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Administration & Society published online 26 July 2011
DOI: 10.1177/0095399711413870

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Governing With One Hand on the Plow: Adding the Voice of Federal Farmer to the Constitutional School of American Public Administration

Michael Ross Potter

Abstract

The constitutional school of American public administration contends that the founding fathers’ intentions for government legitimize our modern administrative state. The Constitution and the rhetoric surrounding its ratification are of primary importance to this school. Federal Farmer was one of the most intelligent critics of the Constitution during the ratification debate. His writings represent recurring themes in the governance of the United States that are pertinent to modern-day administrators. These writings present the modern reader with three lessons: Character matters for civil servants, civil servants should understand their constitutional and ethical roles, and bureaucrats must be engaged in the political process and understand the various groups attempting to influence them to be effective.

Keywords

constitution, ethics, administrative discretion, constitutional school, legitimacy

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There appears to me to be not only a premature deposit of some important powers in the general government—but many of those deposited there are undefined, and maybe used for good or bad purposes as designing men prevail.

Letter from Federal Farmer to a Republican, October 12, 1778

Introduction

The constitutional school for American public administration focuses on legitimizing the administrative discretion of individual bureaucrats by arguing that the Constitution and the writings of the founding fathers define their roles. In its present form, the constitutional school builds on the works of scholars such as Waldo (1984), as advanced by Rohr (1986) and refined by Wamsley et al. (1990), Spicer (1995), McSwite (1997), and Rosenbloom (2000). Recent important contributions have been made by Green (2002), Bertelli and Lynn (2006), and Newbold (2008). The school’s primary aim of empowering bureaucrats through constitutional legitimacy is a response to new public management’s insistence on legitimacy through management accountability. The constitutional school posits that administrators are legitimate because of their constitutional role and ability to exercise administrative discretion by interpreting the constitution through Supreme Court decisions and the writing of the founding fathers (Rohr, 1986).

Although the Federalists receive ample attention from constitutional school scholars, the dissenting tradition within the founding fathers has only recently become the subject of serious study. As one of the Constitution’s leading opponents, later known as the “Antifederalists,” Federal Farmer voiced well-founded criticisms of the structure of the new republic. Although his writings circulated primarily in pamphlet form, their influence was surprisingly far reaching. Herbert Storing (1985) referred to Federal Farmer’s letters as “generally and correctly considered to be one of the ablest Anti-Federalist voices” (p. 23). Webking (1987) considered the works of Federal Farmer to be “among the most important published by the Antifederalists in the contest over ratification of the Constitution.” p. 510 Joel Johnson (2004) argued that Federal Farmer’s views on representation were much more complex and significant than recent scholarship has credited it with being. He wrote,

Conventional wisdom holds that the Anti-federalists wanted representative bodies to mirror the electorate, and the Federalists envisioned representation as a device for enlarging and defining popular views. This characterization while accurate in a broad sense, overlooks an important
element in Anti-federalist thought. I argue that certain key Anti-federalists, in particular Federal Farmer and Melancton Smith, synthesized the mirroring and refining ideal into a theory of representation that incorporated the best features of each system (pp. 650-651).

Johnson’s argument that the writings of Federal Farmer are more nuanced than they are commonly held to be is important to this analysis. The Antifederalists were not simply expressing dissatisfaction with the Constitution, they also gave voice to deeply held colonial views on the local nature of effective governance.

Federal Farmer’s first letters were originally printed by Thomas Greenleaf and reprinted in the *Poughkeepsie Country Journal* October 8, 1787. At the conclusion of his 18 essays—the last published January 25, 1788—he was one of the most intelligent critics of the Constitution. The authorship of “Letters from the Federal Farmer” is still a matter of debate, but most scholars lean toward Melancton Smith, Richard Henry Lee, or a “Publius” style combination of the two (Webking, 1987; Wood, 1974). No matter whom the author(s) was or were, the letters were writing from a New York that was overwhelmingly dominated by Federalists. Nevertheless, Federal Farmer was effective in voicing communitarian and structural concerns that still resonate with public administration.

Although the field of public administration currently underestimates Federal Farmer’s writings, his impact was widely recognized among his contemporaries. Regarding the mysterious pamphlets that appeared in New York and Connecticut in 1787, Oliver Ellsworth (1787) referred to Federal Farmer’s letters as being “scurrility poured-out . . . against the new constitution.” Similarly, Edward Carrington, in a letter to Thomas Jefferson dated June 9, 1788, referred the letters as “reputed the best that has been written in opposition.”

