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Exploring Deliberation and Participation: Tribal Membership Meetings under Indian Reorganization Act Constitutions

Jo Anne House
Walden University

Walden University

COLLEGE OF SOCIAL AND BEHAVIORAL SCIENCES

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Jo Anne House

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Public Policy and Administration Faculty

Dr. Frances Goldman, Committee Member,
Public Policy and Administration Faculty

Dr. Wendy Andberg, University Reviewer,
Public Policy and Administration Faculty

Chief Academic Officer

Eric Riedel, Ph.D.

Walden University
2013

Abstract

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Abstract

Based on a review of one tribal government's strong membership powers exercised in General Tribal Council (GTC) meetings, tribal leaders do not analyze or review the activities in those meetings on an ongoing basis to determine where or if improvements are needed or are effective when implemented. The purpose of this study was to bridge the gap in empirical studies and to identify a process by which tribes can review GTC meetings to implement continuous improvements. Based on the tenets of Habermas' deliberative democracy framework, this qualitative study used the Discourse Quality Index (DQI) to determine the level of participation and deliberation occurring in membership meetings. Through a content analysis of transcripts from a year of GTC meetings of a single tribe, findings provided insight on speaker interruptions, reasons underlying opinions, respect given to others, and community-based decisions. The findings also identified that GTC meetings score high in all elements except regarding respect for others. By focusing on improvements in deliberative forums, Tribal leaders can create a more inviting atmosphere to individuals to speak, improve community networking, and increase levels of respect for others. Implications for social change are the development of meetings that improve over time, resulting in the generation of a greater range of solutions to public issues and creation of networking relationships as members hear other solutions and positions.

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ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 - 1346

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Chapter 1: Introduction

Introduction

This is a study of discourse and participation at membership meetings conducted in accordance with a Constitution adopted by a Tribal government. "Discourse and participation" refers to the discussion and participation occurring at public meetings, regarding a public issue. Understanding the nature and impact of membership meetings from a democratic discourse and participation perspective will help government officials meet the membership's needs in regards to providing information, managing discussion, and understanding the outcomes of those meetings. Creating greater opportunities for participation and discussion may increase community networking and improve public decision-making.

This study explored discourse and participation from the perspective of deliberative democracy theory. Researchers define this theory as the activity within a forum that allows for open participation; a place where participants give and accept reasoned opinions and make decisions based on a community focus (Barber, 2003; Gutmann & Thompson, 2004; Rosenberg, 2007). I argue these membership meetings contain all of the elements necessary to meet the criteria of deliberative democracy. My study determines to what extent these deliberative democracy theoretical elements exist in membership meetings, which will allow governmental officials to improve deliberation and participation in those meetings.

One element of deliberative democracy is the assumption that individuals listen to others and their opinions (Borgida, Worth, Lippman, Ergun, & Farr, 2008; De Vries, Stanczyk, Wall, Uhlmann, & Damschroder, 2010; Rosenberg, 2007). This listening and interaction assists individuals in better understanding each other, and in forming and tempering their own opinions. The literature reviewed in this dissertation supports the assumption that such interaction builds relationships, and that networking further supports community decision making for an increasing number of public issues, as well as community satisfaction with the decisions made in the deliberative forums (Chambers, 2003; Gutmann & Thompson, 2004; Haus & Heinelt, 1999; Neblo, 2005).

In this dissertation, I examined the level, or quality, of discourse and participation that occurred in several General Tribal Council (GTC) meetings of the Oneida Tribe of Indians of Wisconsin (Tribe). The goal of this study was to provide a baseline from which tribal leadership could work to improve the meeting and discussion processes. The study results identified potential areas of improvement in which the meeting process was not achieving deliberative democracy's qualities and standards. For example, rules about who could speak and what topics individuals could address may have had a negative impact on the quality of the discussion and exchange of information, especially with regard to decision-making. As identified in the literature, being able to improve the deliberative processes within each forum through a review of prior forums is necessary to foster and ingrain deliberative democracy in a community (Carcasson & Christopher,

2008; Crocker, 2007; Kadlec & Freidman, 2007). Since this deliberative forum is a constitutional creation within the Tribe, understanding and improving deliberation and participation in that forum will benefit the Tribe and its members by improving the decisions made therein (Carcasson, 2009; Friedman, 2006; Fung, 2004).

