

IN BRIEF

**Citizen
Participation
in the
American
Federal System**

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FOREWORD

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This "In Brief" report highlights Commission findings and recommendations from an ACIR report entitled *Citizen Participation in the American Federal System*, adopted by the Advisory Commission on Intergovernmental Relations on March 23, 1979. The full report is available upon request.

Major staff work on the full report was accomplished by Assistant Director David B. Walker and Senior Analysts Bruce D. McDowell and Albert J. Richter. Others, including Professor John Rehfuss of Northern Illinois University (now with California State University, Sacramento) made significant contributions to the study. Carol S. Weissert, ACIR Information Officer, wrote this "In Brief" based on their work.

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INTRODUCTION 1

Citizens participate in many ways in American government.

First of all, they vote. Voting for officials—both in the nominating and the electoral processes—and on ballot issues is the fundamental form of citizen participation upon which representative democracy rests.

They also serve as members of groups and committees, write letters, receive and send information, attend conferences and hearings, answer questionnaires, and call up “hotlines.”

They are involved in making key decisions such as which schools to close or where the new highway should go. They help to develop budgets and regulations; they volunteer their services to government and receive governmental services.

Citizen participation is formal and informal, is found at all governmental levels (but mostly at the local), and is expedited and performed in scores of different ways.

What draws most of these variant elements together is their common purpose: full and free interchange of information between citizens and their appointed and elected officials. The decisionmakers need to know what the public wants and how the decisions they make actually work in practice. Citizens need to know what the officials are doing so that they can hold them responsible. The public also must know the reasons for governmental decisions if it is to retain confidence in the soundness and equity of those decisions.

Governments at all levels have instituted procedures for encouraging citizens to participate in public decisionmaking through local ordinance, state law, and, more recently, requirements or “strings” in federal grant-in-aid programs to state and local governments.

The prevalence of these procedures and questions concerning their effectiveness prompted the Congress, in its 1976 renewal of General Revenue Sharing, to request ACIR to prepare a study of "the legal and operational aspects of citizen participation in federal, state, and local government fiscal decisionmaking." This "In Brief" summarizes that study—and the Commission recommendations resulting from it—focusing on key intergovernmental questions involving the use of citizen participation requirements in federal grants, the impact of those requirements on state and local government, and methods used by state and local governments to encourage citizen participation.

WHAT IS CITIZEN PARTICIPATION?

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Despite mounting concerns about apathy—supported by low and falling voter turnouts—the desire on the part of particular segments of the citizenry to participate in both public and private sector activities affecting their welfare is not dormant. Citizen participation in government has a lengthy and deeply rooted history in America, and the U.S. still is among the most participatory of nations.

Participation in government is most direct and most frequent at the local level. Governments at higher levels—states, the federal government, and regional organizations—inevitably have relied much more heavily upon representative mechanisms, and local governments have moved more toward this form of democracy as they have grown in size. Yet, the American tradition of direct participation in government has been strong, and states have provided for it within the local government structures they created and have adopted it in various ways in their own operations.

The federal government also has developed a variety of opportunities for direct participation in its processes, and in recent years increasingly has attached requirements for citizen participation to federal grant dollars going to state and local governments and other recipients. Thus, participation by the public now is provided not only within each level of government, but also as a principle of government transmitted by the inter-governmental grant system. And the latter has been a source of substantial controversy.

Currently some 31 different forms of participation are being used by one or more segments of the population in their contacts with government (see *Figure 1*). These are geared to meeting one or more of the following objectives:

Figure 1

FORMS OF CITIZEN PARTICIPATION

I. Organizational Forms

Citizen Groups
Special Interest Groups
Specific Program
 Clientele Groups
Official Citizen
 Committees

II. Individual Forms

Voting
Being a Program Client
Making Statements
Working in Public
 Projects
Campaigning/Lobbying
Administrative Appeals
Going to Court
Demonstrations

III. Forms of Information

Dissemination

Open Government
Meetings/Speaker
 Bureaus
Conferences
Publications
Mass Media
Displays/Exhibits
Mail
Advertising/Notices
Hot Lines
Drop-in Centers
Correspondence
Word of Mouth

IV. Forms of Information

Collection

Hearings
Workshops/Meetings/
 Conferences
Consultation
Government Records
Nongovernment
 Documents
Participant Observers
Surveys

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- ☐ giving information to citizens;
- ☐ getting information from, or about, citizens;
- ☐ improving public decisions, programs, projects and services;
- ☐ enhancing acceptance of public decisions, programs, projects and services;
- ☐ supplementing agency work;
- ☐ altering political power patterns and allocations of public resources;
- ☐ protecting individual and minority group rights and interests; and
- ☐ delaying or avoiding making difficult public decisions.

While few can object to the goal of involving citizens in gov-

ernmental decisionmaking, the procedures used to encourage this interaction are subject to numerous criticisms including:

- They often are time-consuming and costly—and sometimes they yield little by way of tangible results.
- Citizens who are drawn to the citizen participation processes do not truly represent the general citizenry—they tend to represent only special interests or concerns.
- By instituting citizen participation procedures, the government “fulfills” a desire for more citizen involvement; yet, in many cases, procedures are implemented in a “pro forma” manner encouraging little real participation.
- Citizen participation procedures may undermine the representative system already in place where people elect officials who presumably speak and act for them.

