

American Public Service

Constitutional and Ethical Foundations

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DEDICATION

To all of the students who, over the years, have asked hard questions and who have thereby challenged us to provide deeper explanations of the ethical obligations of public administrators.

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Questions of public administration ethics occur with increasing frequency in the news. The stories range from questions about the personal integrity of public officials such as President Bill Clinton, New York Governor Elliot Spitzer, and South Carolina Governor Mark Sanford, or the ethics of President George Bush, Vice President Dick Cheney, and others who perform public duties. Commentators, whether on Fox News, MSNBC, CNN, talk radio, blogs, or other media formats both traditional and new, seem to rejoice in the skewering of public officials, pointing out their misdeeds and raising charges of unethical if not illegal behavior. All too often, however, this scrutiny of public officials seems curiously detached from the sources of those ethics and the rules for their application to current political conflicts. David Rosenbloom, one of the leading scholars of public administration, once argued that the US Constitution and Bill of Rights are the sources of a set of values framing an ethics for public sector managers (1992). John Rohr, another eminent scholar of public administration, has insisted that public administration begins with the constitution, and that, stripped to its essence, the job of public officials is to “run a constitution” (1986).

We take Rohr’s and Rosenbloom’s arguments seriously. This book examines public administration ethics within the context of the constitutional, legal, and political values of the United States, and uses the American system’s constitutional values as the lens through which we might examine both the specific duties of government managers and the appropriate resolution of many contemporary issues confronting (and confounding) public sector officials.

Public administration and service delivery are increasingly being challenged by new and emerging trends in American society. Those challenges have polarized citizens’ expectations of government’s role and they threaten to undermine the capacity of government workers to serve citizens in a neutral and unbiased fashion. Many of these threats come from external pressures, such as interest groups pressing specific religious or discriminatory preferences. Others are internal, such as decisions to privatize or contract out programs for delivery by outside vendors, or to change administrative practices to respond to post-9/11 security needs. Additionally, as American social demographics change, public administrators are increasingly being asked to adopt new practices to address the needs and desires of

emerging and new constituencies. All of these are occurring in the midst of rapid technologic and global changes that present yet another challenge to public service.

Despite these increased demands for changes in service delivery, at least one important question remains constant: What should government do, and what are the values that anchor or define how public administrators should do it?

American Public Service: Constitutional and Ethical Foundations will address this question by illuminating the ways in which the Constitution, Bill of Rights, and court decisions define both the types of decisions that can be made by the government and the processes through which those decisions must be made. We will discuss the ways that these texts, incorporating as they do values such as political and religious neutrality, civil equality, transparency, and respect for individual rights, are core to the practice of public administration. We will also indicate where each of these values fits in a framework for moral decision making in the public sector.

Laurence Lynn, Jr., reminded readers of the centrality of public law to public administration in the introductory paragraphs of an important article:

Although the rule of law is universally regarded as a fundamental principle of democratic governance, the field of public administration continues to exhibit the “anti-legal temper” that emerged in the 1920s, when Leonard White’s managerialism largely displaced Frank Goodnow’s emphasis on the intimacy of law and administration. Although administrative law is a distinguished sub-field of scholarship and practice within public administration, the consensus view within the profession seems to be that law is one of many constraints on administrative discretion rather than its source, a challenge to administrative leadership rather than its guiding principle. In addition to unacceptably narrowing the range of values infusing public administration, such a view undermines the profession’s ability to contribute to the design of our governance arrangements at a time when constitutional institutions are being seriously challenged. To fulfill its constitutional role, public administration must commit itself to the rule of law as an institution that secures its legitimacy. (2009)

The authors of this textbook emphatically agree. It is our hope that the following explication of what we call “the constitutional ethic” will encourage public servants to recognize the importance of what Lynn calls the “intimacy” of the relationship between the Constitution and public administration, and return to the source of the values that animate American public service.

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A C K N O W L E D G M E N T S

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