

Lobbying and Testifying

Lobbying and Testifying: Overview

In America, as in other representative democracies, government responds to the wishes of the people it represents. Citizens and grassroots organizations communicate their wishes to legislators or other decision makers all the time. This is called *lobbying*.

Can I lobby? You sure can—and you should. Anyone who can make a phone call or write a letter can lobby. Simply put, lobbying is trying to persuade someone to your point of view, whether it is a city council member, a state legislator, a U.S. Senator, or the President of the United States. You can also lobby the general public for support for your cause.

YOU are a constituent, which means that you and other voters in your district carry the weight. But remember, legislation reflects the will of the people only IF you and enough others take the trouble to let your legislators know what you want.

How do I lobby? Lobbying includes such activities as:

- Writing letters
- Calling the legislator's office
- Meeting face to face with the legislator
- Organizing others to write/call/meet their legislator
- Inviting a legislator to attend a town meeting
- Writing a letter to the editor (lobbying the public)

Can my non-profit organization lobby? Yes, tax-exempt organizations can and should lobby, but there are important restrictions that you need to consider. The Internal Revenue Service (IRS) permits non-profits to lobby as long as the expenditure of related funds (travel, salary, phone bills, etc.) does not exceed certain limits. The IRS also distinguishes between “direct” lobbying (which is related to a specific piece of legislation) and “indirect” (or *grassroots*) lobbying. They are each subject to a different spending limit. Keep careful track of your organization's expenditures for both direct and indirect lobbying.

Who Are a Legislator's Constituents?

Constituents are the people who a legislator was elected to represent and who ultimately have a role in determining whether or not they are re-elected.



It is important to know that not all policy work or communication with legislators is lobbying. For example, if you are attempting to *educate* a legislator about an issue but not intending to influence a legislator's vote, it is not considered lobbying.

Does lobbying work? A Gallup poll asked Members of Congress which sources of information they paid the most attention to when deciding how to vote. By an overwhelming margin, the Members said the most influential source was communication from their constituents, whether it was a person who lived in their district, a leader of an organization, or a business owner.

The theory behind grassroots advocacy is simple: **When legislators hear from their constituents, they are more likely to respond to those constituents' needs.** While the political process is full of special interests and professional lobbyists, grassroots advocates know from experience that one voice can make a difference and many voices make a movement!

Direct and Indirect Lobbying: What Is the Difference?

- “Direct” lobbying includes activities such as meeting with elected officials, making phone calls, sending comment letters, etc., on *specific legislation*.
- “Indirect,” or *grassroots*, lobbying is the same as grassroots advocacy. It means you are communicating with the general public and asking them to contact their legislators about specific legislation.

Face to Face with Your Legislator

Your elected officials want to meet with you in person because they represent you and value your opinion. (Also, because they think meeting with you may help them get reelected!) You want to meet with them to persuade them to vote on the pro-conservation side of a piece of legislation that concerns you, and to help establish a strong relationship with them. Of all lobbying techniques, a face-to-face meeting offers the best chance of getting a commitment on an issue from a legislator.



It is not difficult to arrange a meeting with local elected officials. If you are in a small group, you will probably meet in their offices. Larger groups may want to reserve a public meeting room in the local library, or invite them to your organization's office. You don't have to travel to Washington D.C. to meet with your U.S. representative; most come home every other weekend and will arrange meetings at their district office. However, when you are in Washington D.C. on business or pleasure, don't miss the chance to visit your representative and your senators.

Setting Up the Meeting

1. **Get an appointment.** Call the legislator's office and ask to speak with the scheduler. Introduce yourself as a constituent, starting with where you live. Explain what topic you wish to discuss with the legislator. Ask for a 30-minute meeting (you probably will not get that long). If the legislator is absolutely unavailable, request a meeting with a staff person.
2. **Prepare for the meeting.** Research the voting record of your legislator before you visit. This will help you determine what approach would work best with her. Know the facts around your issue and be prepared to make a pitch of five minutes or less.
3. **Who should attend?** Small groups are generally best. Think about who will help you make your best case—perhaps someone with a special angle or viewpoint. If you are bringing other community members along with you, gather for a pre-meeting nearby (like a coffee shop) to coordinate what you are going to say and to appoint a spokesperson to lead the meeting.
4. **Confirm the meeting.** Make a few check-up calls to verify the time slot and make sure the legislator's schedule hasn't changed.
5. **Be on time.** Every minute you are late is a minute lost.

