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Constituents' E-Mail on XM Deal Not Well Received

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Juanita Daigle of [Baton Rouge](#) is listed as one of the thousands of people who sent e-mails to the [Federal Communications Commission](#) opposing the proposed merger between the satellite radio networks XM and Sirius.

But Daigle said she never sent an e-mail and is distressed that anyone would think she did. "How did they get my name?" she asked. "I don't want someone using my name for something I don't even know about."

A check by [The Washington Post](#) of 60 people whose names were attached to identical, anti-merger e-mails instigated by the [National Association of Broadcasters](#), a major opponent of the merger, produced mostly unanswered phone calls and recordings saying the phones were disconnected. Of the 10 people reached, nine said they never sent anything to the FCC, and only one said she remembered filling out something about Sirius but did not recall taking a position on a merger.

The responses raise questions debated a lot in Congress and at federal agencies lately: Are the hundreds of millions of narrow-interest e-mails that deluge official Washington each year a useful measure of public sentiment? Are they even being sent by real people?

The torrent, made possible by Web lobbying techniques, is subverting the process it was meant to influence, some experts said.

"It's a problem," said Stuart W. Shulman, a political scientist at the [University of Pittsburgh](#). "If someone sends a meaningful comment, which is what the agencies are seeking, it becomes difficult to find." The e-mail volume is so massive, he said, that agencies have begun to pay less attention to the comments. 

Congress is also wary of the trend. A poll of 350 congressional staffers conducted by the Congressional Management Institute in 2005 indicated that half of them did not believe that form-letter messages were sent with the knowledge or approval of constituents.

Yet the volume of e-mail has skyrocketed. House and Senate offices last year received 318 million electronic messages, up from 200 million e-mails and postal letters in 2004.

A large number of those e-mails were produced through interest group Web sites, a standard lobbying practice. Lawmakers are so frustrated with the volume of missives thrown off by those sites that many are placing obstacles in the way of e-mails not written personally by constituents. Barriers include requiring e-mailers to fill out a special form on lawmakers' Web sites and to complete a simple math problem to get their e-mails through.

Federal agencies have also experienced a gigantic increase in computer-generated e-mail. This year, the

[Fish and Wildlife Service](#) received more than 300,000 form-letter e-mails from members of the [Natural Resources Defense Council](#) urging that polar bears be placed on the endangered species list, according to the eRulemaking Research Group, which tracks e-mails dealing with regulations.

At the FCC, most of the e-mails about the proposed merger between [XM Satellite Radio Holdings](#) of the District and [Sirius Satellite Radio](#) of [New York](#) were prompted by the National Association of Broadcasters. The lobby group said it inspired the sending of 8,500 e-mails to the agency by buying pop-up ads on consumer-oriented Web sites such as CarMax.com, [Staples.com](#) and [PriceGrabber.com](#) in August and September. Spokesman [Dennis Wharton](#) said his group has the name, date, postal address and numerical Internet address of the e-mailers, including those contacted by The Post, to show that the electronic letters were sent by actual people.

"I have a high degree of confidence in this," Wharton said. "They [the e-mailers] had to physically type in their name and address. It was a fairly rigorous process."

XM and Sirius are not so certain. "The timing and pattern of delivery of these comments is highly unusual and suspicious," said Kelly Sullivan, a spokeswoman for both companies. "The letters lack any apparent common tie or indication of the source of the effort, all of which calls into question the legitimacy of the filings."

The FCC declined to comment.

The FCC and [Justice Department](#) are reviewing the XM-Sirius deal, with a decision expected soon. Either agency could move to block the proposed stock swap if it thinks the consolidation would violate anti-monopoly laws or harm consumers.

XM and Sirius contend that a merged company would help consumers by providing them more services and would not constitute a monopoly because of the proliferation of ways people get their audio entertainment these days.

The broadcasters, who represent free radio services such as AM and FM, do not want a stronger competitor. They claim that the merger would lead to higher prices for listeners, and thus hurt consumers, and would also violate antitrust agreements established by the government when the subscription services were founded not long ago.

The dispute has ignited massive lobbying by both sides, including the broadcasters' effort to attract e-mailers. The electronic letters the broadcasters helped to send were addressed to FCC Chairman [Kevin J. Martin](#) and urged the agency to reject the merger.

Wharton said the e-mails were sent to the FCC after people clicked on an ad with the headline, "The XM Radio/Sirius Merger will create higher prices. Stop the Monopoly!" The ad invited users to choose either, "Yes, I'd like to help stop the monopoly" or "No, thank you."

Those who clicked "yes" were asked to type in their contact information and later received a confirmation e-mail "detailing their action and providing a copy of the letter to be sent to the FCC," Wharton said. Respondents were then given "another opportunity to opt out of the process and cancel submission of their letter," he added.

Nevertheless, none of the people contacted by The Post whose names reached the FCC remembered going through that process. All but one said they had not agreed to send any e-mails at all.

"No sir, I never sent any notes to Washington," said William Chadwick, a retired truck driver from [Lebanon](#) Junction, Ky., whose name is attached to one of the messages that reached the FCC. "This call is the first time I've heard of this."

"I never sent an e-mail," said Frank Dashields, a [Salisbury](#), Md., building-services manager. "I don't even know about the issue."

"I don't know what the merger is about and I don't care," said Tom Biniecki, a retired steel worker from Winamac, [Ind.](#) "I have no idea what you're talking about."

Desiree Beck of [Omaha](#), expressed alarm when she was told that her name was on an e-mail filed with the FCC. "Where did they get my name?" she asked. She said she has read one or two news stories about the merger but did not send anything on the Internet about it.

"If anything, I'd be for it," she said of the proposed merger. The firms, she said, "clearly need it to survive."

Betsy Vargovich of Orofino, [Idaho](#), did remember visiting a Web site about Sirius but did not recall what side of the issue she took. "When I saw Sirius pop out, I picked it up to see what it was," she said, adding that she was eager to do anything she could to keep her Sirius service without interruption. The e-mail at the FCC was in her husband's name, but Vargovich said she was behind it.

The messages sent to the FCC contained the names and addresses of the apparent senders. If those people did not type in their names and address, it is unclear where the information came from.

Online experts say it is not unusual for e-mailers to forget what they have -- or have not -- clicked on. "The Internet makes things so easy," said B.R. McConnon III, chief executive of the online advocacy firm Democracy Data & Communications. "People move through the process like they were clicking on next, next, next."

He said his and other online companies occasionally have had to remind e-mailers that they sent notes attributed to them that they had forgotten.

Staff researcher Richard Drezen contributed to this report.

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