

Group A -- Session 3 – June 3, 2004
The George Washington University – eRulemaking Workshop 2.0

M: Moderator

R: Respondents

M1: Based on what you've heard today, and what you know from your own experience, what are some of the costs, defined any way you'd like, or benefits, defined any way you'd like, of applying information technology to the rulemaking process? We are using IT to denote all forms of information communication technologies that would be used in a rulemaking process.

R11: I think that one of the possible benefits is engaging more people in government, and having a voice in government. I've done a lot of rulemaking over the years. In talking about rulemaking, it is important to talk about the different parts of the process. We talked a lot today about the written comment process, but there is another whole piece of it, which is really important. That has to do with real public participation. There are public hearings where people have a right to participate in an open forum. The whole point of this is, people having a say and agencies making decisions based upon what people say along with reparative evidence. So, the benefits are engaging more people in that process. It is important that people feel that participation is worthwhile. And, I think that is possibly one of the costs; you create a process whereby it really does become sort of, no more value than people sending mass emails or spam. So, you need to design the process so that people actually feel they do have a voice and role in all of this, and that their voice is being heard.

R4: Those are great insights. I would also say, beyond that aspect of civic participation and the idea of mobilizing our groups around a specific action, this is a particularly good opportunity for our members and activists who are health care providers. If you work with scientists, getting them engaged in political activities is difficult, because they don't want to sound like they are becoming biased in their area of expertise. I know that is always a conflict between academics and the public. With the rulemaking issue, it is really important, because it gives doctors and nurses the opportunity to be able to say very specifically, "As a health care provider, I feel these things." It is different than just writing a random letter to a member of Congress to say, "Can you cosponsor this legislation?" I think this feels a lot more defined. So, rulemaking to us is important and something our members really appreciate. I also agree with the idea of being able to see the results, to see the comments published. I also think that when you see 1000 messages coming from what we consider to be our opposition, then that is a great mobilizing factor.

R9: In terms of costs, I found it helpful to hear from our speakers today that reminded us of some of the costs in terms of access and the problem that not everyone has access, and therefore we should be careful. But, from my own perspective, I represent 8000 people who mostly are in academics. We think electronic rulemaking has made life quite a bit easier. As a society, we are able to weigh in more and more often. We can provide public comment on different proposed acts. Our members are reluctant, because they are scientists, but I think it is easier for them; we are seeing more participation from them too. That is a good thing.

R2 also in sessions 1B (R2), 2A (R4), 4B (R2), 5A (R7);

R5 is a principle investigator.

M1: Any drawbacks?

R9: Not so far. I'm not 100% sure, but as far as I know, all of our letters reach the agencies and the process has worked well for us.

R5: When we talk to the agencies, most of the attention is paid to comments of you guys and other insiders and people who are well informed. I think public comments receive very little attention. So, one of the things that is interesting for me is, the possibility that by giving them better tools, more attention will be paid to the public comments.

R10: I think the biggest concern is this concept of what the architecture of public comments on rulemaking is. We can't let that be decided by Web designers and other consultants that get hired to build web sites. There needs to be consideration of other forms of comment, beyond electronic comment. And, the electronic form needs to be more than adequate. It needs to be good. It needs to consider the roles that NGO's play. Advocates for business, workers, environment, whatever it is, and political scientists are probably the only people who read notices of federal rulemaking. So, we play a very important role in getting the word out about rulemaking when it goes on and helping the public to comment on it.

R2: When you say the architecture for the public comments can't be decided by the contractors, that is exactly what is happening. How do you stop that? How do you modify that?

