

Should the Public Meeting Enter the Information Age?

BY J. H. SNIDER

The public meeting underpins our system of democracy, but it has evolved remarkably little since the founding of the United States. New information technology, including the Internet, offers an opportunity to strengthen the public meeting system by making it do more of what it was originally supposed to do: create a forum for democratic deliberation and accountability. The United States has approximately eighty thousand government bodies, which engage in formal public deliberation subject to public meeting and public record laws.¹ They include school boards, city councils, state legislatures, and the U.S. Congress.

E-Democracy Versus the Public Meeting

In recent years, a vast literature on “e-democracy” has emerged. This literature, defined as *the study of how the Internet and other new information technologies influence democratic processes and outcomes*, can be divided into two major categories: nongovernment and government. The nongovernment literature includes the mass media, interest groups, political parties, and candidates;² the government literature includes the judicial, executive, and legislative branches of government.³ Institutions with legislative functions are called legislatures, or more generally “public bodies.” Today, very little attention is being focused on the potential of new information technology to reform the public body.

Much of the empirical literature on e-democracy is not grounded in democratic theory. The literature tends to catalogue uses of the new technology but not to distinguish between uses that hinder or help democratic accountability.⁴ At the other extreme is a highly theoretical literature that makes little attempt to apply its abstract analyses to real world problems and institutions.⁵ Pervasive stagnation in the devel-

opment of the public meeting has meant that political scientists and policy analysts have had very little to study and evaluate.

My goal in this article is to put the public meeting on the e-democracy agenda and to suggest a specific public meeting reform agenda firmly grounded in democratic theory.

The Mechanism of Influence

Public meetings can exert great influence on legislative and electoral outcomes, but the mechanism of this influence is predominantly indirect and thus often misunderstood. The most common mistake may be to infer from the small audience for public meetings a proportionately modest impact.

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Every public body represents a certain group of citizens. Congress represents all U.S. citizens; the Maryland General Assembly represents the citizens of Maryland; and the Anne Arundel County Council represents the citizens of Anne Arundel County, Maryland. Occasionally, a public meeting generates a large public audience. Well-known examples at the congressional level include the Clarence Thomas Supreme Court nomination hearings, the Iran-Contra hearings, and the Watergate hearings. But in the vast majority of cases the audience for public meetings is tiny. Of course, the number of people who speak at a public meeting is even smaller than the number who observe.

Despite the small audience for most public meetings, they play a vital role in our democracy's system of deliberation and accountability. The public meeting is part of a two-step system of information flow between government officials and the general public. Intermediaries are the direct audience and participants in the public meeting and are responsible for relaying their most important findings to the general public. Even if only a few reporters monitor a public meeting, their findings may inform the general public. Even if only a few intermediaries ask questions and testify at a public meeting, they can fundamentally change not only what's reported to the general public but also legislative outcomes.

In fact, it is not even necessary for a single intermediary to actually attend or watch a live public meeting for that meeting to have a significant impact. All that is necessary is that the intermediary have the potential to view a verifiable version of the meeting—in other words, that a good public record of the meeting be kept. Good public records instill fear in legislators that an opportunistic or incompetent action will later be exposed to the public and have adverse electoral consequences. This deters them from engaging in such behavior in the first place. The standard for a good public record may differ with the context. But in general, the greater the fidelity and accessibility of a record, the more incumbents fear they might be held accountable for their actions.⁶

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When I worked in the U.S. Senate, I was repeatedly advised to “always think that every document you write could end up on the front page of the *Washington Post*.” Accordingly, controversial statements were reserved for face-to-face communication. Aides were also advised to lock in informal

promises from other people with a public statement or verifiable document. This explained, for example, why prospective administration appointees were asked the same questions by the same senator at Senate confirmation hearings as they were previously asked in private.

The Public Meeting as a Public Good

Public meetings are important not only because of their influence but also because they help solve the problem of market failure in democratic deliberation. Many economists, political scientists, and legal theorists have long considered democratic deliberation—with its immense positive externalities⁷—to be characterized by market failure.

