

# Why Do Agencies (Sometimes) Get So Much Mail?: Public Pressure Campaigns and Bureaucratic Policymaking

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I examine who participates in public pressure campaigns and why. Scholars of bureaucratic policymaking have focused on the sophisticated lobbying efforts of powerful interest groups. Yet agencies occasionally receive thousands or even millions of comments from ordinary people. How, if at all, should scholars incorporate mass participation into models of bureaucratic policymaking? Are public pressure campaigns, like other lobbying tactics, primarily used by well-resourced groups to create an impression of public support? Or are they better understood as conflict expansion tactics used by less-resourced groups? To answer these questions, I collect and analyze millions of public comments on draft agency rules. Using text analysis methods underlying plagiarism detection, I match individual public comments to pressure-group campaigns. I find that most public comments are mobilized by a few public interest organizations. Over 80% of the 48 million comments on proposed rules posted to regulations.gov were mobilized by just 100 organizations, 87 of which lobby in coalitions with each other. Contrary to other forms of lobbying, I find that mass comment campaigns are almost always a conflict expansion tactic, rather than well-resourced groups creating an impression of public support. Contrary to other forms of political participation, I find no evidence of negativity bias in public comments. Indeed, from 2005 to 2017, most comments supported proposed rules. This is because public comments tend to support Democratic policies and oppose Republican policies, reflecting the asymmetry in mobilizing groups.

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**Note to reader:** This dissertation chapter develops concepts and measures of public engagement in rulemaking that I apply in chapters 3 and 4. The methods are under construction, and the empirical claims are tentative.

This project aims to better understand the role of ordinary people in bureaucratic policymaking. I develop theories of why mass engagement occurs and how it may affect policy. To assess these theories, I tackle three related empirical questions: (1) Why does it occur?; (2) How does it affect the oversight behaviors of agencies' political principals?; and (3) Does mass engagement in bureaucratic policymaking affect policy?

**Chapter 1 situates agency rulemaking in the context of American politics.** I show that rulemaking is a major site of policymaking and political conflict.

**Chapter 2 explains why agencies (occasionally) get so much mail.** The literature suggests two possible explanations for variation in mass engagement; groups may leverage public support as a lobbying resource ("grassroots" mobilization) or groups with more resources may leverage those resources into an impression of public support (sometimes called "astroturf"). I find that public interest campaigns explain variation in mass engagement. Unlike other forms of lobbying, it is not primarily driven by interests with the largest financial stakes and resources. Because the vast majority of comments are inspired by interest-group campaigns, finding their cause requires a method to link comments to the lobbying coalitions that mobilized them. To link individual comments to the more sophisticated lobbying efforts they support, I use text reuse and clustering methods to capture formal and informal coalitions.

**Chapter 3 asks whether mass engagement affect political oversight.** The political information signaled by mass engagement may serve as "fire alarms," altering principals to oversight opportunities or "warning signs" altering them to political risks. When a coalition mobilizes successfully, elected officials ought to be more likely to engage on their behalf and less likely to engage against them. To assess these hypotheses, I count the number of times Members of Congress engage the agency before, during, and after comment periods on rules where lobbying organizations did and did not go public. I then use text analysis to compare legislators' sentiments and rhetoric to that used by each coalition.

**Chapter 4 asks whether mass engagement affects rulemaking and rules.** 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 change in the rule text. I systematically identify changes between draft and final rules, parse these differences to identify meaningful policy changes, and compare them to demands raised in comments to measure which coalition got their desired outcomes.

**Chapter 5 presents a case study of the environmental justice movement.** I identify all rules where "environmental justice" is raised in the comments to assess agency responses both quantitatively and qualitatively. In preliminary analysis, I find that responsiveness to environmental justice activist comments varies in predictable ways across agencies, but I find no evidence that the total number of comments affects rules.

**Chapter 6** concludes with remarks on the study of bureaucratic policymaking and policy recommendations to better account for the fact that public pressure campaigns and the bursts of civic engagement they mobilize will be an enduring feature of the policy process.

## 1 Introduction

With the rise of the administrative state, U.S. federal agencies have become a major site of policymaking and political conflict. By some estimates, upward of 90% of legally binding U.S. federal policy is now written by agencies. Agency rules are revised much more frequently than statutory law (Wagner et al., 2017) and in the years or decades between legislative enactments, federal agencies make legally-binding rules interpreting and reinterpreting old statutes to address emerging issues and priorities. Examples are striking: The effect of the Dodd-Frank Wall Street Reform and Consumer Protection Act was largely unknown until the specific regulations were written, and it continues to change as these rules are revised. Congress authorizes billions in farm subsidies and leases for public lands, but who gets them depends on agency policy. In the decades since the last major environmental legislation, agencies have written thousands of pages of new environmental regulations and thousands more changing tack under each new administration. These revisions significantly shape lives and fortunes. For example, in 2006, citing the authority of statutes last amended in the 1950s, the Justice Department's Bureau of Prisons proposed a rule restricting eligibility for parole. In 2016, the Bureau withdrew this rule and announced it would require fewer contracts with private prison companies, precipitating a 50% loss of industry stock value. Six months later, a new attorney general announced these policies would again be reversed, leading to a 130% increase in industry stock value. Agency rulemaking matters.

Less clear, however, is how the new centrality of agency rulemaking fits with democracy. In addition the bureaucracy's complex relationships with the president and Congress, agencies have complex and poorly understood relationships with the public and advocacy groups. Relationships with constituent groups may even provide agencies with a degree of "autonomy" from their official principals (Carpenter, 2001).

Participatory processes like public comment periods, where government agencies must solicit public input on draft policies, are said to provide political oversight opportunities (Balla, 1998; Mccubbins and Schwartz, 1984), democratic legitimacy (Croley, 2003; Rosenbloom, 2003), and new technical information (Yackee, 2006; Nelson and Yackee, 2012). While recent scholarship on agency policymaking has shed light on sophisticated lobbying by businesses, we know surprisingly little about the vast majority of public comments which are submitted by ordinary people as part of public pressure campaigns.<sup>1</sup> Activists frequently target agency policymaking with letter-writing campaigns, petitions, protests, and mobilizing people to attend hearings, all classic examples of "civic engagement" (Verba and Nie, 1987). Yet civic engagement remains poorly understood in the context of bureaucratic policymaking. While practitioners and administrative law scholars have long pondered what to make of mass commenting, political scientists have had surprisingly little to say about this kind of civic participation.

*The contentious politics that inspire the majority of public comments have no place in leading models of bureaucratic policymaking and have largely been ignored by political scientists.*

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<sup>1</sup>As I show below, most comments submitted to regulations.gov are part of organized campaigns, more akin to petition signatures than sophisticated lobbying. Indeed, approximately 40 million out of 50 million (80%) of these public comments mobilized by just 100 advocacy organizations.

Foundational scholarship on rulemaking ([Furlong and Kerwin, 2005](#), [Furlong \(1997\)](#), [Furlong \(1998\)](#), [Kerwin and Furlong \(2011\)](#)) focuses on interest group lobbying. Theoretical models focus on how agencies learn about policy problems, negotiate or avoid accountability to various principals, or balance interest-group demands.<sup>2</sup>

*Most scholars are skeptical that ordinary people can affect rulemaking.* To the extent scholars address the input of ordinary people at all, both existing theory and empirical scholarship suggest skepticism that it matters. (By “ordinary” people, I simply mean people who are not professional policy-influencers.) Empirical scholarship finds that economic elites and business groups dominate American politics in general ([Gilens and Page, 2014](#)) and rulemaking in particular. While some are optimistic that requirements for agencies to solicit and respond to public comments on proposed rules allow “civil society” to provide public oversight ([Michaels, 2015](#); [Metzger, 2010](#)), most studies find that participants in rulemaking often represent elites and business interests ([Seifter, 2016](#); [Crow, Albright and Koebele, 2015](#); [Wagner, Barnes and Peters, 2011](#); [West, 2009](#); [Yackee and Yackee, 2006](#); [Yackee, 2006](#); [Golden, 1998](#); [Haeder and Yackee, 2015](#); [Cook, 2017](#)).

Scholars are thus skeptical about rulemaking as a venue for collective action. As a result, public pressure campaigns are dismissed as epiphenomenal to bargaining with political principals or interest groups. Indeed, almost all empirical studies of rulemaking discard unsophisticated comments from ordinary people, as evident from a comprehensive review of scholarship on “The Politics of Rulemaking” by [Yackee \(2019\)](#), who finds skepticism about citizen comments, but no studies analyzing public pressure campaigns as a lobbying tactic:

“[Kerwin and Furlong \(2011\)](#) point out that a citizen must know not only that a regulation is being formulated but also how and when to participate. This is a high bar for most Americans. Second, to be influential during rulemaking, commenters may require resources and technical expertise. As [Epstein, Heidt and Farina \(2014\)](#) suggest, agency rule-writers—who are often chosen because of their technical or policy-specific expertise—privilege the type of data-driven arguments and reasoning that are not common to citizen comments.” (p. 10)

For any particular lay commenter, this conclusion seems inescapable; individuals acting alone are unlikely to affect policy. But groups occasionally mobilize a large number of people, usually behind a more sophisticated lobbying effort. Without systematic understanding of the scale and impact of public participation in rulemaking, it is impossible to answer normative questions about how participatory processes like public comment periods may enhance or undermine various democratic ideals.

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<sup>2</sup>On learning, see [Kerwin and Furlong \(2011\)](#) and empirical studies by [Yackee \(2012\)](#), [Cook \(2017\)](#), [Gordon and Rashin \(2018\)](#), and [Walters \(2019\)](#). See [Gailmard and Patty \(2017\)](#) and [Libgober \(2018\)](#) for information-based models where comments reveal information to the agency. On accountability to elected officials, see [Furlong \(1997\)](#), [Nou and Stiglitz \(2016\)](#), [Potter \(2017b\)](#), [Woods \(2018\)](#), and [Yackee and Yackee \(2009\)](#). [Potter \(2014\)](#) develops 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 \(2011\)](#). A key assumption of Libgober’s (2018) model is that bureaucrats have a distribution of preferences over interest group positions, about which they are uncertain unless groups reveal their preferences through commenting.