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The effects of the various types of citizen participation are not always the same. Some forms and techniques cost less than others, take less time, and attract greater numbers of participants. Some are more politically acceptable than others, and still others have greater potential for producing new ideas or resolving conflicts.

Providing simpler and clearer decision processes, more adequate training of citizens and officials involved in the participation process, better staff and technical assistance, and economic assistance or incentives for participation can or might improve the participation actually experienced—but at a cost. By these means, more affected persons could participate in governmental decisionmaking processes, and there would be greater understanding of the process and greater capability to enter into a creative and constructive dialogue.

Of course, these factors of inclusiveness, creativity, and capability do not tell the whole story. If basic interests are too diverse, then a consensus may not develop in the advisory process and the parties may abandon it for the exercise of their power options—such as campaigning and voting for a change of government, demonstrating, picketing, going on strike, or using such other means as they may muster—or simply disengage. Advisory citizen participation methods are only one part of the total governmental decisionmaking process, and there is no guarantee that they will produce “success” from the viewpoint of any given participant in any given situation.

Thus, there is no perfect citizen participation mechanism. An effective and efficient citizen participation process must be tailored to the level of government and nature of the issue being considered.

CITIZEN PARTICIPATION AND THE FEDERAL GRANT SYSTEM 7

Justifications for federal citizen participation requirements stem from long traditions of American democracy. These are reflected in the First, Fifth, and Fourteenth Amendments to the U.S. Constitution which, among other things, guarantee to all citizens the right to have a free press, exercise free speech, assemble freely with one another, petition their governments for redress of grievances, and receive equal treatment under the laws in accordance with "due process."

The federal civil rights laws and antipoverty programs of the mid-1960s emphasized that minority groups are not to be excluded from enjoyment of these and other rights and that federal aid must be spent in nondiscriminatory ways. In addition, several individual federal aid programs have specific provisions repeating bans on discrimination. With this precedent, federal aids now are required to meet the special needs of minorities, diverse racial and ethnic groups, various age and income groups, both sexes, and the handicapped or disadvantaged, as well as the needs of the general public.

The existing citizen participation requirements in federal aid programs, then, have the dual function of assisting the people in the exercise of their constitutional rights of access to government and helping state and local governments identify the needs of the diverse groups which are to be assisted fairly and equitably under various federal aid programs.

Interest in, and concern for, adequate citizen participation has been strong over the past dozen years and is supported by many groups in addition to those concerned with civil rights. "Good government" groups such as Common Cause and those banding together to save the environment are examples of groups which

encourage the inclusion of citizen participation requirements in federal aid programs.

The Coastal Zone Management Act of 1972, Headstart Economic Opportunity and Community Partnership Act of 1974, Resource Conservation and Recovery Act of 1976, and the Housing and Community Development Act of 1974 are only a few of the examples of recent federal programs calling for substantial consultation with, or participation by, the public (see Table 1). In addition, recent legislation imposed citizen participation requirements on already existing programs such as the Federal Water Pollution Control Act Amendments of 1972 and the Regional Development Act of 1975.

8 But the most far-reaching federal aid legislation with a citizen participation component—in the sense of numbers of governmental units affected—was the extension of General Revenue Sharing in 1976. The original 1972 law required only that state and local government recipients annually publish copies of their reports on actual and planned use of revenue sharing funds.

The renewal legislation tightened up the process for publishing information and required public hearings on the proposed use of revenue sharing funds and their relationship to the recipient jurisdiction's adopted budget. It also required states and localities to make an effort to give senior citizens an opportunity to be heard on the allocation of GRS funds.

In order to determine the impact of federal grant requirements on recipients, ACIR surveyed federal, state, and local officials, examined how citizen participation works in five selected grant programs, and made an extensive literature review.

The Commission found that, as of December 1978, citizen participation requirements were contained in 155 separate federal grant programs—almost one-third of the total—accounting for over 80% of grant funds. Most of these requirements (79%) were adopted since 1970. Over half were in HEW programs and about three-fifths of these were in the Office of Education. Further:

- ❑ The establishment of boards or committees and prescription of their membership was the most usual type of mandate—found in 89 programs. The boards or committees were confined to advisory powers, except for 24 programs involving 17 separate committees.
- ❑ Public hearings were the next most commonly mandated participation mode and are most prevalent outside HEW.
- ❑ Other types of mandated public involvement (found in 114 of the 155 programs) included giving notice of the preparation of a grant application or a plan, conducting workshops, and offering opportunities for giving testimony or review

Table 1
Federal Grant-in-Aid Programs Requiring Citizen Participation, by Agency and Period of Time in Which Mandating Legislation or Regulation Was Adopted

Department or Agency	Prior to 1960	1960-64	1965-69	1970-74	1975-78	Total
Agriculture				2	5	7
Commerce			5	3		8
HEW	(1)	(3)	(8)	(50)	(20)	(82)
PHS		2	1	12	3	18
OE		1	4	30	15	50
OHDS			1	8		9
HCFA			2			2
SSA	1				2	3
HUD	1			1	1	3
Interior		1			1	2
Justice			2	1		3
Labor	1			3	2	6
Transportation	1	2		1	1	5
Appalachian Regional Commission					14	14
General Services Administration					1	1
Community Services Administration		4		3		7
Water Resources Council			1			1
Environmental Protection Agency	1			5	3	9
ACTION					3	3
Energy					3	3
Treasury					1	1
Total	5	10	16	69	55	155
Percentage	3	6	10	45	36	100

Source: ACIR staff tabulation.

and comment. They varied with respect to the interests involved, the stage of decisionmaking affected, and the types of participation mechanism mandated.

