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## *Federalist* Nos. 67–77: How Would Publius Envision the Civil Service Today?

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*Federalist Nos. 67–77 offer a strong defense of the “energetic executive” embedded in the new constitution, which is perhaps best captured in Alexander Hamilton’s famous conclusion that “the true test of a good government is its aptitude and tendency to produce a good administration.” This essay places this basic definition into historical context by reviewing the erosion of the national government’s emphasis on public duty as a prerequisite for effectiveness. Reading widely across the Federalist Papers, the author argues that the founders would be taken aback by the national government’s sheer scale and complexity and would strongly restate their basic principles of a government well executed.*

Contemporary policy debate in the United States frequently revolves around the Constitution and what the founding fathers intended when they wrote it. The idea that we should venerate the founders of the nation and use their philosophy for guidance is embedded in the legal system and in much of our thinking regarding the legislative branch and the presidency. In a nation in which millions of people hold diverse views, few Americans question the wisdom of making important decisions today based on a document written two centuries ago.<sup>1</sup> For example, in 1999, the U.S. Supreme Court held that the U.S. government must conduct a door-to-door count of its 300 million residents every 10 years—instead of the cheaper and more accurate statistical sampling method proposed by the National Academy of Sciences—because the Constitution calls for an “actual enumeration” of the population (*Department of Commerce v. U.S. House of Representatives*, 525 U.S. 316 [1999]). Congress was obliged to appropriate billions of extra dollars for the purpose; the Census Bureau had to redesign its methodology and belatedly hire hundreds of thousands of additional census takers. No one, however, seriously disputed the Court’s decision.

We defer to the founders in part because of their acknowledged brilliance. Their dedication to creating an enduring set of rules for the American experiment

is part of the narrative that binds the nation together. In the sweeping argument for an energetic executive, Hamilton drew upon many of the pamphlets that came earlier in what is now known as the *Federalist Papers*. Of particular note are the many implied references to *Federalist* No. 1, which was based on Hamilton, Jay, and Madison’s own study of classical civilizations, as well as the European governments of the day. They write, “The science of politics, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients . . . There are means, and powerful means, by which the excellencies of republican government may be retained, and its imperfections lessened or avoided” (*Federalist* No. 9).<sup>2</sup>

Most of the issues that the founders wrestled with at the outset of the republic are still very much alive today. These include the proper size and power of the federal government, the policy of borrowing and financing the federal debt, and the appropriate level of taxation. It has become second nature to cite the founders in these contemporary debates. Tea Party meetings often begin with participants reading aloud from the Constitution to discuss whether today’s government is doing more than originally was intended. In the executive branch, the sitting president continually is benchmarked against his illustrious predecessors; occupants of the Oval Office frequently look for guidance in the writings of Thomas Jefferson, James Madison, and other early presidents.

Yet there is one important area of government in which historical intent is strangely overlooked. There is scant discussion of whether the modern executive civil service conforms to the principles set forth by the founders. This is all the more perplexing because the evidence suggests that public administration was of great concern to them. The word “administration” or its cognates appear in *The Federalist* 124 times—more than the words “Congress,” “president,” and “Supreme Court” (Richardson and Nigro 1991, 275). Hamilton

devoted a number of passages to the topic, offering far-reaching insights into human psychology. He then had the opportunity to translate his philosophy into practice when, as the first treasury secretary, he hired three-quarters of the earliest federal employees and constructed the original public administration system.

This essay will examine the thinking of Hamilton, Madison, and Jay regarding public administration in the executive branch. It will argue that their beliefs and insights in *The Federalist*, and their experiences in creating the first administrative institutions, lay out a detailed prescription for how to constitute a well-functioning civil service that remains perfectly relevant today.

Second, this essay will examine what the founders would say now if they were to examine the modern civil service. Where does it match their aspirations, and where does it fall short?

Finally, this imagination is captured in a short addendum to *The Federalist*, stating—in the style of Hamilton—a few words they may wish they had penned in the original.

### Publius's Vision of Public Administration

The founders were visionaries, but they also were pragmatists. They recognized the need to design an executive branch based on the complexity of human interests—to balance optimism and realism. Hamilton's vision was to create a civil service that was energetic, public spirited, and merit driven and that would be motivated to carry out the executive function with vigor and integrity. The founders' reflections on public administration fall into three broad and interrelated categories; they may be summarized as energy, public duty, and a steady administration.

