



The Constitutional Order and Foundations of American Governance

POSC 315: Introduction to Public Policy

Week 2, Lecture 1

Introduction

- Justice Scalia's death sparked debates over judicial appointments.
- Political gridlock highlights the importance of constitutional interpretation.
- The evolving role of policy analysis in navigating governance challenges.
- **Example:** Current challenges in Supreme Court confirmations.

Learning Objectives

By the end of this lecture, you will be able to:

- Define and identify key institutions in American governance.
- Explain the role of the Constitution in policymaking.
- Analyze the impact of separation of powers on policy development.
- Apply constitutional principles to current policy issues.
- Discuss the concept of federalism and its implications for policy.

Institutions

Institutions

Definition

Rules that govern interactions and transactions.

- **Examples:**

- Family, Business, Religion.
- Hospitals, Schools, Communities.
- Capitalism, Marriage, Voting.
- Education, Legislatures.

Importance of Institutions in Public Policy

- Shape behavior and decision-making.
- Provide structure for policy implementation.
- Influence policy outcomes.
- Create paths of dependency in policy evolution.
- **Example:** Voting systems shaping electoral outcomes.

Discussion Prompt - What Institutions Matter?

Group Discussion

- Which institutions do you interact with most in your daily life?
- How do they influence your decisions?
- Small group discussion (5 minutes).
- Share key insights with the class.

The Constitutional Order

The Constitution and Policymaking

- **Living Document:** Adaptable through amendments and interpretation.
- **Purposeful Vagueness:** Encourages flexibility.
- **Elasticity:** Supports growth and responsiveness.
- **Example:** Evolution of the Commerce Clause in regulating markets.

Key Constitutional Provisions

- **Article I, Section 8:**
 - Commerce Clause.
 - Elastic Clause.
- **Amendment 14:**
 - Due Process.
 - Equal Protection.
- **Amendment 10:**
 - Federalism Structure.

Constitutional Interpretation

Interpretative Approaches:

- Originalism vs. Living Constitution.
- Strict vs. Broad interpretation.

Key Concepts:

- Role of precedent.
- Impact on policy.
- Judicial review.

Example: Landmark cases like *Brown v. Board of Education*.

Separation of Powers

Three Branches of Government

1. **Legislative (Article I):** Makes laws.
2. **Executive (Article II):** Enforces laws.
3. **Judicial (Article III):** Interprets laws.

Role of Checks and Balances

- Prevents concentration of power.
- Contributes to policymaking complexity.
- **Examples:**
 - Veto power.
 - Judicial review.
 - Advice and consent.

Policy Actors

Official Policy Actors

- **Legislative Branch:**
 - Drafting and passing laws.
 - Committees and subcommittees.
- **Executive Branch:**
 - Proposing legislation.
 - Executive orders.
- **Judicial Branch:**
 - Interpreting laws.
 - Judicial review.

Unofficial Policy Actors

- **Interest Groups:**

- Lobbying and advocacy.
- Campaign contributions.

- **Media:**

- Agenda-setting.
- Framing issues.

- **Think Tanks:**

- Policy research.
- Public opinion influence.

Activity: Investigate lobbying practices via We the Voters series.

Federalism

Federalism Overview

Definition

Division of power between national and state governments.

- **Constitutional Basis:** 10th Amendment.
- **Types of Powers:**
 - Enumerated powers (federal).
 - Reserved powers (states).
 - Concurrent powers (shared).

Improving Policy Capacity

- Invest in public education and engagement initiatives.
- Encourage bipartisan cooperation to reduce gridlock.
- Strengthen state policy capacity through federal support.

Activity: Analyze public trust trends via Pew Research Center.

For Next Time