Why Do Agencies (sometimes) Get So Much Mail? Lobbying coalitions, mass comments, and political information in bureaucratic policymaking

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Abstract

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. Why? Why do individuals comment when they seemingly have no new information to offer and no power to influence decisions? Who inspires them and to what end? How, if at all, should scholars incorporate mass commenting into models of bureaucratic policymaking? I argue that mass commenting produces political information about the coalition that mobilized it. 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 also classify different types of supporters. Using these new measures of political mobilization and engagement in agency rulemaking, I identify when mass comment campaigns occur and produce different types of politically-relevant information.

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Note to reader:

Thank you so much for reading this draft dissertation chapter. For context, this is the first chapter developing concepts and measurements of public engagement in agency rulemaking that will be used in the following empirical chapters. In the dissertation, I argue that mass engagement (e.g. mass commenting) results from interest groups' strategic choices. When lobbying organizations have an opportunity to shape policy, resources to mobilize, and broader support than their opposition, outside lobbying ("going public") may produce valuable, politically-relevant information. Depending on how agencies process political information, outside lobbying may 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 directly support such claims. Indirectly, it may alert elected officials to political risks and opportunities, affecting oversight behavior.

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?

Part 1. Why do agencies (occasionally) get so much mail? Why do some rules receive many comments from ordinary people and some do not? Answering this question requires a theory explaining variation in mass engagement. 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 Bayesian classifiers to identify clusters of similar comments, reflecting formal and informal coalitions. I theorize that lobbying coalitions' resources, opportunities, and public support explain variation in mass engagement and that it will fit one of three patterns: (1) Coalitions that perceive an opportunity to influence policy and have sufficient resources to do so will "go public" when they are disadvantaged in insider politics but have more public support than opposing coalitions. More public support yields more engagement, more effort per comment, and contagion beyond those mobilized directly. (2) Coalitions with less support may "counter-mobilize" with proportionally smaller effects. (3) Finally, coalitions may mobilize for reasons unrelated to the policy at hand, yielding similar mass engagement but with little sophisticated lobbying. Measures of mass engagement include (1) comments per coalition, (2) effort per comment, (3) share of comments per coalition mobilized indirectly (i.e. the potential for conflict spread). Next, I test whether variation in engagement explains variation in oversight behavior (part 2) and policy outcomes (part 3).

Part 2. Does mass engagement affect political oversight? The political information signaled by mass engagement may serve as a "fire alarm," 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. Dependent variables include (1) the number of comments from Members of Congress on the rule (2) the share of supportive congressional comments, (3) the similarity of words in comments from the coalition and Members of Congress.

Part 3. Does mass engagement affect 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 way. However, assessing policy change is difficult. Thus, I also use other measures of agency responses to lobbying efforts.

1 Introduction

Large democracies face two big problems. First, they are vulnerable to fleeting passions and demagogues. To combat this, many decisions are left to experts who, ideally, exercise judgment loosely guided by the public. Second, everyone cannot vote on every decision. Thus, power is delegated to representatives (who then delegate it to deputies), create temporary mini-publics, and solicit input from those most affected or moved by a public decision.[1] Most policy is then made by bureaucrats, supposedly guided indirectly through elected representatives and directly by limited public input (mostly limited to more contentious policy debates).

With the rise of the administrative state, U.S. federal agencies have become a major site of policy-making and political conflict. West and Raso (2013) estimate that 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 be requiring 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. Rulemaking clearly matters.

Less clear, however, is how the new centrality of agency rulemaking fits into a 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).

Processes like public comment periods, where agencies must solicit public input on draft policies, are said to produce valuable technical information (Yackee 2006; Nelson and Yackee 2012), oversight opportunities (Balla 1998; Mccubbins and Schwartz 1984), and democratic legitimacy (Croley 2003; Rosenbloom

[1] As imagined by Dahl (1989), mini-publics are representative, selected at random, and deliberative. Besides juries, however, randomly selected deliberative bodies are rare. Instead, citizens more often engage in government decisions when given opportunities to opt-in, such as hearings, petitions, and public comment periods. These mechanisms of engagement generate a different, more contentious flavor of public input than the discourse imagined by scholars who focus on deliberation.

2003). There is no normative consensus on how to rank or merge these goals (Wilson 1967, 1989; Carrigan 2017). Procedures requiring agencies to solicit public input and the justification of these procedures cite all three aims. For example, these various goals are evident in the Administrative Conference of the United States (ACUS) Proposed Recommendation on Public Engagement in Rulemaking, which asserts that "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). Public comment periods are purported to simultaneously produce technical information, accountability to elected officials, and responsiveness to public demands.

Yet, legitimacy, accountability, public support, and, especially, collecting information depend not just on the opportunity to engage but actual engagement (Herz 2018), and we know surprisingly little about the vast majority of public comments (i.e. those submitted by ordinary people as part of a public pressure campaign) and the role that this kind of input may or may not play in rulemaking.[2] 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.

Instead, models focus on how agencies either learn about policy problems, negotiate or avoid accountability to various principals, or balance interest-group demands.[3]

Foundational scholarship on rulemaking by Furlong and Kerwin (2004), Furlong (1997, 1998), and Kerwin and Furlong (2011) focuses on interest group lobbying. 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, not that these politically-engaged people are demographically representative of the broader public.) 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;

[2] But see Yackee (2015), who surveys commenters, finding that members of the public believe their comments matter, even though powerful groups have more influence; Cuéllar (2005), who examines public input on three rules, finding that ordinary people made up the majority of commenters This confirms findings from a study of several rules, which, he argues "shows at least some potential demand among the mass public for a seat at the table in the regulatory process"; Moore (2017), who identifies several key predictors of which rules receive more comments; and Balla et al. (2018) and Potter (2017*a*), who find significant participation from ordinary people in EPA rulemaking.

[3] 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 (2017*b*), Woods (2018), and Yackee and Yackee (2009). See Gailmard and Patty (2012) for a review of formal models of oversight. Especially relevant to my analysis below, 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). 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.