This dissertation used the Discourse Quality Index (DQI) introduced by Steenbergen, Bächtiger, Spörndli, and Steiner (2003). The DQI employs seven different elements of deliberative democracy in an effort to identify whether deliberation is actually occurring, and, if so, at what level. Findings from this study could assist the government in creating or developing a deliberative environment in subsequent GTC meetings, as the leadership reviews each meeting and make improvements.

In this chapter, I provide an overview of the Tribe studied in this dissertation and introduce the topic as a whole. In Chapter 2, I review the literature regarding deliberative democracy and identify the current understanding and direction of the theory. I introduce the methodology used in this study in Chapter 3. I present the results of the study in Chapter 4. Finally, in Chapter 5 I interpret the findings and make recommendations for future study.

Background

The Oneidas moved to Wisconsin, site of their current reservation, as a result of external pressures from the state of New York; local non-Indian settlers demanding land; and lack of protection from the federal government. The Oneidas then, as they do now,

consisted of separate groups of Christian members and traditional members. However, despite their differences, these Oneidas relied upon each other for support and assistance to manage their community affairs (Campisi & Hauptman, 1988; Hauptman & McLester, 1999). This practice continued under federal supervision and involvement until the adoption of the Indian Reorganization Act constitution. The following section is a description of the Tribe's historical and current governmental structure.

Historical and Traditional Governmental Structure

In this section, I give a broad overview of the Tribe's governing processes prior to the Tribe's contact with Europeans in the early 1800s. Here, I describe the Tribe's historical development, summarize the Tribe's governing processes; I also give an overview of the governmental structure and community involvement of tribal members and family, clan, and Tribal representatives in the Tribe's meeting sessions. The period of the events and processes described below reflects the organization of the Oneidas, Mohawks, Onondagas, Cayugas, Senecas, and Tuscaroras, as the Six Nations Confederacy (Confederacy) under the Great Law of Peace (Jennings, Fenton, Druke, & Miller, 1985).

As noted by Schaaf (2004) in his comparison of the Great Law of Peace to the U.S. Constitution, there are very few differences between these two government-structures described in these documents. The United States Senate also noted this lack of difference in Senate Concurrent Resolution 76 (1989) which, "acknowledge[s] the

contribution[s] of the Iroquois Confederacy of Nations to the development of the U.S. Constitution" (p. 1). The Great Law of Peace is the foundation for the government of the Iroquois Confederacy (Oneidas, Mohawks, Onondagas, Cayugas, Senecas, and Tuscaroras) (Jennings et al., 1985). This unwritten constitution consists of approximately 199 wampums. A wampum is a memory tool made up of the iridescent inside of a conch or clam shell that has been formed into a bead and knotted on thread (Johansen, 1982) that provide directions for governing each of the six nations and the Confederacy as a whole (Ritcher, 1992). Extant written versions of the Great Law of Peace are transcribed oral renditions that scholars and historians recorded between the early 1900s and the late 1980s (Schaaf, 2004).

In this Confederacy, each member Tribe had a responsibility to the others that members carried out at a meeting of the all representatives from each member of the Confederacy. The Tribe chose representatives from among all the representatives within each member Tribe's communities to represent the member Tribe in meetings of the Confederacy. Each community chose their representatives to sit at the Tribal meeting and represent the community, a selection that held as long as each representative followed his community's wishes and met its notions of a responsible chief (Ritcher, 1992).

In Iroquois society, women carried governmental responsibilities as well as men (Richter, 1992). Every adult community member participated in councils (Morgan, 1995). The eldest females of each clan chose a chief. As identified by Richter (1992), the

community looked upon each chief as an individual who could listen and bring the community to an understanding by weathering conflicting needs and finding solutions.

Each community depended upon itself to set the rules and responsibilities of its members, subject to the overall responsibilities set forth in the Great Law of Peace. However, communities made decisions through discussion among all the clans within a community. As explained by Buck (1984), the turtle clan was responsible for bringing an issue to the wolf clan by explaining the problem and proposing a solution in council. The wolf clan would debate the problem and the solution, and if in agreement, would return it to the turtle clan its approval. The turtle clan would then present the solution to the bear clan, the members of which had listened to the entire debate. If the bear clan were in acceptance, they would approve the solution. Any disagreement would result in the matter returning to the turtle clan for further discussion and solution building. Generally discussion took as long as was needed, sometimes going on for days.