The findings indicate that the variations in forms of citizen participation are substantial. Similar programs within the same department or agency, or programs in the same functional area, or programs dealing with like phases of the decisionmaking process differ with respect to whether they do, or do not require citizen participation and how it should be encouraged.

The impact of different kinds of federal citizen participation requirements varies, but overall it is modest. The major participants in the process are the middle class. Even special efforts targeted to certain low income groups often do not produce significant participation by them. For example:

- In the Title XX (social services) program, considerable difficulty was encountered in obtaining widespread involvement by low income consumers of social programs.
- In the community development block grant, at least in the early years, much dissatisfaction was voiced with the alleged under-involvement of lower income groups in a program where Congress clearly intended these groups and their urban neighborhood should have priority attention.
- A study of citizen participation in eight federally aided municipal services found that citizen participants generally were middle class or "aspiring" members of lower income groups. "Ordinary" citizens were influential only in neighborhood health centers. Even the most activist programs of citizen participation—Community Action and Model Cities—involved largely middle class citizens and those with prior leadership experience.

ACIR also found:

- Citizen participation requirements tend to have a stimulative effect on localities' expenditures.
- The amount of influence exercised by the citizen in decisionmaking apparently varies. In some programs, such as General Revenue Sharing and coastal zone management, citizens and policymakers feel that the citizens did affect the setting of priorities. In other cases, particularly programs requiring only public hearings, decisions often were made prior to the citizen participation process and, thus, it was merely a rubber stamp effort.
- Citizen participation processes tend to help citizens feel closer to individual programs but do not necessarily reduce their feeling of alienation toward government generally.

CITIZEN PARTICIPATION IN THE FEDERAL GOVERNMENT'S OWN ACTIVITIES

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The *Administrative Procedures Act (APA)* of 1946 and its "Freedom of Information" and "Government in the Sunshine" amendments set the minimum requirements for citizen access to, and involvement in, the federal administrative process. Public involvement is confined to specified points in administrative proceedings. In effect, the APA limits the mobilized citizenry largely to middle and upper-class organized interests able to obtain legal counsel on their own.

In legislation requiring citizen participation enacted in the late 1960s and early 1970s, largely centering on environmental protection, Congress emphasized the agencies' affirmative responsibility to encourage public participation. Usually, however, a target population and the operational meaning of this kind of involvement were not specified.

In a general appraisal of citizen participation at the federal level in 1976, the Interagency Council on Citizen Participation concluded that:

- ☐ Authority and responsibility for citizen participation in government agencies are often unclear, deficient, fragmented, or nonexistent.
- ☐ Agency resources (personnel, expertise, funding, organization) for better execution of citizen participation are insufficient when compared with other agency responsibilities.
- ☐ The policy, commitment, and initiative of agency leadership on citizen participation in the decisionmaking process have been of widely uneven quality and priority.
- ☐ The planning, execution, and evaluation of citizen participation processes are unresponsive to the real needs and priorities of a large segment of the public.

A 1977 Senate committee report on independent regulatory commissions found that participation by regulated industries predominates; the lack of financial resources is the greatest single obstacle to active public participation by potential participants; and nearly all regulatory agency advisory committees seriously lack representation of consumer and other broad public interests. The committee's recommendations included establishment of an independent nonregulatory consumer agency, creation of internal consumer advocate offices within major federal ratesetting regulatory agencies, and legislation authorizing compensation to eligible persons for costs incurred while participating in certain agency proceedings.

- 12 The Carter Administration has undertaken a number of initiatives on citizen participation, including support for a governmentwide office of consumer affairs, a directive to federal agencies to involve the public early in the regulation-development process, provision for greater involvement by neighborhood organizations and voluntary associations in implementing the Administration's urban program, strengthening of the White House Office of Consumer Affairs, and a study of citizen participation as a part of the President's Reorganization Project.

Other major participation techniques used at the national level include national advisory committees; special national advisory commissions, such as the Hoover Commissions on Organization of the Executive Branch of the Government; and White House Conferences, such as the recent one on Balanced National Growth and Economic Development.

CITIZEN PARTICIPATION AND THE STATES

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Intergovernmental mandating of citizen participation is not limited to federal grants-in-aid. For example, state laws in every state require local governments to be operated in the open, and most states specifically require budget hearings and voter approval of at least some local fiscal decisions such as extraordinary increases in local property tax rates and the issuance of local general obligation bonds. Furthermore, about 800 local planning commissions have been established under state law to bring citizens into the planning process.

States also use several mechanisms to encourage citizen involvement in state-level decisionmaking mainly through open meeting and open record laws, improved state administrative procedures acts, better public information on state legislative activities, and more strenuous efforts to encourage public involvement in the development of the state budget.

