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The Plethora of Publics and Their Participation in Policy Making: How Can They Properly Participate?

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THE PLETHORA OF PUBLICS AND THEIR PARTICIPATION IN POLICY MAKING: HOW CAN THEY PROPERLY PARTICIPATE?

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Recent (and not-so-recent) initiatives to engage the governed in decision making are proving problematic in practice. Participation by many publics in various decision making regimes reveals a web of sometimes connected but often disconnected struggles between and among diverse stakeholders, with arguments over specifics masking fundamental disagreements or misunderstandings over a variety of issues, including the definition of a particular policy problem, the scientific and technical merits of alternative policy solutions, and, as argued in this paper, the "appropriate" distribution of power and authority in decision making.

The invitation to publics and stakeholders to join the process has been, at least initially, eagerly accepted. Federal agencies and departments, and sub-elements within those organizations, have developed public participation programs, stakeholder involvement programs, diverse advisory committees, state and local oversight boards and committees, intergovernmental consultation and coordination boards, and a host of similar activities that afford publics and stakeholders a broad range of new opportunities to become a part of the policy process – to become a part of the government.

These activities have spawned recognition of and invitations to persons and groups, heretofore on the margins of power and authority, to become meaningfully involved. Instead of simply attending the various formal types of public fora (e.g., public meetings, scoping meetings, and public hearings), these people are now sitting on advisory committees and boards, engaging in problem definition and problem resolution and, in the process, becoming empowered. They, along with their inviters, are fully, if unintentionally, engaged in activities that reveal the differences between power and authority – differences between the power to influence and, potentially, determine policy versus the legitimated (i.e., Congressionally mandated) assignment of authority, responsibility, and liability. What, if anything, is wrong with this picture?

Looking at recent initiatives in the U.S. Department of Energy's Future Land Use Program and the development of site-specific advisory boards and the decision contexts of these programs, this paper examines, from the perspective of pluralist democratic theory, the theoretical bases of publics and stakeholder empowerment in decision making and the theoretical and applied (i.e., practical) problems associated with such empowerment and suggests alternative conceptions of how, where, and when to engage the publics and stakeholders. The implications of these alternative conceptions and approaches are identified, as are

their costs, risks, and benefits.

INTRODUCTION

> The smaller the society, the fewer probably will be the distinct parties and interests composing it, the more frequently will a majority be found of the same party...Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens. (James Madison, essay No. 10, The Federalist Papers)

The insights of James Madison's over two hundred years ago are with us today. But if Madison's anticipation of the difficulties of democratic policy making (i.e., the assurance of majority rule without violation of minority rights) was accurate in the context of a fragmented confederation of former colonies, imagine the difficulties attendant to policy making in a global village composed of billions of people and thousands of organizations, all increasingly interconnected through diverse communications media and many interconnected in multidimensional and multijurisdictional problems.

The role of the public in contemporary American society in solving problems is particularly problematic. The public is made up of many publics, or more contemporaneously, many stakeholders, who may bring competing demands to those entrusted to make decisions. Our expectations regarding decision making are equally problematic and potentially incompatible -- we expect decisions to be responsive to our interests, but we also expect the decision making process to be fair, and we expect the outcomes of decisions to be fair (Tyler 1990). Moreover, and partially in response to the expansion of opportunities provided by decision makers, we increasingly expect to participate in decision making, whether on issues that are "purely local" in scope (e.g., construction of new or closing of old schools), "purely national" in scope (e.g., national defense or security), or, as is increasingly the case, "mixed issues" (e.g., national issues with local implications, or vice versa).

This paper examines, from the perspective of pluralist democratic theory, the theoretical bases of publics and stakeholder participation in decision making, with special attention to mixed issues, including federal government actions such as hazardous facility siting and remediation of contaminated federal facilities. The paper identifies theoretical and applied problems associated with such participation and suggests alternative conceptions of how, where, and when to engage the publics and stakeholders. The paper addresses empowerment associated with participation, focusing on differences between power and authority -- differences between the power to influence and, potentially, determine policy versus the legitimated (i.e., legally mandated) assignment of authority, responsibility, and

liability. Finally, the implications of these alternative conceptions and approaches are identified.