The general themes in Federal Farmer’s writings included concerns over the centralization of power in the federal government, fears that the executive would overpower other branches and concerns over appointments. Federal Farmer was concerned that the federal government would become detached and isolated from the municipalities and states. Implicit in his criticisms were a more discursive and organic form of locally based government that would be balanced by state and federal institutions. Many of Federal Farmer’s most salient criticisms represented recurring themes regarding deliberative democracy and legitimacy that impact the governance of the United States and are pertinent to modern-day administrators.

Critics have noted the impact of the Antifederalists on the shaping of the constitution. Wood (1991), for example, wrote,
The Anti-Federalists lost the battle over the Constitution. But they did not lose the war over the kind of national government that the United States would have for a good part, at least of the next century (p. 259).

Although Wood (1991) contended that the departure point between the Antifederalists views on government and our modern system was the Progressive Era, others scholars argue differently. Rohr (1986) pointed out that the modern administrative state answers some of the Antifederalists’ criticisms regarding the Constitution’s structuring of the legislative branch. Among these criticisms were Constitutional shortcomings relating to the representation of Congress and political administrators being loyal to all three branches of the government. McSwite (1997) argued that the Antifederalists’ understanding of power represented a discursive alternative to the structuring of the Federalists. He wrote,

I do not wish to suggest that the Anti-Federalists were heroic figures filled with love and trust in an altruistic human nature, but rather that in their ideas we can find an alternative role for government, one grounded in an understanding of human behavior as regulated organically rather than mechanically and as capable of development (p. 85).

McSwite (1997) argued of the importance of the Antifederalists in establishing the constitutional legitimacy of discursive administration. If, indeed, the Antifederalists are important in establishing the constitutional legitimacy of administration in this extended republic and Federal Farmer was perhaps the leading voice of this movement, then it begs the question, what did Federal Farmer write about administration?

The purpose of this article is to analyze Federal Farmer’s writing and its applicability to public administration. Admittedly, his writings frequently imply rather than explicitly state views of government. However, it is possible to ascertain an understanding of his views of good administration through his normative statements. Federal Farmer’s writings regarding administration present the modern reader with the following three major lessons: Character matters for civil servants, civil servants should understand their constitutional and ethical roles, and bureaucrats must be engaged in the political process and understand the various groups attempting to influence them. Federal Farmer’s writings predict a surprising number of modern concepts, including citizen deliberation, direct democracy, and others addressed by the constitutional school for American public administration (Newbold, 2008).
Character Matters for Civil Servants

Federal Farmer’s view of administrators in the new republic was a complex mixture of appreciation for the talents of those appointed to government and skepticism over their motives. Chief among his concerns were a possible lack of virtue among administrators and the damage their single-minded ambition could cause in the new, ambiguously structured republic. In his view, the honest and modest people who would make the best administrators would generally avoid public life. This desire to put in power those who, at least at face value, did not want it was a common expectation among colonial politicians.

Bailyn (1967) wrote that the ideological origins of the revolution were rooted in a deeply held, inherited view of political philosophy. The Federalists were successful in tapping this colonial vein of civic thought. Primary among these beliefs was that a virtuous administrator should act in concert with and not on behalf of a virtuous politician. Publius would have agreed wholeheartedly with Federal Farmer’s point. He made this abundantly clear in The Federalist. During the colonial and early federal eras, the polity distrusted openly ambitious office seekers. Rather, they expected prospective administrators to feign disinterest in power. In Federal Farmer’s and Publius’s view, entrenched and ambitious administrators would challenge the new government’s ability to act effectively by subverting decision making toward narrow interests.

Like many of the founding fathers, Federal Farmer was familiar with classical works of western political thought. It is no surprise that his ideal public servant was in the mold of Lucius Quinctius Cincinnatus, a Roman patrician citizen who governed with one hand on the plow and refused the temptations of power. Federal Farmer’s simplistic reading of the skills needed for administrators reflects his desire for farmers who reluctantly govern. By desiring that those who administer the government simply walk away from a plow and do it, Federal Farmer makes it clear that he considers administrators’ tasks to be quickly learned. This gives us insight into a paradox in Federal Farmer’s writings: Frequently, he wrote of his desire for simple farmers without ambition of being administrators, whereas at other times he referred administrators as being highly skilled and able to manipulate the governing process to their gain. It could simply be that Federal Farmer was making a normative statement regarding his ideal administrators in government. He preferred volunteer and patrician administrators rather than ambitious and skilled people whom he suspected would be attracted to the power of governing. Nonetheless, this simplistic view of the tasks that an administrator completes and the skills necessary to be effective is difficult to defend (Bennett, 1978).
Whatever the case maybe, Federal Farmer was concerned about overly ambitious administrators driving out those with noble intentions. This fear of ambition is in conflict with Madison’s writing in *Federalist 51* that “ambition must be made to counteract ambition” (Cooke, 1961, p. 349). Although Madison viewed ambition as a necessity in the administration, Federal Farmer regarded it as a bureaucratic flaw. Because the administrative offices of the new federal republic would be endowed with greater power than any other similar positions in the previous colonies, Federal Farmer was convinced that only the most “ambitious and necessitous” men would seek them (Bennett, 1978, p. 84). This suspicion included members of Congress. However, Madison’s concept of “ambition” dovetailed with that of Federal Farmer’s. Madison wanted to structure government to be aware of self-interest when government lost public confidence, Federal Farmer contended that a properly managed government with effective local governments could never lose the confidence of the people because the government would be so close to (and indeed comprised of) the governed.