State Open Meeting Laws

All 50 states have some form of open meeting laws, applying variously to meetings in the legislative and executive branches and requiring public notification.

State open meeting laws apply to state legislative committees, state executive branches and independent agencies, and local governments in all 50 states. They also apply to floor actions of the legislatures in 46 states.

These laws have specific limitations on the use of executive sessions by multimember governmental bodies in all 50 states. They provide for prior notice of the meetings of such bodies in 42 states, require that minutes of such meetings be kept for public information purposes in 37 states, and provide for enforce-

ment by (a) personal sanctions against individual violators in 35 states, (b) voiding the actions resulting from improper meetings in 31, and (c) giving citizens the legal standing to sue violators in 35.

State Open Records Laws

As of 1975, 47 states and the District of Columbia had open records laws, often referred to as freedom of information laws. These laws define those records of state and local governments which are available to the public; set procedures for inspecting, copying, and paying for them; and establish procedures for adjudicating denials of access to public records.

14 These statutes, however, are not uniform, despite the availability of model acts reaching back as far as 1961. For example, only 17 states provide administrative or judicial review of denials, and some of the laws are too general to be enforced well.

Public Information in State Legislatures

In the last few years, most state legislatures have increased their efforts to become more open and visible to the general public through such means as:

- ☐ publishing and making available agendas and schedules for floor action and committee activities;
- ☐ setting up "hotline" telephone services throughout the state; and
- ☐ improving or making available facilities for electronic media.

Some legislatures fund or encourage substantial in-depth public television coverage of the legislature's activities, sponsor regional legislative meetings throughout the state between sessions, and conduct a variety of educational programs to help the public understand the legislative process. California provides information in Spanish as well as in English.

State Administrative Procedures Acts

Forty-eight states and the District of Columbia have administrative procedures acts. These apply to virtually all state administrative agencies and to an undetermined number of local governmental agencies.

In 46 states, the administrative procedures acts have one or more provisions governing rulemaking by administrative agencies. Forty-five states and the District of Columbia provide for notification about rulemaking procedures; 42 and the District of

Columbia provide an opportunity for citizens to present their comments in either written or oral form; while 38 authorize citizens to petition agencies for rulemaking action.

Despite the existence of a model act, there is substantial variation not only among the major provisions for rulemaking, but also on such details as the length of time for notice before actual rulemaking will occur, the procedures for accepting comments, and the procedures for agencies in responding to petitions requesting rulemaking action.

Twenty-five states have a regular publication similar to the *Federal Register* in which they notify the public of rulemaking actions and publish administrative rules or information about their availability, while 26 have codified their administrative rules and regulations.

Thirty-four states have formal procedures whereby the legislature reviews the regulations developed by state administrative agencies pursuant to state legislation. Such review may be advisory only, or it may allow for disapproval or delay of a regulation.

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State Budget Processes

Of the 50 states, 29 have annual budgets, while 21 have biennial ones. Most state budget processes are not especially well geared to citizen participation. Only 17 states provide for hearings in the preparation of the Governor's budget, and even in these cases the hearings are largely for state agency and legislative participation. The legislatures in 37 states, however, do hold budget hearings which usually involve the general public, while private organizations have access to the legislative budget process in 44 states.

Miscellaneous Provisions for State Citizen Participation

At least three states—Hawaii, Iowa, and Nebraska—and a few localities have established ombudsmen offices or similar complaint handling services to assist their citizens in disputes with the government. Several model acts are available for this purpose.

A uniform public assembly act is available to assist state and local governments in facilitating and protecting citizens' rights to hold large public assemblies, subject only to such restrictions on time, place, and manner of conducting the assembly as are appropriate to safeguard the civil liberties of nonparticipants.

As of 1976, 32 states had established state offices of volun-

teerism. Most are in, or closely related to, the Governor's office and provide a substantial presence for citizen participation advocates in the central policy councils of state government, in addition to providing the services of volunteers in state government.

CITIZEN PARTICIPATION AND LOCAL GOVERNMENT

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It is at the local level—the government “closest to the people”—that citizen participation is most prevalent.

The Local Budget Process

One point of citizen involvement is the local budgetary process. Forty states (as of 1975) required local budget hearings or publication of notices about proposed budgets, and even in the ten states where such state requirements do not exist, local budget hearings are held about as often as the average of the other states. More specifically:

- ☐ In 35 states, citizens or taxpayers had some access to decisionmaking in the municipal budget process.
- ☐ In 30 states, citizens or taxpayers had some access to the county budget process.
- ☐ In 23 states, citizens or taxpayers had some access to both the city and the county budget process.
- ☐ In 38 states, publishing notice of a proposed budget and/or budget hearings was required before the final budget could be adopted for a city or county; in one other state, the proposed county budget was open for inspection before final adoption.
- ☐ In 32 states, statutes expressly required public hearings before city or county budgets could be finally adopted; one other state provided for an election to enact the city budget, while two others provided for written complaints or petitions to protest items in a proposed city or county budget.

In spite of the prevalence of these procedures, there is some question about the actual participation in the process by citizens.