#### Energy in the Executive Branch

In *The Federalist*, Hamilton argues that energy in the executive branch is the fundamental quality necessary for the success of the government in managing a large, heterogeneous republic. "Energy in the executive is a leading character in the definition of good government," he writes in *Federalist* No. 70. "It is essential to the protection of the community against foreign attacks: it is not less essential to the steady administration of the laws." He goes on to argue that "energy in the national executive branch produces a good administration of the laws by supplying steadiness and firmness."

In modern parlance, the word "energy" conjures a variety of images, including liveliness and high levels of activity. We might tend to view it as the opposite of "sluggishness." Hamilton, however, conceives of energy in its traditional meaning: as power, force, and vigor. He contrasts the idea of "energy" with "feebleness"—famously writing, "A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution: and a government ill executed, whatever it may be in theory, must be, in practice, a bad government" (*Federalist* No. 70). Hamilton returns to this notion of "energy" as the critical ingredient for the

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executive throughout *The Federalist*. In *Federalist* No. 23, he argues that a large, diverse country "is the strongest argument in favour of an energetic government: for any other can certainly never preserve the union of so large an empire." Energy is a prerequisite for the steady administration of the laws—which, in turn, is essential to making the public feel an attachment to the federal government. He believes that the steady administration of laws would ensure that a government is able to command the "attachment"—not just the consent—of its constituents. Consent is not enough, he argues, because it means that the public is merely obeying only under the threat of sanction or the promise of rewards. By contrast, attachment means that the public has a vested interest in the success of the

government. The only way the federal government could invite such attachment would be by executing the functions of central government extremely well.

Because energy was critical to the success of the new government, it was important to get it right. Hamilton explains this idea in some detail. He writes that the ingredients which constitute energy in the executive are "unity, duration, an adequate provision for its support, and competent powers" (*Federalist* No. 70).

The concept of unity—by which he means the need to vest power and decision making in a single chief executive (as opposed to a plural executive), is fundamental to his vision. In *Federalist* No. 70, he argues that unity could be destroyed "either by vesting the power in two or more magistrates . . . or by vesting it ostensibly in one man, subject in whole or in part, to the control and cooperation of others." This, he believes, would "lessen the respectability, weaken the authority, and distract the plans and operations of those whom they divide."

Hamilton's argument for duration is that an official should be able to continue in his post long enough to see his work through. The concept of job security is consistent with Hamilton's idea that there needs to be a stable, professional civil service that is not subject to short-term political whim.

Closely allied with this idea is Hamilton's belief that the civil service must have "adequate provision for its support" (*Federalist* No. 70). This is necessary if government officials are to be competent and insulated from corruption. Without adequate pay, the government would attract only "incapable honest men" who are unable to earn a living any other way, or "capable dishonest men" who would abuse their positions. Because the public service does not provide fame, glory, or riches, it is necessary to guarantee an adequate income in order to attract talented individuals. "Far from being lucrative," he argues, "[government work will] involve pecuniary sacrifice to every honest man of preeminent talents" (Hamilton 2001, 954).

Energy applies not only to the chief executive, but also to the dynamic relationship between the chief and the members of his administration. As treasury secretary, Hamilton designed an unusual

system for collecting feedback from his customs collectors to create “an efficient two-way flow of information” (McDonald 1979, 139).

[Hamilton] conducted a large-scale socioeconomic research project using questionnaires. The first, dated October 15, 1789, was concerned with shipping and consisted of seven broad questions, each of which invited an essay as well as hard facts and figures. It went out to the customs collectors and to everyone else Hamilton had reason to believe had useful information on the subject. The replies poured in, providing him a wealth of data and practical wisdom, much of which was contrary to common assumptions. (McDonald 1979, 139–40).

Throughout his tenure as treasury secretary, Hamilton continued to seek this type of feedback. Looking back, it is astonishing that centuries before modern telecommunications, Hamilton viewed this dynamic interaction between the field and the center as critical to ensuring energy in the executive branch.

### **Public Duty**

A paramount concern of the founders was how to attract good people to serve in government and how to keep them honest. Madison writes that “the aim of every political constitution is, or ought to be . . . to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous” (*Federalist* No. 57). However, as Hamilton observes in *Federalist* No. 76, politics in actuality seldom focuses on getting people to serve the public good.

The challenge, therefore, is to design a public administration that will inspire the best qualities in human nature while rising above human weaknesses. Madison asserts that the new American system would triumph by encouraging these best qualities and tempering our worst, writing, “As there is a degree of depravity in mankind, which requires a certain degree of circumspection and distrust: so there are other qualities in human nature, which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form” (*Federalist* No. 55).