Making a Good First Impression

1. **Dress appropriately and professionally.**
2. **Introduce yourself** and inform the legislator that you are a constituent. If you are representing an organization, briefly explain the organization's mission.
3. **Show that you are a friendly person** by thanking her for taking the time to meet with you. Also thank her for a recent vote or compliment her on a legislative action. Look her in the eye and give her a genuine smile. This will help you get off on the right foot.
4. Indicate if you have any family, social, business, or political ties to the legislator; this will help **establish common ground**.
5. When you enter her office, avoid any comfortable, low sofas. A sofa puts you in a relaxed posture below her eye level. Instead, take a seat in a chair in which you will be **alert and assertive**.

Running a Successful Meeting

Take the Initiative

Don't make the legislator guess why you came to meet with her. Start out by telling the legislator what you are going to ask her to do. For example, "I think the salmon restoration funding bill deserves your support, and I'll tell you why..." Stating the purpose of the meeting and what you want out of it right away prevents the conversation from wandering.

The legislator may agree with you and commit to support the bill right away, which saves you the time of giving the reasons for your request. This does not end the meeting! If this happens, thank her, and use the remaining time as an opportunity to ask for more. Perhaps she will co-sponsor the bill, take an active role in your campaign to generate public support, or influence her colleagues to vote for it.

Present Your Case

You must deliver your message powerfully and effectively in no more than five minutes. Build your argument, beginning with points that are *indisputable*. For example, "Salmon are an important part of the Northwest economy and heritage, and many species are in serious decline." Elicit her concern by relating the problem to people in your community who are her constituents. Give her a chance to agree to your points and then move on to your proposal for solving the problem. Your arguments should be persuasive and show her why the current handling of the solution is not adequate. Always make sure she is following your train of thought during the dis-

cussion. Be political; she will want to represent the best interests of her district, so relate the issue to broad public concerns. For example, you might stress how salmon decline affects you and others in her district. Allow her to interject remarks while being tenacious in keeping the conversation on your track. Help solve the problem by offering a solution rather than simply stating that you want her to vote “no.”



Listen to the Legislator

After you are sure you have delivered your message, give her an opportunity to respond. Be a good listener; this will help build your relationship for the future. She may tell you who else she is hearing from on this issue, as well as what else she needs from your side in order to make a decision in your favor (such as more letters or emails from constituents). Answer the legislator’s questions to the best of your ability. If you don’t know the answer, just say so. Then offer to get back to her with the answer.

Get a Commitment, Then Leave

After a few minutes of discussion on the issue, you will have an impression of her reactions. If you think she is on your side, leaning towards your position, or still undecided, now is the time to seek a commitment.

If she makes noncommittal statements like “I understand your position” or “I share your concern,” continue to politely pressure for a commitment. Tell her you need to know how she will vote, because your community (or family or organization’s members) wants to know.

If she is clearly opposed to your viewpoint or you sense she is leaning the other way, don’t press for a commitment. This would force her into a position when you might still be able to influence her.

After you get a commitment or decide not to press for one, close the meeting. It’s important to leave a positive impression with the legislator, regardless of the outcome of the meeting. Leave her (and her staff) with a firm handshake and a sincere “thank you so much for taking the time to meet with us.”

Following Up After the Meeting

There are three important things you must do after meeting with an elected official:

