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LIBERTY, EQUALITY AND FAIRNESS: A STUDY OF CITIZEN PARTICIPATION IN FEDERAL AGENCY RULEMAKING

by

Thomas E. Engram

Under the Direction of William L. Waugh

ABSTRACT

This study examines individual-level citizen participation in the notice and comment component of federal agency rulemaking. It focuses on characteristics of individual participants ascertained through a survey mailed to 400 actual commenters. Survey data is used to evaluate the representativeness of these participants to the general public. Also, the compatible of citizen participation in rulemaking with the democratic ideals of liberty, equality, and fairness is evaluated, along with potential consequences of proposed reforms.

INDEX WORDS: Citizen participation, Notice and comment, Agency rulemaking, Representativeness, Democratic ideals, Liberty, Equality, Fairness

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by

Thomas E. Engram

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

in the College of Arts and Sciences

Georgia State University

2008

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2008

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by

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List of Abbreviations

ANES	39
ANOVA	54
APA	116
AWA	43
CPS	47
EPA	41
EPCRA	42
IFC	43
INA	45
N&C	39
NPRM	40
TRI	42

Chapter 1

Introduction

The purpose of this study is to examine individual-level citizen participation in the notice and comment component of federal agency rulemaking. Three research questions are addressed. First, who participates? Previous studies have examined the role of interest groups (Golden, 1998), the content of comments (Cuèllar, 2005), and agency procedures in handling comments (Paglin and Shor, 1977; West, 1984; Balla, 1998; Yackee and Yackee, 2006). This study focuses on characteristics of individual commenters. The second research question is to what extent are these participants representative of the general public? This is accomplished through a detailed comparison of notice and comment participants to norms for the general public. The final question is to what extent the inclusion of these participants in the notice and comment process is compatible with the democratic ideals of liberty, equality, and fairness?

At the root of these questions lies a conflict of visions of public participation in the American republic. One vision is representative democracy and it emphasizes public participation in the electoral process. The other vision is participatory democracy and it emphasizes direct citizen involvement in government decision-making. While the resolution of this conflict is beyond the scope of this study, some elaboration of the controversy is necessary in order to understand the historical foundations of the contemporary debate on the appropriate role of citizens in what is essentially a legislative function.

The delegation of authority to agencies to make rules began in the first session of Congress when the president was authorized to make rules governing trade with Indian tribes. Delegation increased rapidly during the later portion of the Nineteenth Century as Congress faced the challenge of regulating monopolies. War and economic upheaval further expanded delegation to federal agencies, boards, and commissions. The explosion of federal rulemaking during the New Deal nearly triggered a constitutional crisis with Roosevelt's Court Packing plan. Subsequently, Roosevelt initiated the Brownlow Committee and the Attorney General's Committee on Administrative Procedure to study federal rulemaking and make the process more uniform throughout the agencies. Delayed by World War II, the result of these deliberations would form the basis of the Administrative Procedure Act of 1946 (Kerwin, 2003).

The requirement for public participation in the notice and comment component of federal agency rulemaking is authorized in relatively modest language. Congress merely requires that:

> After notice required by this section, the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose (5 U. S. C. §553c, 2006).

From such humble beginnings, seeds of the "participation revolution" (Kerwin, p. 166) found fertile soil. Starling (1982) describes earlier models of public decision-making that emphasized a rational process in which the planning of public programs progressed through a particular progression. Trained professionals planned programs.

After a problem was identified, alternatives would be determined and evaluated. One alternative would be selected, a plan of action would be designed, and that plan would be implemented. Subsequently, a process of feedback and review would determine the need and nature of changes. Starling noted that this process suffered from two particular weaknesses. First, planners generally considered too few options. Second, planners frequently failed to question assumptions.

So, as the flood of delegation of the New Deal heightened public concern about agency rulemaking, the inclusion of more viewpoints was seen as an improvement in the decision process. And, Kerwin argues that the development of rules is a crucial avenue for increased public involvement in the decisions of agencies:

> Rulemaking adds opportunities for and dimensions to public participation that are rarely present in the deliberations of Congress or other legislatures. It is often difficult for interested parties to determine exactly what a bill under consideration means to them. The more vague the proposed provisions, the more difficult it is for the public to decide whether participation is worth the effort and, if so, what position to take (p. 31).
>
> In rulemaking the decisions regarding participation become much clearer because the issues are better defined, the actions government is contemplating are more specific, and the implications for affected parties are much easier to predict. Positions are thus easier to formulate and articulate. And there are many ways for the public to get involved in rulemaking and to influence the content of rules. The cost of effective participation in rulemaking may be lower, and the chances of success in rulemaking greater than those that front the public during legislative deliberations (pp. 31-2).

Also, Kerwin identifies specific advantages to those most involved the rulemaking process. He points out that Congress frees itself from the tedium of detail while indemnifying itself from the squabbles and acrimony frequently experienced in the

rulemaking process. After the Reagan era reforms requiring the Office of Management and Budget to review all agency rules, presidents gain substantially more input into the details of public policy. Jurists, especially those with strong views in particular policy areas, gain a vehicle for imposing their will on agency operations. State and local governments get a chance to impact proposed rules in ways that may facilitate subsequent implementation or preserve state autonomy for a particular policy. Among the ranks of bureaucrats, policy zealots realize increased policy influence. And, of course, interest groups that already enjoy a strong influence in the debates of Congress gain an additional opportunity to influence agency deliberations.

And, as might be expected, those left out of the direct benefits are the first to complain. With the crush of interstate highway construction, and massive urban renewal projects during the 1950s and 1960s, public reaction to government policy-making was negative, especially among the disadvantaged (Wamsley *et al* 1990). A belief that participation would empower the unrepresented fueled the drive to expand the voice of the public in agency decision-making (Kerwin). Congress responded by requiring increased public participation in new programs, including a short-lived flirtation with maximum feasible participation in urban economic development programs (Economic Opportunity Act of 1964). Also, Congress enhanced the role of stakeholders in many Great Society and subsequent laws (Kerwin). While this may have turned the attention of protesters away from Congress in the short term, public administrators increasingly became the whipping boys of both liberals who wanted more and conservatives who wanted less from government programs (Wamsley *et al*).

A movement within the field of public administration sought to remedy these negative images and sought to move public administration from its traditional grounding in scientific management and progressivism to a more democratic grounding upon public interest and citizen participation. Among the key goals of this Refounding Movement are a commitment to greater social equity, a concern for wider participation, and a critical outlook toward the shortcomings of logical positivism and pluralism (Wamsley *et al*). In their "Blacksburg Manifesto" (Wamsley *et al*, p. 6), these proponents of "The Public Administration" (p.34) claim a constitutional basis for the legitimacy of administration, independent of elected representatives.

> The Public Administration as an institution of government has as valid a claim to being representative of the people in both a sociological and functional sense as a federal judge appointed for life, a freshman congressman narrowly elected by a small percentage of the citizens in southeast Nebraska or a senator from Rhode Island. For that matter, The Public Administration may be as representative of the people as a whole as a president elected by a coalition of voting blocs and interest groups claiming victory based on less than 51 percent of the popular vote and 29.9 percent of the eligible voters, which in turn is approximately 19 percent of the total populace (pp.46-47).

Also, they assert an ability to understand the public interest and act on it in a fashion superior to mere elected officials who are under the influence of special interests. The source of this new and extra-constitutional legitimacy and understanding is the direct involvement of agency clients in the process of governance (Wamsle*y et al*). But their faith may not be supported by historical evidence. At the root of the Refounding Movement's infatuation with direct citizen involvement in the legislative process is a flawed model of direct democracy that has been handed down to us through the ages in highly romanticized accounts of Athenian democracy. It is the image of radicalized

citizen participation transmitted through the classics that sets what has become a standard for democracy in future generations (Saxonhouse, 1993). However, archeological evidence challenges the actual level of participation achieved by these most worthy and revered democrats of Athens. Modern studies of the seating capacity of the Pynx, the meeting place of the Athenian assembly, indicate that no more than one-third of the eligible citizens could have attended any meeting. This would tend to undermine theories of the ubiquity of Athenian participation, especially when one considers the complete exclusion of women, slaves, and a relatively large immigrant community (Saxonhouse).

Perhaps the Refounding Movement would be nothing more than an historical aside were it not for its impact on a small and rather elite group of American academics. Although there are relatively few professors of public administration in the nation's elite colleges, this particular set of academics mold the minds of many top-level, as well as the rank and file, state and federal agency managers. This public management core has historically exerted a strong and undemocratic influence on the entire process of governance. Heclo (2002) would label this undemocratic influence "administrative stewardship" and argue that it is "a calling to take care for the wellbeing of the public household" (p. 692) in spite of short sighted demands of politicians and citizens. In the arena of agency rulemaking, administrative stewardship is especially critical. Surrounded as they are by the most interested parties, it is only the watchfulness of the bureaucrat that protects the interests of the lambs from the avarice of the lions. To the extent that more democratic influence, meaning direct public involvement, is induced into the system, less stewardship is possible.

American's fascination with that form of democracy requiring direct public involvement in policy making would have shocked and dismayed the Framers of the Constitution. Delegates to the Constitutional Convention of 1787 held a fundamental distrust of direct democracy. In Federalist # 10, Madison paints a dire portrait of what he describes as the popular governments of earlier periods.

> ... such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths (Hamilton, Madison, and Jay, 1966, p. 81).

Madison describes the protection of property as the primary purpose of government. He contends that the greatest danger of popular government is its inability to control the avarice of groups desiring to use the power of government to achieve self-interested goals. He calls these narrowly interested groups factions.

> By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community (p. 78).

The Framers wanted a government that would be sensitive to the will of the people. But, equally important, they wanted a government that would protect individual rights, especially property rights. Also, they wanted a government that would last. So, when formulating plans for the government of the American empire, Madison and his colleagues sought to differentiate between those turbulent direct democracies like Athens and the more stable republican forms like Rome.

> The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended (p. 82).

These differences, representation and a large republic, formed two of the pillars of Madison's plan to protect liberty. Truman (1951) argues that Madison's dependence on the extent of the union for making the mischief of factions more difficult has been effectively overcome by improved transportation and communications. While it may be true that advances in travel and communications have facilitated interest group interaction, Truman also stipulates that economic forces drive the formation of associations. Since a larger republic would offer greater opportunities for diversity of interests and richer societies tend to have more interest groups, diversity and multiplication of interests might tend to impair the formation of a permanent majority faction, a beast that Madison describes as the true enemy of liberty.

Likewise, Madison's reasoning for a representative government retains great merit.

> The effect of [representation] is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose (Hamilton, Madison, and Jay, p. 82).

Economic interests are not inherently factious. However, they act factiously when given the opportunity to judge their own cases and advance their partial interests.

Madison counted on the moderating influence of political compromise to control these interests (Cary, 1994). But, the Framers were not utopian dreamers. They saw self-interest as the bedrock of the American regime. Public virtue would be rare and the private sector would dominate the public sector (Richardson and Nigro, 1987). So, the federal Constitution sets relatively low expectations for public involvement, focused primarily on the process of electing representatives to express the will of the people. It does not provide any specific process or institution for direct citizen involvement in lawmaking, where interests might act factiously if given the opportunity to judge their own case (Cary). Although a strong advocate of greater citizen participation, Stivers acknowledges that:

> The system's original intent was to leave citizens free to pursue their private interests, having entrusted the public good to a structure that filtered and refined citizen views to produce government both 'adequate to the exigencies' that would ensue and protective of individual liberty (Wamsley *et al*, p. 248).

Madison recognizes self-interest as problem in representative democracy, especially because of the susceptibility of the people's representatives to the enticements of interest.

> No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine? (Hamilton, Madison, and Jay, p. 79)

Madison realized that the forces of factions could not be eliminated without ending the liberty of the people. Likewise, he understood that "...the resolution of these various and interfering interests..." (p.79) is a primary responsibility of any legislative body. Diamond (1959) points out that the achievement of the goals of narrow interests from time to time would be essential for the survival of the republic. Further, achievement would be most important for the more disadvantaged because they would always be more numerous than the rich. By providing at least the possibility of all interests achieving their goals in some cases, America might avoid the violent class struggles experienced by those societies based on permanent classes of winners and losers.

The fledgling republic could not rely on the virtue or nobility of a ruling elite to resolve factional conflicts. The pool of virtuous candidates would be shallow, even in a large republic, and the forces of interest would be strong. In the normal case, where the faction comprised less than a majority, Madison asserted that the diversity of interests of a large nation combined with the filtering effects of representation would suffice to hold factional excesses in control.

> If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. (Hamilton, Madison, and Jay, p. 80)

But, the republic would not always be so fortunate. In some cases, interests would combine to achieve control of the people's representative body and private rights would be in danger. The first line of defense would be found in limiting the powers of

the national government. In Federalist #41, Madison describes national powers as limited to those specifically enumerated. This enumeration served to circumscribe the reach of government authority. Then, in Federalist #51, he goes on describe how "contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places " (Hamilton, Madison, and Jay, p. 320).

First, the constitution divides power between the national and state governments. Then, it divides national power between three branches, each with the motive and resources to defend itself from the others. Finally, it divides the power of the legislature, that branch, which the Framers considered the most dangerous, into two bodies with different terms of office and methods of selection, each capable of blocking the action of the other (Hamilton, Madison, and Jay).

In simpler terms, the Framers of the American Constitution did what they could to arrange structures, some of which were quite undemocratic, to control the passions characteristic of democracy. Subsequently, electoral majorities and the politicians who depend on their support have undone much of this handiwork, and the courts have undermined the remainder. Visiting the United States only a generation after the writing of the Constitution, Tocqueville (1990) observed the unstoppable nature of the democratic majority.

> The very essence of democratic government consists in the absolute sovereignty of the majority; for there is nothing in democratic states that is capable of resisting it (p. 254). The majority in that country [the United States], therefore, exercise a prodigious actual authority, and a power of opinion which is nearly as great; no obstacles exist which can impede or even retard its progress, so as to make it heed the complaints of those whom it crushes upon its path. This state of things is harmful in itself and dangerous for the future (p. 256).

As America transformed itself from an agrarian to an industrial and then an information society, constitutional provisions originally designed to limit the power of the majority have been altered through amendment, interpretation, and practice. Our complex economy and the regulatory state are facts of modern life, not mere alternatives in a normative argument. Viewed in this light, the requirement for direct public involvement in agency rulemaking in the Administrative Procedure Act is nothing more than a continuation of the intrusion of democratic influence into an area that was deliberately designed to work outside the glare of the public spotlight. By opening the doors of federal agencies to the public, there may be more sunshine in the decision-making process, but what does this new light reveal for the future of our American republic? When we read the words written by participants in the notice and comment process, do we hear the heavenly chorus of liberty, equality, and fairness in the voice of the people, or do we instead hear, as Herring (1936) has suggested, "...the squeal of pigs at the trough" (p. 3).

From this historical perspective, this study proceeds to a more detailed investigation of the participants and the process. First, existing theories of factors driving public participation are examined. Next, the details of the research methodology are explained and hypotheses based on those theories are stated. Then, data revealing actual patterns of participation are used to test hypotheses. Also, descriptive data not used in hypothesis testing are presented to paint a more complete picture of the citizen participant. In the final chapter, this study concludes by evaluating findings on public participation in agency rulemaking according to the standards of liberty, equality, and

fairness. In addition, several proposed reforms are critiqued in light of the data presented.

Chapter 2

Citizen Participation

> *Ironically, group involvement with government has exploded at the same time that citizen involvement with both government and groups has diminished* (Putnam, 2000, p. 52).

In the previous chapter, the historical foundations of the contemporary dialogue on public participation in federal agency rulemaking are elaborated. This chapter first investigates theories on the drivers of political participation. Since the notice and comment process is political and participation in it is voluntary, it is expected that theories explaining participation in other forms of political activity will be applicable to this form of political activity. Next, theories concerning the nature, necessity, and consequences of public participation in agency rulemaking are examined. Although not used in hypothesis testing, these theories are useful in evaluating the compatibility of citizen participation with the democratic values of liberty, equality, and fairness.

Drivers of Political Participation

Research into political participation has routinely stressed the role of socioeconomic status, especially on low-cost activities such as voting (Gosnell, 1942; Lazarsfield, 1944; Key, 1950; Lipset, 1960; Lijphart, 1997). Socioeconomic variables include wealth, education, race, and gender (Verba and Nie, 1972). Age and marital status may be included, depending the measure of wealth. The age variable proves to be a problem because income is often used as a surrogate for wealth. People begin their

productive years earning less than they will in their more productive midlife. However, after retirement, income drops. So, the relationship of income to age is non-linear. When the measure of wealth looks at net worth, we see that persons reaching retirement age have had the opportunity to accumulate sizeable equity and savings. Even those less fortunate have whatever they have accumulated plus they achieve a retirement income without the expense of earning it, as well as the bonus of free medical care. It is reasonable to assume that if all assets are included in a measure of socioeconomic status, persons reaching retirement age may have substantially more wealth than their retirement incomes suggest.

But, the association between age and wealth may not be the most important reason for a strong role for age in predicting political participation. Putnam attributes about half of the decline in political participation over the last half-century to generational change. For members of the Great Generation, the Great Depression and World War II created shared adversity and a shared enemy, leading to a spirit of patriotism and civic engagement. Because both depression and world war are deviations from normal day-to-day life, the level of engagement from which Putnam claims we have fallen may also be an anomaly. Even so, it is an anomaly that has shaped the lives and expectations of subsequent generations. Putnam finds that Baby Boomers, children of the Great Generation, have tended to place greater emphasis on individualism than traditional social roles. Compared to their parents, they are slower to marry and quicker to divorce. Since a substantial percentage of married persons earn two incomes, lower rates of marriage would tend to diminish the accumulation of wealth.

Drawing on the 1990 Citizen Participation Study which deliberately over-sampled political activists, Verba, Schlozman, Brady, and Nie (1993) establish an important link between income, policy preference, and political influence. Although expressing political attitudes similar to low income respondents, political activists were found to be less dependent on social welfare programs, leading them to express different policy preferences. Since non-activists participate in the political system at lower levels and less frequently than activists, the policy preferences of the disadvantaged are less likely to be heard. These findings reinforce earlier research indicating the overrepresentation of the advantaged in the public policy arena (Schattschneider, 1960; Schlozman, 1984; Rosenstone and Hansen, 1990).

Verba, Schlozman, Brady, and Nie conclude that:

> Our analysis has shown that although similar in their preferences as measured by standard NES attitude questions, citizens who are active are quite different in their demographic attributes, their economic needs, and the government benefits they receive. These disparities are exacerbated when we move from the most common political act, voting, to acts that are more difficult, convey more information, and exert greater pressure (pp. 313-4).

Leighley (1995) offers two rival models for explaining the impact of socioeconomic status on political participation. In the first, the socioeconomic status model of participation assumes that attitudes precede behavior. Thus, our attitudes, determined by the social and economic circumstances of our daily lives, determine our propensity for political participation. In the second, the mobilization model stresses the importance of political opportunities that may be a determined by the individual's

environment. Of course, those with higher social and economic status would tend to have more opportunities, but, not necessarily, all of the opportunities.

In order to take advantage of an opportunity, one must know that the opportunity exists. This necessity points to a strong role of the media in making political information available. Putnam finds a strong association between reading newspapers and measures of citizenship. However, reading newspapers is declining as a result of generational succession. Those who read newspapers are more likely to participate in political activities and they are more likely to watch news programs on television. Ranney (1983) argues that television has replaced the role of the local political opinion leader in informing the public about politics. Viewers passively absorb some political information, even when they do not seek it. Similarly, Popkin (1991) finds that the media help shape voters' limited knowledge of the world, providing links between issues and offices, public policy and outcomes. These factors influence a voter's frame of reference. He describes the voter as a reasoning investor in collective goods using costly and imperfect information under conditions of uncertainty. Gains or losses are long term and are not easily calculated. So, citizens invest little in the acquisition of political information, relying on "gut reasoning" (p. 7) to process information from daily life, including that reaching them passively through their normal television viewing.

In spite of the importance of the media in disseminating political information, both Ranney and Putnam see an important downside, especially to watching television. Ranney finds that the intensity of television coverage of elections has the unintended consequence of overloading viewers with political information. The inundation of the potential voter with a superabundance of information about all campaigns results in

diminishing the importance of any particular campaign and, thus, trivializing the impetus for going to the polls. Also, Ranney observes that the increase in time spent watching television absorbs time that may have been spent in other activities. Putnam is more specific. For each additional hour spent watching television each day, he predicts a decline of ten percent in civic activity.

The Internet has the potential to be a rich source of political information, especially information about proposed federal agency rules. Internet advocates claim that reducing the cost of acquiring political information via the Internet would increase political participation. Putnam finds that when controlled for education, Internet users demonstrate average levels of social engagement, which is highly associated with political participation. Looking at voting and campaign-related participation, Bimber (2001) finds no significant association between Internet use and various low-cost types of involvement. But, he finds that Internet usage is the strongest significant predictor for higher-cost political activities such as making contributions of money.

Another and more traditional source of political information is a political association. Putnam observes that cooperative forms of citizen participation have declined more rapidly than expressive forms. Cooperative forms might include getting involved in a political campaign to influence an issue. Expressive forms might include signing a petition or sending an electronic comment on a proposed federal agency rule. The decline in grass roots politics is a reflection of this trend. Financial capital has replaced social capital in American elections. Among younger Americans who do participate, Putnam finds a strong link between civic and political activity.

But, the link between social capital and political participation may be more complex. Bowman and Boynton (1966) find a strong influence of primary groups, not associations, on the recruitment of British political party leaders. Rosenstone and Hansen find little relationship between participation in non-political and political associations, possibly because of the treatment of religious groups, which Putnam describes as unlikely to engage in political activity. However, they concur that voluntary political associations are critical in mobilizing individuals to take political action. Ayala (2000) points out a distinction between the impact of voluntary and involuntary associations on political participation. Acknowledging the importance of voluntary associations, he disputes the benefit of involuntary associations, such as those encountered in the workplace. Membership in labor unions may be legally required for employment in closed-shop states and company culture may exert a similar non-voluntary aspect for low-level managers' participation in corporate political action committees. Thus, these forms of participation may serve to replace rather than enhance traditional political mobilization.