An ACIR/International City Management Association survey of a large group of local government officials found that 52% said there was "very little" actual participation in the local budget process by citizens. Only 7% reported "a great deal" of participation.

The 1978 survey also questioned the officials as to the nature of the participation and its effectiveness. It found:

- ☐ Some 60% of the municipal and county officials reported that participation in the local budget process usually was through formal mechanisms such as hearings and advisory committees.
- ☐ Fifty-four percent of municipal officials and 65% of county officials desired greater citizen participation in their jurisdiction's budget making, while only 2% desired less.
- ☐ About 47% of municipalities and 44% of counties reported that they provided staff assistance to citizens wishing to participate in the budget process.

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Organized groups participated in over 80% of local budget hearings, according to the survey; on the average, three groups were involved. Senior citizens were the most frequently represented interest. Other active groups included the League of Women Voters, business and industry groups, neighborhoods, racial or ethnic groups, taxpayers, and homeowners. The rankings were similar for counties, except that taxpayers, groups were more active, ranking fourth.

In their narrative responses, many localities expressed doubts about the effectiveness of citizen participation in the formal budget process. Most comments cited such factors as the late stage at which hearings are held, the other processes throughout the year which predetermine budget commitments, the complex and deadening nature of the figures, low motivation of the average citizen in overall budget matters, and the dominance of special interests. More positive, but less frequently expressed, comments stressed participation in the budget process as a culmination of a year-long process of interaction between organized and assisted citizen groups and their local governments.

Perhaps the brightest spot in budget participation is the experience of localities (particularly in New England) having the town meeting form of government. Eighty-six percent of these localities reported "a great deal" or "a moderate amount" of citizen participation in the local budget process, compared to 49% for the next highest reporting category of local government (council-manager communities).

Advisory Committees

Municipalities and counties both make heavy use of citizen advisory committees. Ninety-five percent of those responding to the 1978 survey reported having one or more such committees, with 11% having 20 or more.

The average municipality had one to five committees with 25-49 citizens on each. About half of the municipalities had more than 50 citizens altogether serving on such committees, and 105 cities reported that the total number of citizens serving was in the range of 200-500.

The average county also had one to five such committees, with an average of 50-99 members on each. Thus, county committees tend to be larger than municipal ones.

Citizen advisory committees are required at the local level by 53 federal aid programs. Local planning commissions, most having largely advisory roles under state laws, numbered about 800 in a 1970 count.

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Citizen Surveys

Over 50% of large cities and counties (including cities over 100,000 in population, and counties over 250,000) use citizen surveys to provide representative samples of citizen views, helping to balance the often unrepresentative elements of participation found in public hearings and some other commonly used forms of participation.

INITIATIVES AND REFERENDA

21

Direct balloting to decide at least some public policy issues is used in most states and localities, though the authorizations for such voting vary greatly among the states. Advisory votes also are common at the state and local levels.

Direct balloting on issues can be initiated by citizen petition for amending the state constitution in 17 states (see Table 2). In 21 states, citizens can vote on state and local laws put on the ballot by the initiative process, and in an additional 11 states, citizen initiatives apply only to local laws. Altogether, 32 of the states (nearly two-thirds) have some experience with the initiative.

Forty-two states provide for the use of referenda to confirm legislative actions through popular balloting. In 35 of these states, both state and local laws (for at least some classes of localities) are subject to referendum. Four states apply the referendum only to state legislation, while three apply it only to local laws.

Fifteen states have all the forms of initiative and referendum, including initiatives to amend the constitution and pass laws at both the state and local levels, and referenda to confirm laws at both the state and local levels.

Many states have special provisions for referenda in fiscal matters. Thirty-seven states have local property tax rate limitations, and three-quarters of them (27) have some provision for local referenda to allow the limit to be exceeded. States commonly submit their proposed long-term, general obligation bond issues to referendum, and 45 states require local referenda to authorize local bonds of this type.

About 35% of both municipalities and counties, responding to a 1978 survey, reported voting on local tax limit changes during the three-year period of 1975-77. Nearly 20% of the municipal

Table 2

STATES WITH DIRECT DEMOCRACY PROVISIONS 1976

State	Constitutional Initiative	Statutory Initiative		Statutory Referendum	
		State	Localities	State	Localities
Alabama					
Alaska		x	x	x	x
Arizona	x	x	x	x	x
Arkansas	x	x	x	x	x
California	x	x	x	x	x
Colorado	x	x	x	x	x
Connecticut					
Delaware					
Florida	x			x	x
Georgia			x	x	x
Hawaii					
Idaho		x	x	x	x
Illinois	x			x	x
Indiana					
Iowa				x	x
Kansas				x	x
Kentucky			x	x	x
Louisiana			x		
Maine		x	x	x	x
Maryland				x	x
Massachusetts	x	x	x	x	x
Michigan	x	x	x	x	x
Minnesota			x		x
Mississippi					
Missouri	x	x	x	x	x
Montana	x	x	x	x	x
Nebraska	x	x	x	x	x
Nevada	x	x	x	x	x
New Hampshire				x	
New Jersey			x	x	x
New Mexico				x	
New York				x	
North Carolina				x	
North Dakota	x	x	x	x	x
Ohio	x	x	x	x	x
Oklahoma	x	x	x	x	x
Oregon	x	x	x	x	x
Pennsylvania			x	x	x
Rhode Island				x	x
South Carolina			x	x	x
South Dakota	x	x	x	x	x
Tennessee					
Texas			x		x
Utah		x	x	x	x
Vermont			x	x	x
Virginia			x	x	x
Washington		x	x	x	x
West Virginia			x		x
Wisconsin				x	x
Wyoming		x	x	x	x
TOTAL	17	21	32	39	38

Source: Council of State Governments, *The Book of the States, 1978-79*, Lexington, KY, Council of State Governments, 1978, pp. 210, 243-45

referenda and 25% of the county ones were initiated by citizen action. Bond referenda in this same period were held by over 28% of the municipalities.

