission?—A. Not except in my mind; the men had not been notified.

“Q. You had determined whom you would appoint?—A. Yes.

“Q. You had then determined that you would remove all the men but three?—A. Yes.

“Q. And you had chosen all the new appointees?—A. Yes.

“Q. You practically provided for turning out these men in the afternoon, but you made no charge of insubordination against them then?—A. I determined on their removal because I considered it to be for the good of the service.

“Q. As a matter of fact, you had appointed all their successors before the insubordination occurred?—A. Yes.”

In view of these statements, deliberately made by the postmaster in his testimony, which he has since read over without on this point making any correction therein, the allegation of “insubordination” as an excuse for turning out these men must be regarded as a mere afterthought, upon which stress is laid now merely with a view to explain away the scandal.

Mr. Donham, however, failed in his efforts, at least as regards carriers. The carriers are appointed by the Postmaster-General. He could not himself appoint them. The men whom he had chosen as carriers, therefore, were not appointed prior to the holding of the examinations, and, under the Attorney-General’s decision, they can not, therefore, be appointed save regularly through our examination. In no event will it be possible for the carriers nominated for appointment by Mr. Donham on May 12 to enter the service in Terra Haute, save as they may subsequently pass our examination and comply with our rules. The clerks he may have had the power to appoint, but the appointments should certainly not be permitted to stand.

Doubtless, of the Republican force, appointed as it was under the old spoils system for political reasons, after the Republicans had made a clean sweep of the post-office, many members should properly be turned out; but all of their successors should be appointed from the eligible registers, which have now been established at Terra Haute as the result of the examination held there on May 13.

As regards the force of carriers, this is the only course that can be pursued under the law. As regards the clerks, it is the only course that ought to be allowed to be pursued. There may be three excepted places in this office—the positions of assistant postmaster, of money-order clerk, and of registry clerk. For assistant postmaster a brother of a prominent Democrat was appointed. For registry clerk, the secretary of a Democratic county committee was appointed, and for money-order clerk one of the Democratic councilmen of Terra Haute. These men were appointed, as Mr. Ball put it, because they were active, intelligent, vigorous Democrats.

Their appointment merely furnishes another proof of the great harm done by having so many positions in the post-offices, as well as in the departmental service, excepted from competitive examination. There is not the slightest necessity for excepting the great bulk of these positions. In an office the size of Terra Haute, I question if there is need for more than a single excepted place—that of assistant
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postmaster. There is certainly need for no more than two. Where an employé has to deal with money or postage stamps it is perfectly proper to have him appointed through competitive examination and have him required to file a bond before giving him the position.

Our experience has uniformly been that the people appointed to fill these excepted positions, while nominally supposed to be chosen because of their special fitness for the positions, are really chosen because of the strength of their political backing, and in a great many instances they are chosen wholly without regard to the reasons because of which they are supposed to be excepted.

In support of this assertion I may point out the cases that have just arisen in connection with the State Department at Washington, where it appears that during the last four years two persons were serving in the Department in positions where they did merely the work of ordinary clerks, although they had been appointed as private secretaries to the Second Assistant Secretary of State and the Solicitor of the Department, for neither of whom had they ever done a stroke of work.

There is, in my opinion, urgent need for a change in the rules which shall abolish the great bulk of these excepted places. At present many of the best and most important positions in the classified service, because they are thus excepted from examination, are thrown open as the reward of political activity, instead of being, as they ought to be, prizes to be won by honest and efficient industry in the ordinary grades of the Department; and with every change of administration there comes a sweeping change in the excepted places, whether chiefs of divisions in the departmental service or of money-order clerks, stamp clerks, and registry clerks in the post-offices, the changes being too often not only not for the good of the service, but greatly to the detriment of the service, and in many cases being accompanied by circumstances of extreme injustice.

It was the opinion of the Civil Service Commission that President Harrison's order classifying the free-delivery offices went into effect at once, one of the members of the Commission dissenting from this view. The decision of the Attorney-General is that the classification does not take effect until examinations are held. Advantage is being taken and, in a number of cases, such as at Galesburg, Bloomington, and Quincy, Ill.; Plattsburg, N. Y., and Columbus, Ga., has already been taken, of this decision by incoming postmasters and their political backers to make sweeping changes in the force of various offices, making wholesale removals of the Republican incumbents and replacing them by wholesale appointments of Democrats.

This is precisely what was done four years ago, when advantage was taken of the necessary delay in preparing eligible registers for the Railway Mail Service to make sweeping removals of Democrats in that service and sweeping appointments of Republicans. In a communication now before the Commission, Congressman Harter speaks of these changes in the Railway Mail Service made after its classification had been ordered, but before the registers could be provided, as "infamous." Certainly I am inclined to agree with any reprobation of the changes made under such circumstances four years ago in the Railway Mail Service and now in certain of the free-delivery offices.

At present it is out of the power of the Commission to interfere with them in any way, but I recommend that the Commission respectfully suggest to the President the advisability of forthwith issuing a rule that whenever any portion of the public service or any office in the public service is classified, such classification shall be held to take effect at once, the rules forbidding removal for political reasons being held to apply from the beginning, so as to prevent improper advantage being taken of any necessary delay in providing examinations.

Very respectfully,

THEODORE ROOSEVELT.

On this report all of the employés whom the new postmaster thus attempted to introduce into the service were removed and the old employés reinstated.

At Paducah, Ky., the newly appointed postmaster called for the resignations of all the carriers for political reasons, and he also employed three clerks illegally. The Commission investigated the case, and upon its report the Post-Office Department promptly removed the three clerks and refused to allow the postmaster to remove the carriers, who, as a matter of fact, are still in the service. The postmaster asserted he had only erred through ignorance and promised faithfully for the future to obey the law in letter and spirit.

At Anderson, Ind., charges were made by several of the dismissed employés that they had been removed for political reasons. They
afterwards, however, withdrew these charges, and the investigation of
the Commission was not completed.

At Montgomery, Ala., charges were brought in the spring of 1893
against the Republican postmaster and against the board of examiners
which had been organized under him. After much correspondence the
Commission sent one of its agents, Mr. Dobbs, to Montgomery, and
upon his report removed the members of the local board of examiners.
Charges of like character were afterwards made against the present
Democratic postmaster and against the board of examiners as organ-
ized after he had taken possession of the office. After correspondence
the Commission again sent one of its force, Mr. Bunn, to examine the
office, and upon his report removed two of the examiners from the
board. The postmaster himself had previously requested the Post-
Office Department to remove from the service the only member who
had been faithful to the interests of the law. Upon the Commission's
report the Post-Office Department declined to allow this member to be
removed.

Owing to its lack of power to investigate all cases of removal, the
Commission was unable to take decisive action after investigating simi-
lar charges filed against the recently appointed Democratic postmas-
ters at Evansville, La Porte, Fort Wayne, and Vincennes, Ind.; Rut-
land, Vt.; Charlotte, N. C.; Hamilton, Ohio; and Natchez and Jack-
son, Miss. The Commission is still awaiting the action of the Post-
Office Department in the cases at La Porte, Ind., and Hamilton, Ohio,
before deciding finally upon them. Its experience in such cases as those
enumerated has convinced it more than ever of the need of its being
given power to investigate and report upon all removals (and upon
promotions and reductions in the service, as well) so as to determine
whether in its judgment they have been made for political reasons or
not. Moreover, the charges against any employe should, in the opinion
of the Commission, be always made public if the man removed so desires,
and he should be given a copy of the charges and be allowed a hearing
in his own defense. At present a postmaster may, and often does,
remove a man really for political reasons, but nominally because of
some trivial shortcoming. It is unfair and unwise not to permit the
Commission to investigate and report whether it regards the alleged
reasons as good and sufficient, or as merely a cover for a removal made
because of the man's political opinions or affiliations.

In the Fort Wayne case there was good ground for belief that the
reasons alleged by the postmaster for the removal of certain Republic-
can employes, whose places were taken by Democrats from the eligible
registers, were merely hunted up and brought forward to justify the
removals after they had been determined upon; but it was impossible
to get any legal proof that the removals were made for political reasons.
Accordingly, nothing could be done under the law as it now stands.

By what the Commission regards as a very unwise provision of the
rules, certain kinds of positions in different post-offices are allowed to
be excepted from examination when the Postmaster-General so directs.
Very often postmasters treat a position as excepted in advance of
action by the Postmaster-General. This is, of course, technically illegal,
but the Postmaster-General, as a matter of fact, usually does make such
exception when requested by the local postmaster, if it comes within the
limitations of the rule. Great confusion has arisen from this practice
in the different offices, and especially at the post-offices at Philadel-
phia and San Francisco. When such an irregularity is discovered it
seems hardly worth while to demand the dismissal of the person on
ALLEGED VIOLATIONS OF THE CIVIL-SERVICE LAW.

whose behalf it was permitted when he would be instantly reinstated, owing to the irregularity being cured by the action of the Post-Office Department. These troubles still continue and will continue until the section of the rule allowing places to be excepted in this manner is abrogated.

Last fall, and again recently, charges were made of violations of the law in the Philadelphia post-office. Commissioners Procter and Roosevelt investigated these charges and found them unsubstantiated, but discovered what the Commission considers an improper course of conduct in making appointments. The following extracts from the report of the Commission, and the correspondence it has since had with the postmaster and with the Post-Office Department explain the facts.

* * * *

The most serious matter developed in our investigation was not developed by the charges of Mr. McKee at all, but by something called to our attention by one of our examiners, Mr. Hoyt. When Mr. Carr took office it appears that there were two eligible registers from which certifications were being indiscriminately made, according to the grades of the eligibles. The first consisted of people who had passed prior to the Presidential election of 1892, and contained a greater or less number of Republicans, while the other consisted of those people who had passed about the time of the change of administration, and, from the statements that were made to us, consisted chiefly of Democrats.

In choosing from the certifications from these two registers a very marked discrimination against the old list and in favor of the new, presumably more Democratic, list, was made, twice the proportion of men being rejected from the first list, as compared with the second. The explanation that Mr. Carr gave was that he did not know anything whatever about what men were on each list when the certifications were made to him, but that he chose according to the recommendations on file with him from outside sources as to the different applicants when any given series of names came before him. It appears that the postmaster has been for a long time in the habit of receiving these different recommendations from outsiders, or possibly from the applicants themselves. Mr. Carr's explanation of why he happened to choose so many from the second or Democratic list, and comparatively so few from the first list, was that there were no letters on file from the first. It appears that these letters are considered the private property of the postmaster, and that the letters in reference to the eligibles on the first list were packed up and taken away by the late postmaster when he left office, so that Mr. Carr only had letters of recommendation for the second list. Looking through these letters it would appear that some were simply recommendations from business men as to the business capacity of the applicants; that others were recommendations to the same effect from powerful politicians, and that yet others were political recommendations from ward leaders and from others, testifying to the politics of the applicants and to their usefulness as politicians in their wards.

While it is quite proper for a postmaster to make every inquiry as to the character and capacity of the eligibles before appointment, it is entirely wrong for him to consider or even to receive statements as to the politics of the men desiring an appointment. These statements should not be kept by the postmaster. He should follow the practice of the Commission in returning such recommendations immediately to the people who write them. Moreover, there seems to be, in our opinion, judging from the analogous cases in the post-offices at Chicago, New York, and Boston, where most of the men on the eligible registers are appointed, no necessity for rejecting as many men as have been rejected under Mr. Carr. The same information should be asked for from all the people on the eligible register, and no recommendations should be received as regards any one man that are not received and sought for as regards all others. We recommend that the Commission formulate a series of regulations looking toward the same end, to be sent to all postmasters. It was brought to our knowledge through this examination that persons had entered the service during the last administration who were Democrats and during the present administration who were Republicans. It was the opinion of the board of examiners at Philadelphia that a number take the examinations who have really no well-established political affiliation.

Very respectfully,

JOHN R. PROCTOR,
THEODORE ROOSEVELT,
Commissioners.
PHILADELPHIA, PA., January 22, 1894.

Sir: I am in receipt of a communication dated the 18th instant, which inclosed a copy of a report in connection with this office.

