

# Pernicious Activity in Political Matters

## The Law Relating to Restrictions Upon Federal Office Holders

Official Communication From Civil Service Commission

Raleigh, N. C., April 7, 1904.  
U. S. Civil Service Commission,  
Washington, D. C.

Dear Sir: Will you please inform me if not incompatible with the public service, is it not contrary to the rules for postmasters to serve as chairman of Republican executive committees, or chairmen of conventions, or to be active participants in such, whereas they have the power to force their mandates on the people? You will please inform me also as to U. S. deputy marshals and post inspectors and gaugers, and internal revenue collectors. An early promulgation of the law on this subject would have a great influence in this regard, and possibly relieve your honorable body of much needless correspondence in the future. If names and addresses are needed as to the breach of these rules, they can, and will be forthcoming.

I have the honor to be,  
Yours respectfully,  
W. LEE PERSON.

April 12, 1904.  
Mr. W. Lee Person, Rocky Mount,  
North Carolina.

The Commission is in receipt of your letter of April 7, requesting information in regard to political activity of Federal employees under the civil service law and rules. As your inquiries refer to a number of different status, they would seem to be fully answered by the following extracts from executive orders:

Officeholders are the agents of the people, not their masters. Not only their time and labor due to the government, but they should scrupulously avoid in their political action, as well as in the discharge of their official duty, offending, by display of obtrusive partisanship, their neighbors who have relations with them as public officials. They have no right as officeholders to dictate the political action of their associates or to throttle freedom of action within party lines by methods and practices which pervert every useful and justifiable purpose of party organization.

The influence of Federal officeholders should not be felt in the manipulation of political primary meetings and nominating conventions. The use by these officials of their positions to compass their selection as delegates to political conventions is indecent and unfair. Officeholders are neither disfranchised nor forbidden the exercise of political privileges, but their privileges are not enlarged nor is their duty to party increased to pernicious activity by officeholding.

(Instructions of President Cleveland, July 14, 1886.)

Each case must be decided on its merits. For instance, it is obviously unwise to apply the same rule to the head of a big city Federal office, who may by his actions coerce hundreds of employees, as to a fourth class postmaster in a small village who has not employees to coerce, and who simply wishes to continue to act with reference to his neighbors as he has always acted.

This paragraph (marked passage on page 3, enclosed circular) was drawn with a view of making a sharp line between the activity allowed to public servants within the classified service, and those without the classified service. The latter under our system are, as a rule, chosen largely with reference to political considerations and as a rule are and expect to be changed with change of parties. In the classified service, however, the choice is made without reference to political considerations and the tenure of office is unaffected by the change of parties. Under these circumstances it is obvious that different standpoints of conduct apply to the two cases. In consideration of sixty of tenure and of appointment in no way due to political considerations, the man in the classified service, while retaining his right to vote as he pleases and to express privately his opinion on all political subjects, should not take any active part in political management or in political campaigns, for precisely the same reason that a judge, an army officer, a regular soldier, or a policeman is debarred from taking such active part. I had become convinced that it was undesirable and impossible to lay down a rule for public officers not in the classified service which would limit their political activity as strictly as would rightly and properly limit the activity of those in whose choice and retention the element of political considerations does not enter. Officeholders must not use their offices to further political movements, must not neglect their public duties, and must not become public scandal by their activity, but outside of the classified service the effort to go further than this has failed so signally that I felt it necessary to draw the distinction here indicated.

(Letter of President Roosevelt, June 12, 1892.)

For further information on this subject, Form 1236 is enclosed.

Very respectfully,  
JNO. C. BLACK,  
President.