West 2009; Yackee and Yackee 2006; Yackee 2006; Golden 1998; Haeder and Yackee 2015; Cook 2017).

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) segments of the public and may not represent them well (Seifter 2016). Scholars are thus skeptical about rulemaking as a site for collective action the ability of most people to participate. As a result, mass comment campaigns are dismissed as epiphenomenal to bargaining with 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 (2018), who finds skepticism about citizen comments but no direct studies of mass comment campaigns. Without systematic understanding and study of public participation, it is difficult to adjudicate debates about how processes like notice and comment rulemaking may enhance or undermine various democratic ideals.

This scholarly oversight is surprising given that most people are only aware of rulemaking when it is the target of a high-profile mass mobilization campaign.[4] 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).[5] Occasionally, a large number of people are paying attention. These bursts of civic participation may affect rulemaking (Coglianese 2001), but this intuition has yet to be tested.

The general failure to explain or account for mass engagement in rulemaking is also striking in light of how agencies advertise public comment periods as an opportunity for a voice in government decisions.[6] 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" (Figure 1). A blue "Comment Now!" button accompanies a short description of each draft policy and pending agency action. Another invitation at the bottom of the page reads "Participate today!" Public commenting on proposed agency rules is described as "an important part of democracy" (WSJ 2017), the "often held out as the purest example of participa-

[4] 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.

[5] 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).

[6] 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 1: Regulations.gov Solicits Public Comments on Draft Agency Rules

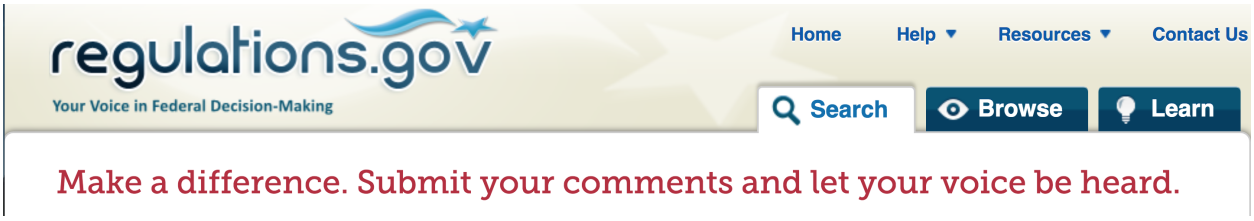
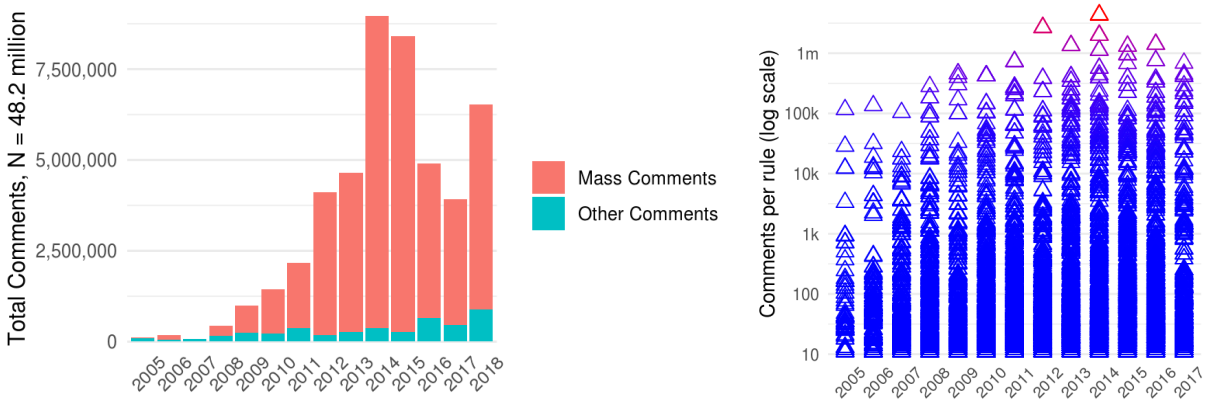


Figure 2: Comments on Proposed Rules per Year (left) and per Rule (right) posted on regulations.gov



tory 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 the democracy." Yet despite much debate about the theoretical import and possible reforms, the bulk of public comments have yet to be studied.

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 simply not how most people attempt to influence policy nor, I argue, how we should expect them to have influence.

Most public comments are, in fact, of the flavor suggested by the solicitations on Regulation.gov—ordinary people voicing opinions on a proposed policy. They do not provide useful technical information or specific demands 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 an interest group's campaign.[7]. Public engagement in rulemaking is highly clustered

[7]At least with respect to agencies participating in regulations.gov. See sections 3.1 and ?? for my definition and methods for identifying mass comments

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 the thousands of people engaging on a few proposed rules 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 in a position to ask if they offer a mechanisms for social movements to influence policy.

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. However, processes like public comment periods channel contentious demands into institutionalized policy processes rather than undermining them. Mass commenting may also, in a sense, expand participation.[8] Surely, those who opt in are far from representative of the broader public (Verba and Nie 1987), but it is difficult to argue that they are not more representative than the handful of political insiders who participate in most policy processes. If the usual participants have "an upper-class accent" as Schattschneider (1942) put it, adding thousands more voices may dilute this bias. Mass engagement in rulemaking thus presents a novel context to examine the consequences of broader engagement in typically insider-dominated policymaking and the ways in which public participation may condition how political decisions are made.

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.

The next section builds a causal theory. I theorize that activists' opportunities and strategies and latent public opinion drive engagement.

The following section outlines methodologies to assess my three overarching questions and their component parts. Theses methods rely on analysis of comment and policy texts as large-n observational data.

[8] If defining "political participation" as "acts aimed at influencing governmental decisions (Verba and Nie 1987: p. 2), signing a petition or mass comment clearly counts. However, some consider true participation to be deliberative, which mass commenting clearly is not. Other requirements, that participation is "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.

