

CIVIL SERVICE REFORM IN AMERICAN MUNICIPALITIES

[An address delivered in St. Louis, October 6, 1904, at the Civic Day Sessions of The National Municipal League, The League of American Municipalities, The Society of Municipal Improvements, and The American Civic Association.]

It is probably worth while to lessen the burdens and to extend the span of human life. That is what the municipal reformer is trying to do. If he can convince his fellows that his dreams are not utopian, but practical; that his aim is not merely salutary, but that his success is possible—aye, more, probable, and already partially won—he cannot lack their support. The man who wears on his hat band the label “General Reformer” I believe accomplishes very little; but the man who wears on his hat band the label “General Anti-Reformer” I am sure accomplishes even less.

One who turns his attention to civic affairs finds himself confronted by several very significant facts.

The first fact that strikes him is the immensely increased and constantly increasing proportion of men who now live and die within the limits of municipalities. Professor A. B. Hart¹ shows that a city, in the statistical publications of our federal government, is defined as an aggregation of 8,000 persons living in one territorial unit and under one local government; that, when our Federal Constitution went into effect in 1789, there were only six such cities, and that there are now more than 546; that in 1810 there was not a

¹ *Actual Government as Applied Under American Conditions*, p. 181.

single place of 100,000 inhabitants, and now there are 38; that the entire urban population, as late as 1850, was less than 3,000,000, while in 1900 it was nearly 25,000,000; and that in 1790 about one thirty-third of the people lived in cities, whereas now nearly one-third are town dwellers.

In the second place he finds that we as a nation are under indictment, both by foreign and domestic critics of the widest knowledge and the fairest poise, for utter failure in municipal government and administration. Said one of our wisest, most temperate, and yet accurate foreign observers, Mr. James Bryce, in 1888, in an oft quoted passage: "There is no denying that the government of cities is the one conspicuous failure of the United States. The deficiencies of the National Government tell but little for evil on the welfare of the people. The faults of the State Government are insignificant compared with the extravagance, corruption and mismanagement which mark the administration of most of the great cities. In New York they have revealed themselves on the largest scale. They are 'gross as a mountain, open, palpable,' but there is not a city with a population exceeding 200,000 where the poison germs have not sprung into vigorous life." The Hon. Andrew D. White, a domestic critic of the highest probity and the widest experience, in 1890 wrote: "Without the slightest exaggeration we may assert that, with very few exceptions, the city governments of the United States are the worst in Christendom, the most expensive, the most inefficient and the most corrupt." And he tells how he has seen the sewage of a city of 12,000 inhabitants utterly neglected for months, while the main attention of the council was given to a struggle

over the appointment of a cemetery keeper at a salary of \$10 a week. The place of cemetery keeper in the city to which we know Mr. White must have alluded, visited as it has been by a deadly epidemic of typhoid due to water supply as corrupt as in scores of our cities, must have proved no sinecure.

As confirming these complaints of expense and inefficiency, I refer to the tables published in Bliss' *Encyclopedia of Social Reform*,¹ contrasting, in the end of the past century, the statistics of five principal American cities—New York, Chicago, Philadelphia, Boston, and Brooklyn—with an equal number of European cities—London, Paris, Berlin, Birmingham, and Glasgow. These tables seem to show that our five American cities, although less crowded, have a higher death rate than the five European cities, cost twice as much money, tax a citizen three times as much, furnish less park area, and spend a smaller proportion of their receipts for education, the claim being made that our cities lead in taxes and death rates and theirs in health and municipalization.

I do not accept the criticism altogether submissively; and I know what a two-edged sword the statistical argument is. But the concurrence of testimony against us is such that it can not be disregarded. I only wish that every city official would take to heart Gladstone's assertion that he does "not know for what it is that political life is worth the living, if it be not for an opportunity of endeavoring to redeem in the face of the world the character of our country wherever, it matters not on how small a scale, that character has been

¹ See p. 287.

compromised." The character of our country has been compromised in the administration of her cities; and my first appeal is to the civic officers themselves, by wise and faithful conduct in the face of the world, to redeem her from this just reproach.

In the next place it is submitted that a very important factor in the relief of cities from the conditions complained of has been found, and will be found, in the removal of all opportunity for squabbling over the appointment of a cemetery keeper at \$10 a week, or any other petty patronage. The wise attempt is to provide for the civil service appointments of a city by tests at least innocent and, it is hoped, meritorious, and thus to reform the entire city government by making her humbler servants permanent, intelligent, self-respecting, and independent of all save duty; and by removing, moreover, the carrion bait of patronage from the higher offices, thus taking away their drawing power for the base and the venal. When the man in Scripture fell among thieves, the priest and Levite, it is said, passed by upon the other side because he had been *already robbed*. If we can rob our cities of their jobbing patronage, then we shall see many a hard heart and grasping hand pass by on the other side; we shall see, as Mr. Richard Croker has remarked, many "who were bubblin' over with enthusiasm and patriotism layin' right down and losin' all interest in their country after runnin' up against a civil service examination."