U. S. Civil Service Commission,  
Washington, D. C.  
(Extracts from Statutes and Executive and Departmental Orders.)  
Civil Service Act of January 16, 1883.  
\* \* \* 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 \* \* \* he will not be removed or otherwise prejudiced for refusing to do so. (Sec. 2, clause 2, par. 5.)  
\* \* \* No person in said service has any right to use his official authority or influence to coerce the political action of any person or body. (Sec. 2, clause, par. 6.)  
\* \* \* No Senator, or Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate-elect, or any officer or employee of either of said Houses, and no executive, judicial, military or naval officer of the United States, and no clerk or employe of any department, branch or bureau of the executive, judicial or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution, for any political purpose whatever, from any officer, clerk or employe of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the treasury of the United States. (Sec. 11.)  
\* \* \* No person shall, in any room or building occupied in the discharge of official duties by any officer or employe of the United States mentioned in this act, or in any navy yard, fort, or arsenal, solicit in any manner whatever, or receive any contribution of money or any other thing of value for any political purpose whatever. (Sec. 12.)  
\* \* \* No officer or employe of the United States mentioned in this act shall discharge, or promote, or degrade, or in any manner change the official rank of compensation of any other officer or employe, 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. (Sec. 15.)

**CIVIL SERVICE RULES OF APRIL 15, 1903.**  
No person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. (Rule 1, sec. 1.)  
\* \* \* No discrimination shall be exercised, threatened, or promised by any person in the executive civil service against or in favor of an applicant, eligible, or employe in the classified service because of his political or religious opinions or affiliations. (Rule 1, sec. 1.)  
The Commission has authority to make investigations concerning the facts, and to report on all matters touching the enforcement and effects of the civil service act, rules and regulations. Any facts tending to show violations of the act, rules or regulations should be reported to it.

**EXECUTIVE ORDERS.**  
On July 14, 1886, President Cleveland issued the following instructions, which were published, at the time, as orders by the heads of the several departments:

Officeholders are the agents of the people, not their masters. Not only is their time and labor due to the government, but they should scrupulously avoid, in their political action, as well as in the discharge of their official duty, offending by display of obtrusive partisanship, their neighbors who have relations with them as public officials. They should also constantly remember that their party friends, from whom they have received preference have not invested them with the power of arbitrarily managing their political affairs. They have no right as officeholders to dictate the political action of their party associates, or to throttle freedom of action within party lines by methods and practices which pervert every useful and justifiable purpose of party organization.

The influence of Federal officeholders should not be felt in the manipulation of political primary meetings and nominating conventions. The use by these officials of their positions to compass their selection as delegates to political conventions is indecent and unfair; and proper regard for the proprieties and requirements of official position will also prevent their assuming the active conduct of political campaigns.

Individual interest and activity in political affairs are by no means condemned. Officeholders are neither disfranchised nor forbidden the exercise of political privileges; but their privileges are not enlarged nor is their duty to party increased to pernicious activity by officeholding.

A just discrimination in this regard between the things a citizen may properly do and the purposes for which a public office should not be used is easy in the light of a correct appreciation of the relation between the people and those intrusted with official place, and a consideration of the necessity, under our form of government, of political action free from official coercion.

THEODORE ROOSEVELT.

United States Civil Service Commission,  
Washington, D. C.  
The postmaster general, on October 1, 1902, issued the following instructions to the officer and employes of the postoffice department:

Under date of June 5, 1902, the Commission addressed a letter to the President, in which it called attention to the omission in the new postal regulations, issued April 1, 1902, of former section 435, providing that—  
Officeholders should not offend by obtrusive partisanship, nor assume the active conduct of political campaigns.  
\* \* \* This is in consonance with the order of President Cleveland of July 14, 1886.

The Commission also called the President's attention to the following statement in its Eleventh Report:

The Commission feels strongly that whatever rule is adopted should apply equally to adherents of all parties, and that it would be safe to adopt as such a rule the requirement that the adherents of the party in power shall never do what would cause friction in the office and subvert discipline if done by the opponents of the party in power. A man in the classified service has an entire right to vote as he pleases and to express privately his opinions on all political subjects, but he should not take any active part in political management or in political campaigns for precisely the same reasons that a judge, an army officer, a regular soldier, or a policeman is debarred from taking such active part. It is no hardship to a man to require this. It leaves him free to vote, think, and speak privately as he chooses, but it prevents him, while in the service of the whole public, from turning his official position to the benefit of the parties into the whole public is divided; and in no other way can this be prevented.