Thirty-four state constitutional amendments were initiated by citizens in the 1970-75 period.

Referenda on nonfiscal issues were held by about 28% of surveyed municipalities in 1975-77.

HOW WELL DOES IT WORK?

25

Although we have some clues cited earlier about how well citizen participation works, determination of its effectiveness has been hampered by several problems.

First, legislative bodies seldom, if ever, set forth clear objectives in authorizing legislation or even in the documented legislative history. Citizens and administrators must try to find direction for evaluation efforts from statutes that speak in such vague terms as "meaningful" or "widespread" or "substantial" citizen involvement. Little if any direction is provided concerning the definition of citizen, the kinds of participative mechanisms to be employed, what procedures to follow in choosing citizens, how agencies are to respond to views of the public, and how those views are to be balanced against other considerations in administrators' decisions.

The second problem relates to the conflicting biases of the parties involved: administrators responsible for involving citizens in the programs and the citizens themselves. Since the administrator's primary responsibility is to see that the service goals of his or her program are achieved, he or she tends to think of citizen participation in terms of its contribution to these goals. The citizen, on the other hand, views citizen participation as important to the extent that it insures that government decisions are consistent with his or her own interpretation of the public good. Objective evaluation of the views of these two parties concerning "success" of the process is difficult.

And, finally, evaluation is hampered by sheer complexity, involving (a) 31 different forms of participation ranging from presenting a prepared statement at a public hearing to serving on a citizen committee that exercises some degree of program control, and (b) the complexity of government itself, with its many and

diverse state and local political systems and their interrelationships as well as their relationships with the federal government and its many programs.

In spite of these difficulties, there are a few recent studies which shed some light on the impact of citizen participation on programs and services. Some preliminary work also has been done regarding its effect on citizen trust in government.

26 A Rand study of HEW programs, mainly through analysis of case studies, found that advisory committees influence the conduct of local public activities and services, and that the amount of impact depends on the committees' possession of staff, power to investigate grievances, and power to influence budgets. Rand also concluded that participation on committees does not adversely affect program effectiveness. However, the actual amount and quality of citizen participation in HEW programs was unknown, as was the general impact of citizen participation activities. This lack of knowledge stemmed from the absence of systematic monitoring or enforcement procedures.

A study of eight federally aided municipal services by the TARP Institute and the University of Michigan's School of Public Health also sought to evaluate citizen participation. Program performance was positively affected in four of the eight service areas.

In general, the TARP-Michigan study concluded that:

- ☐ Citizen participation is least effective in the later stages of planning.
- ☐ The structural complexity of a municipal service system has more to do with the levels of citizen influence than the type of participative mechanism.
- ☐ Citizen participation plays a limited role in the determination of municipal service performance and little evidence exists of influence over budgetary allocations.
- ☐ The evidence is weakest on whether citizen participation has any impact on citizen attitudes.

A National Science Foundation funded report analyzed 215 case studies involving five municipal functions. The use of citizen boards and indigenous paraprofessionals was studied. Five outcomes were examined, three of which corresponded to those used in the Rand and TARP-Michigan analyses. Only increased client control was found to be associated with increased levels of participation. Citizen boards were found to be most successful in achieving client control when the board possessed authority to sign off on grant applications or service decisions, to plan for new programs, to investigate grievances, to review expenditures

or budget requests, to review personnel actions, and to supervise paid staff.

The Rand report for HEW concluded that citizens' feelings of alienation (lack of trust in government and feelings of powerlessness) are not likely to be reduced by greater opportunities for participation. People may feel greater confidence in their ability to affect a particular program, but not to affect government generally. The TARP-University of Michigan study, prepared for the National Science Foundation, found more positive evidence of reduced alienation but, as in the Rand-HEW report, concluded that this change was tied to specific programs rather than to an attitude about government in general.

CONCLUSION

The evidence summarized here leads to two concluding points.

First, many Americans expect a great deal of participation in governmental affairs to be open to them, even though they may not always take advantage of available opportunities. 29

Second, there is a substantial gap between the amount of influence which many participants expect their involvement to have, and the actual effects of participation. This gap, some believe, arises largely from deficiencies in the present citizen participation processes and causes substantial dissatisfaction. While the legal opportunities for citizen participation—whether or not they are exercised in any given instance—may have a substantial indirect effect on the actions of public officials, direct effects often are limited because:

- Citizen participation opportunities are not provided until the latter stages of decisionmaking (as, for example, providing for public hearings just before a decision actually is made).
- Opportunities for participation are frequently limited to a small advisory committee and an open public hearing at the end of the process.
- The opportunities provided are too passive (leaving to citizens' own devices the initiative and the development of capabilities to participate constructively in very complex governmental processes).
- Citizens don't have the time, information, or experience to participate in a meaningful way.

