



## **Closing the Technocratic Divide? Activist Intermediaries, Digital Form Letters, and Public Involvement in FCC Policy Making**

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Building upon research suggesting activists enhance public involvement in technocratic policy-making processes through forms of digital intermediation, this study investigates the extent to which digital form letters address the structural and rhetorical subordination contributing to the technocratic divide. The ability of the general public to overcome this efficacy divide is assessed in the context of the FCC's 2014 network neutrality deliberations. Results suggest that even though activists helped individuals overcome impediments to public involvement, including geographic distance from policymakers, deliberations during the workweek, and access to public comment systems, the finding that many comments were submitted via form letter suggests the public's voice was largely absent. This raises questions about the ability of "slacktivist" tactics to advance public mobilization efforts and the difficult task faced by intermediaries attempting to bridge technocratic divides while avoiding principal-agent problems.

*Keywords: network neutrality, activism, technocracy, political participation, principal-agent relationships*

Consistent with the imperfect pragmatism of representative democracy, intermediaries work to connect the general public to political processes. Omnicompetence challenges, time limitations, and access impediments necessitate such divisions of labor responding to the reality that direct democracy within a nation of millions is an unattainable ideal (see Lippmann, 1927/2009). Across intermediation contexts, scholars highlight what is referred to as the principal-agent relationship (Jensen & Meckling, 1976; Snider, 2005). Such a relationship exists when an individual or organization (the principal) initiates a division of labor by delegating responsibility to a representative (the agent). Oftentimes, this process of delegation is necessary because the labor to be performed by the agent would be time-consuming, complex, or

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otherwise burdensome for the principal. The imperfect pragmatism of representation is revealed as the new capabilities realized from this labor division are coupled with the possibility of misrepresentation, known as the principal-agent problem (Ebrahim, 2003; Przeworski & Stokes, 1999; Snider, 2005), which takes many forms. Thus, an analysis of intermediation in political processes, and of the tools of intermediation, must consider the extent to which the principal-agent relationship produces a net benefit.

Among the intermediaries attempting to establish a bridging layer between the government and the general public are activist groups. A key feature of the activist or advocacy group identified in the literature is that although they aim to influence policy, they do not wish to exercise the formal powers of government (Moodie & Studdert-Kennedy, 1970; Richardson, 1993). The key point is the emphasis on influence, and the persistent and context-dependent questions: Which tactics will contribute to influence? Which to desired policy outcomes? Guo and Saxton (2010) identify 11 tactics associated with activist or advocacy groups: direct lobbying, grassroots lobbying, research, media advocacy, public events and direct action, judicial advocacy, public education, coalition building, administrative lobbying, voter registration and education, and expert testimony. The effectiveness of each tactic varies by context as well as by implementation. Tactic modality—for instance, whether tactics are implemented offline or online—raises questions about the extent to which digital technologies afford new opportunities for policy influence. Beginning in the 1990s, and now amplified by social media, groups have attempted to enhance their ability to influence policy outcomes by adding digital media technologies to the activist's toolkit (Obar, 2014; Obar, Zube & Lampe, 2012). Among the digital tools used by activist groups is the digital form letter (see Figure 1).

These tools are designed to help increase the number of public comments submitted to government proceedings. Similar to the online petition, activists design the content of the digital form letter and the route the letter takes to its eventual destination—generally a government docket or file specific to the deliberation in question. Digital form letters often include a statement from the activist group presenting a position on an issue, and prompt for the submitter's name and contact information to be associated with the submission. Where digital form letters sometimes differ from the petition is with an additional prompt asking the individual to add their own opinion to the letter. In some instances, activist statements can also be modified. After the individual completes the letter, activists facilitate submission to the government docket. Though comments are often submitted through activist channels, they are not necessarily associated directly with the activists, but rather with the individual identified on the letter. Whereas petitions are often submitted as one document with multiple names, digital form letters often appear in dockets separated by individual submitter, further suggesting, albeit contentiously (Shulman, 2007, 2009), that each comment represents the opinion of each individual submitting.

As previously noted, activist groups use digital form letters in an attempt to achieve the bridging function of an intermediary. This leads to the question, why is this bridging layer necessary? This study looks at one type of gap that exists between governments and the general public that activists attempt to close using digital form letters—the technocratic divide.

**Dear Member of Congress:**

Don't interfere with the FCC's strong Net Neutrality rules. Oppose Reps. Kinzinger's and Walden's attempts to undermine the open Internet.

Millions of people support the FCC rules and want to preserve the Internet's level playing field. Stand with your constituents and with businesses large and small that need these protections.

Don't support this attack on the open Internet.

Thank you.

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**Name**

**Email address\***

**Country**

**ZIP Code\***

**Additional Comments:**

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**Take Action**

Figure 1. Free Press digital form letter example (February 2016).

Technocratic divides are efficacy gaps that persist between governing bodies employing technocratic principles and members of the general public aiming to contribute to government decision making. These divides occur because government bodies that operate as technocracies privilege the views of a technological elite over those expressed by the general public (Fisher, 1987; Guttman, 2007; McKenna & Graham, 2000). This hierarchy precludes any pluralistic or inclusionary model of democracy as the views of those within the general public without the relevant technical training become marginalized within the sphere of governmental decision making. Thus, "in a pure technocracy, technical knowledge would serve as the base of power" (Fisher, 1987, p. 18). The subordination of the general public results, in part, from its lack of technical knowledge and its inability to communicate within the formalized, jargon-filled "closed discourse" of the technocrats (McKenna & Graham, 2000).

