Political Information in Bureaucratic Policymaking

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Summary: This dissertation is about ordinary people's input on policies made by bureaucrats. I analyze millions of public comments on thousands of agency rules to develop the first systematic measures of mass engagement in bureaucratic policymaking. I theorize that mass engagement may, in limited circumstances, influence bureaucrats by shifting their incentives or evoking powerful norms. Using my new measures to assess these mechanisms, I show how various parts of the U.S. government respond to public input.

Motivation: Leading models of bureaucratic policymaking focus on how agencies either learn about policy problems, negotiate or avoid accountability to various principals, or balance interest-group demands.[1] The contentious politics that inspire ordinary people to engage have no place in these models and have largely been ignored by political scientists, leaving a weak empirical base for normative and prescriptive work.[2] Mass public comments on draft agency rules provide no new technical information. They lack the authority of elected officials' opinions. And the number on each side has no legal import for an agency's response.[3] Policymakers may very well pay no attention to them. Instead, scholars focus on the sophisticated lobbying efforts of powerful interest groups, whose role in shaping policy has been theoretically developed and empirically tested.[4] Yet agencies occasionally receive thousands or even millions of comments from ordinary people. How, if at all, should scholars incorporate mass engagement into models of bureaucratic policymaking?

I argue that mass engagement produces political information about the coalition that mobilized it and thus, depending on how agencies process political information, "going public" may occasionally be an effective strategy for organizations to influence policy, both directly and indirectly.[5] For example, those lobbying in rulemaking often make suspect claims to represent broad segments of the public (Seifter 2016). Mobilizing a large number of people may support such claims.[6] Indirectly, it may alert elected officials to political risks and opportunities, thus reshaping an agency's strategic environment.

Does mass engagement in bureaucratic policymaking affect policy? This question drives the book project. However, two questions must be answered first: (1) Why does it occur? and (2) How does it affect agencies' political principals? These questions drive two initial empirical chapters.[7] Using new measures of the political information that lobbying coalitions create by going public (step 1), I assess the effect of mass mobilization on elected officials' attention (step 2) and on agency responses and policy outcomes (step 3).

Step 1: Why do agencies (occasionally) get so much mail? Why do people comment on draft policies when they seem to have no new information to offer and no power to influence decisions? Who inspires them and to what end? Answering these questions requires a method to link comments to coalitions and a theory explaining variation in mass engagement. To link individual comments to the more sophisticated lobbying efforts they support, I use text reuse and topic models to identify clusters of similar comments, reflecting formal and informal coalitions.[8] I argue that activists' opportunities and strategies explain variation in engagement. I then use this variation in engagement as an explanation for variation in policymaker behavior (step 2) and policy outcomes (step 3). **DVs:** 1) Total comments, 2) comments per coalition, 3) effort per comment, 4) type of campaign. **Methods:** DVs 2-4 are built using text reuse and topic models[9], one observation per coalition per rule. Explanatory variables include agency alignment with Congress and the president (models 1-4), coalition unity and alignment (models 2-4), and coding coalitions as driven more by public or private interests (models 2-3).

Step 2: Does mass engagement bureaucratic policymaking affect elected officials' engagement? The political information signaled by mass engagement may serve as "fire alarms"—altering elected officials

to oversight opportunities—or "warning sign"—altering them to political risks.[10] Thus, when a coalition goes public, especially if it generates a perceived consensus in expressed public sentiments, elected officials ought to be more likely to intervene on their behalf and less likely to intervene against them. To assess these hypotheses, I count the number of times Members of Congress engage the agency[11] across rules and before, during, and after comment periods on rules where lobbying organizations did and did not go public and use text analysis to compare legislators' sentiment and rhetoric to that used by each coalition. **DVs:** 1) Comments from Members of Congress on the rule (total, those mentioning mass comments, and those mentioning organizations in the coalition), 2) Share of mentions supporting the coalition, 3) Rhetorical similarity between comments from the coalition and Members of Congress. **Methods:** DVs 1-2 are one observation per coalition per rule. Model 3 is one observation per comment from a Member of Congress. Explanatory variables are similar to step 1 as well as the DVs from step 1.