Clearly it costs little to run government in an open and above board manner, perhaps even resulting in net savings in the long run by reducing mistakes and enhancing acceptance of decisions. Just as clearly, however, some methods of participation can be quite costly to government and should be undertaken only when clear benefits are in prospect in given situations.

ACIR RECOMMENDATIONS

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While the ACIR study was hampered at many points by inadequate or conflicting information and opinions, the findings and the Commission's experience with, and study of, the history and operation of American government still support the conclusion that citizen participation beyond the electoral process is an essential part of representative democracy in America. It helps to maintain the responsiveness of elected officials and bureaucrats to the citizenry. Given the indispensability of citizen participation as a supplement to the basic electoral process, the Commission believes that governments at all levels should examine their existing citizen participation policies and practices with a view to providing the necessary authority, responsibility, resources, commitment, and leadership to assure that such participation is effective.

The Commission believes that citizen participation is a vital complementary feature of contemporary American government and recommends that governments at all levels encourage citizen participation in their own activities, using caution to avoid common pitfalls such as the inadequately representative expression of views, unnecessary costs and delays in the process, and uncertainty about the location of decisionmaking responsibility and authority.

While it is clear from this study and others that existing citizen participation processes in federal grants are imperfect, uneven, and in need of substantial change, it is also apparent that the federal requirements are designed to fulfill important objectives that might not be adequately met if the federal government were to retire from the field. Thus, the Commission recommends that citizen participation requirements remain an important element in federal aid programs.

Nevertheless, there is a great need for reform in these requirements and the way they are administered. The Commission calls for establishment of a general citizen participation requirement for advisory processes which would be applied consistently at the federal level from program to program and agency to agency. A single Executive Branch agency would be designated to oversee the implementation of the requirements and assist agencies in its administration.

The specific language of the Commission's two recommendations follows.

RECOMMENDATION 1

CITIZEN PARTICIPATION AT EACH LEVEL OF GOVERNMENT

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The Commission concludes that the fundamental mechanism of citizen participation in American democracy is and must be the process of nominating and electing representative public officials and, in certain circumstances, balloting on issues through the initiative and referendum. Yet, the Commission further concludes that citizen participation beyond the electoral process, in both the legislative and executive branches, constitutes a vital complementary feature of contemporary American government, and is essential for holding elected and appointed officials accountable, exerting a salutary influence on governmental decisions, contributing to improved governmental services, and strengthening citizens' confidence in, and support for, government.

The Commission, therefore, recommends that governments at all levels provide sufficient authority, responsibility, resources, commitment, and leadership for effective citizen participation in their own directly administered activities, including budgeting and financial decisionmaking, in addition to the elective political process.

At the same time, the Commission recognizes that citizen participation processes, as sometimes designed, can compete with the basic responsibility and authority of elected officials and can distort the representativeness of such processes. The Commission therefore recommends that legislative and executive branches of all levels of government, when providing in legislation and administrative practice for citizen involvement, exercise caution in (a) selecting the types of situations in which citizens are empowered to share in decisionmaking; (b) defining the categories of citizens whose participation is needed to assure fair and equitable representation of all significantly af-

affected groups; (c) guarding against administrative agencies' exploitation of citizen involvement for the agencies' own narrow purposes or for the perpetuation of programs beyond their useful lives; and (d) avoiding the creation of unrealistically high hopes regarding the satisfactions and benefits to be reaped from citizen participation.

More specifically the Commission recommends that, where lacking, state law provide for, as a minimum, (1) open meetings, (2) open records, (3) effective public information programs, (4) equitably representative advisory committees and/or task forces for programs having significant effects on the public or numerically significant sectors thereof, (5) public hearings at significant decision points in the making of public policy, (6) regular reporting by governmental units on their citizen participation activities along with evaluation of such activities, and (7) the right of citizens to appeal through administrative and judicial channels for the redress of procedural lapses under this legislation. Such legislation should apply to both the executive and legislative branches and agencies of state government, local governments, and regional organizations which are subject to state law. This legislation also should provide for the visible and accountable placement of responsibility for compliance at each level. In addition, it is recommended that such legislation make special provisions in specified cases for the involvement of program clientele—including an appropriate share in decisionmaking, the use of volunteers in program administration, the employment of program clientele, and complaint services—in those state and local programs with direct beneficiaries, and also for the involvement of broad-based community, regional or statewide interests, as well as special interests, in those programs, activities, and state or local planning and policymaking processes affecting primarily the public at large. Finally, such legislation should provide training for citizens and officials involved in all aspects of citizen participation, and technical assistance for participating citizen groups with demonstrated need.

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The Commission also recommends that laws, charters, and organic documents establishing local governments and regional public organizations include citizen participation provisions consistent with the state legislation recommended above.