I beg to repeat, as I said to you in our interview of the 9th instant, that the settled practice and law have been observed in every instance in which appointments have been made in this office. I can not prevent people writing to me, nor do I think I should attempt to do so, for I need all the information I can obtain. I can not dictate to them what they should say, and I am in no wise responsible for their statements. It will continue to be my practice to retain all letters addressed to me, for business method approves of it. They are private communications, and come to me from all sorts and conditions of men and urge reasons of all kinds as grounds for complying with their requests. Some of them are based upon the claims of sex, of the infirmities of age, or of the distresses of poverty; others are political, social, religious, or belong to the distinctions of race or color.

Many hundreds of letters have been addressed to me upon these matters, and I have had interviews with many hundreds of persons, but in making my selections for appointment to the positions directly or indirectly under my control, I have in every case kept in mind my obligation to obey the law, and to further the desire of the Department to give to the patrons of this office the best possible postal service.

Respectfully, yours,

WM. WILKINS CARR,
Postmaster.

Hon. JOHN R. PROCTOR,
President, Civil Service Commission, Washington, D. C.

JANUARY 25, 1894.

Sir: * * * With reference to your statement that (as regards the letters submitted to you, some of which urge among the reasons for appointment reasons that are political) it will continue to be your practice to retain them all, that you cannot dictate to the writers what they shall say, and that you are in no wise responsible for their statements, the Commission requests you to turn to General Rule III, division 7, which expressly declares that the appointing or nominating officer shall discountenance all disclosures of the political affiliations or opinions by or concerning any applicant, competitor, or eligible.

Under this division of General Rule III it is, in the opinion of the Commission, clearly the duty of the postmaster to refuse to receive or entertain any letters disclosing the applicant's politics, or any letters written on behalf of an applicant on political grounds; that it is your duty to explain to the writers that you do not and will not receive their communications if based upon such grounds, and that you will not keep them on file.

Very respectfully,

JOHN R. PROCTOR,
President.


FEBRUARY 1, 1894.

Sir: The Commission has the honor to inclose herewith copies of its letter to the postmaster at Philadelphia, Pa., dated January 25, and of his reply thereto, dated January 29.

The Commission is puzzled how to reconcile the postmaster's assertion in his letter of the 29th, to the effect that he was already familiar with the provisions of General Rule III, section 7, with his statement in his previous letter that he should continue to keep all letters of recommendation of different candidates, whether they were recommended on political grounds or not, and that he could not interfere with their being sent to him. It is the opinion of the Commission that the postmaster should actively discourage all communications in reference to applicants dealing with their political or religious affiliations or claims, and that it is his duty to refuse to consider any recommendation or any letter containing a recommendation upon such grounds, and that no such letter should be kept in his files. The keeping of such letters in the files is, in the opinion of the Commission, a violation of the rule referred to, and the Commission would respectfully suggest the advisability of the Department requesting Mr. Carr to discontinue the practice. The Commission respectfully asks to be informed of the Department's action in the matter.

Very respectfully,

JOHN R. PROCTOR,
President.

The First Assistant Postmaster-General.
GENTLEMEN: I inclose herewith a copy of my letter of the 5th instant to Hon. William Wilkins Carr, postmaster, Philadelphia, Pa., with reference to the receiving and filing of letters recommending applicants for appointment because of their political affiliations.

Very respectfully,

The CIVIL SERVICE COMMISSION,

Washington, D. C.

FRANK H. JONES,
First Assistant Postmaster-General.

Sir: I have your esteemed favor of the 2d instant, with reference to the recent investigation of the Civil Service Commission and report on the same; also the criticism with regard to the receipt by you of letters recommending men for appointment because of their political affiliations. I do not see how you can dictate the form of letter to be received by you, nor do I see how you can do otherwise than to file the same, although letters of that kind are against the spirit and letter of the civil-service law. Knowing you as I do, and the manner in which you conduct your office, I do not believe the Civil Service Commission will have any real cause for complaint against you in the way in which you administer the civil-service law. I believe this estimate of you is the correct one, and I surely hope so.

Very respectfully,

FRANK H. JONES,
First Assistant Postmaster-General.

Sir: The Commission has the honor to acknowledge the receipt of your communication of February 7, inclosing a copy of your letter of February 5 to the postmaster at Philadelphia, Pa., with reference to the receiving and filing of letters recommending applicants for appointment because of their political affiliations. The Commission regrets to state that it must emphatically dissent from the decision arrived at. The attention of the department is respectfully called to General Rule III, clause 7, which provides that every appointing or nominating officer shall discontinue all disclosures of political opinions or affiliations by or concerning any applicant, competitor, or eligible; and section 2, division first, of the civil service law itself, which provides that it shall be the duty of all officers of the United States in the departments and offices to which the civil service rules relate to aid in all proper ways the carrying into effect of said rules.

Most certainly the postmaster at Philadelphia does not discontinue the disclosure of the political affiliations of the various applicants and their backers when he puts on file, and considers in making his appointments, the letters which contain such disclosures, and makes no protest of any kind against their reception. The practice is a thoroughly vicious one, and it has already undoubtedly resulted in harm. From the report of Commissioners Procter and Roosevelt in the matter of the post-office at Philadelphia the Department will see that there is good reason to believe that in the appointments to the carrier force made by the present postmaster, Mr. Carr, there has been a discrimination in favor of a certain class of applicants, who are presumably mostly of one political party, and against another class of applicants who were presumably largely of the opposite political party. The Commission accepted the statement of Mr. Carr that this was due to no intention on his part, and such being the case the only possible alternative is that it was due to the evil system which brought about such discrimination. It appears probable that this system has always obtained in the Philadelphia post-office, and the Commission makes no reflection upon Mr. Carr for having continued it until the matter was brought to his attention; but it most certainly will regard any further continuance of the practice by Mr. Carr as making him responsible for the ill results which obtain from it and will treat his conduct as a violation of division 7 of General Rule III.

There is no difficulty whatever in Mr. Carr's refusing to receive these letters, and yet in stating his reasons so courteously that no offense could justly be taken by the senders of them. All that he has got to do is to adopt the practice of the Civil Service Commission itself, which invariably returns to the sender any letters con-
taining a disclosure of the political affiliations or opinions of any applicant or disclosing any attempt to advocate his claims for political reasons. If necessary, a printed circular could be used by the postmaster in all such cases, and the result of the use of such circular would very speedily be to reduce to insignificant proportions the number of letters of this character received. The Commission is thus able to state from its own experience that there is no practical difficulty in the way of obeying the rule in question. Moreover, the Commission believes that the whole method now obtaining in the Philadelphia post-office in reference to the reception and consideration of letters on behalf of applicants is wrong. In the opinion of the Commission, the postmaster should not confine himself to appointing men who happen to have personal influence enough to procure the writing of letters on their behalf, but should use means to procure information about all the candidates on the list alike. It is, of course, his duty to inquire about all these candidates, but he should give the same chance to all.

The proportion of eligibles certified but not appointed in the Philadelphia post-office, under Mr. Carr, is very large when compared to similar post-offices elsewhere—in Boston and Chicago, for instance. In the post-offices at Boston and Chicago inquiries are made about all the men, and no discrimination is exercised in favor of any class, the consequence being that the great bulk of those standing high enough on the eligible register to be certified receive appointments.

Very respectfully,

JOHN R. PROCTER,
President.

The First Assistant Postmaster-General,
Washington, D. C.

In December, 1893, an investigation of the post office at Hamilton, Ohio, was made by the Secretary of the Commission, Mr. Doyle, and on his report Commissioner Roosevelt wrote the following letter, which was approved by the Commission:

U. S. Civil Service Commission,
Washington, D. C., January 4, 1894.

Gentlemen: In accordance with your directions I have carefully read Mr. Doyle's report of the investigation made by him at the post-office at Hamilton, Ohio, in company with Mr. Doyle himself. This case is typical of those with which the Commission finds it most difficult to deal. When the present postmaster took possession of the office he found it filled exclusively with Republicans appointed for partisan reasons. The temptation to remove men appointed in this way is always very great. To allow such removals to be made, however, save for causes which would justify the removal of any man, is merely to provide a fresh source of irritation and to put persons into the service against whom there will exist the same feeling as against their predecessors.

Of the 17 employes who were in office six months ago when the present postmaster was appointed, 9 remain. One or 2 of the 8 vacancies, however, were in excepted places. Four of the 10 carriers, 2 others, appointed from the eligible registers, and the two former substitutes, have been removed. The names of the removed carriers are Weber, Knox, Griner, Dye, Ouzts, and East. Those of the substitutes are Williams and Rathgen. Huston was a removed clerk. There were 2 other men, Rybolt and Malott, who complained that they were not appointed because of political reasons.

After examining with care the testimony submitted by the men who claim that they were discriminated against, and that of the postmaster and the friends whom he called before Mr. Doyle, it seems to me that it would be impossible to make out such a case of removal for political reasons as would hold in a court of law. On the other hand, a careful study of the case, together with the statement made by Mr. Doyle as to the impressions left upon him by what he saw of the men discharged and the men who took their places, as well as of the others who were not discharged, gives me very strongly the feeling that the postmaster has been influenced by his political bias in treating with such extreme severity comparatively slight offenses. It is even doubtful whether some of the offenses alleged to have been committed were committed at all, the weight of testimony being to this effect. Unquestionably a postmaster, like any other Government officer, should insist upon a faithful performance of duty by his subordinates. He should demand the utmost efficiency and integrity from them. But any subordinate is certain now and then to commit some error. Errors are committed even now in the railway mail service, though that has reached a higher point of efficiency than ever before—a point of efficiency probably equaled in but few of the departments of Government. It is manifestly unjust to condemn to dismissal a public servant for some error which as a matter of
fact is occasionally committed by the bulk of the men who are kept in the public service, or for an error which would not entail dismissal if committed by a man of a different political party.

The removal of Mr. Griner seems to be especially flagrant. As far as shown in the testimony before the Commission, there was not a particle of direct evidence to show that Mr. Griner committed the fault with which he is charged. On the contrary, the evidence collected by Mr. Doyle would go to show that he not only did not commit it, but that he could not possibly have committed it. It seems impossible to justify the action of the postmaster in dismissing Griner without any proper inquiry or any attempt to find out if the charge was true or was susceptible of explanation.

James Ouzts was serving his route within the prescribed eight hours when, without any complaint or warning, he was removed "for taking too much time on his route. While he did not exceed the prescribed eight hours, a substitute without experience made the delivery in much less time, as the daily reports will show." These daily reports may be quite misleading unless the amount of mail was about the same for each carrier; but, admitting that the conditions were equal, Mr. Ouzts had had no reason to believe but that the time taken by him was satisfactory to the postmaster.

The reports are:

Ouzts:

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<td>July 11</td>
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Murphy:

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<td>July 28</td>
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<td>July 29</td>
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Taking five days in each case, Ouzts did not once exceed the eight hours, whereas Murphy ran over the limit three out of the five days. This is apparently the only charge against Ouzts, the postmaster saying that there was nothing against his character, and that if he were reinstated he would treat him as well as he ever did.

Mr. East served but six days, and was then removed for reasons similar to those alleged in the case of Ouzts. There does not seem to be any justification for the postmaster's action. Mr. East came from outside of Hamilton. He would doubtless have taken a little time to learn the local delivery of Hamilton as thoroughly as the postmaster's action. Mr. East came from outside of Hamilton. He would doubtless have taken a little time to learn the local delivery of Hamilton as thoroughly as the local delivery of any other office, but the conditions were equal.

In these cases it seems on the face of the testimony that the postmaster has on flimsy charges dismissed men who have been in the service a considerable time and have proved their efficiency, but who are of the political party opposed to his; and that on equally flimsy charges he has dismissed men of the opposite political party whom he has had to appoint from the eligible registers, but whom he turned out without any fair trial almost as soon as they had assumed their duties. If this is allowed, in this or in any other office, it will be a work of the utmost difficulty to prevent a clean sweep for partisan reasons; that is, to prevent the postmaster from turning out all of the force who are politically opposed to him and substituting in their places only members of his own political party, although it may be done on the pretext that it is "for the good of the service."