Step 3: Does mass engagement in bureaucratic policymaking affect policy? I theorize that the effects of political information on policy depend on the extent to which the strategic environment allows change[12], and how political information is processed, both directly within agencies and indirectly through other actors (e.g. Members of Congress) whose appraisals matter to bureaucrats. **DVs & Methods:** The main dependent variable here is changes in rule text. However assessing policy change is difficult. Thus, I also use other measures of agency responses to lobbying efforts. Agencies may or may not change draft policies or may speed up or delay finalizing them. They write lengthy justifications of their decisions in response to some demands but not others. They may or may not extend the comment period. Measuring actual changes in policy text is more difficult. I aim to use automated methods to systemically identify changes between draft and final rules, parse these textual differences to identify meaningful policy changes, and compare them to demands raised in comments to measure which coalition got their way.[13]

Causal mechanisms: How might mass engagement matter?

Strategic calculations: New information may affect agency strategy directly or indirectly. New scientific or legal information spurs revision of calculations about cost and benefits or the likelihood of being reversed in court. New political information spurs bureaucrats to update their beliefs about levels of support among certain populations or their elected representatives and thus the likely political consequences of a decision.[14] Reshaping strategic incentives may shift how rulewriters weigh commenter demands.

Information processing and normative evaluations: In addition to strategic calculations, mass engagement may shift how information is processed and evaluated, both institutionally and cognitively. Institutionally, higher comment volume may engage a larger and more politically-oriented set of staff and consultants. Cognitively, expanding the scope of conflict highlights the political aspects of a decision, perhaps mobilizing cognition focused more on norms of public service or partisan ideology than on strategic or technical rationality. In both cases, campaigns re-frame decisions as political and provide information that is especially relevant if processed through such a frame.[15] The effects of political information on bureaucrats' normative evaluations may be direct—the weight that norms of direct democracy give to limited public input—or indirect—the weight that norms of accountability give to elected officials' input.[16]

Assessing causal mechanisms: While it may be impossible to causally identify or attribute effects to normative or strategic mechanisms, a focus on political information suggests places to look for influence in rulemaking. For example, if Members of Congress are not more likely to voice support for a coalition that goes public, this would be evidence against that indirect mechanism. To supplement the methods outlined above, the last two chapters of the dissertation will explore historical and experimental case studies. My historical case is the environmental justice movement, relying on all rules where "environmental justice" is raised in the comments and quantitative and qualitative assessment of agency responses. I find that responsiveness varies with with agency missions. My experimental cases will be rules selected by organizations that have agreed to randomly assign specific targets of mass comment campaigns.

Conclusion: This research will add to our understanding of how bureaucratic policymaking fits with the practice of democracy. If input solicited from ordinary people has little effect on policy outcomes, directly or indirectly, it may be best understood as providing a veneer of democratic legitimacy on an essentially technocratic and/or elite-driven process.[17] If public input does shape agency decisions, a new research program will be needed to investigate who exactly these campaigns mobilize and represent.

Notes

[1] On learning, see Libgober (2018) for an information-based model where commenting reveals information to the agency.

On accountability to elected officials, see Furlong (1997), Nou and Stiglitz (2016), Potter (2016), Woods (2018), and Yackee and Yackee (2009). For example, Potter (2014) presents a signaling model where agencies propose and principals veto rules depending, in part, on their beliefs about interest group preferences.

On interest group balancing see Yackee and Yackee (2006), Yackee (2006), and Kerwin and Furlong (2011).