In addition to this rhetorical subordination, structural subordination associated with access to government processes and deliberatory subordination associated with limitations to policy influence also make it difficult for the general public to participate in technocratic deliberations (Guttman, 2007). As a result, technocratic deliberations, and the system of dependency and marginalization they perpetuate, maintain a technocratic divide whose system of public marginalization is difficult to overcome.

Building upon previous research suggesting that digital form letters, facilitated by activist intermediaries, contributed to the closing of the technocratic divide during the Federal Communication Commission's (FCC's) 2008 media ownership review (e.g., Obar, 2010), this study investigates the extent to which similar efforts in the context of the FCC's 2014 network neutrality deliberations can address the structural and rhetorical subordination contributing to the divide.

The analysis begins with further conceptualization of the technocratic divide, and a brief discussion of the FCC's 2014 network neutrality deliberations. This is followed by an assessment of comments submitted to FCC Docket 14-28 between May 15, 2014, and September 15, 2014, the official comment/reply period noted in the FCC's Notice of Proposed Rulemaking (FCC, 2014). The first component of the assessment involves the review of findings from the Sunlight Foundation's language analysis of 2,475,344 comments submitted during the deliberations. The purpose of this analysis is to determine whether a clear point of view was expressed by docket submissions, as well as the extent to which digital form letters were used to facilitate involvement, and if so, which intermediaries were involved. To supplement the Sunlight Foundation's research, an original assessment of the metadata from all 1,812,193 documents from the comment/reply period, accessible through the FCC's docket, is included next. It should be noted that the discrepancy between the 1.8 million documents in the metadata analysis, the 2.4 million comments in the Sunlight Foundation's analysis, and the FCC's suggestion that approximately 4 million comments were submitted in total (Stuart, 2015) is due mainly to the FCC's inability to make all documents public, and the combining of multiple comments into individual documents (Pendleton & Lannon, 2014). To supplement the analysis, interviews with digital activists from Free Press and FreedomWorks about digital form letters are also included.

### **Conceptualizing Technocratic Divides**

Technocratic divides have challenged the relationship between governments and citizens in recent years, as many societies during the second half of the 20th century operated under the assumption that government could deliver solutions to many of the problems faced by relying primarily on professional expertise (Stewart, 1996). This has been due in part to the exponential growth of technological knowledge in many areas addressed by government. It might seem as though the technocratic model is ideal—complex industries seemingly benefitting from governance by experts supposedly in touch with empirical research and endowed with the know-how to make decisions that would promote efficiency and progress. The problem with technocratic rule, however, aside from its challenge to a fairer, more pluralistic governance process, is its subordination of the benefits linked to the power of the multitude.

There are three forms of public subordination that contribute to the conceptualization of technocratic divides: structural, rhetorical, and deliberatory.

#### ***Structural Subordination***

Structural subordination refers to the inability for citizens to access the processes of government deliberation in a manner that is fair and reasonable (Guttman, 2007). Physical limitations of time and distance make it difficult for working individuals, not living in or near Washington, DC, to participate fully and repeatedly in government processes. Structural subordination also extends to access limitations associated with the inability to understand and navigate systems of public engagement. This could begin with a lack of knowledge about the existence of a policy-making process as well as a lack of information about the method or manner of comment submission. The latter could include not knowing a government organization's mailing address, phone number, or website. This also includes not knowing how to navigate the various systems associated with this form of communication, such as which forms to sign, which office to contact, or how to access the correct section of an electronic comment filing system.

#### ***Rhetorical Subordination***

Rhetorical subordination deals with individual ability and suggests that technocratic discourse privileges dominant modes of rationality (Guttman, 2007, p. 414). The subordination of members of the general public results not only from a lack of technical knowledge but also because of an inability to communicate in the formalized, jargon-filled language of the technocrats. McKenna and Graham (2000) refer to the language of technocracy as a "closed discourse," noting that

because "incorrect" oppositional discourses are often cast as naïve "common sense," they are pervasively denigrated by technocrats, and are tacitly supposed to defer to the more intelligent scientific knowledge generated by the technical elite. In this way, the pseudo-scientific language of technocracy legitimises its claims to power in matters that are uniquely social in nature, simultaneously silencing "common-sense" opposition by their claims to expertise. (p. 6)

The inability to understand and use technocratic language impacts all stages of communication between the individual and the government process. This includes the inability to understand the call for comment, the materials to consider and analyze to address the call, the language necessary to construct comments, as well as the language of the resulting consideration, debate, and decision. Both structural and rhetorical concerns also contribute to knowledge “deficits” (e.g., lack of access to education, information literacy training) that limit an individual’s understanding of the technical issues themselves, in addition to the language through which the issue is presented. Farina, Epstein, Heidt, and Newhart (2013) refer to this subordination as an “information barrier,” noting “the volume and the linguistic, economic, technical and legal complexity of the typical set of agency rulemaking documents vastly exceeds what many would-be participants can, or will, read and comprehend” (p. 4).

### ***Deliberatory Subordination***

The previous two forms of subordination—namely, that individuals are limited by geography, time and access, and that individual input is not technical enough—contributes to the power structure that perpetuates these concerns, and produces a form of deliberatory subordination that limits the abilities of those marginalized to set the political agenda, direct the deliberatory process, and affect the outcome (Guttman, 2007). Deliberatory subordination is not a focus of the current analysis.

