American Debates:
Perspectives on Political Issues

Edited by
Mary Kate Hiatt
Carl Anthony Wege
Thomas Boudrot

AMERICAN DEBATES:
Perspectives on Political Issues

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DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

CONGRESS, JULY 4, 1776.

The Declaration of Independence is one of the founding documents of what would become the United States. Why are the issues identified in this document of such importance to its signers?

WHEN, in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume, among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's **GOD** entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the Causes which impel them to the Separation.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed, by their **CREATOR**, with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate, that Governments long established, should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

HE has refused his Assent to Laws, the most wholesome and necessary for the public Good.

HE has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

HE has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyranny only.

HE has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

HE has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

HE has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining, in the mean Time, exposed to all the Dangers of Invasion from without, and Convulsions within.

HE has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

HE has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

HE has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

HE has erected a Multitude of new Offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance.

HE has kept among us, in Times of Peace, Standing Armies, without the Consent of our Legislatures.

HE has affected to render the Military independent of and superior to the Civil Power.

HE has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

FOR quartering large Bodies of Armed Troops among us:

FOR protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

FOR cutting off our Trade with all Parts of the World:

FOR imposing Taxes on us without our Consent:

FOR depriving us, in many Cases, of the Benefits of Trial by Jury:

FOR transporting us beyond Seas to be tried for pretended Offences:

FOR abolishing the free System of English Laws in a neighbouring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these Colonies:

FOR taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

FOR suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

HE has abdicated Government here, by declaring us out of his Protection, and waging War against us.

HE has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People.

HE is, at this Time, transporting large Armies of foreign Mercenaries to complete the Works of Death, Desolation, and Tyranny, already begun with Circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

HE has constrained our Fellow-Citizens, taken Captive on the high Seas, to bear Arms against their Country, to become the Executioners of their Friends and Brethren, or to fall themselves by their Hands.

HE has excited domestic Insurrections amongst us, and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes, and Conditions.

IN every Stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every Act which may define a Tyrant, is unfit to be the Ruler of a free People.

NOR have we been wanting in Attentions to our British Brethren. We have warned them, from Time to Time, of Attempts by their Legislature to extend an unwarrantable Jurisdiction over us. We have reminded them of the Circumstances of our Emigration and Settlement here. We have appealed to their native Justice and Magnanimity, and we have conjured them by the Ties of our common Kindred to disavow these Usurpations, which would inevitably interrupt our Connexions and Correspondence. They too have been deaf to the Voice of Justice and of Consanguinity. We must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them, as we hold the Rest of Mankind, Enemies in War, in Peace Friends.

WE, therefore, the Representatives of the **UNITED STATES OF AMERICA,** in **GENERAL CONGRESS** Assembled, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, **FREE AND INDEPENDENT STATES;** that they are absolved from all Allegiance to the British Crown, and that all political Connexion between them and the State of Great-Britain, is, and ought to be, totally dissolved; and that as **FREE AND INDEPENDENT STATES,** they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which **INDEPENDENT STATES** may of Right do. And for the Support of this Declaration, with a firm Reliance on the Protection of **DIVINE PROVIDENCE,** we mutually pledge to each other our *Lives,* our *Fortunes,* and our *sacred Honour.*