Scholars' neglect of public pressure campaigns is surprising given that most people are only aware of agency rulemaking when it is the target of a high-profile mass mobilization campaign.<sup>3</sup> While most rules receive little attention, the ease of online mobilizing and commenting has, like other forms of participation (Boulianne, 2018), created exponential increases in the number of rules in which thousands and even millions of people engage (see Figure 2; note that comments per rule are on a logarithmic scale).<sup>4</sup> Occasionally, a large number of people are paying attention.

The general failure to explain or account for public pressure campaigns in models of bureaucratic policymaking is also striking in light of how agencies advertise public comment periods as an opportunity for a voice in government decisions.<sup>5</sup> Big red letters across the top of the Regulations.gov homepage solicit visitors to "Make a difference. Submit your comments and let your voice be heard" and "Participate today!" (Figure 1. A blue "Comment Now!" button accompanies a short description of each draft policy and pending agency action. Public comments on proposed agency rules is described as "an important part of democracy" (WSJ 2017), "often held out as the purest example of participatory democracy in actual American governance" (Herz, 2016). Rossi (1997) finds that "courts, Congress, and scholars have elevated participation in rulemaking to a sacrosanct status... greater participation is generally viewed as contributing to democracy."

Figure 1: Regulations.gov Solicits Public Comments on Draft Agency Rules

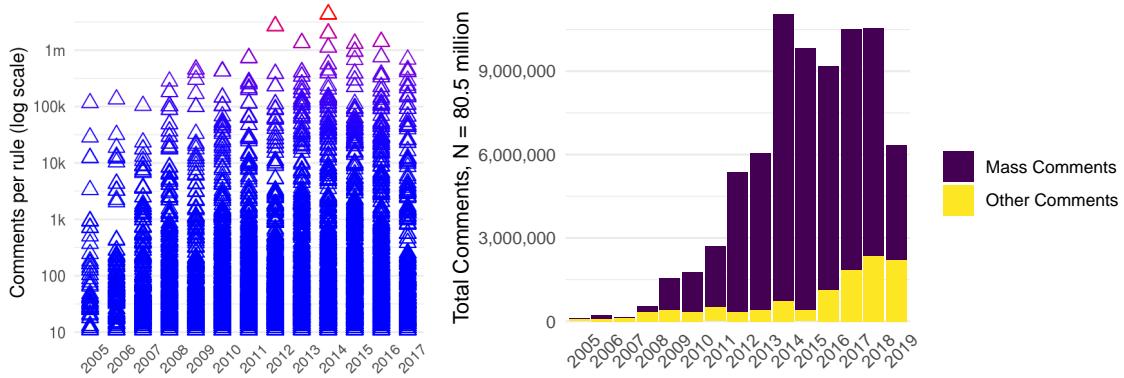


<sup>3</sup>Some of the most contentious recent public controversies involve bureaucratic policymaking. For example, along with 50 thousand protesters in Washington D.C., the State Department Received 1.2 million comments on the Environmental Impact Statement for the Keystone Pipeline. Similarly, along with the thousands of protesters supporting the Standing Rock Sioux protest to the Dakota Access Pipeline, the Army Corps of Engineers received hundreds of thousands of comments. Alongside protest actions that included shutting down many websites, the Federal Communications Commission's open internet rule received 22 million comments. While some of these comments appear to be fake, the scale of public engagement is remarkable given how little attention political scientists have paid to it. Fake public comments also raise the question of why an organization would bother to generate fake public input if it did not matter, as its omission from theories of bureaucratic policymaking would seem to imply.

<sup>4</sup>Proposed rules that have attracted the most public attention have been published by the Federal Communications Commission (FCC, omitted from this plot), the Environmental Protection Agency (EPA), the Department of Interior (DOI), the Bureau of Ocean Energy Management (BOEM), the Consumer Financial Protection Bureau (CFPB), and Fish and Wildlife Service (FWS).

<sup>5</sup>I focus on public comments in rulemaking, but the theories and methods here may 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).

Figure 2: Comments per Proposed Rule and Total Comments per Year



While “ordinary” members of the public may occasionally provide novel and useful technical information to expert bureaucrats, such sophisticated means of influencing policy are out of reach for the vast majority of people. Thus, to investigate the potential role of ordinary people in bureaucratic politics I look elsewhere—not because ordinary people never provide novel and useful technical information, but because this is not how most people attempt to influence policy, nor, I argue, how we should expect ordinary people to have influence.

Most public comments are, in fact, of the type suggested by the solicitations on [Regulations.gov](#)—ordinary people voicing opinions on a proposed policy. They do not provide useful technical information or suggest specific edits to policy texts like the interest group comments that have thus far captured the attention of political scientists. If they add information to rulemaking, it is a different, more political flavor of information. Indeed as Figure 2 shows, every year since 2008, most people who comment on draft regulations have done so as a result of public pressure campaign.<sup>6</sup> Public engagement in rulemaking is highly clustered on a few rules made salient by these campaigns. It is plausible that, at least some of the time, such campaigns aim to influence policy. It is also plausible that thousands of people engaging may alter the politics of these policy processes, but this hypothesis remains untested. Indeed, we have much to understand about the causes and effects of these campaigns before we are in a position to ask if they are a mechanism for groups to influence policy. Most critically, we must understand who mobilizes and why.

The kind of politics created by mass engagement has a few notable features. It is contentious; most ordinary people are not engaging in deliberation, they are simply making demands. Importantly, however, processes like public comment periods channel contentious demands into institutionalized policy processes rather than undermining them. In short, the politics of rulemaking created by mass engagement is much more contentious than most rulemakings, but also much more institutionalized than most contentious politics. Mass engagement in rulemaking thus presents a novel context to examine the consequences of broader engagement in typically insider-dominated policymaking and how public participation may condition how political decisions are made.

<sup>6</sup>At least for agencies participating in [regulations.gov](#). See sections 3 and 4 for my definition and methods for identifying mass comments.

Public pressure campaigns expand civic participation in policymaking.<sup>7</sup> Surely, those who engage are far from representative of the broader public (Verba and Nie, 1987), but in many ways, they must be more representative than the handful of political insiders who participate in most policy processes. If the usual participants have “an upper-class accent” (Schattschneider, 1942), does adding thousands of more voices dilute this bias? This depends on how people are mobilized. If public pressure is mobilized by the usual participants to create an impression of public support, it may merely legitimize the demands of powerful interest groups.

## 2 Theory

**Incorporating mass engagement into theories of bureaucratic policymaking.** How, if at all, should scholars incorporate mass engagement into models of bureaucratic policymaking? I argue that mass engagement produces potentially valuable political information about the coalition that mobilized it. 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. However, influencing policy may not be the only reason to mobilize.

### 2.1 Why mobilize?

This section offers a theory and hypotheses to explain variation in mass engagement. I argue that we should observe different patterns of engagement depending on whether an organization launches a mobilization campaign as an outside lobbying tactic, to counter such a campaign, or for reasons other than influencing policy. In the next section, I develop methods to measure these patterns. In short, these measures capture similar statistics to questions posed by Verba and Nie (1987, p. 9): “How much participation is there, what kind is it, and from what segments of society does it come?”

As noted above, scholars of bureaucratic policymaking have focused on the sophisticated lobbying efforts of powerful interest groups such as business coalitions. A key insight from this scholarship is that technical information is the currency of insider lobbying. Figure 3 illustrates the classic causal model of insider lobbying that describes most rulemakings and nearly all scholarship on lobbying in bureaucratic policymaking to date.<sup>8</sup> However, mass engagement has no place in this model. I aim to fill this gap.

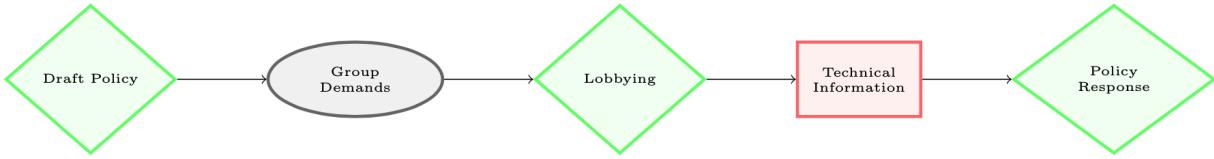
First, I offer a framework for assessing the causes of mass engagement. Next, I argue that organizations may mobilize large numbers of people for three reasons with observable impli-

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<sup>7</sup>If defining “civic participation” as “acts aimed at influencing governmental decisions (Verba and Nie, 1987, p. 2), signing a petition or form comment counts. However, some consider true participation to be deliberative, which mass comment campaigns are not. Other criteria posed by normative theorists that participation should be “genuine,” “informed,” or “reasoned” are more difficult to assess. Normative theorists may debate whether deliberation among a small number of people is preferable to a large number of people simply expressing their preferences, but empirically, public participation in bureaucratic policymaking is much more the latter (Shapiro, 2008).

<sup>8</sup>Diamonds indicate observable choices, ovals indicate latent preferences, and rectangles indicate information.

Figure 3: The 'Classic Model' of Interest Group Lobbying in Bureaucratic Policymaking



cations for observed patterns of mass engagement and theoretical implications for predicted effects on policy.

### *2.1.1 Incorporating political information into models of lobbying in rulemaking*

*Public pressure is a political resource.* An organization's ability to expand the scope of conflict by mobilizing a large number of people can be a valuable political resource (Schattschneider, 1975). In contrast to scholars who focus on the deliberative potential of public comment processes, I focus on public engagement as a tactic aimed at gaining power. Scholars who understand mobilization as a tactic (Furlong, 1997; Kerwin and Furlong, 2011) have focused on how organizations mobilize their membership. I expand on this understanding of mobilization as a lobbying tactic to include a campaign's broader audience, more akin to the concept of an attentive public (Key, 1961) or issue public (Converse, 1964).