This study investigates the extent to which digital form letters, facilitated by activist intermediaries, close technocratic divides. The analysis will address comment submission to the U.S. Federal Communication Commission’s (FCC) 2014 network neutrality proceeding in which approximately 4 million individual comments were submitted—the most in the FCC’s history (Sohn, 2014).

### **The FCC’s Network Neutrality Deliberations: The Context**

After more than a decade of media reform activism championing network neutrality protections, on February 26, 2015, the FCC voted to approve network neutrality rules, classifying broadband Internet as a public utility under Title II of the Communications Act of 1934 (Ruiz & Lohr, 2015). Operating beyond the context of the net neutrality rules and their implications for the future of the Internet, this study focuses instead on the role of the general public in the FCC’s deliberations. In light of concerns that a technocratic FCC has marginalized the public’s voice in the arena of U.S. communication policy making (e.g., Obar, 2010), as well as the suggestion that attempts to satisfy Administrative Procedures Act requirements demonstrate nothing more than a public relations exercise (Obar & Schejter, 2010), the FCC’s network neutrality deliberations, and the public’s apparent involvement in them, suggests a break from FCC tradition.

According to the Commission, approximately 4 million individuals submitted comments during the 2014 proceeding (Stuart, 2015). So many people submitted comments that at one point, a one-day surge crashed the FCC’s electronic comment filing system, forcing the Commission to extend its comment period to allow for all comments to be received (Puzzanghera, 2014). On the day of the decision, FCC Chairman Tom Wheeler acknowledged the unprecedented public involvement, including “a shout out to 4 million Americans, who took their time, to share with us, their views” (Stuart, 2015 [video]). Wheeler added

"Your participation has made this the most open process in FCC history," saying, "We listened and we learned" (Rushe, 2015, para. 3). President Barack Obama also acknowledged the role of the public's voice in the proceedings,

I ran for office because I believed that nothing can stand in the way of millions of voices calling for change. That's the backbone of our democracy—and you've proven that this timeless principle is alive and well in our digital age. So to all the people who participated in this conversation, I have a simple message: thank you. (White House, 2015 [Tweet])

Public involvement in the FCC's 2014 net neutrality proceedings was both unprecedented and counterintuitive. Despite the net neutrality debate being highly technocratic, involving conflicting and complicated economic, social, and technical arguments (Bauer & Obar, 2014), the FCC's net neutrality docket (14-28) received more comments from the general public than any other proceeding in the Commission's history (Sohn, 2014). This includes high-profile and less technical proceedings, such as the debate over Janet Jackson's wardrobe malfunction at the Super Bowl and discussions about obscenity and Howard Stern. How, then, were so many individuals able to participate in the FCC's highly technical, complicated, and technocratic net neutrality deliberation? In the context of the FCC's 2014 network neutrality deliberations, this study investigates the extent to which digital form letters, facilitated by activist intermediaries, acted as a bridging layer between the government and the general public, addressing the structural and rhetorical subordination contributing to the technocratic divide.

#### **Sunlight Foundation Analysis of Comments Submitted to the FCC's Network Neutrality Docket**

First in September and then in December of 2014, the Sunlight Foundation conducted analyses of comments submitted to the FCC's network neutrality docket (Lannon & Pendleton, 2014; Pendleton & Lannon, 2014). Two separate analyses were conducted because in September the FCC had only released a fraction of all comments submitted to the docket. As previously noted, there is a discrepancy between the approximately 2.5 million comments assessed by the Sunlight Foundation, the 1.8 million documents to be assessed in the metadata analysis, and the FCC's suggestion that 4 million comments were submitted. This discrepancy occurs for a variety of reasons; two are worth mentioning here. First and foremost, the FCC acknowledged in a letter to the Sunlight Foundation that the data made available to the public is incomplete (Pendleton & Lannon, 2014; Sunlight Foundation, 2014). The second reason is that many comments were submitted after the deadline, and the metadata analysis only includes documents submitted during the formal comment/reply period. This calls into question the representative nature of the analysis herein; however, the metadata analysis aims to uncover whether comments were submitted from all 50 U.S. states and on every day of the workweek. This was found even with incomplete data. Although the extent of form letter use, as identified by the Sunlight Foundation, is questionable because of the missing comments, the number of apparent form letters found within the 2.5 million comments assessed, coupled with the responses from the interview analysis reveals that digital form letters are consistently used to engage the public in FCC deliberations.

Employing machine-learning and natural language processing tools, the first Sunlight Foundation report revealed the following about the first batch of comments. First, it was determined that a pro-net neutrality point of view was present in the majority of comments. Less than 1% of comments were “clearly opposed to net neutrality” (Lannon & Pendleton, 2014). The remaining 99% was comprised of comments supportive of net neutrality or presenting an unclear viewpoint. In total, approximately two-thirds of the comments objected to anti-net neutrality measures such as paid priority (i.e., a tiered Internet or fast lane). Close to the same number called on the FCC to classify Internet service providers as common carriers. Half of comments from this first batch describe the Internet as “an essential freedom.”

Another important finding from the first analysis was the likely use of digital form letters. As noted in the Sunlight Foundation (2014) report,

we searched . . . to find groups of comments with very low amounts of text variation from one comment to another. . . . we estimate that at least 20 separate form letter writing campaigns drove submissions to this docket, ranging in size from a few hundred comments to more than 100,000 and together comprising almost 500,000 comments, or about 60 percent of the corpus we examined. (Lannon & Pendleton, 2014, para. 27)

Indeed, the results of this initial analysis suggest that digital form letters were used extensively to facilitate participation in the FCC’s net neutrality review. In total, 484,692 comments were identified as likely being associated with form letters. Groups identified as likely facilitators included *The Nation*, Battle for the Net, CREDO Action, Daily Kos, Electronic Frontier Foundation (EFF), and Free Press. See Figure 2 for an example of an EFF form letter.