Federal Farmer’s concerns about ambition may thinly cloak a bias as to the class that, in his view, should dominate the administration. Members of the plantation class often believed that greatness should be thrust on great men rather than openly coveted. George Washington (1997) typified this perspective as a farmer who embraced the image of the wealthy patrician general. Whether Washington’s lack of ambition was genuine may be questioned; nevertheless, many viewed it as so. Washington (1997) in a letter to his wife on June 18, 1775, stated, “So far from seeking this appointment I have used every endeavor in my power to avoid it” (p. 168). If in as private a forum as an intimate letter to his wife, Washington was reticent and humble, it seems likely that the expressions were genuine. However, Federal Farmer viewed this as the ideal for politicians but not typical. In short, Federal Farmer wanted administrators and congressman to show the humility and restraint that Washington had shown in accepting the command of the Continental Army. Federal Farmer’s point is clear: He wanted secure men, in the mold of Washington, who would not be easily attracted to power to serve in government (Bennett, 1978).

Federal Farmer’s concern for officeholders using their position to feed their ambition also extended to Congress. Specifically, he worried about the ability of members of Congress to abuse the appointment process for profit. In our modern system, retired members of Congress frequently become lobbyists to profit from their connections. Federal Farmer worried that such political retirees would be appointed to lucrative administrative posts. Federal Farmer wrote, “The valuable effects of this principle of making legislators ineligible
to offices for a given time, has never yet been sufficiently attended or consider” (Bennett, 1978, p. 86). Federal Farmer viewed this as a dangerous violation of the separation of powers. If Congressmen could influence their former colleagues to legislate in a manner that benefited the new administrator over others, it could corrupt the policy process.

Federal Farmer saw it as unethical for an office to be both created and filled by the same people. This gives insight to Federal Farmer’s view of administrative appointments. Many in government viewed appointments simply as profitable positions. This caused appointments to be abused and led to poor administration (Bennett, 1978, p. 85). In this view, Federal Farmer anticipated Alexis De Tocqueville’s argument in *L ’Ancien Regime* that poor administrators bent only on profiting from their position are a serious threat to the stability of a republic. Federal Farmer believed that only by having patrician administrators of high character serving limited terms could the government preserve stability and fidelity to the public.

Federal Farmer also distrusted the centralization of power in the Federal government. He voices this position through his suspicion of the military. He believed that Constitution as written would cause law enforcement to fall under a centralized military rather than a locally elected sheriff. This concern resulted from the lack of a constitutional provision for “posse comitatus” for executing the laws in localities. Because of this, Federal Farmer feared that the Constitution allowed Congress to execute laws via the militia structure, which he described as “introduce(ing) an entire military execution of the laws” (Storing, 1985, p. 51).

Alexander Hamilton (1984) famously refuted this criticism in *Federalist 29*. He pointed out that many of the same people who would comprise a posse comitatus would also serve in the local militia; therefore, Farmer’s concerns seem unwarranted. Hamilton (1984) wrote,

> Where in the name of common sense are our fears to end if we may not trust our sons, our brothers, our neighbors, our fellow citizens? What shadow of danger can there be for men who are daily mangling with the rest of their countrymen; and who participate with them in the same feelings, sentiments, habits and interests? (p. 287)

Hamilton (1984) made a strong point when he argued that the local administration of justice would be executed by the same people whether it occurred within the posse comitatus or militia structure.³

The roots of Federal Farmer’s fears of the military execution were the English fears of a standing army and his desire for communitarian values; however,
the reality in the new republic was that militias drawn from localities, which were informally structured, made up most of the nation’s military capability. Militias were the type of ad hoc and unprofessional locally based military organization that would have made Cincinnatus proud. This was far from the old English Whig fears of a professional standing army (Carroll & Baxter, 1993).