[2] Legal scholars have long debated what to make of mass commenting in rulemaking. Many focus on reforms for agencies to collect more useful information (Farina et al. 2011; Farina, Newhart and Heidt 2014; Rauch 2016). "Public engagement" is currently the main project of the Administrative Conference of the United States (ACUS) committee on Rulemaking: The project "explores agency strategies to enhance public engagement prior to and during informal rulemaking. It seeks to ensure that agencies invest resources in a way that maximizes the probability that rulewriters obtain high quality public information." Among other things, this committee is debating how to encourage "quality public information," how "to get new people/groups into the real or virtual room" (Farina 2018), and whether broad engagement is even desirable on all rules (White 2018). Mendelson (2011) finds that agencies often discard non-technical comments but argues that they should be given more weight. Others worry that mass commenting distracts agencies from good policy and the broader public interest (Coglianese 2006). Farina et al. (2012: p. 112) argues that "[Mass] comments typically are neither factually informative nor reliable indicators of citizens informed value preferences." Rossi (1997) argues it should be largely eliminated. Herz (2016: p. 208) concludes "The goal of e-rulemaking is to more fully capture such credible, specific, and relevant information, not to solicit the views of random, self-nominating members of the public." I argue that scholars focusing on deliberation have overlooked the value of political information and representation (but see Reich (1966) and Seifter (2016) on representation).

Notably, the ACUS draft recommendations on "Mass and Fake Comments in Agency Rulemaking" suggests that "effective comments" give "reasons rather than just reactions" (ACUS 2018: p. 33). If true, public reactions to proposed rules such as mass comments would have no effect in rulemaking.

[3] I focus on public comments in rulemaking, but my theory and methods also apply to other kinds of political engagement such as through social media or protests as well as to other political decisions, including state-level rulemaking. Social media engagement may be especially important if agencies implement the recommendations of ACUS (2018) that "Agencies should consider using social media before or in connection with direct final rulemaking to quickly identify whether there are significant or meaningful objections" (p. 34).

Political scientists often define civic engagement as writing to government officials, signing petitions, attending hearings, attending protests, or donate to a political campaign. While donating is more common in electoral politics, activists frequently attempt to influence agency policymaking through letter-writing, petitions, hearings, and protests. I suspect that mass commenting is driven by the same privileged populations known to engage in other civic activities. https://www.overleaf.com/project/5ba2c9ade40c883bfbc15f62 Following the conventional terms "mass comment campaign" and "public engagement," I call the general phenomenon "mass engagement" resulting from "mass mobilization" in order to distinguish the magnitude of civic engagement.

[4] Foundational scholarship on rulemaking by Furlong and Kerwin (2004), Furlong (1997, 1998), and Kerwin and Furlong (2011) focuses on interest group lobbying. Both theory and empirical scholarship suggest skepticism that the input of ordinary people matters. Empirical scholarship finds that economic elites and business groups dominate American politics in general (Gilens and Page 2014) and rulemaking in particular (Crow, Albright and Koebele 2015; Wagner, Barnes and Peters 2011; West 2009; Yackee and Yackee 2006; Yackee 2006, 2012; Golden 1998; Haeder and Yackee 2015). Perhaps this is unsurprising.

From a strategic perspective, agency officials are not directly accountable to voters. And even if organized groups do supplement congressional and judicial checks on executive power, the groups that participate in rulemaking represent only certain (if any) citizens and may not represent them well (Seifter 2016). Early optimism among legal scholars that the internet would "change everything" (Johnson 1998) and that "cyberdemocracy" would enable more deliberative rulemaking has faded. Here, the prediction that the internet

would merely facilitate engagement among the like-minded (Sunstein 2001) has largely been correct. While commenting and encouraging others to comment has become easier, Coglianese (2006) finds that little else has changed.

From a science-based policy perspective, average citizens signing form letters provide no new information to policymakers. Mass comment campaigns are thus often called "spam" (Balla et al. 2018) and dismissed as epiphenomenal to bargaining with principals or interest groups.

Yet Yackee (2015) finds that, even though ordinary participants see business influence as more important, they still strongly believe that their comments matter.