The present system of patronage enables "the boss" to hire his strikers with our money and makes the whole salary list of a city a corruption fund with which men who

have no other claim to confidence can buy office and then hold it by right of purchase. When I hear my friend, Dr. Richard T. Ely, declare that a single sanitary reform appreciably increases the average duration of human life in a community, and that the only reason that many such reforms can not be attempted is the character of our city civil service, I find it a moving statement. Dr. Ely says that probably the urban death rate among children of the poor under five years of age can be reduced one-half.

John S. Billings, reviewing the records of plainly preventable diseases, believes it possible to lower the death rate of most of our cities twenty per cent. Dr. Shaw has pointed out that by a reorganization of the health department of Birmingham the deaths were reduced from 26 per 1000 to 20 per 1000, a diminution of the rate by about 25 per cent, signifying the saving of 2000 to 2500 lives per year. That is worth while, and we may well envy those who achieved it. It is certainly better than squabbling over the appointment of a cemetery keeper at \$10 a week.

Something has been accomplished towards applying the merit system in our cities, though it is difficult to collect the facts. Many mayors are hostile, and make no reply to inquiries.

Massachusetts has provided by statute for a civil service commission for twenty years, and the merit system has been extended, in whole or in part, to many municipalities. The last report of the State Commission shows thirty-six cities and towns which maintain boards of examiners. The Boston Commission publishes no report, but administers an extended merit system. An important official identified

with this system says that the politicians talk in public against the law, but admit to him in private that it is a great relief to them; and the testimony is that its results are admirable so far as the city is concerned. The town of Milton, the last Massachusetts organization to accept the system, extends it even to heads of departments.

In New Haven, which stands alone among Connecticut cities, a civil service system is working, and working well, as the committee of the State Civil Service Reform Association reports after careful investigation.

New York State has taken the most advanced stand, having by constitutional provision required the application of the merit system, as far as practicable, on examinations, substantially to all appointments and promotions in the civil service of the State, including cities and villages. There is a Board of State Commissioners, and there are city boards which report to the State Board. But Mr. H. G. Chapman complained in December last of the steady growth of exempt positions, saying that there were already 700 in New York City alone.

In Buffalo Mr. Ansley Wilcox reports the adoption of a set of rules and classifications which are in the main good. They put in the competitive class such high executive officers as heads of the police and fire departments. Eighty-nine per cent of the city's places are in the classified service, and over eighty-four per cent are in the competitive class.

Philadelphia, Mr. R. D. Jenks said in December, 1903, had a provision in its charter for the merit system, but it is practically ignored. Examinations are secret, records secret, and rules are secret. "It is generally understood that all

those who pass are certified at the same time for appointment, and it is evident that a comparatively small amount of knowledge is required to secure a pass mark." Mayor Weaver promised his attention to these abuses, and has lately expressed himself for enforcement of the city civil service law.

Baltimore applies the merit system to her fire, police, and public school systems. Mr. W. Reynolds reported recently that there had been but one complaint as to the schools. That was anonymous, and an investigation proved it wholly without foundation. That the system is not well administered in the police department. There was lately an attempt to take the place of superintendent of fire alarm telegraph out of the requirements, but there was such a "rumpus," I quote his word, that it was abandoned. Professor Willoughby shows that by this system the schools of Baltimore, formerly among the worst known, have been immensely improved in pedagogic efficiency and in economy, the new board turning back into the sinking fund of the city \$40,000 saved from the school appropriation in one year.

Washington has always failed to get Congress to place her civil service upon a merit system.

Milwaukee has a City Service Commission which appoints on the merit principle to almost the entire public service of the city. The Democratic city administration is hostile, but the Republican State adheres to the law, and the hostility is so far minimized in effect.

In Cleveland the water department has been transformed from the old patronage system and placed on a business-like

basis, Professor Bemis says, with general popular endorsement. Detroit tried to pass a civil service reform charter in 1902, but failed. Many cities, as Pittsburg, Cincinnati, and Des Moines, apply the system to the fire and police departments, but not generally to their civil servants. The New Orleans charter of 1896, embodying the merit system, was repealed in 1900 because, as Judge W. W. Howe has told us, "The boys were starving." Tacoma, after two years of misfortunes, has abandoned her civil service reforms, and Minneapolis defeated a reform charter in 1900. Denver, by a charter adopted in March of this year, has adopted a measure of reform. San Francisco and Los Angeles have, on the other hand, by new charters taken up the merit system fully both for appointments and promotions. Removals, too, are forbidden, except for good cause after a public trial. The validity of the general system has been affirmed; but some 1,600 strictly municipal offices, which are classed as county offices, are, by a majority of the court, held beyond the control of the new system.