Federal Farmer’s suspicion of a military-state conveys to us a continuing paradox regarding the character of government officials. His concern regarding the character of civil servants seems to be linked to an unaccountable and far away administrative structure. Federal Farmer preferred locally based administrators who interacted with those being governed. In this sense, Federal Farmer desired high character and a vested and local interest in the jurisdiction being governed. Only this practical arrangement could assuage his considerable discomfort with ambitious office seekers.

Despite Federal Farmer’s suspicions regarding the ambition of administrators, he also had a positive view of their abilities. Although at times devaluing administrators by stating that those best suited would not walk away from their farms, at other times Federal Farmer understood that the expertise of these men would be a valuable asset to the new government. He wrote, “We may fairly presume, that the judges, and principal officers in the departments, will be able well informed men in their respective branches of business” (Bennett, 1978, p. 90). Therefore, although suspicious of their ambition, Federal Farmer appreciated the necessity of having skillful administrators. Therein resides the greater paradox of Federal Framers’ writings on the character and skills of civil servants: He wanted administrators who were cunning enough to be effective but understood that they should be working toward a greater good and not their own narrow interests. The talented patrician civil servants who could accomplish this balancing act must have an understanding of self-interest while simultaneously ignoring their own.

**Civil Servants Should Understand Their Constitutional and Ethical Roles, Especially at the Local Level**

Federal Farmer’s understanding of the role that civil servants would play in the new government rested on his understanding of the deficiencies in the Constitution. Nevertheless, his views of what would prevent government corruption and render administrators effective aimed at achieving effective administration. Essentially, he posited that only a localized and effective
bureaucracy could overcome the deficiencies in the federal government. Devotees of devolution and new federalism likely found this argument quite familiar. Federal Farmer was keenly aware of the powerful role that bureaucrats would play in governing at the local level. This topic received little explicit discussion in the Constitution. Although Federal Farmer’s constitutional criticisms do not extend to their logical conclusion—that the bureaucracy can serve as a force for good governance in society—the writings presume a local and effective bureaucracy (Storing, 1985).

Federal Farmer wanted administrative experience to be an important part of government. He wrote, “Good government is generally the result of experience in gradual improvements, and a punctual execution of the laws is essential to the preservation of life liberty and property” (Storing, 1985, p. 69). This “experience” could be housed in few other places than in the administration. Legislators, far from the policy issues because of their concern with reelection and preoccupied with satisfying their constituency, could become myopic in their perspective. Therefore, politicians would largely be unable to become experts without becoming entrenched and flirting with tyranny. The “punctual execution” referenced by Federal Farmer touched on the root of the administrative system. By deliberating endlessly in Congress, policy could occur, but by delegating to the administration, policy could occur more quickly. Although Federal Farmer ignored the issue of the delegation of authority to bureaucrats, without the ceding of power and responsibilities, legislative assemblies have great difficulty punctually executing laws. Finally, Federal Farmer evoked John Locke’s Second Treatise on Civil Government by referencing “life, liberty and property.” What greater protection, possibly with the exception of the courts, could there be than in the administration?

In what is perhaps Federal Farmer’s most famous criticism of the Constitution, he was unimpressed by the structure of the legislative branch. This concept is familiar to many students of public administration because of the work of Rohr (1986). Rohr’s thesis was that modern human resource rules in the civil service have made the bureaucracy representative of the people in a manner that the legislature is not. This is an inventive solution to the problem that Federal Farmer posed. He wrote,

Independent of the opinions of many great authors, that a free elective government cannot be extended over large territories, a few reflections must evince, that one government in general legislation alone, never can extend equal benefits to all parts of the United States: Different laws, customs, and opinions exist in the different states, which by uniform system of laws would be unreasonably invaded. (Storing, 1985, p. 39)
Federal Farmer’s criticism has a bearing on the fairness and equality of policy as filtered through administration. The criticism also touches on the concept of the legitimacy of bureaucracy. If a centralized legislature could not effectively represent the diverse interests of regions and localities, perhaps a diverse and localized administration could? In his second letter, Federal Farmer wrote,

In examining the proposed constitution carefully, we must clearly perceive an unnatural separation of these powers from the substantial representation of the people. The state governments will exist, with all their governors, senators, representatives, officers and expences; in these will be nineteen-twentieths of the representatives of the people; they will have a near connection, and their members an immediate intercourse with the people; and the probability is, that the state governments will possess the confidence of the people, and be considered generally as their immediate guardians (Bennett, 1978, p.12).