Just as Putnam argues that association begets participation, Dahl (1989) argues that political participation begets political participation. He divides the American public into two political species. He calls those focused on their private activities *Homo Civicus* and those tending toward greater political participation *Homo Politicus*. *Homo Civicus* generally avoids political involvement until threatened by particular actions or inactions of government. The choices of *Homo Civicus* are swayed by inertia, habit, unexamined loyalties, emotions, and impulse. When aroused, she uses political resources to achieve limited objectives. When the threat is removed, she reverts to her more characteristic apolitical style. On the other hand, *Homo Politicus* stalks the political jungle, using

resources to gain influence that may be converted back to resources. Although only a small minority, *Homo Politicus* is far more calculating than his apolitical cousin and uses his cunning to exploit politically profitable issues. Dahl's (1989) pluralist paradigm predicts that the most active political participants will use the expectation of benefits or deprivations as tools to forge individual interests into winning political coalitions that operate within the legal and constitutional framework of the existing order and use democratic forms.

Guterbock and London (1983) find that high political trust and efficacy indicate a politically integrated individual who tends toward normal level of political participation. However, high trust and low efficacy predict political impotency. Low trust combined with low efficacy is indicative of alienation, while low trust and high efficacy indicate the environment of ethnic politics. Ethnic groups are similar to advocates of single issues in that they may see themselves isolated from the broader political culture that does not share their particular issue concerns. If this is true, high efficacy and low trust would be descriptive of participants in the notice and comment process.

Creig, Niemi, and Silver (1990) point out the difficulties involved in separating the belief that oneself is competent to address political issues, called internal efficacy, from the belief that the political system is responsive to citizen demands, which is called external efficacy. Likewise, there are problems inherent in distinguishing between trust in the incumbents in public office and trust in the basic institutions of government. Creig, Niemi, and Silver find that typical respondents to the National Election Study are relatively strong in internal efficacy and that trust in government institutions remains firm in spite of respondents' distrust of incumbent political leaders.

Putnam finds a link between the trust, efficacy and social capital. Overall, his data indicates that American social capital is in decline. From bowling leagues to Kiwanis Clubs to Boy Scout Troops, a smaller proportion of Americans participate in civic activities than did sixty years ago. Lower levels of civic activity lead to less contact among the citizens of a polity. This is a problem because frequent interaction among a diverse set of people is associated with the norm of generalized reciprocity. Generalized reciprocity is an indication of trust and the experience of interaction in an environment of trust increases efficacy and civic engagement as evidenced by continued interaction in associational activities. Likewise, Kwak, Shah, and Holbert (2004) find that trust in others facilitates the extension of social activities into civic participation. Brehm and Rahn (1997) also find a significant role for trust as a driver of participation, but stress the importance of cognitive abilities, economic resources, and general life satisfaction of the potential citizen participant.

Participation in the Notice and Comment Process

While the general subject of political participation has received much attention over the years, surprisingly little empirical research has been focused on citizen participation in the notice and comment process. Yackee and Yackee find that although the notice and comment process may have lowered the cost of participation in federal rulemaking, the costs remain sufficiently high to inhibit the participation of individuals and public interest groups. Agencies are more likely to alter rules to comply with business comments than with the comments of other kinds of interests. Business interests

have greater financial resources allowing advantages in technical and legal expertise. Therefore, business interests make more comments and more of their comments affect rules. Similarly, Golden finds an excessive influence of business interests among notice and comment participants, operating in definable issue networks. She finds that these business interests enter and exit the policy arena as the focus of rulemaking activity changes.

Cuèllar describes current methods of citizen participation as a compromise between aspirations for greater public involvement and the reality of citizen apathy, a complex regulatory environment, powerful interest groups, and a constrained bureaucracy. Examining the content of participant comments, he finds that there are dramatic differences in the level of technical expertise displayed in the comments of individuals and those of organized interests. However, the comments of organized interests do not contain the range of concerns expressed by individuals. Cuèllar argues that while comments may signal the intensity of preferences, the failure to make a comment does not necessarily imply a lack of concern.

While searching for evidence of deck stacking by administrative agencies in support of constituencies favored by Congress, Balla had to examine how agencies process information from comments. In their treatment of comments made on a proposed rule concerning payment schedules for medical services, with comments made primarily by physicians and physician associations, the agency differentiates between those comments made by individual practitioners and those made by associations. Comments are sorted, filed, and analyzed separately, even though many, if not all, practitioners are also members of those organizations making comments. Similarly, Cuèllar observes that

agencies keep a count of all comments, even those that are obviously form letters initiated, and sometimes executed, by interest groups that make no effort to disguise their identity. Dryly, he concludes that numbers count.

From a vantage point at the advent of the Internet revolution, Fiorino (1990) finds difficult barriers to public participation embedded in the institutions of government. He points to the issue of communicating technically complex material to the lay public in order to acquire their comments. The process appears inherently biased against the lay public, which generally lacks the technical expertise necessary to fully understand the issues presented and make rational comments. Fiorino concludes that low political awareness and lack of interest on the part of the public are really signs of deficiencies in institutions, not limitations on the public.

However, over the past two decades, advances in computer technology and Internet access have allowed government agencies to dramatically increase the opportunities for public participation. In an examination of state, local, and national government use of Internet technology, Darrell West (2004) describes the impact of e-government initiatives as potentially transformative but still developing. Governments tend to go through progressive stages in their transformation to e-government. Initially, the government or agency web site serves as a billboard to advertise particular information selected by the originator. Gradually, options for some forms of limited service delivery are added. Later, agency web pages become portals, offering fully executable services and integrating offerings of various agencies or levels of government. In the final stage, governments facilitate interactive democracy with a variety of offerings including: e-mail; push technology to alert interested citizens to particular activities;

postings for comments and complaints; chat rooms, search features; options for the personalization of the web site; and, broadcasting government events. Although more than half of Americans claim to have used a federal government web site, Darrell West (2004) found no significant relationship between such use and trust in government or assessments of government efficiency.

An audit by the U. S. General Accounting Office (2003) finds that about two-thirds of federal agency web sites allow citizens to make electronic comments on proposed rules. An overlay web site (regulations.gov) is available to facilitate comments on most other proposed rules. Although noting numerous opportunities for improvement, the report optimistically forecasts that information technology could greatly facilitate the public's ability to make comments on proposed rules.

Electronic rulemaking is a prominent element of Bill Clinton's National Performance Review. Likewise, George W. Bush has emphasized using electronic rulemaking to create a more citizen-centered government. Most interest groups report using it, but they rate it as less effective than other avenues of influence (Kerwin). As a means of increasing effectiveness, some groups have turned to a novel technology. Emery and Emery (2005) find that some interest groups have developed software to take the salient points of their argument and disguise them in thousands of faux comments made in the names of association members, giving the impression of a groundswell of public support for the groups position. As a countermeasure reminiscent of Cold War era spy versus spy thrillers, Emery and Emery recommend the development of agency software to scan all comments and identify main themes. This would improve efficiency and assure the inclusion of important issues.

In spite of government's efforts to increase the transparency of its processes and facilitate public participation, the trend in American public opinion has been a decline in levels of confidence in the federal government. Brooks and Cheng (2001) find only a small relationship between confidence in government and policy preferences, suggesting a crisis of legitimacy. Based primarily on normative arguments, much of the recent scholarship in this area supports efforts to increase public participation in government decision-making in order to enhance legitimacy (Rosenbaum, 1976; Langton, 1978; Fiorino; Wamsley *et al*; Dahl, 1994; Richardson, 1997; McAvoy, 1999; Lovan, Murray, and Shaffer, 2004).

Is It Public Participation Or Special Interest Politics?

Lowi (1969) argues that exactly the opposite result is achieved. Agency rulemaking moves policy making from politically accountable representatives of the people and resides it in a bureaucracy, arguably accountable to Congress, the courts, and the president (Meier, 1993; Peters, 2001). Mashaw (1985) makes the point that such delegation of authority is, in itself, neither inappropriate constitutionally nor unattractive as an option in deciding policies with more than two possible alternatives. But, when the participation of stakeholders in agency decisions is mandated, Lowi argues that the power to make public policy is parceled out to the most interested parties. At that point, the ends of government and the justification of selecting one policy over another are no longer matters of public debate. Cynicism and distrust of the political system result.

This undermines the credibility of incumbent policy-makers (Creig, Niemi, and Silver), and may ultimately undermine the legitimacy of government institutions (Easton, 1974).

Lowi claims that direct interest group participation in policy has been accepted as self-government. By allowing groups to work out their own compromises, politicians avoid conflict. This creates the appearance that government does not have to be coercive. The primary requirement for fairness is accessibility of the system to all organized interests, with no judgment of their claims. Public interest is merely the aggregation of the claims of various interest groups. This system is based on three assumptions. First, interest groups are homogeneous, easily defined, and accurately represented by their leadership. Second, interest groups are ubiquitous and tend to balance other interest groups. And third, government's role is to assure access and ratify agreements among contenders (Lowi).

The pluralist notion of politics focuses on the competition of various coalitions for public support, with the sum of these outcomes expressing the public interest. But, why should the aggregation of any particular set of interests expressed through winning coalitions necessarily be the public interest? Schattschneider defines the public interest as a general interest shared by substantially all members of a society. The sum of the interests of a set of winning political coalitions specifically excludes the interests of non-winning coalitions. Likewise, it excludes the interests of the majority of citizens who are non-participants in this or that political turmoil. Thus, pluralism results not in the public interest, but in some specific, if temporary, aggregation of special interests. Schattschneider defines a special interest as that interest shared by only a fraction of a society. He notes that members of special interests exclude others and their interests may

be adverse to others' interest. However, special interests tend to rationalize their interests as public interests, and, in their public discourses, they state their interests in public terms.

Contrasting the American pressure system to that of other nations, Black and Burke (1983) argue that America has progressed into a post-pluralist system. Rather than a pluralist competition among groups, they find something resembling a European corporatist model. They observe that many professional groups are granted virtually exclusive control of their policy areas. The American Medical Association is specifically named as one such group and the American Bar Association might be another. Often, these groups exercise a veto power over public policy proposals that might threaten their group interests.

Likewise, Schlozman argues that, in terms of number and structure, business interests are over-represented in the American pressure system. A utopian scheme for political equality would require that all citizens be equally active on all issues. However, individuals vary in political resources such as time, money, skills, and contacts. Therefore, differences in rates of participation occur which do not represent differences in intensity of preferences. She asserts that this overrepresentation of business comes at the expense of groups representing broad public interests and the poor. She uses census data to demonstrate that the number of interest groups by type does not match the percentage of the population she assigns to those interests. Schlozman qualifies the charge of bias with the recognition that many powerful segments of the population such as mature, white males are not represented as separate interests.

Similarly, Schlozman notes that the explosion in the growth of public interest groups has been offset by the growth of professional associations and individual corporations as interest groups. Also, business and professional groups tend to last longer than public interest groups. There has been a decline in the number of civic and foreign policy interest groups and an increase in environmental and consumer groups. The stability in the number of union groups as other groups have increased nets a decrease in the influence of unions. Although the units of the pressure system do not have equal influence, the advantage of business in number is augmented by its control of greater resources.

But the multiplicity of voices from the business community may be less of a chorus than a cacophony. Fritschler (1989) observes that one reason for the involvement of business in so much of agency decision-making is that most government regulation has come at the behest of those businesses being regulated. Regulation provides a stability that is generally lacking in the market. Also, Mancur Olson (1965) points out that business lobbies are organized by industry, producing a number of small, oligarchic units that may effectively lobby for issues affecting their particular fiefdom. While small pressure groups tend to exert greater policy influence because of their ability to organize effectively and control the distribution of rewards, business has limited influence on broad national concerns. This is because business, as a whole, is not well organized.

During the past sixty years, Congress has delegated more rulemaking power to executive agencies and provided for greater public information and public access to the rulemaking process. Beginning with the Administrative Procedure Act of 1946, Congress has expanded opportunities through the Freedom of Information Act, the

Privacy Act, the Government In the Sunshine Act, the Federal Advisory Committee Act, the Negotiated Rulemaking Act, and the Small Business Regulatory Enforcement Act,. One result of these efforts has been the growth of interest groups, especially those centered in Washington, D. C. and focused on influencing agency rulemaking (Kerwin). Both Schlozman and Putnam observe the trend of new membership organizations to be centered in the nation's capitol. Schlozman notes that many Washington-based pressure groups have no individual members. Putnam estimates that more than half of modern associations are professionally staffed advocacy groups with no individual members. In a study of nature advocacy organizations, Basso (2003) observes:

> The professional advocacy organizations that operate in the national and international policy arenas are not really looking for activist members in the classical sense, nor would they know what to do with these people if they had them. It may be cynical to say so, but of what use are 'members' when lawyers, scientists, and policy experts are far more valuable in day-to-day policy debates at the national and international levels of discourse? The emergence of 'virtual membership' via the Internet only reinforces the perspective that members as such are little more than organizational wallpaper, a collective backdrop for professional advocacy (p. 410).

Associations calling themselves citizen's groups tend to be mere mailing list organizations, with the membership function limited to making contributions. Putnam describes the modern mailing list groups as tertiary organizations in which members may share common ideals and symbols without developing ties to each other. Movements based on symbolic identification rather than personal networks tend to experience high membership volatility. These members are principally recruited through direct mail. Commitment is low, members participate in fewer activities, and recruits hold more extreme and intolerant political views than members of movements that rely on social networks.

Is Participation an Expression of Self-Interest or Symbolic Interest, and Does It Matter?

When the Founders of the American republic designed a government based on the realities of human nature, they expected that the greatest proportion of citizens would pursue their self-interest, giving only infrequent attention to public matters (Richardson and Nigro). While virtuous activity is an essential part of the good life, political participation is not essential to virtuous activity. Family and friendships provide ample opportunities to develop and express virtuosity. So, while government might need the virtuous citizen's participation to function properly, the virtuous citizen does not need opportunities to participate in government (Mulgan, 1990). In the early days of the republic, government was small and most problems were resolved by those most directly affected, without recourse to politicians or agencies. During his visit to America in the 1830s, Tocqueville observed:

> The citizen of the United States is taught from infancy to rely upon his own exertions in order to resist the evils and the difficulties of life; he looks upon the social authority with an eye of mistrust and anxiety, and he claims its assistance only when he is unable to do without it. ... The same spirit pervades every act of social life. If a stoppage occurs in a thoroughfare and the circulation of vehicles is hindered, the neighbors immediately form themselves into a deliberative body; and this extemporaneous assembly gives rise to an executive power which remedies the inconvenience before anybody has thought of recurring to a pre-existing authority superior to that of the persons immediately concerned (p. 191).

Of course, the problems faced by contemporary Americans are much more complex than getting a wagon out of a ditch. But, the same self-interest that moved society from self-reliance toward a complex administrative state in the 1930s appears to be pushing us in another direction today. Weissberg (2003) attributes the current trend toward privatization, which tends to diminish the public sphere, to the public's perception that public and private strategies for handling problems may be interchangeable:

> Unlike academics preoccupied with heightened civic activism, ordinary citizens have long grasped the fungibility of private and collective strategies. It's purely a matter of practical circumstances - if noisy rallies to secure improved police protection fail, hire private guards or buy a gun. In fact, a personalized 'do-it-yourself' solution is quite reasonable given a gridlocked system in which even simple policy changes may take years and require assembling unwieldy coalitions (p. 387).

So, political participation is not merely a choice of acting or not acting. It also represents an individual's choice of a political act over other potential non-political acts. Putnam finds that, in spite of the general decline in associations, self-help groups are on the rise. He notes that self-help groups are the only type of groups that are not associated with higher levels of social capital. Perhaps this is because self-help group members are acting privately on matters that they consider important to their interests, rather than waiting for an association to move government to solve their problem. Making a comment to a proposed agency rule would be an example of choosing a political act to solve a problem, perhaps even the same kind of problem addressed by other citizens through self-help groups. Citizens are more likely to participate in political acts when the interest of the community is demonstrably linked to the interest of the individual (Leighley ; Burtt,1993; Richardson).

But not all research points toward such rational choice explanations of participation. Whiteley (1995) finds that while rational choice theory explains low-cost activities like voting, expressive concerns and a sense of collective efficacy are the most significant influence in explaining high-cost activities, like campaigning. Similarly, in an extensive study of political activists, Schlozman, Verba, and Brady (1995) find expressive concerns to be the primary driver of most types of political participation.

The debate over self-interest and expressive motivations of political participation has produced substantial controversy among academics, culminating in a series of articles and answers between the spokesmen of the opposing views, each challenging the methodology of the other. Writing for the proponents of expressive concerns, which he terms the symbolic politics view, Davis Sears (1997) notes that experimental studies of the impact of self-interest on decision-making have usually resulted in stronger relationships than studies which utilize survey methodology. He notes several problems with experimental studies of self-interest. First, the population of experimental studies is normally composed of undergraduate college students and the settings are artificial. Secondly, these studies usually focus of common and well-understood aspects of the students' daily life, which could be decided on a relatively simple cost-benefit calculation. Finally, the subjective evaluation of self-interest may be nothing more than an after-the-fact justification for an attitude. He contrasts these problems with survey studies, which usually sample the general population by telephone in their homes. Evaluations of self-interest are determined objectively. However, the subject of the inquiry normally involves complex questions about which the respondent has less knowledge and in which he has a smaller stake.

Writing for rational choice advocates, Crano (1997) criticizes an earlier study by Sears, Hensler, and Speer (1979) for insistence on attitudinal homogeneity among all levels of vested interest. For example, a variable measuring opposition to bussing to achieve racial balance in schools is used as the indicator of self-interest among Whites, when only a very small percentage of survey respondents had children in schools affected by a court order requiring bussing. Crano argues that a fair test of the effects of vested interest in matters of public policy must include three elements. First, there must be a measure of how the policy will impact the respondent's life, preferably self-reported. Second, there must be a reliable scale for measuring symbolic attitude. Finally, the study must measure action on a policy-relevant issue, preferably using an index constructed from a number of questions concerning aspects of that issue.

Leighley observes that the debate between proponents of rational choice explanations of participation and those arguing for expressive incentives turns on questions of operationalization of the variables and to the value accorded to post hoc justifications provided by participants. He concludes that while the chance of affecting public policy decisions is likely to be substantially higher for elites, collective political action may not appear rational for ordinary citizens because of the limited chance of success.

Contacting a government official, a political behavior similar but not identical to making a comment on a proposed agency rule, is a political act that has been evaluated in the context of material and symbolic interest. Although finding strong support for non-material motivations in most types of political activities, Schlozman, Verba, and Brady find that those subjects whose act of participation is contacting a government official

identify material reasons as their chief motivation. Moon, Serra, and West (1993) find that citizens most frequently contact their representatives to seek help with specific problems. Likewise, in a study of more than two thousand citizen-initiated contacts with municipal officials in Cincinnati, Ohio, Thomas (1982) finds that the ends of this type of political participation tend to be instrumental and needs driven. Political efficacy acts as a booster for the more advantaged and as a damper for the least advantaged. Thomas contrasts two competing models of participation, finding each inadequate to explain citizen-initiated contacts. First, the socioeconomic model predicts that contacts will increase as socioeconomic status increases. A second model predicts that rates of contacting will be distributed in a parabola between the vectors of high and low needs and awareness. Study data fail to support either prediction. Thomas offers a clientele model to explain the distribution of citizen-initiated contacts. According to this model, the driving impetus for a citizen-initiated contact is the citizen's perceived need for service from a particular agency. Secondarily, attitudes and information either stimulate or impede that impetus. Thomas (1982) concludes:

> A citizen who contacts a government agency usually seeks (1) a relatively specific response (2) in the very immediate future ... By contrast, an individual involved in some traditional form of political participation (e.g., voting, campaigning) usually has policy ends that are much less specific with their achievement not expected so quickly (pp. 504-5).

This debate between proponents of material and symbolic motivations involves more than mere methodological controversy. If political motivations stem from individual-level calculations of material interests, government actions contrary to those interests constitute an injury that may require compensation of some sort. If motivations reflect only political symbolism, then the dominant political regime might educate

disaffected individuals to the politically correct values (Sears, Hensler, and Speer). For example, McAvoy finds that when citizen participants object to the siting of a hazardous waste facility, those objections may be overcome through accommodations and incentives. Had the objections been purely symbolic, there would be no reason to expect that material incentives would provide appropriate compensation. Also, motivations may be mixed. Oliver (1999) finds civic participation low in high-income homogeneous urban communities. He attributes the low levels of civic activity to little need for government services, a material motivation, and a general agreement on goals, indicating a symbolic motivation.

Normative Theories of Citizen Participation

Not all contacts between citizens and government officials are without negative intent or outcome. In a study of public opposition to radioactive waste sites, Kraft and Clary (1991) observe that citizen participation in agency decision-making may lead to community opposition and political stalemate. Among the reasons for increased community resistance they identified: new environmental values; fear of technological risks; a dramatic increase in the information available to the general public; less trust in government and industry; and, statutory requirements for the inclusion of the public in administrative processes. Likewise, Lovan, Murray, and Shaffer identify several potential negative consequences of public participation including delays in reaching

decisions, issue capture by unrepresentative interest groups, focusing on trivial issues, and loss of confidence in decision-makers when efforts are not perceived as successful.

In another study of citizen participation in public budget making, Simonsen and Robbins (2000) find that those who favor an expansive role for government would be better served by limiting budget information and citizen participation in the budgeting process. When citizens perceive themselves as customers of public goods rather than participants in a cooperative effort, there is a decline in support for government services. Simonsen and Robbins note that by engaging a discrete group of citizens in the budget process and providing them with adequate financial information to make informed decisions, those citizens are made less representative of the public they were selected to represent.

A third study of public participation, Rohrbaugh and Wehr (1978) point out the difficulty of determining citizen preferences, even in a small, relatively homogeneous rural community. They conclude that it is difficult, if not impossible, to determine the true preferences on complex public policy questions of even a single individual due to the nature of the human cognitive process. Human judgment is complex, covert, and inconsistent. Likewise, it can be reported only subjectively and introspectively, with priorities and tradeoffs seldom accurately described by the decision-maker. This is further complicated by the likelihood that citizens may over-dramatize their positions on one or more single issues, thereby decreasing the possibility of compromise across even relatively small polities.