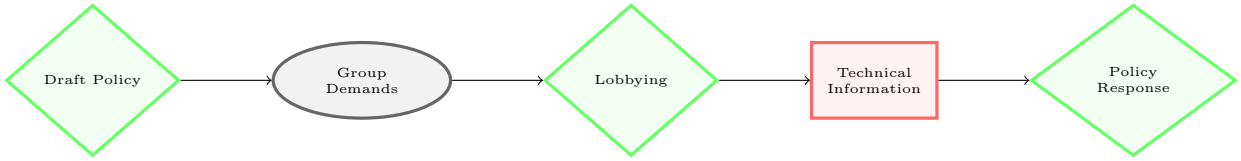
2.1 Why mobilize?

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 theory explaining variation in mass engagement. This section defines mass engagement and theorizes 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?"

However, 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. However, mass engagement has no place in this model. I aim to fill this gap.

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



2.1.1 Defining mass engagement

Political scientists often define civic engagement as writing to government officials, signing petitions, attending hearings, attending protests, or donating to a political campaign (Verba and Nie 1987). While donating is more common in electoral politics, activists frequently target agency policymaking with letter-writing campaigns, petitions, hearings, and protests.

Following the conventional terms "mass comment campaign" and "public engagement," I call the general phenomenon "mass engagement" resulting from a "mass mobilization campaign" in order to distinguish the magnitude of civic engagement. By mass engagement, I mean that thousands of people beyond professional policy influencers engage. In my empirical context of agency rulemaking, I define mass engagement as more than 1000 public comments or 100 identical comments, plausibly indicating a mobilization effort.[9]

[9]Note; this differs from the Environmental Protection Agency's definition of mass comment campaign as two or more identical comments. In the results below, I use an intermediate category—"small batch"—comments to describe identical comments numbering less than 100

Contrary to the common assumption that this emerges organically, it is almost always mobilized by an organization that also engages in sophisticated lobbying or in coordination with such an organization. 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 for or opposition to an agency's proposed rule." To better understand this vexing challenge, I offer a framework for assessing the causes of mass engagement. I argue that organizations may mobilize large numbers of people for three reasons with observable implications for observed patterns of mass engagement and theoretical implications for predicted effects on policy.

2.1.2 Types of campaigns

The outcomes of mass mobilization depend, in part, on the aims of a campaign. I 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.

Going public. Coalitions "go public" when they believe that expanding the scope of conflict gives them an advantage.[10] As these are the coalitions that believe they have more intense public support[11], mass engagement is likely to skew heavily toward this side. Indeed, Potter (2017*a*) finds that advocacy group-driven campaigns mobilize far more people on average than industry-driven campaigns. Additionally, many people may be inspired indirectly and to engage with more effort 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.[12]

Hypothesis 1a: *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.*

[10] "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).

[11] 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 and nearly all scholarship on rulemaking in political science thus focuses on interest-group and inter-branch bargaining, rather than public opinion and social movements.

[12] 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.

The key part of this hypothesis is that mobilizing is correlated with public 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 further leverage their superior resources to mobilize support in order to alter a bad reputation or bolster claims that they represent more than their private interest. If mobilization most often takes this form, this would be evidence against the above Hypothesis 1a and Schattschneider's argument that the disadvantaged seek to expand the scope of the conflict.

The latter parts of Hypothesis 1a regarding sufficient resources and political opportunity are merely scope conditions. Most organizations that are disadvantaged in low-salience rulemaking also lack resources to launch a mass mobilization campaign. 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.

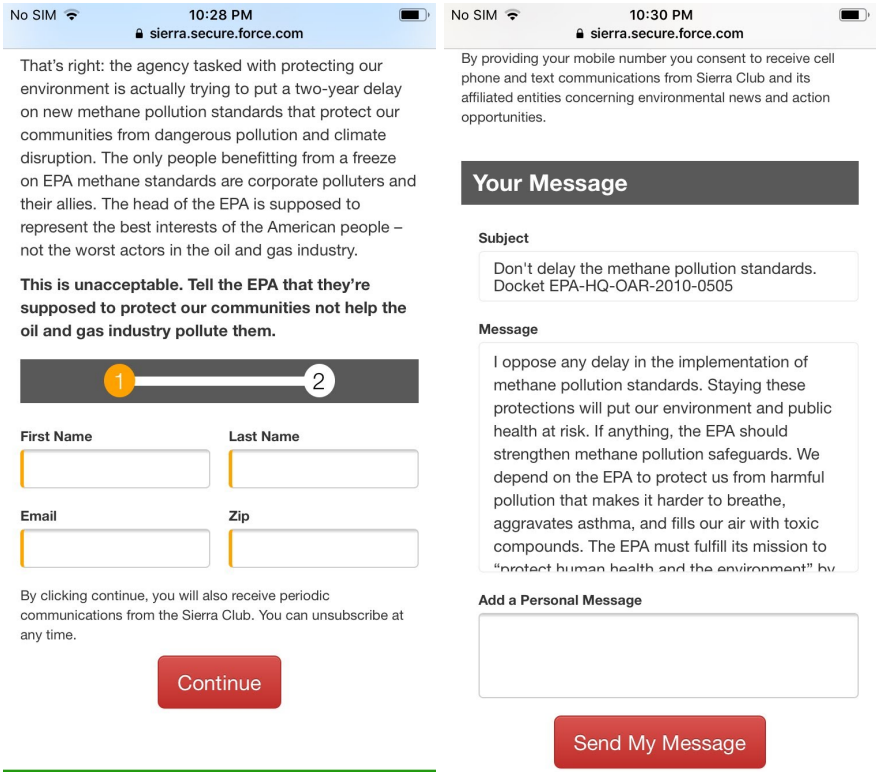
Disrupting a perceived consensus. Second, because the perception of consensus is powerful, when a coalition goes public, an opposing coalition may countermobilize. As this is likely a coalition with less intense public support and its aim is merely to break a perceived consensus, I expect such campaigns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

Hypothesis 1b: *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 at a proportionally smaller scale.*

The first part would be undermined if lobbying organizations with less public support are no more likely to engage in outside lobbying when their opposition does so. Potter (2017*a*) found industry groups were no more likely to advocate for rules to be strengthened, weakened or withdrawn.