[5] Here I build on three insights. First, Kerwin and Furlong (2011) and Furlong (1997) identify mobilization as a tactic. In their survey, organizations report that forming coalitions and mobilizing large numbers of people are among the most effective lobbying tactics. Second, Nelson and Yackee (2012) identify political information a potentially influential result of lobbying by different business coalitions. Third, Furlong (1998), Yackee (2006), and others distinguish direct and indirect forms interest group influence in rulemaking. I argue that mass mobilization is a tactic aimed at producing political information that may have direct and indirect influence.

While they focus on mobilizing experts, Nelson and Yackee (2012) describe a dynamic that can be extended to mass commenting: "strategic recruitment, we theorize, mobilizes new actors to participate in the policymaking process, bringing with them novel technical and political information. In other words, when an expanded strategy is employed, leaders activate individuals and organizations to participate in the policymaking process who, without the coordinating efforts of the leaders, would otherwise not lobby. This activation is important because it implies that coalition lobbying can generate new information and new actors—beyond simply the 'usual suspects'—relevant to policy decision makers. Thus, we theorize consensus, coalition size, and composition matter to policy change." I argue that, with respect to political information, this logic extends to non-experts.

Rauch (2016) suggests that agencies reform the public comment process to include opinion polls. I build from a similar intuition that mass comment campaigns currently function like a poll or, more accurately, a petition, measuring the intensity of preferences among a segment of the population—i.e. how many people are willing to take the time to engage. Self-selection may not be ideal for representation, but who opts to participate is still informative. Mobilizing citizens and generating new political information are key functions of interest groups in a democracy (Mansbridge 1992; Mahoney 2007). The information generated by mass mobilization campaigns is explicitly political and more complex than an opinion poll. Activists aim to convince people which issues are important and how to think about them—mapping new issues and debates to familiar ones, thereby shifting the political landscape. Importantly, rule-specific campaigns inform agencies about the distribution and intensity of opinions that are often too nuanced to estimate a priori. Many rules may lack analogous public opinion polling questions, making mass commenting a unique source of political information. Indeed, most members of the public and their elected representatives may only learn about the issue as a result of a campaign.

[6] Appeals to government are almost always couched in the language of public interest, even when true motivations obviously private (Schattschneider 1975). Theorists may debate whether effectively signing a petition of support without having a role in crafting the appeal is meaningful voice and whether petitions effectively channel public interests, but, at a minimum, engaging a large number of supporters helps distinguish narrower interests from broader ones. It suggests the organization is not "memberless" (Skocpol 2003) in the sense that they are able to demonstrate some public support.

It is nevertheless possible that agencies lack the capacity to process political information embedded in mass comments. Some may simply discard this information (Mendelson 2011). My predictions depends on how information is processed, which I expect to vary significantly across agencies.

[7] By mass engagement, I mean that thousands of people beyond professional policy influencers engage. Contrary to the common assumption that this emerges organically, it is almost always mobilized by an organization that also engages in sophisticated lobbying. As Sant'Ambrogio and Staszewski (2018) conclude "The 'mass comments' occasionally submitted in great volume in highly salient rulemakings are one of the more vexing challenges facing agencies in recent years. These comments are typically the result of orchestrated campaigns by advocacy groups to persuade members or other like-minded individuals to express support or opposition for an agency's proposed rule."

Mass mobilization is a strategy. When successful, mass engagement is the result.In contrast to those

focusing on the discursive potential of public comment processes, I focus on commenting as a tactic aimed at gaining power, either by leveraging powerful ideas or engaging actors with the power to shape decisions.

Scholars who do understand mobilization as a tactic (Furlong 1997; Kerwin and Furlong 2011) focus on mobilizing an organizations membership. In contrast, I allow the target audience to be much larger and have potential to spread, more akin to the concept an issue public (Converse 1964) or attentive public (Key 1961).

