

THE LAW GRADUATE AND CIVIL SERVICE

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If Washington is famous throughout the country for the number and excellence of her law schools, there is a reason for it. That reason is the civil service of the United States government, which at once puts a premium on a legal education and at the same time gives the opportunity to secure it. After leaving college or the high school thousands of young men in different parts of the country find the door to the professional schools in their home States barred to them. The time has come when they can no longer be burdens upon the bread-winners of the family, and the day law school is thus out of the question. A place in the government service at Washington smoothes all difficulties. The evening law schools are the best in the country, both in methods and personnel. The government profits by having in its service the superior class of young men who are tempted to enter its service on account of these important collateral advantages, which mean for most of them an ultimate career above a government clerkship. The young men profit by the opportunity to secure the most useful sort of professional education, and finally the average superiority of this sort of student over the average young man whose family continues to bear the expense of his further education is the one most important factor in the magnificent results obtained by the local professional schools and which gives them the high rank they enjoy throughout the United States. This, however, is not all. From small beginnings the civil service has grown to enormous proportions. Each new field of Federal governmental activity means a demand for young men equipped to carry on its work. From tens of hundreds it has grown to tens of thousands. So, in course of time, the demand has grown for really proficient men. Pull may secure the initial appointment, but it is merit that carries the civil service employe up from the ranks to positions of responsibility and importance.

Short of the Cabinet positions, there never was a time in the history of our government when so many and such important positions were filled by the promotion of men already in the service who had demonstrated a capacity for the transaction of government business. And, indeed, in the Cabinet offices themselves a number during the last few years have been filled by promotion of brilliant and capable young men whose rise from comparatively humble beginnings in the service of the government was primarily due to individual capacity, and every one of them a graduate of a Washington law school. And, to go one step further, our present Chief Executive, carrying his first-rate legal ability from the bench into a broader field, owes his lofty position to-day less to the hazard of politics than to a fitness for the direction of governmental affairs conspicuously displayed in the public service.

Again, it must be apparent to the thoughtful observer that there has arisen a persistent and growing demand from the great business interests of the country for those who have made good in the departments at Washington. Time was when a government clerkship was looked upon as at best a haven of rest and safety for the unambitious and incapable.

This has changed; such a position is now regarded as a stepping stone to success. To illustrate from one of the departments alone, the Treasury Department has furnished more bank presidents, cashiers, and other officers to the great banks of New York City alone than have been secured from any other single source. The Patent Office has been the training school for hundreds of expert patent men of the country, and the other departments have distinguished graduates in every walk of life. Of course, there will always be some—perhaps even a majority—who are content to revolve blindly, little cogs in a great machine—satisfied with the present, unambitious for the future, with a mental horizon limited to the duties of a single desk and stretching no further than next pay day.

It is not with this type, however, that we are here concerned. It is idle to speculate as to the advantages they might secure through the instrumentality of a practical legal education, as they are not likely to undergo the trouble to secure one. For those, however, who succeed in working forward and upward in the government service, and through that service into lucrative and responsible positions in the business world, a legal education has been the principal factor in the result. It is sometimes well said that it is easier to make statements than to prove them, and necessarily it would be difficult to marshal the statistics of those who have pushed ahead, in and out of the civil service, as the result of an education in the law, or to proportion nicely how far this factor has contributed to a result often due to a total of this and other causes in combination. The same energy, ambition, and clear-sightedness which led the young civil service employe into the law school has undoubtedly played a large, even a predominant, part; but that legal education is not only valuable, but almost indispensable, is evident upon a moment's reflection upon the nature and character of the government service.