The second part of this hypothesis, that countermobilization is proportionally smaller, rests on the intuition that the scale and intensity of public engagement is 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 prior to being contacted by the campaign, for example, if mobilization is driven more by partisan identities than issue preferences.

Figure 4: Mass mobilization campaign by the Sierra Club collects contact information



Going down fighting. Finally, campaigns may target supporters rather than policymakers. 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 4 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 consent 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.

Table 1: Observable differences in engagement across types of mass-mobilization campaigns

	Inside	Outside		
	Technical information	Number of comments	Effort	Contagion
Going public	High	High	High	High
Disrupting	High	Low	Low	Low
Going down fighting	Low	High	High	High

Hypothesis 1c: *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. Having identified cases where coalitions engage in large public campaigns without corresponding investment in sophisticated lobbying, we can assess whether countermobilization is indeed less likely in these cases. Table 1 specifies the general pattern of engaging, that each of the three reasons behind mass-comment campaigns suggests.

As Table 1 suggests, the relevant statistic distinguishing patterns is the *relative* number of each type of comment on each side in a given rulemaking. 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 the 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, while Potter (2017*a*) 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.[13] Thus, I theorize that mass mobilization is most likely to

[13]Potter (2017*a*) 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

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.

Hypothesis 1d: *Public interest group coalitions mobilize more often than business-driven coalitions.*

Hypothesis 1d highlights the conditional logic of mass mobilization. If outside lobbying were purely determined by resources, business-driven coalitions would often dominate, as they do elsewhere. However, I argue, because outside lobbying can alter the decision environment, those advantaged by the usual, more limited set of actors have little incentive to expand the scope of the conflict.

2.1.3 Patterns of mass engagement

I classify supporters into three types that help describe key pieces political information and 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 their own 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 originally targeted. 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).

Hypothesis 1e: *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

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 (2017*a*) 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-drive coalition. If a union lobbies with public interest groups on public health or safety issues, I classify this as a public interest.

resources, the intensity of sentiment, and 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 originally targeted may be especially powerful (Kollman 1998).

Information about organizational resolve, the intensity of preference, 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 decisionmakers. These organizational processes may vary significantly across agencies.

2.1.4 Incorporating political information into models of lobbying in rulemaking

If all campaigns best fit the "going down fighting" type, then scholars are right to dismiss them. Below, I set these campaigns aside and elaborate on why mass mobilization may often be best understood as a tactic aimed at influencing policy.

An organization's ability to expand the scope of conflict by mobilizing a large number of people may occasionally be a valuable political resource. 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, either by leveraging powerful ideas or engaging actors with the institutional power to shape decisions. Scholars who do understand mobilization as a tactic (Furlong 1997; Kerwin and Furlong 2011) have thus far focused on organizations mobilizing their membership. I include a campaign's broader audience and its potential to grow, more akin to the concept of an attentive public (Key 1961) or issue public (Converse 1964).

Appeals to the government are almost always couched in the language of public interest, even when true motivations are obviously private (Schattschneider 1975). When lobbying during rulemaking, groups often make suspect 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 largely made by D.C. professionals, these advocates themselves may be unsure how

broadly their claims resonate until potentially-attentive publics are actually engaged.

Theorists may debate whether signing a petition of support without having a role in crafting the appeal is a meaningful voice or 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 are able to demonstrate some verifiable public support.[14]

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 forming 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:

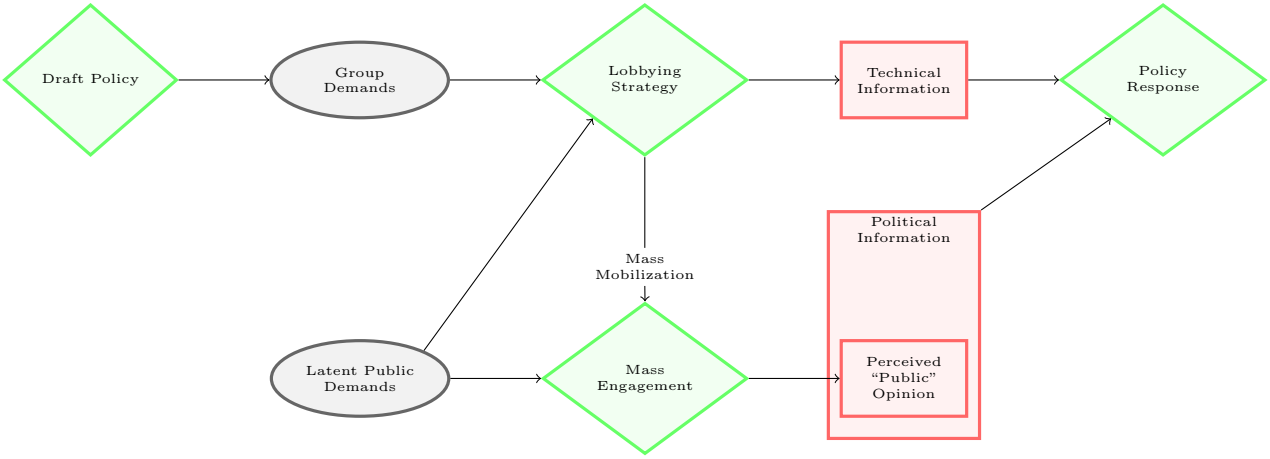
> "strategic recruitment, we theorize, mobilizes new actors to participate in the policymaking process, bringing with them novel technical and political information. In other words, when an expanded strategy is employed, leaders activate individuals and organizations to participate in the policymaking 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, with respect to 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. Third, Furlong (1998), Yackee (2006), and others distinguish between direct and indirect forms interest group influence in rulemaking. This distinction is especially important for political information, which may have 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.