*Public pressure campaigns evoke the public interest and representation.* Appeals to the government are almost always couched in the language of public interest, even when true motivations are private (Schattschneider, 1975). When lobbying during rulemaking, groups often make dubious claims to represent broad segments of the public (Seifter, 2016). If agency staff do not trust an organizations' representational claims, engaging actual people may be one of the few credible signals of a broad base of support. Furthermore, if organizations claim to represent people beyond their official members, reforms requiring groups to disclose information about their funding and membership (Seifter, 2016) only go part way to assess groups' claims to represent these broader segments of the public. Indeed, if advocacy group decisions are primarily made by D.C. professionals, these advocates themselves may be unsure how broadly their claims resonate until potentially-attentive publics are actually engaged.

Theorists debate whether signing a petition of support without having a role in crafting the appeal is a meaningful voice and whether petitions effectively channel public interests, but, at a minimum, engaging a large number of supporters may help broader interests to distinguish themselves from truly narrower ones. It suggests that the organization is not "memberless" (Skocpol, 2003) in the sense that they can demonstrate some verifiable public support.<sup>9</sup>

Here I build on three insights. First, Furlong (1997) and Kerwin and Furlong (2011) identify mobilization as a tactic. The organizations that they surveyed reported that form-

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<sup>9</sup>Public support can be faked or inflated using "astroturf" tactics, but such campaigns have observably different patterns of engagement.

ing coalitions and mobilizing large numbers of people are among the most effective lobbying tactics. Second, [Nelson and Yackee \(2012\)](#) identify political information as a potentially influential result of lobbying by different business coalitions. 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, concerning political information, this logic extends to non-experts. The number and distribution of ordinary supporters may matter because it suggests a *public* consensus. Instead of bolstering *scientific* claims, a perceived public consensus bolsters *political* claims. Finally, [Furlong \(1998\)](#), [Yackee \(2006\)](#), and others distinguish between direct and indirect forms of interest group influence in rulemaking. This distinction is especially important for political information, which may be most influential through indirect channels, such as through elected officials. In short, to understand how groups lobby in rulemaking, we must understand mass mobilization as a tactic aimed at producing political information that may have direct and indirect impacts on policymaking.

While most scholars have emphasized mass comments’ lack of useful technical information, a few have raised their role in creating political information. [Cuéllar \(2005\)](#) calls on agencies to pay more attention to ordinary peoples’ expressions of preference and [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, capturing the intensity of preferences among the attentive public—i.e., how many people are willing to take the time to engage.<sup>10</sup> Self-selection may not be ideal for representation, but opt-in participation—whether voting, attending a hearing, or writing a comment—may often be one of the few heuristics decisionmakers have about public preferences.

Mobilizing citizens and generating new political information are key functions of interest groups in a democracy ([Mansbridge, 1992](#); [Mahoney, 2007](#)). Campaigns inform agencies about the distribution and intensity of opinions that are often too nuanced to estimate *a priori*. Many questions that arise in rulemaking lack analogous public opinion polling questions, making mass commenting a unique source of political information. As with public opinion on many specific policy issues, most members of the public and their elected representatives may only learn about the issue and take a position as a result of a public pressure

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<sup>10</sup>For example, a campaign by the World Wildlife Federation provided language explicitly claiming to have public opinion on their side. Their model comment stated that “Along with 80% of the American people, I strongly support ending commercial trade in elephant ivory in the US.” This suggests that mass comment campaigns aim to signal information about public opinion.

campaign (Hutchings, 2003). I thus consider public demands to be a latent factor in my model of policymaking (Figure 4). Public demands shape the decisions of groups who lobby in rulemaking. If they believe the attentive public is on their side, groups may attempt to reveal this political information to policymakers by launching a mass mobilization campaign. The public response to the campaign depends on the extent that the attentive public is passionate about the issue.

Figure 4: Incorporating Political Information into Models of Bureaucratic Policymaking

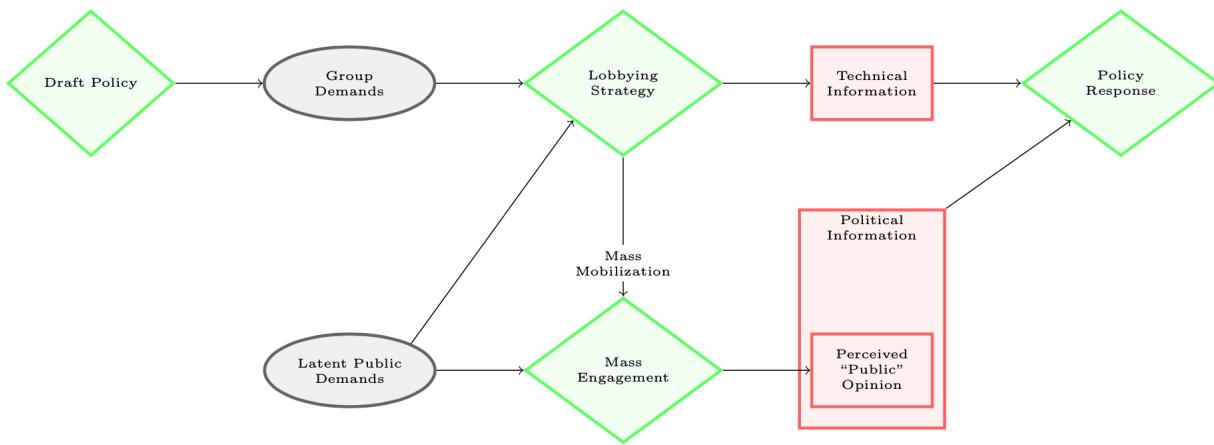


Figure 4 amends the “Classic Model” of interest group lobbying (Figure 3) to incorporate political information about the attentive public. In addition to providing technical information through sophisticated comments, an organization may mobilize supporters. The more support a group has, the more successful this mobilization effort will be. Large-scale engagement may produce several types of relevant political information. The most direct and obvious is the expressed “public opinion” that policymakers observe.<sup>11</sup>

The causal process visualized in Figure 4 may only operate under certain conditions. For example, we may only expect mobilization to influence a given policy when the mobilization effort is aimed at influencing that particular policy, rather than using the public comment period to build organizational membership or power more generally.

## 2.2 Hypotheses about the drivers of mass mobilization

### 2.2.1 Types of campaigns

The outcomes of mass mobilization depend, in part, on the aims of a campaign. I distinguish group campaigns by which of three distinct aims they pursue: (1) to win concessions by going public, (2) to disrupt a perceived consensus, or (3) to go down fighting. Going public and disrupting a perceived consensus are forms of proactive and reactive outside lobbying, respectively. Here, going down fighting describes any situation where the organization does not expect to influence policy but mobilizes for other reasons.

<sup>11</sup>I address other types of political information that mass engagement may create elsewhere. For an expanded model, see Figure 10 in the Appendix.

**Going public.** Coalitions “go public” when they believe that expanding the scope of conflict gives them an advantage.<sup>12</sup> As these are the coalitions that believe they have more intense public support, mass engagement is likely to skew heavily toward this side.<sup>13</sup> Indeed, Potter (2017a) finds that advocacy group-driven campaigns mobilize far more people on average than industry-driven campaigns. Additionally, many people may be inspired indirectly (e.g., through news stories) or to engage with more effort (e.g., writing longer comments) than people mobilized by the side with less public support. This is important because political information may be especially influential if decisionmakers perceive a consensus.<sup>14</sup>

**Hypothesis 1:** Lobbying coalitions mobilize mass engagement when they perceive the attentive public is on their side, have sufficient resources, and perceive an opportunity to influence policy.

The key part of this hypothesis is that mobilizing is correlated with existing public support, what might be called “grass-roots” support. The converse, that organizations mobilize when they have less public support, could also be true. For example, business groups who are already advantaged in low salience rulemaking may decide to leverage their superior resources further to mobilize support to alter a bad reputation or bolster claims that they represent more than their private interest. If mobilization most often takes this “astro-turf” form, this would be evidence against Hypothesis 1 and Schattschneider’s argument that it is the disadvantaged who seek to expand the scope of the conflict.

The latter parts of Hypothesis 1 regarding sufficient resources and political opportunity are scope conditions. Most organizations that are disadvantaged in low-salience rulemaking also lack resources to launch mass mobilization campaigns. If an organization does not perceive a lobbying opportunity, it would be incorrect to call mobilization a lobbying strategy. Many factors may contribute to perceived political opportunities. For example, Moore (2017) finds that agencies that use high levels of expertise (as defined by Selin (2015)) receive fewer comments, possibly because mobilizing organizations perceive these rules to be less open to influence.

**Disrupting a perceived consensus.** I theorize that when coalitions with less public support mobilize, it is a reaction to their opponents. Because the impression of consensus is powerful, when a coalition goes public, an opposing coalition may countermobilize. Because I theorize that these are coalitions with less intense public support and its aim is prevent a perceived consensus, I expect such campaigns to engage fewer people, less effort per person, and yield a smaller portion of indirect engagement.

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<sup>12</sup>“Going public,” “outside lobbying” or an “outside strategy” contrasts with insider lobbying. It 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). For example, organizations may use phone banks, targeting strategies, and direct-mail techniques to drum-up and channel public support (Cooper 1985).

<sup>13</sup>This strategy is likely to be used by those disadvantaged (those Schattschneider (1975) calls the ‘losers’) in a policy process with less public attention.

<sup>14</sup>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 logic (Mendelson, 2011)), or simply that unified demands are easier to process than opposing demands.

**Hypothesis 2:** When a lobbying coalition with more intense public support mobilizes successfully in response to an opportunity to influence policy, opposing coalitions with less public support are more likely to counter-mobilize, but with proportionally smaller results.