John Hancock.
GEORGIA, *Button Gwinnett, Lyman Hall, Geo. Walton.*
NORTH-CAROLINA, *Wm. Hooper, Joseph Hewes, John Penn.*
SOUTH-CAROLINA, *Edward Rutledge, Thos Heyward, junr. Thomas Lynch, junr. Arthur Middleton.*
MARYLAND, *Samuel Chase, Wm. Paca, Thos. Stone, Charles Carroll, of Carrollton.*
VIRGINIA, *George Wythe, Richard Henry Lee, Ths. Jefferson, Benja. Harrison, Thos. Nelson, jr. Francis Lightfoot Lee, Carter Braxton.*
PENNSYLVANIA, *Robt. Morris, Benjamin Rush, Benja. Franklin, John Morton, Geo. Clymer, Jas. Smith, Geo. Taylor, James Wilson, Geo. Ross.*
DELAWARE, *Caesar Rodney, Geo. Read.*
NEW-YORK, *Wm. Floyd, Phil. Livingston, Frank Lewis, Lewis Morris.*
NEW-JERSEY, *Richd. Stockton, Jno. Witherspoon, Fras. Hopkinson, John Hart, Abra. Clark.*
NEW-HAMPSHIRE, *Josiah Bartlett, Wm. Whipple, Matthew Thornton.*
MASSACHUSETTS-BAY, *Saml. Adams, John Adams, Robt. Treat Paine, Elbridge Gerry.*
RHODE-ISLAND AND PROVIDENCE, &c. *Step. Hopkins, William Ellery.*
CONNECTICUT, *Roger Sherman, Saml. Huntington, Wm. Williams, Oliver Wolcott.*

IN CONGRESS, JANUARY 18, 1777

ORDERED,
THAT an authenticated Copy of the **DECLARATION OF INDEPENDENCY,** with the Names of the MEMBERS of CONGRESS, subscribing the same, be sent to each of the **UNITED STATES,** and that they be desired to have the same put on **RECORD.** By Order of **CONGRESS, JOHN HANCOCK, *President,* BALTIMORE, in MARYLAND: Printed by MARY KATHARINE GODDARD**

HOW WELL DID YOU UNDERSTAND THIS SELECTION?

1. What is the purpose of the Declaration of Independence?

2. Why, according to the Declaration, should Americans be independent?

3. What are some of the objections of the signers of the Declaration to the rule of the British Crown?

The Bill of Rights: A Transcription

The Bill of Rights was added to the Constitution in 1791 in fulfillment of promises by the supporters of the Constitution's ratification. These rights initially applied only to the relationship between citizens and the national government and only later to the relationship between citizens and their respective state governments.

Note: The following text is a transcription of the first ten amendments to the Constitution in their original form. These amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights."

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

HOW WELL DID YOU UNDERSTAND THIS SELECTION?

1. How is the First Amendment different than the other amendments?

2. What do you think the Ninth Amendment means?

3. Give an example of an archaic amendment in the Bill of Rights.

The Court and Its Traditions

The American public has the least acquaintance with the judicial branch of the United States government. Since it is the least "visible" of the three branches, it remains an institution shrouded in mystery and ancient traditions. The Supreme Court of the United States is probably the most interesting part of the judiciary because its decisions often spell the end of litigation for contesting parties. Let's look behind the bench, so to speak, and see to what some of these traditions the Court adheres.

For all of the changes in its history, the Supreme Court has retained so many traditions that it is in many respects the same institution that first met in 1790, prompting one legal historian to call it, "the first Court still sitting."

Recent Justices have perpetuated the tradition of longevity of tenure. Justice Hugo Black served for 34 years and one month prior to his retirement in 1971. In October 1973, Justice William O. Douglas surpassed the previous longevity record of Justice Stephen J. Field, who had served for 34 years and six months from 1863 to 1897. When Justice Douglas retired on November 12, 1975, he had served a total of 36 years and six months.

As is customary in American courts, the nine Justices are seated by seniority on the Bench. The Chief Justice occupies the center chair; the senior Associate Justice sits to his right, the second senior to his left, and so on, alternating right and left by seniority. Since at least 1800, it has been traditional for Justices to wear black robes while in Court. Chief Justice John Jay, the first Chief Justice, and apparently his colleagues, lent a colorful air to the earlier sessions by wearing robes with a red facing, somewhat like those worn by early colonial and English judges. The Jay robe of black and salmon is now in the possession of the Smithsonian Institution in Washington, D.C.