Hamilton and Madison hoped to enlist into government service men with a sense of “public duty,” personified in their minds by George Washington. Hamilton hoped that a class of “disinterested” public servants would emerge, even though in *Federalist* No. 72 he acknowledges that self-interest will be an important motive for those entering government, asserting that “the desire for reward is one of the strongest incentives of human conduct.”

The founders believed that one of the strongest incentives for potential public servants is the opportunity to earn high regard from the public. High esteem and honor would be powerful incentives for talented individuals to serve the nation, even though they could earn much higher salaries in private life. When the 34-year-old Hamilton joined the Treasury Department in 1789, he personally faced many of the financial and moral conflicts that the authors of *The Federalist* had foreseen. Hamilton took a huge pay cut from his salary at a top New York law firm in order to serve as treasury

secretary. He was scrupulous about severing all sources of outside income. Even so, Hamilton was not immune from ethical lapses. He hired and stubbornly defended his shady friend William Duer, who speculated in American treasury bonds and ended up in debtor’s prison. In another shabby episode, Hamilton was accused of paying blackmail to a man named James Reynolds. Hamilton eventually was obliged to confess to an amorous affair with Reynolds’s wife Maria in order to clear his name (Chernow 2004, 368–69).

The sense of public duty that should motivate public servants is part of the republican principle, espoused by George Washington and others, that public office should not be restricted to men of wealth. In this respect, it is striking how egalitarian and ahead of their times the founders were. Madison asserts, “Every citizen whose merit may recommend him to the esteem and confidence of his country” may serve, with “[n]o qualification of wealth, of birth, of religious faith, or of civil profession” (*Federalist* No. 57). Hamilton and Madison advocated for a system of attractive pay and salary increases for good performance so that public servants could earn a decent living. They believed that this policy would both attract competent administrators and reduce the incentives for fraud and corruption. At the Treasury, Hamilton made certain that even the lowest grade tax revenue collectors earned a reasonable wage.<sup>3</sup>

The founders hoped that these principles would produce a virtuous cycle in which public prestige combined with a good salary would incentivize qualified people to enter public service, regardless of background. Their success in the public eye would help attract even more gifted and ambitious candidates, who would enable an effective, steady administration of the laws that, in turn, would help maintain a continual stream of talent.

### **Steady Administration**

The third pillar of effective government for the founders was what they referred to as a “steady administration.” One of the core features of this idea is continuity. Public servants should remain in office long enough to bring projects to fruition. Hamilton argues this point passionately in *Federalist* No. 72. It is necessary, he says, “to continue [a good worker] in the station, in order to prolong the utility of his talents and virtues, and to secure to the government the advantage of a permanency in a wise system of administration.” The satisfaction of being able to see projects through to completion is an important part of the reward of public service. Talented people, Hamilton feels, would be deterred if they might be obliged to leave office before completing a project, or to hand it over “to hands which might be unequal or unfriendly to the task” (*Federalist* No. 72). Writing some of the strongest words of the entire treatise, Hamilton asserts that such lack of continuity “could not fail to occasion a disgraceful and ruinous mutability in the administration of the government” (*Federalist* No. 72).<sup>4</sup>

While continuity in office is clearly important, the founders also were concerned that the government should have a system for rotating administrators in order to provide breadth of experience and mitigate corruption and patronage. The founders did not resolve the issue of “spoils” versus “tenure,” as the first government effectively excluded Anti-Federalists.<sup>5</sup> However, the focus on continuity during the governments of 1789–1829, and Hamilton’s insistence that public administrators would be motivated by the desire to see their

initiatives come to fruition, created a tradition of lifetime tenure for public servants. The professional civil service of today is rooted in this vision.

Hamilton's conception of a steady administration also includes "predictability" in the execution of the government's core functions. This would mean providing administrators with specific instructions and holding them accountable for performance. Lynton K. Caldwell writes of Hamilton as treasury secretary:

His directions to the collectors of revenue were precise, systematic, and often accompanied by sample forms illustrating the manner in which reports to the Treasury were to be made. Regular quarterly returns were required of the collectors, and, although Hamilton appears to have experienced some difficulty in securing prompt conformity with his rule, he pressed the laggards with circulars requesting compliance. (Caldwell 1988, 92)

A further aspect of a steady administration touches on one of the most important questions of the era: how to distribute power and influence among the states and the federal government. The founders believed that citizens were "apt to feel a stronger bias towards their local governments, than towards the government of the union, unless the force of that principle should be destroyed by a much better administration of the latter" (*Federalist* No. 17). Hamilton warns that a lack of attachment to the national government would lead to the creation of dangerous "factions" in the states (*Federalist* No. 45). To avert this, one of Hamilton's innovations at the Treasury was to appoint customs and revenue collectors directly in each state, thereby creating "in the interior of each state, a mass of influence in favor of the federal government" (Hamilton 2001, 117). These officials would owe their loyalty to the federal government and could be counted on to ensure a steady stream of revenues flowed to Washington, D.C.