The second analysis, released in December 2014 (Pendleton & Lannon, 2014), similarly revealed a number of coordinated digital form letter campaigns; however, with the second batch, it appears that form letters were designed to support an anti-net-neutrality point of view, with comments against network neutrality comprising approximately 60% of the 1,674,385 comments analyzed. The Sunlight Foundation suggests that during this second round, 88% of comments submitted came via digital form letter, with an estimated 56.5% of all comments in this second round facilitated by the organization American Commitment.



**Dear FCC,**

Net neutrality, the principle that Internet service providers (ISPs) treat all data that travels over their networks equally, is important to me because without it

users may have fewer options and a less diverse Internet.

**A pay-to-play Internet worries me because**

ISPs could act as the gatekeepers to their subscribers.

Use this space to explain why the future of the Internet matters to you. Tell your story. Here's an example:

*The Internet is important to me because, as a college business student, I need to know that there will not be barriers to entry for the new ideas and services that I hope to bring to the marketplace. If ISP subscribers have an easier time loading websites of existing companies than my new innovative product, there's no way that I will be able to compete or succeed.*

Sincerely,

Name

Address

City State ZIP Code

E-mail

Yes, I want to stay informed through EFF mailings. Sign me up!

These comments are a matter of public record and are viewable online, including name and address, one day after being submitted to the FCC public docket.

**NEXT >>**

**Figure 2. Electronic Frontier Foundation net neutrality digital form letter.**

When the two analyses are combined, the Sunlight Foundation suggests that 41% of comments were anti-net neutrality, with the remaining percentage being a mix of pro-net neutrality and unclear. They also estimate that in total, 79% of submissions were submitted via digital form letter.

Though we should acknowledge the possibility of bias built into the Sunlight Foundation's analysis, as their methodology is somewhat unclear and the analysis was completed without peer review, the findings are consistent with previous analyses of popular FCC proceedings. Previous research suggests that considerable digital form letter use, facilitated by activist groups, was responsible for more than 96% of all comments submitted during the FCC's 2006–2008 media ownership review (Obar, 2010).

### Analysis of FCC Network Neutrality Docket (14-28) Metadata

When the FCC requests comments from the general public, one participation strategy is to upload comments and/or documents to the Commission's electronic comment filing system, made accessible through the FCC's website. Comments are organized into folders, or dockets. For the 2014 network neutrality review, the FCC requested that comments be uploaded to Docket 14-28 (FCC, 2014). Members of the general public uploaded between 1.8 and 2.5 million comments, during the official comment/reply period between May 15, 2014 and September 15, 2014. As previously discussed, the FCC claims there were upwards of 4 million comments submitted before February 2015. As of October 2015, metadata for 1,812,193 documents submitted during the official comment/reply period were available via the FCC's electronic comment filing system, which will comprise the data analyzed in this section of the analysis.

#### *Date of Document/Comment Submission*

As noted in Table 1, documents were received by the FCC on every day of the workweek. Whereas previous research has suggested that the FCC's public hearing process marginalizes the public (e.g., Obar & Schejter, 2010), engaging the FCC's electronic comment submission process appears to address some of the access impediments of the divide. The analysis also reveals that large numbers of items did flood the FCC on certain days. This suggests that the documents were being submitted in batches, which again points to the use of digital form letters.

**Table 1. Dates Documents Were Submitted to FCC Net Neutrality Docket 14-28.**

<i>Date</i>	<i>Documents</i>	<i>Week Day</i>		<i>Date</i>	<i>Documents</i>	<i>Week Day</i>
15-May	9,255	Thursday		25-Jul	714	Friday
16-May	7,170	Friday		28-Jul	6,614	Monday
19-May	5,207	Monday		29-Jul	210	Tuesday
20-May	877	Tuesday		30-Jul	200	Wednesday
21-May	576	Wednesday		31-Jul	145	Thursday
22-May	465	Thursday		1-Aug	697	Friday
23-May	276	Friday		4-Aug	1,264	Monday
26-May	2	Monday		5-Aug	259	Tuesday
27-May	1,462	Tuesday		6-Aug	152	Wednesday
28-May	651	Wednesday		7-Aug	118	Thursday
29-May	442	Thursday		8-Aug	92	Friday
30-May	517	Friday		11-Aug	3,850	Monday
2-Jun	10,723	Monday		12-Aug	131	Tuesday
3-Jun	14,879	Tuesday		13-Aug	164	Wednesday
4-Jun	16,407	Wednesday		14-Aug	125	Thursday
5-Jun	13,740	Thursday		15-Aug	227	Friday
6-Jun	24,088	Friday		18-Aug	544	Monday
9-Jun	17,621	Monday		19-Aug	148	Tuesday
10-Jun	8,732	Tuesday		20-Aug	125	Wednesday
11-Jun	3,057	Wednesday		21-Aug	505	Thursday