Initially, all attorneys wore formal "morning clothes" when appearing before the Court. Senator George Wharton Pepper of Pennsylvania often told friends of the incident he provoked when, as a young lawyer in the 1890s, he arrived to argue a case in "street clothes." Justice Horace Gray was overheard whispering to a colleague, "Who is that beast who dares to come in here with a grey coat?" The young attorney was refused admission until he borrowed a "morning coat." Today, the tradition of formal dress is followed only by Department of Justice and other government lawyers, who serve as advocates for the United States Government.

Quill pens have remained part of the Courtroom scene. White quills are placed on counsel tables each day that the Court sits, as was done at the earliest sessions of the Court. The "Conference handshake" has been a tradition since the days of Chief Justice Melville W. Fuller in the late 19th century. When the Justices assemble to go on the Bench each day and at the beginning of the private Conferences at which they discuss decisions, each Justice shakes hands with each of the other eight. Chief Justice Fuller instituted the practice as a reminder that differences of opinion on the Court did not preclude overall harmony of purpose.

The Supreme Court has a traditional seal, which is similar to the Great Seal of the United States, but which has a single star beneath the eagle's claws— symbolizing the Constitution's creation of "one Supreme Court." The Seal of the Supreme Court of the United States is kept in the custody of the Clerk of the Court and is stamped on official papers, such as certificates given to attorneys newly admitted to practice before the Supreme Court. The seal now used is the fifth in the Court's history.

Source: The foregoing was taken from a booklet prepared by the Supreme Court of the United States and published with funding from the Supreme Court Historical Society.

HOW WELL DID YOU UNDERSTAND THIS SELECTION?

1. Why is tradition such an important part of the Supreme Court's procedures?

2. Who was the first Chief Justice of the United States Supreme Court?

3. What other claim to fame does this man have?

4. Which Supreme Court Justice served the longest?

5. Why do you suppose these justices stay in office so long while people in other government positions usually retire much earlier?

THE COURT AND CONSTITUTIONAL INTERPRETATION

The Supreme Court of the United States is one of the most prestigious government entities in the world. Its power derives not from armies but from the principle of the rule of law, not of men, that is ingrained rather strongly in the ideology of the American public.

"EQUAL JUSTICE UNDER LAW"-- These words, written above the main entrance to the Supreme Court Building, express the ultimate responsibility of the Supreme Court of the United States. The Court is the highest tribunal in the Nation for all cases and controversies arising under the Constitution or the laws of the United States. As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution.

The Supreme Court is distinctly American in concept and function, as Chief Justice Charles Evans Hughes observed. Few other courts in the world have the same authority of constitutional interpretation and none have exercised it for as long or with as much influ-ence. A century and a half ago, the French political observer Alexis de Tocqueville noted the unique position of the Supreme Court in the history of nations and of jurisprudence. The representative system of government has been adopted in several states of Europe, he remarked, but I am unaware that any nation of the globe has hitherto organized a judicial power in the same manner as the Americans . . . . A more imposing judicial power was never constituted by any people.

The unique position of the Supreme Court stems, in large part, from the deep commitment of the American people to the Rule of Law and to constitutional government. The United States has demonstrated an unprecedented determination to preserve and protect its written Constitution, thereby providing the American experiment in democracy with the oldest written Constitution still in force.

The Constitution of the United States is a carefully balanced document. It is designed to provide for a national government sufficiently strong and flexible to meet the needs of the republic, yet sufficiently limited and just to protect the guaranteed rights of citizens; it permits a balance between society's need for order and the individual's right to freedom. To assure these ends, the Framers of the Constitution created three independent and coequal branches of government. That this Constitution has provided continuous democratic government through the periodic stresses of more than two centuries illustrates the genius of the American system of government.