The flimsiness of the charges is shown in the testimony. For instance, the charge against Ouzts was that he was too slow. The only testimony we have in his case shows that on every day he finished his trip within the prescribed eight hours.
whereas one of the substitutes whom the postmaster favored, and in whose interest it is likely the removals were made, appears by the time reports to have on three occasions exceeded eight hours on his route.

In the case of Weber there is conflict of testimony. It is difficult to say whether Weber was or was not guilty as charged. In any event it would seem proper to have warned him and give him a trial before removing him.

It is charged by Rybolt, and denied by the postmaster, that Rybolt said he would accept the position if he were assured of a permanent appointment provided he gave satisfaction, and that the postmaster declined to give him this assurance. The testimony of the outsider who was present and who heard part of this conversation has no bearing upon the point at issue, which is as to the truth of this alleged statement. It is of course impossible to do anything where the positive affirmative of one man is met by the flat denial of the other man. If the substitutes appointed from among the members of the party out of power are uniformly treated as the postmaster seems to have treated them in this case, it is most natural and proper that a candidate who has the misfortune not to be identified in politics with the party to which the postmaster belongs, and who does not wish purposely to lose his present employment, should refuse to accept the substitute's position without some assurance that if he gives satisfaction he will be retained in the service.

The new substitute, Schultz, should undoubtedly be punished for testifying falsely to Mr. Doyle. He stated that Dye did not help instruct him in his duties as substitute, only coming in the first morning just as Schultz was going out on his route. Dye not only contradicts this, but the statement of Schultz is contradicted by Knox and Weber, both of whom were eyewitnesses to Dye's helping Schultz on several occasions. Schultz appears to have given false testimony for the purpose of injuring the man by whose dismissal he was benefited. Dye, like Ouzts, Weber, and Knox, has the strongest letters of commendation from patrons of the office, including many of the largest business houses in Hamilton, as to the way in which he performed his duties.

I recommend that this report and the accompanying papers be transmitted to the Post-Office Department. While I question whether we can make out by such evidence as would be accepted in a court of law the fact that the postmaster removed these men for political reasons, I have no question in my own mind that he has treated trivial delinquencies with excessive severity, and has accepted as proof, without any proper investigation, charges of alleged misconduct when the people were not of his own political party and when their places were to be supplied by men who were of his own party.

Very respectfully,

THEODORE ROOSEVELT.

The Commission.

In December, 1893, certain charges were made against the management of the postoffice at Anniston, Ala. Commissioner Lyman investigated and reported on these charges. On this report Mr. Blake was reinstated in the office.

February 16, 1894.

Gentlemen: I have the honor to report that on the 9th and 10th instant I visited the post-office at Anniston, Ala., for the purpose of supervising the postal examination scheduled to be held at that office on the 10th, and to make an inspection of the office and an investigation of certain charges made against the postmaster on account of the removal of employes of the office, and of charges made by the postmaster against one H. W. Blake, late secretary of the board of examiners, and a letter-carrier in that office. In connection with the local board I conducted the examination on the 10th instant and assisted the board in marking the local-delivery questions of the examination, and saw the papers duly forwarded to the Commission. Six competitors were examined, all for the position of letter-carrier.

The present postmaster, Milton A. Smith, took charge of the office July 1, 1893.

On August 1 carriers I. T. Stevens and J. B. Rivers were removed, they having declined to resign when requested to do so a few days prior to that date. J. E. Bush was removed September 1, 1893, he having also declined to resign. These three men were all colored men, who had been for some years in the service, and, so far as I can learn, had given entire satisfaction until the change of postmaster. Their removal was secured by the present postmaster upon the filing of charges with the First Assistant Postmaster-General.

In reference to the removal of these men the postmaster made to me, in substance, the following statement:
In the case of Stevens, he stated that he had received complaint that he was abusive in the delivery of his mail, and was unsatisfactory, the complainants being J. D. Leak, A. Wetzell, and Joseph H. Duke. The postmaster was unable to give any specifications under these charges, could not state how many times Stevens had neglected to deliver mail properly, or how many times or when he had been abusive to patrons on his route. A further charge against Stevens was that he was arrested in the month of June, 1893, for intoxication. In reference to this charge the postmaster stated to me that he had not investigated it personally, but had taken the statement of the policeman who arrested him and of the chief of police, who was present at the time of the arrest, in relation to the matter. I looked into this charge sufficiently to satisfy myself that Stevens was not intoxicated when arrested, as it appears that when brought before the proper magistrate on the following morning he was discharged, on the testimony of persons who had been with him and knew his condition, and who testified that he was not intoxicated and had not been drinking.

The complaint against Rivers, and the only one upon which the postmaster appears to have acted, was signed by six citizens, in which they requested his removal for being uncivil and offensive. The postmaster could not tell me who brought him this paper; said that it was handed to him by one of the signers, he thought, through the window. It did not come through the mail. He did not ask the signers for any explanation of the charges and did not procure any; does not remember whether he showed the charges to Rivers or not, but he told him of them, and states that Rivers did not say anything in reply to the charges.

Another charge against Rivers was that he carried his route by horse and cart, instead of on foot, while he was required to carry it on foot; and that patrons complained that he would not get off his cart to deliver mail, but required them to come out to the gate and get their mail in all weather; that Stevens also had a weak back and could not carry his route on foot.

In a statement made to me Stevens says that he asked the postmaster, when his resignation was called for, "What about it?" and the postmaster replied that he wanted his place for some of his friends. He said there were charges against him; did not tell him what they were, but afterwards said that he was physically unable to do the work, and had been impolite to some of his patrons; that he did not deliver his mail on foot; that the postmaster had never objected to him. He was carrying the mail in that way before the change of postmaster and with the full knowledge and consent of the former postmaster; that he never compelled the patrons to come to his wagon for mail, but that children often did when he blew his whistle, which is the practice in that town, instead of ringing the bell, but that when no one came out voluntarily he always went to the door with the mail; that he was never uncivil to people on his route, and that the only explanation he could give of the charge of incivility was that the paper signed by the patrons was gotten up by a man by the name of Leak, who wanted the place for his son-in-law, A. B. Johnson, who was, in fact, subsequently appointed.

In the case of J. E. Bush, the principal charge against him was that he was a bad debt payer, and that the postmaster was annoyed somewhat by his creditors, the specifications being an affidavit of J. F. Bell, dated July 20, 1893, a member of the firm of Dobbins & Bell, to the effect that in May, 1893, Bush gave his check for $5.14 on the Stevens Bank, which on presentation was refused payment because Bush had no account there. On the matter being brought to the attention of Bush he, however, settled the account and Bell withdrew the charge.

Another charge was in the form of an affidavit of J. H. Duke, dated July 25, 1893, to the effect that about three years ago he loaned Bush, on his urgent request, to relieve his personal needs, $10; that Bush has since repaid $5; that he has made repeated requests and positive demands for the remaining $5, which Bush has failed to pay; that the reputation of Bush as a debt payer is not good in the community.

The postmaster states in reference to this affidavit that he called Bush's attention to it and that Bush made no explanation, except that Duke was his personal enemy. Bush himself stated to me in reference to these matters that he was a carrier for three years; that when he received Postmaster Smith's letter asking for his resignation he went to him and asked what objection he had to his work. The reply was "None at all; I find you faithful, efficient, and competent; no complaints have come from your district," but that he could not be bothered with these debt matters, and besides it looked too much like social equality to allow negroes and white men to work together in the same office; that he wanted those in his office that he could approach and confer with. The postmaster stated to me afterwards that he did, in substance, make this remark to Bush. Bush produced evidence which satisfied me, and I think would satisfy anyone desiring to get at the truth of the matter, that he was paying the debts of a merchandise firm of which he had been a member, and that he was doing this as rapidly as possible out of his salary, setting aside $50 a month for that purpose, which was paid through an attorney, and he had given
orders on the postmaster for this amount. There appeared to me to be nothing in
the transactions brought to my notice which raised a question as to Bush's honesty
and good character.

As no charge was made, with offer of proof, that these three negroes were removed
for political reasons, I need not have made any investigation at all in their cases,
and would not have done so but for the fact that it seemed necessary to do so in
order to get at the methods of the postmaster in dealing with the old employees
of the office, and the apparently flimsy and unsustained charges upon which he recom-
manded and secured the removal of certain of them, including these three negroes.
My conclusion in relation to this matter was, after talking with a number of intel-
ligent men of different political affiliations, friends of the postmaster and others,
and with the postmaster himself, that negroes were not wanted in the post-office
because of a prejudice against them in the community. They understood this situa-
tion and it is possible that they did become somewhat careless and indifferent in
the discharge of their duties, knowing that their tenure would be brief after a
change of postmaster. Certainly no effort was made by those in authority to allay
this feeling and to assure these men that if they did perform their duties in a per-
factly satisfactory manner they would be protected in their positions. On the con-
trary, there is no doubt that the postmaster shared fully the feeling that was mani-
ested by others in the community against the employment of colored men, and that
he sought occasion against them rather than made any effort to allay the irritation
and protect them in the service. The result was their removal, as stated, upon
charges which seem to me to be utterly insufficient.

Another case of removal was that of L. C. Hussey. I say removal, for although
he resigned, it was at the postmaster's request, and not voluntarily. His separation
from the service took place December 1, 1893. The charge against him was that he
was engaged in another business and did not devote the proper time to his official
duties. When questioned as to this neglect, the postmaster admitted to me that
Hussey had always given his eight hours required by law, and that his attendance
was punctual; that he remembered of only two occasions when he was at all late.
The postmaster admitted to me that he had told Hussey that he had nothing against
him and would be glad to keep him, but that there was a pressure to have him go
that he could not resist. This pressure was brought by John S. Mooring, president
of the Anniston National Bank, who complained that Mr. Hussey was personally
objectionable to the people, and asked for his removal. He did not say in what
respect he was objectionable, and the postmaster had no knowledge on that subject;
that he had not himself discovered any personally objectionable qualities in Hussey;
on the contrary, regarded him as an efficient man. Mr. Mooring is one of the post-
master's bondsmen. The postmaster stated to me, and admitted that he said to
Hussey that he thought he had some right to say who should work in the office.
Prior to this the postmaster had given Hussey reason to believe that he would be
retained. There seems to have been no good ground whatever for displacing
Hussey, so far as his work was concerned.

To fill the vacancies caused by the removal of Stevens, Rivers, Bush, and Hussey,
Mr. H. W. Blake was promoted from substitute to regular carrier, also Mr. T. M.
Word; and Mr. A. B. Johnson was certified from the eligible register. Blake was
subsequently removed, and the position filled by the appointment of F. H. Snow.
At the time of my visit there was one vacancy in the regular carrier grade, and no
substitute serving who had been lawfully appointed, William Y. Wood, colored,
who had served two days as substitute, having been removed because his services
were unsatisfactory. My judgment is that he was removed not because his services
were unsatisfactory, but because his color was unsatisfactory.

The case of H. W. Blake: Mr. Blake, as already stated, was a member and the
secretary of the board of examiners at this office, and in politics a Democrat. He had
been appointed substitute letter-carrier by the former postmaster and promoted to a
regular place by the present postmaster, Mr. Smith. On January 8, 1894, Postmaster
Smith informed the Commission, in a letter of that date, that recently he had cause
to suspect the honesty of Blake; that he finds that a recent grand jury indicted him
for kidnapping and extorting a hundred dollars from a prisoner while city warden;
that there are several other grave charges against him; that he believed he could be
unduly influenced in conducting the approaching examination, and asked his removal
as secretary of the board and the appointment of Archie B. Johnson in his stead;
that, as he did not like to have a man in his employ with such a doubtful reputation,
he also recommended his removal from the service if the Commission considered the
causes sufficient. He further stated that he was very careless in his work; that these
criminal charges against Blake were only ascertained by him the day his letter was
written.