The Commission recommended either that a general executive order upon the subject be issued by the president, or that recommendation be made to the heads of departments for the establishment of regulations similar to the postoffice regulation which had been omitted.

"As to political activity, a sharp line is drawn between those in the classified and those in the unclassified service. Postmasters or others holding unclassified positions are merely prohibited from using their offices to control political movements, from neglecting their duties, and from causing public scandal by political activity."  
"A person in the classified service has an entire right to vote as he pleases, and to express privately his opinions on all political subjects, but he should take no active part in political management or in political campaigns."  
The attorney general in a letter dated November 22, 1901, addressed to all officers and employes of the department of justice, said:

"The spirit of the civil service law and rules renders it highly undesirable for federal officers and employes to take an active part in political conventions or in the direction of other parts of political machinery. Persons in the government service under this department should not act as chairmen to political organizations, nor make themselves unduly prominent in local political matters. It is expected and required that all officers and employes of this department shall act in entire conformity with the views herein set forth."

### POLITICAL ACTIVITY OF BOARDS OF EXAMINERS.

The Commission believes that the best interests of the service will be promoted by the nonparticipation of all members of its boards of examiners in political conventions or in the work of political committees. While attendance at a political convention as a delegate, or membership upon a political committee, is not, in itself, a violation of the rules, partisan activity, if sufficient to impair usefulness as a representative of the Commission, is sufficient cause for removal from membership of any of its boards of examiners.

JNO. R. PROCTOR,  
President.

### GRAFT IN THE P. O. DEPARTMENT

(Continued from Page 14.)

ing interests in your own party you will have all you can do to keep your own household in order without worrying yourselves about ours.

Neither, Mr. President, is there unity in the Republican party upon the important subject of finance. In its platform of 1900 that party told the people the gold standard was secure. The campaign of that year had hardly opened before the people were told that this declaration of the platform was a mistake and that the gold standard was not secure, but was subject to be overturned by executive order of an unfriendly president, and that it was necessary to retain that party in power that it might make it secure by legislation.

The ablest financiers and statesmen, both in the Republican and the Democratic party, are agreed upon the proposition that our present currency system is at best but a makeshift—that it needs radical revision, and the Republican party, not once, but repeatedly, has promised such revision. During the last session of the Congress we were told that the finances of the country were in an unsettled and dangerous condition—that legislation was needed in order to prevent a threatened panic. We were told that our currency system was too inflexible, that there must be legislation to relieve this condition, which we were assured would recur with the demand of each recurring harvest time.

Yet, Mr. President, more than two years have elapsed since Mr. Roosevelt came into power, three years since the last national election, and there has been no financial legislation, absolutely none. Why? It is not because legislation is not needed from the Republican standpoint. It is not because that party has not promised financial legislation to remedy these serious and vital defects. It is not because the Republican party has not had a majority in Congress during the whole of this time. Why, then, have we not had this legislation? Is it because, Mr. President, the Republican party have not been able to agree among themselves upon any definite plan or measure of financial legislation?

Again I say, when you are making your platform, when you are making your promises to the people, you have no trouble in getting together and you are practically unanimous then, as you generally are when you are after voters.

But, Mr. President, in the face of these serious conditions and defects in our financial system, testified to by all the financial authorities and universally admitted by reason of divisions and conflicts of interest in your ranks, you are and you have been all these years absolutely helpless to give the people relief and to carry out your pledges.

With this record would it not be well for you to look to the mote in your own eye instead of giving so much of your time to the one you think you see in your neighbor's eye?