Anthony Downs and Mancur Olson, both economists, describe a world in which it is rational for voters to be ignorant and only special interests have the incentive to become informed.⁸ Samuel Popkin, a political scientist, describes a world in which people in their role as consumers have far greater incentive to acquire information than in their role as citizen.⁹ Cass Sunstein, a First Amendment legal theorist, launches his inquiry by asking, “What if a marketplace of ideas allows for little in the way of political deliberation and discussion?”¹⁰ Most recently, Edwin Baker, a legal theorist with an economic bent, has written an entire book devoted to critiquing the proposition that “the market gives people the media they want.”¹¹

The type of deliberation afforded by the public meeting may be especially rife with market failure. Consider, for example, the economics of meeting publicity. The great majority of citizens do not consider public meetings either entertaining or informative enough to be worth watching. Advertisers therefore have minimal economic interest in supporting this type of programming. Moreover, even if there were a large market for public meeting advertising, programmers have no legal authority to either stop public meetings to insert commercial breaks or place products within the public meeting. The combina-

tion of small audience size and minimal opportunities for commercial insertion and product placement means that advertisers have been unwilling to fund public meeting coverage in the way they fund, say, prime-time TV. Nor, in the rare cases when advertisers have offered to fund this type of programming, have public bodies been eager to accept the proposed terms.¹²

Another way to fund public meeting coverage is through audience fees. A major problem with this funding mechanism is that the market for such information is tiny. Consequently, to the extent that there is a market for public meeting information, high prices must be charged to recoup costs and make a profit. Several commercial vendors, for example, provide timely transcripts to congressional hearings.¹³ But the price for this type of service can run into the thousands of dollars per year. This prices out of the market many citizens who might otherwise seek access to this information. Since democracy is based on the principle of political equality, not economic wealth, charging for access to a public meeting violates a basic democratic norm.

Another problem with market-based publicity is that private organizations tend to be subject to a much lower standard of public accountability and access. This problem may be especially severe when an interest group funds public meeting coverage as a lobbying tool, with the result that coverage subtly takes on the role of campaign contribution rather than accountability mechanism. A typical deal, in such a situation, calls for banning opposition candidates from using video footage. One common strategy is for a public body to allow a nonprofit to televise meetings in return for a promise that it will not allow nonincumbents to use the footage for political purposes. With such a system in place, lawmakers can gain publicity while minimizing accountability. C-SPAN illustrates how states and localities have been able to do this. C-SPAN televises congressional floor proceedings and receives a copyright for its coverage. It then uses this copyright to prevent any use of its

coverage for political purposes. Bona fide news media can use the footage (usually derived from one of the video press releases that members of Congress incessantly send out to their local media), but political challengers are barred from using it (for example, in televised campaign commercials). In contrast, it is illegal for the U.S. government to claim a copyright on its own publications, so if the government made the coverage available it would lose this type of control. As long as the cable industry subsidizes C-SPAN to curry good favor with members of Congress, it is hard to imagine that this situation will change.

In fact, few people would argue for abolishing public meetings any more than they would argue for abolishing publicly financed defense, law enforcement, and roads. The statement that public meetings are a public good is hardly controversial. This applies even to the fiercest advocates for free market interpretations of the First Amendment. Citizens intuitively grasp that the public meeting creates and disseminates certain types of civic information more efficiently than can the private sector, and also that if the public meeting were not government-subsidized and did not exist, many controversial issues and decisions would never even be brought to the attention of the general public.

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There are few calls to dismantle the formal public meeting system, but there are equally few calls to strengthen it. Like gravity and other natural phenomena, the public meeting is often viewed as having the implacability of a law of nature.

Public Meeting Components

The components of public meetings are remarkably similar, no matter the type or level of government body. There are three components: notice of a meet-

ing, discussion of issues at the meeting, and a decision concerning those issues. Let's call the notice the "agenda," the discussion "comments," and the decision the "vote." The essence of a public meeting, as opposed to a private meeting, is government-mandated public access to the meeting components, which includes meeting publicity, participation, and records. Each component of the public meeting needs to be rethought in light of new information technology.

Agendas

A posted agenda marks the beginning of a public meeting and circumscribes the topics for which comments and votes will later be allowed. The democratic quality of public participation at a meeting is often directly proportional to the timeliness, accuracy, and distribution of a meeting agenda. The best-organized special interests have little need for an agenda because they already have inside information. Posted agendas are for the benefit of the broader public.