The first part of Hypothesis 2 would be undermined if lobbying organizations with less public support are no more likely to engage in outside lobbying when their opposition does so. While [Potter \(2017a\)](#) found industry groups were no more likely to advocate for rules to be strengthened, weakened or withdrawn, this does not mean that they are no more likely to mobilize when their opposition does so.

The second part of this hypothesis, that countermobilization is proportionally smaller, rests on the intuition that the scale and intensity of public engagement are moderated by preexisting support for the proposition that people are being asked to support. It is possible that the “potentially mobilized” segments of the public are unrelated to public support before being contacted by the campaign, for example, if mobilization is driven more by partisan identities than issue preferences.

**Going down fighting.** Finally, campaigns may target supporters rather than policy-makers. Sometimes organizations “go down fighting” to fulfill supporters’ expectations. I use “going down fighting” as shorthand for campaigns aimed only at fulfilling member, donor, or supporter expectations and related logics that are internal to the organization, including member retention or recruitment, fundraising, or satisfying a board of directors. For example, as Figure 5 shows, the Sierra Club uses campaigns to collect contact information of supporters and potential members. In this case, given the executive-branch transition between 2010 when the rule was initiated and 2017 when it was delayed, the Sierra Club may have had little hope of protecting methane pollution standards, but for members of the public who wanted to voice their opinion, the Sierra Club created an easy way to do so, as long as users consented to “receive periodic communication from the Sierra Club.”

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), rules that propose large shifts on policy issues dear to member-funded public interest groups, or rulemaking started shortly after presidential transitions when executive-branch agendas shift more quickly than public opinion.

When a lobbying coalition with more intense public support successfully mobilizes for reasons other than influencing policy, opposing coalitions with less public support are not more likely to counter-mobilize.

Going public and going down fighting may be difficult to distinguish in the observed public response. Indeed, members of the public may poorly understand the different chances of success in each case. However, lobbying organization do likely know their chances of success and should thus invest less in sophisticated insider lobbying under the going down fighting strategy. By identify cases where coalitions engage in large public campaigns without corresponding investment in sophisticated lobbying, I can assess whether countermobilization and is indeed less likely in these cases. Table 1 specifies the general pattern of engagement suggested by each of the three reasons behind mass-comment campaigns.

Figure 5: The Sierra Club Collects Contact Information Through Mass Mobilization Campaign

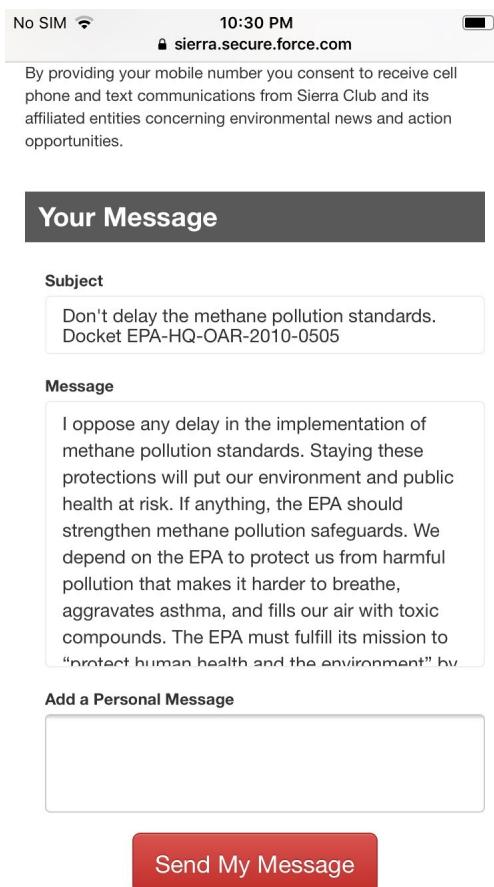


Table 1: Observable Differences in Lobbying Strategies

	Inside lobbying (technical information)	Outside lobbying (public pressure campaign)
“Normal” lobbying	High	None
“Going public”	High	High
“Disrupting consensus”	High	Low
“Going down fighting”	Low	High

As Table 1 suggests, the relevant statistic distinguishing patterns is the *relative* number of each type of comment on each side on a given rulemaking docket. Even among rules targeted by campaigns, salience varies significantly and thus “high” and “low” numbers of comments will differ across rules. Importantly, even campaigns that achieve very low public response rates appear in these data. Because campaigns aim to collect thousands of comments, it is implausible that even the most unpopular position would achieve no supportive responses. For example, Potter (2017a) found Poultry Producers averaging only 319 comments per campaign. While this is far from the Sierra Club’s average of 17,325 comments per campaign, it is also far from zero.

*Public and private goods.* While 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.<sup>15</sup> 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 cultural ideals or desired public goods), provided they have sufficient resources to run a campaign. If true, one implication is that mass mobilization will systematically run counter to concentrated business interests where they conflict with the values of public interest groups with sufficient resources to mobilize.

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<sup>15</sup>Potter (2017a) similarly distinguishes “advocacy groups” from “industry groups.” Berry (1999) calls these groups “citizen groups” and emphasizes conflict over cultural issues. While some public interest groups focus on conservative or progressive cultural issues, like religious education, immigration, or endangered species, many are more focused on the public provision or protection of public goods such as national parks, consumer product safety standards, air quality, drinking water, and public safety. One exception may be types of membership organizations that are both broad and often focused on material outcomes for their members such as labor unions. Potter (2017a) puts unions in the “Industry” category. I take a different approach based on the coalition with whom such groups lobby. If a union lobbies alongside businesses, I classify this as a private interest-driven coalition. If a union lobbies with public interest groups on public health or safety issues, I classify this as a public interest.

**Hypothesis 3:** Public interest group coalitions mobilize more often than business-driven coalitions.

Hypothesis 3 posits a conditional logic in the decision to mobilize. If resources purely determined outside lobbying, business-driven coalitions would often dominate, as they do elsewhere. However, I argue, because outside lobbying can alter the decision environment, those who have the advantage in the usual rulemaking process (where a more limited set of actors participate) have little incentive to expand the scope of the conflict.

### 2.3 Types of public engagement

I classify supporters into three types that help describe key pieces of political information. I illustrate these types in the context of public comments. 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 also take time to add text indicate more intense preferences. Finally, commenters who express solidarity in similar but distinct phrases indicate they were engaged indirectly, perhaps by a news story or a social media post about the campaign, as campaign messages spread beyond those initially targeted.<sup>16</sup> Because the success of a mobilization effort is moderated by public support, broader public interest group coalitions ought to mobilize more people, more effort per person, and more people indirectly for the same amount of mobilization effort (e.g., spending or solicitations).

Public interest group coalitions mobilize more successfully than business-driven coalitions. Indicators of success include (1) the number of comments supporting a coalition (2) the effort per comment (3) the number of comments mobilized indirectly.

The size of each group thus offers political information to policymakers, including coalition resources, the intensity of sentiment, and the potential for conflict to spread. 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 (Dunleavy, 1991). The number of people engaged by a campaign is not strictly proportional to an organization's investment. The less people care, the more it costs to mobilize them. The third type indicates potential contagion. Indications that messages spread beyond those initially targeted may be especially powerful (Kollman, 1998).

Information about organizational resolve, the intensity of public demands, and contagiousness are thus produced, but such political information will only influence decisions if these signals are processed in a way that captures this information and relays it to decision-makers. These organizational processes may vary significantly across agencies.

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<sup>16</sup>It is possible that some people in this latter category engage purely on their own initiative, but any impact they have likely comes from their alignment with a coalition. Furthermore, as I show below, wholly original comments are rare.

## 3 Methods

### 3.1 Measuring Public Pressure and Political Information

In this section, I develop methods to attribute mass comments to the campaigns that mobilized them and measure the intensity of preferences expressed. To link individual comments to the more sophisticated lobbying efforts they support, I use textual similarity to identify clusters of similar comments, reflecting formal and informal coalitions. Comments with identical text (if any) indicate which groups and coalitions ran a mass comment campaign. Within each campaign, I measure the intensity and potential for the movement to grow. To measure intensity, I examine the ratio of high-effort and low-effort comments. To measure potential to grow, I measure the number of comments mobilized indirectly by the campaign (i.e., those that support a campaign but do not include text provided by the campaign). The result is several new measures of participation in bureaucratic policymaking.

#### 3.1.1 Who lobbies?

Previous studies of rulemaking stress the importance of coalitions ([Yackee and Yackee, 2006](#)). Scholars have measured coalitions of organized groups but have yet to attribute citizen comments to the coalition that mobilized them.

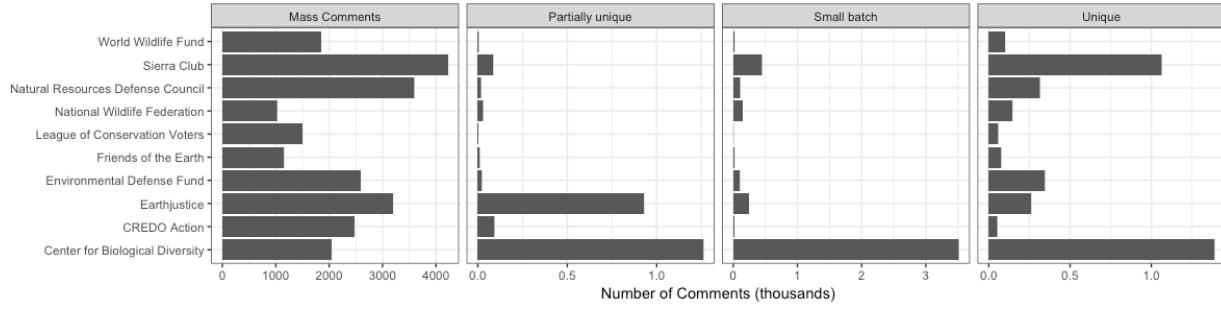
*Data.* I collected a corpus of approximately 70 million comments via the regulations.gov API. About 50 million of these comments are on proposed rules (over 16,000 proposed rules from 144 agencies from 2005 to 2018). I then linked these comments to other data on the rules from the Unified Agenda and Office of Information and Regulatory Affairs Reports on draft rules sent to them for review. Summary statistics for these data are available in the Appendix.