The complex role of the Supreme Court in this system derives from its authority to invalidate legislation or executive actions which, in the Court's considered judgment, conflict with the Constitution. This power of judicial review has given the Court a crucial responsibility in assuring individual rights, as well as in maintaining a living Constitution whose broad provisions are continually applied to complicated new situations. While the function of judicial review is not explicitly provided in the Constitution, it had been anticipated before the adoption of that document. Prior to 1789, state courts had already overturned legislative acts which conflicted with state constitutions. Moreover, many of the Founding Fathers expected the Supreme Court to assume this role in regard to the Constitu-tion; Alexander Hamilton and James Madison, for example, had underlined the importance of judicial review in the Federalist Papers, which urged adoption of the Constitution.

Hamilton had written that through the practice of judicial review the Court ensured that the will of the whole people, as expressed in their Constitution, would be supreme over the will of a legislature, whose statutes might express only the temporary will of part of the people. And Madison had written that constitutional interpretation must be left to the reasoned judgment of independent judges, rather than to the tumult and conflict of the political process. If every constitutional question were to be decided by public political bargaining, Madison argued, the Constitution would be reduced to a battleground of competing factions, political passion and partisan spirit.

Despite this background the Court's power of judicial review was not confirmed until 1803, when it was invoked by Chief Justice John Marshall in Marbury v. Madison. In this decision, the Chief Justice asserted that the Supreme Court's responsibility to overturn unconstitutional legislation was a necessary consequence of its sworn duty to uphold the Constitution. That oath could not be fulfilled any other way. It is emphatically the province of the judicial department to say what the law is he declared.

In retrospect, it is evident that constitutional interpretation and application were made necessary by the very nature of the Constitution. The Founding Fathers had wisely worded that to meet changing conditions. As Chief Justice Marshall noted in McCulloch v. Maryland, a constitution that attempted to detail every aspect of its own application would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind . . . . Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves

The Constitution limits the Court to dealing with cases and controversies John Jay, the first Chief Justice, clarified this restraint early in the Court's history by declining to advise President George Washington on the constitutional implications of a proposed foreign policy decision. The Court does not give advisory opinions; rather, its function is limited only to deciding specific cases.

The Justices must exercise considerable discretion in deciding which cases to hear, since more than 7,000 civil and criminal cases are filed in the Supreme Court each year from the various state and federal courts. The Supreme Court also has original jurisdiction in a very small number of cases arising out of disputes between States or between a State and the Federal Government.

When the Supreme Court rules on a constitutional issue, that judgment is virtually final; its decisions can be altered only by the rarely used procedure of constitutional amendment or by a new ruling of the Court. However, when the Court interprets a statute, new legislative action can be taken.

Chief Justice Marshall expressed the challenge which the Supreme Court faces in maintaining free government by noting: We must never forget that it is a constitution we are expounding . . . intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs."

Source: The foregoing was taken from a booklet prepared by the Supreme Court of the United States and published with funding from the Supreme Court Historical Society.

HOW WELL DID YOU UNDERSTAND THIS SELECTION?

1. So many countries have adopted a court system like the United States has that the U.S. Supreme Court is no longer unique in the world as it once was. True_____ False_____
2. The U.S. Supreme Court is required to give its opinion on questions of constitutionality when the president asks such questions. True_____ False_____
3. The U.S. Constitution was designed to be the blue print for government, covering major issues, but not designed to record every detail of governmental functioning. True_____ False_____
4. A Supreme Court decision, which interprets a law, can usually be overruled by Congress' passing a new law to correct the flaws noted by the Supreme Court. True_____ False_____
5. Supreme Court rulings can also be changed by constitutional _____.
6. Explain the following: The Supreme Court's power of judicial review is rather vaguely defined in the Constitution and open to question. How then did the Supreme Court acquire and secure this power for itself?

THE PENDLETON ACT (1883)

The Pendleton Act was passed in response to political corruption in the latter nineteenth century. Like most statutes it had intended and unintended consequences impacting both administrative efficiencies and political manipulation of the bureaucracy. Read the excerpt from the statute below and decide how you feel about the impact of the statute.

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