The city of Portland, Oregon, adopted a charter with strong civil service reform provisions in 1902. Hon. Geo. H. Williams, mayor of Portland, writes me, under date of June 1, 1904, commending the general principles, but pointing out that persons without integrity may pass the examinations. He adds that the integrity of a candidate can only be inquired into by investigating his past history. But, as the eligibility of the candidate has to be determined on examination before his name is known, under the present systems, investigation of his history is precluded. That lack of integrity even more than of education is the fault of

municipal civil service. There is, he says, some difficulty especially among policemen in maintaining subordination when removal is possible only after formal trial and conviction; for "the accused invariably denies guilt and the proceeding is cumbersome, troublesome and expensive. It is hardly possible to convict an officer of indolence or inefficiency upon trial. Moreover, the appointing authority may be morally certain that an officer is taking money from gamblers and others to give them protection, and yet it is exceedingly difficult, if not impossible, to prove it. But the appointing power can not remove such officer without formal trial and the necessary proof to sustain the charges." He suggests that we must devise some system for giving weight to a man's integrity and efficiency in deciding his fitness.

Seattle has maintained a system of civil service reform since 1896, under a charter adopted by a large popular majority. It has worked well, and three separate attempts for its repeal have failed.

St. Louis, I am advised by one of her leading reformers, Mr. Chas. Claffin Allen, has no merit service or other mark of civil service reform influence in her municipal government. Indeed no efforts have been made for several years to secure any reform, and those formerly made were ineffectual. That city has made such a brave battle and won such a noble victory for honest municipal government that it is certainly hoped that like zeal and leadership may win for her a safe and wise municipal system.

Our great city of the West, Chicago, adopted a system of elaborate civil service reform in 1895 under the Illinois statute. Mr. J. H. Hamline has pointed out that Hon. Car-

ter H. Harrison became mayor of Chicago in 1896, and has continued such ever since. Mr. Hamline declares that "he entered the mayor's office as an avowed opponent of civil service reform and an open advocate of the spoils system," and that he removed the civil service commissioners on grounds of incompetency, and substituted his own appointees, "whose chief aim appeared to be to assist the mayor to install his own political camp followers in office, notwithstanding and in defiance of the civil service law as it was enacted." Mr. Hamline says that after substantially a clean sweep and after the places had been filled by retainers of the mayor, (probably 60 per cent of them incompetent) these officers were retained, but a sop was thrown to the reformers by appointing Gen. Ela as one of the commissioners; that the commission then reformed its methods, and now little complaint is heard; that the civil service of Cook County is in the hands of the party opposed to the mayor, and that each party has abused, trampled on, evaded, and gradually destroyed the law for the reform of the civil service in its hands. Notwithstanding all this the laws have displayed wonderful vitality. The public has come to understand them, and he finds only some limited faults in their administration. He says, however, that the commission fails to investigate the integrity of applicants; that a committee of the council has exposed corrupt methods among the civil service appointees; that the paid commission ought itself to have unearthed and corrected these; that the commissioners have adopted rules that no one can be discharged except on complaint by the head of the department in which he works, and, having thus precluded themselves from purify-

ing the service, see their own recommendations as to removals disregarded; and that the late attempt to get a law passed applying the system to State officers and institutions probably failed mainly on account of the defective working of the reform in Chicago.

On the other hand, Mayor Carter H. Harrison writes me, under date of May 26, 1904, that "the number of examinations has increased from year to year, those scheduled for this year being considerably in excess of the number held in 1903. When a vacancy occurs, a promotional examination is held to fill the position vacated. The effect of the civil service law in the city of Chicago has been excellent. It has improved the service and prevented the stuffing of pay rolls. It has provided a better class of employees and dispensed with the services of many who were not capable of filling properly the positions they occupied. The law, in my estimation, would be materially improved by giving the mayor the power to discharge. This would not interfere with the efficiency of the civil service by reason of the fact that appointments to take the place of employees who have been discharged could only come from an eligible list over whose makeup the mayor could have no control. The eligible list is made up of those who have taken examinations and they are rated in regular order according to the efficiency shown in examination. As the mayor would have no control over these lists in any way, the power to discharge, if vested in him, would simply give him the right to remove incompetent employees. This action, if taken by him, would merely cause a vacancy to be filled by promotional examination from the eligible list."

I venture to hope that, whatever may have been the sentiments with which he took up his great charge, eight years of experience have convinced the mayor of the utility and necessity of the merit system, and turned him away from what Sir Robert Peel called "the odious power that patronage confers." I would add that the number of applicants examined in Chicago in 1903 was about 50 per cent greater than in 1902, and that a smaller per cent of the applicants passed, which facts support the mayor's report of progress.