The Commission at once responded to this letter, on January 13, to the post-
master, notifying him that Blake had been suspended from duty as secretary of the
board of examiners pending an investigation of the charges made by him, and John-
son appointed a temporary member of the board to act during Blake’s suspension, and that the charges had been forwarded to Blake for any answer he might wish to make there to. The postmaster in the meantime was requested to furnish to the Commission record evidence concerning the charge of kidnaping and extortion, showing the action of the court in the matter. On January 15 Postmaster Smith forwarded to the Commission the court record, which showed that the case against Blake was nolle prossed and, commenting, stated that, “while the records of the court show that the case was nolle prossed, the following are the facts in the case, related confidentially to me by the clerk of the court: Mr. Blake, while an official, willfully and wrongfully caused the arrest of one Mr. Howell and extorted $100 from him as the price of his liberty. The grand jury found an indictment against Mr. Blake for kidnaping. Mr. Blake repaid the $100 to Mr. Howell, through his attorney, with the understanding that there would be no prosecution, and Mr. Howell did not appear against him.” In this letter Postmaster Smith further states, by way of new charges: “There are also charges against him for extorting money from lewd women of the town, while bailiff of justice’s court, by compromising their cases at their houses with them without any legal authority to do so. His character and reputation is so bad generally that the other employes of the office—clerks as well as carriers—do not desire to work with him.”

Mr. Blake, in answering these charges, made a statement to the Commission in writing, which will be found in the Anniston post-office file. I am informed that he has also forwarded to the First Assistant Postmaster-General a defense. Blake came personally before me and made a statement of the facts in the case with reference to the charge of kidnaping and extortion, and also with reference to the charge of extorting money from lewd women, etc., and through his attorney filed with me certain papers, most of them being copies of originals that had been forwarded to the Post-Office Department. Among these papers was a letter of the First Assistant Postmaster-General of January 25, 1894, addressed to Blake’s attorneys, Caldwell, Johnston and Acker, acknowledging the receipt of a letter of these attorneys in reference to Blake’s case, and stating that Blake would not be removed unless it is shown that the charges preferred by the postmaster are true and well founded. Notwithstanding this, Blake was removed by the First Assistant Postmaster-General, as I am informed, before his full defense was filed with the officer. I think the evidence which has been produced by Blake disproves the charge completely as to kidnaping and as to extortion.

At the time of the alleged offense, which took place in 1890, Blake was city warden of the city of Anniston. One B. F. Howell had made an assault upon one R. M. Johnson, inflicting a large number of wounds, over sixty, and then disappeared. He was located in Cherokee County, Ga., and the sheriff of that county and Blake had some correspondence in relation to a reward which was reported to have been offered for Howell’s arrest and delivery to the proper Alabama authorities by one of the railroads of the State, on the track of whose road Johnson had been placed to be run over by a train after his wounding by Howell, and Blake went to Birmingham, at the instance of the sheriff of Cherokee County, Ga., the headquarters of the railroad, to ascertain whether such a reward had been offered; and on the very day that he made this trip to Birmingham, and before he had any opportunity to report that no reward had been offered, the sheriff of Cherokee County, without requisition, brought Howell from the State of Georgia into the State of Alabama, to the city of Anniston, where Howell was released from custody, the authorities declining to receive him. The evidence shows that Blake took no part in Howell’s arrest, was not present at the time of the arrest, and, although he was at the city prison when Howell was brought there by the sheriff of Cherokee County, did not speak to Howell, had no communication or intercourse with him whatever, and received from him no money whatever.

He was, however, paid $25 by the sheriff of Cherokee County as his expenses and compensation for his time in going to Birmingham about the reward. This, in substance, was his whole connection with the Howell case; and the only color of ground for a charge against him for kidnaping was that he was in correspondence, as before stated, with the sheriff of Cherokee County before the arrest. About three years after this incident Blake states that, becoming convinced that the sheriff of Cherokee County had received $100 from Howell, and that the $25 paid to him was a part of this money, he voluntarily paid the $25 to Howell after the statutes of limitation had run against any possible charge that might have been brought against him on account of it, stating to Howell that if he had any of his money he did not wish to retain it, he being satisfied, as before stated, that the $25 paid him by the sheriff of Cherokee County came from Howell.

It seems somewhat strange, since all the facts in this case were easily accessible to Postmaster Smith, that he should have stated to the Commission that this indictment had been by a recent grand jury and had just come to his attention, and that he should...
have omitted in his charge against Blake all reference to the fact that the case was
non-libelous in the court and to the defenses which the least investigation would
have brought out. I think the charge must fall to the ground, in the light of the
facts, as a cause for Blake's removal from the service or from the board of examiners.
In reference to this case I refer to Exhibits A, B, C, D, and E, attached hereto.
With reference to the further charge made by the postmaster against Blake, that of
extorting money from lewd women of the town, in compromising cases against them,
the charge appears not to be justified by the facts, as is shown by affidavits of
persons connected with the courts of the city of Anniston at the time and familiar with
the facts and with the court records. All the facts in reference to this charge were
easily obtained by the postmaster. I do not know that I have obtained all the
facts, but I submit herewith exhibits marked F, G, and H, which seem to show that
Blake's connection with these cases was in the line of his duty simply as a court
officer. As to his character as a citizen and official in the various capacities in
which he has acted, and with reference to his general reputation, the following
exhibits are appended, marked I, K, L, M, N, and O.
It seems clear to me that the original charges made by Postmaster Smith on which
Blake was suspended from duty as a letter-carrier and from duty as secretary of the
board of examiners are not substantiated, at least that they furnish no sufficient ground
for the action taken in his case. It seems equally clear to me that it was the duty of the
postmaster to ascertain the facts, which were easily accessible to him, in relation to
these matters before communicating them to the Commission, or asking the Commission
to act upon the charge unsupported by any statement of facts. That he did not inquire
into the facts apparently, and certainly that he furnished no facts to the Commission,
seems to point to a desire on his part to get rid of Blake, and without very much regard to the means taken to accomplish that end. There could of course have been
no political motive, because Blake and the postmaster belong to the same party.
It is openly and freely stated by many persons at Anniston, who talked with me,
that the real motive was probably the desire to find a place in the service for the
postmaster's brother-in-law, Mr. J. M. Whelchel, and that one of the motives which
prompted the series of changes made in the positions of letter-carrier and substitute
letter-carrier had this object in view. I do not know whether the postmaster had
such a motive or not.
He denies it, and yet the facts in the absence of such denial would seem to furnish
some justification for the conclusion. It appears that immediately after his appoint-
ment as postmaster, the family of which Miss Louisa L. Whelchel, appointed chief
clerk of the office on August 1, and Mr. J. M. Whelchel are members, they being
brother and sister, came from Georgia to Anniston. A place was found in the office
for the young lady, and an attempt was made to reinstate Mr. Whelchel, he having
for a short time been employed as substitute letter-carrier under the late postmaster,
but that employment having been more than a year ago the reinstatement could not
be accomplished. He competed in one examination, which he failed to pass; but
notwithstanding his failure to pass the examination, and his ineligibility to rein-
statement, he has been repeatedly and for long periods employed as a substitute
letter-carrier, without authority. At the time of my visit he was employed in the
capacity of substitute letter-carrier, but under the amended rule which authorizes
temporary appointment in cases of emergency for ninety days.
I have devoted considerable space to the consideration of this case and spent a
good deal of time at Anniston in its investigation, not because there was any alle-
gation that Blake was removed, or sought to be removed, on any political charge,
but because he was a member of the local board of examiners and had been sus-
pended from active work on that board by the Commission upon charges of the
postmaster. It seemed therefore incumbent on the Commission to learn what the
facts were in reference to these charges, in order that it might determine, if Blake
should remain in the service, whether he was a fit person to occupy the position of
secretary of the board of examiners, or even remain on the board as a member. I
have already stated that my investigation satisfies me that, so far as these charges
are concerned, they do not furnish a sufficient ground for Blake's removal from the
service. I learned from the postmaster that he has other reasons for recommending
Blake's removal which are satisfactory to him, but which I did not investigate.
I heard, however, a good deal of talk on the subject. The postmaster states that
Blake is personally disagreeable to him, and was a disturber of the peace of the
office in various ways. As no charge of this character was made against him at the
time of his suspension, but apparently grew out of relations between him and the
postmaster which developed after that event, I did not think it best to extend my
investigation to cover this ground.
A word, in closing, in regard to the board of examiners. At present it consists of
Dr. J. C. Legrand, Mr. C. R. Barker, and Mr. A. B. Johnson, serving temporarily in
Blake's place. Dr. Legrand was appointed a member of the board on the supposi-
tion that he was the chief clerk of the office, the postmaster's correspondence with
ALLEGED VIOLATIONS OF THE CIVIL-SERVICE LAW.

the Commission on the subject clearly implying that that was the position occupied by Legrand. I discovered, however, very shortly after arriving at Anniston, that Legrand was not borne on the roster of the office at all, but held the nominal appointment of assistant postmaster, without compensation, without duty, and with no roster connection with the office. I do not think that he is in the service in such a sense that he should be retained as a member of the board of examiners, and probably would not have been appointed originally if the real relations to the service had been understood. I therefore recommend that he be relieved from further service on the board without prejudice, and that Mr. F. H. Snow be appointed member of the board and designated as chairman; that Mr. C. R. Barker, the present chairman of the board, be made secretary, and that Mr. A. B. Johnson, now serving as a temporary member of the board, be made third member.

Very respectfully,

CHAS. LYMAN,
Commissioner.

The Commission is now engaged on a case in the post-office at Rutland, Vt. There has been from the beginning great trouble at this office, the postmaster charging that the Republican clerks and carriers whom he found in office last spring conspired against him; and the clerks and carriers charging that he has made removals for political reasons. The case was brought to the attention of the Commission last November with special reference to the removal, for alleged partisan reasons, of a letter carrier named Pratt. The charges made by the postmaster against Pratt were amply sufficient, if substantiated, to warrant his removal, and the Post-Office Department, on December 12, through the Acting First Assistant Postmaster-General, notified the Commission that these charges had been fully substantiated. The Commission, however, felt that the case was prejudiced by two letters sent by the assistant postmaster, R. K. Peck, in reference to Pratt, to the neighboring postmaster at Brattleboro, Vt. These two letters bear the signature of the postmaster, Mr. Hanrahan, attached to them by Mr. Peck, as the postmaster asserts, without his knowledge or consent. One letter, of October 24, reads in part as follows:

Mr. Pratt is a Republican appointee, and we find that, by such complaints as yours, Republicans are not the proper officials under the Democratic administration. As soon as we can effect a complete change in this office, I do not think you will have reasons for any more such complaints.

The following is an extract from the second letter:

I find that if these Republican carriers can do anything to bring odium upon a Democratic postmaster they delight in so doing, and the quicker their services can be dispensed with the better. * * * I hope you will bear with me until I have completed the purification of the office of these members of the party of great moral ideas.

When the attention of the postmaster and his assistant was called to these letters Mr. Hanrahan wrote promptly, disavowing having sent them, and stating that he had reprimanded Mr. Peck for his action. Mr. Peck wrote also, assuming the responsibility for the letters. The complete records of the charges furnished the Commission by the Department on December 19 were so full and minute and charged such gross breaches of discipline that the Commission would ordinarily have let the case rest there, but in view of its dissatisfaction with the action of Mr. Peck and with what it considered as the insufficient punishment of the same by Mr. Hanrahan, and in view of the number of separations from the service that had occurred in this particular office, it forwarded the charges to Mr. Pratt and to his friend Mr. D. C. Tasker.

On January 25 a member of the Commission's force visited the Rutland post-office and notified Mr. Pratt to appear before him. Mr.
Pratt, however, took no notice of this notification, but has since forwarded full and voluminous answers to all the charges. The case is still under investigation by the Commission; the delay now being due to Mr. Pratt's laches in not coming forward as requested when the Commission's agent was at Rutland. It is another one of the many cases which show, in the Commission's opinion, that it ought to have power to investigate all cases of removals. The case of the postmaster is, of course, prejudiced by the improper letter of the assistant postmaster.

CUSTOMS SERVICE.