R10: Congress should do that. I don't know what the remedy is. When I say architecture, I'm not just talking about web sites. The risk is that we develop an eRulemaking process, and then the agencies and departments say, "We have democracy now, because anyone can get on the Internet and submit comments." That is not the sort of investigations they need to be doing about the impact of rulemaking on the law. It needs to consider every aspect and everyone who is touched. You can be hopeful about something like Regulations.gov. Maybe we could come up with a useful process. Maybe it is not one size fits all, because some regulatory bodies have different stakeholders and ways they need to do things. Some need to go into the field and investigate more, whereas others may have a more financial focus and do not need to go visit communities. The other problem is that the record of government agencies, with web sites and visibility, and helping people via the Internet, is very poor right now, in my view. An exception would be with the IRS and filing taxes, which I think is done exceedingly efficiently.

R7: In terms of benefits, I'm going to reiterate what others have said. For one, I think it is terrific ease of use for people who are already not savvy. That is a great mobilizer of the constituency that is already using the Internet to do a lot of work. I also think the possibility to see how prolifically the opposition is commenting, if that is going to happen, is an excellent opportunity. If you thought a particular issue was not going to have much comment from the other side, and you don't mobilize your people, you may not have the result that you want. That is great. I also, think there is the potential to better organize the comments, so that substantive issues from public, as well as private and NGO participation, won't get lost. There is the potential for that. For me, there are two costs that stick out. I see electronic communication not having the same value as paper communication. For a lot of people, the younger generation and

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more educated populations, electronic communication is terrific, but for older groups and people who aren't as educated, it doesn't have the same substance. Even though I use it; my computer is the first thing I turn on in the morning and the last thing I turn off at night; I still think that if something really matters to me, I am going to print it out. I don't think I'm alone in that. The most important cost to me is related to the public participation of affected parties. It is already such a challenge to get affected parties participating in any kind of political process. It isn't that affected parties aren't interested in what is happening. They feel they don't have a voice or the time. It is already a challenge to get those people to participate. If we eliminate opportunities for them, by turning it all over to technology, when they may feel challenged by technology, I think that is a terrible loss and does nothing to further the concept of democracy.

R4: I agree with that too. I don't think we should do away with paper communications. I also feel like so much of how the community works is with postcards, and I just feel like if you are going to get a form email, or a postcard, I don't think there is any real differentiation between those. While I agree writing a personal letter is different, I don't think there is any difference at all between a mass form email and a mass postcard. And, that is wasting paper.

R7: I see what you are saying, but not all constituencies are using the postcards. There are plenty of people who are not participating in the political process, whose voice is absolutely essential. For instance, HUD is currently doing all kinds of things with Section 8 that is turning back 30 years of already a spotty record. The constituency there is the Section 8 recipients, and a lot of them aren't getting the postcards to mail out. There are different rules about what can transpire on Section 8 property, too. Community activists, grassroots organizers, all those people, are trying to get those people involved in the process. They may not be using postcards to do it, either. They may be trying to get them to write letters or whatever else. So, while your comment is absolutely valid, there are constituencies that already are forgotten in the regular rulemaking process. This is just further removing them one more step.

R11: There are really a number of different participants in rulemaking. I've been told that the agencies don't look at the hundreds of thousands of postcards. They put them in a pile, because they know what they are going to say. The agency, at least at a staff level, the people reading them, are not supposed to make the political decisions. They are supposed to be analyzing the record evidence and making a recommendation based on the record. So, I wonder if we could use this way of reaching people for getting evidence, for getting things that we can use to make decisions? I think there are different pieces of this. I think we need to think of it in the context of, not only the political mobilizing piece, which is a lot of discussion, but if the decision happens to be based on the politics and numbers, as well as the substance, because you've got to have a record and convince the people reading this stuff to support it. So, there are two different pieces. And, they are related, but they are different. It is important to talk about both of those pieces of this. The political organizing is the area that is really opening things up that has never happened before. I mean, how many people get the Federal Register?

M1: You talked about using the same means to garner better evidence to make your case in a way that administrative law and administrative personnel would consider valid. Does your organization do that?

R2 also in sessions 1B (R2), 2A (R4), 4B (R2), 5A (R7);
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R11: We've tried to do it, but it is hard. What you need to do is identify for people what it is that is useful for them to submit. You need to identify the issues and the kind of evidence that is needed. We haven't really done it in a mass way electronically. The way we do it non-electronically is that, we go out to our unions and find the victims. It requires more than just a solicitation. It requires engaging people and telling them what it is that you need.