12-Jun	1,960	Thursday	22-Aug	386	Friday
13-Jun	1,526	Friday	25-Aug	421	Monday
16-Jun	3,400	Monday	26-Aug	158	Tuesday
17-Jun	5,888	Tuesday	27-Aug	128	Wednesday
18-Jun	1,127	Wednesday	28-Aug	130	Thursday
19-Jun	1,232	Thursday	29-Aug	173	Friday
20-Jun	893	Friday	1-Sep	2	Monday
23-Jun	1,883	Monday	2-Sep	517	Tuesday
24-Jun	1,204	Tuesday	3-Sep	135	Wednesday
25-Jun	987	Wednesday	4-Sep	141	Thursday
26-Jun	830	Thursday	5-Sep	190	Friday
27-Jun	691	Friday	8-Sep	698	Monday
30-Jun	2,611	Monday	9-Sep	19,744	Tuesday
1-Jul	569	Tuesday	10-Sep	265,923	Wednesday
2-Jul	3,573	Wednesday	11-Sep	517,321	Thursday
3-Jul	1,242	Thursday	12-Sep	161,452	Friday
7-Jul	1,285	Monday	15-Sep	388,555	Monday
8-Jul	505	Tuesday			
9-Jul	465	Wednesday			
10-Jul	462	Thursday			
11-Jul	654	Friday			
14-Jul	15,461	Monday			
15-Jul	18,741	Tuesday			
16-Jul	152,347	Wednesday			
17-Jul	38,753	Thursday			
18-Jul	15,874	Friday			
21-Jul	17,954	Monday			
22-Jul	586	Tuesday			
23-Jul	198	Wednesday			
24-Jul	157	Thursday			

#### ***Documents Submitted by State***

As noted in Table 2, documents were submitted from all 50 U.S. states, Washington, DC, and eight U.S. territories. A state-by-state analysis revealed that certain states had more individuals submit documents than others. California had the most documents submitted, with 265,130, New York had 114,990, Florida had 105,763 and Texas had 115,814. Many of these figures may not represent the number of actual comments submitted, as many documents contained multiple comments. No matter the number of comments submitted, the fact that all 59 possible locations noted in the FCC's electronic comment filing system had individuals submit documents suggests that the geographic constraints common to structural forms of subordination did not appear to impede participation.

**Table 2. Documents Submitted to FCC  
Net Neutrality Docket 14-28 by State.**

<i>State/Territory</i>	<i>Documents</i>
Alabama	22,928
Alaska	5,574
American Samoa	62
Arizona	42,956
Arkansas	13,995
California	265,130
Colorado	43,320
Connecticut	16,016
Delaware	5,269
District of Columbia	6,594
Federated States of Micronesia	43
Florida	105,763
Georgia	55,358
Guam	208
Hawaii	6,966
Idaho	10,915
Illinois	76,079
Indiana	35,766
Iowa	15,347
Kansas	14,647
Kentucky	18,901
Louisiana	17,282
Maine	8,455
Marshall Islands	24
Maryland	35,530
Massachusetts	42,784
Michigan	53,498
Minnesota	35,053
Mississippi	9,405
Missouri	28,825
Montana	6,560
Nebraska	11,534
Nevada	16,262
New Hampshire	8,657
New Jersey	36,799
New Mexico	12,647
New York	114,990
North Carolina	48,954

North Dakota	3,727
Northern Mariana Islands	41
Ohio	60,578
Oklahoma	18,128
Oregon	43,176
Palau	113
Pennsylvania	69,489
Puerto Rico	995
Rhode Island	5,374
South Carolina	20,427
South Dakota	6,790
Tennessee	34,791
Texas	115,814
Utah	20,100
Vermont	5,120
Virgin Islands	1,182
Virginia	47,831
Washington	63,647
West Virginia	10,150
Wisconsin	32,464
Wyoming	3,160

### **Interview Analysis With Two Digital Activists**

An analysis of data from interviews with two digital activists<sup>2</sup> was also conducted to assess the practice of digital form letter use by activists and the extent to which intermediaries believe these digital tools address technocratic divides. One activist was from the group Free Press, the other from FreedomWorks, two groups engaged in battles over the future of the U.S. communications system (Free Press, 2015; FreedomWorks, 2015).

Interview questions addressed the use of digital form letters as a strategy for increasing and enhancing public involvement in policy-making processes. Both activists also spoke to the issue of closing the technocratic divide. Both agreed to allow the researcher to identify their organization. To analyze the interview transcripts, Braun and Clarke's (2006) model of a theoretical thematic analysis was followed. This form of thematic analysis is "driven by the researcher's theoretical or analytic interest" (p. 84) and is used to investigate connections between established theory and original interview data. Four themes emerged: (1) Politics aside, activists view the public voice as essential to FCC deliberations, (2) activist groups can serve as intermediaries to close technocratic divides, (3) digital form letters serve as tools of

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<sup>2</sup> The interviews were conducted in July 2010.

intermediation to close the divide, and (4) many individuals click “send” without modifying the text of a form letter.

***Theme One: Politics Aside, Activists View the Public Voice as Essential to FCC Deliberations***

In terms of political ideology, FreedomWorks and Free Press differ considerably. While both claim to be nonpartisan, it appears that FreedomWorks tends to drift more to the right and Free Press to the left of the American political spectrum. What was most fascinating about these interviews was that although the two groups are ideologically opposed, both similarly strive to connect members of the general public to FCC deliberations, and view public participation as essential to improving outcomes. For example, the activist from Free Press noted,

Free Press’s core belief is that better media policy will come as more people are engaged in it. Free Press was founded to help mobilize people and to amplify people’s voice in the DC policy debates happening around media policy, and so it’s pretty fundamental to our core work that we are engaging the public.

