

MEMORANDUM

TO:

FROM: Amy Sousa

DATE:

RE: What is public policy?

To quote the California judiciary, “Public policy is a vague expression”. In general terms, public policy is a statement of principle underlying government action. As advocates, our job is to influence that statement of principle to enhance the status of our constituency and, hopefully, the public at large. Public policy can be expressed in a variety of ways. As such, there are many opportunities to advocate for change. The following is a brief list of these avenues:

Legislation: Legislation, the act of making or enacting laws, is the most widely recognized expression of public policy. Legislation provides explicit instruction as to process by which a problem or gap is to be corrected and often provides a statement of intent either in the legislation or as supplementary text. Legislation is, in theory, a clear, authoritative statement of public policy.

Regulation: A regulation is a rule, order, or standard of general application adopted by a government agency to implement, interpret or make specific the law enforced or administered by the agency. In essence, it is administrative law. While not as glamorous or noticeable as statutory law, regulations are critical to effecting public policy, as they govern how laws are to be implemented and often assert statements of principle.

Case Law: Case law is the entire collection of published legal decisions of the courts. If a rule of law cannot be found in statutory laws but can be found in a public judicial decision, the judicial decision has the effect of serving as an authority for deciding later cases. The practical effect is that in absence of statutory law to the contrary, case law determines the principle of law and is often guided by statements of principle in the public interest.

Procedural Change: Implementation of law is often as important as crafting law, be-it statutory, case, or administrative law. How a law is carried out represents a statement of intent, or in public policy terms, a statement of principle. Procedure can also outline the priority given to the enforcement of law, thereby highlighting or minimizing the importance of the underlying principle or policy.

Funding: “Put your money where your mouth is” is a common expression in our society and summarily explains why funding is critical to the implementation of public policy. By authorizing and appropriating funds to support a given law, government agency, or project, the government concretely indicates the significance of the principle at stake.

Statements of Policy: While not binding, statements of policy made during campaign speeches, states of union, state or city invoke statements of principle or political intent. Policy statements in these contexts may have significant influence over political and legislative agendas and often set the tone for public debate.