R10: The political piece is the other side to this, which I think is so important. I think in the current environment, there is very little about the rulemaking...

R11: There is no rulemaking; there's zero.

R10: It has very little to do with anything about what the evidence of what the current world that we live in is saying, which is what rulemaking should be concerned with. So, the political value of this process is really important.

M1: Is that because you perceive that since the administrative route is likely to be a dead end, the political route is the only viable way to make headway in the current situation?

R11: No. It's a prerequisite. You've got to have some political strength to get the agency either to do the right thing or not do the wrong thing, because of the orientation of the administration and also to incredible influence of corporate power. I'm not saying that to be provocative. It is a fact. They've got all the people. To change that dynamic, you've got to have some ways of organizing a political voice to get them to even listen to your substantive case.

R2: Is an important factor related to the Data Quality Act and the Peer Review Guidelines from OMB? One of the things that I've heard some people fearing is, that will completely destroy the impact of public comments. That industry commenters will say, "We only listen to the experts; this is all anecdotal and to be ignored." I could see where the individual testimonies and comments could be linked with the more scientific evidence as support. I think there is a hazard that there is a move on the part of OMB, which may give the agencies a blanket excuse to disregard public comment.

M1: Technology may or may not push that one forward.

R5: Whatever happens, they are going to continue accepting stuff by the Web. That is not going away. They will have to deal with increasing flows. What they will use the tools for is unclear, but the stuff is coming.

R8: There clearly are potential benefits and drawbacks mostly depending upon what ends up driving the process. There are benefits in a better informed public, either directly, through information made available, or information could be made available to NGOs who could then in turn do outreach to their constituencies. There are benefits in ease of approachability. The ability to electronically make comments can generate large numbers. The whole mass form mail is sort of a game like radar detectors. I've begun using scripts to take massive lengthy, well documented comments, carve them up into paragraphs, randomly combine them, and feed them

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to my users, so that they can be signed and submitted to get past your filter. I'm wise to the game. It allows us to then have that input. I can play the game better than most.

R10: Which filters are you referring to?

R8: The "this all looks the same" filter.

R2: The text filters aren't being used yet, are they?

R5: No, not that I know of.

R8: Only visually. By humans they certainly are.

R5: Right. The only electronic filters they are using right now are that some of the agencies are looking at comments based on length. If they get a bunch of things that are all the same lengths, then those are candidates for form letters. I don't know of any other filters in the process right now.

R8: I'm thinking mostly of people that are looking at things. There are positive potentials in accountability and transparency, in having comments visible. It is one thing to have a million comments on mercury submitted; it is another thing to be able to point to them. To have your web site of your NGO point to those million comments and then a link to the email of your representative to ask what happened in regards to those comments. Those million comments may be identical and not have much weight with the agency, but I think we increase the democracy and the accountability by having them accessible for that political use. To me, that is a positive.

M1: Do any of the people you've talked to perceive that the ease of use that you are creating degrades, in some way, the value of the comment?

R8: Not when it applies to themselves. They do when a company pays their people to sign comments.

M1: In Political Science 101, we often teach Grassroots movements versus Astroturf movements. Grassroots is a genuine bottom-up, traditionally social movement style, where as Astroturf is somehow top-down managed. It is associated with manipulation and has a negative connotation. But it starts to sound a little bit like what some of the campaigns look like.

R8: I think we've adapted to some of the realities in trying to play the game. I've seen Grassroots organizations spend considerable time and effort internally hashing out any issue, what their comments are going to be, accepting from their different experts, coming up with a comment letter, and then many people end up sending an identical, or signing one lengthy letter. Then it may be viewed as a form letter and counted as one, which is unfortunate. What it really is is a constituency, which has already presorted through a good number of concerns, has debated the relative importance of those concerns, and made compromises. The signatures on those form

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letters are actually endorsements of that entire set of priorities that is being submitted. That is really hard to distinguish from an Astroturf by a text filter. What you end up with is the same thing signed by a lot of different people. Unless you knew the difference between X Corporation and Z Citizen's Group from this community, as to what their internal process was, it would be very difficult to know that this wasn't "pay the intern to write this" versus the result of a collaborative, lengthy process.