Today's posted public meeting agendas tend to be highly incomplete. Even if an agenda item is known months or years in advance, the agenda is posted at the last possible minute allowed by law—perhaps just a few days before a meeting. If even one item on the agenda is considered an emergency, the entire agenda may not be posted until the emergency issue is resolved. The agenda generally refers to public documents that have yet to be completed or are not readily available to the public. All too often, only insiders and those with highly paid lobbyists can determine when an issue of concern to them is about to show up at a meeting for a vote.

Creating and maintaining accurate mailing lists in addition to paying for paper, postage, printing, and handling to send out agendas in a physical format can result in significant government costs. To minimize production and mailing costs, a public agenda may be short; meanwhile, at the opposite extreme, senior administrators and legislators may receive a foot-high stack of reading material about the same

agenda items. An agenda may also be sent only to insiders, with the rest of the public expected to visit a physical location, such as city hall, to see the agenda. In those jurisdictions where agendas are sent out, citizens may frequently be required to notify authorities of their interest in continuing to receive their notices. Others sign up for agendas because of a short-term interest but continue to receive printed public agendas, at significant public expense, for years. Placing brief meeting notices in the back pages of a local newspaper may be even more costly and less useful, because such notices are read by so few and are usually even shorter than the mailed agenda.¹⁴ Agendas are sent out on an all-or-nothing basis; no provision is made for individuals interested in tracking only a subset of agenda items.

New technology drastically changes agenda economics, allowing far more flexibility in how agendas are created and distributed. Agendas can be distributed via two basic types of technology: Web sites and e-mail. Web sites are good for archival information, especially if powerful search engines accompany them. E-mail, in contrast, is vastly superior for time-sensitive information such as agendas. Public bodies often incorporate the worst of both worlds. They put agendas on their Web sites at the last possible legally allowed moment and then remove them after a brief period of time. Meanwhile, they make no provision for e-mail notification, except for insiders such as board members and senior administrators.

The cost of distributing agendas via Web sites and e-mail is a tiny fraction of the cost of physical distribution. Indeed, with automated e-mail notification services (commonly called "listservs"), the cost of sending an e-mail is not appreciatively different for a single individual or a hundred thousand people, whereas the cost of sending a hundred thousand physical notices would be approximately a hundred thousand times greater.

New technology has made it practical to put together custom agendas not just for the next meet-

ing but also for all future meetings where agenda items, such as budget decisions, are mandated by written legislative policy. It is also practical to furnish links to all documents referred to in the agenda, reducing the advantage insiders have over outsiders and making the agenda a much more valuable foundation for public deliberation. For example, instead of just having an agenda item that says, “Approve FY2003 school budget,” it is practical to include a link to the complete budget. It is also practical to offer citizens “filters” so that they are only e-mailed notices that meet certain predetermined specifications.

Comments

Public deliberation on a posted agenda clearly influences the quality of democratic outcomes. A vast literature points to the value of democratic deliberation.¹⁵ But the quality of the deliberation is highly dependent on how government structures it and imposes costs on both speakers and listeners. Today’s top-down, government-controlled public meeting deliberation is an affront to First Amendment values of diversity and free speech. Nevertheless, this type of control has been absolutely necessary for the efficient conduct of the public’s business. Listening to members of the public speak can be extremely time-consuming, bringing all other business to a halt and driving away potential audiences and participants. Consequently, strict limits have been set on public participation, especially by bodies serving large publics. This makes it relatively easy for members of public bodies to eliminate from public discussion controversial and unflattering matters they would prefer not to discuss in public. But this may be the most valuable information for the public to hear.

Consider a local school board meeting held at 10:00 A.M. in a school district with a radius of fifty miles. Very few working families are able to observe such a meeting in person. Even if they can attend, the several minutes allocated to them might not be sufficient to express a complex thought.

To be sure, as many as 1 percent of the millions of public meetings held each year may be televised. But in the rare cases when meetings are televised, a large amount of the information available to a live audience—such as budget documents and readable flipcharts—is not available remotely. Moreover, there is no opportunity for remote comments.