Similarly, suggested reforms requiring groups to disclose information about their funding and membership (Seifter 2016) only go part way to assess groups' claims to represent broader segments of the public. Indeed, if advocacy group decisions are largely made by staff in D.C., advocates themselves may be unsure how well their positions resonate until their potential issue publics are actually engaged.

[8] Mass-comment campaigns have wildly different results. Some gather a clean 10,000 copies of (or, more accurately, signatures on) the same comment and call their work done. Others "go viral"—inspiring a mess of further engagement where the original messages are translated through social media posts and news stories.

[9] Ultimately something similar to the correlated topic model (Blei and Lafferty 2005), possibly with lexical priors (Fong and Grimmer 2016)

[10] More precisely, political information may alert elected officials of oversight opportunities to rein in an agency (the concept of "fire alarm" oversight discussed by (Mccubbins and Schwartz 1984)) *or* to encourage the agency (what might better be described as a "beacon" attracting positive attention). The shadow of public sanction hangs over elected officials (Arnold 1979; Mayhew 2000). When the public is more attentive, it is more important for officials to take popular positions and avoid unpopular ones.

[11] By engaging the agency, I mean that Members of Congress raise a rule in hearings, committee reports, and personal letters that members send to the agency.

[12] What social movement scholars call a "political opportunity" (Mcadam 2017) such as division among elites (Tarrow 1994), in this case, the agency's political principals or business interest groups. Similarly, policy process scholars identify opportunities to align politics with certain identified problems and solutions to create a "window" for policy change (Kingdon and Thurber 1984). All rulemaking processes create opportunities, however small, to shape the new status quo, loosely bounded by the problems the process was initiated to solve, a set of policy solutions considered legitimate, and a constellation of political forces.

[13] Observing policy influence, especially in the final stages of policymaking is difficult. Given the momentum of political agendas and the fact that much is determined before draft rules are made public, changes are often on the margins. But such marginal victories are also the aim of business and other interest groups. Additionally, my theory suggests that influence is likely only in cases where mass mobilization is (1) aimed at influencing policy and (2) not accurately anticipated by policymakers. Measuring these will also be difficult.

Observational studies of policy decisions are almost always frustrated by the fact that decisionmakers rationally anticipate the actions of those who would influence them, rendering this influence difficult to observe. Thus I expect to observe larger effects in cases where mobilization or the level of engagement achieved was not anticipated by agency staff. However, as long as rulewriters do not perfectly anticipate mass engagement. It should have observable, if depressed, effects. I also hope to leverage small random manipulations in, for example, the specific policy provisions targeted by activist campaigns.

My method of identifying whether a rule seems to move in the direction requested is similar to leading existing methods—Yackee and Yackee (2006) measure whether commenters requested for more or less regulation—and superior to self-reported influence (Furlong 1997).

As most rules address long-defined problems. They are next steps advancing a policy agenda (West and Raso 2013) or the first steps in a new, often reverse, policy direction, it is possible that effects of "going public" are cumulative in a policy area over time, starting out small, but gaining agenda-setting power with sustained public attention. This may not be possible to measure with my rule-focused research design. However, if sequential rules can be linked to distinct policy agendas, my strategy could be extended to model dynamics over time following Brookhart and Tahk (2015).

[14] For example, the number, geographic distribution, size, and proportion of businesses who lobby against a rule, may provide information about how much money and which of their political principals may be invested in attacking a rule. Similarly, the number of people who engage in a rulemaking and the intensity of engagement may provide information about how much support or scrutiny an agency is likely to receive from certain political principals. As activist campaigns may be less predictable than business lobbying, civic mobilization may provide even more information about constellations of support or opposition and the

intensity of these policy demanders. If the information leads bureaucrats to update their understanding of the constellations of interests, their intensity, and the power and resources of each coalition, it may affect their strategic response.