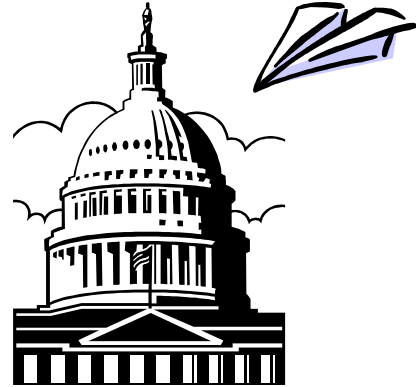
1. Debrief with the other community members as soon as possible, preferably right after you leave the legislator's office. Discuss your impressions of what happened and what your next steps are. Recap and take notes on some of the key things the legislator said (some of you will have picked up on things that the others didn't).
2. Follow up promptly with a thank-you letter to the legislator and staff. In this letter, re-state your key points, include any further information the legislator requested, and reiterate any commitments the legislator made in the meeting. This correspondence is a polite gesture as well as an information vehicle, and it will help to build your relationship with her. Include any additional materials she requested.
3. Meet with them again! Lobbyists regularly use one meeting as a springboard to the next contact with a legislator, and so should you. Perhaps invite them to your organization's member meeting, or send them a complimentary copy of your newsletter.

Tips for Successful Lobbying Meetings

- Bring a one-page fact sheet with you that covers the main points about the issue. Give it to the legislator during your discussion.
- Unless the legislator sits on committees directly related to your issue, he/she will need information about the specifics of the problem and the bill.
- Avoid hostility at all costs. Even if you disagree with the legislator's opinion, avoid arguing. Just state your convictions and ask for her support.
- Be a good listener as well as a good talker.
- Do not underestimate the influence of the legislator's staff; don't pass on the opportunity to meet with staff if the legislator is unavailable.
- If the legislator keeps changing the subject, tactfully but firmly bring the conversation back on topic.
- Elected officials are generalists and will not know as much about your issue as you do. Speak with confidence and authority on your issue. You are their source of information at that moment.
- Don't just drop by their office. Legislators are very busy, so always schedule an appointment.

Writing to Your Legislator

When was the last time you wrote to an elected official to express how you felt about an issue? If your answer is “never,” you’re not alone! An estimated 90% of Americans have never written a comment letter to an elected official. Even more disturbing, very few of the letters that legislators *do* receive are pro-conservation.



Now for some good news: Letter writing is a very effective and persuasive (not to mention easy) form of grassroots lobbying that anyone can do. Legislators take the pulse of their district through the letters they receive from constituents. As a constituent yourself, you automatically have something that even the most well-paid and high-powered lobbyists must fight for—the ear of your elected official. Below are some guidelines to help you use your influence most effectively.

Why Write to an Elected Official?

- Because your legislators are making decisions every day which affect your quality of life and the environment—decisions on transportation, land use, energy, education, trade, and consumer and environmental protection.
- Write to represent your own interests. Legislators are hearing from powerful corporations, the Chamber of Commerce, the oil industry, utility companies, real estate developers, and other interest groups who don’t have your best interests in mind.
- Write to state your opinion about a bill on the floor, to congratulate a legislator for a vote with which you agree, or express disapproval for one you don’t agree with.

The Good Letter

1. Keep it short—less than one page—and limit the letter to one subject only.
2. The first paragraph should state that you are a constituent and what it is you are writing about. If you are writing about a specific piece of legislation, refer to the bill number or call it by name. Ask the legislator to do something specific, such as co-sponsor the bill.
3. In the middle portion of the letter, explain your reasons for writing, calling attention to the bill’s impact on you, your family, and your community.

4. Finally, restate your position and the action you want the legislator to take. Ask for a reply.

The Great Letter

1. Cite your own experience and observations if possible. Personal stories demonstrate the depth and sincerity of your concern.
2. Be helpful, rather than threatening or inflammatory, even when the legislator's viewpoints differ from yours.
3. Demonstrate your familiarity with the issue or the piece of legislation. This will indicate that constituents are serious about environmental issues.
4. Mention your community affiliations (e.g., parent, teacher, small-business owner) to avoid being pigeon-holed as an extreme environmentalist.
5. Write on personal or business stationery and include a return address.
6. Address your legislator properly. For example, "The Honorable Maria Cantwell, United States Senate."
7. Mail your letter first-class, if time permits. However, if a legislative action is coming up and time is of the essence, you should fax or email your letter instead.

Form Letters and Postcard Campaigns

Form letters or postcards that are generated by organized groups are almost always recognizable to legislators, and they do not carry as much weight as personalized communication from a constituent. However, they do demonstrate a large amount of public support for an issue. To be most effective, you should write your own letter. If a conservation organization has given you a sample letter to use, try to personalize it as much as possible so that it does not appear overly scripted.