The local flavor of colonial government also underpins Federal Farmer’s vision of the administration. His discussion of “a full and equal representation, is that which possesses the same interests, feelings, opinions, and views the people themselves would were they all assembled” evidenced this vision as does his insistence on “jury trials of the vicinage in the administration of justice” (Storing, 1985, p. 39). Federal Farmer was worried about the continuation of the colonial practice of exporting criminals to other districts for trial. Congress addressed this concern by ratifying the Sixth Amendment to the Constitution on December 15, 1791, and Federal Farmer’s criticism was undoubtedly a factor in its passage.

More importantly, for the purpose of this analysis, his position regarding jury trials of the vicinage gives an insight into his specific concerns regarding administrative structure. Federal Farmer was wary of far-off governments making decisions impacting localities that may not consider the vast cultural differences that existed in 18th-century America. This position would be in agreement with much of the recent writings advocating deliberative and inclusive democracy. Federal Farmer contended that regionalism and engagement were effective policy-making tools. Far from undervaluing local disparities like recent governmental programs such as the Great Society (Goodwin, 1976), Federal Farmer wanted these differences to be defining aspects of policy and the policy process. Modern scholars, such as Kemmis (1992), embraced the importance of the concept of place in governance. An understanding and focus on place links Federal Farmer to modern ideas of citizenship, commonality,
and good-faith dissent. An accessible local government is one in which there is both a shared commonality and a sense of identity. Federal Farmer worried considerably about the culture and place of a federal district, as he explained in his second letter:

The general government will consist of a new species of executive, a small senate, and a very small house of representatives. As many citizens will be more than three hundred miles from the seat of this government as will be nearer to it, its judges and officers cannot be very numerous. (Bennett, 1978, p. 12)

Understanding the community and its effect on policy making is a fundamental aspect of the modern deliberative democracy movement. Furthermore, both Federal Farmer and the deliberative democracy movement espouse that government should be accessible to all levels of society. By seeking to engage in a discourse and blurring the lines between those governed and being governed, deliberative democracy focuses on the engagement of citizens through a negotiated process. Federal Farmer’s views of the Senate’s role as an institution and the nature of the bureaucracy reflect similar beliefs (Storing, 1985).

Federal Farmer’s views regarding separation of powers are particularly interesting when considered within the context of the modern administrative state. He contended that Montesquieu’s concept of separation of powers should be used as a guideline and not a steadfast rule. He wrote,

It is a good general rule, that the legislative, executive, and judicial powers, ought to be kept distinct; but this, like other general rules, has its exceptions; and without these exceptions we cannot form a good government, and properly balance its parts: and we can determine only from reason, experience, and a critical inspection of the parts of the government, how far it is proper to intermix those powers. (Bennett, 1978, p. 91)

Interestingly, this view dovetails with those views of Madison on the blending of powers and partial agency (Green, 2002). The implications of this for the modern administrative state are sweeping. A classic criticism of public administration is that it violates the separation of powers doctrine by allowing bureaucrats to exercise legislative (rule making) and judicial (adjudicatory) powers. If we view separation of powers as a “general rule” that can be excepted when “reason, experience, and a critical inspection” necessitate, this criticism loses its force (Bennett, 1978, p. 91).
In fact, Federal Farmer wanted a more integrated governmental structure. When writing regarding the veto power of the president, Federal Farmer contended that it was important that the executive and judiciary have a share in making laws, as they would be tasked with executing and interpreting them (Bennett, 1978). He was comfortable, like most early Americans, with a certain amount of blending of powers. In the colonial government of Virginia, the Governor’s Privy Council served as the cabinet, the upper house, and the Supreme Court. In fact, Federal Farmer referred to the president as the “executive magistrate” throughout his writings, further connoting the shared powers view of the office, as magistrates are typically judicial officeholders rather than a member of the executive branch (Greene, 1986, pp. 32-33).

Federal Farmer’s view of the Senate as a blended institution is an interesting study in the nuance of his writing. Ellenbogen (1996) contended that Federal Farmer and John Adams did not view the Senate as a check on any other branch of government. Rather, it was created to balance the representation of the people with the representation of the “natural aristocracy.” When considered through this lens, the Senate becomes a tool for a more complete representation rather than a deliberating and geographical check on factions. This is far from Madison’s (1999) view that the Senate was the “great anchor of government” (p. 146). Rather, Federal Farmer believed it would be a proactive institution asserting the claims of the states and the wealthy.

Although comfortable with the blending of powers, Federal Farmer was concerned with limiting power in the government’s administrative structure. He proposed that this be done in two ways: first, by making explicit the powers of each branch, and second, by adequately empowering those tasked with executing the laws. Federal Farmer’s criticism of the Constitution’s powers focused on preventing despotism through explicit enumeration. He believed that vague powers would create a vacuum that ambitious men would fill. Granted, these “designing men” could act toward “good or bad purposes,” nonetheless, any good completed outside the strict structure of government would be counterbalanced by the actions and abuse of bad men (Storing, 1985, p. 54).