Indirect influence through changing the decision environment: Bureaucrats care about the consequences of their actions, both for themselves for their agencys mission. Their success and power depend on the support of a political coalition that includes elected officials (Carpenter 2001). West (2004) theorizes that the primary mechanism by which mass-commenting matters is to alert political principals. Members of Congress, especially, may usually be unaware of rulemaking (Nou and Stiglitz 2016). Conversely, campaigns may "scare off" elected officials who otherwise would have weighed in, threatening consequences, such as legislation that reverses the rule (personal communication with former agency director).

[15] The source, number, and content of comments all provide political information. Each side may offer frames for interpreting these facts and others. If framed as the opinion of the public or as expressing valid public interests, such a frame may shape how officials think about the appropriate course of action for a public servant or a partisan concerned with the popularity of agency decisions.

Even, perhaps especially, when positions expressed through contentious politics are not majoritarian, these tactics may communicate political information that is not represented through electoral politics (Gillion 2012, 2013). Campaigns may also frame minority groups as deserving of special attention and protection.

[16] The strength of norms of direct democracy and accountability may vary across agencies with levels of political insulation and responsiveness.

To the extent that elected officials' demands guide agency decisionmaking—i.e. to the extent that agency decisions are shaped by norms of accountability in representative democracy—campaigns may be influential by inspiring elected officials to produce new political information. When elected officials take a position publicly or in a private letter to an agency, such political information may have normative force beyond simply simple strategic calculations.

[17] The legitimacy of bureaucratic policymaking is said to depend on the premise that rulemaking provides an outlet for public voice (Croley 2003; Rosenbloom 2003). This is reflected in the ACUS Proposed Recommendation on Public Engagement in Rulemaking begin with this statement: "The opportunity for public engagement is vital to the rulemaking process, permitting agencies to obtain more comprehensive information, enhance the legitimacy and accountability of their decisions, and enhance public support for their rules" (ACUS 2018). Yet, it is not just the opportunity to engage, but actual engagement that matters (Herz 2018), and we lack an empirical base necessary to evaluate if this legitimacy is deserved, even if people believe that their comments matter (Yackee 2014).

References

ACUS. 2018. Mass and Fake Comments in Agency Rulemaking. Technical report Administrative Conference of the United States.

Arnold, R. Douglas. 1979. *Congress and the bureaucracy: a theory of influence*. New Haven: Yale University Press.

Balla, Steven J, Alexander R Beck, William C Cubbison and Aryamala Prasad. 2018. "Where's the Spam? Mass Comment Campaigns in Agency Rulemaking 2.".

Blei, David M and John D Lafferty. 2005. Correlated Topic Models. In *Advances in Neural Information Processing Systems 18 (NIPS)*.

Brookhart, Jennifer L and Alexander Tahk. 2015. "The Origin of Ideas.".

Carpenter, Daniel P. 2001. *The forging of bureaucratic autonomy: Reputations, networks, and policy innovation in executive agencies, 1862-1928*. Princeton University Press.

Coglianese, Cary. 2006. "Citizen Participation in Rulemaking: Past, Present, and Future." *Duke Law Journal* 55(5):943–968.

Converse, Philip E. 1964. *The nature of belief systems in mass publics*.

Croley, Steven. 2003. "White House Review of Agency Rulemaking: An Empirical Investigation." *Harvard Law Review* 70(3):821–835.

Crow, Deserai A., Elizabeth A. Albright and Elizabeth Koebele. 2015. "Evaluating Informational Inputs in Rulemaking Processes: A Cross-Case Analysis." *Administration & Society* 49(9):1318–1345.

Farina, Cynthia R. 2018. "Comments on ACUS Proposed Recommendations on Public Engagement in Rulemaking.".

Farina, Cynthia R., Dmitry Epstein, Josiah Heidt and Mary J. Newhart. 2012. "Knowledge in the People: Rethinking "Value" in Public Rulemaking Participation." *Cornell e-Rulemaking Initiative Publications* .