All Oneida communities when they met as a whole to confront matters pertaining to the nation would repeat this same process of decision-making (Johansen, 2010). The Confederacy repeated this process again when it needed to meet to discuss matters of importance to all the member tribes such as wars, treaties, or disputes. Johansen (1982) described a treaty discussion between the Six Nations and the new federal government that took several weeks. In these discussions, many chiefs appeared as “impressive speakers and adroit negotiators” (p. 48). As identified by Morgan (1995), a chief’s

responsibilities included speaking effectively. These negotiations generally took place over several sessions so the chiefs could return to their communities to obtain consent or direction.

The physical community consisted of longhouses associated with each clan; each longhouse was home to multiple families. A log palisade that enclosed gardens and crop storage buildings surrounded these homes. The surrounding forested land and connected waterways were cultivated to create natural clearings for easier wildlife and fish harvesting. A community, which could hold upwards of 1000 people, usually consisted of related longhouses, granaries, and other food storage areas; it held hunting and fishing grounds identified and respected by other communities (Fenton, 1950).

Tribal Constitutions

Under the Constitution of the United States of America, the federal government has authority for all governmental interactions with Tribal governments. The federal government's relationship with Tribes has swung widely, like a pendulum, from supporting Tribes' governmental development and actions to supporting the dissolution and dismantling of Tribal communities, cultures, and governments (Cohen, 2005). The Indian Reorganization Act of 1934 (IRA) swung the pendulum back in support of Tribal governments, creating a process by which Tribes could, under the IRA, adopt a constitution that recognized the federal-Tribal government-to-government relationship

(Cohen, 2005). Approximately 180 Tribes were or currently are operating under this type of constitution (Lemont, 2006).

Generally, such a constitution was a generic document or outline made available by federal government agency officials to Tribes that were considering approving an IRA constitution (Cohen, 2005). The IRA constitution created a government by which the members of the Tribe delegated their constitution's authority to a body usually called the General Tribal Council (GTC). This entity consisted of Tribal members, age 21 and over, who attended a duly called meeting.

The Oneida Tribe of Indians of Wisconsin amended their Constitution to reflect changes in the Tribe's government and membership over time. Initially, the members attending the GTC meeting acted upon all matters facing the Tribe, such as approving grant applications, handling employment, and managing the activities of programs (Constitution, article IV). Over time, and after several meetings in which no quorum was present, the membership adopted amendments to the Constitution creating an Executive Committee made up of the four officers elected by the membership: chair, vice-chair, treasurer, and secretary (General Tribal Council Resolution # GTC-2-28-49). However, since Tribal members limited the authority they delegated to the Executive Committee, the GTC still served as the primary governmental authority. Because of ongoing quorum issues and the growth of the Tribe's operations, the GTC adopted further amendments to the Constitution and thereby created the Oneida Business Committee. The Oneida

Business Committee consisted of four officers and five Council members (Constitution, 1969 Amendments). The GTC delegated its, within the Constitution, to this body when the GTC was not in session.

Tribal Membership

The Oneida membership currently consists of about 16,000 members. Large concentrations of members live in Illinois (over 600) and in California (over 450). Although Oneida members live across the United States and the world, over 11,000 members reside within the state of Wisconsin. Within Wisconsin, over 8,000 members live on or near the Reservation, with another large concentration living in the Milwaukee area (Enrollment Report on Oneida Tribe of Indians of Wisconsin, Jan. 2011).

GTC Meetings

There are two types of GTC meetings recognized under the Constitution; each type has the same quorum requirements. The first type consists of annual and semi-annual constitutionally required meetings. The second type consists of special GTC meetings that members can request by a submitting a petition signed by at least 50 members or that the chairperson of the Oneida Business Committee can request. A quorum of 75 members is required (Constitution, article IV, section 4).

Since 2001, the GTC meets, on average, six to eight times per year. These meetings were a combination of two constitutionally mandated meetings, one budget meeting, and several petitioned-for meetings. Petitioned-for meetings generally scheduled

to address subjects raised by a member regarding an action, or inaction, of the Oneida Business Committee or of government operations. There are three general subject categories of GTC meeting actions and inactions: arranging payments per capita, programming corrective actions, or proposing new programming actions. Although it does not do so frequently, the GTC has also met to investigate improper activities such as misconduct by employees or government officials and has created task forces to conduct such investigations. However, this type of meeting has not occurred within the past several years.