In sum, the founders articulated a clear-eyed vision of the public administration. Their objectives were to ensure energy in the executive branch and to create a civil service that would attract men with a sense of public duty and responsibility. They believed that this would be possible if the system offered steady, well-paid, and interesting work that ensured continuity, but also contained safeguards to temper the temptation to become corrupt. Public office should attract civic-minded citizens from diverse backgrounds who would enjoy public esteem. As Paul Light summarizes, the founders believed in "[f]ull exertion, engaging work, adequate provision of support, rewards for a job well done and discipline if done badly, and respect of public served" (Light 2008, 7–8).

## Conclusion

Were the founders able to observe today's government, they undoubtedly would be taken aback by its sheer scale and complexity.

They would note that the balance between federal and local government, widely debated in 1789, still is not settled. Congress continues to debate whether it is more effective to deliver different services at the federal or the local level, whether funding should be controlled by Washington or through block grants to the states, and how to avoid duplication while maintaining support at the local level for federal initiatives and functions.

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Nonetheless, they would recognize that the basic elements of their system have endured. They also might be gratified to note that modern-day administrators frequently reference the founders' intent as a basis for policy formation and administrative structures.

In other respects, the founders would be less impressed. With some notable exceptions (such as federal scientific research institutes and quasi-independent agencies such as the Government Accountability Office), Hamilton would be dismayed by the lack of energy in today's executive branch. Many government agencies oversee programs that have existed for decades, in some cases outlasting the problems they were set up to solve. Significant resources are devoted to preparing routine reports mandated by Congress, with limited incentive to innovate in either the content or delivery of government services and functions.

The founders clearly understood the need for steadiness in government, but they almost certainly would deplore the bureaucratic culture prevalent today, with its slow pace and lack of excitement in most government jobs. As treasury secretary, Hamilton devoted a great deal of effort to generating creative sparks and a dynamic interaction among his staff. He would be dismayed to see the malaise that characterizes many agencies in today's federal government and how much of the budget routinely is allocated to the historical "base budget," with little effort to imagine new ways to deliver programs.

The founders also would notice significant leadership deficiencies. In *Federalist* No. 70, Hamilton rails against the concept of a "plural executive" and writes at length about the importance of a single head who could lead, make decisions, and provide the core energy for the executive branch. In most policy spheres today, there are multiple agencies with overlapping—and often competing—jurisdictions. An example is the myriad of financial regulators, which contributed to the recent financial crisis, and the mix of policy makers—including the Treasury, the Federal Reserve, the National Economic Council, and the Office of Management and Budget (OMB)—that struggled to deal with the aftermath. By contrast, when Hamilton took office at the Department of Finance in 1789, he insisted that all such powers be concentrated in a single function patterned after the English chancellor of the exchequer. The English chancellor was (and still is) the second most powerful government official, even living next door to the prime minister at No. 11 Downing Street. Hamilton certainly

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would not favor the complex and confusing distribution of power and responsibility in economic and financial policy making that exists today.

As the founders correctly foresaw, the lack of energy in government administration has led to a low level of public attachment to the federal government, a lack of esteem for government workers, and a limited ability to carry on the work of public administration smoothly from one administration to the next.

In the area of promoting and sustaining a sense of public duty, the founders might have a more mixed reaction. They probably would see that the vast majority of today's federal civil servants have a strong sense of mission and devotion to public service. But the picture is clouded by the large and growing role played by private contractors. In virtually all government agencies, from defense to education to homeland security, there is a proliferation of contracted work. This trend poses perhaps the greatest challenge to the views of the founders. Their ideal was an energetic, public-spirited administration, staffed by dedicated individuals who would sacrifice wealth in exchange for the rewards of satisfying work and high public esteem. If this vision is unrealized for America's 2 million federal employees, it is even more of a stretch to see how it could extend to the 5 or 6 million private workers whose employers are merely business partners with the federal government. The founders might allow that these workers bring much-needed "energy" and innovation to the public administration but they would feel that the proliferation of outsourcing has resulted in a large number of individuals performing public work who lack a sincere sense of public duty. The ethical dilemmas they articulate throughout the *Federalist Papers* would be even more pronounced for these workers.