Insulating the administration from undue influence, as a bulwark against despotism, resonates in modern public administration. Federal Farmer did not want administrators to become props for increasing the power of governmental actors (Storing, 1985). By empowering administrators through wise delegations of power, Federal Farmer contended that this problem could be avoided. He wrote,

Adequate powers must be delegated to those who govern, and our security must be in limiting, defining, and guarding the exercise of them, so
that those given shall not be abused, or made use of for openly or secretly seizing more. (Bennett, 1978, p. 93)

Even while advocating empowering of administrators, Federal Framer would not agree with civil service protections for government employees. Ever the critic of entrenched power, his writings anticipated Andrew Jackson’s rotation system. Federal Farmer’s views also extend to the chief executive. In fact, he proposed that the president be allowed to serve one 7-year term. Part of the argument for this limitation was the prevention of nepotism. Federal Farmer wrote that a president who was concerned with elections would focus on acquiring prestige. Therefore, the president would be tempted to fill his administration with “his own props and dependants” (Bennett, 1978, p. 95).

One of the roles of the modern administrative state, as espoused by Rohr (1998), is to slow down policy making. Federal Farmer ascribed this role in the new federal government to a proposed “Executive Council.” Federal Farmer asserted that the executive council could act to slow down policy making to make better laws. In Federal Framer’s view, the council could also “prevent the legislature from encroaching on the judiciary” and “assist the people” (Bennett, 1978, p. 92).

In many ways, the modern bureaucracy has filled the role Federal Farmer envisioned for the Executive Council. Both would act as a storehouse of expertise, somewhat independent of the executive, and as a nonelected check on the power of the president. This system echoes not only the colonial Privy Council but also the independence of the commission structure. Federal Farmer opined that some of the councilmen could be elected by the legislature but by no means should the president appoint members (Bennett, 1978).

Federal Farmer clearly envisions the structure of this council as a more democratic version of the Privy Council. Federal Farmer’s executive council would consist of seven to nine members. The people would vote for 14 to 18, from whom Congress would select the council. Primarily, this body would appoint and advise the president, a Privy Council function. This eventually morphed into the first cabinet as appointed by President Washington. The cabinet exists as department heads and advisors and the executive council exists as legislators and advisors, independent of the president (Bennett, 1978).

The executive council would also act in concert with the president as “a receptacle for residuary powers” (Bennett, 1978, p. 88). These powers were those traditionally granted to the sovereign. However, to prevent abuse of the power, Federal Farmer wanted the president to share power. He firmly embraced the notion that shared power is more important in preventing tyranny than separating power. This is a valuable lesson for the modern administrative state.
Madison’s writing regarding “partial agency” in Federalist 47 expresses the same concept: “departments ought to have no partial agency in, or no control over, the acts of each other” (Madison, 1999, p.274).

Federal Farmer’s views on the structure of the administration were complex: At times he was distrustful of ambitious men, at other times, he extolled their expertise. Even though he wanted to keep most of the government close to the people in localities, he was distrustful of the militia structure. Perhaps most importantly, although he desired a stronger federal government, he understood that its power should be checked, although he did not want branches and levels of government checked by a separation of powers. Federal Farmer saw that although a government can be too powerful and despotic, it can also be weak and ineffectual.

According to Federal Farmer administrators should understand the complex role they play within a local government. They can serve as a balance where the different branches of government can be limited. Also, the bureaucracy should be empowered and legitimate but limited with strict delegations of authority. In Federal Farmer’s view, this would serve to solidify civil servants’ positions as ethical and Constitutional actors within the new government.

**Bureaucrats Should Be Engaged in the Political Process and Understand the Various Groups Attempting to Influence Them**

Federal Farmer envisioned that bureaucrats would be reliant on character and skill to act as a bulwark against the many corrupting influences that would seek to curry their favor. His solution to this problem included insulating administrators from the political process in some respects and espousing that they wholeheartedly engage it in others. In large part, a bureaucrat’s ability to be effective and resist corrupting influences would be reliant on their character and political acumen. Therefore, the chief magistrate, Executive Council, or Congress, should appoint administrators who could administer the government with a higher moral understanding.

