CHAPTER 4
DRAFTING WRITTEN TESTIMONY AND PRESENTING ORAL TESTIMONY

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INTRODUCTION

When the legislature or State and county boards and administrative agencies hold public hearings and meetings to receive public comment on proposed actions, they accept testimony in two forms, oral and written. Presenting testimony can support at least three purposes. First, the decision-maker may be persuaded to do what you are requesting. Second, decision-makers and the public may become better educated about the issue. Third, decision-makers will be informed how their action will affect you, and the general public as well. In addition, your presence at a public hearing shows the decision-makers that there is public interest in what they are doing and reminds them they are accountable to the public. As someone who is interested in, and knowledgeable about an issue, you have the opportunity to help accomplish these purposes. Presenting testimony shows that you care about your community and are knowledgeable about its concerns. Your involvement in the process can play a critical role in the process of public decision-making.

DRAFTING WRITTEN TESTIMONY

You may present written, oral or both types of testimony on any issue set for public hearing or agency meeting. Although there are many ways to present your ideas, many find it helpful to organize their testimony with an introduction (who you are and the position you are taking), an arguments section (including the reasons for your position and any evidence supporting your position), and closing
remarks. This format can be helpful for both oral and written testimony. Sample outlines are included as Appendices "B" and "C." The important thing is to find the format which best suits your own style and with which you feel comfortable. Appendices "D" through "H" are samples of written testimony in various formats.

**The Introduction**

When providing written testimony before a legislative committee, to ensure that your testimony is directed to the correct committee, clearly identify the bill, the committee chair, the name of the committee and the date, time and location of the hearing. For testimony before administrative boards and agencies, identify the issue, the board/agency and its chair, and the date of the hearing or meeting.

Be sure that your introduction says who you are. You should include your name, your organization (if applicable), and your address and/or phone number. Your phone number is optional. The idea is to let the decision-maker know who you are and to provide enough information so that if the decision-maker has any questions, you can be reached to provide the answers. If you have a special interest in the matter (for example, it will directly affect your ability to practice a custom or have water on your homestead land), it is usually good to briefly describe your interest.

**Argument**

You should be clear about what you want to say and how you want to say it. What message do you want to convey to the legislative committee or board or agency? What is/are the important issue(s) that you want to emphasize? Many people find it helpful to think about the one to three major points you want your reader to remember from your testimony.

You should clearly state your position, including specifically whether you support or oppose the bill or board or agency action. You might want to follow your position statement with the arguments or information which support your position. Starting off with the strongest, most convincing argument in favor of your position and continuing with your other arguments in order of declining strength is usually an effective style of presentation. You may want to outline your major points and then go back to discuss each in turn-providing a sort of "road map" for the reader. If you believe it would be helpful, you may want to use charts, graphs, or other exhibits to help illustrate your position. If you include these, be sure
to refer to and explain them and be sure they are clear and understandable. Practically speaking however, it is best to keep your presentation simple, short and to the point.

A major purpose of testimony is to explore the effects that the legislation or board or agency action will have. Therefore, you might want to help the audience imagine what it would be like to be in your shoes so that they may experience and better envision the effect of the legislation or action. You may want to explain the positive aspects of your position, as well as address any perceived negative impacts. What will happen to you and your community if the legislation is passed or the action taken? Why should the legislature or board or agency favor your position? Why is your position representative of the community?

If possible, try to also address the arguments that are contrary to your position. Who opposes your position? Why? Are your opponent's arguments reasonable? What issue has your opponent ignored? What will the effect be on you and your community if the committee takes your opponent's side? Highlight your opponent's weakness. Persuade the legislature or board or agency to view your position most favorably. Trying to present your point of view in a positive way can sometimes be more effective than coming across as totally negative. However, sometimes this is not really possible.

**Conclusion**

Obviously, your goal is to convince the legislator or board or agency of your position. Restate your position and the main points which support your position. Re-emphasize particularly the importance to the community of the pending bill or board or agency action. Consider what last thought you want to leave them with.