Members by petition or the chairperson call meetings regarding per capita to discuss the issuance of payment to each tribal member in accordance with the Indian Gaming Regulatory Act. These are annual payments of gaming revenue; they generally occur when prior authorization of per capita payments is about to expire. Petitions to request programming changes involve an individual or group concern regarding programming decisions. For example, as identified in minutes from 2010 GTC meetings, members of the community presented petitions regarding dentists and doctors at the health center, lack of availability of grass-fed beef, and difficulties obtaining housing within the low-income housing program (GTC meetings, April 10, 2010, September 18, 2010). Other recent requests for new programming include the following: Oneida language hymn-singing being taught in Tribal schools; development of pheasant farms and the practice of setting aside land for hunting and conservation; identifying funds to

allow members access to hyperbaric oxygen chambers regardless of Medicaid/Medicare services or health insurance benefit coverage.

As stated above, the quorum for GTC meetings requires attendance of only 75 members. Table 1 identifies the highest and lowest quorums for GTC meetings (for which information is available) from 1996 to the present. I have included all noticed meetings regardless of whether or not a quorum existed.

Table 1

Historical Attendance at GTC Meetings

	1996	1997	1998	1999	2000	2001	2002	
# Meetings	17	16	12	17	12	8	13	
Quorum – highest	477	251	418	1130	441	128	159	
	391	151	187	522	432	124	88	
Quorum – lowest	44	34	55	35	44	32	63	
	44	24	34	26	?	?	?	
	2003	2004	2005	2006	2007	2008*	2009*	2010*
# Meetings	4	7	13	5	6	9	6	7
Quorum – highest	563	723	201	103	1092	1566	2030	1438
	228	224	151	86	824	1294	1631	1397
Quorum – lowest	n/a	58	29	54	71	1190	1450	1367
	n/a	44	19	?	44	1136	1324	1251

Note: Information retrieved from General Tribal Council meeting minutes.
*Stipend payment instituted; numbers are now four largest quorums.

In 2007, the General Tribal Council adopted a motion requiring each member who signs in at the beginning of a meeting and signs out at the end of a meeting to be paid a stipend of $100.00 (GTC, Aug. 11, 2007). Because of this stipend payment, starting in 2008 quorums at GTC meetings regularly exceeded 1,200 members as shown in Figure 1.

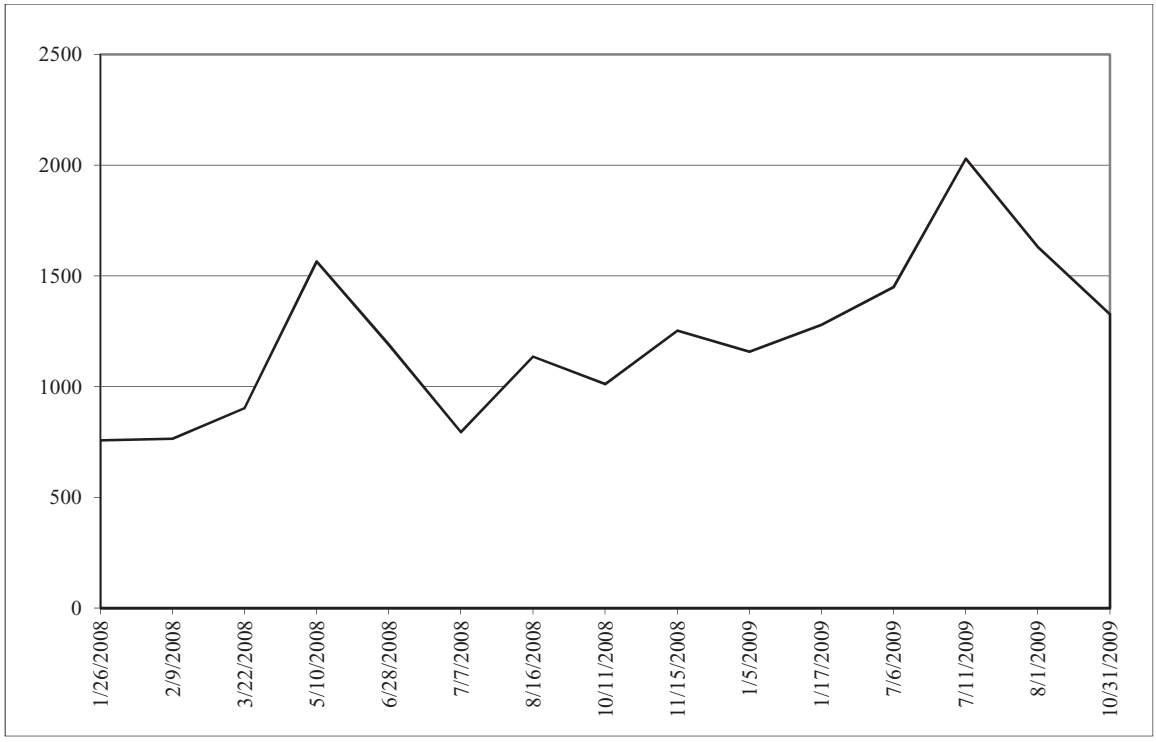

Figure 1. Attendance at GTC meetings held after stipend payment program. Quorum count obtained from meeting minutes.

