Political Information in Bureaucratic Policymaking

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November 13, 2018

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. 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. 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. 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. 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. For example, those lobbying in rulemaking often make suspect claims to represent broad segments of the public. Mobilizing a large number of people may support such claims. 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 my 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. Using new measures of the political information that lobbying coalitions create by going public from 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. 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). Dependent variables include: 1) Total comments, 2) comments per coalition, 3) effort per comment, 4) type of campaign. Model 1 is one observation per rule. Models 2-4 are one observation per coalition per rule, with DVs built using text reuse and topic models. 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. 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 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. Dependent variables include 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. Models 1 and 2 are one observation per coalition per rule. Model 3 is one observation per comment from a Member of Congress. Explanatory variables of interest are the DVs from step 1 (how many and what types of comments–i.e. variation in political information).

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, 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.

The main dependent variable is changes in rule text. 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. However, assessing policy change is difficult. Thus, I also use other measures of agency responses to lobbying efforts: Agencies may speed up or delay finalizing rules. They write lengthy justifications of their decisions in response to some demands but not others. They may or may not extend the comment period.

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. 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. 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.

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 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. If public input does shape agency decisions, a new research program will be needed to investigate who exactly these campaigns mobilize and represent.

Why So Much Mail?

Step 1: Why do agencies (occasionally) get so much mail?

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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.

I argue that activists' opportunities and strategies explain variation in engagement.

Dependent Variables:

Model 1) Total comments $\sim$ zero-inflated negative binomial;

Model 2) Comments per coalition $\sim$ negative binomial;

Model 3) Effort per comment $\sim$ truncated normal;

Model 4) Type of campaign $\sim$ multinomial.

The dependent 2-4 are built using text reuse and topic models[1], 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).

Types of campaigns: The mix of types of supporters depends, in part, on the aims of a campaign. Campaigns may have one of three distinct aims: (1) to win concessions by going public, (2) to disrupt a perceived consensus, or (3) to go down fighting.

Coalitions "go public" when they believe that expanding the scope of conflict gives them an advantage.[2] As these are the coalitions that believe they have more intense public support, many people may be inspired

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

[2] Going public (or an "outside strategy") is used by Presidents (Kernell 2007), Members of Congress (Malecha and Reagan 2012), interest groups (Walker 1991; Dür and Mateo 2013), Lawyers, and Judges (Davis 2011). This strategy is likely to be used by those disadvantaged (those Schattschneider (1975) calls the 'losers') with less public attention. Rulemaking with little public attention is the norm. Nearly all scholarship on rulemaking in political science thus focuses on interest-group and inter-branch bargaining, ignoring public opinion and social movements.

indirectly and to engage with more effort. In these cases, mass engagement will likely skew heavily toward this side. This is important because a perceived consensus may be especially influential political information.[3]

Second, because the perception of consensus is powerful, when a coalition goes public, an opposing coalition may countermobilize. As this is likely a coalition with less intense public support and its aim is merely to break a perceived consensus, I expect such campaigns to engage fewer people, less effort per person, and yield a smaller portion of indirect engagement.

Finally, campaigns may target supporters rather than policymakers. Sometimes organizations "go down fighting" to fulfill supporters' expectations.[4] While such campaigns may engage many people, they are unlikely to affect policy or to inspire countermobilization. I expect such campaigns to occur on rules that have high partisan salience (e.g. rules following major legislation passed on a narrow vote), propose large shifts on policy issues dear to well-funded public interest groups, and occur after presidential transitions when executive-branch agendas shift more quickly than public opinion.

While the coalitions may form around various material and ideological conflicts, those most likely to be advantaged by going public or going down fighting are public interest groups—organizations primarily serving an idea of the public good rather than the material interests of their members.[5] Thus, I theorize that mass mobilization is most likely to occur in conflicts of public versus private interests or public versus public interests (i.e. between coalitions led by groups with distinct ideas of the public good), but only ones with sufficient resources to run a campaign.[6] To assess these propositions, I classify coalitions as primarily driven by public or private interests and roughly estimate each coalition's resources.

Types of engagement: I classify supporters into three types using the texts of their comment to infer how they were mobilized. Comments that are exact copies of a form letter are akin to petition signatures from supporters who were engaged by a campaign to comment with minimal effort. Commenters that repeat text but also take time to add their own text indicate more intense preferences. Finally, commenters who express solidarity in similar but distinct phrases indicate they were engaged indirectly as campaign messages spread beyond those originally targeted. The size of each of each group thus offers political information to policymakers, including coalition resources, intensity of sentiment, and potential for conflict to spread.[7]

Methods: In addition to mapping text re-use, I adapt several statistical models (Bayesian classifiers) of text to classify comments into coalitions[8], parse policy demands, and estimate relative probabilities that

[3]For example, consensus among interest groups (Golden 1998; Yackee 2006), especially business unity (Yackee and Yackee 2006; Haeder and Yackee 2015), predicts policy change, though it is not clear if this is a result of strategic calculation, a perceived obligation due to the normative power of consensus (e.g. following a majoritarian (Mendelson 2011)), or simply that the information is easier to process.

[4]I use "going down fighting" as shorthand for campaigns aimed at only at fulfilling supporter (e.g. donor, membership) expectations and related logics that are internal to the organization (e.g. fundraising, member retention or recruitment, or satisfying a board of directors).

[5]One exception may be the few types of membership organizations that are both broad and focused on material outcomes such as labor unions.

[6]If true, one implication is that mass mobilization will systematically run counter to concentrated business interests where they conflict with the values of organized, privileged groups.

[7]The first two types signal two kinds of intensity or resolve. First, they show the mobilizers' willingness to commit resources to the issue. Second, costly actions show the intensity of opinions among the mobilized segment of the public (**?**). The number of people engaged by a campaign is not strictly proportional to an organizations investment. The less people care, the more it costs to mobilize them. If agency staff do not trust organizations' representational claims, engaging actual people may be one of the few credible signals of a broad base of support. The third type indicates potential contagion. Indications that messages spread beyond those originally targeted be especially effective (Kollman 1998). Information about organizational resolve, intensity of preference, and contagiousness are thus produced, but will only influence decisions if mass comments are processed in a way that captures this information and relays it to decisionmakers. These organizational processes may vary significantly across agencies.

[8]The aim is to discover latent coalitions by textual similarity (having removed all sentences quoting the agency's draft rule and call for comments). I start by modeling all comments on each rule (collapsing exactly identical comments to one document) with three topics, which I verify by inspecting how the comments of named organizations and those claiming affiliations were classified and, if $k = 3$ appears to be correct, tag them as "pro, con, other." Within each coalition, I then look for text re-use, identifying strings longer than 10 words that are repeated to identify the share of unique comments that resulted from direct

a policy change favors a given coalition. I then model the relationship between my measures of policy success and coalition size, intensity, and contagion and assess mechanisms by which political information may influence agency decisions.

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mobilization versus indirect engagement.