The Commission recommends, further, that the President and the Congress authorize a review of the several legislative and administrative provisions for citizen participation in the federal government's own direct rulemaking, regulatory, and program formulation processes, with a view toward establishing broadly

34 and consistently applicable, mutually supportive, yet simple and cost-effective procedures for (1) open meetings, (2) open records, (3) effective public information programs, (4) the use of equitably representative advisory committees and/or task forces for programs having significant effects on the public or numerically significant sectors thereof, (5) public hearings and/or consultation processes at significant decision points in the making of public policy, (6) regular reporting by Executive Branch departments and agencies, and independent regulatory commissions, on their citizen participation activities, along with evaluation of such activities, and (7) the right of citizens to appeal through administrative and judicial channels for the redress of procedural lapses under such provisions. Distinctions should be made, as appropriate, in the applicability of the varying citizen participation procedures to the rulemaking, regulatory, and program formulation processes of the federal government. Responsibility for conducting this review should be assigned clearly to a politically accountable official or agency in the Executive Branch, and the review should be performed with clear opportunity for equitably representative citizen participation. Results of this review, together with appropriate recommendations for legislative and administrative actions, should be reported to the President and the Congress and made public within a specified period of time.

RECOMMENDATION 2
**CITIZEN PARTICIPATION
IN FEDERAL AID PROGRAMS:
A POSITIVE AND CONSISTENT FEDERAL POLICY**

The Commission concludes that the federal government has a responsibility to ensure that requirements accompanying financial aid to state and local governments (and other community service organizations) will be applied in a way that will strengthen and support public decisionmaking processes by providing consistent opportunities for citizens to be heard prior to policy and/or administrative decisions directly affecting them. At the same time, the Commission observes that the more than seven score requirements for citizen participation now appended to a like number of federal assistance programs, taken as a whole, are diverse, complex, confusing, sometimes arbitrary, less effective than they might be, and difficult for some federal aid recipients to comply with. The Commission also observes that the majority of federal grant programs available to state and local

recipients do not presently incorporate citizen participation requirements.

The Commission recommends, therefore, that Congress and the President enact legislation establishing general citizen participation policies for advisory processes to be applied consistently throughout the federal aid system, and that under such legislation the President designate a single Executive Branch agency with the responsibility and authority to ensure the consistent application and evaluation of these policies in the administration of federal assistance programs by the various federal departments and agencies. The designated agency should carry out its responsibilities in consultation with affected federal agencies, federal aid recipients, and citizens; and it should have authority to adopt administrative regulations necessary for compliance with the act, to recommend executive action by the President needed to realize the goals of the act, and to recommend to the President and Congress appropriate additional legislation on the subject of citizen participation. The policies established by this legislation should (a) establish clear objectives for citizen participation in federal aid programs; (b) enunciate performance standards that encourage the use of timely, effective, and efficient citizen participation methods tailored to diverse situations; (c) prohibit detailed federal specification of exact techniques and procedures to be followed by state and local recipients of federal aid; (d) rely, through a certification process, upon citizen participation provisions of state and local law and established practices thereunder, to the maximum extent consistent with the objectives established in this legislation; (e) authorize the expenditure of a reasonable proportion of funds in aided programs for citizen participation purposes; and (f) authorize the use of federal research, technical assistance, and training resources for the support of citizen participation objectives in federal aid programs.

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what is ACIR?

The Advisory Commission on Intergovernmental Relations (ACIR) was created by the Congress in 1959 to monitor the operation of the American federal system and to recommend improvements. ACIR is a permanent national bipartisan body representing the executive and legislative branches of Federal, state, and local government and the public.

The Commission is composed of 26 members—nine representing the Federal government, 14 representing state and local government, and three representing the public. The President appoints 20—three private citizens and three Federal executive officials directly and four governors, three state legislators, four mayors, and three elected county officials from states nominated by the National Governors' Conference, the Council of State Governments, the National League of Cities/U.S. Conference of Mayors, and the National Association of Counties. The three Senators are chosen by the President of the Senate and the three Congressmen by the Speaker of the House.

Each Commission member serves a two year term and may be reappointed.

As a continuing body, the Commission approaches its work by addressing itself to specific issues and problems, the resolution of which would produce improved cooperation among the levels of government and more effective functioning of the federal system. In addition to dealing with the all important functional and structural relationships among the various governments, the Commission has also extensively studied critical stresses currently being placed on traditional governmental taxing practices. One of the long range efforts of the Commission has been to seek ways to improve Federal, state, and local governmental taxing practices and policies to achieve equitable allocation of resources, increased efficiency in collection and administration, and reduced compliance burdens upon the taxpayers.

Studies undertaken by the Commission have dealt with subjects as diverse as transportation and as specific as state taxation of out-of-state depositories; as wide ranging as substate regionalism to the more specialized issue of local revenue diversification. In selecting items for the work program, the Commission considers the relative importance and urgency of the problem, its manageability from the point of view of finances and staff available to ACIR and the extent to which the Commission can make a fruitful contribution toward the solution of the problem.

After selecting specific intergovernmental issues for investigation, ACIR follows a multistep procedure that assures review and comment by representatives of all points of view, all affected levels of government, technical experts, and interested groups. The Commission then debates each issue and formulates its policy position. Commission findings and recommendations are published and draft bills and executive orders developed to assist in implementing ACIR policies.