Email

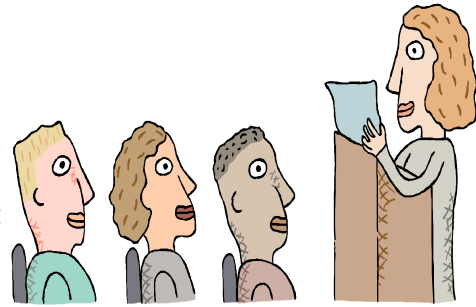
Email can be a very quick and inexpensive way of communicating with legislators; however, it is usually not considered as effective as personal letters. Nearly all elected officials have email addresses that are available to the public for use by constituents. Email messages are generally shorter than letters, so the message needs to be concise and, as always, polite.

Comment Letters on Proposed Plans or Policy

The last decade has brought a flurry of Habitat Conservation Plans, endangered species recovery plans, wilderness protection plans, and growth management comprehensive plans. When you or your organization write a comment letter to a regulatory agency on one of these types of plans, many of the guidelines given here for writing to legislators do not apply. It is very important for letters giving scientific evidence and ecological expertise input into a regulatory plan to be specific and complete; it is not as important that it be short and to the point. Always comment on a proposed plan if there is any chance your group may wish to litigate over it later; your comments may give you a legal standing.

Testifying at a Public Hearing

Public testimony opportunities are extremely important for your issue. Sometimes they may take the form of informal opinion-gathering at a public workshop, but more often you will be testifying at a more formal public hearing held by the decision-making body. Written testimony is usually accepted at public hearings, but it is far more powerful to attend the hearing and deliver spoken testimony.



Why Public Hearings Are Important

1. Testimony becomes part of the official record and will likely be used later in making a final decision.
2. Public hearings can provide new factual information, which can convince the decision-makers to re-think an earlier decision.
3. The media often attend hearings on controversial issues, so the hearing is another way to get your message out to a broader audience.
4. Public testimony sends a strong political signal to the legislative body or agency, as well as to the press, about public opinion on the issue.
5. Hearings are important from a legal standpoint. If you suspect you may appeal the decision later, your legal standing is based on having made your legal arguments during the public comment period.

Guidelines for Effective Public Testimony

Before the hearing, spend as much time as possible preparing for your testimony:

- Verify the time, date, and place of the hearing a day or so in advance.
- Find out where in the meeting agenda the public testimony portion will be and adjust your arrival time accordingly.
- Find out the time frame for testimony. Most hearings have a time limit, which is usually between two and five minutes.
- Get on the speaker's list. (Sometimes you can do this in advance, but more commonly you will sign in at the door of the hearing and speak in that order.)
- Prepare your testimony. Research the issues so you can support your opinions with facts. Emotions rarely sway decisions as strongly as facts do. Tailor your testimony to the time allotment. It is much better to finish before your time is up than to be

cut off before you are finished with your points.

- Prepare visual aids (photos, maps, etc.) if they will strengthen your presentation.
- Go and visit the area you are trying to protect, if possible. It is more effective to speak from personal familiarity with the area. Even one or two visits to the area will help you get to know it, so you can speak more personally and confidently about it.
- If you are organizing others in your community to attend the hearing and testify, you might ask supporters to visually identify themselves with your position. Many conservation groups ask citizens to wear green to show support for the environment. At one recent hearing, Seattle Audubon Society distributed baseball caps (with their logo) for citizens to wear to show support for protecting bird habitat.

At the hearing, do the following:

- When you arrive at the hearing, there will probably be a sign-in sheet for you to list your name, address, and position on the proposed legislation. You should also indicate whether or not you plan to speak. Even if you do not plan to testify, be sure to sign in so that your position will be part of the public record.
- The sequence of speakers will likely follow the order in which people signed in. Get there *early* and sign in—usually the earlier you speak, the stronger the impact.
- Begin your testimony by giving your name and address and state if you represent an organization. Only one person should give the official testimony on behalf of the organization. All other members should speak as individual citizens.
- Address the decision-making body correctly, for example: “Mr. Chairman, members of the Renton City Council...”
- Make eye contact with the members. Speak slowly and clearly so that they understand you and your testimony is recorded properly.
- State your position on the proposed legislation and give a few reasons *why*. Include a personal story, if possible.
- Be prepared to answer questions from the decision-makers. If you do not know the answer to a question, say so. Offer to get the answer and send it in for the record.
- Before you retreat from the podium, thank the legislative body for the opportunity to speak. Place yourself or your organization at the disposal of the members for further information or assistance.
- Listen and record any statements made by the opposing side. Make notes of factual errors or new ideas.
- Show tact. It is not tactful to applaud or show disapproval of any speaker.