Unlike the case of speaking through private media, opportunities for speaking without the threat of intimidation are few. With private media, it is possible to speak anonymously or merely on background, yet have one’s views disseminated. But public bodies, with rare exception, have made little provision for anonymous speech, something that is in any case impractical with face-to-face communication. This radically restricts the diversity of views that are expressed within a community, especially at the state and local levels where commercial media tend to be weakest and reliance on public bodies for information is the greatest. The Supreme Court has repeatedly defended anonymous speech as essential to a healthy democracy.¹⁶

Finally, the fidelity of comment records to their spoken counterparts tends to be abysmal. With few exceptions, there are no records of the content of remarks at all. So-called minutes usually record a meeting’s agenda and the outcome of votes, but there is little if any space allocated to the actual content of discussion. Even in the rare cases when a transcript is kept (probably less than .01 percent of all public meetings), it may not be available on a timely basis. For example, Congress does create transcripts of its hearings, but it may be years (and long after the next election) before it publicly releases these transcripts. In the case of other vital public meetings, such as congressional markup hearings, transcripts may never be produced.

The problem with video records is even worse. For the most part, public bodies treat video records differently from print records. A public body may televise a meeting for the sake of publicity but either not

keep a video record or destroy it shortly thereafter, even when the cost of preserving a record is a tiny fraction of the cost of televising a meeting in the first place. In cases where a video record is kept, this function is often farmed out to a nonprofit ally that agrees to ensure the record is never used in a way that is unflattering to incumbent elected officials.

New technology radically changes the economics of comments. First, it is no longer necessary to deliver comments face-to-face at a specific place and during a narrow segment of time. Instead, comments can be delivered remotely, and the comment period can begin the moment an agenda is posted and end only when the public body casts a vote on the agenda item. This is the way many executive agencies (such as the Federal Communications Commission, Federal Trade Commission, and Securities and Exchange Commission) already take comments on notices of proposed rule makings and other inquiries.¹⁷ The comment period begins when the notice is posted, and comments for the public record are accepted via e-mail and regular mail. The idea here is that before a public body holds a public hearing or casts its final vote, a substantial amount of public deliberation should have already taken place.

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Once comments need not be delivered face-to-face, they can easily be filtered out according to the credibility of the source and other criteria. This ability for audiences to eliminate unwanted comments greatly reduces the need for control of speech by public officials, who can still offer the public filters to identify authoritative commentators (for instance, “witnesses” invited by members of the public body to comment) but lose much of their current monopoly power over speech.

With new speech recognition technology, it becomes relatively easy to automate the transcript creation process. If each member of a public body were required, upon taking office, to train a voice recognition program, then the cost of preparing transcripts could drop precipitously. The current version of the Microsoft Windows operating system, for example, incorporates a speech recognition program. To use speech recognition, a user sets up a personal profile and then reads from a selection of English literature. All this is orchestrated through a speech recognition wizard. A language bar available in all Microsoft Office applications allows users to substitute voice for typed text and command entry.

If print and video transcripts are integrated, the print transcript, along with the agenda, can serve as an index to the video transcript. The video transcript, with its much higher standard of fidelity, can then serve as the legal document of record. Thus a journalist or other intermediary would be legally liable for quoting a print transcript without cross-checking the higher-fidelity video transcript for accuracy.

Using a video rather than text as the document of record has a number of advantages. First, speech recognition is not 100 percent accurate, so it avoids putting mistakes into the public record. Second, a video record is far more detailed than today’s typical meeting minutes. Third, a completely accurate verbatim transcript may approach a video record in accuracy, but such labor-intensive records are vastly more expensive to create than a video record created with robotic cameras. Fourth, both abbreviated minutes and verbatim transcripts usually take weeks (and sometimes months or years, in the case of Congress) to be officially and publicly published. By the time they are published, their democratic utility may be seriously diminished. Fifth, video records are much less subject to tampering. It is extremely easy to change the wording of minutes and verbatim transcripts; it is much harder to change a video record. Such changes to print records are routinely

made as a courtesy to elected officials who want to edit a statement they have come to regret. The *Congressional Record*, for example, is not published until members of Congress have been given a chance to edit comments they have made on the House or Senate floors.