Even more ominous is the potential for citizen participation causing harm to the participants. Morrell (1999) finds that when citizen's views may be attributed to them,

peer criticism may be directed at those opinions and at the individual responsible for them. Identification with unpopular or politically incorrect ideas may lead to chastisement or other negative incentives, reducing the likelihood of further participation by the person receiving the chastisement or by others of like mind who observe her treatment. Morrell recommends that discourse be structured to preserve the anonymity of the participant. However, that would violate the democratic goal of transparency in the public decision-making process.

But not all of the potential problems lie with the citizen participants. Public officials are not above using public participation to accomplish agency ends. In analyzing the impact of public hearings on General Revenue Sharing decisions and behavior, Cole and Caputo (1984) conclude that while hearings had an immediate, short-term impact on both behavior and public interest, the long-term effects were insignificant. More ominously, they muse, "Unfortunately, rather than opening the process of administration to public involvement, the public hearing may permit sanctioned isolation of agencies and agency officials seeking as little program and policy change as possible" (p. 415). More to the point, Thomas (1995) cautions public officials that when public acceptance of a decision is most important, more public participation in decision-making is appropriate. However, when the quality of the decision is most important, less public participation is appropriate.

The foregoing sections have explored and elaborated theories of the drivers of political participation, the nature of participation in the notice and comment process, the role of interest groups in the pressure system, motivations for participation in pressure politics, and normative theories of citizen participation. From these theoretical views,

this study progresses to a discussion of the methodological concerns in the next chapter. First, the selection of the sample of notice and comment participants is described. Then, the hypotheses to be tested are articulated and the variables used to test these are presented. Subsequent chapters cover testing hypotheses, presenting additional descriptive data, and drawing conclusions.

Chapter 3

Methodology

The previous chapter presents theories that are the product of prior research in the area of citizen participation. In this section, those theories are applied to the hypotheses that will be tested using Citizen Participation Study data. First, the data sources are explained. Next, hypotheses are stated. Finally, technical aspects of testing procedures and data presentation are elaborated.

Since this study proposes to evaluate the representativeness of notice and comment participants, the characteristics of the general public must be determined. I use the 2004 American National Election Study (ANES) for this purpose. This study is selected because processing of the 2006 ANES survey had not been completed at the time of polling for this study. The 2004 ANES uses face-to-face interviews with 1,212 pre-election respondents and 1,066 post-election respondents (Center for Political Studies, 2004). Twenty-six specific questions contained in the ANES questionnaire are used to identify characteristics of the survey respondents.

Given the importance of federal rulemaking to our complex regulatory state, there has been relatively little research done on the participants in this essential process. For many years, research into the notice and comment (N&C) process has been limited because access to information concerning participants in this process was quite difficult. Paper records were stored in agency offices, usually in Washington, D.C., but sometimes in even less convenient locations. However, recent advances in electronic access to

government agency databases open a vast and relatively unplowed field for academic research (Coglianese, Shapiro, and Balla, 2005). Several agencies maintain fairly large archives of comments on current and past proposals. Since the rule proposals are issued by different agencies using somewhat different processes for securing participation, receive different levels of media and interest group attention, concern different types of issues, and receive comments from throughout the nation, a relatively large and diverse pool of known political participants is available. From this pool, the sample used in this study is drawn.

Sample Selection

Questions similar to those contained in the ANES survey were asked of 400 N&C participants in a survey mailed on April 10, 2007. A copy of the survey instrument is provided in Appendix A. Approximately 100 subjects were randomly selected from those individuals offering comments to each of four particular notices of proposed rulemaking. Random selection of rule proposals is inappropriate because most rule proposals attract few, if any, comments by individuals acting as private citizens.

So, three factors influenced the selection of a particular notice of proposed rulemaking (NPRM) for this study. First, the number of comments made by private citizens has to be sufficiently large to provide a reasonable pool of candidates for the survey. A threshold level of 500 comments from individuals is established to meet this criterion. Secondly, the comments must be made fairly recently. America has a mobile population. Since the addresses of commenters are not updated after submission, the

longer the interval between the comment and the survey, the lower the response rate. Therefore, the pool of commenters is restricted to those between January 1, 2005 and June 30, 2006. Finally, since an important aspect of this study is the impact of e-rulemaking on citizen participation, only those NPRMs accessible to e-comments are considered. Data for these NPRMs are available through either the agency website or regulations.gov. It should be noted that while the overwhelming majority of these comments are made through e-comments or e-mail, not all comments to the NPRMs are submitted electronically. Some comments are made through traditional means and are subsequently scanned into the electronic database of comments. However, even if the comment is not made via an electronic option, information about the NPRM and a wealth of data relating to the proposed rule are available on-line. Since it would not be possible to determine which particular commenters use on-line information, all individual commenters are included in the pool. Seven NPRMs meet all of these criteria. However, four of the seven are generated by a single entity, the Environmental Protection Agency (EPA). Three of these environmental NPRMs have been eliminated. While this may understate the magnitude of environmentalists in the mix of individual citizen commenters, it allows a more balanced look at participants from a variety of issue areas.

Selection of Rule Proposals

The remaining NPRM promulgated by the EPA is EPA-HQ-TRI-2005-0071. It is selected because it has more comments than other candidates from the EPA. Like most proposed rules, this NPRM is the most recent step in a long and complex regulatory

process. In the language of the Emergency Planning and Community Right-To-Know Act (EPCRA), Congress granted to the EPA broad discretionary power to establish and alter reporting requirements for certain toxic chemicals that are used, stored, or passed through a facility. Currently, the Toxic Release Inventory (TRI) tracks 30 chemical categories and 531 specific chemicals. Depending on the type and quantity of toxic chemicals involved, different methods of reporting are required. Based on the estimates of an outside consulting firm, Form R which is required for larger quantities or more toxic chemicals takes roughly one and one-half times as long to complete as Form A, used for smaller quantities or less toxic chemicals (Environmental Protection Agency, 2005).

As part of its mandate from Congress, the EPA is required to periodically review its regulations to determine if agency goals may be accomplished in a less burdensome manner. This review began with a Stakeholder Dialogue sponsored by the EPA that lasted from November, 2002, through February, 2004. Such a dialogue is actually a long period of comment used during an early phase in the rulemaking process. Agency records indicate that a total of 770 comments were received with sixty-three percent coming from individuals, sixteen percent from environmental groups, fifteen percent from industry, and six percent from government agencies (Environmental Protection Agency).

Based on this feedback, the EPA determined to improve the process through three initiatives. One involves eliminating some reporting items by utilizing information already stored in agency data files. Another reduces the frequency of some TRI reports. Most changes involve changing the requirement for annual reporting to biannual

reporting. The change proposed on EPA-HQ-TRI-2005-0071 allows the use of a simpler form of reporting for some less toxic chemicals that presently require more complex reporting (Environmental Protection Agency).

Because three separate initiatives are being undertaken in roughly the same time period, opponents to change, primarily environmental groups, link the three in their comments. The relatively small change proposed on this NPRM is routinely described by commenters as a means of reducing the information available to the public. However, the language of the proposed rule indicates that it merely changes which form will be used for the reporting. Likewise, it should be noted that the proposed changes do not dramatically impact the bottom line of the firms seeking the changes. The EPA estimates that in the worst case, reporting time will be reduced from 67 hours per report for the more complex form to 45.6 hours for the less complex form. Even if the firm used a fairly large number of TRI chemicals, it is doubtful that the savings would be critical to the firm's survival (Environmental Protection Agency). The insistence of environmentalists on no changes, even inconsequential changes, would seem to indicate that participants are more influenced by symbolic than material motives.

The second NPRM selected for this study, APHIS-2005-0063, was initiated by a petition from an affected interest group and proposes rules for the transportation and sale of domestic ferrets. In March, 2004, the International Ferret Congress (IFC), in conjunction with one veterinarian and six ferret shelter or support groups, petitioned the Department of Agriculture to establish standards for the care and handling of domestic ferrets under authority delegated to that agency under the Animal Welfare Act (AWA). This law gives the Secretary of Agriculture the option of using a general standard or

establishing a specific standard for any type of animal except birds, laboratory mice, and domestic farm animals used for normal agricultural purposes. Currently, domestic ferrets fall under the general standard. Petitioners claim that ferret kits (young) are taken from their mothers too soon and improperly caged and fed. These deficiencies result in both physical impairment of the young ferrets and a tendency to exhibit aggressive behavior. Purchasers of the ferret kits are unable or unwilling to cope with these problems and a disproportionate number of ferrets end up in shelters (Department of Agriculture, Animal and Plant Health Inspection Service, 2005).

The web site of the IFC provides a link to a page containing information on the proposed rule along with detailed instructions for making a comment either via the Internet or conventional mail. Also, technical information and lists of key points are provided along with several letters from sympathizers. For the less articulate supporters, a letter authored by the American Ferret Association is provided. This requires the concerned citizen to merely copy the letter, print her name and address, and sign the letter. Of course, four copies are required by agency standards (International Ferret Congress, 2006). It is anticipated that comments on this rule will be limited to a rather insular community of persons and organizations that own, shelter, breed, service, or sell ferrets. However, these material motivations may be mixed with symbolic attachments to the concept of animal rights.

The third rule selected for this study is NPRM FAA-2004-17005, which proposes rules to limit the ability of small aircraft to operate in specific airspaces around Washington, D. C. Subsequent to the terrorist attacks in 2001, the Departments of Defense and Homeland Security designated certain parts of the airspace in and around the

nation's capitol as no-fly zones. These restrictions were seen as necessary to protect vital national assets in the area. Subsequently, service to the Reagan International Airport by large commercial aircraft and certain corporate aircraft was allowed to resume but restrictions on the smaller general aviation aircraft remained in effect. Use of three proximate general aviation airports was restricted and owners and pilots must undergo extensive vetting before receiving a personal identification number necessary for all landings or take-offs. All aircraft operating in a wider designated area must use a coded transponder for identification and maintain radio contact with designated control facilities (Department of Transportation, 2007).

These restrictions are understandably unpopular with general aviation owners and pilots in the region and their material motivations are clear. Even minor violations of rules may result in severe fines and/or loss of licensing. More severe violations could lead to the in-air destruction of the aircraft and occupants (Aircraft Owners and Pilots Association, 2006). Agencies responsible for intercepting and destroying hostile aircraft agree that the current airspace restrictions are the minimum required for national security reasons. The proposed rule serves to codify these restrictions, effectively making them permanent (Department of Transportation, Federal Aviation Administration).

The final NPRM selected for this study addresses a different national security issue. NPRM USCBP-2005-0005 seeks input on possible alternatives to requiring American citizens who re-enter the United States from Canada, Mexico, and Bermuda to present a passport as identification. The Immigration and Nationality Act (INA) requires all United States citizens and nonimmigrant aliens to present passports as identification when entering the United States. That law allows the Secretary of State and Secretary of

Homeland Security to jointly waive the requirement for nonimmigrant aliens and the Secretary of State to unilaterally waive it for U. S. citizens. Up until this point, U. S. citizens and nonimmigrant citizens of Canada, Mexico, and Bermuda were allowed to use driver's licenses, birth certificates, and other photographic identification cards issued for that purpose when entering the United States from any point in the Western Hemisphere other than Cuba (Department of Homeland Security, Bureau of Customs and Border Protection, 2005).

However, the Intelligence Reform and Terrorism Reduction Act of 2004 terminated the discretion of the Secretary of State in such matters and required all persons entering the United States to provide a passport as identification. Some discretion remained. The law required the Secretary of Homeland Security to specify what documents may be used in lieu of a passport when entering the United States after January 1, 2008 (Department of Homeland Security, Bureau of Customs and Border Protection). Most Americans may never feel the impact of this rule. However, cross-border commuters, those who frequently travel on business to these countries, and those with family or friends there are certain to feel the loss of what has been for many years a special privilege. The material motivations of respondents are clear in their comments, most of which express a desire to avoid paying for a passport.

In sum, the four NPRMs selected address issues that are important to their communities of interest but none of these communities are likely to overlap excessively. Likewise, there is a reasonable mix of those actuated by material concerns and those expressing symbolic concerns. Geographically, persons concerned with the reporting of toxic chemicals and protection of ferrets would not be expected to have any particular

geographic concentration. Washington, D. C., and points of entry from Canada, Mexico, and Bermuda are more discrete geographically, but they are widely dispersed from each other. Also, individuals traveling to those destinations come from across the nation. So, in aggregate, these NPRMs are expected to provide a diverse pool of N&C participants, both in terms of issues and geography.

Each pool of NPRM respondents forms a cluster. For each cluster, random numbers were generated encompassing the range of the docket numbers of comments (Creswell, 1994). Documents matching each random number were examined to determine that the comment is from an individual, that a complete mailing address in the United States is provided, and that the individual has not been previously selected for inclusion, since many participants make multiple comments. If all criteria are met, that name and address is added to the pool of polling subjects. Approximately one hundred subjects are selected from each NPRM in order to avoid excessive influence of any particular cluster. The survey documents are similar but coded to indicate from which NPRM the subject was selected. A total of one hundred forty one responses were received by May 14, 2007, for a response rate of slightly more than thirty five percent. This survey is referred to as the 2007 Citizen Participation Study (CPS). Throughout this study, CPS respondents are used as a surrogate for all N&C participants.

Hypotheses

Table 3.1
Demographic and Socioeconomic Variables

ANES Variable	Description
V043249A	Year of birth
V043251	Marital status
V043252	Highest grade of school or year of college completed
V043293X	Household income
V043299	Race
V041109A	Gender

A number of previous studies have described those who have the higher levels of wealth, social status, and education as the more likely to participate in political activity (Verba and Nie; Rosenstone and Hansen; Leighley; Lijphart; Putnam). The six variables that deal with demographic and socioeconomic variables are displayed in Table 3.1 above. The data for these variables will be used to test the following hypotheses:

Hypothesis 1 The mean age of CPS respondents is higher than that of the general public.

Hypothesis 2 CPS respondents are more likely to be married than the general public.

Hypothesis 3 CPS respondents are better educated than the general public.

Hypothesis 4 CPS respondents have higher household incomes than the general public.

Hypothesis 5 CPS respondents are more likely to be White than the general public.

Hypothesis 6 CPS respondents are more likely to be male than the general public.

Table 3.2
Organizational Membership

ANES Variable	Description
V045170	Membership in a nonreligious organization
V045170A	Number of nonreligious associations

Voluntary participationn in a variety of civic and social groups is associated with political participation (Putnam; Ayala). Table 3.2 above displays the two variables gauge relative levels of organizational membership. These variables will be used to test two hypotheses:

Hypothesis 7 CPS respondents are more likely to belong to nonreligious associations than the general public.

Hypothesis 8 CPS respondents who are members of nonreligious organizations belong to more associations than the members of the general public who are association members.

Table 3.3
Information Sources

ANES Variable	Description
V043014	Days during past week watched the national news on television
V043016*	Days during past week watched the local news on television
V043017*	Nights during past week watched the local news on television
V043019	Days during past week read local newspaper
V045155	Internet access

* Combined to reflect the total number of days watched local news

The media plays an important role in forming perceptions of one's political environment (Ranney; Popkin; Putnam). Also, Internet use is associated with participation in high-cost political behaviors (Bimber). Four study variables investigate the respondent's access to and frequency of use of various media sources. These four variables will be used to test the following hypotheses concerning information sources:

Hypothesis 9 CPS respondents watch national news on television more frequently than the general public.

Hypothesis 10 CPS respondents watch local news on television more frequently than the general public.

Hypothesis 11 CPS respondents read a daily newspaper more frequently than the general public.

Hypothesis 12 CPS respondents are more likely to have Internet access than the general public.

Table 3.4
Measures of Political Participation

ANES Variable	Description
V045167	Contacting a government official
V045168	Attendance at a community meeting
V045153	Talking politics with family or friends
V045154	Listening to political talk radio
V045010	Talking with people to influence their voting decision
V045011	Attend political gatherings
V045012	Display campaign buttons, stickers, or signs
V045014	Make contributions to individual candidates
V045015	Make contributions to a political party
V045016	Make contributions to group that supports candidates
V045017A	Voting

Research indicates that social, civic and political participation predicts more political participation (Dahl, 1989; Verba, Schlozman, Brady, and Nie; Putnam). The next set of variables looks directly at various types of political participation behaviors. The categories of response are yes or no and all questions are identical in both surveys. The primary difference is that the ANES variables refer to the 2004 election cycle and the CPS variables refer to the 2006 election cycle. The variables presented above in Table 3.4 are used to compare the CPS respondents to the general public in political activities other than their particular comment to a proposed agency rule. This set of eleven variables will be used to examine the level of political activity of CPS respondents other than making comments to proposed rules by testing the following hypotheses:

Hypothesis 13 CPS respondents are more likely than the general public to call, write, or visit a government official to express their views.

Hypothesis 14	CPS respondents are more likely than the general public to attend a community meeting to discuss an issue.
Hypothesis 15	CPS respondents are more likely than the general public to discuss politics with family or friends.
Hypothesis 16	CPS respondents are more likely than the general public to listen to political talk radio.
Hypothesis 17	CPS respondents are more likely than the general public to try to influence the votes of others.
Hypothesis 18	CPS respondents are more likely than the general public to attend political meetings, rallies, speeches, or similar events.
Hypothesis 19	CPS respondents are more likely than the general public to use campaign buttons, stickers, or signs.
Hypothesis 20	CPS respondents are more likely than the general public to give money to political candidates.
Hypothesis 21	CPS respondents are more likely than the general public to make contributions to a political party.

Hypothesis 22 CPS respondents are more likely than the general public to contribute to a group that supports or opposes candidates.

Hypothesis 23 CPS respondents are more likely than the general public to vote.

Table 3.5
Efficacy and Trust

ANES Variable	Description
V045202	People like me have little influence on government
V045204	Elections make government pay attention to the views of the people
V045198	Government is run by a few big interests

The final three variables address the issues of trust in government and political efficacy. These particular questions are used because they relate most directly to participation in the notice and comment process. The first relates to what Creig, Niemi, and Silver would call external efficacy while the second and third address trust in government institutions. If issue politics resemble ethnic politics, those with high efficacy and low trust would be expected to be among the most active (Guterbock and London). All CPS questions and answer categories are identical to those used for the ANES variables. Respondents are asked if they agree or disagree with particular statements. The following hypotheses are used to test relationship of trust and efficacy to the N&C process:

Hypothesis 24 CPS respondents are less likely than the general public to agree with the statement that people

like themselves do not have any say in what government does.

Hypothesis 25 CPS respondents are less likely than the general public to agree with the statement that elections make government pay attention to what the people think.

Hypothesis 26 CPS respondents are more likely than the general public to view the government as being controlled by special interests.

Data Presentation

In general, data for the hypotheses to be tested are either categorical or continuous. All categorical data are analyzed using cross-tabulation and chi-square tests for statistical significance. Only the Pearson chi-square is reported. Norusis (1997) argues that this is sufficient in most cases and that the appropriateness of the Fisher's Exact Test for two by two tables is an matter of "... controversy among statisticians..." (p. 305). In all cases involved in this study, the use of Pearson's chi-square does not change the outcome from that calculated using more restrictive assumptions. Combined sample and subgroup cross-tabulation tables are presented in the text of Chapter 4 and chi-square tables are presented in Appendix B.

Continuous data are analyzed using independent samples t-tests when comparing the means of the ANES and CPS samples. When CPS data are divided into subgroups, one-way analysis of variance (ANOVA) is used and, if differences in means are found to be statistically significant, a Dunnett's C multiple comparison is calculated to determine

which issue groups are significant contributors. The calculation of homogeneity of variance for subgroups is not reported due to the similarity of issue group sizes. Norusis states, "In practice, if the number of cases in each of the groups is similar, the equality of variance assumption is not too important" (p. 261). Combined sample and subgroup tables of group statistics are presented in the text of Chapter 4 and all other tables are contained in Appendix B.

In addition to the variables necessary to test these hypotheses, the CPS survey document includes a series of questions concerning technical aspects of the process of making comments and participant behaviors. No hypotheses are tested for these variables due to a deficiency of theory in the areas addressed. These variables address information adequacy, interest group involvement, other political efforts, prior comments on proposed rules, the method of making the comment, and the relative difficulty of the comment process. In addition to providing valuable information for agencies engaged in the N&C process, this data provides additional insights into some of the results of hypothesis testing. This data is presented in Chapter 5.

Chapter 4

Data and Analysis

In this chapter, the hypotheses stated in the previous chapter are tested. Based on previous research presented in the literature review, it is anticipated that CPS respondents will score higher in socioeconomic indicators, have greater associational linkage, utilize more information sources, and participate in more political activities, both high and low cost. This investigation begins with an examination demographic and socioeconomic indicators of citizen participation.

Demographic and Socioeconomic Indicators

Table 4.1
Group Statistics for Age

Sample/Subgroup	Number	Mean	Standard. Deviation	Standard. Error Mean
ANES	1200	47.21	17.18	.50
CPS	139	53.36	13.29	1.13
Animal Rights	25	45.52	12.45	2.49
Aircraft Over DC	36	50.86	12.24	2.04
Re-entry Documents	38	57.79	12.79	2.08
Toxic Chemicals	40	56.30	12.90	2.04

Hypothesis 1 states that CPS respondents are older than the general public. Age data are continuous. A summary of group statistics presented in Table 4.1 above indicate that the mean age for CPS respondents is more than six years older than the mean age for ANES respondents. A t-test presented in Table B.1a in Appendix B indicates that the equality of variance assumption has been violated. The t-statistic for equal variances not

assumed is significant, indicating that there is less than one chance in one thousand that the difference in the means of the ANES and CPS samples occurred by chance. This evidence supports the hypothesis that the mean for people who participate in the notice and comment process is higher than the mean of the general public.

Because the CPS data indicate to which rule the respondent made a comment, the data are divided into subgroups in order to test the robustness of the findings for the entire sample. The Animal Rights subgroup actually has a lower age mean than the ANES sample. However, all other CPS subgroups exceed the age mean for the ANES sample. The data reveal what appears to be a substantial difference in means between the subgroups. The difference between the highest and lowest subgroup age means is twice the difference in the ANES and CPS samples. A one-way analysis of variance test is utilized to determine the impact of differences in issue group means. Results of this analysis, presented below in Table B.1b in Appendix B indicate that differences in subgroup means are statistically significant at the .001 level. There is only one possibility in one thousand that the differences occurred by chance. A multiple comparison of subgroup means displayed in Table B.1c.in Appendix B shows that three of the means of the issue groups differ significantly. Only the Aircraft Over DC subgroup is close enough to the other subgroup means to avoid a significant difference. So, while age is generally related positively to participation in the N&C process, the subject matter of the proposed rule change affects the mean age for particular sets of commenters. This number and level of differences undermines support for the hypothesis on age.