Mr. President, the senator from Wisconsin [Mr. Spooner], in his speech on Saturday, charged not only myself, but other senators on this side who had spoken upon these post office frauds, with having been moved by partisan considerations than by a desire to subvert the public interests. The greatest protection which the people can possibly have against frauds and crimes in the executive departments in Washington would be afforded by requiring bonds of these officials and frequent examinations into the conditions of those departments.

I have argued and I now argue and insist that these frauds will continue under Republican or Democratic administrations as long as these precautions are neglected. In my first speech upon these frauds I insisted that every official in the departments at Washington who handles the people's money, or who directs its expenditure, should be under bond for honesty in its expenditure, and I have introduced a bill, which I think ought to receive consideration from the other side of this chamber, to create a permanent commission, having no connection with the post office department and responsible to Congress, clothed with the duty of investigating and making annual reports to Congress of all the executive departments located at Washington. It makes no difference whether the administration is Republican or Democratic, these investigations should be made, not for partisan purposes, but in the interest of the public service. In my former speeches on this subject I have not laid especial stress upon Republican responsibility for these post office frauds, although it is responsible for them, as I show a little later on.

The burden of my complaint has been the denial by that party of further investigation into these frauds. I have insisted that the disclosures already made in the divisions of that department which have been investigated raised a suspicion against the divisions not investigated, and that nothing less than a thorough investigation of the whole department would satisfy the people and would remove the cloud which rests upon that branch of the public service. Was this partisanship? If these suspicions are unwarranted, if an investigation should disclose no wrongdoing in the divisions which have not been investigated, would not that fact inure rather to the benefit of the Republicans than the Democratic party? The senator from Wisconsin says that fraud in one of the divisions of a department of government does not argue fraud in another division of the same department.

Mr. President, an isolated case of fraud in a department would not raise a suspicion of general fraud in that department; but that is not the condition shown by the Bristow report to exist in the post office department. That report shows that the division of the attorney general of the post office department, the very fountain head of justice, was reeking with corruption. It shows that of the four men who presided over that department shortly before this investigation began, three of them are now under indictment, indicted for selling the justice of the country. It shows that in the office of the auditor of accounts in the division investigated irregular and unlawful accounts were audited and certified for payment, thereby taking away the last protection of the people against the misapplication of their money. It shows that in the division of supplies investigated there was a system of "graft" by which commissions were exacted upon nearly everything bought. It shows that in the salary and allowance division investigated promotions of officials employed in the service, not only at Washington, but throughout the country, were bought and sold, and salaries were increased not on account of merit, but for pecuniary considerations.

Again, Mr. President, while in the beginning of these investigations specific charges were made only against about three persons, this report shows that the investigations made not only established crime against those charged, but involved others in those crimes and brought to light other crimes and wrongdoings which led to the removal or indictment of more than a dozen employes against whom no charges had been made. This, Mr. President, does not present a case of discovery of isolated crime from which no presumption of other crime would arise. These conditions in the divisions investigated of course would not raise a conclusive presumption of like conditions in the uninvestigated divisions, but I submit that it justifies a strong suspicion of the existence to a greater or less extent of like conditions in the balance of the departments, and that the only way to remove that suspicion and to satisfy the people, who are entitled to know with absolute certainty that their public servants are honest and that their money is properly expended, is to investigate the whole department. Why will you not permit this investigation? It can do no harm. It will cost but little, and if no further wrongdoing is found it will remove the cloud which now rests upon the whole department.

Mr. President, the reasons why the Republican majority of this House are so determined that there shall be no further investigation are not the reasons assigned upon this floor. The real reason is their fear, and it is a well-grounded fear, that the investigation will disclose a condition of things in this department which will shock the country and imperil the chances of the success of that party in the approaching presidential election. The people know that's the reason, and they are not to be misled by the pretense that there is nothing further to investigate; that the investigations already made have been thorough and complete. They know Bristow has been declassified as an investigator by a committee of his own party in the House of the Congress. You have the power to refuse this investigation, but you haven't the

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