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

[14] Public support can be faked or inflated using "astroturf" tactics but as I argue below, such campaigns ought to have observably different patterns of engagement.

Figure 5: Incorporating Mass Engagement and Political Information into Models of Lobbying



poll or, more accurately, a petition, capturing the intensity of preferences among a segment of the public—i.e. how many people are willing to take the time to engage.[15] Self-selection may not be ideal for representation, but opt-in participation—whether voting, attending a hearing, or writing a comment—still provides political information. Mobilizing citizens and generating new political information are key functions of interest groups in a democracy (Mansbridge 1992; Mahoney 2007).

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, as is true about public opinion on many specific policy issues (Hutchings 2003), 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 campaign. I thus consider public demands to be a latent factor in my model of policymaking. 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 5 amends the Classic Model of interest group lobbying (Figure 3) to incorporate the above intuitions. In addition to providing technical information, for example through sophisticated comments, an organization may mobilize supporters. The broader and more intense support

[15] For example, a campaign by the World Wildlife Federation provided language explicitly claiming to have public opinion on their side, their model comment reading "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.

a group has, the more successful this 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.[16]

The causal process visualized in Figure 5 only operates under certain conditions. As suggested above, one of those conditions is that mobilization is aimed at influencing policy.

3 Methods

3.1 Measuring mass engagement 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 text reuse and topic models 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 that paint a picture of mass commenting.

3.1.1 Who lobbies?

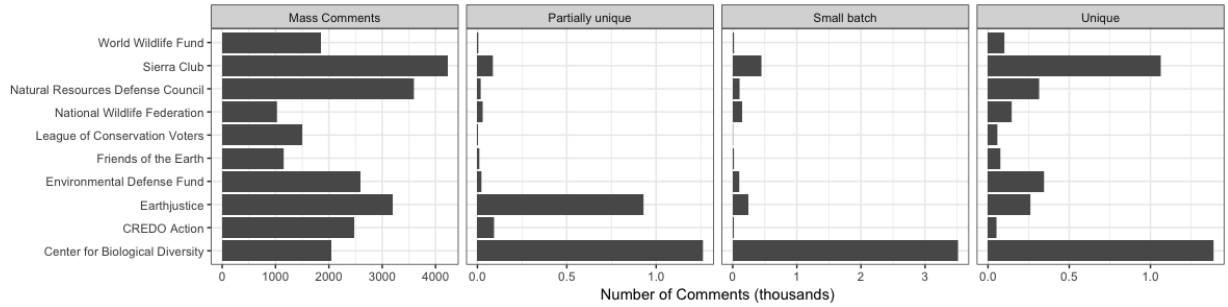
Previous studies of rulemaking stress the importance of coalitions (Yackee and Yackee 2006). Scholars have measured coalitions of organized groups but have yet to be able to attribute citizen comments to the coalition that mobilized them.

Data. I collected a corpus of approximately 70 million comments via the regulations.gov API. Approximately 50 million of these comments were on proposed rules (about 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 in the Appendix.

Unfortunately, metadata on the authors of comments and their organizational affiliations are

[16] I address other types of political information that mass engagement may create elsewhere. For an expanded model, see Figure 9 in the Appendix.

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



inconsistent and incomplete. As this information is key to identifying influential actors, improving these data was a significant data-organization task. First, I identified organizations responsible for mobilizing 100 or more comments with repeated text, either identical text or partially unique texts that contain shared language.[17]. I then searched comment texts for mentions of these organizations' names to complete missing information on the mobilizing organization. The top 100 mobilizing organizations 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 identify who is lobbying together.

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.

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 aligned. The comment process is open to anyone and it is often not worthwhile for all actors to coordinate their messages. Thus, in addition to mapping text re-use, I adapt several statistical

[17]Specifically, 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. 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)

models (k-means clustering and Bayesian classifiers) 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 topics, which I will then inspect to see how well the comments of named organizations were classified. If the two topic model most sensibly describes the conflict, I label these clusters "pro" and "con'.' If the three-topic 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. I repeat this process for each of the several

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

I measure variation in engagement in several ways.

Volume. First, I measure the total number of comments on the rule. As commenting are the results of two processes: deciding to lobby at all and then deciding to mobilize, 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 result of mobilizing is a count process. Thus, I expect the count of comments to follow a zero-inflated negative binomial distribution. When focusing on coalitions, we have already subset to cases where mobilization occurred and thus commenting can now be considered a regular count process.

Effort. I measure effort per comment by the number of words people write, omitting any to text longer than 10 words that is not unique, usually because it was provided by a mobilizing organization. For example, using the form shown in 4, 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. I consider the low end of the distribution of words to be truncated.

Contagion. Mass-comment campaigns have wildly different results. Some gather a clean 10,000 copies of (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. To identify people who were plausibly mobilized indirectly by a campaign, I count the number of people who use similar distribution of words to that of the form letter but fewer than 10 words matching any other comment. This is regular count process.

4 Patterns of public engagement in rulemaking

Most comments result from mass-comment campaigns. Figure 7 shows all comments posted on regulations.gov over time by whether they are exact or partial copies of another comment or not. While some agencies classify all duplicate comments as mass comments, 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. Here "mass comments" are comments that have either 100 or more identical copies or were uploaded in bulk batches of at least 100. This restrictive definition of what counts as mass engagement captures comments that were certainly mobilized by a campaign. As Figure 7 shows the vast majority of comments are mobilized by mass commenting campaigns. In other words, most comments are from ordinary people.