The next demographic variable to be considered is marital status. Hypothesis 2 states that commenters on proposed federal rules are more likely to be married than the general public. The ANES uses several different categories of marital status. For the purpose of testing this hypothesis, all categories other than married have been lumped together into an unmarried category. The results are provided in Table 4.2 below. More than two-thirds of CPS respondents are married, compared to only slightly more than half of ANES respondents.

Table 4.2
Cross-Tabulation for Marital Status

Sample/Subgroup		Married	Not Married	Total
ANES	Count	625	586	1211
	Percent	51.60%	48.40%	100.00%
CPS	Count	97	42	139
	Percent	69.80%	30.20%	100.00%
Animal Rights	Count	14	11	25
	Percent	56.00%	44.00%	100.00%
Aircraft Over DC	Count	26	10	36
	Percent	72.20%	27.80%	100.00%
Re-entry Documents	Count	28	10	38
	Percent	73.70%	26.30%	100.00%
Toxic Chemicals	Count	29	11	40
	Percent	72.50%	27.50%	100.00%

A chi-square test presented in Table B.2a in Appendix B indicates the differences between observed and expected frequencies for the ANES and CPS samples are statistically significant. There is less than one chance in one thousand that these differences are the result of chance. These results provide strong support for the hypothesis that commenters on proposed federal rule changes are more likely to be married than the general public. But, as demonstrated above, it is possible that there are

differences among CPS subgroups that might undermine support for the hypothesis on marital status. There appears to be a fairly substantial difference in the marital status of the Animal Rights subgroup compared to other CPS subgroups. The differences in subgroups are almost as large as the difference in samples. However, a chi square test shown below in Table B.2b indicates that the differences fail to achieve statistical significance. The reason for the difference in findings is that large samples tend to approximate a standard distribution. Smaller sample sizes are less likely to do so and the certainty of the true shape of the distribution is less. The t-distribution used for smaller samples assumes a fatter tail than would be the case in larger samples, meaning that there would be fewer cases around a central value and more cases at the extremes of the distribution curve. So, the amount of difference in means required for a finding of statistical significance is larger (Babbie, 2004). So, the consistency of these results provides unqualified support for the hypothesis. Those individuals who make comments on proposed federal rules are more likely to be married than the general public.

The third hypothesis states that commenters on proposed federal rules are better educated than the general public. The ANES collects interval data from zero through sixteen years of formal education. However, all years of education above this are grouped into one category. Therefore, education data is divided into four categories for analysis. Table 4.3 on the following page describes the educational achievements of the ANES and CPS subjects in four categories. The differences in the samples are most apparent at the extremes. ANES respondents are more than three times as likely as CPS respondents to have high school education or less. On the opposite pole, CPS respondents are nearly twice as likely as ANES respondents to hold college or advanced

degrees. A chi-square test of statistical significance provided in Table B.3a in Appendix B indicates that differences in observed and expected values for the ANES and CPS samples are statistically significant. There is less than one chance in one thousand that the differences happened by chance. These results indicate support for the hypothesis that commenters on proposed federal rules have more education than the general public.

Table 4.3
Cross-tabulation of Education Category

Sample/Subgroup		High School or Less	Some College	College Graduate or Advanced Degree	Total
ANES	**Count**	464	352	394	1210
	Percent	38.30%	29.10%	32.60%	100.00%
CPS	**Count**	18	31	90	139
	Percent	12.90%	22.30%	64.70%	100.00%
Animal Rights	**Count**	4	10	11	25
	Percent	16.00%	40.00%	44.00%	100.00%
Aircraft Over DC	**Count**	3	6	27	36
	Percent	8.30%	16.70%	75.00%	100.00%
Re-entry Documents	**Count**	8	6	24	38
	Percent	21.10%	15.80%	63.20%	100.00%
Toxic Chemicals	**Count**	3	9	28	40
	Percent	7.50%	22.50%	70.00%	100.00%

Results of cross-tabulation for education categories by CPS subgroup again demonstrated relatively high variation. The Animal Rights subgroup has a substantially lower percentage of college graduates and holders of advanced degrees than other subgroups. However, a chi-square test presented in Table B.3d in Appendix B indicates that differences in observed and expected frequencies are not statistically significant. This finding reinforces support for the hypothesis that participants in the N&C process have more years of formal education than the general public.

The next hypothesis looks at family income. It states that CPS respondents have higher family incomes than the general public. Table 4.4 on the following page presents a cross-tabulation for family income. Comparing the two samples, ANES respondents are about twice as likely as CPS respondents to occupy the lowest income category. At the opposite pole, CPS respondents are nearly twice as likely as ANES respondents to be in the top two income categories. As indicated in Table B.4a in Appendix B, the differences between observed and expected frequencies are statistically significant. There is less than one possibility in one thousand that these results are merely a product of chance. The data provide strong support for the hypothesis that participants in the N&C process have higher family incomes than the general public.

Table 4.4
Cross-tabulation of Family Income

		Sample			**CPS Subgroup**			
Family Income		**ANES**	**CPS**	**Total**	**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**
0 - $49,999	Count	556	42	598	10	9	11	12
	Percent	51.9%	31.8%	49.7%	43.5%	25.7%	31.4%	30.8%
$50,000 - $104,999	Count	359	54	413	9	11	16	18
	Percent	33.6%	40.9%	34.4%	39.1%	31.4%	45.7%	46.2%
$105,000 and greater	Count	155	36	191	4	15	8	9
	Percent	14.5%	27.3%	15.9%	17.4%	42.9%	22.9%	23.1%
Total	Count	1070	132	1202	23	35	35	39
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The Animal Rights subgroup is about half again as likely as other subgroups to fall into the lowest income category. However, it is comparable in the middle category where the bulk of CPS respondents tended to congregate. The results of chi-square tests displayed above in Table B.4d in Appendix B indicate that the differences between observed and expected counts in the cross-tabulation by CPS subgroup fail to achieve

statistical significance. So, apparent differences between the CPS subgroups are not meaningful. This provides unqualified support for the hypothesis that CPS respondents have higher family incomes than the general public.

Table 4.5a
Cross-tabulation for Six Categories of Race

Race		ANES Sample	CPS Subgroup				Total
			Animal Rights	Aircraft Over DC	Re-entry Documents	Toxic Chemicals	
Black	Count	184	0	0	0	0	184
	Percent	15.3%					13.7%
Asian	Count	33	0	0	0	0	33
	Percent	2.7%					2.5%
Native American	Count	19	1	1	1	0	22
	Percent	1.6%	4.0%	2.9%	2.7%		1.6%
Hispanic	Count	85			1	4	90
	Percent	7.1%			2.7%	10.3%	6.7%
White	Count	876	24	34	35	34	1003
	Percent	72.8%	96.0%	97.1%	94.6%	87.2%	74.9%
Other	Count	7				1	8
	Percent	.6%				2.6%	.6%
Total	Count	1204	25	35	37	39	1340
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The next hypothesis deals with the subject of race and ethnicity. Several CPS respondents refused to identify their race. Others identified themselves as "Native American" but provided unsolicited comments indicating that they were born in the United States and/or the question seemed objectionable. Even the ANES sample includes thirteen subjects with no racial identification and that survey was done face-to-face. While the reasons for individuals refusing to provide or providing questionable data on race is beyond the scope of this study, the observation of this disinclination among participants suggests that the participation of Whites in the N&C process is understated.

The sixteen categories of race in the ANES data have been reduced to six categories in Table 4.5a above. The ANES over-sampled Blacks and under-sampled Hispanics, based on Census estimates for that period (Bureau of the Census, 2004). Still, it reflects a reasonable level of racial diversity similar to that found in the general public. On the other hand, cross-tabulation results for the subcategories of the CPS sample reveal a dearth of diversity. Perhaps the most striking feature of the CPS mix is the total absence of Black respondents.

While this data provide a more complete look at the race of CPS participants, the hypothesis to be tested states simply that participants in the N&C process are more likely to be White than the general public. To test this hypothesis, race data is consolidated into two categories, White and Non-White. Results of cross-tabulation are presented below in Table 4.5b. Whites are the majority race in the nation by a substantial, if declining, margin. Likewise, they constitute a substantial majority in both samples. On the other hand, Non-Whites are four times as likely to be included in the ANES sample as in the CPS sample.

Table 4.5b
Cross-tabulation for White and Non-White by Sample

Race		Sample			**CPS Subgroups**			
		ANES	**CPS**	**Sample Total**	**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**
Non-White	Count	328	9	337	1	1	2	5
	Percent	27.20%	6.60%	25.10%	4.00%	2.90%	5.40%	12.80%
White	Count	876	127	1003	24	34	35	34
	Percent	72.80%	93.40%	74.90%	96.00%	97.10%	94.60%	87.20%
Total	Count	1204	136	1340	25	35	37	39
	Percent	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

A chi-square test presented in Table B.5a indicates that the differences between observed and expected frequencies for the ANES and CPS samples are statistically significant. There is less than one prospect in one thousand that this distribution occurred purely by chance. This supports Hypothesis 5. At the sample level, the percentage of Whites participating in the notice and comment process is both substantially and significantly higher that that in the general public.

Among the CPS subgroups, although most of the Non-White respondents participated in the Toxic Chemical subgroup, the White majority in all issue groups is overwhelming. Chi-square testing presented in Table B.5b in Appendix B indicates that the differences in observed and expected counts for the CPS subgroups fail to achieve statistical significance, although with the caution that some cells have expected counts of less than five. This evidence serves to buttress the overall finding. The population of notice and comment participants has very little diversity. But, perhaps, this does not rule out the possibility that an agency rule proposal dealing specifically with minority issues might attract greater minority participation.

Table 4.6
Cross-tabulation for Gender

		Sample			**CPS Subgroup**				
Gender		**ANES**	**CPS**	**Total**	**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**	**CPS Subgroup Total**
Male	Count	566	75	641	1	33	22	19	75
	Percent	46.70%	54.30%	47.50%	4.00%	94.30%	57.90%	47.50%	54.30%
Female	Count	646	63	709	24	2	16	21	63
	Percent	53.30%	45.70%	52.50%	96.00%	5.70%	42.10%	52.50%	45.70%
Total	Count	1212	138	1350	25	35	38	40	138
	Percent	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

The next hypothesis deals with the gender. Hypothesis 6 states that N&C participants are more likely to be male than the ANES sample. A cross-tabulation of the two samples is provided in Table 4.6 on the previous page. The percentages are a reverse image of each other, with the ANES sample including more women than men and the CPS sample including more men than women. However, the differences are relatively small. A chi-square test of statistical significance presented in Table B.6a in Appendix B shows that the differences in observed and expected frequencies for the samples approach, but do not achieve, statistical significance. Therefore, the hypothesis on gender is not supported.

A look at the constituencies of the individual subgroups of the CPS sample provides a clue this failure. Animal rights are almost exclusively a female issue and restrictions of private aircraft over Washington, D. C. is almost exclusively a male issue. The data strongly suggest that the issue content of the proposed rule change drives gender differences in rates of participation for these two issue interests. The other issues exhibit more balanced gender participation. A chi-square test presented in Table 4.6d below indicates that the differences between observed and expected frequencies for CPS subgroups are statistically significant. This supports a modified gender hypothesis. Gender may not be the driver of participation, but it strongly influences who is more likely to participate in particular kinds of rule proposals.

Association Membership

Moving away from demographic and socioeconomic determinants, the next two hypotheses investigate the power of associations in driving N&C participation. Hypothesis 7 states that CPS respondents are more likely to belong to non-religious associations than the general public. A cross-tabulation of organization membership is provided in Table 4.7 on the next page. The differences in rates of civic association membership are substantial. While considerably fewer than half of ANES respondents indicated membership in a non-religious organization, more than two-thirds of CPS respondents do so. A chi-square test of statistical significance presented in Table B.7a in Appendix B indicates that the difference in observed and expected frequencies for the two samples is statistically significant. The data strongly support the hypothesis that N&C participants are more likely than the general public to participate in non-religious associations.

Table 4.7
Cross-tabulation for Organizational Membership

		Sample			**CPS Subgroup**				
Organization Member		**ANES**	**CPS**	**Total**	**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**	**Subgroup Total**
Yes	Count	445	95	540	13	33	19	30	95
	Percent	41.80%	67.40%	44.80%	50.00%	91.70%	48.70%	75.00%	67.40%
No	Count	620	46	666	13	3	20	10	46
	Percent	58.20%	32.60%	55.20%	50.00%	8.30%	51.30%	25.00%	32.60%
Total	Count	1065	141	1206	26	36	39	40	141
	Percent	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

However, a look at the CPS issue groups reveals a more complex relationship between organization membership and N&C participation. The results of cross-tabulation of organization membership by CPS subgroup demonstrates higher levels of association membership for all CPS subgroups than for the ANES sample. However, there is substantial variation among the CPS subgroups. The Aircraft Over DC subgroup is almost twice as likely as the Re-entry Documents subgroup to belong to non-religious associations. The results of chi-square testing presented in Table B.7b in Appendix B indicates that the differences between observed and expected counts for the CPS subgroups are statistically significant. This indicates that the role of associations in driving N&C participation, while an important factor in all types of proposed rules, is more important in some areas than others. But, since the CPS rates are consistently above the ANES rate of membership, these significant differences do not challenge support for Hypothesis 7.

The next hypothesis expands the investigation of the role of associations in the N&C comment process. Hypothesis 8 states that CPS respondents who belong to non-religious associations belong to more such organizations than do members of the general public. Table 4.8 below presents group statistics for number of organizations. As hypothesized, the mean for number of organizations is higher for the CPS sample than for the ANES sample. N&C participants who belong to non-religious organizations belong to half again as many such organizations as the general public.

Table 4.8
Means for Number of Organizations

Group/Subgroup	Number	Mean	Standard Deviation	Standard Error
ANES	445	2.13	1.55	0.007
CPS	95	3.46	3.89	0.4
Animal Rights	13	2.54	1.15	0.42
Aircraft Over DC	33	2.82	1.42	0.25
Re-entry Documents	19	2.68	1.38	0.32
Toxic Chemicals	30	5.07	6.39	1.17
Total	95	3.46	3.89	0.4

An independent samples t-test for the number of organizations, displayed in Table B.8a in Appendix B, reveals a violation of the homogeneity of variance assumption. The t-statistic when equal variances are not assumed is significant at the .001 level. These test results support the hypothesis that CPS respondents who belong to non-religious organizations belong to more of such organizations than ANES respondents.

Looking next to the CPS subgroups, the mean for the Toxic Chemical subgroup appears to be out of line with the others and is nearly twice the mean of the less active Animal Rights issue group. However, an analysis of variance presented in Table B.8b indicates that the differences in subgroup means narrowly fail to achieve statistical significance. The relative homogeneity of CPS subgroups reinforces support for Hypothesis 8. Across a range of issue groups, participants in the notice and comment process who belong to non-religious organization belong to more of those associations than does the general public.

Sources of Information

Table 4.9
Means for Number of Days Watched National News

Group/Subgroup	Number	Mean	Standard Deviation	Standard Error
ANES	1210	3.58	2.76	0.008
CPS	140	4.12	2.71	0.23
Animal Rights	26	4.19	2.74	0.54
Aircraft Over DC	36	4.00	2.67	0.45
Re-entry Documents	39	4.95	2.42	0.39
Toxic Chemicals	39	3.36	2.87	0.46

The next set of hypotheses examines the relationship between participation in the N&C process and use of various information sources. It is generally anticipated that political participants are better informed than non-participants. Hypothesis 9 states that CPS respondents watch national news on television more frequently than the general public. Respondents to both surveys were asked the number of days in the week that they watched national news programs. Since the data are continuous, group statistics for the means are presented in Table 4.9 above. The mean for the CPS sample is about thirteen percent higher than that for the ANES sample. The results of an independent samples t-test are presented in Table B.9a in Appendix B reveals that the assumption of equal variances is not supported. However, the t-statistic for equal variances not assumed is significant at the .05 level. This supports Hypothesis 9.

CPS subgroup means reveal that the Re-entry Documents subgroup watches televised national news considerably more frequently than the Toxic Chemical subgroup.

However, an analysis of variance presented in Table B.9b indicates that the differences in means fail to achieve statistical significance. The consistency of findings across a range of subgroups supports the hypothesis that N&C participants watch national news on television more than does the general public.

Along the same lines, the next hypothesis states that CPS respondents watch local news on television more frequently than the general public. Group statistics displayed on the following page in Table 4.10 indicate that there is a difference in means, but the direction of difference is exactly the opposite of that hypothesized. An independent samples t-test presented in Table B.10a in Appendix B reveals that the t-statistic for equal variances not assumed achieves statistical significance at the .05 level. Because of the direction of the difference, Hypothesis 10 is not supported. The general public watches local news on television more frequently than N&C participants.

Table 4.10
Group Statistics for Number of Days Watched Local News

Sample/Subgroup	Number	Mean	Standard Deviation	Standard Error Mean
ANES	1210	4.47	2.78	0.008
CPS	139	3.98	2.65	0.22
Animal Rights	26	4.23	2.45	0.48
Aircraft Over DC	36	3.56	2.52	0.42
Re-entry Documents	39	5.03	2.29	0.37
Toxic Chemicals	38	3.13	2.92	0.47

As is the case with means for watching national news, there is considerably more variation in means among CPS subgroups than between ANES and CPS samples. A one-way analysis of variance presented in Table B.10b in Appendix B indicates that the

differences in issue group means achieves statistical significance. A multiple comparison of means presented in Table B.10c in Appendix B indicates that the difference between the Re-entry Subgroup and the Toxic Chemical Subgroup means for watching local news on television is significant. However, neither differs significantly from other CPS subgroups. This indicates that the viewing of local news among N&C participants may vary with the issue groups considered. Since three subgroup means are below the ANES mean and one is above, any conclusion about the relationship between viewing televised local news and participation in the notice and comment process may be problematic.

The next hypothesis changes the focus from television to the print media. In each survey, subjects were asked how many days in the past week they read a daily newspaper. Group statistics for this continuous data are summarized in Table 4.11 on the following page. For this variable, the difference in means is substantial and in the direction hypothesized. CPS respondents read daily newspapers twenty-seven percent more often than the general public. Results of significance testing are presented in Table B.11a in Appendix B. The equality of variance assumption is violated, and the t-statistic for equal variances not assumed is significant, meaning that the difference in means between the samples did not occur by chance. Along with the magnitude of the difference in means, this strongly supports the hypothesis that N&C participants are more likely to read a daily newspaper than the general public.

Table 4.11
Group Statistics for Days Read Daily Newspaper

Sample/Subgroup	Number	Mean	Standard Deviation	Std. Error Mean
ANES	1212	3.08	2.88	.008
CPS	140	4.23	2.73	.23
Animal Rights	26	2.54	2.50	.49
Aircraft Over DC	36	4.19	2.67	.45
Re-entry Documents	39	4.85	2.67	.43
Toxic Chemicals	39	4.77	2.62	.42

An examination of subgroup means reveals that the mean for the Animal Rights subgroup trails the means of other subgroups by a substantial margin and is lower than the ANES mean. Members of this subgroup are much less likely to read a daily newspaper than their peers. A one-way analysis of variance presented in Table B.11b in Appendix B shows that differences in means is statistical significant at the .01 level. A multiple comparison of means presented Table B.11c in Appendix B reveals that, as is the case with the age variable, the mean for the Animal Rights subgroup differs significantly from the Re-entry Documents and Toxic Chemicals subgroups, while the Aircraft Over DC subgroup has no significant difference in means with any subgroup. This means that although there is a substantial and significant difference in the number of days that N&C participants read daily newspapers as compared to the general public, particular issues might attract the participation of interested parties who are less inclined to read the newspaper. The significant differences among the subgroups undermine support for Hypothesis 11. While most of the CPS issue groups are more likely to read daily newspapers than the general public, the type of issue for which comment is solicited impacts the outcome for this hypothesis.

Table 4.12
Cross-tabulation for Internet Access

Internet Access		Sample			CPS Subgroup			
		ANES	CPS	Total	Animal Rights	Aircraft Over DC	Re-entry Documents	Toxic Chemicals
Yes	Count	764	136	26	36	35	39	900
	Percent	71.7%	96.5%	100.0%	100.0%	89.7%	97.5%	74.6%
No	Count	302	5	0	0	4	1	307
	Percent	28.3%	3.5%			10.3%	2.5%	25.4%
Total	Count	1066	141	26	36	39	40	1207
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The final hypothesis to be tested in this section concerning sources of information deals with Internet access. Given the availability of free Internet access at a variety of public institutions such as schools, colleges, libraries, service organizations, and various government offices, this hypothesis might seem pointless. However, there is a difference between having a facility available at no cost and taking the necessary steps to achieve access. The results of cross-tabulation for Internet access presented above in Table 4.12 demonstrate that more than a quarter of the general public claims to have no Internet access. This stands in stark contrast to the ninety six percent of CPS respondents who report having access. A chi-square test displayed in Table B.12a in Appendix B indicates that differences in expected and observed counts are statistically significant. There is less than one possibility in one thousand that this relationship is the product of chance. These results strongly support the hypothesis that N&C participants are more likely than the general public to have access to the Internet.

Only about four percent of CPS respondents indicate that they do not have Internet access. Even though four out of five of those lacking access are in a single subgroup, a chi-square test presented in Table B.12b in Appendix B indicates that the difference in observed and expected counts fails to achieve statistical significance,

although half of the cells have expected counts of less than five due to the high rates of Internet access. This means that there is consistency across CPS subgroups and buttresses the finding that N&C participants are more likely than the general public to have Internet access.