Mr. Milligan's statement at the last annual meeting of the National Civil Service Reform Association that the Mississippi Valley has hardly a State or municipal civil service law certainly needs modification. In Iowa the statutes permit the application of the civil service rules to the fire and police departments of cities of 60,000 inhabitants or over.

Mr. R. H. Dana discussed very ably before the last meeting of the National Civil Service Reform League *The Merit Principle in the Selection of the Higher Municipal Officers*. He showed that Paris was taken as the typical continental city by Dr. Shaw; that her "superb permanent organization of the civil service machine" gave real unity and continuity to the work of the corporation, however the city council might make itself a byword for futile and noisy discussion; that this "machine" includes civil engineers, architects, physicians, and all the highest administrative officers, except the prefect, who is practically the mayor; and that positions in these higher grades are partly filled on competitive examinations, and partly from the excellent technical and professional schools in which positions are

also got by competitive examinations. This wonderful machine, Dr. Shaw says, is altogether out of politics. Mr. Dana shows, furthermore, that where we in this country have a competitive system, it stops short of the higher officers; that we arrange for a non-partisan lot of competent clerks under a hostile, incompetent, and partisan chief, whereas in both French and English municipalities the expert chiefs are selected on a merit plan and the rest takes care of itself; that the expert boards, made up of these chiefs, in Paris, pass upon all grants of franchises and privileges, and thus guard the public treasury and the public convenience, while we in America guard neither.

Mr. Dana makes a strong argument for examinations and investigations to ascertain executive efficiency, and not merely clerical aptness or preparation. He says that we ascertain such efficiency for private employment by inquiries as to training, experience, success, former achievements, and compensation, and that we can do the same as to public employments. These arguments are certainly cogent and largely convincing. They were received by the National Civil Service Reform League with distinct favor, and perhaps the adoption of the suggestion might tend to answer somewhat the complaints from city executives who, seeking to administer a reformed civil service, find difficulties. No one knows where the shoe pinches so well as he who wears it, as Plutarch intimated and Cervantes after him. We can not neglect complaints which are reasonable and must constantly correct laws and practice accordingly.

The only objection to Mr. Dana's suggestion appears in the letter quoted from the mayor of Portland. As soon as

records, recommendations, and past achievements are to be considered in the examination, its anonymous and impersonal character disappears, and the old difficulty of excluding favor returns. However, some one must be trusted. The most delicate claims of justice are passed on by our courts; and on the whole there is no complaint of unfairness, though the identity of suitors is not concealed. Our civil service boards must reach the same level as the courts. On the whole the "Civic Renaissance," as Dr. Shaw calls it, goes bravely on. Mr. C. D. Willard says that the reform system in cities generally where it is applied covers above 95 per cent of non-elective employees, and that, for economy and efficiency, it has the almost unanimous verdict of disinterested business men.

The success of the reforms in the Federal service is a most material help to like municipal reforms, and in the year ending June 30, 1903, our national commission examined 109,829 applicants, and 39,646 competitive appointments were made—more than three times as many as in the year before.

No system can accomplish these reforms unless it enlists the ardent support in every municipality of brave and upright men, as zealous for the right as others are for the wrong. Sir George Jessel's disposition was masterful and well shown when he said: "I may be wrong, but I never have any doubts." Something of that unhesitating temper must often aid reform. The New York banker who wished a charter from his city which would save him and his fellow committee-men the trouble of an annual battle with Tammany was well answered that when he organ-

ized his bank so that it required no attention, then a city charter could be framed as he wished. A good system is earnestly to be sought, and then it must be faithfully administered by honest and capable men. Examinations are worthless except under due safeguards, and petty dependents can not safeguard them against strong and aggressive "bosses."

I have no certain cure for all the ills of municipalities, but I venture to suggest the following:

1. The friends of municipal reform must demand a State board of civil service commissioners, exercising superintendence over local boards.

2. There should be either, as in New York, a law applying the merit system to municipalities generally, or, as in Massachusetts and Illinois, a law permitting municipalities to adopt it.

3. The system must not be confined to clerks and laborers, but must be boldly extended to heads of departments and members of the executive staff.

4. At least for the higher appointments, integrity and efficiency must be ascertained by methods kindred to those of the best men of business, even if the anonymous character of the examination is sacrificed.

5. The examinations must not be trusted, even in the matter of mere submission of questions, to humble dependents, but must be in the hands of fairly responsible and independent persons, as the higher school officers of a municipality, who are accustomed to such responsibilities. Many men of business will not take them seriously; and, it is submitted, that persons taking such functions should

have, as Dr. Shaw says of city councils, "no emoluments, or else large ones."

6. Lastly the municipality must be placed in the hands of upright and enlightened men who will deal fairly with the system and neither boldly oppose it, nor betray it with a kiss.

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