Farina, Cynthia R, Mary J Newhart and Josiah Heidt. 2014. "Rulemaking vs. Democracy: Judging and Nudging Public Participation That Counts.".

Farina, Cynthia R., Mary Newhart, Claire Cardie and Dan Cosley. 2011. "Rulemaking 2.0." *University of Miami Law Review* 65(2).

Fong, Christian and Justin Grimmer. 2016. "Discovery of Treatments from Text Corpora." pp. 1–20.

Furlong, Scott R. 1997. "Interest Group Influence on Rule Making." *Administration & Society* 29(3):325–347.

Furlong, Scott R. 1998. "Political Influence on the Bureaucracy: The Bureaucracy Speaks." *Journal of Public Administration Research and Theory* 8(1):39–65.

Furlong, Scott. R. and Cornelius M. Kerwin. 2004. "Interest Group Participation in Rule Making: A Decade of Change." *Journal of Public Administration Research and Theory* 15(3):353–370.

Gilens, Martin and Benjamin I. Page. 2014. "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens." *Perspectives on Politics* 12(03):564–581.

Gillion, Daniel Q. 2012. "Protest and congressional behavior: Assessing racial and ethnic minority protests in the district." *Journal of Politics* 74(4):950–962.

Gillion, Daniel Q. 2013. *The political power of protest: minority activism and shifts in public policy.* Cambridge, MA: Cambridge University Press.

Golden, Marissa Martino. 1998. "Interest Groups in the Rule-Making Process: Who Participates? Whose Voices Get Heard?" *Journal of Public Administration Research and Theory* 8(2):245–270.

Haeder, Simon F. and Susan Webb Yackee. 2015. "Influence and the Administrative Process: Lobbying the U.S. President's Office of Management and Budget." *American Political Science Review* 109(03):507–522.

Herz, Michael. 2016. "E-Rulemaking's Democratic Transformation: Anticipated, Actual, and Potential." *Revue Internationale des Gouvernements Ouverts* 3:195–208.

Herz, Michael. 2018. "Comments on ACUS Proposed Recommendations on Public Engagement in Rulemaking.".

Johnson, Stephen M. 1998. "The Internet Changes Everything: Revolutionizing public participation and access to government information through the internet." *Administrative Law Review* 50(2):277–337.

Kerwin, Cornelius M. and Scott R. Furlong. 2011. *Rulemaking: How Government Agencies Write Law and Make Policy.* 4th ed. CQ Press.

Key, V.O. 1961. *Public Opinion and American Democracy.* New York: Alfred A. Knopf.

Kingdon, John W and James A Thurber. 1984. *Agendas, alternatives, and public policies.* Vol. 45 Little, Brown Boston.

Libgober, Brian. 2018. "What biased rulemaking looks like.".

Mahoney, Christine. 2007. The Role of Interest Groups in Fostering Citizen Engagement: The Determinants of Outside Lobbying. In *Politics Beyond the State: Actors and Policies in Complex Institutional Settings*, ed. Kris Deschouwer and M. Theo Jans. ASP.

Mansbridge, Jane J. 1992. A Deliberative Theory of Interest Representation. In *The Politics Of Interests: Interest Groups Transformed.*, ed. Mark P. Petracca. Routledge chapter 2, p. 448.

Mayhew, David R. 2000. "Electoral Realignments." *Annual Review of Political Science* 3(1):449–474.

Mcadam, Doug. 2017. "Social Movement Theory and the Prospects for Climate Change Activism in the United States." *Annual Review of Political Science* 20:189–2008.

Mccubbins, Mathew D and Thomas Schwartz. 1984. Congressional Oversight Overlooked: Police Patrols versus Fire Alarms. Technical Report 1.

Mendelson, Nina A. 2011. "Foreword: Rulemaking, Democracy, and Torrents of E-Mail." *George Washington Law Review* 79:101.