Although I personally feel that contemporary initiatives to involve the publics and stakeholders in the workings of government are appropriate in a pluralist democracy, there is the potential for harm as well as good in such endeavors, the potential for misunderstanding, alienation, delay, inflexibility, incongruence, and inequity. It is my intent to offer some hints regarding the pitfalls as well as the promises of such noble spirits.

BACKGROUND

Schattschneider begins his classic work on American politics with a recounting of the dynamics of an incident of civil unrest in Harlem in 1943 (Schatt-schneider 1960). That story, of how a fight between an Afro-American soldier and a white policeman in the lobby of a hotel escalated into an event that resulted in injuries to about 400 people and the destruction of millions of dollars' worth of property, demonstrated the contagion of conflict, Schatt-schneider's central thesis regarding the nature of politics in a free society. Approximately 50 years after the incident in Harlem, Rochefort and Cobb begin their analysis on the politics of problem definition in a similar manner with a recounting of the civil unrest resulting from the jury verdict in the Rodney King case (Rochefort and Cobb 1994). In these cases, and elsewhere, the dynamics of problem definition, debate, and resolution include the expansion of conflict to parties only proximally involved in the original dispute, and it is this expansion of the boundaries of the conflict and the concomitant inclusion of additional actors that determined the outcome of the conflict or the resolution of the problem.[1]

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[1]The genesis for more recent emphases on public participation may be found in Alinsky's admonitions to the urban poor to organize and energetically seek solutions to their problems (Alinsky 1946). Many of his strategies and tactics were adopted by civil rights and reform organizations in the 1950s and later, during the height of the Urban Renewal Program, the civil rights movement, and Lyndon Johnson's War on Poverty, when notions of citizen and community control gained substantial prominence (Altshuler 1970, Hutcheson, Jr., and Shevin 1976). Later events and movements, including student protest against the Vietnam War, the Watergate scandal, and the environmental movement, and, most recently perhaps, the environmental justice movement, have built on this relatively recent heritage of public participation and empowerment. In particular, efforts to modify, if not veto, government action in siting (or permitting the siting) of hazardous waste management facilities have gained considerable attention -- the not-in-my-backyard (NIMBY) syndrome (Levine 1982).

Determining the "appropriate" boundaries for problem definition, debate, and resolution is, with one significant caveat,[2] increasingly irrelevant. Although it is possible, and potentially useful, to identify and/or anticipate publics and stakeholders and characterize their concerns (e.g., see Lowi, Ginsberg, et al. 1976, Carnes 1986), the notion of "appropriateness" is really beside the point. With the growth of an investigative fourth estate that thrives on the identification and amplification of social (including environmental) problems (see Mazur 1988, Vig 1988), there is every likelihood that those who might be affected by a given problem or governmental attempts to solve that problem will know about it. Once informed, those who want to participate will participate. If not "allowed" to participate (e.g., through proactive participation programs), stakeholders will do so anyway, albeit through less cooperative, and potentially less efficient, means than might otherwise be the case (e.g., litigation and civil disobedience).

For federal agencies, the expansion of policy boundaries to include affected publics and stakeholders has enormous implications. If policy can only be made with the informed consent of stakeholders, then progress toward meeting policy goals will likely require considerably more resources, in terms of time and money, than would otherwise be the case. Moreover, even agreement on the definition of the policy problem and potential alternatives -- "the supreme instrument of power" (Schattschneider 1960, see also, Rochefort and Cobb 1994) -- may make the perception of progress illusory. Without such informed consent, however, proponents of public and stakeholder participation caution that progress is illusory, since decisions made may subsequently be unmade by the next generation(s) if not the next election. What is even more problematic for some federal agencies, perhaps, is the integration of many site-specific problems and their solutions into a comprehensive, consistent, integrated, and equitable whole for the nation.

