

Testifying at Hearings

It is important to know how to give legislative testimony. Legislative bodies call for public hearings for a number of reasons. They may be held to inform the public about issues or to get the information they need in helping to draft laws or to find out whether or not a law is needed. Hearings may also be held as "window dressing" for decisions that have already been made.

Sound testimony can help to establish you or HCMA/CSMS as an authority in the eyes of the legislature. It can also provide useful quotations for speeches and publications. In deciding whether to testify, remember that a decision against testifying sends a signal to the legislators that your organization is not interested or that you have reasons to avoid questions on the subject.

The skill of the presenter is almost as important as the quality of message he or she delivers. A member should deliver testimony with expertise on the subject being discussed. If possible, plant questions with friendly committee members so that you can get those questions and your answers on the public record. This can be accomplished by working with legislative staff members. If you know which legislators will be opposed to your position, anticipate the opposing arguments and be prepared for effective rebuttal. You can also provide questions to friendly legislators that they can raise with opposition witnesses to make points in your favor. If you encounter a hostile legislator, always be courteous and make a special point of trying to see him or her later or follow up your testimony with a letter that deals specifically with the issues he or she has raised.

Attempt to let other groups who favor your position to sign onto your testimony if they are not planning to testify separately. Having several other organizations that are well known to legislators sign on to your testimony can significantly strengthen the impact of your statement.

Because there is some measure of risk and significant preparation is required, decisions about whether to testify need to be made after carefully considering a number of facts and factors:

- Most of the time, testimony is not really designed to change anyone's mind. It merely reinforces what legislators already believe and provides ammunition for them to support their stated positions. (This is not always the case, of course, and minds occasionally can be changed or opened during the committee phase of the process.)
- Testimony is a good way to go on the public record about an issue, both to ensure its voice is heard and to lay the groundwork for future battles. It can also serve as a vehicle for expressing support for coalition partners or like-minded organizations. Testimony can sometimes be as much about winning friends as it is about influencing people.
- Before testifying, be sure you understand the rules and customs that govern the hearing. Is it the custom to read a formal statement or are brief extemporaneous remarks expected? Will the committee generally ask a lot of questions or just listen to a series of formal statements? How many people will testify and how much time can you expect to have? What's the order and who determines it?
- Always know something about the legislators on the committee, especially the chairperson. The person testifying must be thoroughly briefed about what he or she can expect in terms of treatment (which can at times be unpleasant) and what "hot buttons" can be skillfully pushed to please or mollify a particular legislator.
- Select your official representative carefully. There are times when it is appropriate for a contract lobbyist to testify on your behalf. But most of the time the testifier will be a CSMS member with some particular expertise. If technical matters are certain to be discussed, make sure the person in the "hot seat" can answer questions about them authoritatively.
- Whoever testifies on your behalf will be perceived as speaking for HCMA/CSMS, so be sure that person understands your position and knows what to say if they are pressed to express or modify an official policy position. Their words become your words, so be sure to use people who can be relied upon to keep their own agendas out of their remarks.

- Practice, practice, practice. It is a good idea to rehearse testimony, including expected questions.
- Be flexible. Whenever possible, get to the hearing well before you are scheduled to testify. That way you can see how things are going and what mood the committee is in. Adjust your remarks accordingly, particularly if you are scheduled for the end of a long day. Be prepared to cut remarks short or adjust their tone to adapt to the situation. (Remarks should almost always be brief anyway.)
- Be prepared to provide written copies of remarks and fact sheets to all the committee members and key committee staff, as well as to the media. Make sure your materials are well labeled and contain the component's address and phone number and a name of a contact person to answer questions.