In July, 1889, the attention of the Commission was called to an evasion of the law at the custom-house at Port Huron, Mich. The plan adopted for classifying the customs service has been very unfortunate, it being based upon compensation instead of upon grade. Persons receiving a compensation of $900 or more per annum are within the classified service, and those receiving less than $900 are without. At Port Huron the incoming Republican collector secured a change of compensation of many of the subordinates, reducing them just below the $900 limit, thereby removing them from the classified service, and permitting him to fill vacancies under the old patronage system. The attention of the Secretary of the Treasury was called to this matter, but nothing was ever done in relation to it. Recently one of the newly-appointed Democratic collectors has threatened to take the same course. At Burlington, Vt., at the beginning of the administration of the collector appointed by President Cleveland during his first term, there were twenty-one classified places subject to examination. In March, 1888, there were only three. The objections to the present classification of the customs service by compensation instead of duties are set forth in the Commission's last report, as follows:

The Commission again earnestly calls attention to the evil results of the present system of having a salary limit to the classified service in the custom-houses. The classification should be by grade and not by salary. At present openers and packers, with precisely the same duties, are classified or unclassified according as their salaries are above or below $900. An interesting comment upon this state of things is furnished by the report of the changes in the New York custom-house for October, 1893.

In the appraiser's office forty-two changes of openers and packers were made in that month. Only one of these was in the classified service; all the others were in the unclassified service. This, of course, must mean either that the people in the non-classified service appointed under the old methods are far less satisfactory than those appointed under the civil-service examinations, or else that if satisfactory they are removed for political or patronage reasons. Without doubt both suppositions are correct. Another evil result from this is that a customs official is always tempted to have positions taken out of the classified service by having the salaries attached to them reduced. In this manner four years ago the collector at a frontier port was enabled practically to change his entire force; and within the last month the collector at another frontier port, in requesting the resignations of two of his employés, remarked that if they did not give them it wouldn't make any matter, for he would recommend to have their places abolished and would put in their stead three places each at a salary so low as to keep them beneath the classified service.

The Commission has again and again earnestly requested that the classification of the customs employés should be made in the manner indicated.

In the summer of 1893 charges were made of removals for political purposes at the San Francisco custom-house by the new Democratic collector. On investigation the Commission discovered that the collector had, at the expiration of their probationary periods, declined to recommend the absolute appointment of certain persons who had
entered the service through examination in the preceding administration. The refusal of the collector was on the ground that the conduct and capacity of the probationers were not satisfactory. It appeared, however, that their immediate superiors, who were the proper judges, had reported them as being satisfactory in these respects, and the collector admitted that his purpose in not giving absolute appointment was to put in their places men of his own political party who had been removed by his predecessor, as he alleged, for political reasons. The Commission made report accordingly to the Secretary of the Treasury, and thereupon the Secretary directed the reinstatement of the men who were thus separated from the service. The men who had been appointed in their places were removed.

In December, 1893, certain charges were made by Mr. Reynolds against the Republican collector of the port of Philadelphia, Mr. Cooper. Although the charges could not be sustained, the investigation of the chief examiner showed certain points where the civil-service law and rules should be strengthened in order to permit the Commission to see that justice is done to faithful employes who are discharged not only for no good cause but for partisan reasons. The minute made by the Commission upon the report of the chief examiner is as follows:

This report emphasizes the need of allowing the Commission to investigate and report upon all removals, and also of establishing some system which will give the Commission the right to oversee promotions and reductions. At present the Commission has no such right, and can not interfere even when, as in the cases mentioned in the chief examiner's report, there is every reason to believe that the reductions are made merely for political reasons. In the Philadelphia custom-house it seems to have been the same conflict between the collector and surveyor that apparently existed at San Francisco between the collector and the appraiser at the beginning of Collector Wise's administration, the collector, presumably for political reasons, overriding the recommendations of the surveyor (in San Francisco, of the appraiser) as to his own immediate subordinates. The demoralization produced by such conduct is of course very great.

The chief examiner's report establishes a strong presumption that the men removed or forced to resign by Collector Cooper were separated from the service in reality for political reasons, although it would probably be impossible to prove this in a court of law. At present the narrowly limited power of the Commission to investigate cases of this kind makes it exceedingly difficult to get at any offender who takes any care to cover up his tracks. Such cases as these at the Philadelphia custom-house make it evident that the Commission must be given power to investigate all cases of removal and to pass upon whether they were or were not made for political reasons, if adequate protection is to be given to honest Government employes whom the head of the office had decided to get rid of, really for partisan or factional reasons, but nominally for some consideration affecting the good of the service. At present the Commission is powerless to prevent the perpetration of such wrongs as those committed under Collector Cooper and also under Collector Cooper's predecessor.

Attention is called to one very significant feature of the reports of changes. It will be seen by an examination of these reports that not only were there large changes of the persons who were in office when the collector qualified, but that there have been very large changes among those whom the collector himself appointed. It has invariably been the experience of the Commission that where sweeping removals, presumably for political reasons, were made in an office, sweeping removals have subsequently been made by the same appointing officer among the people whom he has himself appointed. Attention is also directed especially to the fact that Collector Cooper has reinstated, since the election, some of the men whom he had turned out before. As the chief examiner points out, this means either that he originally removed the men for partisan reasons or that he is now reinstating incompetent men in the service. It is furthermore evident that the inspector force as now organized is largely a political body, and that these inspectors should be brought under the classified-service rules if they are to report upon the employes of the classified service. Furthermore, there should be a change in the classification of the customs service so as to classify the men by grade, and not by salary.

There is but one favorable showing in connection with this report. In the different offices in the customs service at Philadelphia during the last administration the
removals among the classified nonexcepted places were very large, but those in the
excepted and unclassified places were very much larger, the smallest difference being
in the surveyor's office, where the number of removals were half as many again as in
the classified places, and the largest difference being in the naval office, where the
removals were five times as numerous. In the appraiser's and collector's offices they
were about three times as numerous. This shows that even under the very unfortu­
nate conditions obtaining at Philadelphia, where the head of the office was entirely out
of sympathy with the law, and undoubtedly endeavored as far as he could to get
around it, and in spite of the fact that the Commission does not have the power that
it should have to investigate removals, so that great injustice is done in connection
with these removals, yet that even here the showing is three times as bad where the
law does not interfere as where it does. It appears that the only change so far in
Philadelphia has been in the appraiser's office, under this administration. The new
appraiser has been in charge eight months. During that time he has made only one
change in the nonexcepted force of his office, and has removed 85 per cent of the
unchallenged force. This of course means either that the men appointed through our
examinations are better than those not thus appointed, or else that where our rules
do not protect them good men are removed from the unclassified service. The former
is more apt to be the truth, but doubtless both considerations obtain more or less.
The specific charges of illegal action brought by Mr. Reynolds, it appears, upon the
report of the Chief Examiner, can not be sustained. It is ordered that as soon as
an answer is received from the Treasury Department in reference to the San Fran­
cisco custom-house a paper be prepared for transmission to the President showing the
defects of the law administered in the custom-houses, and proposing to remedy them
on the lines suggested above.

TOO MANY EXCEPTED PLACES.

In April, 1893, the Commission investigated two irregular appoint­
ments in the State Department. It was found that two persons had
been appointed under the previous administration nominally as confi­
dential clerks or private secretaries in excepted places in the State
Department, but that they had never served in the positions to which
nominally appointed, having been assigned to the duties of places which
could only be filled through a competitive examination. The Commis­
sion reported that this was a clear evasion of the rule, and on its report
the two persons were dismissed. This is one of many investigations
which convince the Commission of the extreme unwisdom of allowing
the great majority of places now excepted from examination to be so
excepted. Most, even of the so-called confidential places, could be filled
perfectly well through open competitive examination and certification.
In the opinion of the Commission nine-tenths of the places now excepted
in the departmental, customs, and postal services should be made com­
petitive or left to be filled by promotion from within the ranks.

LABORERS EMPLOYED AS CLERKS.

One abuse at present existing in the Departments is the employment
of persons nominally as laborers to do clerical work which should be
performed only by employes of the classified service. The Commission
has received information from time to time to the effect that there are
persons on the laborers' and messengers' rolls, but employed as type­
writers, copyists, and the like, who really do no kind of laboring work
whatever. Many of these persons are women. This employment is in
direct violation of the order of classification in each Department made
by direction of the President, and should not be permitted. A circular
letter has been addressed by the Commission to the heads of the various
Departments requesting information upon this subject. The pressure
for place on the part of politicians being practically entirely removed
from positions covered by competitive examination, is concentrated
upon those outside. The places excepted from examination and the
so-called laborers' and messengers' places below the classified service are the only ones which can now be obtained through political influence, and the pressure for these places is, in consequence, very great. The only way to remedy this is to strike from the excepted list the great bulk of the places now included therein, and especially to strike out the chiefs of divisions, and to classify many of the places not now classified. Messengers, for instance, can perfectly well be classified, and as a matter of fact, in the Commission's own force the position of messenger is treated as a classified place.

INDIAN SERVICE.

The Indian school service did not really go under the rules of the Commission until the spring of 1892. In October, 1893, the Commission received from Mr. Arthur Hobart, of Boston, information that at the Sante Fe, N. Mex., Indian school, and at the Carlisle, Pa., Indian school, the civil-service law was being evaded by changing the designation of employees while keeping them at the same work, so that although the old designation was that of some position in the classified service, the new designation would be that of some position outside of it. A letter was addressed to the Commissioner of Indian Affairs inviting his remarks upon this charge. In reply he requested the Commission to make its inquiry directly of the Secretary of the Interior. Accordingly, on October 15, the Commission sent the Secretary of the Interior a letter embodying the facts, and asking information about them. No answer was received to this communication, and on February 13 another letter was sent repeating the request. The matter is still in suspense; but this is not of consequence, as the action taken by the Commission in the case next considered, and the position assumed thereon by the Secretary of the Interior, bid fair to prevent the possibility of the recurrence of such cases in the future.

In November, 1893, charges were made of illegal appointments under the Interior Department in the Indian school at Chilocco. The Commission investigated the case and made the following entry upon its minutes to show the facts:

Department of the Interior, letter of the Commissioner of Indian Affairs of December 2, 1893. It appears from this letter that under the peculiar conditions of employment of teachers, assistant teachers, and other employees in the Indian schools, the Department of the Interior can practically nullify the order of the President classifying the Indian educational service if the Secretary's action in reference to the positions of teacher at Chilocco is allowed to stand. At present the position of teacher is classified. The position of assistant teacher is unclassified. The commission consented to it being so regarded with the purpose of providing for the employment of Indians in this capacity whenever practicable, and on the distinct understanding with the Secretary of the Interior, expressed in its letter to him of April 30, 1892, that the assistant teacher was not to be employed to perform the duties of teacher, as this would be, within the meaning of the order of classification, an admission to the place of teacher, and thus a violation of the rule governing the appointment of teachers.

It appears that at the ending of the fiscal year on June 30 last, there were two positions of teacher in the Chilocco school, these positions being vacant, and no teachers ever having held them. With the new year these positions were abolished, and in their places were created, so far as appears at precisely the same salary and with precisely the same duties, two positions of assistant teacher, which were unclassified, and which the Commissioner of Indian Affairs filled by appointments from the outside, without examination and certification, one of the people appointed being his own niece.

In the opinion of the Commission no justifiable reason can be shown why the change from teacher to assistant teacher was made, and why the vacancies should not have been filled precisely as other vacancies are, by appointment from the eligible lists of the Commission. It is needless to point out that if the Department can
take this action with regard to the two teachers in question it can take it with regard to all positions of teacher. By simply changing the designation from teacher to assistant teacher, without alteration of the salary or the duties, it would be possible for the Department of the Interior to remove practically the whole force of the Indian service which is now classified into the unclassified list. The Commission holds this action to be illegal, being manifestly an evasion of the law, and deems that the Secretary of the Interior should cancel the appointments made to these positions of assistant teacher and should treat the positions as being those of teachers, to be filled only from the eligible registers of the Commission.