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[2]The one significant caveat to this characterization of the participation process, of course, and one which has been relatively ignored by pluralist democratic theory and research, is how to incorporate the concerns of those who are unable (due to inadequate resources) or unwilling (due to psychological, cultural, or social constraints) to participate in the policy process, or those who have been so marginalized in American society as to not recognize when their interests are in the balance. Milbrath (1981), in an analysis of public participation in preparation of water quality plans under Section 208 of the Water Quality Amendments of 1972, recommended the use of survey research to identify the concerns of uninterested and nonparticipating citizens.

PUBLIC PARTICIPATION IN THE DEPARTMENT OF ENERGY

Among federal agencies, the Department of Energy (DOE) has committed itself to a wide spectrum of public and stakeholder participation. DOE's Office of Environmental Management, in particular, with its responsibilities for environmental restoration and waste management for the DOE complex throughout the United States, has a number of challenges, including

- converting the nation's largest industrial complex from defense nuclear materials production to environmental management;
- replacing a legacy of secrecy and mutual distrust between DOE and its stakeholders with a relationship characterized by open communication and mutual trust and respect;
- developing and using better technologies to streamline environmental management processes to make them safer and more cost-effective;
- establishing with members of the public, Congress, regulators, and other stakeholders what "clean" means, and setting standards for assessing when a site is clean;
- working with stakeholders to define and understand risk management, and to integrate risk and "how clean is clean" determinations in deciding the future use of surplus DOE sites; and
- making difficult decisions with stakeholder input that balance budget constraints with both technology and regulatory needs while solving regulatory conflicts (U.S. Department Of Energy, Office of Environmental Management [EM] World Wide Web Server, April 17, 1995).

To reduce regulatory uncertainty and conflict, EM is endeavoring to work with citizens and federal, state, Native American, and local representatives to negotiate solutions to regulatory and land-use questions on a site-by-site basis. EM sees the key to DOE public participation as "involving stakeholders early enough in the decision making process so they can have an impact on the outcome." Successful public participation, according to EM, will result in decisions that are technically and economically feasible and environmentally sound, health and safety conscious, address public concerns and values, and can be implemented." (U.S. Department Of Energy Office of Environmental Management [EM] World Wide Web Server, April 17, 1995).

The specific public participation objectives in EM include:

- soliciting the public's help in identifying EM problems and related issues;
- soliciting the public's involvement in identifying a full range of approaches for addressing these problems and issues;
- increasing public understanding of the complex environment in which DOE operates; and

- facilitating a broad-based consensus on EM's objectives and how to achieve those objectives (U.S. Department Of Energy Office of Environmental Management [EM] World Wide Web Server, April 17, 1995).

Public participation is a critical component of all EM's programmatic initiatives, including, among others, development of the Programmatic Waste Management Environmental Impact Statement; implementation of the Federal Facility Compliance Act; DOE facility cleanup; packaging, transport, and management of spent nuclear fuel; DOE site deactivation and transitioning/future land use; EM's focus areas (e.g., plumes, tanks, mixed wastes); the development and use of innovative remediation and waste management technologies; remediation and restoration activities associated with DOE's Formerly Utilized Sites Remedial Action Program (FUSRAP) and Uranium Mill Tailings Remediation Action (UMTRA) project sites; other remediation and restoration activities; community and college outreach programs; and the development of and support for site-specific advisory boards (SSABs).

The institutional environment in which EM is attempting to meet its public participation objectives is exceedingly fragmented and complex. The political jurisdictions in which DOE has environmental restoration and/or waste management operations includes approximately 130 sites in 32 states and Puerto Rico. In addition to the local publics and governments near these sites, DOE must work with state permitting authorities, the U.S. Environmental Protection Agency, and a host of other stakeholders; moreover, it must develop policies, programs, and plans that satisfy existing statutory and regulatory requirements as well as negotiated agreements and settlements, and are acceptable to the Office of Management and Budget and Congress.