Federal Farmer considered the power to appoint administrators to be one of the most important functions of government. Consistently in his writing, there was concern, bordering on obsession, with the potential for abuse of the appointments process. Federal Farmer considered the abuse of the appointment system to be one of the greatest threats to a well-run government:

Even in the most happy country and virtuous government, corrupt influence in appointments cannot always be avoided; perhaps we may
boast of our share of virtue as a people, and if we are only sufficiently aware of the influence, biases, and prejudices, common to the affairs of men, we may go far towards guarding against the effects of them. (Bennett, 1978, p. 84)

This passage followed much of the reasoning of the movement toward merit in the republic during the late 19th century. What better way was there to prevent abuses in the appointments system than by installing a system of testing? Although this answer makes sense in the modern context, Federal Farmer’s answer was to shift the responsibility for appointments away from the president and onto the proposed Executive Council, legislature, and department heads. He even wanted some of the administrators to stand for election. This system, with the exception of the executive council, supplanting the president and elected offices, looks very similar to the modern civil service. Although the president appoints federal judges and justices, the Senate accepts or rejects the president’s nominations vis-à-vis its constitutional obligation to provide advice and consent; the vast majority of hiring is done in the agencies. The modern hiring process was put in place to prevent the type of corruption that Federal Farmer feared “executive heads” and the “Executive Magistrate” would orchestrate (Bennett, 1978, p. 84).

Knowing fully well that nothing foments instability in a government faster than ineffective and corrupt administrators, Federal Farmer wanted a system of administrative punishment. Although he wanted punishment for civil servants who erred, he did not want it meted out by the legislature. He was leery of the administration becoming overly politicized:

There is also a general impropriety in the same men’s making offices and filling them, and still a greater impropriety in their impeaching and trying officers they appoint. For this, and other reasons, I conclude, the legislature is not a proper body for the appointment of officers in general. (Bennett, 1978, p. 86)

Furthermore, Federal Farmer wanted lower level appointments handled by the departments or even courts of law. He regarded the power of appointments being distributed throughout the government as another important check on tyranny.

Although worried about the appointment of bureaucrats, Federal Farmer also wanted enlightened political administrators. In Federal Farmer’s view, the bureaucracy should serve all masters, that is, the president, the legislature, the judiciary, and the people. Federal Farmer’s encompassing view of administration was not influenced by Georg Hegel’s (1942) view of a “Universal
Class” of bureaucracy, but it certainly is in agreement with it (pp. 156-157). The bureaucracy should act, in Federal Farmer’s view, as a forum where the branches can balance each other. Although in the modern state this occurs through administrative action and structure, Federal Farmer wanted this to occur through the appointments process:

We may fairly presume, that the judges, and principal officers in the departments, will be able, well informed men in their respective branches of business; that they will, from experience, be best informed as to proper persons to fill inferior offices in them; that they will feel themselves responsible for the execution of their several branches of business, and for the conduct of the officers they may appoint therein. (Bennett, 1978, p. 90)

This passage also gives us insight into Federal Farmer’s views on the bureaucrats in the new republic. As long as good men are selected, he sees them as having a tremendous ability for keeping the government in balance.

The ambiguous wording of Article 2, Section 2 of the Constitution that vests the power of appointments in several different bodies provides a basis for this argument. The Constitution reads, “But the Congress may by Law vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of the departments (GPO, 2009, p. 11).” Federal Farmer called for clarity compelled by the ill-defined term “inferior officers.” In his view, by delegating the power to the president, the legislature ceded this powerful aspect of governance. Only by carefully maintaining control of that delegation could the intended check on the executive remain (Storing, 1985, p. 55).

According to Federal Farmer, for the government to stay in balance, the power appointments must be viewed as a privilege granted to the president by the legislature. Federal Farmer saw the ability to balance the administrators appointed by the president with those appointed by other means as imperative in keeping tyranny at bay. When the president becomes too powerful because of his appointments, the legislature should remove some administrators and replace them with ones more independent or inclined toward Congress (Bennett, 1978).

Federal Farmer viewed character as the primary requisite for a good administrator, wanting people who will do what is “right” rather than what ambition necessitates. According to Federal Farmer, good government can occur by keeping administrators insulated from some politics and embracing others. By selecting administrators with good character, Federal Farmer contended...
that they could be exposed to a myriad of interests without worry that these would corrupt their judgment. In our contemporary system, bureaucrats should be open to meeting and understating the policy arguments of stakeholders but be sophisticated enough to explain why government action is in the “public good” rather than the narrow interest of the few. In short, Federal Farmer did not want the bureaucracy controlled by anyone, but he wanted them to be influenced by all. This is an important lesson for modern administrators.

**Conclusion**

The general, administrative themes in Federal Farmer’s writing addressed concerns over the centralization of power in the federal government, fears that the executive would overpower other branches, and concerns over appointments. Many of these criticisms foreshadow recurring themes in the governance of the United States that are pertinent to modern-day administrators. Federal Farmer’s writings regarding administration generally fall into three categories: Who would be the administrators of the new republic? How the bureaucracy would be structured to be an amalgamation of local governments with devices such as the federal Senate to smooth intergovernmental relationships? and In which manner executive officers would be selected?