The quorum at meetings fluctuates, but the reason for that fluctuation is unclear. For example, the semi-annual meeting held on July 7, 2008, had 795 members in attendance and contained two petitions for items regarding an independent audit of the Tribe and the establishment of land for relocated wild horses. The semi-annual meeting held on July 6, 2009, had 1450 members in attendance and contained only reporting information. In 2008, the meeting was held on a regular business day in the evening; in 2009, the meeting was held on a holiday during the day. The answer to the fluctuation of attendance may be based on meeting times, holidays, or simply subject matter.

Extending this example, the meeting held on July 11, 2009 (the Saturday following the July 6 meeting), had 2030 members in attendance, over 500 additional members. The meeting's agenda included amendments to the Tribe's Election Law and consideration of a resolution rejecting using the Boys & Girls Club of America to manage the Tribe's youth recreation programs.

Tribal Government Actions

The Oneida Business Committee and the GTC have taken several steps to create or enhance access and information available to the Tribe's members. These steps are:

- The Ten-Day Notice Policy, adopted in early 1991, requires information for subjects presented at GTC meetings to be received by members ten days prior to the meeting.
- The Administrative Procedures Act, adopted in late 1991, requires laws to be presented for public hearing and comment prior to presentation for adoption.
- The Open Records and Open Meetings Law, adopted in 2005, encourages better access to and transparency in Tribal government documents and meetings.
- The Tribe's website, created around 2008, which enhances information access and increases the amount of information available.

In addition, the Oneida Business Committee solicits membership opinion through elections held every three years and opinion letters presented in the *Kaliwhisaks* (the

Tribal newspaper), Oneida Business Committee and GTC meetings and one-on-one discussion with Oneida Business Committee members. Processes for collecting membership opinions include a formal public hearing scheduled for discussing proposed legislation. However, the Tribe's members are primarily heard at GTC meetings.

In my review of the actions of the GTC and the Oneida Business Committee, I have identified a strong desire by the GTC and the Oneida Business Committee to have individual input on governmental decisions. The Constitution, itself, sets only a small hurdle to bringing an issue before the GTC: only 50 signatures are required on a petition; moreover, only 75 adult members are required to attend in order to meet quorum requirements (Constitution, article IV, section 4). These same GTC and Oneida Business Committee actions also recognize the failure of members to participate, as many meetings have failed to meet basic quorum requirements (General Tribal Council Resolution # GTC-2-28-1949; Constitution, 1969 Amendments).

Tribal organization is structured to create deliberative democracy forums. Recently, as discussed above, the GTC adopted a stipend payment program to pay members to attend membership meetings (General Tribal Council minutes, Aug. 11, 2007). The program has been successful. Since its implementation, every meeting has far exceeded minimum quorum requirements. The question remains: Have we simply filled the room? Has this measure positively supported or improved the deliberative qualities of

those forums? This dissertation examined this question by determining the level of deliberative democracy that occurred in membership meetings.

Problem Statement

Deliberation and participation theories have been referred to by many different names; they will be referred to here as *deliberative democracy theory*. The basic theory refers to a group discussion that has at least four elements: the ability of everyone to participate, a statement of opinions and reasons, the acceptance of other's opinions, and a community-based decision (Chambers, 2009; Gutmann & Thompson, 2004). Deliberation theories also assume the following: the deliberation refers to a specific public policy, the outcomes of deliberation are more acceptable than non-deliberative outcomes, and the individuals participating in deliberation will have a greater likelihood of participating in future political activities (Fung, 2003; Gutmann & Thompson, 2004; Hudson, 2006). The result is a highly networked community that has a greater ability to create unique public solutions to public issues (Putnam, 2000).