Moreover, the Commission considers it imperative, in view of the action of the Department in relation to these two teacher places, to urge upon the President the necessity of classifying the positions of the assistant teachers. It is ordered that the orders necessary to the accomplishment of this object be prepared and submitted to the President for his approval, such orders to provide that upon the nomination of the Secretary of the Interior Indians will be admitted to the grade of assistant teacher upon passing a suitable noncompetitive examination provided by the Commission. The result, as shown in this case, of allowing the assistant teachers to be regarded as unclassified furnishes, in our opinion, a strong argument against excepting the positions of superintendents of schools from examination. Assistant teachers were allowed to remain unclassified on the distinct understanding that the places should be filled with Indians where possible, and that white assistant teachers should be employed strictly to perform the duties implied by their official titles. Advantage is now taken of the Commission's action to abolish two positions of teacher and to create in their stead two positions of assistant teacher, with the same salaries and duties, one of these positions being filled by a near relative of the Indian Commissioner. The action in this case makes the Commission feel that it would be detrimental to the interests of the service to except the superintendents from examination, and that it is now detrimental to the service to treat the positions of assistant teacher as unclassified. (Minutes of December 11, 1893, clause 1.)

In response to its letter to the Secretary of the Interior it received the following communication:

**January 25, 1894.**

Sr: Your letter of December 16, inviting my attention to an extract from the minutes of the Commission in respect to the appointment of assistant teachers at the Chilocco Indian school, and to other subjects mentioned in connection therewith, would have received an earlier reply but for my want of knowledge of the details to which you referred, and my desire to consult the new superintendent of Indian schools upon your suggestions. Enclosed I hand you a copy of a report from the Assistant Commissioner of Indian Affairs (Gen. Armstrong), which explains by whom and why the positions of teachers at the Chilocco school were changed to assistant teachers. Also copy of a report from the Commissioner of Indian Affairs (Judge Browning), explaining the circumstances under which the selections were made. I furnish you copies of these reports because I knew nothing of the changes or appointments when they took place. From these reports it seems clear that you have done injustice to this Department in holding that its action was manifestly an evasion of the law.

I have carefully examined the correspondence between Secretary Noble, the Commissioner of Indian Affairs, and the Civil Service Commission, with reference to the exception of the position of assistant teacher from the classified service. While it is evident from that correspondence that one of the reasons for making this exception was the desire to open the way for the employment of Indians in the schools, it is equally evident that selections for the position of assistant teacher were not to be limited to Indians. It was determined to leave the office of teacher within the classified service, and to except the office of assistant teacher from the classified service, and yet no satisfactory distinction was made between the duties of the two offices. An assistant teacher must necessarily teach. In a school where three or more are engaged in the work, one would naturally direct while the others would follow instructions and assist. If this distinction was made as to the positions, only the principal teacher would be recognized as a "teacher," and all the others would be, in reality, "assistant teachers." It is to be regretted that when the determination was reached to consider assistant teachers not within the classified service, some arbitrary designation of what constituted an "assistant teacher" was not made.

I have conferred freely with the superintendent of Indian schools as to the wisdom of including assistant teachers within the classified service, an exception to be made in favor of Indians alone, as suggested by your action. We agree that the position is one which with great propriety can be placed within the classified service. It is a position which requires that ordinary ability as a teacher most likely to be dis-
closed through a technical examination. The competitive tests are calculated to determine with reasonable accuracy fitness for the work. The position is not so high that it would probably draw teachers of established reputation. Beginners must be placed in these positions and can be selected through the certified list with undoubted advantage to the school service.

Where the responsibility of teaching involves work other than that which can be disclosed by a technical examination; where the position is so high that men of experience who have been successful instructors can be induced to accept the places, it is there, alone, that I fear the proficiency of the service may be hampered by the strict rules governing the admission of classified employees.

It is my earnest desire to aid in establishing a permanent, nonpartisan, and efficient Indian school system, and the rules governing the classified service should certainly be applied wherever practicable. I trust that you may be able to agree with the superintendent of Indians schools upon a plan by which this may be accomplished, and yet enable him to exercise some discretion in the selection of men suited to particular work.

Very respectfully,

Hoke Smith,
Secretary.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 22, 1894.

Sir: In regard to the charges made by the Civil Service Commissioners that the Commissioner of Indian Affairs abolished two positions of teacher within the classified service at the Chilocco Indian school, and instead created two positions of assistant teachers, in order to appoint two persons to the position, we state that, although the positions for teachers were authorized in January, 1892, they had never been filled because not needed, and the positions lapsed June 30, 1893; that, with Assistant Secretary Reynolds, we, at the beginning of the present fiscal year, did the personal work of going over the records and arranging positions for the year, and that without any suggestion from the Commissioner, we arranged two positions of assistant teachers at Chilocco, because, as teachers had not been needed or selected, it was thought that occasion might arise for selections to be made temporarily, and the length of time required for selections through the civil service, and the fact that many who were selected declined, we thought it best to have them authorized as assistant teachers.

Very respectfully,

The SECRETARY OF THE INTERIOR.

FRANK C. ARMSTRONG,
Assistant Commissioner.
F. T. PALMER,
Chief Education Division.

These two positions were not filled prior to July 1, as shown by these books, consequently there was no one displaced. The approval of all school positions at the first of the fiscal year was made by Mr. Reynolds, with Mr. Clements, Mr. Palmer, and myself. The Commissioner had nothing to do with it.

FRANK C. ARMSTRONG,
Assistant Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 22, 1894.

Sir: On December 2 last I had the honor to report to you upon the charges made by the Civil Service Commission, that two positions of teacher within the classified service had been abolished at the Chilocco Indian school, and instead two positions of assistant teacher, not in the classified service, had been created, and that these two positions of assistant teacher were treated as outside the classified service, and filled by the appointment of John E. Youngblood and Alice Kingcade, the latter being a niece of mine.

Notwithstanding the report made on the date referred to, I am to-day advised that it is yet claimed that positions within the classified service were abolished and
positions created outside of the classified service by me in order that I might appoint a relative to one of them, in violation of the spirit, if not the letter, of the civil-service law, and I again desire to call your attention to the facts as established by the records of your Department.

The law provides that positions within the school service, except superintendents, who are provided for by law, shall be created by the Secretary of the Interior at the beginning of each fiscal year, and at the end of the fiscal year such positions lapse. These positions are established as the needs of the service may require, considering the number of pupils in attendance at each school, and the labor to be performed.

In January, 1892, two positions of teachers were authorized by the honorable Secretary of the Interior for the Chillico school, but they were not filled by selections, because they were not needed, and on the 30th of June, being the end of the fiscal year, these places so authorized lapsed without ever having been filled.

At the beginning of the present fiscal year you authorized such positions for the various schools as were needed. The school reports, showing the attendance at the various schools, were considered, and all of these positions carefully gone over, the work being under the personal supervision of Mr. Reynolds, the Assistant Secretary of the Interior, Assistant Commissioner Armstrong, and Mr. Palmer, chief of the education division of this office. This work required several days' labor by these gentlemen, and was done in the office of Assistant Secretary Reynolds, and in the arrangement of positions two positions of assistant teachers for the Chillico school were recommended and authorized by you.

Since these charges were made I have been informed by the gentlemen recommending these positions that they did so because the teachers formerly authorized were not needed, and it was thought that these positions might not be required, but that occasion might arise for the selection of assistant teachers temporarily only; and as it was uncertain whether they would be needed, and the length of time required to secure persons from the eligible list, and that many selected declined the positions, and as they might be only needed for a short time they concluded that it was best to authorize these positions as assistant teachers.

Upon August 15, upon the request of Superintendent Coppock that these positions be filled, the persons mentioned in the letter of the Civil Service Commission were appointed, one of whom is my niece; both of whom had passed examinations for teachers' certificates in the States where they resided, and successfully taught in the public schools. My niece had taught in the public schools of Illinois and Texas. Since that time Superintendent Coppock, and Dr. Dorchester, superintendent of Indian schools, after he was notified that his resignation was desired, both reported to this office that she was competent and rendered efficient service as teacher.

I desire to say further that these positions as assistant teachers, so authorized, were not made by these gentlemen at my suggestion, and that I had no thought of selecting my niece to fill a position in the school service until after the request was made, August 15th, by Mr. Coppock.

I will further state that the positions of assistant teacher were authorized under the former administration and filled by appointment from this office, the same grade as these positions, and this act was no departure from the practice under the former administration.

As to the suggestion in the letter of the Civil Service Commission that these new positions were created as outside the classified service, I have to say that they were not only recognized under the former administration of this office as being outside of the civil service and appointments made, as before suggested, but the Civil Service Commission had also recognized such positions as not being within the classified service, as many of their letters on file in this office show.

For your information I inclose you a letter, dated April 11, 1893, addressed to this office, signed by Mr. Charles Lyman, as president of the Civil Service Commission, in which it is said, referring to assistant teachers, "At present these positions are unclassified," etc.

I desire to say that I have no objection to placing the positions of assistant teachers within the classified service, except that persons of Indian blood should not be required to stand the civil-service examination. I have neither in letter nor spirit attempted to evade the civil-service law, but have aided in carrying it out in every way.

I desire further to add that the niece referred to is the only relative of mine occupying any position in the Government service, except the position held by Mr. Cochran, who is my confidential clerk.

Very respectfully, your obedient servant,

D. M. BROWNING,
Commissioner.

The Secretary of the Interior.
In answer this letter was sent.

JANUARY 31, 1894.

SIR: The Commission has the honor to acknowledge the receipt of your communication of January 25, and to state that in view of what you say in respect to the advisability of classifying the positions of assistant teacher in the Indian service the Commission does not think it necessary to take any further action in relation to the appointment of assistant teachers at the Chilocco Indian School. A communication will be addressed to the President requesting his approval of the classification of the positions of assistant teacher, stating that the Commission makes the request with your approval.

The Commission takes pleasure in stating that it has had more than one conference with the superintendent of Indian schools, and will endeavor to make arrangements to meet the points you raise in reference to the special positions to be filled.

Very respectfully,

CHAS. LYMAN,
Acting President.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, February 17, 1894.

GENTLEMEN: For your information there is inclosed herewith a copy of a letter to the Commissioner of Indian Affairs, dated yesterday, in which I express my conclusion that there is no sufficient reason for a distinction between teachers and assistant teachers of Indian schools and directing that hereafter your Commission shall be called on for the certification of eligibles for appointment as assistant teachers, the same as for teachers, except in cases where Indians may be found qualified for such positions; also a list showing some of the appointments made to these places since they were excepted from the classified service. These parties were none of them Indians, and were regularly engaged in teaching.

Very respectfully,

HOKE SMITH,
Secretary.

The CIVIL SERVICE COMMISSION.

DEPARTMENT OF THE INTERIOR,
Washington, February 16, 1894.

SIR: After careful consideration of the subject I have come to the conclusion that there is no sufficient reason for a distinction between teachers and assistant teachers on Indian schools, whereby the former are included in the classified service and the latter are not so included. You will, therefore, hereafter please request from the Civil Service Commission certifications for persons to fill positions as assistant teachers, except always in cases where Indians may be found who are qualified for such positions.

Very respectfully,

HOKE SMITH,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

Upon receipt of this last letter of the Secretary of the Interior the Commission made the following entry in its minutes:

(1) Interior Department.—Letter of the Secretary inclosing statement as to assistant teachers appointed in 1892 without examination and certification by the Commission, none of them being Indians. Inasmuch as this letter announces that the Secretary deems that the position of assistant teacher should be really a classified one and will hereafter be treated as such, it is directed that an amendment be immediately prepared for submission to the President including assistant teachers in the
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classified list, and providing that Indians can be admitted as assistant teachers upon
the nomination of the appointing officer and certification by the Commission that
they have passed a suitable non-competitive examination. In the accompanying
letter the President's attention will be called to the fact that this amendment is prac­
tically a formal one, inasmuch as the Secretary of the Interior now treats these
positions as classified.

The action of the Secretary of the Interior in deciding to treat assistant teachers
as classified is greatly to be commended.

REMOVALS FOR POLITICAL REASONS.

In July, 1893, a clerk named Eugene E. Gaddis, detailed since before
the incoming of the present administration to serve with the Commis­
sion, was recalled to the Treasury Department, but immediately, and
while still serving with the Commission, was dismissed. After some
preliminary correspondence the Commissioner, on October 10, wrote to
the Secretary of the Treasury as follows:

OCTOBER 10, 1893.