According to Federal Farmer, character was of primary importance to civil servants in the new republic. His attitudes toward who would govern were a complex mixture of appreciation for the talents of those appointed to government and skepticism over their motives. He was afraid of ambitious office seekers, who wished to profit from lucrative administrative appointment. Federal Farmer assumed that administrators without virtue could damage the new republic. In his view, the honest and modest people who would make the best administrators generally avoided public life. He desired administrators who would act as citizen-bureaucrats in the mold of an administrative Cincinnatus. These administrators would be patricians who would govern with one hand on the plow.

Federal Farmer located his views on the structure of the bureaucracy on what he perceived as being deficiencies in the Constitution. Nevertheless, he based his view of what made government good in the public administration, which received little explicit mention in the Constitution. Unimpressed by the legislative branch’s structure, Federal Farmer was also concerned about jury trials of the vicinage and posse comitatus laws. This is primarily because he was leery of far-off governments making decisions impacting localities that did not factor in the vast cultural differences that existed in 18th-century America and persist to this day.
Federal Farmer wanted civil servants to understand their constitutional and ethical roles, especially at the local level. His views of separation of powers and the role of the upper legislative chamber will likely resonate with students of the administrative state since the New Deal. He viewed the separation doctrine as a general rule or a loose blending, as in Madison’s partial agency and not an unbreakable commandment. If separation of powers is viewed as being a general rule that can be excepted when reason, experience, and a critical inspection necessitate, this criticism loses its force.

The local spirit of his republic guided Federal Farmer’s ideas regarding the prevention of one branch overpowering the others. An accountable and accessible local government would prevent most abuses of power. At the state and federal level, the governments would merely act as a continuation of the local ethos. This would occur through the Senate at the federal level, which was expressly designed as an intergovernmental representative, and the courts at the state level. These additional “checks” coupled with the decentralized and distinctive nature of the various local governments would prevent any one branch or even anyone level from overpowering the others. Furthermore, Federal Farmer was comfortable, like most early Americans, with a certain amount of blending of powers. Governmental roles for the various branches should be enunciated and established; however, for one branch to effectively interact with another, there should be some overlapping responsibilities. This is because the classifications for the responsibilities of branches do not jibe with the complex and ambiguous policy environment we currently have. In the colonial government of Virginia, the Governor’s Privy Council served, essentially, as the cabinet, the upper house, and the Supreme Court. In many ways, the modern bureaucracy has filled the role Federal Farmer envisioned for the Executive Council. A group of advisors who are independent of the executive would be a nonelected check on the unitary power of the president.

Federal Farmer wanted enlightened and insulated administrators who could understand the political process and the various groups seeking to influence it. Federal Farmer considered the power to appoint administrators to the federal government to be the most important of governmental functions. In Federal Farmer’s view, the bureaucracy should serve all masters: the president, the legislature, the judiciary, and the people. According to Federal Farmer, for the government to stay in balance, the power to appointment must be viewed as a privilege granted to the president by the legislature.

Students of modern public administration should see great value in the founding fathers’ alternative conceptions for American government. The constitutional critique presented by Federal Farmer and the solutions of community-oriented governance are as applicable today as they were in 1787-1788. Federal Farmer understood that a federal government would not be able
to sufficiently engage and govern the polity. In his view, citizens would be involved in governing and being governed. This active orientation toward citizenship and those who govern has been an integral part of new forms of local governance that is deeply rooted in the constitutional heritage of our extended republic.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

Notes

1. Stephanie Newbold (2008) has an accepted manuscript that is forthcoming in Public Administration Review, titled “Building a Constitutional School for American Public Administration.” She should be acknowledged for putting this idea into mainstream public administration literature through this article and her presentation at Minnowbrook III.

3. Many of Alexander Hamilton’s (1984) most brilliant arguments including Federalist Nos. 8, 10, 15, 29, 35, 36, and 68 were at least in part a response to Federal Farmer’s letters.

4. I should note that Locke did not value all three of these values equally. Overwhelmingly, Locke’s concern was with property. He wrote, “The great and chief end, therefore, of men’s uniting into commonwealths, and putting themselves under government, is the preservation of their property” (Locke, 1690, p.58).

5. If, in fact, Federal Farmer was Richard Henry Lee, as asserted by most scholars until 1974, the Privy Council structure was very familiar to the writer. The Lee family in Virginia held a seat on the council for much of its existence. This may explain why Federal Farmer was sympathetic to the concept of an Executive Council that would have operated similarly to the colonial Privy Council.

References


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