R4: I've never heard anyone say that Astroturf thing before. For me, as a young person in the computer generation, I've only organized through the Internet. I've never gone door to door.

M1: You've never gone door to door? You've never met in a church?

R4: No. I always avoided door knocking. You've got the media consultants who want to encourage the same thing. You take your somewhat artificial electronic activists, and then you convert them into your on the ground people. To look at this in terms of, how does the agency perceive all that stuff; that is not the point. I mean, yeah, you are going to find your "grass-tops" and you are going to get them to testify at the hearings, and you're going to get them to do all these things. And, you can seek them. You can shake out your people who will be your hard-core activists. You start them out, testing them in this inexpensive way, asking them if they would like to write a letter to the editor, do you want to meet with your member in Congress? Then you move on: do you want to host this meeting at your home; do you want to watch this movie and talk about it; do you want to do mercury trade-ins? I think they are all steps in the process. If we get this million, the media is going to be all over that. That is why you do it. It is fine if it is electronic and huge. That is not what you do to sway the agency. That is not the point. I think it is a much bigger strategy than the way the terms seem to sum it up.

R10: We need to sway the rule writers in the agency, the administrative, not the agency as a political entity, which can be persuaded through the million comments.

R4: I kind of also question the way the rule writers are working with, but that's a different topic of conversation.

R8: The big cost to me is exclusivity, which has to do with whether or not we are using this to broaden or to shift our resources. That is the big question. There is a need to acknowledge that the people who are excluded are not a random selection of people. They are a specific group of people, that are most affected by many of these policies. We can't consider this as a lag. It's not something that we can assume five years from now they will be caught up. Five years from now there will be new technologies and these people may have broadband, but they won't have whatever the newest thing is. They will perpetually be behind the curve. We can't institutionalize that exclusion any further than it is already institutionalized. We have to also take into account there are minorities. I think every minority is significant, especially when it is a very distinct minority. There are some groups, like Amish or Mennonite, who have chosen to move off the grid, but who also do not see themselves as giving up their rights as citizens. Their disenfranchisement is moving in the wrong direction.