The founders recognized that ambition was a needed characteristic for those who would serve in government. Therefore, they would be concerned that the executive branch today does not provide an easy route for highly motivated, ambitious civil servants to rise quickly in the organization. They would fear correctly that this shortcoming could discourage the best people from entering public service. Today, this problem is real. For example, a recent survey of 1,200 college students found that one of the most important criteria that students desire in a job is "the ability to rise as high as your talents can take you." The majority of these students said that they were not willing to contemplate a career in the federal government precisely because they felt that it lacked this kind of upward mobility (Bilmes and Gould 2008, 279–89).<sup>6</sup>

What about compensation? In general, the pay scales in today's civil service are consistent with the founders' ideas. Today's civil servants earn a reasonable living, even though the compensation schedules are too inflexible and, in many areas, driven more by length of service than by performance. The founders also believed that a significant part of the rewards for public service should be nonmonetary, in the form of job satisfaction and public esteem. Thus, they might be critical of arrangements (such as those at Fannie Mae and Freddie Mac) in which very high salaries were paid for essentially public service jobs. They also might be concerned about the corrosive impact of contractors (such as military contractors) who earn much more than their public sector counterparts.

The founders believed in the importance of rewards, so it is likely that they would have approved in principle of "pay for performance." However, there are many aspects of modern government that complicate this idea in ways the founders did not anticipate, including the number of levels of hierarchy, the wide range of government functions (in policy areas in which performance metrics may be hard to determine), and the difficulty of empowering supervisors to distinguish among levels of performance. Thus, it is difficult to know whether they would approve of the way this concept is implemented today.

The founders championed the idea of a meritocratic public service in which wealth and family background played no role in appointment or advancement. They clearly would support the efforts of contemporary governments to attract a diverse group of applicants. A more controversial issue today is whether the federal government should actually *resemble* the people it serves. The founders argued that the public administration should represent all geographic interests by attracting men from all different states. This implies they would be sympathetic to the idea that the composition of the federal workforce should attempt to mirror the country as a whole in order to encourage the attachment of the public.

The founders would be disappointed by the inability of today's government to provide a "steady administration." The difficulty of hiring entry-level workers, the inflexibility of compensation schemes, the legalistic approach to promotion and performance (including the difficulty of firing poor performers), the high attrition rates,<sup>7</sup> the long periods needed to confirm political appointees and to perform background checks on entry-level employees: all would be cited as evidence that the administration was not proceeding with the smoothness the founders urged.

In addition, the founders likely would be dismayed by today's disjointed and politically contentious budget process, which has become an impediment to steady administration. Hamilton did not anticipate the complexity of the budget arrangements that bedevil modern administrations. While he does not address the issue directly, he implicitly assumes that the Treasury will be able to secure sufficient funding in a timely and orderly fashion. He could not have imagined today's protracted process in which agencies develop internal budget requests, negotiate them with the OMB, then defend them through multiple authorization and appropriations committees in Congress. Most government agencies receive a budget that is markedly different from the original internal request, with Congress and the OMB reducing funds for initiatives that the agency requested and adding money for purposes that were not requested. Hamilton, with his focus on continuity and steadiness of administration, would have been appalled at the repeated failure of Congress to enact budgets on time (continuing resolutions, supplemental budgets, emergency appropriations, earmarks, and short-term budget "fixes"). And he would have argued that the uncertainties caused by the continuing failure to enact regular budgets would impair the ability of the civil service to administer the work of government.

As noted earlier, the founders also would be critical of the delays in confirming and hiring people into public service. They would be equally displeased with the way public servants are managed once

they are in government. Despite exceptions, such as the recently expanded Presidential Management Fellows program, in most cases, new federal employees receive little training and mentoring; their feedback is not solicited; and thus the government loses much of the new energy that could be gained through their entry.

One issue that would be troublesome for *The Federalist* is the role of the executive branch in writing administrative law. Much of *The Federalist* is devoted to the concept of establishing three branches of government in order to provide checks and balances. The founders did not foresee that the legislative branch of government would create agencies within the executive branch with the power to regulate in broad areas of public policy. Today, administrative agencies (including boards, commissions, tribunals, and so forth) issue rules and regulations that determine how laws are implemented. In many cases, these agencies are microcosms of tripartite government themselves, combining rulemaking (legislation), adjudicating (holding public hearings), and execution (with their own enforcement personnel). Administrative law has become its own branch of public law, with wide jurisdiction in the areas of trade, taxation, environmental policy, transportation, broadcasting, and law enforcement. The line between the judiciary and the executive branch has become blurred in ways the founders did not anticipate, with no provision in the Constitution to set limits on the authority of the administrative agencies.