This institutional environment is further complicated by the fact that many of the 130 sites (and host communities and states) are not only active participants in many of EM's programmatic initiatives, but are also active in many other site-specific cleanups, technology R&D and demonstration activities, and similar activities. Many, if not most, of these have their own public/stakeholder participation plans, programs, and activities, all competing for public and stakeholder attention. Although headquarters DOE and EM have developed and provided public participation guidance for activities in the field, the unique cultures at each site have been recognized by headquarters as critical dimensions to be considered in decision making at all levels.

EM's desire to have publics and stakeholders participate in identifying problems and alternative approaches to the resolution to those problems and to develop broad-based consensus on problems and approaches (including, importantly, budget decisions) is noble and ambitious, particularly if one takes into account the fact that EM's objectives are not likely to be

perfectly congruent with the panorama of objectives and concerns of its multiple stakeholders. Developing durable site-specific and national consensus on objectives, plans, programs, and budgets, and the processes through which such consensus is to be achieved, appears to be the "bottom-line" objective for EM.

THEORETICAL PERSPECTIVES

So many problems, so many sites, so many technologies, so many decisions, so much history, so many uncertainties, so many stakeholders, and, from the perspective of some stakeholders, so little time and money. The challenges facing DOE, and other federal agencies with similar environmental management and cleanup mandates, seem overwhelming.

The contagion of conflict

Paraphrasing Schattschneider, part of DOE's and EM's mission is to reduce the number of conflicts or problems to manageable proportions -- to avoid the "billions of potential conflicts" -- by establishing priorities among a multitude of problems (Schattschneider, p. 66). The invitation to the publics and stakeholders to participate in identifying and establishing priorities of problems and the commitment to have them participate meaningfully in doing so is valued in the context of many American political traditions,[3] but is also likely necessary in light of decades of mutual distrust that DOE has noted. These invitations expand the boundaries of problems and solutions, which may be as it should be. Concomitantly, however, these invitations also carry with them the need for agreement, on both site-specific as well as national bases, on basic principles -- what do the publics and stakeholders care about -- to guide the problem-solving process.

The focus of political motivation

Stakeholders, including the diversity of stakeholders <u>within</u> a proponent agency, might care about three different things (i.e., principles): (1) winning and securing as many objectives as possible for themselves; (2) getting a fair settlement, that is, "having things come out right;" and (3) having the problem resolved through a procedure they view as fair (Tyler 1990). The dominant (at least until recently) public choice paradigm (or family of models) in economic, decision, and political analysis, has argued that the first of these principles, self-interest,

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[3]As noted by Bosso (1994), our political traditions have a powerful effect on how a people perceive the meanings of public problems and those populations affected by such populations. This culture is built around core beliefs in individual liberty -- defined as freedom from government constraints -- private property, the Protestant work ethic, social mobility based on merit, civic duty, faith in progress, the absence of social class (Bosso 1994), and political decentralization (Altshuler 1970).

determine how people and their institutions view problems and make decisions, with emphases on cost/benefit analysis, expected or multi-attribute utility theory, and other similar approaches that begin with the assumptions that interests can be quantified and that each party to a problem seeks to maximize, optimize, or satisfice his or her interests. Theories of procedural and distributive justice, on the other hand, emphasize fair procedures or fair settlements, respectively -- that people and their institutions have dealt with one another fairly and should get what they deserve, however that is defined.[4] With concerns about procedural and distributive justice, political scientists, psychologists, and economists, among others, have begun to reject the view that human affairs are shaped almost exclusively by self-interest; they are starting to argue for a view of individual, if not collective, behavior that takes into account the powerful motivations of duty, love, and malevolence (Mansbridge 1990).