Unfortunately, metadata on the authors of comments and their organizational affiliations are inconsistent and incomplete. As this information is key to identifying influential actors, improving these data was a significant data-organization task.

*Mobilizing organizations.* Through an iterative combination of automated search methods and hand-coding, I identify organizations for over 40 million comments, including all organizations responsible for mobilizing 100 or more comments with repeated text—either identical text or partially unique texts that contain shared language. I then searched comment texts for mentions of these organizations’ names to complete missing information on the mobilizing organization. The top 100 mobilizing organizations each mobilized between 55 thousand and 4.2 million comments. Figure 6 shows the top organizers of comments posted to regulations.gov.

Having identified who is participating in rulemaking, the next step is to determine who is lobbying together. Studies of rulemaking stress the importance of coalitions ([Yackee and Yackee, 2006](#), Dwidar2019). Scholars have measured coalitions of organized groups but have yet to attribute citizen comments to the coalition that mobilized them.

Figure 6: Top mobilizers of comments posted to regulations.gov



### 3.1.2 Who lobbies together?

The Oceana coalition framed its mass mobilization effort to curb the Bureau of Ocean Energy Management’s 2017 Proposed Offshore Oil and Gas Leasing Program as a “petition signed by 67,275 self-proclaimed United States residents,” suggesting that organizations consider these efforts as akin to petitions. In the same statement, Oceana also claimed the support of “more than 110 East Coast municipalities, 100 Members of Congress, 750 state and local elected officials, and 1,100 business interests, all of whom oppose offshore drilling,” suggesting that claims of public and elected official support aim to provide similar kinds of political information.

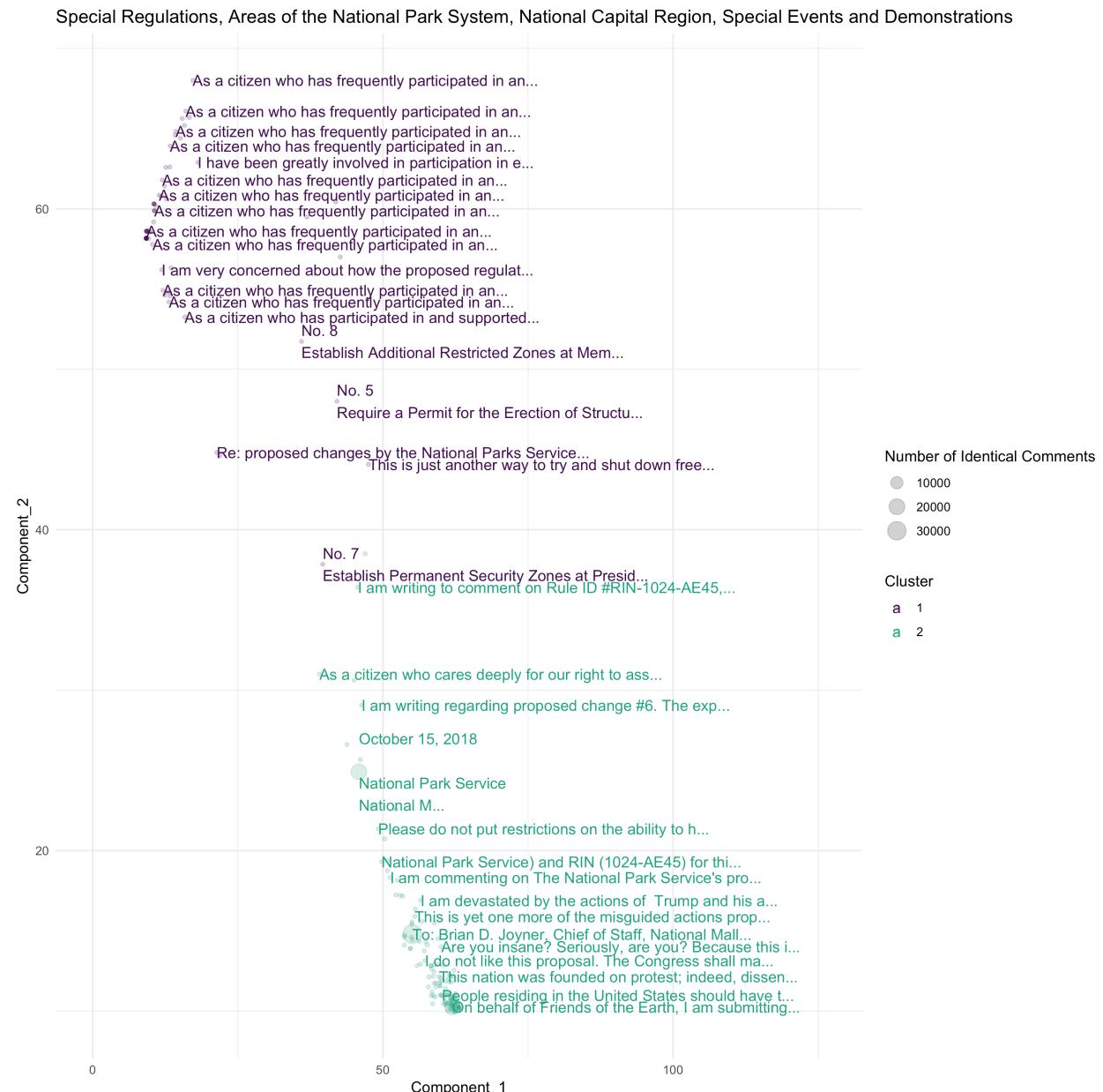
#### *Text reuse and clustering.*

*I identify coalitions using text reuse and clustering methods.* I identify comments that are not identical but share a 10-word (or “10-gram”) string using a moving window function looping over each possible pair of texts to identify matches.<sup>17</sup> When actors sign onto the same comment, it is clear that they are lobbying together. However, various businesses, advocacy groups, and citizens often comment separately, even when they are aligned. Thus, in addition to mapping text re-use, for rules with a large number of comments, I use statistical models of text to classify comments into coalitions. I cluster documents by the frequency with which they use different words. Being classified together does not mean that the documents all address exactly the same distribution of substantive issues, just that they use similar words relative to the full set of documents. I start by modeling all comments on each rule (collapsing identical comments to one document) with two and three clusters, which I then inspect to see how well the comments of named organizations were classified. If the two cluster model most sensibly describes the conflict, I label these clusters “pro” and “con.” If the three-cluster model more sensibly describes the conflict, I label these clusters as “pro, con, other.” If neither fits well, I increase the number of clusters as needed.

The asymmetry in expressed support for most rules presents challenges for unsupervised clustering because much of the variation in comment texts is within-coalition variation. For example, one of the most common clustering methods, k-means clustering, often captures

<sup>17</sup>For more about this method and comparisons with related partial matching methods such as the Smith-Waterman algorithm, see [Casas, Denny and Wilkerson \(2017\)](#) and [Judge-Lord \(2017\)](#).

Figure 7: K-means clustering fails to capture coalitions when nearly all comments oppose a regulation



within-coalition variation. Figure 7 shows k-means clusters based on a normalized measure of word frequency (term-frequency/inverse-document-frequency) compared to two principal components of variation. Neither k-means nor principal components analysis is well suited to identifying the small number of comments supporting the Park Service’s proposed restrictions on protests in Washington DC.

Two strategies may improve clustering. First, even partial text reuse generally indicates that comments belong to the same coalition. For example, as seen at the top of figure 7, models may be restricted to cluster the large number of comments beginning with “As a citizen who has frequently participated” in the same coalition even if they go on to add different personal anecdotes about why protest rights are important to them. Thus, clustering methods could be restricted to group partially copied texts, as well as entirely copied texts. Second, Bayesian mixture model may better recover pro and con clusters, especially with strong priors comments using positive and negative sentiment words belong together.

### *3.1.3 Measuring the volume, intensity, and potential contagion of public engagement.*

I measure variation in engagement in three ways, corresponding to the three types of comments described above.

**Volume.** First, I measure the total number of comments on the rule. As commenting results from multiple processes: a coalition deciding to lobby at all, a coalition deciding to mobilize, and response to the campaign the distribution contains many cases where groups may have had success mobilizing but never reached the choice of whether to mobilize or not. Perhaps they were unaware of the draft rule. Once the decision to mobilize has been reached and made, the response to mobilizing is a count process. Thus, I expect the count of comments across rules to follow a zero-inflated negative binomial distribution.

**Effort.** I measure effort per comment by the number of words people write, omitting any text longer than ten words that is not unique, usually because a mobilizing organization provided it. For example, 5, the Sierra Club mobilized more than 47,710 people to submit exactly the same text on the delay of the methane pollution rule, but 7,452 people also took the time to write a personalized comment in addition to the text provided. However, we may not observe people who have low levels of passion for the issue because they either do not cross the effort threshold required to comment or opt to write nothing more than the form letter. Thus, while effort measured by the number of words people write may be normally distributed, I assume that the low end of this distribution is truncated.

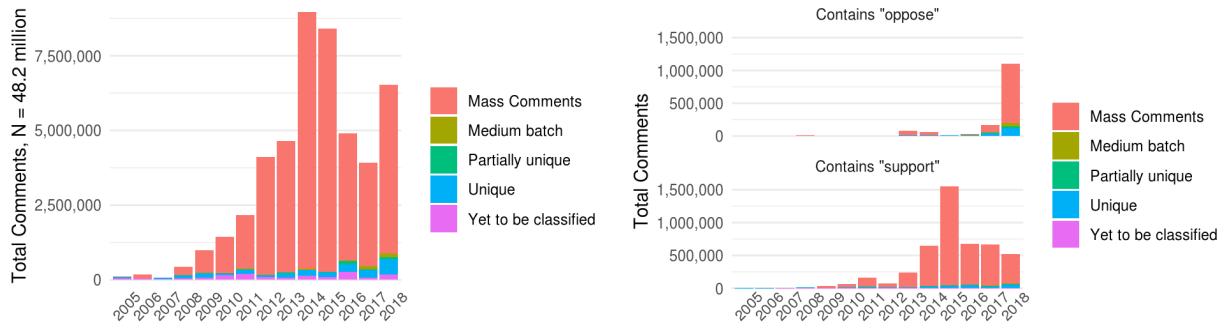
**Contagion.** Mass-comment campaigns have wildly different results. Some submit a clean 10,000 copies of (signatures on) the same comment. Others “go viral”—inspiring a mess of further engagement where the original messages are translated through social media posts and news stories. To identify people who were plausibly mobilized indirectly by a campaign, I count the number of people who use a similar distribution of words to that of the form letter but fewer than ten words matching any other comment. This is a regular count process.

