

# Official Actors in the Policy Process

## Executive, Bureaucracy, and Judiciary

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### POSC 315: Introduction to Public Policy

#### Lecture 4.2

# The Executive Branch

# Executive Branch: Core Functions

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- **Law Execution:** Implements legislation and ensures laws are faithfully executed
- **Policy Leadership:** Agenda setting, policy proposals, initiative development
- **Foreign Relations:** Diplomacy, treaties, international coordination
- **Crisis Management:** Emergency leadership, national security, rapid response

# Executive Policy Tools

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- Executive Orders
- Memoranda
- Proclamations
- Signing Statements
- Veto Power

These tools let the executive branch shape policy without direct legislative action.

# Executive Influence

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## Agenda Setting

- Directs public and media attention
- Frames crises and key issues
- Uses the “bully pulpit”

## Bureaucratic Oversight

- Appoints agency leadership
- Directs policy implementation
- Proposes and shapes the budget
- Reviews regulations

## Scope and Scale

- 2,000–3,000 political appointees
- 15+ Cabinet departments
- \$6 trillion+ annual budget authority

# The Bureaucracy



# Bureaucracy: Implementation Role

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1. **Policy Implementation:** Turns laws into programs
2. **Regulation Development:** Writes rules to operationalize goals
3. **Program Administration:** Manages resources and operations
4. **Service Delivery:** Provides direct services to citizens

# Bureaucratic Structure

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- **Hierarchical Organization:** Chain of command, divisions, formal communication
- **Personnel Systems:** Merit hiring, civil service protections, professional development, performance evaluation

Bureaucracy balances democratic accountability with technical expertise and efficiency.

# Street-Level Bureaucrats: Who Are They?

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“The decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out.”

—Michael Lipsky

## Who are street-level bureaucrats?

- Police officers (exercise discretion in enforcement)
- Teachers (make classroom-level decisions)
- Social workers (manage individual cases)
- DMV clerks, public health nurses, housing inspectors, and more

# Street-Level Bureaucrats: Roles & Challenges

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## Key characteristics:

- Direct, daily interaction with the public
- Significant discretionary authority in applying rules
- Operate under resource and time constraints
- Face high-demand, high-pressure environments
- Rely on professional judgment to resolve ambiguity

The choices and routines of street-level bureaucrats shape how policies are experienced by citizens—often determining real-world outcomes.

# Bureaucratic Power: Expertise & Authority

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## Technical Expertise

- Deep subject-matter knowledge
- Practical insights for policy implementation
- Ability to advise and inform elected officials

## Administrative Authority

- Writes detailed rules and regulations
- Exercises discretion in enforcement
- Allocates resources and manages programs

# Bureaucratic Independence

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## Why Are Agencies Independent?

Bureaucratic agencies build power through:

- **Expertise:** Specialized skills and institutional memory
- **External Support:** Relationships with interest groups and the public
- **Congressional Alliances:** Budgetary and oversight connections

Even under executive control, these factors give agencies autonomy and influence.

# The Judiciary

# Judiciary: Constitutional Role

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- **Constitutional Interpretation:** Defines constitutional meaning and application
- **Legal Dispute Resolution:** Settles conflicts by legal principles
- **Rights Protection:** Safeguards constitutional and civil rights
- **Government Oversight:** Checks actions of other branches

## Key Facts:

- 9 Supreme Court justices
- ~80 SCOTUS cases per year
- Judicial review established by *Marbury v. Madison* (1803)



# Judicial Powers: Review and Authority

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## Judicial Review

- Interprets the Constitution and statutes
- Reviews actions of Congress, the executive, and agencies
- Sets legal precedent for future cases

Judicial review is not explicitly stated in the Constitution—it was established by *\*Marbury v. Madison\** (1803).

# Judicial Powers: Jurisdiction

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## Jurisdictional Authority

- **Original Jurisdiction:** Hears cases first (e.g., disputes between states)
- **Appellate Jurisdiction:** Reviews decisions from lower courts
- **Federal Question Cases:** Involves federal law or the Constitution
- **Diversity Cases:** Disputes between parties from different states

# Judicial Policy Impact: Direct Effects

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- **Constitutional Rulings:** Courts can strike down or uphold laws based on constitutional interpretation.
- **Statutory Interpretation:** Judicial decisions clarify the meaning and application of legislation.
- **Oversight of Agencies:** Courts review agency actions for legality and fairness.
- **Court-Ordered Remedies:** Judges can mandate specific actions or changes to address legal violations.

# Judicial Policy Impact: Indirect Influence

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- **Agenda Setting:** Court decisions can elevate issues to national prominence.
- **Policy Framing:** Judicial opinions shape how policies are understood and debated.
- **Influencing Other Actors:** Rulings affect the behavior of legislators, executives, and agencies.
- **Legitimacy:** Judicial endorsement or rejection can grant or remove legitimacy from policies.

# Judicial Constraints: Institutional Limits

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- **Case or Controversy:** Courts only decide actual disputes, not hypothetical questions.
- **Standing:** Parties must show direct, personal harm to bring a case.
- **Stare Decisis:** Courts generally follow established precedent.
- **Passive Role:** Judiciary cannot initiate cases—must wait for issues to be brought before them.

# Judicial Constraints: External Factors

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- **Implementation Dependence:** Courts rely on the executive and others to enforce decisions.
- **Public Opinion & Legitimacy:** Judicial authority can be shaped by societal acceptance.
- **Jurisdictional Boundaries:** Courts are limited by the scope of their legal authority.

"The judiciary has neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments."

—Alexander Hamilton, Federalist No. 78

# Policy Process Integration

## How the Branches Interact

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- **Checks and Balances:** Each branch oversees and limits the others
- **Interdependence:** Policy responsibilities are shared
- **Feedback Loops:** Actors learn and adapt over time
- **Conflict Resolution:** Both formal and informal mechanisms are used

All official actors constrain each other—creating a dynamic, adaptive policy system.

# Case Study: How Environmental Policy Happens

## Clean Air Act in Action:

- **Congress:** Passes the law and sets goals.
- **President:** Signs, sets priorities, and issues executive orders.
- **EPA:** Writes regulations, monitors, and enforces standards.
- **Courts:** Interpret the law and resolve disputes.

*Environmental policy is shaped by all branches at every step.*



# Theoretical Analysis of Policy Actors

**Key Insight:** Each actor's influence is shaped by both institutional rules and behavioral motivations—understanding both is essential for policy analysis.

### **Executive**

Institutional: Constitutional powers, formal authority

Behavioral: Legacy-building, electoral concerns

### **Bureaucracy**

Institutional: Formal structures, rules, hierarchy

Behavioral: Professional incentives, budget motives

### **Judiciary**

Institutional: Constitutional authority, jurisdiction

Behavioral: Ideological preferences, legitimacy

# Key Takeaways

- Executive branch wields significant formal and informal power
- Bureaucracy brings expertise and discretion to implementation
- Judiciary shapes policy via constitutional and legal interpretation
- Policy outcomes result from interactions among all official actors
- Institutional structures and behavioral incentives are both essential