The fairness of negotiation, or policy debate, may, in turn, be judged by three criteria (Fisher and Ury 1981:4): (1) it should produce a wise agreement (i.e., one which meets the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, is durable, and takes community interests into account); (2) it should be efficient; and (3) it should not damage the relationship between the parties. Tyler (1990:176-77) amplifies what is meant by fair procedures; people think procedures are fair: (1) when they have had an opportunity to participate in the decision; (2) when they perceive the decision making process as neutral; (3) when interpersonal relationships are based on politeness and respect; (4) when they feel that authorities are motivated to be fair; and (5) when they feel that procedures lead to fair outcomes. The need for fairness is axiomatic for political authorities in democracies -- without fairness, political authorities will not have the political support they need to make and implement decisions (and stay in office, as seen from a public choice perspective, or meet their self-imposed moral obligations of duty, love, and fair play, as seen from a procedural and distributive justice perspective).

The dynamics of decision making

The conventional image of decision making held by the publics and stakeholders, as likely as not, is one in which decisions are easily identified, as are the decision makers, the steps in the process, and the logical relationships between the steps in the process. In reality, particularly when problem solving becomes

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[4]Shklar (1990) argues that the sense of injustice is "the special kind of anger we feel when we are denied promised benefits and when we do not get what we believe to be our due... We hear the sense of injustice in the voices of Job and Jonah and Hesiod at the dawn of our literary history, and it still rings loud and true." (p. 83)

so drawn out, so complex, and so much a product of multiple participation that no one identifies himself or herself as making policy, it is more appropriate to view decision making as far more diffuse than this conventional image suggests (Lindblom 1990). As noted by Weiss (1980), decision making may actually consist of one, a few, or many small steps (e.g., writing a memo, answering an inquiry, editing a draft of a regulation). Any one of these actions has "seemingly small consequences," but "over a period of time these many small steps foreclose alternative course of action and limit the range of the possible" (1980:401). Before anyone knows it, a decision has been made.

This incrementalist understanding of decision making, particularly for the resolution of "routine" problems, has significant implications for the analytical framework used to understand decision making and the role of public and stakeholder participation in decision making. As noted by Lindblom (1990), the "ever-changing, open-ended continuity of most social problem solving" is better understood with selective contributions to assist the self-probing and self-guiding society, rather than a standard, "do-it-all" policy analytic framework. According to Lindblom (1990:274), the latter framework assumes

> a single problem to be defined, then solved, a task with a well-marked beginning and end. In fact problems, year after year, require reexamination and redefinition. A failure at one point redirects subsequent problem solving, often with a new goal or concept of the problem. So also may a partial success. Or new circumstances – change in budget resources, new directives from superiors, or a change in the political climate – change the constraints within which functionaries seek solutions.

The role of publics and stakeholder participation in problem-solving, and policy making, thus, must be understood in the context of ambiguity, confusion, complexity, and uncertainty. Although it is possible, and occasionally fruitful, to fixate on a policy domain at a particular point in time, identify and assess the goals and objectives of multiple stakeholders and the actions taken by them in furtherance of those goals and objectives, and to offer <u>professional</u> (in contrast to <u>lay</u>) guidance, it should always be understood that the real world is more complex than can be known, that each step is a step toward becoming, not a final step in understanding.