Political Activity

Table 4.13
Cross-tabulation for Contact Government Official

Contact Government Official		Sample			CPS Subgroup			
		ANES	CPS	Total	Animal Rights	Aircraft Over DC	Re-entry Documents	Toxic Chemicals
Yes	Count	222	101	323	12	25	30	34
	Percent	20.8%	72.7%	26.8%	50.0%	69.4%	76.9%	85.0%
No	Count	844	38	882	12	11	9	6
	Percent	79.2%	27.3%	73.2%	50.0%	30.6%	23.1%	15.0%
Total	Count	1066	139	1205	24	36	39	40
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Since making a comment on a proposed federal agency rule is a political activity, it is anticipated that CPS respondents have higher levels of other political activities than the general public. Eleven hypotheses are tested in this section. The first states that CPS respondents are more likely than the general public to contact a government official. Cross-tabulation results are displayed on the previous page in Table 4.13 and the differences are striking. CPS respondents are about three and a half times as likely to contact a government official as ANES respondents. Given the magnitude of this difference, it is unsurprising that a chi-square test displayed in Table B.13A in Appendix B indicates that the difference in expected and observed counts is statistically significant. These results provide strong support for this hypothesis that participants in the N&C process are more likely than the general public to contact a government official.

Results for CPS subgroups demonstrate some differences, with the Animal Rights subgroup standing at some distance from the other subgroups. However, even this set of respondents contact government officials at more than twice the rate of the general public. A chi-square test presented below in Table B.13b in Appendix B indicates that the differences in observed and expected counts between the various subgroups achieve statistical significance. However, since all categories of CPS respondents exhibit higher rates of contacting government officials than ANES respondents, differences between subgroups should not be interpreted as detracting from the strength of support for Hypothesis 13.

Table 4.14
Cross-tabulation for Attend Public Meeting

Attend Public Meeting		**Sample**		**Total**	**CPS Subgroup**			
		ANES	**CPS**		**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**
Yes	Count	292	59	351	7	13	15	24
	Percent	27.4%	42.8%	29.2%	29.2%	36.1%	39.5%	60.0%
No	Count	773	79	852	17	23	23	16
	Percent	72.6%	57.2%	70.8%	70.8%	63.9%	60.5%	40.0%
Total	Count	1065	138	1203	24	36	38	40
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The next hypothesis extends this comparison of political participation to attending public meetings. Hypothesis 14 states that CPS respondents are more likely than the general public to attend public meetings. Cross-tabulation results are presented in Table 4.14 above. Although CPS respondents are substantially more likely than ANES respondents to attend public meetings, the dramatic difference exhibited in contacting government officials is diminished. Still, chi-square testing displayed in Table B.14a in Appendix B indicates that the differences between observed and expected frequencies are

statistically significant. This supports the hypothesis that N&C participants are more likely than the general public to attend public meetings.

Cross-tabulation results by CPS subgroup reveal that the rate of attending public meetings is more than twice as high for the Toxic Chemical as for the Animal Rights subgroup. However, in this case, the Animal Rights subset is closer to the remainder of the sample than the environmentalists. In spite of this seemingly large difference in rates, a chi square test presented in Table B.14b in Appendix B indicates that the differences narrowly fail to achieve statistical significance at the .05 level. The null hypothesis that the differences happened by chance cannot be rejected. This fortifies support for Hypothesis 14. N&C participants are more likely than the general public to attend public meetings.

Table 4.15
Cross-tabulation for Discuss Politics

		Sample			**CPS Subgroup**			
Discuss Politics		**ANES**	**CPS**	**Total**	**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**
Yes	Count	292	131	423	20	35	37	39
	Percent	27.4%	94.2%	35.1%	83.3%	97.2%	94.9%	97.5%
No	Count	773	8	781	4	1	2	1
	Percent	72.6%	5.8%	64.9%	16.7%	2.8%	5.1%	2.5%
Total	Count	1065	139	1204	24	36	39	40
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Hypothesis 15 states that CPS respondents are more likely than the general public to discuss politics with family and friends. Cross-tabulation data presented in Table 4.15 above indicates that CPS respondents are much more likely than ANES respondents to engage in this relatively low-cost political activity. Only slightly more than a quarter of ANES respondents claim to discuss politics. This plainly contrasts with the nine out of ten CPS respondents who say they discuss politics with family or friends. Chi-square

testing displayed in Table B.15a indicates that the differences in observed and expected values are statistically significant. This strongly supports the hypothesis. N&C respondents are much more likely than the general public to discuss politics with family and friends.

Cross-tabulation results for this variable by CPS subgroup clearly demonstrate that this tendency to discuss politics remains strong throughout all categories of N&C participants tested. Even among Animal Rights respondents, who seem to trail the pack in many regards, political conversation is reported by more than eight out of ten. Chi-square testing exhibited in Table B.15b on the previous page confirms that the relatively small differences in the observed and expected counts among the different issue groups fail to achieve statistical significance. This consistency among subgroups serves to reinforce support for the hypothesis that N&C participants are more likely than the general public to discuss politics with family and friends.

Table 4.16
Cross-tabulation for Listen to Talk Radio

Listen to Talk Radio		**Sample**			**CPS Subgroup**			
		ANES	**CPS**	**Total**	**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**
Yes	Count	471	100	571	16	29	26	29
	Percent	44.2%	73.0%	47.5%	66.7%	80.6%	70.3%	72.5%
No	Count	595	37	632	8	7	11	11
	Percent	55.8%	27.0%	52.5%	33.3%	19.4%	29.7%	27.5%
Total	Count	1066	137	1203	24	36	37	40
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The next hypothesis probes the juncture of politics and entertainment. Hypothesis 16 states that CPS respondents are more likely to listen to political talk radio than the general public. Table 4.16 above displays the results of cross-tabulation. The difference

between the ANES and CPS samples is not as pronounced as it is with the previous participation indicator, perhaps because of the respondents' taste in entertainment or lack thereof. Still, a substantially larger percentage of CPS respondents say they listen to political talk radio than do ANES respondents. Results of chi-square testing presented on in Table B.16a in Appendix B show that differences in observed and expected counts achieve statistical significance. There is less than one possibility in one thousand that the differences happened by chance. This supports the hypothesis that N&C participants are more likely than the general public to listen to talk radio.

Cross-tabulation results by CPS subgroup indicate that the rate of listening to political talk radio is relatively consistent across N&C participants. As might be expected, the less politically active Animal Rights issue group is the least likely to listen to political talk radio. The Aircraft Over DC subgroup is the most likely. However, these differences in observed and expected counts fail to achieve statistical significance. So, it may be concluded that there is neither a substantial nor significant difference in the rates of listening between the issue groups. This underpins the finding that N&C participants are more likely than the general public to listen to political talk radio.

So far, the hypotheses have dealt with fairly passive activities. Even discussing politics with family and friends requires no more than an exchange of comments in a supportive setting. The next hypothesis ventures into a more active role in the political life of one's community. No matter how homogeneous our political community might be, there are going to be differences in issue positions or personal attributes among the candidates for public office. Hypothesis 17 states that CPS respondents are more likely

than the general public to try to influence other voters to vote for a particular candidate for public office.

Table 4.17
Cross-tabulation for Try to Influence Voters

Try to Influence Voters		Sample			CPS Subgroup			
		ANES	CPS	Total	Animal Rights	Aircraft Over DC	Re-entry Documents	Toxic Chemicals
Yes	Count	517	89	606	13	23	22	31
	Percent	48.5%	64.0%	50.3%	54.2%	63.9%	56.4%	77.5%
No	Count	549	50	599	11	13	17	9
	Percent	51.5%	36.0%	49.7%	45.8%	36.1%	43.6%	22.5%
Total	Count	1066	139	1205	24	36	39	40
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The results for cross-tabulation by sample are presented in Table 4.17 on the previous page. While the differences in rates for trying to influence other voters are not as great as for some participation variables presented earlier, there is still a fifteen-point spread between the CPS and ANES samples. Chi-square results displayed in Table B.17a in Appendix B, the differences in observed and expected counts are statistically significant at the .001 level. So, the differential in rates of this behavior is both substantial and significant. Results support Hypothesis 17. N&C participants are more likely to try to influence other voters than are members of the general public.

Cross-tabulation analysis of data by CPS subgroup indicates a twenty three-point spread between the issue groups with Animal Rights at the bottom and Toxic Chemicals at the top. This relationship is similar to that witnessed in Hypothesis 15. Similarly, chi-square testing presented in Table B.17b in Appendix B indicates that the differences in observed and expected values are not statistically significant. The differences could have happened by chance. This demonstrates consistency of support for Hypothesis 17.

Notice and comment participants are more likely than the general public to try to influence the votes of others.

Table 4.18
Cross-tabulation for Attend Campaign Meeting

Attend Campaign Meeting		Sample			CPS Subgroup			
		ANES	CPS	Total	Animal Rights	Aircraft Over DC	Re-entry Documents	Toxic Chemicals
Yes	Count	81	28	109	2	2	7	17
	Percent	7.6%	20.1%	9.0%	8.3%	5.6%	17.9%	42.5%
No	Count	985	111	1096	22	34	32	23
	Percent	92.4%	79.9%	91.0%	91.7%	94.4%	82.1%	57.5%
Total	Count	1066	139	1205	24	36	39	40
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The next hypothesis looks at a political activity that is even more costly in terms of time and effort. It states that CPS respondents are more likely than the general public to attend political campaign events such as meetings, rallies, and speeches. This type of behavior has become rare in modern America as indicated in cross-tabulation results displayed above in Table 4.18a. Fewer than one in ten ANES respondents claims to attend campaign meetings. Although the rate of attending political events is relatively low among CPS respondents, it is more than double that of the ANES respondents. Chi-square testing exhibited in Table B.18a in Appendix B shows that the differences in observed and expected counts are statistically significant. These results support the hypothesis that N&C participants are more likely than the general public to participate in campaign events.

However, a closer look at the data by CPS subgroup casts some doubt on the relevance of this finding. More than sixty percent of the CPS respondents claiming to attend campaign events are in one issue group. This may be testimony to the strength of

the environmental movement in mobilizing its constituency. Members of the Toxic Chemical subgroup are more than seven times as likely as members of the Aircraft Over DC issue group to exhibit this behavior. Chi-square testing presented in Table B.18b indicates that the differences in observed and expected counts for these subgroups are statistically significant. There is less than one chance in a thousand that the substantial differences in the subgroups are a product of random chance. Since one issue group is below the ANES rate and three are above it, support for Hypothesis 18 is weakened. However, based on the preliminary research for this project, far more than half of the total comments by individuals during the study period were made on proposed environmental rules. So, while environmentalists may be statistically different from other issue groups in this sample, their preponderance in the aggregate of N&C participants makes this behavior appear more typical than unusual for the average individual making a comment on a proposed rule.

Table 4.19
Cross-tabulation for Display Campaign Sign

Display Campaign Sign		**Sample**			**CPS Subgroup**			
		ANES	**CPS**	**Total**	**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**
Yes	Count	220	49	269	7	11	9	22
	Percent	20.6%	35.3%	22.3%	29.2%	30.6%	23.1%	55.0%
No	Count	846	90	936	17	25	30	18
	Percent	79.4%	64.7%	77.7%	70.8%	69.4%	76.9%	45.0%
Total	Count	1066	139	1205	24	36	39	40
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The next hypothesis examines the extent to which an individual might identify with a party, candidate, or issue. While a person might anonymously attend a campaign event, some people go out of their way to let others know where they stand on current

political questions. Hypothesis 19 states that CPS respondents are more likely than the general public to display campaign signs, buttons, or stickers. The results of the cross-tabulation are exhibited in Table 4.19 on the previous page. When compared to the data for the previous hypothesis, Putnam's lament for Americans coming together rings clear. ANES respondents are nearly three times as likely to display a campaign sign as they are to attend a political campaign meeting. It would appear that respondents find political identification considerably less daunting than political association with their fellow citizens.

The differences in rates of political identification between the samples are substantial, with CPS respondents about forty two percent more likely than ANES respondents to report this behavior. Chi-square testing displayed in Table B.19a confirms that the differences in observed and expected counts are statistically significant. This supports the hypothesis. N&C participants are more likely than the general public to display a campaign sign, button, or sticker.

However, differences by subgroup might appear to undermine this support. When CPS respondents are broken down by subgroup, dominance by the environmentalists similar to that found in Hypothesis 18 is revealed. The environmentalists are considerably more likely than other issue groups to participate in this type of political activity. The Toxic Chemical subgroup exhibits more than double the rate of political identification of the Re-entry Documents subgroup. Results of chi-square testing exhibited in Table B.19b in Appendix B show that the differences in observed and expected counts are statistically significant at the .05 level. It must be noted that although the differences are significant, all CPS subgroups exhibit this behavior at higher

levels than the ANES sample. Therefore, the finding that N&C participants are more likely than the public to display campaign signs is not diminished.

The next three hypotheses look at checkbook issues. One may give her heart to any number of issues, but she is likely to be more focused on those issues on which she expends her limited financial resources. Hypothesis 20 states that CPS respondents are more likely than the public to contribute to a candidate for political office. Cross-tabulation data are presented on the following page in Table 4.20. While giving money to political candidates is relatively uncommon on the whole, CPS respondents are more than three times as likely to do so than ANES respondents. The results of chi-square testing displayed in Table B.20a in Appendix B indicate that the differences in observed and expected counts are statistically significant. This supports the hypothesis. N&C participants are more likely than the general public to make contributions to candidates.

Table 4.20
Cross-tabulation for Contribute to Candidate

Contribute to Candidate		**Sample**			**CPS Subgroup**			
		ANES	**CPS**	**Total**	**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**
Yes	Count	102	46	148	5	8	10	23
	Percent	9.6%	33.1%	12.3%	20.8%	22.2%	25.6%	57.5%
No	Count	964	93	1057	19	28	29	17
	Percent	90.4%	66.9%	87.7%	79.2%	77.8%	74.4%	42.5%
Total	Count	1066	139	1205	24	36	39	40
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

A look at cross-tabulation results by CPS category reveals the familiar pattern of unusually high rates of participation by the Toxic Chemical subgroup. More than half of Toxic Chemical respondents report contributions to candidates. The environmentalists are more than twice as likely as other issue groups in the CPS sample to contribute to a

political candidate. Chi-square testing presented in Table B.20b in Appendix B confirms that the differences in observed and expected counts by CPS subgroup are statistically significant. This might tend to undermine support for Hypothesis 20. However, it must be noted that the Animal Rights subgroup, which exhibits the lowest likelihood of participation in this particular behavior, participates at more than twice the rate of the ANES sample. Thus, the significant differences in the subgroups do not dilute the substantial and significant difference between the ANES sample and any CPS issue group.

Table 4.21
Cross-tabulation for Contributions to Party

Contribute to Party		**Sample**			**CPS Subgroup**			
		ANES	**CPS**	**Total**	**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**
Yes	Count	101	38	139	3	8	6	21
	Percent	9.5%	27.3%	11.6%	12.5%	22.2%	15.4%	52.5%
No	Count	963	101	1064	21	28	33	19
	Percent	90.5%	72.7%	88.4%	87.5%	77.8%	84.6%	47.5%
Total	Count	1064	139	1203	24	36	39	40
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

More than three decades ago, Broder (1972) sounded the warning that political parties are in decline and political campaigns are becoming candidate centered. While political parties have certainly lost many of their historic roles, their importance in fundraising remains impressive. Data presented above in Table 4.21 suggest that rates of contributions to candidates and political parties are remarkably similar for the ANES sample. Although contribution rates to political parties dropped by six points for the CPS sample, they remained almost three times that of the ANES sample. Chi-square testing exhibited in Table B.21a in Appendix B confirms that the differences in observed and expected frequencies between the samples are statistically significant. This substantial

and significant differential supports the hypothesis that N&C participants are more likely than the general public to contribute to political parties.

Cross-tabulation data for CPS subgroups reveals that the rate of contribution remains the same for the Aircraft Over DC subgroup and declines for other issue groups as compared to contributions to political candidates. Even with this decline, the Toxic Chemical respondents are two to four times as likely as the respondents of other CPS issue groups to report contributions to political parties. As indicated in Table B.21b in Appendix B, the differences in observed and expected counts between subgroups are statistically significant. Such a lack of consistency might tend to deteriorate confidence in support for this hypothesis. However, even the lowest performing CPS issue group exhibited a twenty four percent higher rate of participation than the ANES sample. This differential, combined with the substantial difference in the aggregate rate of contributions to political parties and the sheer volume of environmentalist participation in the N&C process, may serve to lessen concern for the viability of support for Hypothesis 21.

Table 4.22
Cross-tabulation for Contribute to Other Group

Contribute to Other Group		**Sample**			**CPS Subgroup**			
		ANES	**CPS**	**Total**	**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**
Yes	Count	67	49	116	2	15	7	25
	Percent	6.3%	35.5%	9.6%	8.3%	41.7%	17.9%	64.1%
No	Count	998	89	1087	22	21	32	14
	Percent	93.7%	64.5%	90.4%	91.7%	58.3%	82.1%	35.9%
Total	Count	1065	138	1203	24	36	39	39
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Results for the last two hypotheses demonstrate a low rate of contribution by the ANES sample either to candidates for public office or political parties. The next hypothesis extends this investigation into to the world of interest group politics. Hypothesis 22 states that CPS respondents are more likely than the general public to contribute to a group other than a political party that supports or opposes a candidate for public office. Not surprisingly, cross-tabulation results presented above in Table 4.22 show a decline of about half in the rate of contributions for ANES respondents as compared to their contribution rates to individual candidates and political parties. Only about one in sixteen ANES respondents reports giving money to an association supporting or opposing political candidates. For the CPS sample, this rate exceeds one in three. Chi-square test results presented in Table B.22a indicate that the differences in observed and expected frequencies for this variable are statistically significant. This supports the hypothesis that N&C participants are more likely than the general public to give money to organizations that support or oppose political candidates.

Again, substantial differences are apparent among the CPS issue groups. The Toxic Chemical issue group continues to rank highest in participation. However, the Aircraft over DC subgroup emerges at a substantially higher level than it has in previous variables dealing with contributions. These two subgroups rank highest in group-membership (see Table 4.7) and in number of non-religious associations (see Table 4.8). This points to the role of interest groups in fundraising for political purposes. As indicated in chi-square results presented above in Table B.22b in Appendix B, the differences in observed and expected counts are statistically significant. Support for Hypothesis 22 is conditional and may vary as issue groups enter and exit the mix of N&C

participants during a particular study period. However, this variation in rates of participation tends to operate at substantially higher levels for all CPS subgroups than those exhibited by the general public. Therefore, Hypothesis 22 is confirmed, conditionally.

The next hypothesis looks at voting. More than eight out of ten ANES respondents report voting in the 2004 election. Unfortunately, the Bureau of the Census reports that only about sixty four percent of the voting age population actually voted. The difference might be the result of an unrepresentative ANES sample. However, given the care and expertise typical of this highly respected national polling organization, a more likely explanation is self-presentational influences. Over-reporting of positive behaviors and under-reporting of negative behaviors are routine features in the environment of survey research. As noted previously, in the CPS survey, voting refers to the 2006 midterm elections while the ANES survey question refers to the 2004 presidential election. Although the Census Bureau has not yet completed its report on the 2006 election as of this writing, it is fair to assert that midterm elections have substantially lower turnout rates than presidential elections.

Table 4.23
Cross-tabulation for Vote

Vote		**Sample**			**CPS Subgroup**			
		ANES	**CPS**	**Total**	**Animal Rights**	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**
Yes	Count	441	132	573	20	36	37	39
	Percent	82.1%	95.0%	84.8%	83.3%	100.0%	94.9%	97.5%
No	Count	96	7	103	4		2	1
	Percent	17.9%	5.0%	15.2%	16.7%		5.1%	2.5%
Total	Count	537	139	676	24	36	39	40
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Cross-tabulations results presented above in Table 4.23 indicate that, even with this handicap, CPS respondents report outvoting ANES respondents by thirteen percentage points. Chi-square testing presented above in Table B.23a in Appendix B indicates that the differences in observed and expected counts are statistically significant. The data support the hypothesis that N&C participants are more likely to vote than the general public.

While there is some variation among CPS issue groups, voting rates are so high that there are only seven subjects who indicated that they did not vote. Four of these are in the Animal Rights subgroup. All of the respondents in the Aircraft Over DC issue group claimed to have voted. As indicated in Table B.23b in Appendix B, the differences may be statistically significant at the .05 level, but with half of the cells generating expected values of less than five, the test is not reliable. So, since all subgroups report higher levels of voting than the ANES sample, it is doubtful that any inter-group differences can clearly be said to undermine this hypothesis.

Efficacy and Trust

Table 4.24
Group Statistics for People Like Me Don't Have Any Say

Sample/Subgroup	Number	Mean	Standard Deviation	Standard Error Mean
ANES	1065	3.04	1.25	.004
CPS	139	3.59	1.12	.01
Animal Rights	26	4.12	.86	.17
Aircraft Over DC	36	3.53	1.16	.19
Re-entry Documents	39	3.36	1.20	.19
Toxic Chemicals	38	3.54	1.09	.18

The final set of hypotheses examines the relationship of efficacy and trust to participation in the N&C process. Hypothesis 24 states that CPS respondents are less likely than the general public to agree with the statement that people like themselves do not have much say in what government does. This variable tests efficacy. Measurement for this variable is a five-point scale in which a score of one means strong agreement (low efficacy) and a score of five means strong disagreement (high efficacy). Group statistics displayed above in Table 4.24 demonstrate that ANES respondents are about fifteen percent more likely than CPS respondents to agree with a statement indicating that they have no say in government. This indicates a higher level of efficacy among CPS respondents. The results of independent samples testing for this hypothesis presented in Table B.24b in Appendix B reveal a violation of the homogeneity of variance assumption. The t-statistic for equal variances not assumed is significant. There is less than one possibility in one thousand that the differences in means happened by pure chance. This supports Hypothesis 24. CPS respondents demonstrate higher levels of efficacy than the ANES sample.

The data for CPS subgroups reveal substantial differences in means among the issue groups. Unexpectedly, Animal Rights respondents, who rank at or near the bottom of CPS subgroups in measures of political participation, display the highest levels of efficacy. Re-entry Documents respondents who seem to be without any meaningful form of interest group association report the lowest level. Given their responses to other questions, it might be expected that the Animal Rights subgroup would perform closer to the ANES mean. Perhaps their optimism is merely a result of their relatively low levels of experience working in the pressure group arena. One-way analysis of variance data

are presented in Table B.24b in Appendix B. For this set of issue groups, the differences narrowly fail to achieve statistical significance. Given the substantial difference between the lowest CPS subgroup and the ANES mean, the data confirm Hypothesis 24. Notice and comment participants exhibit higher levels of efficacy than the general public.