Sir: Mr. Eugene E. Gaddis complains of his removal from the Treasury Depart­
ment, office of the Register of the Treasury, for political reasons, and asks that the
Commission make investigation to ascertain the facts in the case and take proper
action in reference thereto. The Commission holds that it is its duty under the law
to investigate and report upon dismissals from the classified service where it is
alleged with offer of proof that said dismissals were made for political reasons.
Before further consideration of this case it deems it due to the Register of the Treas­
ury that the papers filed in this office by complainant be submitted to him for
such remarks as he sees fit to make.

Very respectfully,

THEODORE ROOSEVELT,
Acting President.

The SECRETARY OF THE TREASURY.

The Secretary of the Treasury responded as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 11, 1893.

Sir: Your communication to the Register of the Treasury, together with the
accompanying papers, having been referred to me, I have given them a careful con­
sideration, and now have the honor to say that I fail to find in them any allegation
which, if proved or admitted, would show that any provision of the civil service
rules or law have been violated by the discharge of Gaddis from the public service.

By section 2 of the act entitled "An act to regulate and improve the civil service
of the United States," approved January 16, 1893, the Commission is directed to aid
the President, at his request, in preparing suitable rules for carrying the act into
effect, and it is provided that, among other things, such rules shall provide and
declare, as nearly as the conditions of good administration will warrant, "that no
person in the public service is for that reason under any obligation to contribute to
any political fund, or to render any political service, and that he will not be removed
or otherwise prejudiced for refusing to do so."

In accordance with this requirement the President, with the aid of the Commission,
adopted and promulgated certain rules, among which is General Rule I as follows:

"Any officer in the executive civil service who shall use his official authority or
influence for the purpose of interfering with an election or controlling the result
thereof, or who shall dismiss or cause to be dismissed, or use influence of any kind
to procure the dismissal of any person from any place in the said service, because
such person has refused to be coerced in his political action, or has refused to con­
tribute money for political purposes, or has refused to render political service; and
any officer, clerk, or other employe in the executive civil service, who shall willfully
violate any of these rules, or any of the provisions of sections 11, 12, 13, and 14 of the
act entitled 'An act to regulate and improve the civil service of the United States,'
approved January 16, 1893, shall be dismissed from office."

It is not claimed that this clerk was removed or otherwise prejudiced for refusing
to contribute to any political fund, or to render any political service, nor is it
claimed that he was removed because he has refused to be coerced in his political
action, or has refused to contribute money for political purposes; and consequently
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it does not appear that either the provision of the law or the rule quoted can have any application in the present instance.

The only other provision relating to the power of removal which I have been able to find is contained in section 13 of the statute, which reads as follows:

"No officer or employé of the United States mentioned in this act shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employé, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose."

There is no statement in the affidavit of Mr. Gaddis or in any of the papers submitted to me that he was discharged for "giving or withholding or neglecting to make any contribution of money or other valuable thing for political purpose," and I respectfully submit that if he had been discharged for any of these reasons a case would be presented for prosecution in the courts, which is the only remedy provided in the law.

The Register of the Treasury, in transmitting to me the affidavits and other papers which were sent to him by the Commission, has also made a communication denying the statements contained in the affidavit of Mr. Gaddis and enclosing several written statements from clerks who served with him concerning that gentleman's character and conduct while holding his position as clerk; but as no case has been presented in which the Secretary of the Treasury feels that it is incumbent upon him to state the reasons for the removal these documents are not transmitted.

I have the honor to remain, yours respectfully, 

J. G. CARLISLE, 
Secretary.

Hon. Theodore Roosevelt, 
Chairman U. S. Civil Service Commission, Washington, D. C.

The Commission wrote in reply as follows:

November 23, 1893.

Sir: In answer to your letter of November 11, the Commission has the honor to call your attention to a copy herewith transmitted of its letter signed by John H. Oberly, then acting president of the Commission, to the Cincinnati postal board of examiners, approved by the Commission on September 8, 1887. From the closing paragraph of this letter you will see that the Commission then took the ground that it was a violation of law within the meaning of the civil-service act and rules to remove an employé from the classified service because he belonged to the opposite political party, or because of his political opinions or affiliations. Ever since this date the Commission has consistently acted upon this view. It has been the settled policy of the Commission to consider General Rule I as forbidding the removal of an employé in the classified service because of his political affiliations or opinions, or because he belonged to the political party opposed to that of the "officer who dismissed or caused to be dismissed, or used influence of any kind to procure his dismissal."

This construction of General Rule I has never hitherto been questioned, and the charges contained in the affidavits now before you against Mr. Tillman in the case of the clerk Gaddis do distinctly charge, in substance, that Mr. Tillman procured the dismissal of Mr. Gaddis because of his political affiliations or opinions. In pursuance of the policy on which the Commission has consistently acted ever since the letter of Acting President Oberly was approved, the Commission therefore requested Mr. Tillman's answer to the allegations contained in the affidavits submitted by Mr. Gaddis.

After the Department has considered the letter signed by Mr. Oberly, embodying the settled policy of the Commission for the past six years, the Commission respectfully requests that it be informed whether the Department accedes to the view entertained by the Commission as to its power to investigate any such cases where the allegation is that the employé was dismissed because of his political affiliations or opinions, or whether the Department still insists that it is no violation of the civil-service act or rules to dismiss an employé merely because of his political opinions or affiliations.

Very respectfully, 

Chas. Lyman, 
President.

The Secretary of the Treasury.
In January, 1894, the following letter was received from the Secretary of the Treasury:

Treasury Department, Office of the Secretary,  
Washington, D. C., January 17, 1894.  

DEAR SIR: In response to the last communication of the Commission, in relation to the case of Mr. Eugene E. Gaddis, I think it proper, in view of the fact that the subject has been pending for a long time, to recapitulate the facts which have heretofore occurred.

On the 4th day of August, 1893, Mr. Gaddis was discharged from the service by an order signed by Mr. W. E. Curtis, then Acting Secretary of the Treasury, and on the 7th day of that month the Commission, through its president, sent a letter to Mr. Curtis, in the nature of a protest against the action of the Department. This letter was answered by Mr. C. S. Hamlin, who had succeeded Mr. Curtis as Acting Secretary, and stated that the removal had been made "for good and sufficient reasons."

Inasmuch as no charge or complaint had been made that Mr. Gaddis had been removed for political reasons, or for any reasons supposed to be in violation of the civil service law or rules, it was expected that this would terminate the correspondence upon the subject; but, on the 16th day of August, Mr. Roosevelt, a member of the Commission, addressed another letter to the Secretary of the Treasury, in which, after a preliminary statement, he added:

"The Commission, therefore, though without power to demand, as to matters of right, any information from the Departments as to their treatment of these men, because of their connection with the Commission, has, nevertheless, always endeavored to secure for them the same treatment that it accords to its own office force, and being their only actual superior officer who alone can testify to their good or ill conduct in performing their official duties, have always laid before any Department any facts which it seemed proper to bring to the attention of that Department in reference to questions of reduction, dismissal, and promotion in the detailed force."

And the letter then proceeds to say:

"It is of course out of the question that he (Gaddis) should have been guilty of insubordination, of negligence, or any species of official misconduct during the period of the present administration. In the next place, whether the reasons for his dismissal are or are not 'good and sufficient,' (and with the facts as given above it is very difficult to believe they are), I would, with all deference and respect, and with all earnestness, state that it seems hardly possible that there can be any good and sufficient reason for refusing to state to Mr. Gaddis, or to the Commission under which he has been serving, the cause of his dismissal."

Up to the time this letter was written no claim had been made by Mr. Gaddis, or by anyone else, so far as I know, that he had been removed for political reasons. In fact, two weeks after the date of this letter Mr. Gaddis addressed a note to the Secretary of the Treasury asking permission to resign.

In the 29th of September, 1893, however, Mr. Gaddis for the first time made an affidavit, which was presented to the Commission on the next day, charging, though in a very vague and indefinite way, that his removal had been recommended by the Register of the Treasury for political reasons, and subsequently, on the 7th day of October, he addressed a letter to the Commission in which he made additional statements upon the same subject.

While the statements contained in this letter are somewhat more specific than those contained in the affidavit of September 29, 1893, the writer does not allege in terms that he was removed because he was a Republican or because he was a Democrat, nor does he charge that he was removed because he had refused to be coerced in his political action, or had refused to render political service. So far as the affidavit and letter taken together can be construed as containing any distinct charge, it is that the Register of the Treasury had recommended the removal of this clerk in order that he (the Register) might be able to select a personal and political friend of his own for confidential clerk in his office.

Whether the language of the civil-service act, and of the rule quoted in my letter of November 11, 1893, can be so construed as to embrace a case where the removal is not alleged to have been made for a cause which is not in terms prohibited is a question which I do not consider material in this particular instance, and, inasmuch as it may at some time arise in a criminal prosecution, I prefer to leave it for the decision of the courts.

After the affidavit and letter of Gaddis were filed the Commission addressed a letter to the Register of the Treasury on the subject, and submitted the papers to him for "such remarks as he sees fit to make." The Register has transmitted to the Secretary his response to the statements and charges made in the papers filed by the
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Commission and, also, of the written statements of clerks who served with the discharged clerk, and I herewith forward copies of all these documents.

In recent personal interviews with the president of the Commission I have been informed that it does not insist upon having the "cause of his dismissal" stated, as was requested in the letter to me dated August 16, 1893, but that it simply desires to know whether this clerk was removed for political reasons, and, although I have no personal knowledge of the causes which induced the Register of the Treasury to recommend the action that was taken in the case, I am satisfied that neither the recommendation nor the actual removal was made on account of the politics of the clerk.

I have the honor to be, very respectfully,

J. G. CARLISLE,
Secretary.

Hon. JOHN R. PROCTOR,
President U. S. Civil Service Commission, Washington, D. C.

The papers were referred to Commissioner Roosevelt, who made the following report, which was adopted, the Commissioner directing that action be taken in accordance with his recommendations:

U. S. CIVIL SERVICE COMMISSION.

Washington, D. C., January 24, 1894.

Sirs: In accordance with your instructions I have carefully gone over the final letter of the Secretary of the Treasury and all the documents in the Gaddis case.

This final letter was received by the Commission on January 22. It was on July 28 last that the Acting Secretary of the Treasury, Mr. Curtis, wrote the Commission requesting the return of Mr. Gaddis to the Treasury. Nearly six months have thus been occupied in getting at the facts—a period during which a score of cases of more difficulty and intricacy have been raised, investigated, and decided between the Commission and the Post-Office Department. One of the Commissioners first went personally to the Department about August 2. On August 7 the Commission wrote to make inquiries concerning the dismissal of Mr. Gaddis. On August 9 an answer was received. On August 10 the Commission wrote again. No answer was received to this letter.

On August 16 the Commission wrote again. Again no answer was received. Additional evidence was then furnished the Commission by Gaddis, and on October 10 the Register of the Treasury was written to. The Secretary of the Treasury then, on October 11, wrote the Commission, assuming the responsibility for the whole matter. On October 14 the Commission wrote the Secretary asking for any statement the Register might make. On November 8 the Register wrote to the Commission stating that he had filed his answer with the Secretary of the Treasury and that the Secretary, and not himself, was responsible for the removal. On November 11 the Secretary of the Treasury wrote to the Commission stating that even if the allegations made as to the removal of Gaddis were proved or admitted, he did not see that the law had been violated by the discharge. Inasmuch as the Commission's letter of October 10 alleged that the removal had been made for political reasons, this amounted to a denial of the proposition that to remove a man for political reasons was a violation of the civil-service law. There was also an implied denial of the right of the Commission to investigate removals, even where it was alleged that they were made for political reasons. On November 23 the Commission wrote the Secretary, pointing out why, in its opinion, the position he had taken was untenable. No answer to this letter was received. On December 19 the Commission again wrote, asking for an answer. Again no answer was received, and on January 6 the Commission wrote once more. Then the answer came, on January 22, though it is dated January 17.