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R2: I think that a benefit is that it sort of broadens the audience. I find rulemaking interesting in that, when I first discovered it, I was astonished that it is an avenue for any member of public to be heard directly and compellingly by the agency. The way the Administrative Procedure Act works is that if you make a substantive comment, they have to pay attention to it. They can reject it, but they can't ignore it completely. There is sort of nothing like that in government. The fact that nobody knows about it, and that it is in the newspaper every single day, I think is evidence to the fact that nobody really understands it. I think this is sort of a hallmark of a technological democracy. The Administrative Procedure Act was passed in 1946. So, basically, 50 years later the Internet comes along and makes it possible for people to participate as it is outlined in the Act. I find that an exciting aspect of what the Internet enables. In terms of costs, there are three things that I can think of, that apply to both the government and to various intermediary groups that may be working in this area. An obvious one is technology. The government is spending money to build the system. There are going to be hooks in that system, so that there can be access by groups outside government. If that doesn't exist, then you will be stuck with some lowest common denominator interface, which will be inadequate. If there is a machine interface, then there is the possibility of consortia with various groups to build alternative interfaces to the system and get it right. It will require major investment in understanding the technology. The second point is also an educational one. If you've got an entirely new audience participating in rulemaking, you have to tell them what it is. It is not a vote; it is not like a law. You are implementing a law that has been passed. If you think the law should be different, that is not the right place to talk about it. So, there are legal questions. If people don't understand those, their comments are going to be ignored, quite rightly, because they are off topic. I think it is up for grabs who does the education. The agencies, I think, have some obligation to do it. They've made some effort, but they have to do much better. I think many groups outside of government are eager to participate in that, because it is an opportunity to present their viewpoints and to help their members take part in these things, but it is vast, because there is an enormous amount of rules, and they are often technically complex. It is a big challenge to figure out how to do this. What I'd like to see is universities routinely having hundreds of students writing up summaries of things. It could go across all curriculums, with students learning about how government uses the areas they study. They would also be performing a service. The third one is social. One of the things that has struck me at these meetings – I've been sitting in on various sessions -- the views that [name - R8] expressed were in some ways identical with the views from the Chamber of Commerce, "Government does not listen to us and so on." I've also talked to rule writers. I have friends who got out of college, were very dedicated to their cause and said they wanted to go work where the laws are enacted. They are incredibly frustrated, because they are working in a system in which it is hard to get anywhere. On the other hand, now and then, once every ten years, they are involved in a rule that is really significant, and they can point to things where they've really made a difference in society. I think one of the promises of online rulemaking is socialization – that people outside government and people inside government can actually work together on these things. And, I don't think it is totally pie in the sky. My own experience with this is that it is so unusual for a rule writer to see anybody but a lobbyist. If there is a way to use the technology, to make personal contacts with people who are significantly impacted by the rules, I think it is possible to get rules that are serving the public better, as well as make life a little less miserable for the people in government. I think socialization is a burden for people outside government and people inside government. It is a burden of interagency collaboration, which is a difficult topic.

R2 also in sessions 1B (R2), 2A (R4), 4B (R2), 5A (R7);
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M1: Tell us how IT might improve either the process of rulemaking or the outcomes. Also, please define what you mean as “improve” within the context of rulemaking.

R9: In my own world, it would be that lots and lots of scientists weigh in on proposed environmental regulatory changes and point out the scientific flaws. And you measure that a couple of different ways. You count how many of them are actually weighing in, but also you could see if that effects some kind of positive change in what is proposed.

M1: So, if there were a larger number of comments that contained references to empirical scientific studies, would that be an observable indication, and that you could link to those studies?

R9: I personally would think that could be a useful thing. We are always talking about how we want science to be a primary ingredient as we are going about debating environmental legislation, for example. I think that if you make that information more available to the general public; that should be positive outcome.

M1: What about a rating system? Someone says, “Here are the scientific studies I am pointing to, to substantiate my comments.” What would you think about a system that asked everyone else who came there, and who looked at the studies, to rate their reliability?

R9: I think that is real dangerous territory. This takes us back to the whole peer review system, in that it is very poorly understood outside of academia. I think that could be a real slippery slope. Ratings could be affected by people’s agendas.

M1: Let’s go around the table and see what others say about IT improving the process.

R10: There are so many steps in the process. I think you have to look qualitatively at all the different steps to evaluate. Is the online docket system at OSHA better now than it was when it was physically in a room at OSHA?

R11: Some parts are better and some are worse. When it was actually in a room, you would actually have to go there. You would have a list of everything that was submitted. You would go through the list and call things up. Now, you can access documents on the Web, but you can’t get a list.

R2: Is there an index?

R11: There’s no index.

R2: That is flawed.

R10: At every step along the way, there are hazards and pitfalls like that. They are the weakest link in the process. All along the way from the dockets to comments, and how they are received,

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to the notice and evaluation of the comments, IT could improve the process or it could hurt the process.

M1: So lets give an example, like IT notifications to get earlier involvement, before the notice, before the draft rule.

R2: I think just the index is an interesting point, because one of the fears I have with this model system we are proposing is that it will be very slow to respond to things, even when they say, "Oh man, how'd we miss that? We've got to fix it." There is a six-month process. I think something that is important is flexibility or agility in responding to things somehow within the design.