The "special" complications of the American political system

As if the foregoing issues were not sufficiently daunting, there are other features of the American political system that make the role of publics and stakeholder participation in decision making problematic. Federalism, separation of institutional powers, the varying influence of the political party system, election and selection procedures, and the political history and traditions that have embellished and modified these notions play significant

roles in defining problems and structuring how problems are debated and solutions are found.[5] The multiple avenues to authority (e.g., federal, state, and local authorities, and the checks and balances of executive, legislative, and judicial powers) provide a political roadmap that makes purposive action difficult to achieve due, in no small part, to the multiple opportunities for roadblocks and detours (Elazar 1966) or, to the need for joint action (Pressman and Wildavsky 1973). Moreover, the bureaucratic democracy described by Freeman (1955) and modified by Yates (1982) provides a structure of subgovernments ill-equipped to respond to goals of both administrative efficiency and democracy. The tendencies to specialization ("guild professionalism") and decentralization, characteristic of both the national bureaucracy and its sub-national counterparts, make the objective of integrated national planning responsive to local concerns that much more difficult to achieve.

The politics of problem definition

The politics of problem definition, argues Bosso (1994), is becoming increasingly important due to a number of major factors, including the erosion of traditional bases for policy support (e.g., political parties and regional loyalties) and the emergence of ideological anarchy in the post-Cold War world. The definition of a problem may, in many instances, have prior claim over policy alternatives as "the supreme instrument of power." In addition to Schattschneider's insistence on the importance of expanding the arena of conflict in determining policy outcomes (see also, Nelkin 1975 and Baumgartner 1989), research has approached problem definition from other perspectives as well. For instance, some have argued that problem definition is fundamentally a function of social constructions of reality (Berger and Luckmann 1967, Benjamin and Duvall 1991, Northcott 1992) – we tend to construct interpretations which may or may not be true in an absolute sense but help us understand things we experience and help us decide how to respond to those experiences (see also, Lindblom 1990).[6] Others see problem definition as the formulation of "an 'actionable' statement of issue dynamics from which expenditures can be made, personnel can be deployed, and procedures can be developed that will reduce or eliminate the

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[5]Bosso (1994:193) notes "there is remarkably little straightforward discussion about how features like federalism, separation of institutional power, or distinct means of selection have had independent impacts on problem definition."

[6]A special case of the social construction of reality might be Winner's (1986) characterization of the theory of the social determination of technology -- that the technology as artifice is epiphenomenal but that the social, economic, political, and cultural circumstances leading to the development of the artifice is what truly constitutes technology.

undesirable state of affairs without undue harmful consequences to related activities" (Guess and Farnham 1989:7); this view is more consistent with applied/technical analyses of policy formulation and implementation, in contrast with the more tacit forms of knowledge and understanding expressed by Lindblom (1990).

The struggle over problem definition is essentially political in that alternative causal understandings predispose certain kinds of policy solutions, foreclosing others, and directing the allocation of authority and resources to cope with a problem. Because stakeholders have their own interests, assumptions, and values that lead to particular favored definitions (Guess and Farnham 1989, Rochefort and Cobb 1994), problem definition can never be purely a technical enterprise. Participating stakeholders in a policy arena (in contrast to those who are impacted but "uninterested") who make up the "community of operatives" (Hilgartner and Bosk 1988) may base their problem definitions on professional, disciplinary, religious, economic, or ideological perspectives. Importantly, the roles played by experts may be central during the early days of policy controversy, particularly with respect to technological policies, before broader coalitions of support or opposition are brought together (Baumgartner and Jones 1993). In those later stages of policy debate, the political actor, the bureaucrat, and the expert (Wenk 1989), as well as those potentially impacted by a policy or decision, have vastly different views on the nature of the problem, the weight of different "facts" in the presence of uncertainty, and alternative solutions and their consequences.

