

Fact Sheet on Public Hearings

All branches and levels of government hold public hearings.

Legislative Hearings. Congress, state legislatures, and city councils hold hearings for many reasons:

- To consider legislation.
- To oversee the implementation of laws, government programs, or departments.
- To investigate an area that may need legislation.
- To confirm the appointment of an official.



CAP students speak at local hearing.

Executive Hearings. Executive departments or agencies also hold hearings. For example:

- The Federal Communications Commission may hold public hearings on media ownership.
- A state's Air Resources Board may hold a hearing on a rule to implement an air pollution law.
- A city's Parks and Recreation Department may hold a hearing on a proposed park.

Judicial Hearings. The judicial branch hearings include:

- Civil and criminal trials.
- Trial court hearings, such as determining whether particular evidence may be admitted.
- Oral arguments before appeals courts.

Open to the Public to Observe. By definition, public hearings are open to the public. And most hearings are public hearings. "Sunshine" and "Open Hearings" laws require most legislative and executive hearings to be open to the public. The Sixth Amendment requires that criminal hearings be public. Courts have also interpreted the First Amendment to require most civil trials to be open. Some sensitive matters may be discussed in closed, or executive, session. For example, a city council may discuss personnel matters in private. Courts hold closed hearings on juvenile matters.

Open to the Public to Speak. Any member of the public may speak at many hearings but not all. These are general rules:

- Many Local and Some State and Federal Hearings: Citizens may sign up at the hearing to speak for a limited time during a Comment Period.
- Most Federal and State Legislative and Executive Hearings: Citizens may request in advance to speak.
- Judicial Hearings: The only people who may speak are the parties to the case and those called to testify. One exception is that appeals courts will accept friend-of-the-court briefs (written legal arguments) from non-parties.
- Most bodies (except judicial) will accept written statements at hearings.