R10: If they had, for example, developed some sort of web service or an API that would allow us NGOs to use our systems to submit public comments, does that mean that they announce the API the day of the rulemaking? Because, then we are weeks behind, depending how good your programmer is and what else is going on, we are weeks behind being able to start submitting public comments.

R4: That would be really bad. I like having the specific email address that we just plug into our system; CTSG is right there for us. I don't like that moneymaking opportunity for some web savvy group.

R10: Right. This is a catch to the API thing. How can you do it in a way that doesn't put a cost of mobilization or a cost of participation on the members of specific constituency groups? Because, having an email address way is easy. I go to a certain place and stick it in the page, and it is on the web format.

R8: My answer of an API is an answer to there being a standardized web form, not an answer to "We need something other than the email." So, it is kind of like bringing it down from the other end. It needs to be more accessible to us.

R10: And I don't know the specific details of how this would work. I think this is the point. There needs to be a process that says at the detail level, "We have 80% of the groups that are generating 80% of the comments using these 6 pieces of software. How can we make this work so that in a day or less they can still have access to submitting comments?" That is just with very minimal cost; their own staff time. I think that is a very specific set of things you could figure out. Maybe I go and ask for my own specific email address. Then I could use that in my own web form.

R2: I think it works in the other direction as well, where you want to read the comments. Because, what I'm hearing from the people on the rulemaking team, is when you say, "I want to dump the whole docket, so I could analyze it myself," then they say, "Maybe we won't have enough bandwidth." You can start seeing them throttling back the service, where they say, "You can read ten comments a day."

R10: That would be against the law, wouldn't it?

R2 also in sessions 1B (R2), 2A (R4), 4B (R2), 5A (R7);
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R2: Well, they've got the bandwidth, what do they do?

R10: Prohibits us from submitting comments?

R2: No, from reading them.

M1: As I understand from the Lockheed people, there will be batch export functioning in the first version of the federal system.

R10: So, we would, at any point in the rulemaking process, be able to potentially download comments to date in electronic form.

R11: They have that technology now. You can do that now.

R10: That would be great.

R11: Yeah. And it makes it a lot easier. You find out who's been commenting. You also don't have to go physically to the agency docket and get through their security now.

R2: It feels like the web services API takes some of the pressure off the development team from the government side. They can get some functionality up and running and groups outside the government may be able to complete some of the details and get better interfaces. I think it is this spirit of collaboration, so that we have a system we can all use. It is going to entail a cost for groups outside the government; however, you could have a consortium of 100 nonprofits pooling resources to keep costs low.

R10: The point is, this just needs to work.

M1: With regard to the programming aspect, I haven't heard the term "open source" used in any of these sessions. Do open sources need improvement?

R8: An open source, as compared to a closed source, is almost always an improvement.

R4: "Open source" is just being able to copy someone's code, right?

R8: "Open source" is having code that is developed collaboratively among many knowledgeable people, as opposed to behind the closed door by one corporation. An example here might be, as we work collaboratively to build these web interfaces, whether we like them or not, if they are perceived to have a value in structuring comments, they may continue to grow. If they are developed as some functionality, or even more importantly, the script they are submitted to, the analysis script, if that is done in some computer language and lives on the government server, that code itself is not provided, then it becomes the black box. From my suspicious viewpoint, I think their text filtering is purposely diminishing the count of my comments.

R4: It's a black box anyway.

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R8: To me, if it is open source, it is not a black box.

R4: I'm not always as suspicious of the government. Aren't they entitled to their own process?

R7: It's our process though, because they belong to us. The government doesn't have their own proprietary interest, because they work for us. They are us. The government is designed to assist the public. It is not necessarily about what they want. That is why these kinds of things are so important. It is not that people who work in the government don't have great ideas, but as a system, it has to be more about what the public wants.

R8: We'll have different needs. To that extent, they'll have their own system in meeting their needs and their regulatory and legal obligations. But the transparency in government is important. Open source is a tool to provide that transparency, just as it has been suggested recently that all voting machine software should be open source.