Tips for Public Speaking

Whether you are testifying in front of the legislature for the first time, or speaking in front of supporters at a rally, here are techniques you can use to be less nervous and more effective.

1. Write your speech or testimony ahead of time. Depending on your speaking style, you may wish to write it all out, create an outline of important points you want to make, or simply write annotations on note cards.
2. Practice, practice, practice! Practice out loud in front of a mirror or a friend. Speeches that seem persuasive on paper may not be when spoken out loud, and the flow of written words may not seem natural when spoken. Practicing will make you more confident and alert you to any changes that need to be made.
3. Make eye contact with your audience. Communication is a two-way interaction. Eye contact will help build trust between you and the listeners. Try moving your eyes slowly around the audience in a figure-8 pattern, making sure that you look at the corners. If this makes you nervous, just focus on a point against the back wall.
4. Speak slowly. Most people speed up their speech when they are nervous, so try and take your time.
5. Use pauses for effectiveness, but be careful not to overdo it. Try pausing to emphasize an important point or to allow the audience to react to a fact or a joke.
6. Speak clearly. You may need to adjust the pitch of your normal speaking voice depending on whether you have a microphone or just the room's acoustics. Drink plenty of water beforehand. Avoid drinking milk, which makes breathing and speaking less clear.
7. Breathe and relax! While waiting your turn, wind down physically and mentally. Take deep breaths, try to meditate a bit, or mentally play a soothing song. Then focus your full attention on what is going on at the hearing, keeping your chin up and eyes focused on the stage.
8. Remove "I" from your speeches. Either neutralize your speech or use "we" so your audience feels included.

9. Pay attention to your appearance. Dress comfortably, but appropriately for the occasion.
10. Use gestures and movement. Gestures will reinforce the ideas in your speech and produce energy. Use caution with your movement, however. Do not move aimlessly! If you are nervous, begin your speech with both hands flat on the podium, adding gestures as you gain more confidence.
11. Use vocal variety. Speak with natural inflections.
12. Be yourself, and allow your personality to come through.
13. Smile!

Did You Know?

Public speaking is the second biggest fear in the U.S., after fear of heights.

Telephoning Your Legislator

Some messages are better suited to certain methods of communication. If you wish to simply request that your legislator vote “yes” or “no” on a particular piece of legislation, then pick up the phone and call their office. Also opt for a phone call if the legislator will be voting shortly. Your group can use the telephone as a grassroots lobbying tool by organizing a “call-in day” and spreading the word to your activists, encouraging them to participate. However, it is far better to use a personal letter or face-to-face meeting to deliver complicated messages and do relationship-building with legislators.

A local Seattle legislator once said that he does not think it is appropriate for constituents to call and ask to speak to him unless he has a personal relationship with them. This is a good rule to follow. When you call a legislator you do not have a relationship with, just leave your message with the staff person who handles the call.

Telephone Tips

- Before you pick up the phone, write out the name of the of the legislation you are calling about, how you want the legislator to vote, and two or three short reasons why he/she should vote that way.
- When your call is answered, identify yourself by name and (always) state that you are a constituent of the legislator.
- Explain why you are calling. Be specific about the piece of legislation you are calling about, referring to its bill number, if possible.
- Do not simply say, “I am calling to urge the Senator to vote ‘no.’” Instead, tell the staff person *why* the Senator should vote “no.” Provide supporting information by focusing on two or three of the talking points you wrote down.
- Ask that your message be conveyed to the legislator and that you receive a written response.
- Remember to politely thank the person taking the call for his/her time.
- Keep your call short and to the point.