Most deliberative theory development in the United States has looked at local, state, and national governments, while excluding Tribal governments. Tribal governments operating under the IRA constitutions, hold membership meetings in which the membership acts as the governmental body. When these occur, several times a year, members discuss and act on business. Members present major policy and financial decisions for action at membership meetings, as directed by the Constitution, the

chairperson, or petition. This affects the Tribe because those decisions have short- and long-term effects on the entire organization's decision-making. My dissertation explored the extent to which the criterion for deliberative democracy theory existed in membership meetings and describes the implications of this.

Literature

Most of the literature contends that public participation and discourse have required, historically, the inclusiveness of every person (Barber, 2003; Fuchs & Zittel, 1999; Haus & Hienelt, 1999). However, recent literature has accepted that larger populations require different types of participation and deliberative forums to be developed in order to increase individual participation in governmental decision-making (Barber, 2003; Friedman, 2006; Habermas, 2006; Levine & Fung, 2005). This literature also highlights current understandings of deliberative forums' elements, directions in research regarding deliberative forum structures, and measurements of the level of deliberation and participation in those forums.

Research Objectives

I reviewed meeting transcripts to identify whether deliberation or participation had been accomplished at GTC meetings. My content analysis study focused on a series of meetings held in the year 2010. Although I used content analysis methodology, I also included an element of an ethnological method. During the 15 years prior to 2010, I participated in all meetings as a member of the Tribe. In addition, I was the

parliamentarian for the meetings discussed in this study. I was legal counsel for the Tribe. Due to my experience, I have a unique insight regarding the meetings' development, meeting materials, the process by which meetings were conducted, and community opinions inside of and outside of the meeting. This same type of experiential insight would be incorporated in any future use of the DQI within the Tribe, since the researcher conducting future content analysis is likely to be a member of the Tribe. Thus, he or she would most likely serve as an administrative participant in organizing meeting materials, setting up meeting locations, and hearing community opinions inside and outside of the meetings.

This study's qualitative content analysis used the measures identified by Steenbergen et al. (2003), who created a Discourse Quality Index (DQI), to identify the overall value of deliberative democracy occurring within a forum. I received permission to use this DQI in this dissertation in December 2011 (M. Steenbergen, personal communication, Dec. 11, 2011). The analysis is based on seven elements, which I combined into a set of four element groupings in order to create a new index. Within the new index, I selected elements based on their ability to provide insight regarding participation, opinion- and reason-giving, acceptance of others' opinions and reasons, and decisions made for the common good. A higher index score indicates a higher quality discourse overall, even though one element might score quite low individually. Further

explanation of the methodology will be presented in Chapter 3. The study was guided by a single research question with four sub questions:

R1. What does the discussion used by members in membership meetings, as identified in transcripts of those meetings, indicate regarding the level of participation and deliberation occurring at the meeting?

Sub1. What indicators of participation occur, based on the DQI category of participation defined as *interrupted* or *not interrupted*?

Sub2. What indicators of opinion- and reason-giving are present, based on the DQI category of level of justification set at four levels ranging from *no reasons* to *sophisticated reasoning*?

Sub3. What indicators of acceptance of others' opinions and reasons are present, based on the DQI category of respect set at three different issues (*respect for group levels*, *others' demands*, and *counterarguments*)?

Sub4. What indicators of decisions made for the common good are present, based on the DQI category of content of justifications (set at levels ranging from *neutral* to either *greatest good for greatest number* or *common good for least advantage*)?

Methodology

I conducted a content analysis to identify themes within meeting transcripts based on the methodology's elements as defined in the DQI. I input and coded materials into

NVivo, the NVivo database. Once I coded the content from all the meetings, I analyzed the resulting information to determine answers to the research question and the four sub-questions listed above.

Conceptual Framework

I examined deliberative democracy from two perspectives: deliberation and participation. Barber (2003) and Lippman (2004), among others, believe strong democracy is built upon deliberation, which requires' citizen participation, in governmental activities. However, in reviewing the literature, I found the application of deliberation and participation theories has limitations. For example, how can 2000 members at a GTC meeting all have an opportunity to discuss items on an agenda that contains several subjects?

The goal of this study was to identify whether the elements of a deliberative forum were present in a typical membership meeting. Although this study did stop at that point, the results of this dissertation may help the Tribal government in redefining existing processes and identifying new ways to help increase the deliberativeness of the forum. As I identified in the literature review, promoting deliberation will increase the individual's ability to discuss issues with a public focus, better understand opposing viewpoints, and make better decisions. Given the complex nature of the Tribal organization and the number of activities in which it is involved, I believe this improved

discussion process can effect positive social change by creating more and better informed decisions about how to use and direct governmental goods and services.