Nelson, David and Susan Webb Yackee. 2012. "Lobbying Coalitions and Government Policy Change: An Analysis of Federal Agency." *Source: The Journal of Politics* 74(2):339–353.

Nou, Jennifer and Edward H Stiglitz. 2016. "Strategic Rulemaking Disclosure." *Southern California Law Review* 89.

Potter, Rachel Augustine. 2014. Writing the Rules of the Game: The Strategic Logic of Agency Rulemaking PhD thesis University of Michigan.

Potter, Rachel Augustine. 2016. "Slow-Rolling, Fast-Tracking, and the Pace of Bureaucratic Decisions in Rulemaking.".

Rauch, Daniel E. 2016. "Two-Track E-Commenting." *Yale Journal on Regulation* 33(1).

Reich, Charles A. 1966. The Law of the Planned Society. Technical report.

Rosenbloom, David H. 2003. *Administrative law for public managers.* Westview Press.

Rossi, Jim. 1997. "Participation Run Amok: The Costs of Mass Participation for Deliberative Agency Decisionmaking." *Northwestern Law Review* 92(1).

Sant'Ambrogio, Michael and Glen Staszewski. 2018. Public Engagement in Agency Rulemaking. Technical report Administrative Conference of the United States.

Schattschneider, Elmer E. 1975. *The Semisovereign People: A realist's view of democracy in America.* Dryden Press.

Seifter, Miriam. 2016. "Second-Order Participation in Administrative Law." *UCLA Law Review* 63(1300).

Skocpol, Theda. 2003. *Diminished Democracy: From membership to management in American civic life.* University of Oklahoma Press.

Sunstein, Cass R. 2001. *Republic.com.* Princeton University Press.

Tarrow, Sidney. 1994. *Power in Movement.* Cambridge University Press.

Wagner, Wendy E., Katherine Y. Barnes and Lisa Peters. 2011. "Rulemaking in the Shade: An Empirical Study of EPAs Air Toxic Regulations." *Administrative Law Review* 63(1):99–158.

West, William F. 2004. "Formal Procedures, Informal Processes, Accountability, and Responsiveness in Bureaucratic Policy Making: An Institutional Policy Analysis." *Public Administration Review* 64(1):66–80.

West, William F. 2009. "Inside the Black Box." *Administration & Society* 41(5):576–599.

West, William F. and Connor Raso. 2013. "Who Shapes the Rulemaking Agenda? Implications for Bureaucratic Responsiveness and Bureaucratic Control." *Journal of Public Administration Research and Theory* 23(3):495–519.

White, Adam J. 2018. "Comments on ACUS Proposed Recommendations on Public Engagement in Rulemaking.".

Woods, Neal D. 2018. "Regulatory Analysis Procedures and Political Influence on Bureaucratic Policymaking." *Regulation & Governance* 12(2):299–313.

Yackee, Jason Webb and Susan Webb Yackee. 2006. "A Bias Towards Business? Assessing interest group influence on the US bureaucracy." *Journal of Politics* 68(1):128–139.

Yackee, Jason Webb and Susan Webb Yackee. 2009. "Divided government and US federal rulemaking." *Regulation & Governance* 3(2):128–144.

Yackee, Susan Webb. 2006. "Sweet-talking the fourth branch: The influence of interest group comments on federal agency rulemaking." *Journal of Public Administration Research and Theory* 16(1):103–124.

Yackee, Susan Webb. 2012. "The Politics of Ex Parte Lobbying: Pre-Proposal Agenda Building and Blocking during Agency Rulemaking." *Journal of Public Administration Research and Theory* 22(2):373–393.

Yackee, Susan Webb. 2014. "The Politics of Regulatory Reform." *Journal of Public Administration Research and Theory* 24(4):1065–1068.

Yackee, Susan Webb. 2015. "Participant Voice in the Bureaucratic Policymaking Process." *Journal of Public Administration Research and Theory* 25(2):427–449.