**PRESENTING ORAL TESTIMONY**

Oral testimony is important. There is no guarantee that any or all legislators or board members will read your written testimony. Thus, providing oral testimony may be your best opportunity to convey your message. You may be required to present a minimum number of written copies of your oral testimony for each committee member and their staff. You should contact the committee chair or board or agency ahead of time to learn which office or address to submit your testimony to, whether you will be required to sign-up to testify (and when) and whether there are any time restrictions on your presentation. Oral testimony before
legislative committees usually requires that you sign up to testify at least 24 hours in advance. If, however, you are unable to provide written copies of your testimony prior to the hearing or meeting, some legislative committee chairs may allow, and most boards and agencies do allow, the presentation of oral comments after the day’s agenda is completed. If you participate in this manner, you should submit, at a later date, your written testimony summarizing your oral comments so that they are available for reference by the members.

The committee, board, or agency chair is in charge of conducting her committee meetings and usually follows the agenda pretty closely. However, as a courtesy, public officials are usually allowed to testify before the public.

When presenting oral testimony, be sure to address all of your main points. These points should summarize your position and arguments. Be concise and clear. Get to your point quickly. Be specific but keep it simple, and reasonably brief. It is important to hold the interest of your listeners. Be polite but assertive when responding to questions. You risk the chance of losing credibility if you are rude. But, you should show the legislature or board that you are serious and committed to your cause. Be sure that your information is up to date and accurate. If you don’t know the answer to a question, say so and then ask if you may later respond with an answer after researching the issue. Convince the decision-makers with your honesty and sincerity.

If speakers have gone before you and have adequately covered points you intended to raise, consider whether you can use slightly different arguments or present them in a slightly different way. Don’t hesitate to expand on areas previously but inadequately covered. Legislators and board members will tire of hearing the same arguments, but sometimes they need to hear that a lot of people feel the same way or will be impacted the same way. Prepare to respond to questions. Become as comfortable as you can with your arguments and anticipate the arguments of those with contrary views. Take notes with you if they will help you to respond. Finally, thank the legislators or board members for their time and attention and tell them clearly at the end whether you support or oppose the bill or action. Most important, let your voice be heard. If you have a written presentation and it would make you nervous to try to change it at the last minute, go ahead and say what you prepared - even if it was said before.

Testifying before an agency or a board can be a little different from testifying before a legislative committee. The procedures for giving testimony depend on the particular
agency and may vary depending on whether the meeting is contentious. Call and ask what procedures will apply and whether there are any special restrictions. The agency will inform you when you call. An agency may limit the time allowed for you to testify to as little as two minutes, and only one person from your organization may be allowed to present testimony. Be prepared with a plan in case any of these circumstances arise.

**CONCLUSION**

Testifying on issues that concern and may affect you or others ensures that your views and opinions have been considered. Ideally, you should try to testify both in writing and orally. Written testimony allows you to elaborate on your arguments and present evidence to support them. But, oral testimony is also important. It provides you with the opportunity to interact with the legislators and board and agency members in person and it gives them an opportunity to ask questions. Testifying gives you the opportunity to respond to the decision-makers' concerns and voice your position. It forces the government to take into consideration values that are important to you and to your community. And, if your point of view is ignored, the legislature, board or agency must take public responsibility for doing so.

For more information and helpful hints on testifying before the legislature or board or agency you may refer to the following materials or agencies:


-Legislature or Board's Information Service. Phone numbers can be obtained in the State or County Listing in the white pages of your telephone directory.

-Legislative Reference Bureau at 587-0666

-Legislative Bill Status & Index at 587-0700
Remember, the actions or inactions of the legislature and State and county boards and agencies affect our lives in very real and direct ways. Therefore, your active participation by staying informed and voicing your concerns is an essential and most important part of the public decision-making process.

State and county agencies must follow certain procedures to enact rules which will govern the way in which they operate. These procedures rely heavily on public participation. Chapter Five will describe some general procedures for rule-making.