R2: Do you hear that in the analysis, that agencies are commenting that it should be open source?

R5: There is a strong view in the technical community, for example, for cryptographic software. You make it open source, because then people can beat it up and it is reliable. If it is a black box, it is almost always weaker.

R2: But in terms of the question he's raising, are his comments being filtered out?

R5: Of course they are not filtering out comments. They are organizing them, so it is slightly different.

R8: Right. I don't say that in seriousness. It is a perception.

R5: I know. The real issue is that within the agencies there is this "us versus them" attitude. They feel it too. I think that they feel like if they publish their processes, they will be attacked for their processes. In fact, that is almost certainly true. So, it encourages them to keep these things secret. It would be better if they were more transparent. I think the most transparency you are going to get is if they download stuff. If you have bulk download, then you can analyze it yourself, rather than doing what they do.

R2: I like the idea of online dialogue, of the comment process being more of a discussion with responses to comments and discussions of issues. It fits in with the socialization. It prevents people with getting away with statements, which aren't well backed.

R4: I have a question. Are you talking about a chat room?

R2: A moderated online discussion, not a chat room with people that randomly involved.

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R8: It's an intriguing possibility. Most dialogues do create a higher value outcome than an initial thought. In terms of the digital divide, it is a nightmare. You have better developed and more articulated concerns among the skewed population that have time and resources and high-speed connections to comfortably participate in a moderated online discussion. That is a relatively skewed segment of the population. And it is skewed directly opposite of the people who may most have a stake in what is being discussed.

M1: How does your organization currently use IT to mobilize its members to achieve your goals? And, given what we have heard today, can you imagine how this will change?

R9: We use IT stuff probably in the way most scientific societies, and probably most NGOs do. We don't use it a lot. If there is some issue where we have a segment of our 8000 members that are constituents, we will send out targeted action alerts. We have software that allows us to search our membership database and make those batches. That is pretty rare, though. Mostly, we simply use our own membership database to send emails to our members about what is happening in an area that should be a concern to them. Then we encourage them to weigh in via various means.

M1: So, you provide guidance.

R9: We provide guidance. And, obviously, we use our own web site. Mostly, it is not very technical, what we do at this point. Mostly we just use email to keep in touch with members.

M1: How much on the cutting edge is your organization?

R10: There are lots of different things. The online activism model today is that you have an email list, you send an email to your list, and you ask them to do something. That is pretty much it. That is the most effective way to mobilize people online. We also have networks of people who print something off to be distributed in workplaces or communities. We have an Internet-based network that connects all these field operatives, community leaders. We use both methods to get the word out on something. With a recent ruling, in addition to asking people to comment online, we gave people a leaflet that told them how they could submit a comment to the appropriate government agency.

M1: Do you have internal measurements to measure how effective these tools are for you?

[tape break]

R10: ...we know if they are editing letters or not editing letters. We know lots and lots about what's going on. It is mostly so that if you have acted on something, we can send you a follow-up to let you know what happened after you acted. The database just helps us sort better.

R2: Does it translate to a cost per comment?

R10: Cost per comment? I don't know. We've sent 50 million email messages and submitted 5 million comments or letters to decision makers in the last two years. With cost per comment, we

R2 also in sessions 1B (R2), 2A (R4), 4B (R2), 5A (R7);

R5 is a principle investigator.

are at pennies. So, it is very effective compared to a lot of other methodologies we might have. It serves its purpose, though. This is for mobilizing people to submit comments to decision makers. We wouldn't rely on this, for example, for our voter mobilization, or some other things that we do. All these groups and us are building networks of activists. The principle thing online activists will do is submit letters or comments or emails to decision makers, rule writers, corporate targets, whatever it is. That is the practice of online activism today. Unless something happens with email, which might happen, I don't think that practice will significantly change. We will just do it better and faster, and maybe a little more targeted.