The next hypothesis takes a look at the role of elections in making government accountable to the people. Respondents were asked to agree or disagree with the statement that elections make government pay attention to what the people think. Again, a low score indicates agreement (trust government) and a high score indicates disagreement (distrust government). Hypothesis 25 states that CPS respondents are less likely than ANES respondents to agree with this statement. Group statistics for this hypothesis are presented in Table 4.25 on the next page. As with the previous hypothesis, the difference in means is substantial, this time about twenty five percent higher for the CPS respondents. Results of an independent samples t-test presented in Table B.25a indicate that the t-statistic for equal variances not assumed is statistically significant. This supports Hypothesis 25. CPS respondents are more likely to disagree that elections make government pay attention to the people.

Table 4.25
Group Statistics for Elections Make Government Pay Attention

Sample/Subgroup	Number	Mean	Standard Deviation	Standard Error Mean
ANES	1063	2.03	1.27	.004
CPS	141	2.73	1.09	.009
Animal Rights	26	2.77	1.11	.22
Aircraft Over DC	36	2.61	.96	.16
Re-entry Documents	39	2.87	1.15	.18
Toxic Chemicals	40	2.68	1.16	.18

Descriptive statistics for the CPS issue groups indicate that the Re-entry Documents issue group is the most negative about the ability of elections to make government pay attention to the people, while the Aircraft Over DC subgroup is the most positive. However, the range of means is much smaller than that presented for the previous variable. Interestingly, the Animal Rights subgroup, which exhibited such high levels of confidence in their own ability to make their voices heard by government, is not nearly so convinced that they could do so through the electoral process. The results of a one-way analysis of variance presented in Table B.25b in Appendix B reveal that the differences in means fail to achieve statistical significance. The proximity of subgroup means tends to reinforce support for Hypothesis 25. From these findings, it may be concluded that N&C participants trust the electoral system, and thereby, the system of representative democracy, less than does the general public.

The final hypothesis extends the investigation of assessments of the influence of interest groups in formulating government policy. Hypothesis 26 states that CPS respondents are more likely than ANES respondents to agree with the statement that government is run by a few big interests. In this case, a low score is evidence of belief in a strong influence of interest groups and a high score indicates belief in a lesser role. Group statistics are displayed below in Table 4.26. CPS respondents are about fourteen percent more likely than ANES respondents to agree with the statement. Results of an independent samples t-test presented in Table B.26a indicate that the t-statistic for equal variances not assumed is statistically significant at the .001 level. The means for the two samples are both substantially and significantly different, supporting Hypothesis 26. CPS

respondents are more likely than ANES respondents to agree that government is run by a few big interests.

Table 4.26
Group Statistics for Government Run by a Few Big Interests

Sample/Subgroup	Number	Mean	Standard Deviation	Standard Error Mean
ANES	1025	2.65	1.97	.006
CPS	141	2.27	1.09	.009
Animal Rights	26	2.31	1.05	.21
Aircraft Over DC	36	2.86	1.15	.19
Re-entry Documents	39	2.23	1.01	.16
Toxic Chemicals	40	1.76	.89	.14

However, the means of the various issue groups demonstrate that there is a lack of uniformity of opinion in the CPS sample. This time, it is the environmentalists, probably the strongest non-business issue group in Washington, that scores the strongest agreement with the statement. The Aircraft Over DC issue group, the next best organized of the subgroups, shows the strongest disagreement, with a mean nearly forty percent higher than the Toxic Chemical subgroup. So, apparently, the level of associational influence is not the only driver of this variable. Results of a one-way analysis of variance are presented in Table B.26b in Appendix B. As might be expected, the substantial difference between the extremes is sufficient to achieve statistical significance.

The results of multiple comparisons of means by CPS subgroup are displayed in Table B.26c in Appendix B. A pattern of significant polar differences is apparent and the difference in polar means is statistically significant. However, the means of the middle groups are not significantly different from each other or from either pole. The Toxic Chemical subgroup mean drags down the CPS average. Given the high level of

participation by environmental groups in the notice and comment process and the substantial differences between the environmentalists and other issue groups, it is likely that such divisions are typical of most samples of participants. Since this sample has one issue group exhibiting a mean above the ANES mean and three below the ANES mean, support for Hypothesis 26 is compromised. What can be stated with reasonable confidence is that environmentalist, probably the single largest segment of N&C participants, are more likely than the general public to mistrust the influence of big interest groups on government policy, in spite of the fact that they are themselves the dutiful soldiers of a big and powerful interest group.

Table 4.27 on the following page summarizes findings for the twenty-six hypotheses tested. For the entire sample, all hypotheses are supported at the sample level except for gender and watching local television news. However, subgroup results are not as consistent. For hypotheses concerning age, reading the newspaper, attending political campaign meetings, and opinions of special interest group control of the government, the range of subgroup scores includes the ANES score. This demonstrates that, in some aspects, N&C participants are not homogeneous. The issue involved in the proposed rule does affect characteristics of participants, but not in most cases.

Table 4.27
Summary of Findings

Hypothesis Number	Variable	Expectation	Supported for Sample	Supported for Subgroups
1	Age	Older	Yes	No
2	Marital Status	Married	Yes	Yes
3	Education	Higher	Yes	Yes
4	Household Income	Higher	Yes	Yes
5	Race	White	Yes	Yes
6	Gender	Male	No	No
7	Association Membership	Member	Yes	Yes*
8	Number of Associations	More	Yes	Yes
9	Watch National News	More	Yes	Yes
10	Watch Local News	More	No	No
11	Read Newspaper	More	Yes	No
12	Internet Access	More	Yes	Yes
13	Contact Government Official	More	Yes	Yes*
14	Attend Public Meeting	More	Yes	Yes
15	Discuss Politics	More	Yes	Yes
16	Political Talk Radio	More	Yes	Yes
17	Influence Others	More	Yes	Yes
18	Attend Campaign Meetings	More	Yes	No
19	Campaign Signs	More	Yes	Yes*
20	Contribute to Candidate	More	Yes	Yes*
21	Contribute to Party	More	Yes	Yes*
22	Contribute to Other Political Group	More	Yes	Yes*
23	Vote	More	Yes	Yes*
24	People Like Me Don't Have Say	Disagree	Yes	Yes
25	Elections Make Government Pay Attention	Disagree	Yes	Yes
26	Government Controlled by Special Interests	Agree	Yes	No

* Differences in subgroups are significant. However, subgroup scores exceed the ANES score.

In addition to gathering data for hypothesis testing, several survey questions explore aspects of participation for which there are presently no theories. This data is presented in the following chapter to provide an enhanced picture of both the N&C participant and the process of participation.

Chapter 5

Supplemental Information On Citizen Participation Study Subjects

The foregoing completes the portion of this study addressing the testing hypothesis. Several other questions are included in the CPS survey concerning the experiences and attitudes of participants in the N&C process. Since these variables are not available for the ANES sample, no hypotheses are offered. However, these variables do provide important insights into administrative issues and several variables supplement findings for various hypotheses.

Table 5.1
Cross-tabulation for Get Information From Government

Get Information From Government		CPS Subgroup				Total
		Animal Rights	Aircraft Over DC	Re-entry Documents	Toxic Chemicals	
Yes	Count	11	24	28	10	73
	Percent	44.0%	70.6%	80.0%	32.3%	58.4%
No	Count	14	10	7	21	52
	Percent	56.0%	29.4%	20.0%	67.7%	41.6%
Total	Count	25	34	35	31	125
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%

Table 5.1a above provides a summary of the experiences of participants in the rule-making process in securing information from government sources. Overall, N&C participants appear to be able to get sufficient information from government sources. The relatively low percentage getting government information in the Animal Rights may be due to either the relative inexperience of the participants or the simple fact that the Department of Agriculture does not keep specific data on things that it does not regulate specifically. Substantial majorities of participants in both the Aircraft Over DC and the

Re-entry Documents issue groups seemed to find sufficient information from government sources. The one group that demonstrates a serious lack of confidence in government sources is the Toxic Chemical subgroup. This issue group is both the best educated and most experienced politically. However, previous confrontational and adversarial relations with the EPA and business concerns may foster a climate of distrust among individual issue group members. Results of a chi-square test presented in Table C.1 in Appendix C indicate that the differences between the subgroups in observed and expected frequencies are statistically significant. This means that the sufficiency of government information varies among the various issue groups. So, no general statement can be made concerning the availability of government information on issues concerning proposed agency rules. It appears that the subject matter of the proposed rule and the nature of the issue group may affect perceptions of information adequacy.

Table 5.2
Cross-tabulation for Organization Ask You to Make Comment

Ask to Make Comment		**CPS Subgroup**				**Total**
		Animal Rights	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**	
Yes	Count	17	30	3	30	80
	Percent	65.4%	83.3%	8.3%	76.9%	58.4%
No	Count	9	6	33	9	57
	Percent	34.6%	16.7%	91.7%	23.1%	41.6%
Total	Count	26	36	36	39	137
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%

The next question addresses the role of associations in promoting participation in the N&C process. Table 5.2 below displays the outcome of cross-tabulation analysis for this question. The Re-entry Documents subgroup has a substantially lower rate of interest group contact than other subgroups. This may be the result of relatively low rates of organizational membership displayed in Hypothesis 7, or it may simply be a reflection

of the lack of a driving interest group in this issue area. Compared to other issue groups, Re-entry Documents respondents score midrange in age, education, and income, and only slightly higher in rates of marriage. They score low to midrange in all measures of political activity. But, Re-entry Documents respondents score the lowest of the CPS subgroups in associational membership. Other than their interest in their own personal travel plans, no connecting force is identified. A chi-square test presented in Table C.2 in Appendix C above shows that the differences in observed and expected counts is statistically significant. So, no general statement can be made about the role of interest groups in soliciting participation in the N&C process. However, the rates of solicitation in three of four of the issue categories points to an important role for interest groups in particular issue areas.

Table 5.3
Cross-tabulation for Contact Elected Official About Issue

Contact Elected Official About Issue		**CPS Subgroup**				**Total**
		Animal Rights	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**	
Yes	Count	11	21	26	23	81
	Percent	42.3%	58.3%	66.7%	63.9%	59.1%
No	Count	15	15	13	13	56
	Percent	57.7%	41.7%	33.3%	36.1%	40.9%
Total	Count	26	36	39	36	137
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%

A central claim of the Refounding Movement is that direct citizen participation empowers groups that presently have no political voice. Cross-tabulation data presented above in Table 5.3 offers a strong evidence of exactly the opposite outcome. Even though the proposed rule is an administrative decision rather than a decision by elected officials, a substantial majority of CPS respondents indicate that they have contacted an

elected official concerning this issue. Interestingly, the issue group with the lowest levels of political sophistication exhibits the lowest level of contacting elected officials as might be expected, but the Re-entry Documents subgroup, the issue group with the lowest level of interest group motivation, has the highest level of contacting. A chi-square test displayed in Table C.3 in Appendix C indicates that differences in observed and expected counts fail to achieve statistical significance. Therefore, it may be concluded that N&C participants across a wide range of areas of concern contact elected officials concerning issues raised in agency rulemaking. So, even without a notice and comment process, it appears that these citizen participants have political voice and they know how to use it.

Table 5.4
Cross-tabulation for Made Previous Comments

Made Previous Comments		**CPS Subgroup**				**Total**
		Animal Rights	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**	
Yes	Count	14	24	25	37	100
	Percent	53.8%	66.7%	67.6%	92.5%	71.9%
No	Count	12	12	12	3	39
	Percent	46.2%	33.3%	32.4%	7.5%	28.1%
Total	Count	26	36	37	40	139
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%

Not only do CPS respondents contact elected officials at high rates, they also make multiple comments. Cross-tabulation results presented above in Table 5.4 indicate that a substantial majority of N&C participants have made previous comments. More than nine out of ten Toxic Chemical respondents report previous comments and a majority of the much less politically active Animal Rights respondents report the same. While the chi-square test results displayed in Table C.4 in Appendix C indicate that the differences in observed and expected frequencies are statistically significant, those

differences are merely in the size of the majority. Consistently, most participants in the notice and comment process are repeat participants. Since the total number of participants for all proposed rules is very small in comparison to the population of potential participants, this level of repetitive participatory behavior suggests that making comments to proposed agency rules is something of a clique behavior.

Table 5.5
Cross-tabulation for Same or Different Issue

Same Issue or Different		**CPS Subgroup**				**Total**
		Animal Rights	**Aircraft Over DC**	**Re-entry Documents**	**Toxic Chemicals**	
Same	Count	3	4	2	16	25
	Percent	21.4%	16.0%	8.0%	42.1%	24.5%
Different	Count	11	21	23	22	77
	Percent	78.6%	84.0%	92.0%	57.9%	75.5%
Total	Count	14	25	25	38	102
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%

It is possible that this clique behavior is merely a function of the particular issues involved in the rule proposals selected for this study. If this were so, a set of environmentalists would make comments on environmental rule proposals and a different set of pet lovers would make comments on proposals concerning pets. However, cross-tabulation data presented above in Table 5.5 exhibit strong evidence to the contrary. Among the seven out of ten CPS respondents who reported making previous comments, more than three-fourths reported making comments on proposed rules involving different types of issues. As might be expected, the environmentalists, represented by the Toxic Chemical subgroup, are the least likely to make comments on different issues, and the much less well-organized Re-entry Documents subgroup is the most likely to address other issues. This is another indication of the impact of associational influences on

citizen participation in the N&C process. A chi-square test displayed in Table C.5 in Appendix C indicates that differences in observed and expected frequencies are statistically significant. However, as is the case with the previous variable, those significant differences are merely in the size of the majority. Again, N&C respondents exhibit high rates of making comments on different types of rules and they tend to do so with relative consistency.

Table 5.6a
Cross-tabulation for How Comment Made

How Comment Made		CPS Subgroup				Total
		Animal Rights	Aircraft Over DC	Re-entry Documents	Toxic Chemicals	
Agency Web Page	Count	8	7	10	6	31
	Percent	30.8%	19.4%	25.6%	15.0%	22.0%
Regulations.gov	Count		2	1		3
	Percent		5.6%	2.6%		2.1%
e-mail	Count	12	22	17	28	79
	Percent	46.2%	61.1%	43.6%	70.0%	56.0%
Regular Mail	Count	5	3	7	1	16
	Percent	19.2%	8.3%	17.9%	2.5%	11.3%
Other	Count			2	1	3
	Percent			5.1%	2.5%	2.1%
Don't Remember	Count	1	2	2	4	9
	Percent	3.8%	5.6%	5.1%	10.0%	6.4%
Total	Count	26	36	39	40	141
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%

As noted previously, the last two administrations have focused on making government more accessible via the Internet. Cross-tabulation data presented above in Table 5.6a provide evidence of the success of that effort. Only slightly more than one in ten respondents report making their comment by regular mail. While participants have moved substantially to the Internet, they may not be moving in the direction most efficient for agencies. The majority of respondents report making their comments via e-

mail. This type of correspondence can be processed much more efficiently than paper. However, each comment requires additional handling to put the comment into a database. Agency web pages and the regulations.gov overlay network would do this automatically. Unfortunately, use of these web sites is relatively light, especially for the regulations.gov overlay. Among the issue groups, the environmentalists are the least likely to use the more fully automated systems, possibly because these enhancements were not available when the environmental movement began using the Internet.

Table 5.6b
Cross-tabulation for Comment Made Via Internet

Comment Made Via Internet		CPS Subgroup				Total
		Animal Rights	Aircraft Over DC	Re-entry Documents	Toxic Chemicals	
Yes	Count	20	31	28	34	113
	Percent	76.9%	86.1%	71.8%	85.0%	80.1%
No	Count	6	5	11	6	28
	Percent	23.1%	13.9%	28.2%	15.0%	19.9%
Total	Count	26	36	39	40	141
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%

Due to the number of categories of answers, calculation of statistical significance for the data in Table 5.6a is problematic. So, the number of categories is reduced to two in Table 5.6b above. Eight out of ten respondents report using the Internet in some fashion. The results of Chi-square testing are presented in Table C.6 in Appendix C. The data indicate that the differences in observed and expected counts among the issue groups fail to achieve statistical significance. The Internet is clearly the medium of choice for making comments to proposed agency rules for a wide range of issue groups.

Table 5.7
Cross-tabulation for Ease of Making Comment by CPS Subgroup

Ease of Making Comment		CPS Subgroup				Total
		Animal Rights	Aircraft Over DC	Re-entry Documents	Toxic Chemicals	
Easy	Count	20	27	26	34	107
	Percent	76.9%	75.0%	66.7%	85.0%	75.9%
Moderate	Count	6	8	13	5	32
	Percent	23.1%	22.2%	33.3%	12.5%	22.7%
Difficult	Count		1		1	2
	Percent		2.8%		2.5%	1.4%
Total	Count	26	36	39	40	141
	Percent	100.0%	100.0%	100.0%	100.0%	100.0%

Another piece of good news for agency planners is that three out of four citizen-participants report that making their comment is easy. As indicated in cross-tabulation results displayed in Table 5.7 above, only two CPS respondents describe the experience as difficult. As expected, those experienced respondents of the Toxic Chemical group are the most likely to describe the experience as easy. Given the relatively small differences in issue group results, it is not surprising that chi-square testing displayed in Table C.7 in Appendix C indicates that the differences in observed and expected counts fail to achieve statistical significance. N&C participants routinely find the process of making comments to proposed agency rules to be relatively easy. However, the question of how much of this ease is a product of the government's efforts to facilitate participation and how much is a function of interest group efforts remains unanswered.

The picture that emerges from the foregoing data is that of a band of experienced political activists who use a specialized set of skills to achieve political objectives in a variety of issue venues. Based on this data and the findings from the previous chapter, the compatibility of the notice and comment process with the democratic values liberty,

equality, and fairness is accessed in the next and final chapter. Also, various proposed reforms are evaluated.

Chapter 6

Conclusion

Summary of Findings

Summarizing the findings in the proceeding two chapters should put the question of this study into an appropriately narrow focus. Socioeconomic and demographic data indicate that, compared to the average citizen of the American republic, participants in the notice and comment process are substantially and significantly different in aspects that usually indicate a higher social class. N&C participants are: 1) about six years older than the mean of the ANES sample; 2) about thirty five percent more likely to be married; 3) about twice as likely to hold college or advanced degrees; 4) seventy eight percent more likely to be in the top three income groups; 5) twenty eight percent more likely to be White; and, 6) very unlikely to be Black.

Association data indicate that N&C participants are better networked than the general public. Participants in the N&C process are much more likely to belong to a non-religious organization. Among those who do belong to such an association, N&C participants are more likely to belong to substantially more such organizations. Data on sources and uses of information indicate that notice and comment participants are much better informed than the general public. They are more likely to watch the national news on television, read a daily newspaper, and have access to the Internet.

Data on political activity indicate that notice and comment participants are among our most active political participants. Compared to the general public, they are: 1) more than three times as likely to contact a public official about a problem; 2) much more likely to attend a public meeting; 3) more than three times as likely to discuss politics with family and friends; 4) substantially more likely to listen to political talk radio; 5) much more likely to try to influence the vote of another person; 6) nearly three times as likely to attend a political campaign meeting; 7) more than half again as likely to display a campaign sign; 8) more than three times as likely to contribute to a candidate for public office; 9) about three times as likely to contribute to a political party; 10) nearly six times as likely to contribute to an organization, other than a political party, that attempts to influence elections; and, 11) even more likely to vote. Importantly, the attitudes toward the political system of notice and comment participants differ substantially from those of the general public. N&C participants exhibit much greater efficacy. They are much less likely to indicate faith in the system of elections. Finally, and understandably, they are much less likely to be concerned about the power of special interest groups.

Although there is some variation among the subgroups, the range of variations usually fall beyond the 2004 NES mean. But, it may be argued that while those who participate in agency rulemaking are unrepresentative of the general public, citizens who participate in elections are also unrepresentative of those who do not. This is true. But N&C participants are not only unrepresentative of the public, they are also unrepresentative of voters. Data presented on the following page in Table 6.1 compare results of testing the original hypotheses using the entire ANES sample with results using only those ANES respondents who said they voted in the 2004 election. If the problem

with representative democracy is that voters are not representative, direct citizen participation in federal agency rulemaking is an unrealistic reform because it is even more unrepresentative.

Table 6.1
Summary of Findings - Comparison of Results for Entire ANES and ANES Voters Only

Hypothesis Number	**Variable**	**Expectation**	**Supported for Entire ANES**	**Supported for ANES Voters Only**
1	Age	Older	Yes	Yes
2	Marital Status	Married	Yes	Yes
3	Education	Higher	Yes	Yes
4	Household Income	Higher	Yes	Yes
5	Race	White	Yes	Yes
6	Gender	Male	No	Yes
7	Association Membership	Member	Yes	Yes
8	Number of Associations	More	Yes	Yes
9	Watch National News	More	Yes	No
10	Watch Local News	More	No	No
11	Read Newspaper	More	Yes	Yes
12	Internet Access	More	Yes	Yes
13	Contact Government Official	More	Yes	Yes
14	Attend Public Meeting	More	Yes	Yes
15	Discuss Politics	More	Yes	Yes
16	Political Talk Radio	More	Yes	Yes
17	Influence Others	More	Yes	Yes
18	Attend Campaign Meetings	More	Yes	Yes
19	Campaign Signs	More	Yes	Yes
20	Contribute to Candidate	More	Yes	Yes
21	Contribute to Party	More	Yes	Yes
22	Contribute to Other Political Group	More	Yes	Yes
23	Vote	More	Yes	Not Applicable
24	People Like Me Don't Have Say	Disagree	Yes	Yes
25	Elections Make Government Pay Attention	Disagree	Yes	Yes
26	Government Controlled by Special Interests	Agree	Yes	Yes

None of these findings are new. In fact, theories explaining political participation identified in several generations of quantitative political research are supported by these

findings. So, our theories of what drives political participation are sound. What remains is to apply this well documented knowledge to the particular question at hand and draw rational inferences.

Implications of Findings for Democratic Values

Liberty is important. Arguably, the protection of individual liberty was the single most important goal of the Framers. And, certainly, participation in the notice and comment process is an exercise of liberty for the participant. All individuals and organizations, not merely citizens, may make a comment on any proposed rule, or they may choose not to do so. However, as shown below, that does not demonstrate that participation in this process is necessary for individual liberty.