In view of the position taken by the Secretary in his last two letters it seems useless further to discuss the matter with him, and I recommend that the case be brought to the attention of the President. On November 11 the Secretary, in effect, takes the position that it is not a violation of the civil-service law to remove a man for political reasons. In his letter of January 17 he does not express himself so definitely, stating that he would prefer to leave it for the decision of the courts. In his letter of October 11 he states that even had Gaddis been discharged for refusing to contribute a political assessment the only remedy would have been to prosecute the case in the courts. This is practically the position taken by Postmaster-General Wanamaker in reference to the persons in the Baltimore post-office who were accused of violating the civil-service law. Secretary Carlisle, moreover, is, as far as the Commission now remembers, the first public officer who has ever taken the position that it is no violation of the civil-service law to discharge a man for
political reasons. Under President Cleveland's first administration the Commission, through its acting president, Mr. Oberly, took the ground that it was a violation of law to remove a man for his political opinions or affiliations. The Commission has acted upon this view ever since, both in making investigations and in preparing rules.

In General Rule III, section 7, it is provided that any nominating or appointing officer who shall discriminate in favor of or against any eligible because of his political opinions or affiliations shall be dismissed from office. If the position taken by the Secretary of the Treasury is correct, the law and rules prohibit an appointing officer from discriminating for political reasons against any man until he is appointed, but allow discrimination against the same man for the same reasons the instant he is appointed. There is small need of comment on such a construction of the law. Moreover, the Commission emphatically dissent from the view now advanced by Secretary Carlisle, as formerly by Postmaster-General Wanamaker, that the remedy for violations of the law lies only in a court of law, and not in the action of the head of the Department. One of the conditions of good administration in every office is that the head of the office shall see that the law is observed, and not wait to have the court force him into its observance. The decision of the supreme court of the District of Columbia, in United States ex rel. George T. Pulaski, is explicit. It declares that it is the duty of all officers of the United States in the Departments and offices to which the rules relate to aid in carrying them into effect. It ought not to be necessary to point out that cases may continually arise under the civil-service law, as under all other laws, where a zealous and faithful officer must proceed against his own subordinates on evidence which may not be sufficient to justify a prosecution in a court of law.

The head of a Department who has every reason to believe that one of his subordinates has been evading or violating the civil-service law, even though there is no case against him on which the Commission could go into court, must be held responsible for the wrongdoing. The Commission can not acquiesce in a view which if accepted would permit a head of a Department to lie supine and allow his subordinates to violate the law at pleasure, provided only they exercised enough caution to keep clear of the courts. If the views advanced by the Secretary in his letter of November 11 are ever acknowledged to be correct, an immense stride will have been taken towards placing the law in a mere nullity. The result of the adoption of this position by the Secretary will naturally be its adoption by his subordinates and by other public officials. Had this view been taken by Postmaster-General Bissell it would be difficult to overestimate the extent to which it would have hampered the work of the Commission during the last ten months in dealing with the classified post-offices generally, and with the newly classified offices in particular, while it would of course have put a premium upon making sweeping removals for partisan reasons in these offices.

In regard to the removal of Mr. Gaddis, the Secretary forwards from Mr. Tillman and from various clerks in the office statements reflecting upon Mr. Gaddis, and gives it as his opinion that Gaddis was not removed for political reasons.

The Secretary states that when the original letters of the Commission were written no complaint had been made that the removal was for political reasons. If he had turned to my letter of August 10 he would have seen that Mr. Gaddis had already stated that there were no reasons for his removal unless they were political. At the time it seemed evident to me that the responsible authorities of the Treasury Department must be ignorant of what had been done in removing Gaddis, and that on their attention being called to the matter they would be only too glad to rectify their action. The letters I wrote were precisely such as I would have written any Department, proceeding upon the assumption that the head of the Department would wish to know when an evident and flagrant injustice was being committed. I was careful in these letters to state that the Commission had no power to demand information from the Department as to the treatment of Mr. Gaddis, but that it was impossible that there could be any good or sufficient reasons for refusing to state to the Commission the cause of dismissal.

The easiest way of showing that a dismissal was not made for political reasons is to show what the reasons actually were, and often if no such reasons are forthcoming the Commission will be obliged to assume that the real reasons were political. It has been my experience that in the great majority of instances where the reasons were genuine and adequate there was no hesitation whatsoever in giving them, but that where the hesitation existed it was generally because they were felt to be insufficient or were used merely as pretexts, the real reason being one which the person implicated did not dare to avow. In this particular instance it is difficult to believe that the reasons now alleged as causes for the removal of Mr. Gaddis were thought of at the time the removal was made. The letter recalling Gaddis came on July 28. The various documents containing charges against him are dated from August 29 to December 13. Moreover, the reasons alleged for his removal have shifted from time...
to time. On July 28 his return was asked for because his services were needed in the Department. Soon after it was alleged to the Commission that he was removed for insubordination. This ground seems to have been abandoned, and the papers now submitted charge various offenses against office discipline and morals. In view of the position the case has now taken it is needless to discuss the truth or falsity of these charges.

But one of them deserves notice for other reasons. This is the charge that Gaddis was promoted for political or personal reasons under the last Republican administration. There is a certain unconscious humor in advancing this as a reason for dismissing him, in view of the constant complaints that are now being brought to the Commission about the promotion and reduction of men in the Treasury Department, and particularly in the offices of the Second and Sixth Auditor, for, as is alleged, political and personal considerations. The very day upon which Assistant Secretary Hamlin wrote to the Commission stating that Gaddis had been removed for satisfactory reasons, the same gentleman also furnished to the Commission a list of promotions and reductions, notably in the Sixth and Second Auditors' offices, concerning which it was charged to the Commission, with offer of proof, that the great majority, if not all, were promoted or reduced purely for political or sectional reasons. Complaints have constantly been made to the Commission concerning promotions and reductions for political reasons in the different Departments. In particular, such complaints were made very frequently concerning the actions of Commissioners Tanner and Raum in the Pension Bureau; but never as frequently as they have been made concerning what is alleged to have gone on in the Treasury Department during the last ten months.

The fact that these charges were never communicated to Mr. Gaddis at all, and were only produced weeks or months after the removal had taken place, and that Mr. Gaddis had no opportunity of answering them, although anxious to produce counter testimony, is sufficient to show the harm resulting from removals made in this way. It is very unfortunate that the Commission is not given full authority to investigate such removals. The testimony of Assistant Register Smith in his letter of January 12 is very damaging to Register Tillman, tending to show that he recommended the removal of Gaddis merely for personal and political reasons.

To sum up, then, so far as this particular case is concerned it appears that (1) the Secretary of the Treasury takes the position of declining to hold that it is a violation of the civil-service law to remove a man for political reasons; (2) the Secretary further takes the position that if there is such a violation of the law the head of the Department will not provide any remedy, but will leave the matter to the courts, and (3) the charges upon which it is now alleged that Gaddis was removed, whether true or false, were advanced some weeks or months after the removal in order to justify it.

In view of the attitude of the Secretary of the Treasury I recommend that the Commission earnestly request the President to amend General Rule 1 to bring it into accord with General Rule III, section 7, making it provide for the dismissal from office of any appointing or nominating officer who discriminates in favor of or against any subordinate because of his political or religious opinions or affiliations. In connection with what has been shown in this case as to the numerous promotions and reductions in the Treasury Department, alleged with offers of proof to be for political reasons, I further recommend that the President be asked to adopt a rule authorizing the Commission to exercise supervision over promotions and reductions, and at least to provide that no discrimination for political reasons enters into them.

In corroboration of the charges made to this Commission with reference to reductions for political reasons in the Treasury Department, the following figures are of interest: During the six months immediately succeeding the 4th of March, 1889, there were in the classified service of the Treasury Department, in places covered by competitive examination, 6 reductions and 19 removals. During the corresponding six months succeeding the 4th of March, 1893, there were no less than 58 reductions and 41 removals. The difference in the number of reductions is very striking. That the persons reduced were certainly in the great majority of cases, and probably in all the cases, Republicans is shown, among other things, by the fact that no less than 50 of the 58 reductions were of people who had entered the service prior to the classification in 1883. It has furthermore been charged to the Commission, with offer of proof, that in the Bureau of Engraving and Printing under the Treasury Department there has been and is now discrimination exercised both in appointments and removals upon the ground of color. There is no provision of the law or rules allowing the Commission to take cognizance of discrimination exercised for this reason. It may be well to call the attention of the President to the matter to decide whether, under the law, it would be possible to promulgate a rule providing that the Commission should investigate and report concerning such cases hereafter.

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As regards these two points of reductions or promotions for political reasons, and discrimination on the ground of color, the Commission has received many more complaints of the management of the Treasury Department in the last ten months than ever before; but there is another subject upon which quite as many complaints were made to the Commission formerly as at present. This concerns the appointments and removals in excepted places, notably the places of chiefs of division. The majority of these places are changed with each administration primarily for political reasons, and to the serious detriment of the service. The positions should, by rights in all cases be filled by promotion from within the ranks wholly without regard to political considerations. The Commission should, therefore, earnestly recommend to the President that the great bulk of these excepted places be abolished.

Finally, in my opinion, the history of the Gaddis case shows very clearly the need of adopting a rule which shall provide for the filing of detailed charges whenever a clerk is removed, the clerk to be allowed to see these charges and have them published if he so desires, while the Commission should be given ample authority to investigate and report, if in its opinion the removal is made for political reasons, whether or not it purports on its face to be for a different cause.

Yours, truly,

Theodore Roosevelt,
The Commission.

PENDING INVESTIGATIONS.

The Commission has recently begun two investigations, which may or may not come under the head of those embraced in the Senate resolution. One is in reference to 24 clerks in the Bureau of Pensions, Interior Department, who, it is alleged, were discharged for political reasons, all being Republicans, while at the same time, as is alleged, about 200 reductions and promotions were made in this Bureau for similar reasons. The alleged grounds for removal and reduction are of course not political; thus, one clerk who was discharged for "inefficiency" has presented to the Commission his office record for last year, which shows him graded in efficiency at an average of 97 for the working months. The other case is in reference to a circular making assessments for political purposes upon Democratic employees in the Federal service in Connecticut. This circular was issued on February 6, 1894, by the finance committee of the Democratic State committee of Connecticut, signed by the secretary, Mr. F. J. Brown. One of the committee alleged to be implicated in making the assessment is a Federal officeholder, the collector of customs at Bridgeport, Conn. The gross impropriety of the circular can not be questioned. The Commission has not as yet investigated the matter sufficiently to be able to state whether there is, or is not, legal evidence of the violation of the civil service act.

There have doubtless been other evasions and violations of the law besides those referred to in this report, but the very limited appropriation given to the Commission renders it impossible to keep the close watch over the local offices which is desirable. The only fund allowed is that which is necessary for holding examinations of applicants for entrance to the service; and to enable the Commission to inspect the local offices at all, the greatest care must be exercised in arranging these examinations so as to keep the expense down to the minimum. The Commission is frequently obliged to refrain from holding examinations at times and in sections of the country where there is need of holding them, because there is a greater need of inspecting certain offices where flagrant irregularities are charged. Even while thus economizing in the number and frequency of examinations the Commission has not been able to come anywhere near making its inspections as extensive and thorough as they should be. Until the Commission is given the means to allow of a close and fairly constant inspection of the different
offices, and until it is given more power over removals, reductions, and promotions the civil-service act will not produce the best results that can be attained under it; although even as it is the law has worked a very great improvement in the public service and a still greater improvement in public life.

In conclusion, the Commission desires to state that while the above is a substantially full record of the cases that have been investigated, nevertheless there may be some omissions. If so, these omissions arise from the fact that the Commission's force is inadequate to do the work required. In order to keep abreast of its work the employés are often so hurried and driven that it is impossible to properly index and file the immense masses of papers which are constantly accumulating. The Commission continually finds itself facing the fact that it has a number of things that ought to be done, but only the force and the money to enable it to do a few of them, and it then has to decide what work can be omitted with least detriment to the public service.

We have the honor of being your obedient servants,

John R. Procter,
Chas. Lyman,
Theodore Roosevelt,
Commissioners.