The right pane of Figure 7 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, as was the case with both the do not call and mercury rule examples. 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 7). This may be a

Figure 7: Comments on Draft Rules Posted to Regulations.gov 2006-2018

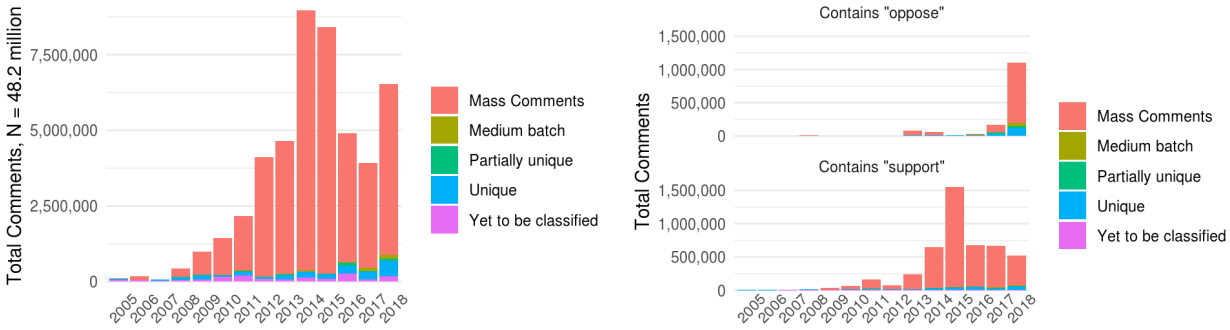
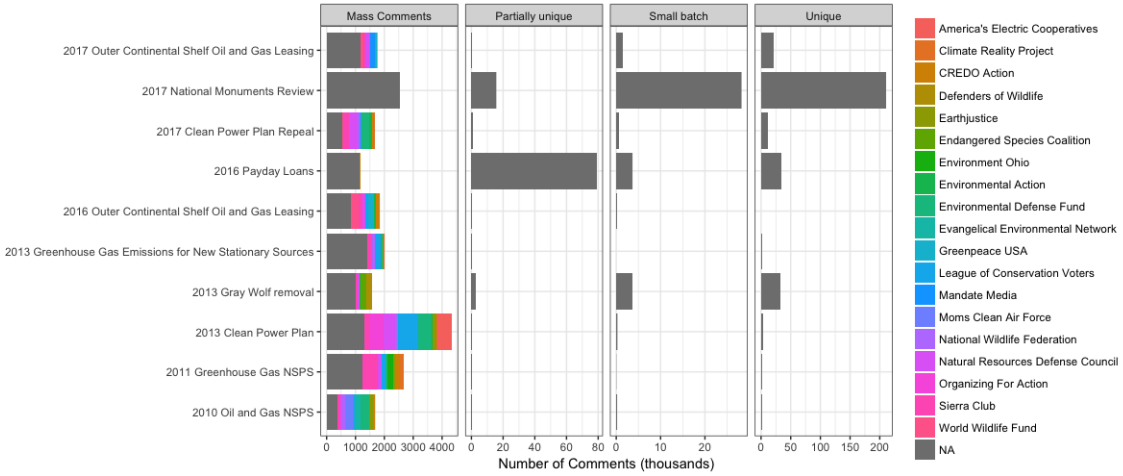


Figure 8: Top 10 Dockets Receiving the Most Comments on regulations.gov and the top 20 Mobilizers



function of the changing regulatory agenda due to the change in presidential administration.

Most comments occur on a small number of salient rules. Approximately a third of public comments posted to regulations.gov were received on just ten dockets.

A coalition of public-interest organizations mobilize most comments. As Figure 8 shows, the most prolific mobilizers are environmental groups. On 5 out of the top 10 dockets (here including rulemaking and non-rulemaking dockets), a similar coalition of groups mobilized the majority of pubic 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 dockets, 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.

5 Conclusion

The legitimacy of bureaucratic policymaking is said to depend on the premise that rulemaking provides an outlet for public voice (Croley 2003; Rosenbloom 2003). 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 whether any legitimacy the public comment process may provide is deserved, even if people believe that their comments matter (Yackee 2014). This paper makes a

few initial steps toward better understanding actual engagement in bureaucratic policymaking.

6 Appendix

Figure 9: The Role of Mass Commenting and Political Information in Bureaucratic Policymaking