## 4 Results: Patterns of Public Engagement in Rulemaking

### 4.1 Patterns of public engagement in rulemaking

*Most comments result from mass-comment campaigns.* Figure 8 shows all comments posted on regulations.gov over time by whether they are exact or partial copies of another comment or not. I call comments that have between 2 and 99 identical copies, “medium batch” because such comments may reflect coordinated efforts among interest groups that do not include a public pressure strategy that involves mobilizing ordinary people. Even relatively unsuccessful public pressure campaigns yield far more than 99 comments. Comments that have either 100 or more identical copies or were uploaded in bulk batches of at least 100 are then “mass comments” that were certainly mobilized by a public pressure campaign. Figure 8 shows that public pressure campaigns mobilize the vast majority of comments. Over 80% of the 48 million comments on proposed rules posted to regulations.gov were mobilized by just 100 organizations. In other words, most comments are from ordinary people mobilized by a few public interest organizations.

Figure 8: Comments on Draft Rules Posted to Regulations.gov 2006-2018

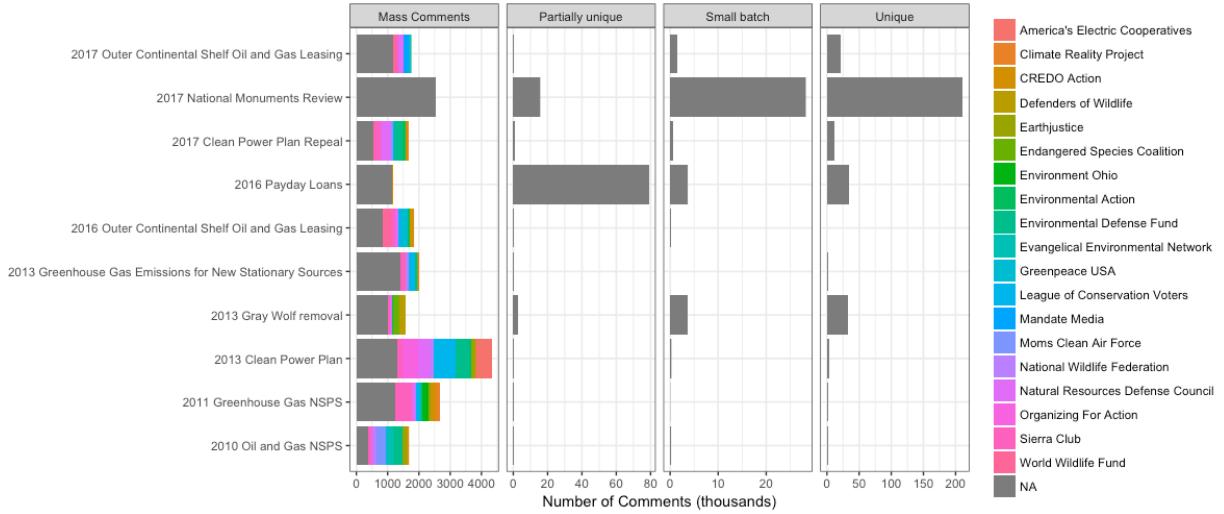


The right pane of Figure 8 shows results from a sample of several million comments for which I have digitized texts. Many of these comments appear to support proposed agency rules. A rough measure of support (whether the comment text includes “support” or “oppose”) shows that many more comments mention support, until 2018, when there is a fairly dramatic reversal in the share of comments mentioning “support” compared to those mentioning “oppose” (Figure 8). This may be a function of the changing regulatory agenda due to the change in presidential administration. However, support and oppose are not used in all comments and do not always indicate support for a rule (see figures 15 and 16 in the appendix for a sample of comments on several rules in 2016 and 2018).

*Most comments occur on a small number of salient rules.* Approximately one third of public comments posted to regulations.gov were received on just ten regulations shown in figure 9.

*A coalition of public-interest organizations mobilize most comments. Is civic engagement resulting from public pressure campaigns better understood as “astroturf” or*

Figure 9: Top 10 Dockets Receiving the Most Comments on regulations.gov and the top 20 Mobilizers



“grassroots” participation? In short, I find much more evidence of grassroots participation than astroturf participation.

As Figure 9 shows, the most prolific mobilizers are environmental groups. On five out of the top ten docket (here including rulemaking and non-rulemaking docket), a similar coalition of groups mobilized the majority of public comments. In part, this is because the Environmental Protection Agency produces a large share of the substantive rules posted to regulations.gov. However, it is notable that, on the top ten docket, 19 of the top 20 mobilizers generally lobby together. America’s Energy Cooperatives, an industry association, stands out as the lone mobilizer on behalf of material interest for its members. Notably, it only mobilized significantly on the Clean Power Plan but not on the subsequent Clean Power Plan repeal. If public interest group mobilizing on the Clean Power Plan was an example of “going public” to pressure the Obama administration and then “going down fighting” in the face of the Trump administration’s repeal, industry counter-mobilization responding to the first, but not the second fits aligns with Hypothesis 2.

## 5 Conclusion

The legitimacy of bureaucratic policymaking is said to depend on the premise that rulemaking provides for public voice (Croley, 2003, Rosenbloom (2003)). Yet we lack an empirical base necessary to evaluate whether any legitimacy the public comment process may provide is deserved. 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. I have made a few initial steps toward better understanding actual public engagement in bureaucratic policymaking. If mass engagement does shape agency decisions, a new research program will be needed to investigate who exactly these campaigns mobilize and represent.

## 6 Appendix

Figure 10: The Role of Mass Commenting and Political Information in Bureaucratic Policy-making