The data indicate that N&C participants generally avail themselves of numerous opportunities to exercise their liberty to influence public policy by outperforming the average citizen in all of the eleven aspects political participation described above. So, one must ask if one more way of demonstrating their preferences is really necessary to the political liberty of the notice and comment participant or of any citizen who might at some point in the future choose to participate in this process? If that particular avenue of expressing her opinion were unavailable, is it reasonable to assume that a person so endowed with the political skills and experience that is common among these participants might not simply write a letter to her representative or call her senator? The data indicate that there is a strong likelihood that she would. In fact, by the time she decides to make

her comment, she has frequently exercised other means of participation to express her opinion on the issue at hand.

If participation in the notice and comment process is not essential to political liberty, is it necessary to political equality? Here, the data speak unambiguously. Not only is this form of participation unnecessary for political equality, it virtually guarantees inequality. Only a very small percentage of Americans actually participate in this process and the data indicate that those who do are drawn from the higher ranks of our social order. Schattschneider observed that those who make the effort to have their voices heard tend to be from the more advantaged class. He warned advocates of mass citizen participation that, "The flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent" (p. 35). Even the most ardent proponents of increasing public participation in agency decision making acknowledge this most predictable outcome. Camilla Stivers, one of the original drafters of the Blacksburg Manifesto laments that:

> The advantage pluralism imparts to the organized and well equipped makes it difficult to envision a policy substantial role for ordinary citizens, one that goes beyond the advisory committee or coproduction. Oligarchy is ubiquitous, and cooption appears inevitable (Wamsley, *et al*, p. 251).

Citizens participate in public affairs when the interest of the community is demonstrably linked to the interest of the individual (Burtt). Data indicate that those persons with more interests feel the pull of multiple links and tend to participate more frequently and in more ways. From those experiences, they hone the skills necessary to become influential in the political process. In contrast, the disadvantaged have fewer interests and, thereby, fewer links drawing them into the public sphere. Thus, the

disadvantaged suffer from deficiencies in the basic skills and political experiences necessary for effective participation, especially in more advanced political activities such as influencing the federal bureaucracy.

The remaining democratic value to be considered is fairness. Rawls (1971) argues that the principal of equality may be violated so long as the weakest members of society benefit. So, it might be argued that inequality in participation in federal agency rulemaking is justified because it benefits the disadvantaged. The data provide no support for this assertion. Four rule proposals were selected for this study based on criteria described previously. The first deals with the regulation of the transportation and sale of ferrets. While some disadvantaged persons might possibly own a ferret, is such regulation among those issues most frequently associated with the plight of the poor? All of the commenters randomly selected for this study favored additional regulation. It is hard to conceive of a way in which the restrictions proposed in this rule that would probably increase the cost of these rather exotic pets might substantially improve the lot of the poor.

The next proposed rule would regulate private aircraft and general aviation airports in proximity to Washington, D. C. in order to limit opportunities for terrorists attacks against the nation's capital. Few disadvantaged people own or travel by private aircraft. Nor are they especially affected by restrictions on general aviation airports. However, many disadvantaged persons rely on some form of government assistance. Any incident of mass destruction in the federal district could severely disrupt the provision of government benefits. It is revealing that those who commented on this rule proposal were almost unanimous in their opposition to the proposed regulation of private

aircraft in the federal district. This subgroup had the highest percentage of respondents with family incomes over $120,000 and the lowest percentage with family incomes below $30,000. More than two-thirds of respondents reported family incomes above $80,000. While it is easy to see how the affluent are using the N&C process to protect their interest, it is difficult to visualize how any disadvantaged person might be positively affected by reductions in restrictions of the use of private aircraft that might hamper security efforts against terrorist threats to the federal district.

The next rule proposal would require a passport for re-entry to the United States when returning from selected locations in North America as part of the effort to make entrance by terrorists more difficult. The overwhelming majority of commenters opposed this rule. Many commenters on this proposal stated that they were retired persons on fixed incomes and could not afford a passport for international travel. Interestingly, more than two-thirds of respondents in this subgroup reported family incomes of $50,000 or greater. It is almost certain that requiring a passport when none has been required in the past would increase the cost of international travel. Yet, it is somewhat difficult to understand how international travel would constitute a substantial portion of the family budgets of the truly disadvantaged. Again, it is much easier to understand how the disadvantaged would be the most vulnerable to economic disruptions caused by terrorist intrigues. So, to the extent that requiring a passport might reduce the likelihood of terrorist access, the proposed rule would appear to benefit the disadvantaged.

The final rule proposal would change reporting requirements for toxic chemicals stored at business locations. As with the previous case, commenters overwhelmingly opposed the change. Again, more than two-thirds of respondents in this subgroup

reported family incomes of $50,000 or more. While one might offer the argument that the disadvantaged would be in greatest jeopardy from the accidental release of toxic chemicals, this proposed change merely affected the form on which the chemicals would be reported and the reporting interval. Any increase in risk for the public would be extremely small, if not imaginary. Likewise, any savings the businesses might gain from the change are projected to be minimal. In this case, there would be very little risk and very little reward for the public in general or the disadvantaged, and this may be an anomaly. Socioeconomic data from the Toxic Chemicals subgroup support a postulate that concern for the environment is a middle class phenomenon. While the exact relationship between environmental regulation and economic outcomes is a controversial subject, it appears that the disadvantaged bear greater burdens from environmental reforms in terms of lost job opportunities and achieve fewer tangible benefits (Jaffe *et al*, 1995).

So, the data provide no substantial evidence of benefit for the disadvantaged. There is not a single case in which the actions of the more advantaged citizens who participate in the notice and comment process may be seriously construed as doing anything of substance to improve the lot of the disadvantaged. Perhaps this is due to an unintended bias in the selection process for the rule proposals. After all, the number of comments was the primary consideration for selection of a proposed rule. Rule proposals which attract a large number of comments are unusual. Kerwin reports that most proposed rules deal with narrow business issues and many garner few comments. So, while this study cannot exclude the possibility that some set of advantaged commenters

might do something to help some disadvantaged person or group at some time, it does provide evidence of the unlikelihood of such an outcome.

Public participation in agency decision-making is not essential to liberty. It is destructive of equality, and no evidence is found demonstrating an impact on improving the lot of the disadvantaged. So, why is public participation hawked by politicians and public administrators as the panacea for America's ills? In both cases, the answer may be nothing more than self-interest. Politicians strive for reelection. When decisions are made by many, responsibility is divided and accountability is uncertain. Likewise, agencies compete for the allocation of scarce resources. Influential clients lobby Congress to increase allotments to agencies providing their succor.

Too Much of A Good Thing

Political analyst Fareed Zakaria (2004) was born and raised in India. So, he views America through the eyes of an immigrant, not wedded to the status quo through patriotism or pride of history. Zakaria observes that American politicians are masters of pandering, filling their public statements with praise of the "... wisdom, courage, rectitude, and all-around greatness of the American people" (p. 167). He argues that public participation is a good thing, but America suffers from too much of a good thing.

As barriers to public participation have fallen at all levels of government, the public has responded by expressing in public opinion polls considerably lower levels of trust in government. Most importantly, as trust has declined, voting rates have dropped, in spite of substantial efforts to increase voting participation through such structural

reforms as the Motor Voter Act and abolition of Jim Crow laws. To Zakaria, this decline poses a dangerous problem for the republic.

> Voting is not only the one universal act of citizenship in a free society, it is also one of the least demanding... Disenchantment with their political system is palpable in the way Americans vote, respond to public opinion polls, write letters to the editor, talk on television, and indeed express themselves anywhere in any form (p. 163).

Zarkaria blames this American malaise on what he calls the democratization of politics.

> Since the 1960s most aspects of American politics - political parties, legislatures, administrative agencies, and even courts - have opened themselves up to greater public contact and influence in a conscious effort to become more democratic in structure and spirit. And curiously, more than any other, this change seems to coincide with the decline in standing of these very institutions (p. 166).

However, the public sees the problem in exactly the opposite light. When survey respondents read a statement that "nobody listens to people like me," it appears to be an accurate assessment of political institutions to many Americans. And, Zarakia thinks that, for the average person, this may be true.

> There is truth in these observations, in the sense that organized groups - special interests - now run Washington, but what Americans often do not realize is that this is a direct consequence of the changes of the last few decades. The more open a system becomes, the more easily it can be penetrated by money, lobbyists, and fanatics. What has changed in Washington is not that politicians have closed themselves off from the American people and are unwilling to hear their pleas. It is that they do scarcely anything but listen to the American people. (p. 166).

All the King's Horses and All the King's Men

So, not only does public participation in agency rulemaking fail to deliver on democratic values, the general effect of too much public participation may very well be

to weaken representative democracy. To reverse this trend would require political leadership and courage. Both are unlikely in a polarized political culture in which the balance may shift with one ill-timed faux pas. Besides, political participation, while often an extra-constitutional adjunct to representative democracy, has become a valued component of American democracy. Any effort to reduce it would be seen as an assault on individual liberty. Equally important, public input is necessary in the complex administrative state. As government attempts to enter more areas previously reserved to the private sector or the individual, frequently at the behest of its clients, it needs information. Certainly, representatives and senators need input on priorities and alternatives. Likewise, agencies that are charged with determining the details of regulation must have some means of gathering information from the individuals and groups they regulate.

A quick look at the U. S. Department of Transportation docket clarifies this need. Various agencies within the department are, as of this writing, accepting comments on a variety of rule proposals. FAA-2007-27390 would provide regulations for amateur rocket activities. FAA-2007-28172 would certify the General Electric Company's CF6-80C2A5T turbofan engine for commercial airline use. FRA-2007-28699 would allow the modification of a signaling system in use by the Canadian National Railway Company. NHTSA-2007-28138 would modify standards for a tire quality grading system. PHMSA-2007-28136 provides safety regulations for hazardous liquids pipelines transporting ethanol and other bio-fuels (Department of Transportation). Similarly, dozens of other agencies are considering a multitude of rules. Given the resource limits imposed on agencies by budget constraints, how might any agency reside sufficient expertise to

perform the tasks assigned to it in such wide-ranging rulemaking without drawing on private sources?

The notice and comment process provides not only access to information but also a viable avenue for participation for interested members of the public. Also, from public participation, agencies stake a claim to institutional legitimacy. So, how might we fix Humpty Dumpty in such a way that the process and the public policy outcomes have a positive impact on liberty, equality, and fairness? One reform that will not be considered is limiting congressional delegation to administrative agencies. As stated earlier, the complex regulatory state is a matter of fact, not an alternative. We are where we find ourselves. So, only reforms addressing the notice and comment process are considered.

The APA provides for both the informal rulemaking associated with the notice and comment process and formal rulemaking in which a more adversarial process is required. In truth, the more relaxed procedures of informal rulemaking have fallen into disuse. Harter (1982) identifies the inability to establish consensus on the appropriate mix of discretion and procedural constraint as the driver of what he calls hybrid rulemaking. He argues that hybrid rulemaking has effectively replaced informal rulemaking and has become a surrogate for direct participation in the political decisions.

Harter points to defects in the adversarial process of both formal and hybrid rulemaking. First, both agencies and interested parties take extreme positions so that as the process pushes them toward a more relaxed position, they will not loose what they consider to be essential points. Next, participants are less likely to make full disclosure of information because some data might undermine their position in subsequent litigation. This fear of the almost certain litigation that follows rulemaking causes the agency and

the interested parties to raise more issues than are necessary to resolve the matter at hand because all parties see a need to build a defensible record. Interested parties talk to the agency, not to each other, and seldom are allowed to reach a mutually acceptable compromise. Finally, all parties engage in extra research activities so as to be able to defend their positions against any attack. Harter concludes that these factors cause high costs for all parties and extended duration for the rulemaking process.

One of the more radical reforms implemented to date is negotiated rulemaking. Noting the strong support for this reform both in Congress and in the Oval Office, Coglianese (2005) describes the procedure and its goals as an adjunct to informal rulemaking.

> Negotiated rulemaking supplements the notice-and-comment procedures of the Administrative Procedure Act (APA) with a negotiation process that takes place before an agency issues a proposed regulation. The agency establishes a committee comprised of representatives from regulated firms, trade associations, citizens groups, and other affected organizations, as well as members of the agency staff. The committee meets publicly to negotiate the proposed rule. If the committee reaches consensus, the agency typically adopts the consensus rule as its proposed rule and then proceeds according to the notice-and-comment procedures specified in the APA (p. 1).

Harter argues that in negotiated rulemaking, the direct participation of the parties reduces the cost and delay of current rulemaking by directly involving more decision makers and fewer intermediaries. This allows decision makers to focus on substantive issues rather than building a record for litigation. However, the applicability of this method is limited to those cases in which compromise is possible, and Harter points out that many regulations fall into the category of winner-take-all.

But, Harter argues that, where used appropriately, the resulting regulations would be superior to the products of more adversarial processes.

> Direct participation in rulemaking through negotiations is preferable to entrusting the decision to the wisdom and judgment of the agency, which is essential under the basic provisions of the APA, or to relying on more formal, structured method of hybrid rulemaking in which it is difficult for anyone to make the careful trade offs necessary for enlightened regulation. A regulation that is developed by and has the support of the respective interests would have a political legitimacy that regulations developed under any other process arguably lack (p. 2).

Looking at negotiated rulemaking after it was firmly established as a preferred option for federal agencies, Coglianese found no support for claims that this reform would reduce either the duration of rulemaking or the likelihood of litigation. In fact, negotiated rules made by the EPA, the agency that has used this method most frequently, took longer and produced more legal challenges than rules the agency made through its more traditional procedures. But, whether or not it delivers the advantages promised, what impact might negotiated rulemaking have on democratic values?

Since the agency is required only to invite key stakeholders to participate in the negotiation, the liberty of any other individual to participate would be limited. From the standpoint of equality, it would absolutely assure inequality because the term "key stakeholder" seldom translates into wage earner, taxpayer, or disadvantaged person. Even if one or more public members were to be included in the mix, it is most doubtful that disinterested non-experts would be sufficiently motivated and prepared to contest with principals possessing vastly superior resources and motivation.

So, would these principals, in spite of the inequality of their selection, be expected to act in the best interest of the disadvantaged? Since there is little empirical evidence

that President Reagan's trickle-down economics would apply to the more narrow case of rich and powerful principals of negotiated rulemaking, this is a question that turns on assessments of human nature. John Locke (1988), considered by the Framers to be something of an expert in that area, reminds us, "...That it is unreasonable for Men to be Judges in their own Cases, that Self-love will make Men partial to themselves and their Friends: and on the other side, that Ill Nature, Passion and Revenge will carry them too far in punishing others..." (p. 275). According to social contract theory, this is the very reason that men voluntarily leave the state of nature and form government, "... to restrain the partiality and violence of Men" (p. 276). William West (2004) describes negotiated rulemaking as, "... a corporatist abdication of public authority to private interests" (p. 74). If this is an accurate assessment, government's abdication puts the general public into a virtual state of nature vis-á-vie those deciding their own cases. It is most doubtful that lambs will fare well in a contest with lions.

One of the more radical reforms to receive any serious discussion involves creating a separate agency to specialize in securing public comment for the rules proposals of all other agencies. Cuèllar sees the problem with public participation as one of differing levels of technical and political sophistication.

> An independent agency could be created to run public consultations to supplement existing rulemaking regulations. It could use random or stratified random sampling to select people to consult, either during notice and comment or earlier in the design of regulatory programs. It could weigh and use various procedures to structure the provision of information to participants. Lawyers working as 'regulatory public defenders' for the independent agency could articulate the different views of the people consulted for inclusion in the rulemaking record, thereby helping to remedy sophistication deficits (p. 491).

This is an interesting proposal if for no other reason than it attempts to integrate the efforts of lawyers, social scientists, and bureaucrats to create something of a public opinion jury on highly technical matters. While it is most doubtful that the existing agencies would support any effort to reduce their control of their rulemaking, probably the most glaring defect in practically applying such a proposal is not a sophistication deficit, although one certainly exists. Even if these regulatory public defenders could bring average or below average citizens up to speed on cutting edge technological questions, they would almost certainly lack the capacity to engender in these randomly selected public participants an interest in doing so. Most citizens, especially the disadvantaged, simply are not interested in the details or technology of some randomly selected rule proposal.

Likewise, most citizens do not live in or around Washington, D. C. So, it would be necessary to disrupt the lives of ordinary citizens, take them far from home, educate them on matters for which they probably have no interest, and hold them in this state for some extended period of time. Either those selected would appear as hired participants, with all of the bias issues that might entail, or they would be forced to serve through some process of compulsion not revealed in Cuèllar's proposal. This proposal might improve the chances of equality through the use of social science, but at what expense to individual liberty and fairness?

Cuèllar also proposes the use of on-line surveys to facilitate the process of gathering public opinion. While that idea might avoid the rather unappealing prospects of either compulsory public participation or citizen participation for hire, it would still depend on the interest of participants. Average and less advantaged citizens do not sense

that they have a dog in the fight when agencies decide complex technical issues like the certification of turbofan aircraft engines or tire grading systems.

Often agencies are required to make rules on technical issues where there is no consensus within the scientific community. Harter describes a proposal for a science court as a means to resolve such technical issues. A tribunal of experts would be assembled by the agency and interested parties would present their evidence in an adversarial manner. Based on the weight of evidence, the science court would decide the issue and the agency would use their findings as the factual basis for its regulation.

On the surface, a science court appears to offer a reform that might actually speed up the rulemaking process at little cost to liberty, equality, or fairness. Making rules based on good science sounds like good policy for everyone. But, there are at least two problems. First, there is the selection process for the judges. The agency must select scientists based on some criteria. If the current debate over global warming teaches us anything, it is that scientists and agencies are not without bias. Proponents of the human-effects theories of global warming accuse scientists expounding natural-effects theories of selling out to the energy industry. Natural-effects scientists counter-charge that human-effects advocates are biased by EPA grants, which fund research aimed at proving human causes of global warming.

Even if we were able to overcome bias in a particular issue area, the science court reform remains fatally flawed. Thomas Kuhn (1962) explains that science does not operate by courts or majority rule. In every case of a great discovery, the accumulated wisdom of science as well as the power of the dons has been arrayed against the genius of a Newton, a Galileo, or a Curie. Science changes if and only if a new theory explains

more than the existing theory. The process is extended and it is unlikely that it could be constrained to bear its fruits within the normal duration of rulemaking. If we accept that good science might be an advantage to all, we must acknowledge the antithesis that bad science would be a detriment for all. Science by rule of a majority of a handpicked court is simply bad science.

A final reform to be considered seeks to return the informal rulemaking process to the original intent expressed in the APA. William West (2004) describes the evolution of legal environment of the notice and comment process as it progressed from a method of getting input to a method of justifying agency decisions.

> The framers of the APA viewed rulemaking as an extension of the legislative process. Much like testimony at committee meetings, public comment was intended to provide information that administrators could use as they saw fit. Its advisory role was reflected in the act's 'arbitrary and capricious' standard of judicial review, which originally was interpreted as requiring only some reasonable basis for an agency decision. Since the 1960s, however, many regulatory enabling statutes (the procedural constraints of which supercede the APA) have required administrators to justify their policies on the basis of 'substantial evidence' in the record (p. 67).

Since the 1970s, lower federal courts, and especially the D. C. Circuit, have sought to protect accountability and participation by subjecting agency rules to a hard look, originally reserved to the more adversarial formal rulemaking process. While the Supreme Court has been critical of the lower courts, its own decisions have proven ambiguous, eschewing the minimal requirements of the APA, and requiring agencies to justify their policy decisions in a record of the decision process (William West, 2004).

Agencies find themselves in a no-win situation. Bureaucracy is, of necessity, subject to political accountability, which refers to the ability of Congress and the

president to control rulemaking activities. Courts require procedural or instrumental accountability that in turn requires agencies to consider public comment and to produce rational rules based on the record of information gathered. So, William West (2004) concludes that:

> The tensions between the instrumental accountability that due process demands and the political accountability demanded of bureaucracy when it makes general policy decisions suggests that it is desirable to return to the original conception of public comment as an aid to decision making that bureaucrats can use at their discretion (p. 67).

As the battle between competing interests, as well as between the constitutional branches of government, for supremacy in rulemaking has raged, one important idea seems to have been lost. William West (2004) argues that the goal of rulemaking is to make accurate rules in accordance with public needs. Access to good information would facilitate that end. Likewise, a reduction in judicial oversight might actually allow agencies to exhibit greater flexibility during the notice and comment process. To accomplish these reforms, Congress would have to modify requirements in numerous pieces of enabling legislation to coincide with APA requirements and the lower federal courts would have to abrogate the hard look doctrine that exceeds the APA requirements.

Such changes would not be easy to accomplish, but of all the reforms being seriously considered, this might have positive results in terms of liberty, equality, and fairness. Liberty would not be compromised. Any person or group that wished to participate could do so. Mandatory service on a jury for numerous months or years would be unnecessary. While equality would not be guaranteed, special interests would no longer enjoy legal sanctions requiring their voices to be included in agency decisions. So, as this form of participation becomes less profitable, it would likely be used less by

the privileged and their lobbyists. That outcome alone would serve to amplify the voices of any average or disadvantaged citizens who choose to take an interest in a particular proposal.

Likewise, untangling the web of actors involved in the policy process by limiting the role of the courts would serve to make all participants more accountable for their actions and for the outcome of the process. Presently, no individual, agency, legislative body, or executive can be held accountable because of the virtual certainty of judicial influence. The agency did or did not do something because a court made it or because it expected a court would make it do so. So, the only people who might be accountable to voters conceal themselves behind black robes. Because low-cost political participation, like voting, is more likely among average and disadvantaged voters, accountability serves the interest of equality, even if imperfectly.

But, how might returning to the original intent of the APA serve fairness? There will always be inequality where there is liberty because it is the natural product of freedom and human nature. Politicians, bureaucrats, and special interests will continue to dominate the rulemaking process, whatever reforms are accomplished. Perhaps the only true solace the disadvantaged may hope for is the Second Coming or, even less likely, a powerful politician who sincerely and selflessly cares about their interests. Until then, living under laws made by others may be their lot. Living under good laws would be preferable to living under bad ones. The present system of agency rulemaking virtually assures that procedural considerations will dominate substantive concerns. Freeing bureaucrats to make the best possible decision based on the best available information

and holding them accountable to the elected representatives of the people, as Madison and his peers designed in the Constitution, may be our best hope for fairness.