### **Federalist No. 67 Appended**

Consider the following appendix to *Federalist* No. 67, to be inserted as an introduction to the essays that followed.

*There is an idea, not without its zealous advocates, that a vigorous and energetic public administrative structure is inconsistent with the genius of republican government. It has been declared, "Government is not the solution to our problem; government is the problem." This distrust of an energetic government inspired by the noble enthusiasm of liberty, however, is apt to be infected with a narrow and illiberal distrust of the means necessary to secure the ends that those partisans of liberty most desire. An enlightened zeal for the energy and efficiency of government is often stigmatized as the offspring of a temper that is fond of power and hostile to the principles of liberty. It must not be forgotten that an energetic government is essential to the security of liberty and the steady administration of justice.*

*As will be remarked in our future essays, a feeble executive is but another phrase for a bad government. The administration of government includes all the executive details: the actual conduct of foreign negotiations, the preparatory plans of finance, the application and disbursement of the public monies, the arrangement of the army and navy, the direction of the operations of war, and other matters of a like nature. Therefore, considering the peculiar province and the important role that the public administration has in maintaining the public trust, it seems eminently clear and reasonable that it should be constituted in light of the principles most conducive to carrying out the public good.*

*The principles of administration that are most likely to effect the public good are the same ones that ought to be the aim of any political association: obtain men with the wisdom to discern, and the virtue to pursue, the common good of society; and take precautions for keeping them honest and energetic and principled, whilst they continue to hold the public's trust.*

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*These principles of administration should include a system of rewards that honors high merit and individual contributions to the public good, a command structure working toward a unified purpose, and a public culture that esteems those individuals with the talent and the ambition to seek their profession in pursuit of the public good.*

*There must be no delays or barriers that preclude men of good intention and merit from entering the public service expeditiously, nor should there be any reason why the public does not honor their service. Those young persons, whatever their background and drawn from the nation at large, who desire this noble calling, should be especially provided with all the practical assistance to allow them to enter with haste into the public service.*

*The work of administration must be steady and undertaken in seriousness by those who have entered into this occupation. It should be only with the greatest exception, and in remarkable circumstances, that those in the public domain engage assistance from those in the private sphere, for whom the compensation and rewards of their efforts are of a vastly different nature.*

*Across all undertakings for the benefit of the nation, must we ensure the balance of powers is maintained across the branches of government.*

*These judicious reflections contain a lesson of moderation to all the sincere lovers of the union. Let us treat the dangers of a longer continuance in our present situation by establishing an administrative apparatus with the requisite energy to secure the blessings of liberty and the steady administration of justice: a nation without a national government is an awful spectacle.*

—PUBLIUS

### **Notes**

1. The author is indebted to Duc Luu, a student at Harvard College, for his research and assistance in preparing this chapter.
2. The quotes from the *Federalist Papers* in this article are all drawn from Shapiro (2009).
3. See Hamilton's *Report on Improvement of the Revenue System to Congress* (1795).
4. Hamilton feels so strongly on this point that he argues in *Federalist* No. 77 that the Senate should be able to "displace as well as to appoint" presidential appointments. If this had been enacted, cabinet officers would be continued in office, once confirmed, until Congress removed them. This certainly would have avoided the situation today in which most government departments are led by "acting" administrators for long periods of time during transitions from one administration to the next.

5. This issue was not resolved until President James A. Garfield was shot by a disgruntled job seeker, leading to the enactment of the Pendleton Act in 1883, which regulated the process of appointing individuals to public office.
6. For complete results, visit the website <http://www.brookings.edu/-/media/Files/Press.Books/2009/peoplefactor/appendixes.pdf>.
7. A study conducted by Booz Allen and the Partnership for Public Service showed that of the 115,670 new hires to the federal government in 2006, some 24 percent had left their agency within two years. Some agencies with high attrition rates have difficulty conducting their work as a direct result of this problem; for example, the U.S. Department of Veterans Affairs has been unable to make a dent in its backlog of disability claims, partly because of the high turnover of newly hired claims specialists, who require two years of on-the-job training to become fully effective.

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