Similarly, the FreedomWorks activist noted,

I think public opinion always matters, because I mean the FCC is a political body . . . if there’s a public outcry about something and you can make the issue more front and center and you can persuade enough people to create enough noise, you can often influence their decision making—same with congressmen, same with the president.

***Theme Two: Activist Groups Can Serve as Intermediaries to Close Technocratic Divides***

Both activists also expressed similar sentiments regarding the importance of closing the technocratic divide and the important role their organizations play as intermediaries. The activist from FreedomWorks noted,

There’s a big knowledge gap between how Washington actually works and the average citizen trying to figure it all out, and so we try to knock down that knowledge gap, that wall, and make them more effective advocates.

Similarly, the Free Press activist noted,

One of the things that Free Press has done was tried to work really hard on translating the very in-depth . . . media policy debates into language that gets at what are the real-world implications for local people, and then, the other side of that is working with local people, whether it be online through innovative Web tools or in person through community workshops and outreach to give them to tools, the language, et cetera to weigh in on this policy debate.

***Theme Three: Digital Form Letters Serve as Tools of Intermediation to Close the Divide***

Both activists identified challenges associated with structural subordination. The activist from FreedomWorks described in detail how the organization serves as an intermediary bridge, and how digital form letters can be used as tools of intermediation to close the technocratic divide. The activist was clear that digital form letters make participation easier, especially in terms of bypassing the complex FCC process and electronic comment filing system, noting,

It's sort of difficult to go to the hearings; it's difficult to have your voice heard, unless you're going to take a lot of time out of your day, so we wanted to make it as easy as possible for our members to comment. A guy that was working for us at the time is kind of a consultant and has his own business doing this sort of thing, he built a custom form so basically you can e-mail it out to your friends and you can easily just create a comment and submit it online and that would basically go right to the FCC form, you fill it out and it dumps it in the file . . . [it makes] it easier for people to have their voices heard.

The Free Press activist also confirmed that digital form letters are being used and that a variety of organizations use them to facilitate public involvement in government deliberations,

There are widely used tools that allow people to instantly, from a mass e-mail, send comments to Congress or their elected policy makers. There are a number of tools that nonprofits and other organizations use to do that. None of those tools specifically target the FCC or I would say other federal agencies. So, we've had to really create our own interfaces and systems to make that a possibility for the public to weigh in as easily as possible with the FCC.

***Theme Four: Many Individuals Click "Send" Without Modifying the Text of a Form Letter***

A question was asked about organizations like Free Press not only facilitating comments but shaping them as well. The Free Press activist said,

Most people, given the chance, will take the easiest route possible and click if they believe that the letter . . . reflects their viewpoints will just submit that letter.

The FreedomWorks activist articulated a similar point:

People can read through it, if they want to change it they can, if they agree with it completely they can . . . but it makes it again so easy for them to just submit. You're going to get more submissions when you put in sort of a response from FreedomWorks that they may be comfortable with because people again don't have a lot of time, they're just going to read through it quickly and then they will probably click send.

The FreedomWorks activist also explained how the thought process might unfold that leads individuals to borrow the language of the intermediary instead of writing their own comments,

Most people sort of have a general idea of their principles or vis-à-vis their economics or government . . . so typically they're going to know how they would react to the idea of government stepping in and doing this or that. . . . So they'll read through it (the letter), usually read through the bullet points or whatever, what's the issue, what's going on . . . that's usually written by our chief economist . . . and he's never going to lead you astray from the free market position, so you can rest assured that that's what he is going to be putting in there.

The interview analysis suggests that although digital form letters address structural subordination concerns, rhetorical subordination persists, as individuals often take the easier, quicker route, and simply click to send the digital form letters with the intermediary language. This suggests that in some instances, members of the general public are failing to fully engage in the technocratic process when they encounter digital form letters because instead of submitting "plain" language, or learning and arguing using technocratic language, individuals take the easier route and just click send.

### **Discussion**

Technocratic governments privilege the views of a technological elite while marginalizing those of the general public (Fisher, 1987; Guttman, 2007; McKenna & Graham, 2000). The challenge of effectively involving the general public in a system of societal governance is a question with a long and rich history, traced at least to the ancient Greeks. Considering this lineage, one should not expect a quick and all-encompassing resolution from the latest participatory technology to promise democracy. As we revel in the excitement of online possibilities, the false promises of the Internet are concurrently coming into view, with critics highlighting the Internet's failed attempts as a Great Leveler (e.g., McChesney, 2013; Morozov, 2012; Napoli & Obar, 2014).

In recent years, two parallel narratives have unfolded. On the one hand, there exists a pervasive need for technical experts operating in all areas of society. For example, Manyika et al. (2011) report that all sectors of the global economy are now addressing Big Data questions. Beyond Big Data's possibilities, and how IBM's "smarter planet" promises to further marginalize the multitude being swept out to sea by the Big Data deluge (e.g., Obar, 2015), one can find technological experiments and promises everywhere. Along with this rise in technological optimism is the need for technical experts to lead health-care systems, education systems, militaries, infrastructure projects, and utility efforts, to name a few. At each juncture, the ever-expanding role of technology corresponds to a seemingly ever-expanding citizen marginalization.