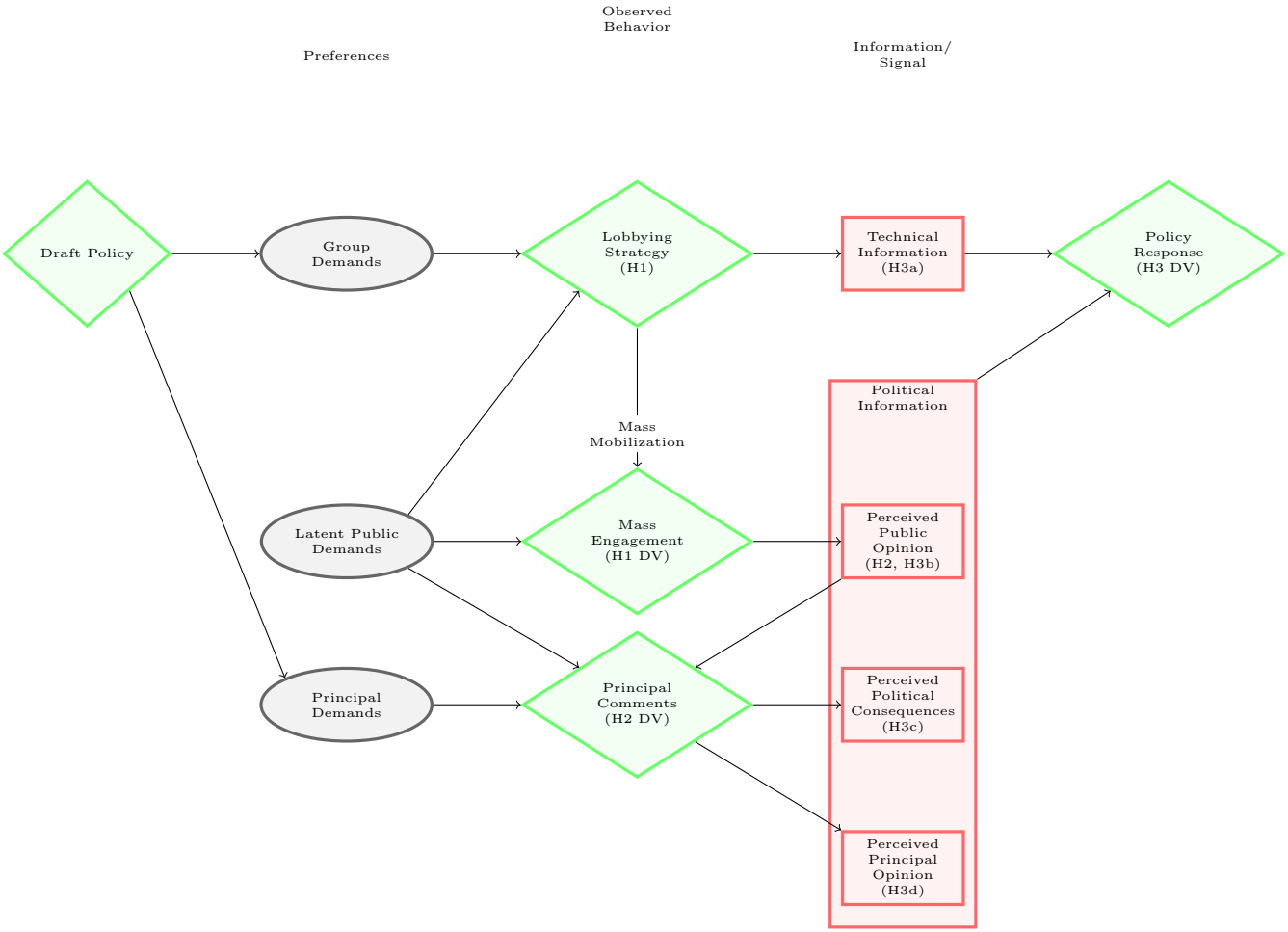


Figure 10: Rules ranked by number of comments posted to regulations.gov

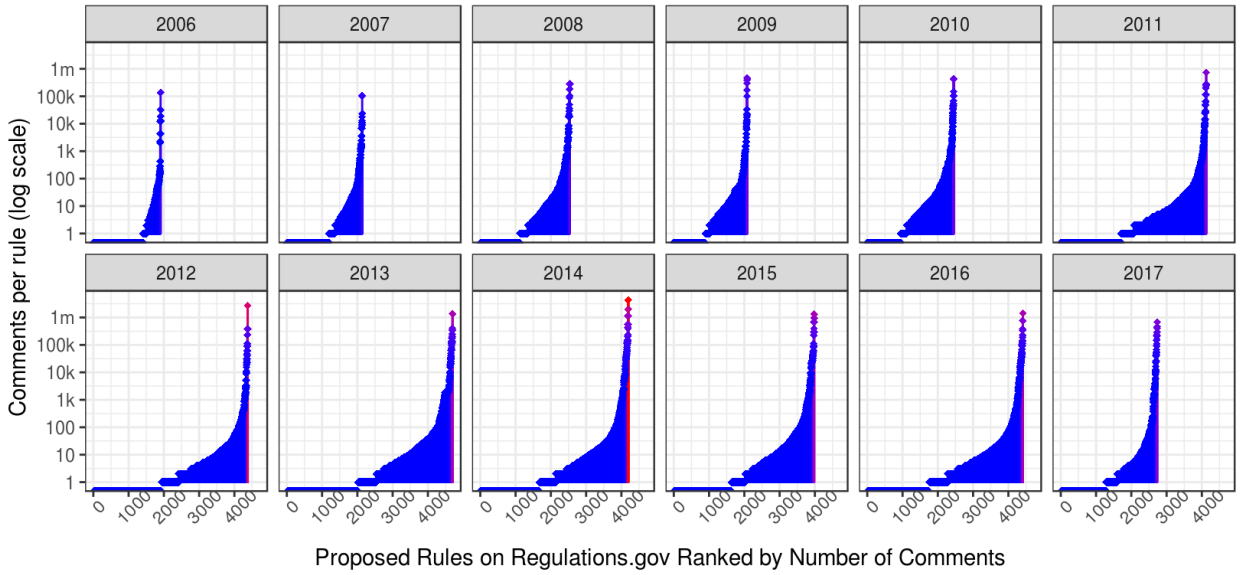


Figure 11: Major and non-major rules on regulations.gov