Definitions

Deliberative democracy: the theory that participation of and discussion by individuals in a group setting about subjects related to a public matter will result in a more informed decision and greater acceptance of that decision. This study used the form of this theory, as defined by Steenbergen et al. (2003), which contains six elements of participation, reasoned opinions, respect, discussion based on common good, consensus decision making, and honesty (pp. 25-26).

GTC: the General Tribal Council of the Oneida Tribe of Indians of Wisconsin consisting of at least 75 members age twenty-one and over attending a meeting duly called in accordance with the Tribe's Constitution and on subjects which have been relayed to the members under the Ten Day Notice Policy.

Oneida Business Committee: the body of nine members, each of whom is elected to a three-year term, which has received authority to act on behalf of the Tribe when the GTC is not in session. The Oneida Business Committee is responsible for collecting and approving the information delivered to members for use in a GTC meetings; the chair of the Oneida Business Committee is responsible for presiding at the GTC meeting.

Discourse Quality Index (DQI): the index created by Steenbergen et al. (2003), to measure qualitative elements through ordinal numbers that can be grouped together to

form a variable for use in quantitative studies. The index contains seven elements: participation, level of justification, content of justification, respect for groups, respect for demands of others, respect for counterarguments, and constructive politics.

GTC meeting: a meeting which has been called in accordance with the Tribe's Constitution and during which constitutional authority is returned to members attending the meeting so they may take action on the Tribe's behalf. Members attending the GTC use a majority vote to take action on most decisions, and decisions affecting prior actions require a two-thirds majority. Each meeting contains an agenda, specific subjects, and requested action(s). Generally, for each subject, there is a presentation by the petitioner and representative of the Tribe (in petitioned-for meetings), the Treasurer (in budget-related meetings), or executive staff (in the annual and semi-annual meetings). Finally, the discussion during each meeting is limited to the subject currently being taken up on the agenda.

Assumptions, Limitations, Scope and Delimitations

For the purposes of this study, I made several assumptions. I assumed the following: a) GTC meetings were public forums for the purposes of discussing subjects of governmental importance, b) members had received the provided materials, and c) members were prepared to make decisions based on that information and those discussions. One limitation of my assumptions is that there is no real way to test them, other than through statements from those few members who speak at GTC meetings and

the decisions regarding agenda items. For example, if an action is taken regarding spending funds that do not exist, I would assume that the members had read and understood the information presented to them, that the discussion identified that the speaker understood no funding existed, and that the action to approve such expenditure would be denied.

In addition, this study is limited to one tribe in the Midwest, operating under a constitution that creates a general membership body with delegated authority. Other Tribes may experience different forms of membership body, authority, or abilities. However, this study's general concepts should be transferable to those Tribes; this dissertation adds to the body of scholarship regarding deliberative democracy in general, and regarding Tribal governments in specific.

Finally, recently the GTC has begun paying members stipends to attend meetings. This practice has had an impact on the number of members present at GTC meetings and has affected the decision making process. Historically, a petition could be "acted upon" by failure to make a 75-member quorum. As demonstrated in Table 1, some meetings failed to meet quorums, resulting in decisions made by the Oneida Business Committee or by default (that is, rejection of the petition). It could be assumed that by failing to meet minimum quorum requirements, the GTC was determining that the petitioned-for item(s) did not rise to a public issue. However, with a quorum at every GTC meeting since 2008, a decision must be made regarding every petition. This change in attendance means that

deliberation now occurs on petitioned-for issues that may not rise to public issues, a discovery that would have been indicated by the failure to obtain a quorum prior to the payment of an attendance stipend.

Significance of the Study

Understanding discussions that occur in GTC meetings will assist Tribal leadership in supporting and developing the decision making process, as well as in identifying how to respond better to membership demands for information and comments on services. In addition, generally, Tribal governments are not included in studies of politics, public administration, or democratic theories (Hart, 2006; Ortiz, 2002; Ronquillo, 2011); thus, this study will add to the literature on Tribal government and policy. As identified by Hart, failure to be aware of Native American governance leads to misunderstanding, negative opinions, and negative attitudes by the surrounding communities and the dominant culture. Tribal governments are unique political systems driven by the people and culture of each Tribe. The application of the dominant cultures' political theories can be made if the unique Tribal attributes are taken into consideration (Riley, 2007). Riley argues that incorporating or applying dominant cultures' political systems can be done only if the researcher recognizes that the proposed system must be altered to acknowledge and integrate Tribal cultural values. A study of this nature fills the gap in the literature of public policy and administration theory by looking at a Tribal government system within the concepts of deliberative democracy theory.