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Appendix A

2007 CITIZEN PARTICIPATION SURVEY

According to agency records, you made a comment on the proposed rule concerning (rule description). The following questions relate to your experiences in making that comment.

Were you able to get sufficient information about the subject from government sources? _____ Yes _____ No

Did any organization involved in influencing the outcome of this rulemaking process ask you to make your comment? _____ Yes _____ No

Did you contact any **ELECTED OFFICIAL** about this particular issue? _____ Yes _____ No

Prior to making this comment, have you ever made a comment to a proposed agency rule? _____ Yes _____ No

---

By what means did you make your comment?

_____ Agency web page _____ regulations.gov _____ e-mail

_____ Regular mail _____ Other _____ Don't remember

How would you rate the ease of making your comment?

_____Easy _____Moderate _____ Difficult

Many people belong to business, labor, social, professional, and civic associations or groups that focus on particular issues.

Not counting membership in a local church or synagogue, are you a member of any of these kinds of organizations? _____ Yes _____ No

---

How many such organizations are you currently a member of? _____

Many people say that they have less time these days. How about you? Other than the comment you made on the proposed rule mentioned above, during the LAST 12 MONTHS, have you done any of the following?

Telephoned, written to, or visited a government official to express your views?	_____ Yes	_____ No
Attended a community meeting about an issue facing your community or schools?	_____ Yes	_____ No
Discussed politics with your family or friends?	_____ Yes	_____ No
Listened to political talk radio programs?	_____ Yes	_____ No

---

Next, we need to understand how participation in the rulemaking process might be related to other types of political activity. The next few questions relate to various types of political involvement.

During the **2006 ELECTION** cycle, did you do any of the following?

Talk to other people and try to show them why they should vote for or against one of the parties or candidates?	_____ Yes	_____ No
Go to any political meetings, rallies, speeches, dinners, or things like that in support of a particular candidate?	_____ Yes	_____ No
Wear a campaign button, put a campaign sticker on your car, or place a sign in your window or in front of your house?	_____ Yes	_____ No
Give money to an **INDIVIDUAL CANDIDATE** running for public office?	_____ Yes	_____ No
Give money to a **POLITICAL PARTY**?	_____ Yes	_____ No
Give money to **ANY OTHER GROUP** that supported or opposed candidates?	_____ Yes	_____ No

---

Did you vote in the 2006 election?	_____ Yes	_____ No

The next few questions deal with information sources.

During the **PAST WEEK,** how many days did you do one of the following:

	Please circle a number of days							
Watch national news on television?	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**7**
Watch local news on television?	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**7**
Read a daily newspaper?	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**7**

Do you have access to the Internet? _____ Yes _____ No

Please circle the number that best expresses your agreement or disagreement with the statement.

	Strongly Agree	**Agree**	**Undecided**	**Disagree**	**Strongly Disagree**
I can trust the government in Washington, D. C. to do what is right.	1	2	3	4	5
Government is run by a few big interests.	1	2	3	4	5
People like me don't have any say in what government does.	1	2	3	4	5
Elections make government pay attention to what the people think.	1	2	3	4	5

The following section deals with demographic information similar to that collected in the census. The information you provide will be used exclusively for academic research and your identity will remain completely anonymous.

In what year were you born? _____

What is your present marital status? _____ Married _____ Not Married

---

What is the highest grade of school or year of college you completed? _____

(high school graduate = 12, college freshman = 13, 16 = college graduate, etc.)

Are you employed by the federal, state, or local government? ___ Yes ___ No

---

Which of the following best describes your annual household income?

___ 0 - $29,999 ___ $30,000 - $49,999 ___ $50,000 - $79,999

___ $80,000 - $104,999 ___ $105,000 - $119,999 ___ $120,000 or more

---

What racial or ethnic group best describes you?

___ Black ___ Asian ___ Native American

___ Hispanic ___ White ___ Other

What is your gender? ___ Female ___ Male

Please place your survey in the envelope provided and mail it today.

Thank you!

Appendix B

Statistical Tables Not Included in the Text of Chapter 4

Table B.1a
Independent Samples t-Test for Age by Sample

	Levene's Test for Equality of Variances		t-test for Equality of Means						
	F	Sig.	t	Degrees of Freedom	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
								Lower	Upper
Equal variances assumed	19.952	.000	-4.083	1337	.000	-6.15	1.51	-9.11	-3.2
Equal variances not assumed			-4.997	195.765	.000	-6.15	1.23	-8.58	-3.72

Table B.1b
Analysis of Variance for Age by CPS Subgroup

	Sum of Squares	Degrees of Freedom	Mean Square	F	Significance
Between Groups	2852.753	3	950.918	5.969	.001
Within Groups	21505.261	135	159.298		
Total	24358.014	138			

Table B.1c
Dunnett C Multiple Comparisons for Age by CPS Subgroup

(I) CPS Subgroup	(J) CPS Subgroup	Mean Difference (I-J)	Standard Error	95% Confidence Interval	
				Lower Bound	Upper Bound
Animal Rights	Aircraft Over DC	-5.34	3.29	-14.14	3.46
	Re-entry Documents	-12.27*	3.25	-21.12	-3.42
	Toxic Chemicals	-10.78*	3.22	-19.56	-2.00
Aircraft Over DC	Animal Rights	5.34	3.29	-3.46	14.14
	Re-entry Documents	-6.93	2.94	-14.77	.91
	Toxic Chemicals	-5.44	2.90	-13.20	2.32
Re-entry Documents	Animal Rights	12.27*	3.25	3.42	21.12
	Aircraft Over DC	6.93	2.94	-.91	14.77
	Toxic Chemicals	1.49	2.86	-6.33	9.31
Toxic Chemicals	Animal Rights	10.78*	3.22	2.00	19.56
	Aircraft Over DC	5.44	2.90	-2.32	13.20
	Re-entry Documents	-1.49	2.86	-9.31	6.33

* The mean difference is significant at the .05 level.

Table B.2a
Chi-Square Tests for Marital Status by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	16.554	1	.000
Number of Valid Cases	1350		

0 cells (.0%) have expected count less than 5. The minimum expected count is 64.66.

Table B.2b
Chi square Test for Marital Status by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	2.768	3	.429
Number of Valid Cases	139		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 7.55.

Table B.3a
Chi-Square Tests for Education Category by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	60.531	2	.000
Number of Valid Cases	1349		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 39.46.

Table B.3b
Chi-Square Test for Education Categories by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	10.795	6	.095
Number of Valid Cases	139		

Three cells (25.0%) have expected count of less than 5. The minimum expected count is 3.24.

Table B.4a
Chi-Square Test for Family Income by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	30.332	5	.000
Number of Valid Cases	1202		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 5.49.

Table B.4b
Chi-Square Test for Family Income by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	7.097	6	.312
Number of Valid Cases	132		

0 cells (.0%) have an expected count less than 5. The minimum expected count is 6.27.

Table B.5a
Chi-Square Test for White and Non-White by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	27.614	1	.000
Number of Valid Cases	1340		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 34.20.

Table B.5b
Chi-Square Test for Race by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	3.594	3	.309
Number of Valid Cases	136		

4 cells (50.0%) have an expected count of less than 5. The minimum expected count is 1.65.

Table B.6a
Chi-Square Test for Gender by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	2.906	1	.088
Number of Valid Cases	1350		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 65.52.

Table B.6b
Chi-Square Test for Gender by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	48.991	3	.000
Number of Valid Cases	138		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 11.41.

Table B.7a
Chi-Square Test for Organization Membership by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	32.980	1	.000
Number of Valid Cases	1206		

0 cells (.0%) have expected count of less than 5. The minimum expected count is 63.13.

Table B.7b
Chi-Square Test for Organization Membership by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	20.469	3	.000
Number of Valid Cases	141		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 8.48.

Table B.8a
Independent Samples t-test for Number of Organizations by Sample

	Levene's Test for Equality of Variances		t-test for Equality of Means						
	F	Sig.	t	Degrees of Freedom	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
								Lower	Upper
Equal variances assumed	33.565	.000	-5.499	538	.000	-1.34	.24	-1.81	-.86
Equal variances not assumed			-3.294	100.452	.001	-1.34	.41	-2.14	-.53

Table B.8b
Analysis of Variance for Number of Organizations by CPS Subgroup

	Sum of Squares	Degrees of Freedom	Mean Square	F	Significance
Between Groups	113.509	3	37.836	2.628	.055
Within Groups	1310.112	91	14.397		
Total	1423.621	94			

Table B.9a
Independent Samples t-Test for Number of Days Watched National News on TV by Sample

Number of Days Watched National News on TV	Levene's Test for Equality of Variances		t-test for Equality of Means						
	F	Sig.	t	Degrees of Freedom	Sig. (2-tailed)	Mean Difference	Standard Error Difference	95% Confidence Interval of the Difference	
								Lower	Upper
Equal variances assumed	.429	.513	-2.211	1348	.027	-.54	.25	-1.03	.006
Equal variances not assumed			-2.244	174.103	.026	-.54	.24	-1.02	.007

Table B.9b
One-Way Analysis of Variance for Days Watched National News on TV by CPS Subgroup

	Sum of Squares	Degrees of Freedom	Mean Square	F	Significance.
Between Groups	50.025	3	16.675	2.331	.077
Within Groups	972.910	136	7.154		
Total	1022.936	139			

Table B.10a
Independent Samples t-Test for Number of Days Watched Local News by Sample

	Levene's Test for Equality of Variances		t-test for Equality of Means						
	F	Sig.	t	Degrees of Freedom	Significance (2-tailed)	Mean Difference	Standard Error Difference	95% Confidence Interval of the Difference	
								Lower	Upper
Equal variances assumed	2.658	.103	1.988	1347	.047	.49	.25	.0007	.98
Equal variances not assumed			2.067	174.874	.040	.49	.24	.002	.96

Table B.10b
Descriptive Statistics for Days Watched Local News by CPS Subgroup

Subgroup	Number	Mean	Standard Deviation	Standard Error	95% Confidence Interval for Mean		Min.	Max.
					Lower Bound	Upper Bound		
Animal Rights	26	4.23	2.45	.48	3.24	5.22	0	7
Aircraft Over DC	36	3.56	2.52	.42	2.70	4.41	0	7
Re-entry Documents	39	5.03	2.29	.37	4.28	5.77	0	7
Toxic Chemicals	38	3.13	2.92	.47	2.17	4.09	0	7
Total	139	3.98	2.65	.22	3.53	4.42	0	7

Table B.10c
One-Way Analysis of Variance for Days Watched Local News by CPS Subgroup

	Sum of Squares	Degrees of Freedom	Mean Square	F	Significance
Between Groups	78.115	3	26.038	3.955	.010
Within Groups	888.821	135	6.584		
Total	966.935	138			

Table B.10d
Dunnett C Multiple Comparisons for Days Watched Local News on TV by CPS Subgroup

(I) CPS Subgroup	(J) CPS Subgroup	Mean Difference (I-J)	Standard Error	95% Confidence Interval	
				Lower Bound	Upper Bound
Animal Rights	Aircraft Over DC	.68	.66	-1.07	2.42
	Re-entry Documents	-.79	.65	-2.44	.85
	Toxic Chemicals	1.10	.65	-.74	2.94
Aircraft Over DC	Animal Rights	-.68	.66	-2.42	1.07
	Re-entry Documents	-1.47	.59	-2.97	.003
	Toxic Chemicals	.42	.60	-1.28	2.13
Re-entry Documents	Animal Rights	.79	.65	-.85	2.44
	Aircraft Over DC	1.47	.59	-.003	2.97
	Toxic Chemicals	1.89*	.58	.28	3.51
Toxic Chemicals	Animal Rights	-1.10	.65	-2.94	.74
	Aircraft Over DC	-.42	.60	-2.13	1.28
	Re-entry Documents	-1.89*	.58	-3.51	-.28

* The mean difference is significant at the .05 level.

Table B.11a
Independent Samples t-Test for Days Read Daily Newspaper by Sample

	Levene's Test for Equality of Variances		t-test for Equality of Means						
	F	Sig.	t	Degrees of Freedom	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
								Lower	Upper
Equal variances assumed	1.128	.288	-4.510	1350	.000	-1.15	.26	-1.66	-.65
Equal variances not assumed			-4.700	176.602	.000	-1.15	.25	-1.64	-.67

Table B.11b
One-Way Analysis of Variance for Days Read Daily Newspaper by CPS Subgroup

	Sum of Squares	Degrees of Freedom	Mean Square	F	Significance
Between Groups	100.585	3	33.528	4.861	.003
Within Groups	938.100	136	6.898		
Total	1038.686	139			

Table B.11c
Dunnett C Multiple Comparisons for Days Read Daily Newspaper by CPS Subgroup

(I) CPS Subgroup	(J) CPS Subgroup	Mean Difference (I-J)	Standard Error	95% Confidence Interval	
				Lower Bound	Upper Bound
Animal Rights	Aircraft Over DC	-1.66	.68	-3.46	.15
	Re-entry Documents	-2.31*	.66	-4.08	-.54
	Toxic Chemicals	-2.23*	.66	-3.99	-.47
Aircraft Over DC	Animal Rights	1.66	.68	-.15	3.46
	Re-entry Documents	-.65	.61	-2.31	1.01
	Toxic Chemicals	-.57	.61	-2.22	1.07
Re-entry Documents	Animal Rights	2.31*	.66	.54	4.08
	Aircraft Over DC	.65	.61	-1.01	2.31
	Toxic Chemicals	.008	.59	-1.53	1.69
Toxic Chemicals	Animal Rights	2.23*	.66	.47	3.99
	Aircraft Over DC	.57	.61	-1.07	2.22
	Re-entry Documents	-.008	.59	-1.69	1.53

* The mean difference is significant at the .05 level.

Table B.12a
Chi-Square Test for Internet Access by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	40.332	1	.000
Number of Valid Cases	1207		

0 cells (.0%) have expected count of less than 5. The minimum expected count is 35.86.

Table B.12b
Chi-Square Test for Internet Access by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	7.542	3	.056
Number of Valid Cases	141		

4 cells (50.0%) have expected count of less than 5. The minimum expected count is .92.

Table B.13 a
Chi-Square Test for Contact Government Official by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	168.406	1	.000
Number of Valid Cases	1205		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 37.26.

Table B.13b
Chi-Square Test for Contacting Government Officials by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	9.814	3	.020
Number of Valid Cases	139		

0 cells (.0%) have expected count less than 5. The minimum expected count is 6.56.

Table B.14a
Chi-Square Test for Attend Public Meeting by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	13.905	1	.000
Number of Valid Cases	1203		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 40.26.

Table B.14b
Chi-Square Test for Attend Public Meeting by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	7.487	3	.058
Number of Valid Cases	138		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 10.26.

Table B.15a
Chi-Square Test for Discuss Politics by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	240.935	1	.000
Number of Valid Cases	1204		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 48.83.

Table B.15b
Chi-Square Test for Discussed Politics by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	6.666	3	.083
Number of Valid Cases	139		

4 cells (50.0%) have an expected count of less than 5. The minimum expected count is 1.38.

Table B.16a
Chi-Square Test for Listen to Talk Radio by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	40.406	1	.000
Number of Valid Cases	1203		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 65.03.

Table B.16b
Chi-Square Test for Listen to Talk Radio by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	1.676	3	.642
Number of Valid Cases	137		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 6.48.

Table B.17a
Chi-Square Test for Try to Influence Voters By Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	11.863	1	.001
Number of Valid Cases	1205		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 69.10.

Table B.17b
Chi-Square Test for Try to Influence Voters by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	5.148	3	.161
Number of Valid Cases	139		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 8.63.

Table B.18a
Chi-Square Test for Attend Campaign Meeting by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	23.523	1	.000
Number of Valid Cases	1205		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 12.57.

Table B.18b
Chi-Square Test for Attend Campaign Meeting by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	19.389	3	.000
Number of Valid Cases	139		

1 cell (12.5%) has an expected count of less than 5. The minimum expected count is 4.83.

Table B.19a
Chi-Square Test for Display Campaign Sign by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	15.145	1	.000
Number of Valid Cases	1205		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 31.03.

Table B.19b
Chi-Square Test for Display Campaign Sign by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	10.104	3	.018
Number of Valid Cases	139		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 8.46.

Table B.20a
Chi-Square Tests for Contribute to Candidate by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	63.166	1	.000
Number of Valid Cases	1205		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 17.07.

Table B.20b
Chi-Square Test for Contribute to Candidate by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	15.290	3	.002
Number of Valid Cases	139		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 7.94.

Table B.21a
Chi-Square Test for Contributions to Party by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	38.312	1	.000
Number of Valid Cases	1203		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 16.06.

Table B.21b
Chi-Square Test for Contributions to Party by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	18.689	3	.000
Number of Valid Cases	139		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 6.56.

Table B.22a
Chi-Square Test for Contribute to Other Group by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	119.689	1	.000
Number of Valid Cases	1203		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 13.31.

Table B.22b
Chi-Square Test for Contribute to Other Group by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	27.512	3	.000
Number of Valid Cases	138		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 8.52.

Table B.23a
Chi-Square Test for Vote by Sample

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	14.098	1	.000
Number of Valid Cases	676		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 21.18.

Table B.23b
Chi-Square Test for Vote by CPS Subgroup

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	9.236	3	.026
Number of Valid Cases	139		

4 cells (50.0%) have an expected count of less than 5. The minimum expected count is 1.21.

Table B.24a
Independent Samples Test for People Like Me Don't Have Any Say by Sample

	Levene's Test for Equality of Variances		t-test for Equality of Means					95% Confidence Interval of the Difference	
	F	Sig.	t	Degrees of Freedom	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
Equal variances assumed	15.207	.000	-4.994	1202	.000	-.56	.11	-.77	-.34
Equal variances not assumed			-5.405	185.203	.000	-.56	.10	-.76	-.35

Table B.24b
One-Way Analysis of Variance for People Like Me Don't Have Any Say by CPS Subgroup

	Sum of Squares	Degrees of Freedom	Mean Square	F	Significance
Between Groups	9.493	3	3.164	2.592	.055
Within Groups	164.791	135	1.221		
Total	174.284	138			

Table B.25a
Independent Samples Test for Elections Make Government Pay Attention by Sample

	Levene's Test for Equality of Variances		t-test for Equality of Means					95% Confidence Interval of the Difference	
	F	Sig.	t	Degrees of Freedom	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
Equal variances assumed	18.462	.000	-6.307	1202	.000	-.71	.11	-.92	-.49
Equal variances not assumed			-7.049	193.288	.000	-.71	.10	-.90	-.51

Table B.25b
One-Way Analysis of Variance for Elections Make Government Pay Attention by CPS Subgroup

	Sum of Squares	Degrees of Freedom	Mean Square	F	Significance
Between Groups	1.454	3	.485	.399	.754
Within Groups	166.305	137	1.214		
Total	167.759	140			

Table B.26a
Independent Samples Test for Government Run by a Few Big Interests by Sample

	Levene's Test for Equality of Variances		t-test for Equality of Means					95% Confidence Interval of the Difference	
	F	Sig.	t	Degrees of Freedom	Sig. (2-tailed)	Mean Difference	Standard Error Difference	Lower	Upper
Equal variances assumed	879.640	.000	2.207	1164	.028	.37	.17	.004	.71
Equal variances not assumed			3.380	285.713	.001	.37	.11	.16	.59

Table B.26b
One-Way Analysis of Variance for Government Run by a Few Big Interests by CPS Subgroup

	Sum of Squares	Degrees of freedom	Mean Square	F	Significance
Between Groups	22.977	3	7.659	7.299	.000
Within Groups	143.761	137	1.049		
Total	166.738	140			

Table B.26 c
Dunnett C Multiple Comparisons for Government Run by a Few Big Interests by CPS Subgroup

		Mean Difference (I-J)	Standard Error	95% Confidence Interval	
(I) CPS Subgroup	**(J) CPS Subgroup**			**Lower Bound**	**Upper Bound**
Animal Rights	Aircraft Over DC	-.55	.26	-1.32	.21
	Re-entry Documents	.008	.26	-.64	.79
	Toxic Chemicals	.55	.26	-.14	1.23
Aircraft Over DC	Animal Rights	.55	.26	-.21	1.32
	Re-entry Documents	.63	.24	.005	1.31
	Toxic Chemicals	1.10*	.24	.46	1.74
Re-entry Documents	Animal Rights	.008	.26	-.79	.64
	Aircraft Over DC	-.63	.24	-1.31	.005
	Toxic Chemicals	.47	.23	-.11	1.04
Toxic Chemicals	Animal Rights	-.55	.26	-1.23	.14
	Aircraft Over DC	-1.10*	.24	-1.74	-.46
	Re-entry Documents	-.47	.23	-1.04	.11

* The mean difference is significant at the .05 level.

Appendix C

Statistical Tables Not Included in the Text of Chapter 5

Table C.1
Chi-Square Test for Get Information From Government

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	19.655	3	.000
Number of Valid Cases	125		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 10.40.

Table C.2
Chi-Square Test for Organization Ask You to Make Comment

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	52.384	3	.000
Number of Valid Cases	137		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 10.82

Table C.3
Chi-Square Test for Contact Elected Official About Issue

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	4.308	3	.230
N of Valid Cases	137		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 10.63.

Table C.4
Chi-Square Test for Made Previous Comments

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	13.440	3	.004
Number of Valid Cases	139		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 7.29.

Table C.5
Chi-Square Test for Same or Different Issue

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	11.092	3	.011
Number of Valid Cases	102		

1 cell (12.5%) has an expected count of less than 5. The minimum expected count is 3.43.

Table C.6
Chi-square Test for Comment Made Via Internet

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	3.276	3	.351
Number of Valid Cases	141		

0 cells (.0%) have an expected count of less than 5. The minimum expected count is 5.16.

Table C.7
Chi-Square Test for Ease of Making Comment

	Value	Degrees of Freedom	Asymp. Sig. (2-sided)
Pearson Chi-Square	6.385	6	.381
Number of Valid Cases	141		

4 cells (33.3%) have an expected count of less than 5. The minimum expected count is .37.