IMPLICATIONS OF THEORETICAL PERSPECTIVES FOR PUBLIC PARTICIPATION

The implications of this convoluted and fragmented decision process and of alternative conceptions of guiding principles for public participation, in general, and for public and stakeholder participation in EM's exceedingly drawn out and complex programmatic and site-specific activities, in particular, are manifold. To the uninitiated, the question, "who governs?" has no readily apparent answer. One can surely "go to the top" -- the President, the Congress, the Secretary, the Assistant Secretary. But by the time a decision has "gotten to the top," it is embedded with a host of assumptions made by "nameless and faceless" bureaucrats doing their jobs and necessitated by preceding and succeeding policy processes. Moreover, some of the decisions (e.g., DOE clean up decisions) are a function of negotiated agreements with existing stakeholders (e.g., state permitting authorities). Who do the publics and stakeholders blame, encourage, support, or dismiss? Is it efficient, in this case, to go to the top, and demand that the senior decision maker be fired for only one of thousands of decisions made in his or her name? Is it more efficient (and for whom) to invest resources in mapping the decision making process to identify the multitude of decision makers, their actions leading up to the current decision, and affixing blame or support for their

participation in making that decision? Is it yet more efficient (and for whom) to participate in the process leading up to the decision, recognizing that for many stakeholders (and perhaps all members participating as "the" public) such an investment may constitute the bulk if not totality of disposable temporal resources -- their "leisure" time?

What are the likely payoffs for alternative forms of participation in decision making, and for whom? From some of the literature, we know that feelings of political alienation and inefficacy can be common characteristics associated with participation, particularly if participating citizens do not perceive an increase in their power associated with their participation (Bell and Held 1969). Arnstein's (1969) treatment of participation, dealing as it did with tokenism in public participation (i.e., informing, consulting, and placating) as well as empowered public participation (i.e., partnership, delegated power, and citizen control), tells us that the anecdotal evidence we hear about today, the stories of participant burnout, inter- and intra-stakeholder conflicts, claims of "it's just P.R.," and calls for "true" citizen participation in decision making, are a recurring manifestation of long standing problems.

On balance, it seems that the approach to be taken toward public and stakeholder participation in the policy process for "mixed issue" problems, is determined by the nature of the problem itself as well as by the scope of those impacted. That is, for a national problem with potential but unknown (and, perhaps, unknowable) local risks and other impacts (e.g., how to manage and/or regulate radioactive wastes, how to clean up contaminated federal sites, how to distribute the risks of federally-sponsored but locally-sited technologies), the decision arena must proactively involve those potentially impacted. At the same time, it is unfair to impose decision responsibility on persons lacking the resources (political, legal, and economic) to mitigate adverse risks and impacts.

A recent stakeholder involvement "success story" in Oak Ridge, Tennessee (U.S. Department of Energy 1994), might be instructive. One of the contaminated areas on DOE's Oak Ridge Reservation, known as Waste Area Group (WAG) 6, located in the western part of Oak Ridge National Laboratory, was due to be closed (with capping with an impermeable liner to reduce, if not eliminate, future off-site contamination). Stakeholder comments at a public meeting led DOE, and the State of Tennessee as the permitting authority under the Resource Conservation and Recovery Act, to postpone the closure of WAG 6 in favor of monitoring the site while researching other cleanup options. Stakeholders, characterized by DOE as "local citizens who are primarily retired employees of Oak Ridge National Laboratory," questioned why DOE should complete the closure if that action was going to cost $50 million more and at the same time not reduce the risk significantly.

The summary evaluation of this success story identified a number of points that are worth noting:

- the value of involvement increases when stakeholders are supplied with the information they need to discuss technical and complex issues;
- DOE provided access to the technical information;
- DOE would not have revised its decision had it not been willing to incorporate stakeholders' opinions;
- stakeholders and DOE focused on the resource requirements vs. risk reduction results;
- although a large public meeting worked in this instance, it is not always conducive to close interaction and dialogue;
- stakeholders are more confident in their ability to influence decisions determining the future of the Oak Ridge site; and
- stakeholders can provide useful input in decisions where many groups (i.e., not just DOE) have authority.