The second narrative contradicts the first. As governments encourage linkages between technocratic processes and all areas of society, they concurrently champion the role of public involvement in societal governance. The voice of the average person is praised as both vaccine and penicillin, proactive and reactive medicine for societal ills, capable of addressing social, economic, and moral stratifications,



bias, narrow-mindedness, and even tyranny (e.g., OECD, 2001). Perhaps calls for public involvement are manifestations of a democratic delusion, perpetrated and internalized by leaders and followers, presented without any possibility of consistent implementation. Considering the challenges associated with the technocratic divide, it seems unclear how both narratives might be realized at the same time.

How fitting that such a contradiction should be articulated in the context of one of the most important and uplifting public interest victories in recent memory. Indeed, the net neutrality debate is flooded with political and social idealism, not to mention promises of innovation, access, and speech. Whether or not these promises will be realized, it is clear that the Internet has yet to solve the efficacy challenge referred to here as the technocratic divide. As the findings of this study reveal, the gap between a technocratic FCC and the general public, made manifest by structural and rhetorical subordination at least, has yet to be fully closed.

The potential contribution of this study is not the general finding that communication technologies are capable of closing gaps imposed by geography and time, an affordance that scholars have emphasized for some time (e.g., Bennett & Segerberg, 2012; Innis, 1951; McLuhan & Powers, 1989). Assuming this generally accepted benefit of electronic communication technologies, the findings of this study present a more nuanced assertion—that within the context of policy-making processes, digital form letters facilitated by activist intermediaries appear to reduce forms of structural subordination imposed by technocratic deliberations.

Structural subordination makes all other forms of political marginalization difficult if not impossible to address, as access to government deliberations is an essential first step to public involvement. The findings of this study suggest that the digital form letter and the intermediary bridge that facilitated it, helped to close the technocratic divide by helping members of the general public overcome some of the structural impediments to public involvement in FCC deliberations.

Comments were submitted to the FCC's network neutrality docket from all 50 U.S. states, Washington, DC, and eight territories, suggesting that many geographic constraints to public participation were overcome. Comments were submitted every day of the workweek, and in tremendous number, suggesting that the limitations of time were overcome. Beyond the structural impediments of geography and time, the comments from the digital activists suggest that digital form letters ensure the public doesn't need to follow FCC press releases or website posts to find out about deliberations. As noted by a Free Press activist, digital form letters "are widely used tools that allow people to instantly, from a mass e-mail, send comments." This suggests that individuals can engage with deliberations taking place miles away from the comfort of home (assuming one has an Internet connection), or perhaps on the go from a mobile device. People also do not have to seek out the FCC or the specific deliberation as activists will bring the fight directly to the individual.

Digital form letters also go a step further, ensuring the general public doesn't have to navigate the FCC's website and electronic comment filing system. Beyond the difficult task of knowing when deliberations are taking place and when the appropriate time to comment arrives, digital form letters also remove the impediments of trying to find the correct FCC proceeding and docket, and the necessity that

individuals submit comments to the right place and in the correct format. As noted by a FreedomWorks activist, with digital form letters the general public can “easily just create a comment and submit it online and that would basically go right to the FCC form, you fill it out and it dumps it in the file.” Indeed, through the admitted intermediary bridges facilitated by activists working on both sides of the political aisle, digital form letters allowed members of the public to transcend many of the barriers of geography, time, and access, and to participate in the FCC’s 2014 net neutrality debate in record numbers. It didn’t matter if you lived in Alaska, or worked Monday to Friday. It didn’t matter if you hadn’t read the FCC’s press releases, or knew about the FCC’s electronic comment filing system and how to navigate it. As long as you were capable of reading your e-mail, accessing the Web or a mobile app and clicking send, you were able to participate in the network neutrality proceedings.

Although the findings suggest that digital form letters helped close the technocratic divide to the extent that structural subordination was overcome, they also suggest the impediments of rhetorical subordination appear largely untouched. Theories of technocracy suggest that subordination of the general public results not only from a lack of technical knowledge but also from an inability to communicate in the formalized, jargon-heavy language of the technocrats. McKenna and Graham (2000) refer to the language of technocracy as a “closed discourse” that treats opposition as incorrect propaganda. Indeed, in a technocracy, where technical knowledge serves “as the base of power” (Fisher, 1987, p. 18), where the hierarchy in place “privilege(s) dominant modes of rationality” (Guttman, 2007, p. 414) the inability to communicate in the language and form of argumentation of the technocrats “makes it difficult, if not impossible, for the public of ‘untrained thinkers’ to win an argument” (Fisher, 1987, p. 71).

Previous research posits that the FCC privileges technocratic modes of rationality in both its deliberations and decision-making processes (e.g., Obar, 2010). Thus, the suggestion that the public largely borrowed technocratic language from activist intermediaries in an attempt to contribute to the FCC’s process emphasizes that the impediments of rhetorical subordination were not addressed. The language analysis conducted by the Sunlight Foundation suggests that 79% of all submissions were facilitated via form letter (Pendleton & Lannon, 2014). This was determined through an exact statement analysis, which found language consistently parroted by members of the general public. These findings parallel results from a quantitative content analysis of comments submitted to the FCC’s 2008 media ownership docket that similarly suggested that the vast majority of comments submitted included exact statements from digital form letters (Obar, 2010). Although the extent to which submissions included a mixture of text from the activist groups and original text from the general public remains unclear, both activists interviewed said that it is common for members of the general public to quickly click send, without making modifications to the form letters they encounter. As noted by the Free Press activist interviewed, “most people, given the chance, will take the easiest route possible and click.” A FreedomWorks activist similarly added, “People again don’t have a lot of time; they’re just going to read through it quickly and then they will probably click send.”