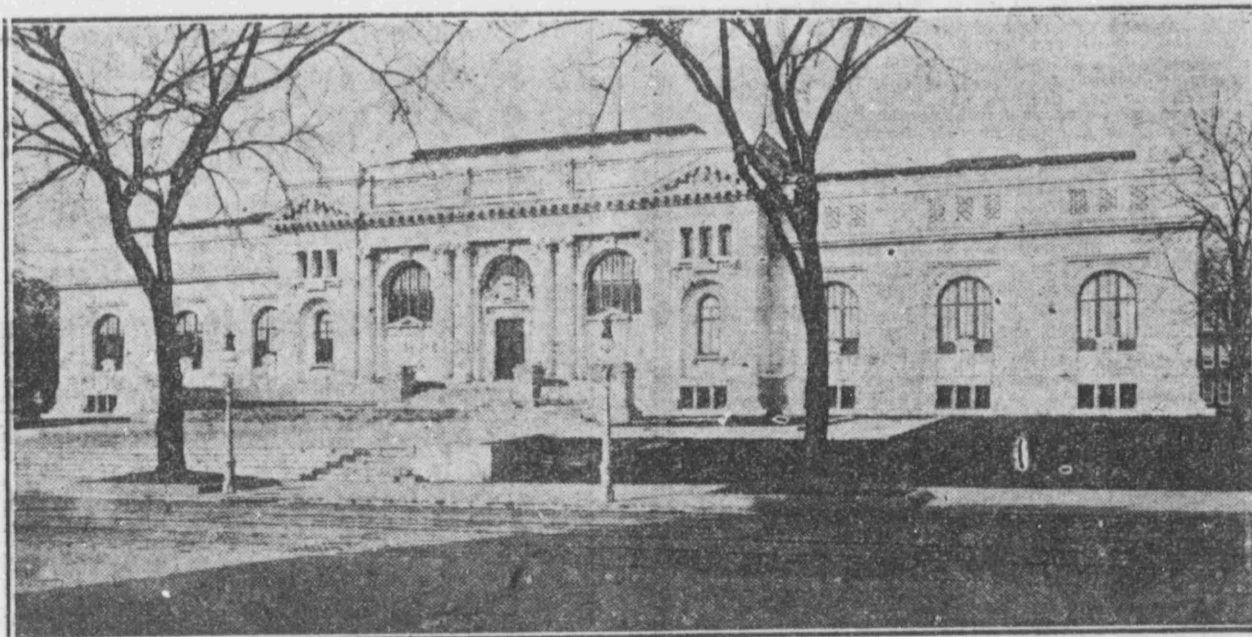
Our governments, State and Federal, are not only governments of law in the sense in which that phrase might, perhaps, be applied with equal propriety to all civilized governments to distinguish government by fixed rules rather than by individual caprice supported by force, but ours is a government of law in another and more important sense. In most European countries there exist two separate kinds of law, one the law or body of laws which concern the citizen or subject in his legal relations with his fellow-citizen and subject, and a much narrower body of laws, which, under the name of "le droit administratif," concerns itself

with the internal mechanism of the governmental agencies and regulates intercourses between the government and the governed.

If "messieurs les ronds de cuir," as the government functionaries are derisively called, are acquainted with the administrative law, it suffices. Not so with us. In the first place, we have no distinct body of administrative law. The law for the United States government and its officials, high and low, is the law of the humblest citizen. For instance, when the United States enters into a contract, the Supreme Court of the United States has said, it contracts on the same footing and subject to the same general principles of law as would be the case with any citizen. The duties and responsibilities of any official are fixed by law, and not by the caprices of his superiors. Not a dollar can be paid out of the Treasury unless there is a law which authorizes it, nor can a contract be made unless there is a law which sanctions it; not a place created, filled, or abolished unless there is a law which justifies it.

To some extent, all officials and clerks, high and low, are the agents of the government, capable of binding it when they act within the law, personally liable when they act without it or beyond it. Our government is a gigantic enterprise, therefore, each interdependent activity of which is controlled and regulated by the statute law, and where it touches the citizen yielding to the application of the ordinary law of the land. How can its work be done intelligently or effectively by agents wholly untrained in the law? The answer is exceedingly simple. It cannot and it is not. Not only is the President and every Cabinet officer a trained lawyer, but so is nearly every important minor official. Of course, there are many clerks, so called, who are not lawyers, and they often become very experienced and valuable clerks by reason of remaining in the same grade and at the same desk until they die or are pried loose to make way for somebody's friend.

There have always been a few petty officers who have objected to their subordinates studying law, on the ground that these young men in many instances leave the service to go out to the States whence they came and are lost to the government service. On the other hand, the vast majority of the superior departmental officials favor and encourage it, on the ground that men so trained render much more efficient service to the government and raise the level of its personnel. The civil service owes much to the law schools of Washington, while they, in turn, are largely supported by the civil employes of the government. Although not supported by the government, nor under government control, they are to the civil employes of the United States what Annapolis and West Point are to the military employes. One can be a private in either service without the preliminary training deemed essential for the officer.



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