Online comments also facilitate more anonymous speech, which tends to have different attributes from attributed speech. On the one hand, it greatly encourages the presentation of controversial views and critiques of those in power. On the other hand, the person making such comments loses accountability for false and malicious comments. The government grants publishers a happy balance. They are allowed to publish quotes and editorials from anonymous sources but remain subject to libel law for all content, including anonymous content, which they choose to publish. But public meetings have not provided similar flexibility. The lesson that speech can be anonymous yet accountable has not been adequately integrated into the public meeting. Online comments can foster this integration. A nonprofit group, for example, could post quotes and editorials under its name. To qualify for such postings, the nonprofit might be required to disclose the names and addresses of its principals as well as all funding sources. The principals would be legally liable for the content.

Votes

To hold elected officials accountable, the public must know how they vote. The highest type of accountability is a roll call vote, which attaches a particular vote to a particular member of a public body. Partly because roll call votes are time-consuming and thus reduce the time available for democratic deliberation, few government bodies routinely conduct them. Probably fewer than 1 percent of all public meeting votes are recorded with roll calls.¹⁸ The result of a vote may be all that is recorded, and sometimes even the vote total is not recorded—just whether the yeas or nays won. With new technology automating the roll call process, roll call

votes are instantaneous and thus no longer need to come at the expense of democratic deliberation.

Today, almost all voting is by simple yes-or-no vote. Preference voting, where numerous alternatives are presented and rank-ordered, is rarely allowed.¹⁹ One typical argument against roll call votes is used against preference voting as well: that it is time-consuming to tally rank-ordered votes. This is especially true of instant runoff voting, widely considered to be the best form of preference voting.²⁰ The complexity of tallying a rank-order vote increases exponentially with the number of options given. Thus, in comparison with a vote with only two options (yes or no) a rank-ordered vote quickly becomes burdensome to calculate by hand. However, with computer automation, a rank-ordered vote can be calculated instantaneously, thus eliminating this disadvantage.

Access

Without affordable public access to the contents of a so-called public meeting, the designation of a meeting as public means little. For all practical purposes, the great bulk of what goes on today at public meetings is essentially private; very few meetings are televised, most have only a few members of the public in attendance, the minutes kept are sketchy at best and do little more than suggest a vague description of motions passed and defeated,²¹ and video records are rarely kept at all. The consequence is that the public meeting not only serves its stated purpose in a grossly inefficient manner but also skews results to favor special interests and minimize official accountability.

Consider records access. By far the majority of public meeting records of agendas, comments, and votes are locked up in file cabinets and accessible only to members of the public willing to transport themselves to a distant office, pay a stiff fee for photocopying, and suffer innumerable inconveniences (often in the form of delay). Public officials also carefully monitor certain types of threatening record requests and may take countermeasures in response.

Public officials, for example, often find it of immense interest when a potential challenger or interest group asks for certain information, especially if it has unflattering implications. Thus there is often strong resistance to anonymous record requests.

Highly accessible online access to public meeting records is virtually unheard of. Even in Congress, the wealthiest and perhaps best-documented legislature in the world, the quality of online access is surprisingly poor. The Government Printing Office makes select transcripts of committee proceedings available online years after a meeting has taken place.²² Even then, powerful search options, such as those available on Nexis and other commercial databases, are unavailable. For example, it is not possible to search for the roll call votes of a particular member of Congress. The timeliness and fidelity of online access to congressional floor proceedings (contained in the *Congressional Record* and published by the Library of Congress) is much better than for committee proceedings; yet even here convenient access to sensitive information, such as roll call votes by member (as opposed to by bill), is unavailable. As noted earlier, Congress has been adamant about opposing an accessible congressional video record to complement its print record. Obviously, emerging information technology makes high-fidelity and easily accessible public meeting records increasingly feasible. In Washington, D.C., for example, the federal government, with the endorsement of Congress, now employs a sophisticated network of thousands of video cameras and recorders for security and law enforcement purposes. What it has not done is apply this technology so that citizens can monitor their government rather than government monitor its citizens.

Conclusion

The public meeting is a very important part of a democratic system of government. Even in its current archaic form, it serves a valuable function. But with new information technology, it could do an even better job.