These findings also suggest that perhaps the use of digital form letters is a *slacktivist* tactic. The term *slacktivism* is often described as a superficial form of digital activism, conducted quickly, with little thought or commitment, primarily to make the slacktivist feel an ephemeral sense of accomplishment while producing little political impact (Christensen, 2011; Morozov, 2009). The results of the interview

analysis suggest that submission of parroted language via digital form letter likely took little time and effort, and as a result may not have required considerable thought or commitment. Indeed, if digital form letter submission is a slacktivist tactic, this does introduce additional challenges to overcoming rhetorical subordination, as the ease and pleasure of quick, on-the-go participation conflicts with the goal of injecting expressions of unique, individual experience into political deliberations. That being said, slacktivism assumes little political impact, and millions of parroted comments, submitted in the right context, may have the ability to influence government deliberations. Whether or not digital form letter submission is a slacktivist tactic, scholars and activists should continue to address rhetorical subordination concerns, while also determining the extent to which different form letter strategies, ranging from the parroted to the pluralistic, might enhance the individual's ability to influence government deliberations.

Beyond slacktivism concerns, why else might the borrowing of technocratic language be problematic? Perhaps another reason is what's referred to as the principal-agent problem. In a seminal work on principal-agent relationships, Jensen and Meckling (1976) describe principals as entities that engage another entity (the agent) to act on their behalf to perform a specific function or service. This involves "delegating some decision making authority to the agent" (p. 308). Within the context of democratic governance, such a division of labor is necessary (Snider, 2005). The reason for this delegation of responsibility is that direct democracy is impractical in a nation with hundreds of millions of citizens. As a result, representative democracy exists as an imperfect yet pragmatic solution to the challenge of direct democracy. Snider (2005) describes that further delegation is also required to ensure that citizens can monitor and engage elected officials and regulatory agencies, noting, "Officials are scattered across thousands of miles, work in physical spaces not suitable for millions . . . of onlookers, and make decisions about complex technical matters that require substantial amounts of time and other resources to master" (p. 4). As a result, "voters delegate the task of monitoring their elected representatives to various political intermediaries" (p. 4), including activist groups.

Although this division of labor contributes to a practical system for attempting citizen empowerment, Jensen and Meckling (1976) go on to introduce a problem that may arise when delegation occurs, highlighting that "there is good reason to believe that the agent will not always act in the best interests of the principal" (p. 308). It is this concern, that the act of trusting an agent with delegated responsibility could result in a misrepresentation of the principal or behaviors disadvantageous to the principal, that is referred to as the principal-agent problem (Ebrahim, 2003; Przeworski & Stokes, 1999). Reasons for this divergence are varied, each specific to the unique context connecting principals and agents. Where an activist group acts as an intermediary between the public and the government, it is likely that the principal-agent problem could result because of information asymmetry (Snider, 2005). Activists know far more about the particular issues in question and also speak the technocratic language, which creates an asymmetry between the activists and the general public. Members of the general public might agree with the views of the activists in principle, but it does not follow that the public understands the strategies behind the language selected for form letters.

In the case where the text of the letter misrepresents the views of the individual submitter, the rhetorical subordination is clear—an individual would be submitting a comment with which they actually disagree. In another case, where the text aligns with the views of the individual, because of the

information asymmetry or the inability of the individual to know why certain words and ideas are included and others excluded, the unique voice of that individual would be absent, removing any possibility that the individual's unique experience could impact the deliberations. In both cases, the misrepresentation associated with the principal-agent problem highlights how digital form letters facilitated by activists might contribute to rhetorical subordination. More to the point, the Sunlight Foundation analysis found that many of the comments submitted to the FCC were pro-net neutrality. After deciding in favor of stronger neutrality protections, FCC Chairman Tom Wheeler gave "a shout out to 4 million Americans, who took their time, to share with us, their views" (Stuart, 2015 [video]) But did they? The rhetorical subordination heightened by the possibility of the principal-agent problem suggests that it is unclear whether the views of the general public were accurately represented by the millions of comments submitted to Docket 14-28.

In light of the chairman's comments about the apparent role the public comments played, future research should begin to address the extent to which digital form letters and similar tactics address another component of the technocratic divide, deliberatory subordination, or the inability for individuals to impact the outcome of policy deliberations (Guttman, 2007). Though there may be power and influence in a deluge of comments, parroted or not, it does not follow automatically that digital form letters lead to influence. As Shulman (2009) writes, the rise of the mass e-mail campaign, which in many respects parallels the efforts of digital form letter campaigns, introduces new questions about the democratizing potential of the Internet:

Considerable anecdotal accounts from agency personnel about the low quality of public comments, as well as their nuisance factor, must be balanced by recognition of the prerogatives of interest groups to inform, inspire, and activate their busy members. . . . Mass e-mail campaigns represent a new chapter in a continuing debate over the proper way for government to respond to the voice of the people while making public policy. (p. 27)

Based on the finding that structural subordination was addressed, it is arguable that activist organizations successfully connected a semblance of the public's voice to the network neutrality debate, suggesting perhaps that digital form letters did yield a net benefit as an intermediation strategy. Evidence suggests that these efforts had an impact on the eventual decision. Though the outcome of the FCC's 2014 network neutrality deliberations validate a continued optimism associated with the future of the Internet and its possibilities, digital form letters have merely narrowed the gap between government and the general public. Let us hope that the stated limitations on network management, approved by the FCC in February 2015, bring forth an eventual possibility, that once and for all, closes the technocratic divide.

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