
BACKGROUND ON THE PENDLETON ACT

The federal bureaucracy in the years after the Civil War was generally undistinguished, because the system of selecting officials and supervising their work was irrational. That system had evolved in the early nineteenth century, and relied on the well-known political adage, "to the victor belong the spoils." That did not necessarily mean that bad people were appointed; many government officials were quite good, but the system itself was ill-suited to efficiency.

The idea of rotation in office, however, was thought to be "democratic." Andrew Jackson in 1829 had declared: "No man has any more intrinsic right to official station than another... The duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance." This had not been true in 1829, and was certainly not true fifty years later. The constant turnover provided no institutional memory; government workers panicked at every election and had little sense of loyalty to their jobs, because their tenure was often of such short duration. As Henry Clay put it, government officials after an election are "like the inhabitants of Cairo when the plague breaks out; no one knows who is next to encounter the stroke of death."

Over the years, the flaws became more serious and obvious. Political leaders required their patronage appointees to devote time and money to party affairs. After each election winners were besieged by hungry office-seekers, and wrangling between the president and Congress over patronage became endemic. By the 1880s, one could open a Washington newspaper after an election and find many advertisements like this one:

"WANTED -- A GOVERNMENT CLERKSHIP at a salary of not less than \$1,000 per annum. Will give \$100 to any one securing me such a position."

The situation was compounded by the growth of the federal bureaucracy. In Jackson's time there had been 20,000 persons on the federal payroll. By end of the Civil War the number had increased to 53,000; by 1884, 131,000; and by 1891, 166,000. Presidents were hounded by office-seekers. When James Garfield became president he discovered hungry office-seekers "lying in wait" for him "like vultures for a wounded bison."

Moreover, new government jobs required special skills. The use of typewriters, introduced in the early 1880s, meant that mere literacy and decent penmanship were no longer enough for a clerk's job. With the creation of administrative agencies like the Interstate Commerce Commission and specialized agricultural

bureaus, one needed scientific expertise. The spoils system was not the way to get them.

A civil service movement started in New York in 1877, and although it developed considerable public support, the politicians refused to go along. Then came the assassination of President Garfield by Charles Guiteau, a disappointed office-seeker, and the public clamor could no longer be ignored.

The Pendleton Act classified certain jobs, removed them from the patronage ranks, and set up a Civil Service Commission to administer a system based on merit rather than political connections. As the classified list was expanded over the years, it provided the American people with a competent and permanent government bureaucracy. In 1883 fewer than 15,000 jobs were classified; by the time McKinley became president in 1897, 86,000 -- almost half of all federal employees -- were in classified positions. Today, with the exception of a few thousand policy-level appointments, nearly all federal jobs are handled within the civil service system.

For further reading: Ari Hoogenboom, *Outlawing the Spoils: A History of the Civil Service Reform Movement, 1865-1883* (1961); Paul P. Van Riper, *History of the United States Civil Service* (1958).

THE PENDLETON ACT (1883)

An act to regulate and improve the civil service of the United States.

Be it enacted...That the President is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three commissioners shall constitute the United States Civil Service Commission. Said commissioners shall hold no other official place under the United States.

Sec. 2. That it shall be the duty of said commissioners:

First. To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

Second. And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

First, for open, competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

Third, appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census...

Fourth, that there shall be a period of probation before any absolute appointment or employment aforesaid.

Fifth, that no person in the public service is for that reason under any obligations 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.

Sixth, that 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. Seventh, there shall be non-competitive examinations in all proper cases before the commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the commissioners as to the manner of giving notice...

Third. Said commission shall, subject to the rules that may be made by the President, make regulations for, and have control of, such examinations...

Sec. 3...The commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners...Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them and where there are persons to be examined in any State or Territory, examinations shall be held therein at least twice in each year...

Sec. 6. That within sixty days after the passage of this act it shall be the duty of the Secretary of the Treasury, in as near conformity as may be to the classification of certain clerks now existing under...[Section 163]...of the Revised Statutes, to

arrange in classes the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service, at their respective offices in each customs district where the whole number of said clerks and persons shall be all together as many as fifty. And thereafter, from time to time, on the direction of the President, said Secretary shall make the like classification or arrangement of clerks and persons so employed, in connection with any said office or offices, in any other customs district. And, upon like request, and for the purposes of this act, said Secretary shall arrange in one or more of said classes, or of existing classes, any other clerks, agents, or persons employed under his department in any said district not now classified; and every such arrangement and classification upon being made shall be reported to the President.

Second. Within said sixty days it shall be the duty of the Postmaster-General, in general conformity to said...[Section 163,]...to separately arrange in classes the several clerks and persons employed, or =====in the public service, at each post-office, or under any postmaster of the United States, where the whole number of said clerks and persons shall together amount to as many as fifty. And thereafter, from time to time, on the direction of the President, it shall be the duty of the Postmaster-General to arrange in like classes the clerks and persons so employed in the postal service in connection with any other post-office; and every such arrangement and classification upon being made shall be reported to the President.

Third. That from time to time said Secretary, the Postmaster-General, and each of the heads of departments mentioned in...[Section 158]...of the Revised Statutes, and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination.

Sec. 7. That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by...[Section 1754]...of the Revised Statutes, nor to take from the President any authority not inconsistent with this act conferred by... [Section 1758]... of said statutes; nor shall any officer not in the executive branch of the government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by direction of the Senate, shall any person who has been

nominated for confirmation by the Senate be required to be classified or to pass an examination.

Sec. 8. That no person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of this act are applicable.

Sec. 9. That whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to grades.

Sec. 10. That no recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act.

Sec. 11. That 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 employee 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 employee 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...

Source: *U.S. Statutes at Large 22 (1883): 403.*

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