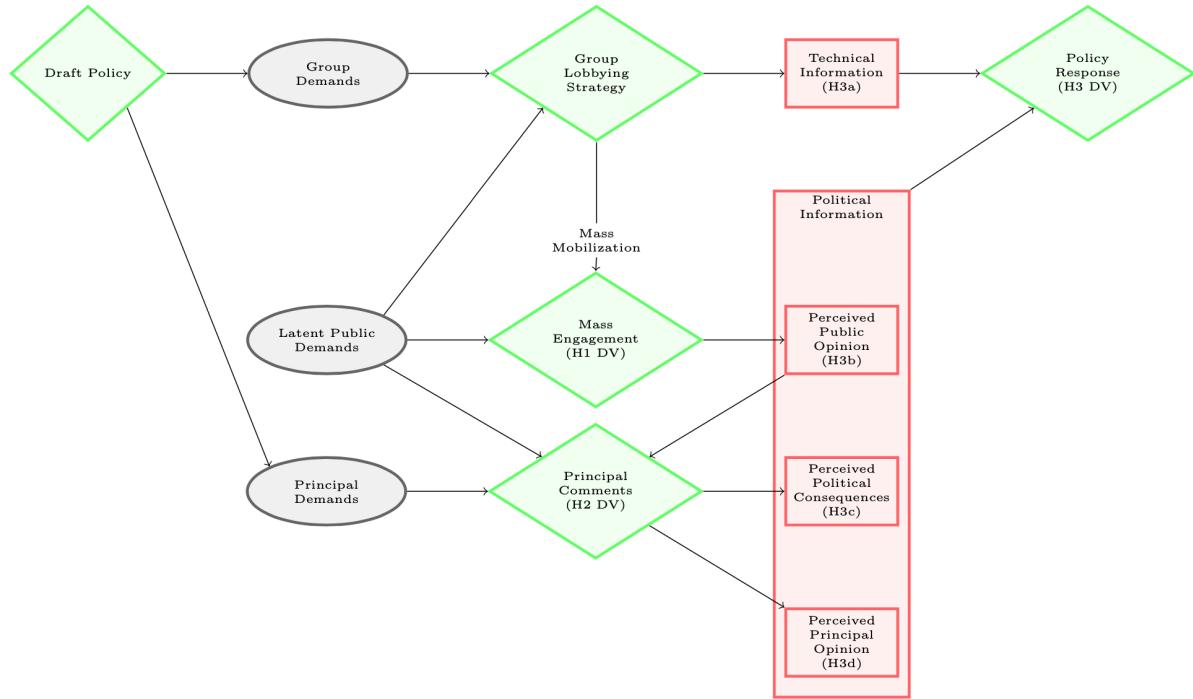


Figure 11: Sources of Comments Posted to regulations.gov

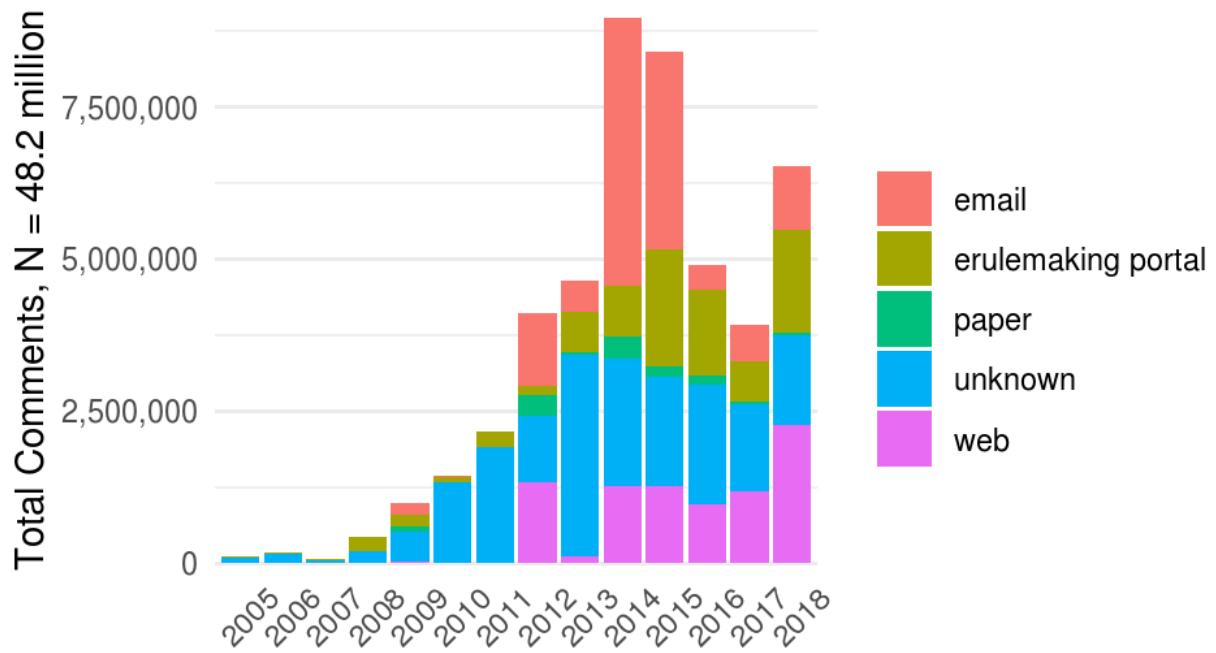


Figure 12: Rules in Order of Number of Comments

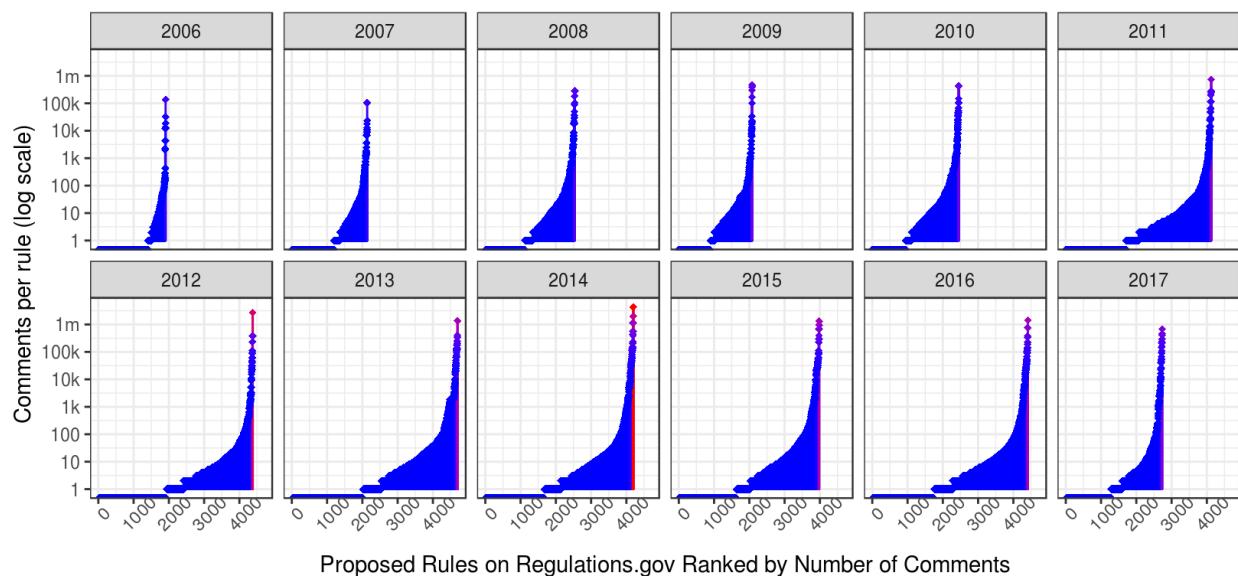


Figure 13: Major and Non-major Rules on regulations.gov

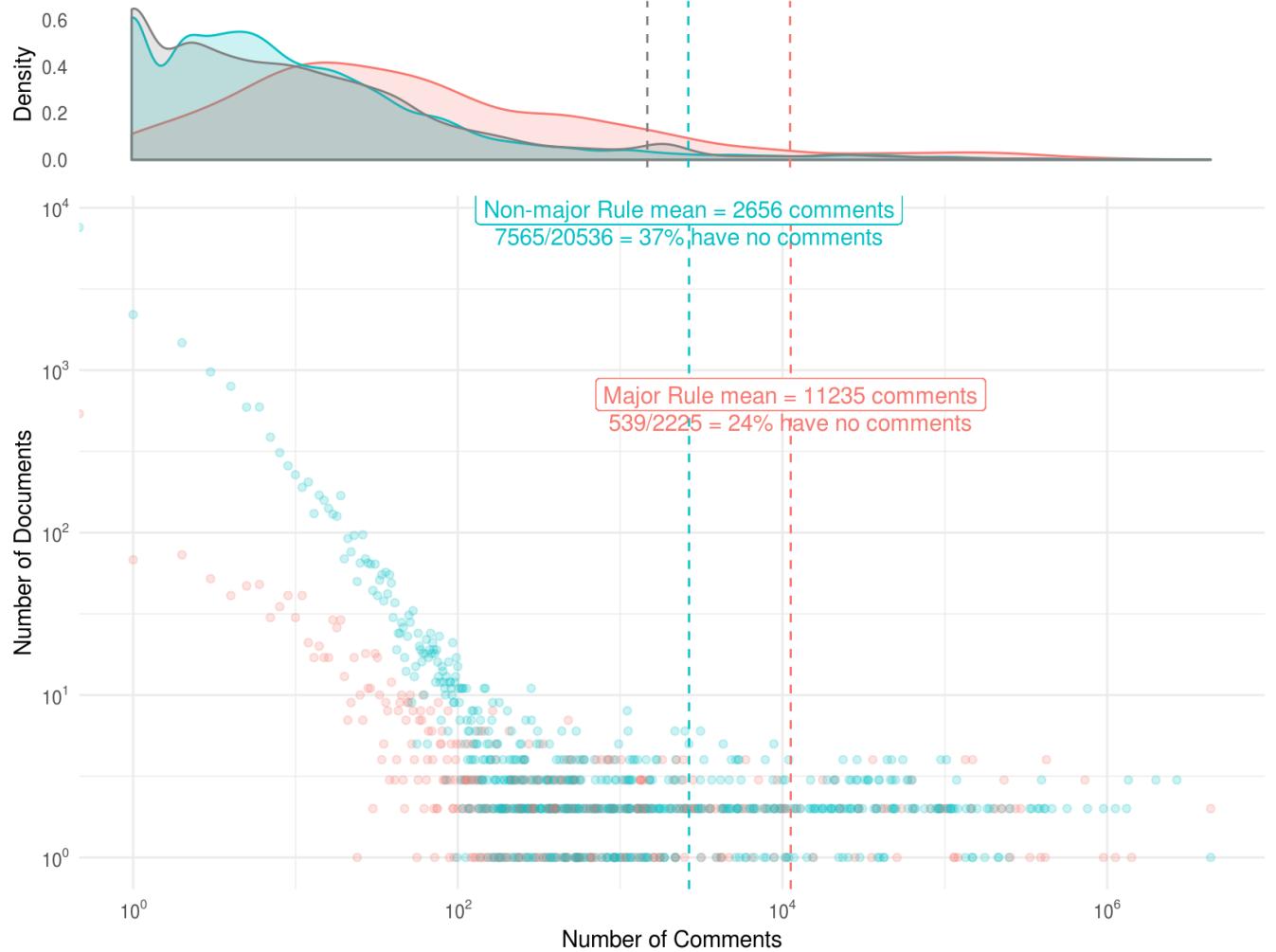


Figure 14: Rules on regulations.gov by Unified Agenda Priority Level

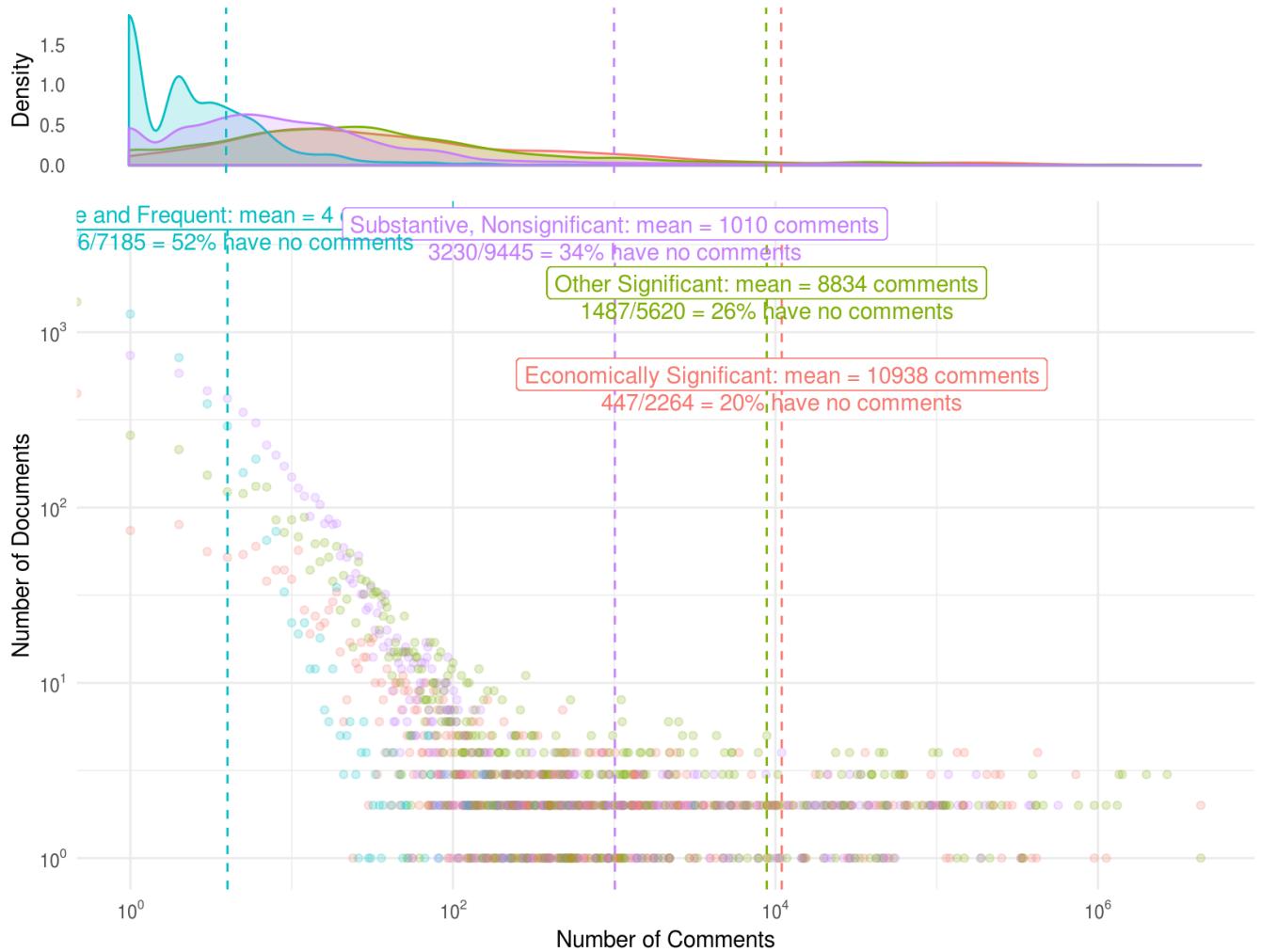


Figure 15: Unique or Partially Unique Comments by Sentiment Score (Sample of 2018 Rules)

2018 ANPRM on "Bumpfire" Stocks and Other Similar Devices. To comment on the NPRM, search ATF-2018-0002

A "bump stock" still only allows one shot per trigger pull. ....  
First, let me thank you for taking on the task of regulating...  
Thank you for accepting comments on this issue. Feedback in  
**1. BUMP STOCKS DO NOT FALL WITHIN THE DEFINITION OF MACHINE...**  
All the outcry from left wing LIBTARDS, who are trying to ov...  
Government regulation of bump stocks - ridiculous toys that ...  
I don't agree to having bump stocks, trigger upgrades, trigg...  
To protect Americans from another preventable mass shooting ...  
I believe the ATF should ban bumpstocks under the same rule ...  
Ban bump stocks ...

- + Contains "oppose"
- + Contains "support"
- + neither or both

2018 Bump-Stock-Type Devices

Bump stocks and other conversion devices that make it easier... ENOUGH!!  
Bump Stocks need to be BANNED!! Automatic and Semi Automati...  
We need to protect all citizens from these "add on" devices...  
This is just another add on that makes killing machines more...  
I am opposed to any regulation on bump stocks. These propos...  
support the law regulating bump stocks because they are on...  
Please ban bump stocks. Nobody needs them. They can only h...  
On the night of October 1, 2017, a gunman opened fire from a...  
Please make bump stocks illegal if they are not already. The...  
Stop the madness now! Ban bump stocks....

- + Contains "oppose"
- + Contains "support"
- + neither or both

2018 Requirements for Submissions Requesting Exclusions from the Remedies Instituted in Presidential Proclamations Adjusting I

Please Norfolk Southern's rebuttal to the objection of the P...  
Robroy Industries has moved more of its purchases of tubing ...  
We are a wire manufacturer based in Bedford Heights, Ohio th...  
Zekelman Industries currently supplies the requestor the Fen...  