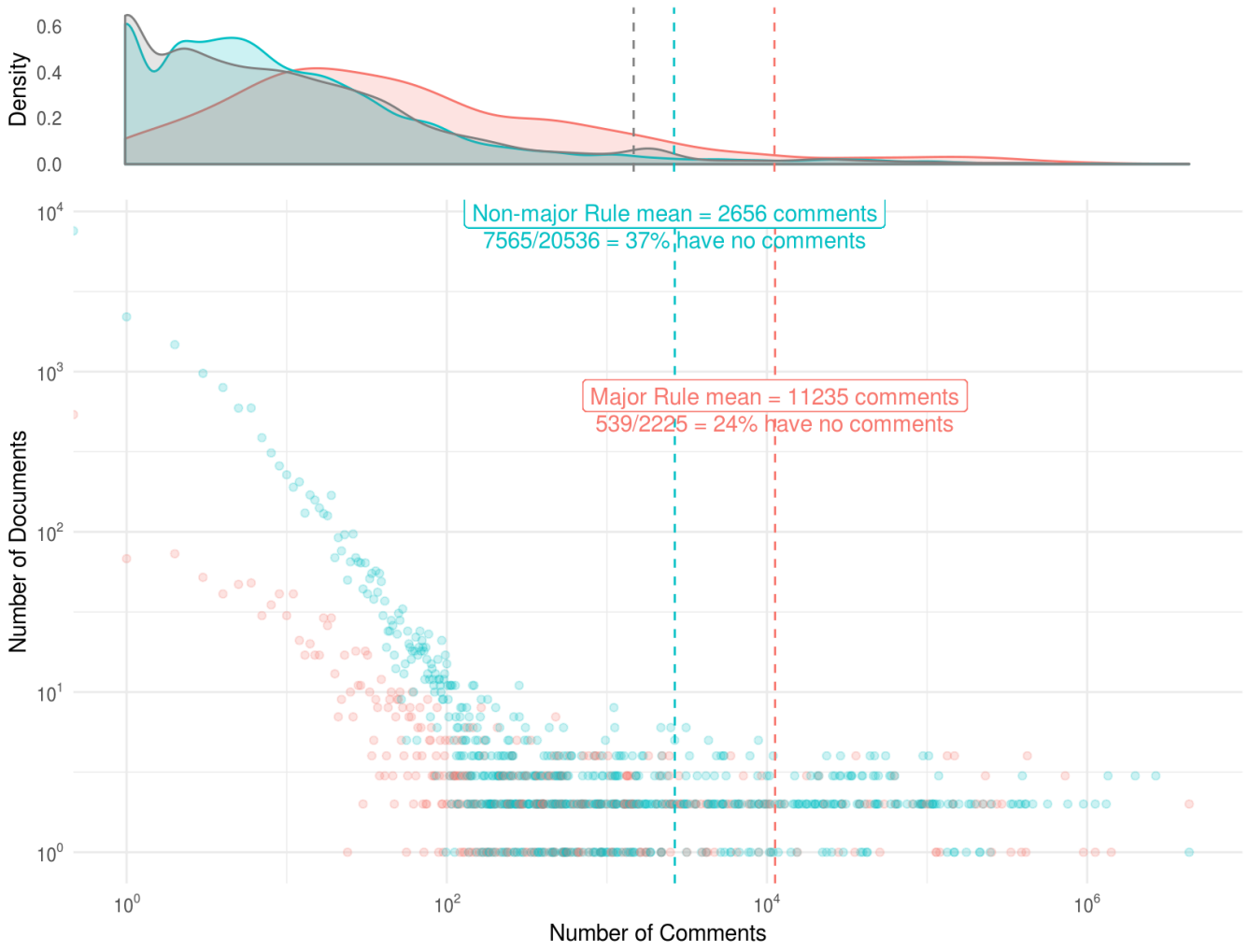
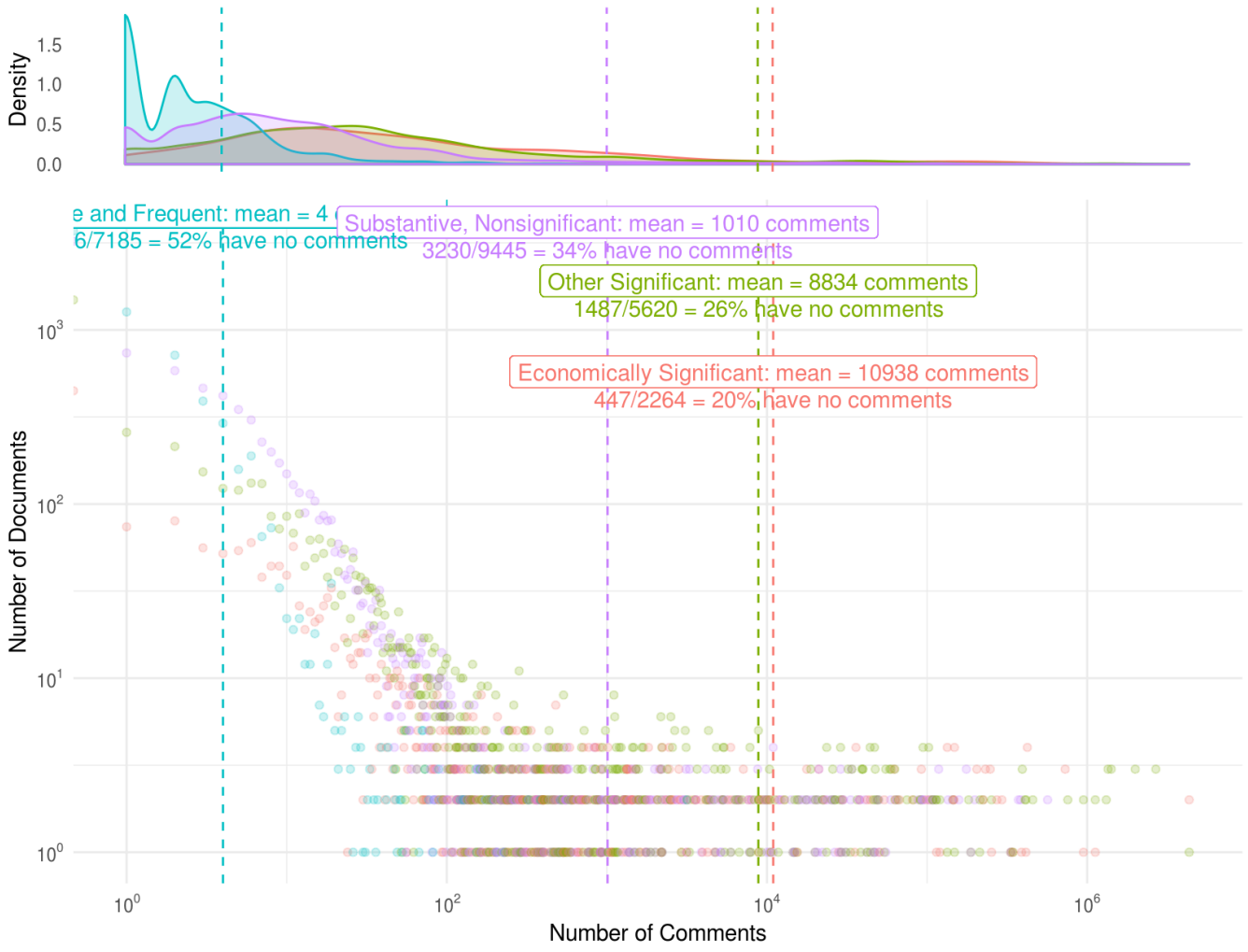


Figure 12: Rules on regulations.gov by priority level



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