Unfortunately, elected officials have a built-in conflict of interest when it comes to using new information technology to make themselves more accountable to the public.²³ Any rational, reelection-seeking politician should oppose the introduction of any new technology that reduces the chance of getting reelected and thus oppose virtually every reform suggested here. Indeed, the outdated state of the public meeting is evidence that the internal impetus for reform is slight.

However, there is hope. The political logic of this problem is not fundamentally different from any democratic reform such as reducing the influence of money in politics via campaign finance reform. Most politicians instinctively oppose public meeting reform just as they do any other reform to increase their democratic accountability. But with sufficient public support, they can be forced to act in the public interest. It is noteworthy, for example, that many hard-fought democratic reforms pass with an overwhelming majority when they finally come out of the shadows and get to a public vote. The trick is getting them to that point.

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The most important task right now may be to prevent the new information technologies from being misused so that elected officials become even less accountable to the public than they currently are. For example, the tendency to use televised public meetings as free exposure for incumbents—with the televised meeting designed to minimize controversy and make incumbents look good—has been a step in the wrong direction. So has the tendency for incumbents to take video clips of public meetings and send them out as video press releases to local TV stations—all while preventing challengers from having

access to the same public meeting video. The school board in my own county has recently announced that it will deploy a system that allows the public to file electronic comments on agenda items. But the comments will only be available for viewing by the superintendent and board members, and they will be destroyed after the board votes on the item.²⁴

Only if the mass media and good government groups, such as the National Civic League, the League of Women Voters, and Common Cause, rally around public meeting reform does it have any chance of happening. One rallying cry might be to prevent new information technologies from being used to make elected incumbents even less accountable. A good place to start on a positive agenda might be to develop an electronic equivalent to Robert's Rules of Order, integrating all the components of the public meeting into one seamless environment that enhances democratic accountability. The public also needs to be educated about the important role of the public meeting in our democratic system. Too often, the public meeting is disparaged as boring and irrelevant. Expecting public bodies to make themselves more accountable, without first laying the groundwork of significant and well-informed grassroots pressure, is surely a pipe dream.

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NOTES

1. As of June 1997, the U.S. Census Bureau reported that there were 87,504 governmental units in the United States. See U.S. Department of Commerce, Bureau of the Census. *1997 Census of Governments*. Washington, D.C.: Department of Commerce, 1997.
2. See, for instance, Putnam, R. D. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon and Schuster, 2000; Kamarck, E. C., and Nye, J. S. *Democracy.Com?: Governance in a Networked World*. Hollis, N.H.: Hollis, 1999; Hill, K. A., and Hughes, J. E.

Cyberpolitics: Citizen Activism in the Age of the Internet, People, Passions, and Power. Lanham, Md.: Rowman and Littlefield, 1998; and Rheingold, H. *The Virtual Community: Homesteading on the Electronic Frontier* (rev. ed.). Cambridge, Mass.: MIT Press, 2000.

3. The early government literature focused on the pros and cons of using e-voting technologies to strengthen direct democracy. More recently, public officials' use of e-mail and Web sites to communicate with constituents has taken center stage. See Becker, T. L. "The Comprehensive Electronic Town Meeting and Its Role in 21st Century Democracy." *Futures* (published in London), 2001, 33(3/4); Naisbitt, J., and Aburdene, P. *Megatrends 2000: Ten New Directions for the 1990s* (1st ed.). New York: Morrow, 1990; Toffler, A., Toffler, H., Gingrich, N., and Progress and Freedom Foundation. *Creating a New Civilization: The Politics of the Third Wave*. Washington, D.C.: Progress and Freedom Foundation, 1994; Arterton, F. C., and Roosevelt Center for American Policy Studies. *Teledemocracy: Can Technology Protect Democracy?* (Sage Library of Social Research, vol. 165.) Washington, D.C.: Sage Publications, 1987; Congressional Management Foundation. *Congress Online: Assessing and Improving Capitol Hill Web Sites*. Washington, D.C.: Congress Online Project, 2002.
4. See, for example, Browning, G. *Electronic Democracy: Using the Internet to Transform American Politics* (2nd ed.). Medford, N.J.: CyberAge Books, 2001; Bennett, D., Fielding, P., and Rockefeller, J. D. *The Net Effect: How Cyberadvocacy Is Changing the Political Landscape*. Merrifield, Va.: e-advocates Press, 1999.
5. Barber, B. R. "Three Scenarios for the Future of Technology and Strong Democracy." *Political Science Quarterly*, 1998, 113(4); Barney, D. D. *Prometheus Wired: The Hope for Democracy in the Age of Network Technology*. Chicago: University of Chicago Press, 2000.
6. Snider, J. H. "E-Democracy as Deterrence: Public Policy Implications of a Deterrence Model of Democratic Accountability." Paper presented at the annual meeting of the American Political Science Association, San Francisco, 2001.
7. See Baker, C. E. *Media, Markets, and Democracy*. New York: Cambridge University Press, 2002. Baker describes positive externalities in this way: "For net externalities to be positive means that the media product produces value for which the media firm does not receive payment. Essentially, the market gives the firm insufficient incentives to produce. The audience pays for the benefit to itself but is deterred from purchasing by being required to also pay for benefits to third parties" (p. 42).

