

Preface

The United States Constitution is a living document, intended to endure for the ages and to be adapted to the felt needs of the times. It is an extraordinary document, widely emulated by other nations seeking to achieve what American government has.

Through Constitutional interpretation, the document has been kept abreast of contemporary demands, used to guide the Nation through the day-to-day and its many crises. It is common to view that interpretation as falling exclusively within the province of the courts, for in matters of legal controversy the buck does stop there. The Congress and the President, however, have also taken oaths to support the document and have important roles in its interpretation and implementation. Indeed, major media and public attention is properly devoted to these major institutions of government. But usually forgotten in the process is the central role of the public administration in the interpretation of the document.

Much of the success of our system of government may properly be attributed to the Nation's civil service and its management. More than the Congress, the President, and the Courts, most Constitutional interpretation and implementation is in fact undertaken by Federal managers. They interpret and reinterpret the document every day, contributing in very substantive ways to the Nation's well-being.

It is, therefore, surprising to learn how few Federal managers make the connection between their decisions and the Constitution. On the one hand, that is a tribute to the inculcation of Constitutional values into their decision-making, but on the other it marks a gap in their training and education. Everything that is done in government has Constitutional underpinnings and understanding of that only enhances the public administration and the quality of its decisions. It should not be left to chance.

The Framers of the Constitution were well aware of the importance of public administration and knew that their work would be of little avail if not faithfully executed. Of course, they had no idea of what public administration today is - indeed, no idea of what it would or will become - but the principle was clear to them: good government under the Constitution would occur only with a dedicated public administration. To insure conformance and as a condition of employment, they therefore wrote into Article VI of the Constitution a requirement that all public employees take an oath to support it.

Few public employees, however, have more than perfunctory understanding of it, having devoted themselves to other affairs. Geologists, hydrologists, economists, and sociologists have different

interests from lawyers and students of public policy. Yet the public, their employer, reasonably requires more, for in their day-to-day decision-making, public administrators affect the Constitutional rights of the body politic.

The Constitution is central to the public administration: the public administration works hand in glove with the American Constitution. Good public administration means good constitutionalism. Every public manager who understands not only the importance of the Constitution, but also what it means, improves his or her effectiveness. Society can count on its government when all observe the Constitutional rules of the game. In this Nation, the public good is determined by a commitment to the processes defined by the Constitution, not by the strong.

The Nation and its Constitution fail without a public administration dedicated to the processes which make the system work. And public administration works within an exceedingly complex structure, one wildly different from that found in most other organizations and dictated by the strictures of a separation of powers system of government.

The Reader is directed at the Federal manager. It is intended to be an educational supplement to what is offered in the "Leadership for a Democratic Society" seminars and to provide an introduction to some of the substance of the Constitution. It is organized into eight sections and an Appendix.

Section 1 is the Constitution itself. It is short, concise, extraordinary. It is the very purpose of this Reader and worthy of study. Section 2 includes several of the most important Federalist Papers which were written to woo the support of New York voters in the ratification struggles after the convention in Philadelphia. Each is prefaced with a brief explanatory statement. The Federalist Papers are among the greatest theoretical treatises on republicanism and serve the Nation today much as they did in 1787. Section 3 is an essay interpreting the why of the Constitution and Section 4 is directed at Anti-Federalist arguments against it. The Constitution is for the most part silent on the protection of civil rights and liberties and Section 5, consequently, addresses some of the issues surrounding our history in this arena.

Section 6 includes several of the most important Supreme Court cases, each a major precedent in our history. A brief introduction offers insight into each case and is intended to induce a reading of the case at hand. Section 7 is an essay on the importance of the Constitution to the public administration. And the final section adds the subject of ethics within the framework of the Constitution for the public administrator.

The Appendix includes the two most important national documents in the Nation's pre-Constitutional period, the Declaration of Independence with a brief explanatory essay and the Articles of Confederation with a critique by Alexander Hamilton.

Several members of the FEI faculty and staff were involved in the creation of this Reader. A.E. Dick Howard offered valuable insights into what was being attempted. John Johns and Robert Maranto contributed not only their advice but valuable portions of the final document. Terry Newell coordinated all that went into creating this supplement to the classroom with a patience and skill that inspires. Curt Smith, a former FEI Director, stood behind this at every step of the way. Finally, a great debt is due the FEI support staff, especially Kelly Gobble and Holly Newman, without whose care the preparation of this text would not have been possible.

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