However, it is also worth asking a number of other questions:

- what should DOE (or another federal agency) do when stakeholders do
not uniformly have the expertise to understand and integrate technical information?
- how should DOE (or another federal agency) ensure equal access to technical information to all stakeholders?
- how should DOE incorporate stakeholders' opinions when those opinions are wrong "on the merits" or wrong in terms of the equitable complex- or nation-wide distribution of risks?
- how would DOE, and its "local" stakeholders, balance the tradeoffs involved if the impacts were to different resources (e.g., endangered species habitat), different time scales (e.g., to a far distant generation), or to different jurisdictions (e.g., if wastes and their attendant risks had to be transported off-site through and to different populations)?
- how would DOE have responded to the participating publics had its permitting authority (in this case, the State of Tennessee) not agreed with the participating publics?
- how would DOE have responded to the participating publics had they not been representative of all its local stakeholders?
- what other publics and stakeholder participation mechanisms, such as public education, science courts, negotiation and arbitration (Kraft 1988) might have worked in alternative circumstances (e.g., when stakeholders were not perceived to be homogeneous)?
- how could DOE ensure the confidence (and continued interest and participation) of publics and stakeholders if DOE had had to contravene public and stakeholder opinions?

- how would DOE have responded to Oak Ridge stakeholders' opinions had those opinions been incompatible with national or programmatic requirements (e.g., been too costly, resulted in an unacceptable risks elsewhere)?

CONCLUSIONS

What constitutes meaningful public and stakeholder participation in the context of a complex policy or problem domain in an equally complex political culture? Schattschneider begins by asking two fundamental questions: "What is the function of the public in a modern democracy?" and "What does the public have to know?" (Schattschneider, 1960:132), and responds with a most reasonable but certainly challenging assertion (137):

> People are able to survive in the modern world by learning to distinguish between what they must know and what they do not need to know... Our survival depends on our ability to judge things by their results and our ability to establish relations of confidence and responsibility so that we can take advantage of what other people know. We could not live in modern society if we did not place confidence daily in a thousand ways in pharmacists, surgeons, pilots, bank clerks, engineers, plumbers, technicians, lawyers, civil servants, accountants, courts, telephone operators, craftsmen and a host of others... Democracy is like nearly everything else we do; it is a form of collaboration of ignorant people and experts.

The above quotation presupposes trust and confidence in others, including those who govern how we solve socio-technical problems. Despite assertion, many have questioned whether the requisite trust and confidence are in place. Yet, how are we to govern democratically and efficiently?

In responding to an indictment of American government for its <u>efficiency failure</u> to engage in long-range planning and to persuade the publics to follow its plans <u>and</u> its <u>democratic failure</u> to allow the people to make the ultimate decisions (Reich and Marshall 1978), Yates (1982:194-96) identifies a number of reforms that might make the twin goals of democracy and efficiency more compatible than recent American experience would indicate. Although his comments are directed at actors throughout the policy process, and at the "bed-rock" problems of government (e.g., planning, leadership, openness, fragmentation, and participation), his recommendations for an "office of public service" are most germane to this discussion. This office would have three principal functions: (1) develop and maintain a "guide to government" inventorying the programs and tasks of an agency; (2) create and maintain an "ombudsman" role to satisfy complaints or account explicitly for an agency's actions; and, most importantly in terms of democratic theory, (3) create and maintain "citizen advocates" whose job would be to represent interests that would otherwise be either weakly represented or

simply ignored.

With the appropriate delegation of power and authority, this creation, certainly similar in many respects to EM's Office of Public Accountability, could satisfy many of the requirements noted earlier. On the other hand, that delegation of power and authority is not a simple matter -- entrenched interests, particularly in a technology-based bureaucracy, might well object to the transfer of power to citizens or citizen advocates. Moreover, it is not at all clear how one should do the national-level accounting -- how does one fairly and faithfully integrate the legitimate and potentially competing interests of disparate and geographically dispersed stakeholders into a systematic and comprehensive whole? This problem is all the more challenging in the dawn of communications and participation overload that may become characteristic of contemporary American and global societies and communities.

Of one thing, however, we can be sure. The invitation to participate, once issued, cannot be easily withdrawn.

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