Rebuttal to objection filed by TimkenSteel Corporation BIS...  
My Exclusion Request is targeting the domestic steel industr...  
POSCO AAPC, LLC requests rebuttal of Black Stainless Steel (...  
Sandvik Materials Technology located in Clarks Summit PA is ...  
in sizes 5" 20' rd mil and manufac...

- + Contains "support"
- + neither or both

2018 Waste Prevention, Production Subject to Royalties, and Resource Conservation; Rescission or Revision of Certain Requirements

I am writing today in strong opposition to BLM's recent prop...  
I am writing today in strong opposition to BLM's recent prop...  
Actions speak louder than words! Secretary Zinke needs to ...  
It is imperative to the health of people living near natural...  
I oppose the rollback of the Bureau of Land Management's Met...  
I oppose the rollback of the Bureau of Land Management's Met...  
Oppose the rollback of the Bureau of Land Management's Met...  
Secretary Ryan Zinke, rolling back the final 2016 rule will ...  
where and should be located.

- + Contains "oppose"
- + Contains "support"
- + neither or both

2018 Proposed Rule: Oil and Gas and Sulfur Operations in the Outer Continental Shelf – Blowout Preventer Systems and Well Control

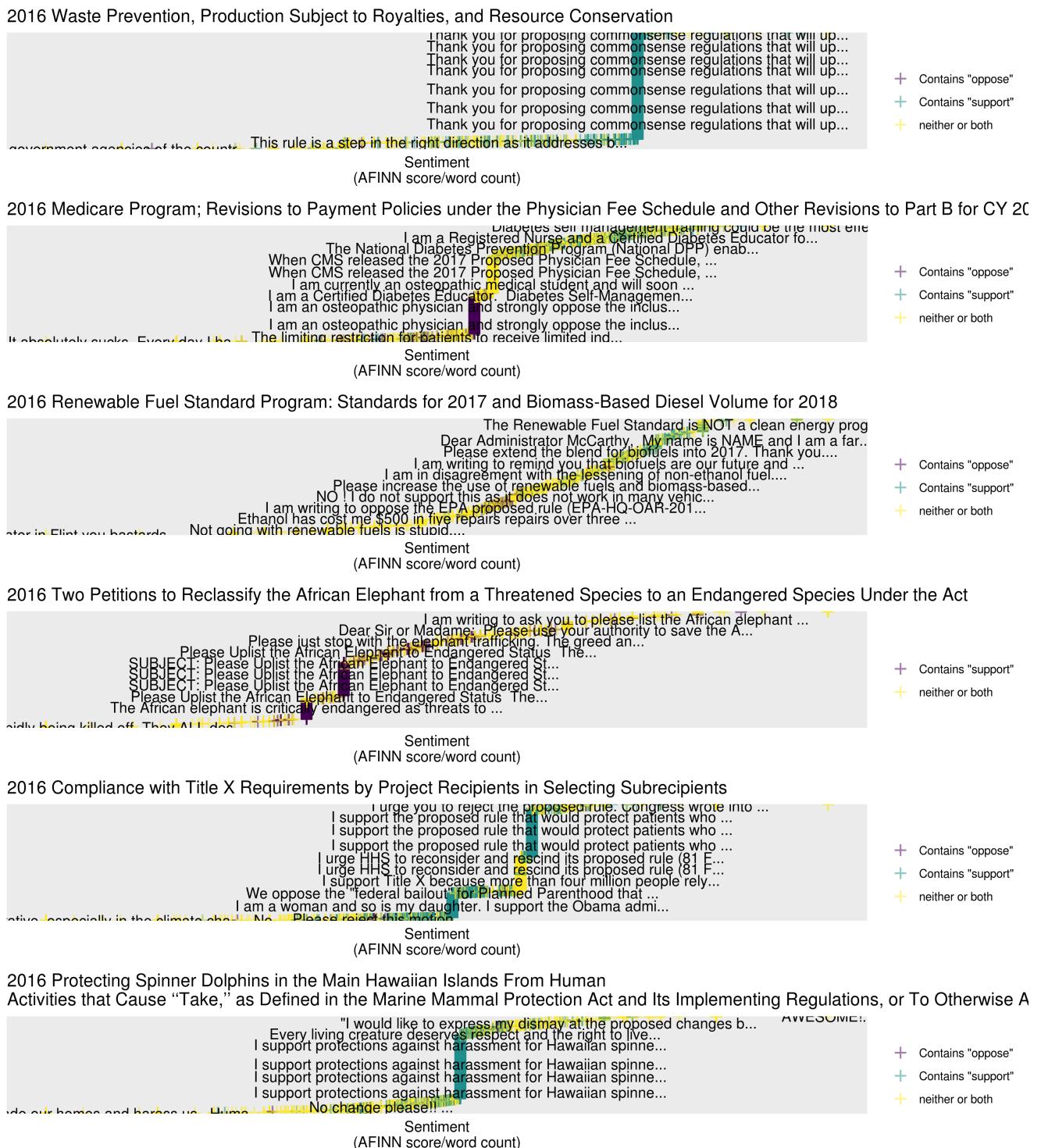
- + Contains "oppose"
- + Contains "support"
- Neither or both

2018 Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

2018 Update to the Regulations for Implementing the Procedural Revisions of the National Environmental Policy Act  
Dear Sir or madam: It's important to have public input on major decisions made by the federal government.  
As an advocate and supporter of our national parks, I am writing to you today.  
As an advocate and supporter of our national parks, I am writing to you today.  
As an advocate and supporter of our national parks, I am writing to you today.  
As an advocate and supporter of our national parks, I am writing to you today.  
Please reconsider the proposed changes to NEPA. If we are to...  
Re: docket identification (ID) number CEQ-2018-0001. Dear Co...  
As an advocate and supporter of our national parks, I am writing to you today.  
Although economically, politically, and socially... Protect NEPA from the Trump administration's attacks....

- + Contains "oppose"
- + Contains "support"
- Neither or both

Figure 16: Unique or Partially Unique Comments by Sentiment Score (Sample of 2016 Rules)



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