R11: There really is a very different view of all of this from the agencies than there is from the public. The agencies are looking at how they can use this process as a way of getting better information and organizing it to make better decisions and rules. I think that it is important as this moves forward, that there be dialogue with the government people who are involved with all of this, because I think there are different views and needs on all of this. My concern is that if you look at the folks in the government, they are just going to set it up so that it works for them. They don't want to get the 5 million comments, so they are not going to be particularly helpful in setting up a system that accommodates getting the public comments. Unless the orientation of the people doing the various portals and all that is really looking for public input, then you are going to get things set up in a way that will basically frustrate a whole lot of people. I think that dialogue and discussion on all this is imperative, otherwise you'll have a lot of very different ideas about what this is for.

R2: I think the people who are building the system are not listening to the public, because they are too busy and they don't have time. On the other hand, they don't want to look foolish. So there is some opportunity for input. When we pull up Regulations.gov and say "This is the worst online form I've ever seen," they are unhappy about it, because they've put some effort into it. But, to get them to take the time to say, "How do we get good design principles?", they don't know how to do it. Even when there are particular people within various agencies who could provide good information, they don't know how to get it.

R10: I want to make one final comment. The big thing that I'm concerned about, because I'm cynical after seeing the citizen relationship management industry developing – these companies that are marketing to the government agencies ways to manage people's anger and frustration about their government and democracy. Government agencies are purchasing that way to manage, just like corporations purchase a PR firm or a lawyer to deal with a problem. I think the risk is that they say, "It is open source, anyone can look at it," makes it sound great. But you have to be a computer scientist to understand. Or they say, "We have dialogue; anyone can comment; isn't that better?" Because I'm cynical, having seen the privatized version of this, the concern is that the public version becomes a way to create an excuse by saying, "We have figured out how to deal with democracy in the digital age," instead of looking at all the larger issues of access and making sure things are in the public interest. The big concern is that if we don't do it right, we will have to redo it. I just don't have a lot of trust right now that it is being done right.

M1: R7, do you want to say anything about how your organization uses IT to achieve its objectives?

R2 also in sessions 1B (R2), 2A (R4), 4B (R2), 5A (R7);
R5 is a principle investigator.

R7: They don't do as much mobilization as other places I've worked. We have a couple different listservs that we send information out on, and a lot of other people post to it. It is more of a community sharing of information. The last place I worked used one of those paid services, where people can go and do their letter. But, then our database got dumped there, and we generated new entries from our database from that. Then you could target by zip code and congressional representative and all that. They did a lot more. Their focus was much more toward lobbying and legislative policy. It is a different approach.

M1: R8, would you like to say something about the most effective organizing tools?

R8: We do use databases to do targeted alerts to people. If you are selling a product, it is most useful to have a well-targeted advertisement. Alerts have a better response rate the more targeted they are. So, we try to collect as much information about people as we can, so that we know what their interests are. So, we have many interest categories that we can search by, as well as by zip codes or congressional districts. We do that. We rely on both soliciting email comments and web form comments. We are beginning to develop means in which to prompt people to create non-exact duplicate, essentially, randomly generated form letters, so that we can get some level of agency attention in that. The flip side is the more usual use of the Web. In the terms of public education, we attempt to get rules that are being proposed, and rules, programs, and laws that are in effect. And, we attempt to translate them to an audience in a way that is in plain language that can be understood. When we can afford to, we translate them into languages other than English, so that they can be used by affected populations.

M1: The last question is for anyone who wants it. Is there anything we are leaving out, the big gorilla in the closet? Is there anything we haven't thought of; something you would really like to see conveyed or discussed? Any last words?

R2: I've got one issue on the management side. OMB has a thread that they have pushed which is called Federal Enterprise Architecture, which translates into standards, interoperability, modular software; basically all the things used in industry to design good software. As far as I can tell, eRulemaking initiative could benefit from those, but somehow misses the boat.

M1: Thank you very much. (Concluding comments.)

R2 also in sessions 1B (R2), 2A (R4), 4B (R2), 5A (R7);
R5 is a principle investigator.