8. Olson, M. *The Logic of Collective Action: Public Goods and the Theory of Groups*. (Harvard Economic Studies, vol. 124.) Cambridge, Mass.: Harvard University Press, 1965; Downs, A. *An Economic Theory of Democracy*. New York: HarperCollins, 1957.
9. Popkin, S. L. *The Reasoning Voter: Communication and Persuasion in Presidential Campaigns*. Chicago: University of Chicago Press, 1991.
10. Sunstein, C. R. *Democracy and the Problem of Free Speech*. New York: Free Press, 1993, p. 28.
11. Baker (2002), p. 4.
12. Of the many thousands of televised public bodies in the United States, I do not know of a single one supported by advertising dollars. In the mid-1990s in Vermont, Adelphia Cable offered to televise the Vermont General Assembly and to fund this coverage in part with advertising revenues. The Speaker of the House refused the offer.
13. See “Congressional Universe” in Nexis, which includes Congressional transcripts provided by the Federal News Service and Federal Document Clearing House.
14. The legal requirement, contained in many state open-meeting laws and local ordinances, to post public meeting notices in the local monopoly daily newspaper is a substantial and guaranteed source of revenue for these newspapers. I have never heard of one of these newspapers arguing against such a legally mandated subsidy. But I am confident that if anyone proposed to replace this system with a more efficient one that bypassed the local monopoly newspaper, at least some of these newspapers would howl in protest.
15. See Dahl, R. A. *Democracy and Its Critics*. New Haven, Conn.: Yale University Press, 1989; and Fishkin, J. S. *Democracy and Deliberation: New Directions for Democratic Reform*. New Haven, Conn.: Yale University Press, 1991.
16. *McIntyre v. Ohio Election Commission*, 1995, 514 U.S. 334.
17. For a portal into all federal government Web sites accepting e-comments, check www.Regulations.gov.
18. The 1 percent estimate is based on anecdotal evidence the author has gathered from personally observing a diverse sample of dozens of public bodies, including committee meetings.
19. A number of private bodies, such as the Harvard University faculty, use preference voting, but I do not know of any legislature that uses preference voting for internal decisions as opposed to external elections. Preference voting has long been used to elect city councilors in Cambridge, Massachusetts, and in a handful of other local jurisdictions. In early 2002, it was adopted for select elections in Vermont and California.
20. Both the Electoral Reform Society in Great Britain and the Center for Voting and Democracy in the United States endorse instant runoff voting.
21. Many public bodies create audiotapes in lieu of transcripts, but these audiotapes tend to be extremely inaccessible to the general public.
22. Some committees now permit timely online access to select committee meetings or select parts of committee hearings such as the submitted and approved comments of expert witnesses. But the variation among and within committees is large, and the search options both among and within committees are at best primitive.
23. See Snider, J. H. “E-Government vs. E-Democracy.” *Government Technology*, Aug. 2001; and Snider, J. H. “Time for an E-Congress?” *Vital Speeches of the Day*, Dec. 15, 2001.
24. Marselas, K. “School Agendas Going High-Tech.” *Capital*, Apr. 27, 2003, p. A7.