Summary

As identified in the literature, I have described that deliberation and participation are core elements of a democratic government. However, scholars have differences of opinion about the level(s) of participation needed to support governmental decisions. As a result of this study, I identified the impact of deliberation and participation and applied those results in a Tribal government setting, which is a currently understudied segment of public policy research. Tribal governments have significant impacts on their Tribal and surrounding communities. Understanding the levels of discourse and participation within these governments can assist Tribal leaders in planning public programs and services to meet unique community needs in a manner acceptable to the community. In Chapter 2, the literature review, I provide a more in-depth discussion of the theory of deliberative democracy and its elements.

Chapter 2: Literature Review

Deliberative Democracy

In this literature review, I compare and contrast the literature on deliberative democracy published within the last decade. I begin this chapter with an introduction to deliberative democracy as a general theory and include the challenges faced by researchers as a result of deviations in the terminology regarding deliberative democracy. In the next section, I identify the positive and negative aspects of deliberative democracy. I follow this by reviewing the literature focused on different types of deliberative forum; this review is accompanied by my identification of what assists in, and hinders, deliberative democracy's implementation. In the next section, I address alternative suggestions regarding how to make deliberative democracy work within current conditions. Finally, I end by addressing limitations in the study of deliberative democracy and providing a prompt for future study as identified in the literature.

Search Strategy

I began the literature review search by identifying authors and theories cited within two books that discussed different levels and types of public participation: Barber's (2003) *Strong Democracy: Participatory Politics for a New Age* and Page and Shapiro's (1992) *Rational Public: Fifty Years of Trends in Americans' Policy Preferences*. Barber discussed the concepts of public participation in governmental decision making which he called *strong democracy*. In contrast, Page and Shapiro talked

about the consistency of public opinion aggregated over time. These two books raised the question of whether or not members' public participation in Tribal government could provide consistent, rational guidance to tribal operations through GTC meetings. I supplemented these initial theories and ideas by searching the Walden Library encyclopedia databases to identify further general information regarding public participation theory.

Primarily, I identified literature through multiple searches of the Thoreau search engine in Walden's online databases. I supplemented this search by investigating some of Walden's more specific online databases; such as Political Science Complete and Business Source Complete. I also conducted general Internet searches using the search terms *public participation* and *deliberative democracy*; I did not limit these searches to the year of publication, but I did restrict them to peer-reviewed articles. I used the terms and authors identified in my first global search to look for specific authors, articles, and new terminology. I also focused on cross-referencing authors and articles within reference lists found in the literature. I repeated my searches until I could not identify any additional authors, articles, or terms.

My initial research began on opinion polling and surveys defining public opinion, concepts arising out of Page and Shapiro's (1992) work; I then turned my focus to individual participation in governmental policy-making derived from Barber's (2003) work. I finished my research by investigating public deliberation. This shift occurred as I

reviewed literature and further identified deliberation theories. My final search of Walden Library's databases and the Internet limited my research to those articles or books published on or after 2005; this way, I identified new articles or books that might have been added online after I had conducted my initial searches.

I conducted a final search of dissertations in the Walden Library to identify any dissertations by using the search terms *deliberative democracy*, *Native American*, *Tribal government*, *discourse and participation*, *Discourse Quality Index*, and *Steenbergen* in various combinations. I found it likely that if I searched using these terms, I would discover any dissertation studies that appeared similar to my study or another study regarding deliberative democracy. I conducted this search in order to verify that doctoral studies continued to exclude Tribal governments from the study of deliberative democracy. As part of my research, I also identified how other doctoral studies used the Discourse Quality Index (DQI).

Specifically, I looked for dissertations whose authors had used the DQI on public participation at any governmental level; I also checked whether any dissertations included their authors' studies of public participation, discourse or deliberative democracy in a Tribal setting. In the process, I retrieved several dissertations on topics such as online public participation, national and international comparisons of participation, and education regarding participation. I identified a single study on the topic of Tribal governments and indigenous populations: Its author focused on whether

recognition of historical actions was sufficient to acknowledge current Tribal government existence in building relationship.

One dissertation, by Sui (2009), discussed the use of one DQI element to determine the quality of reasons or justifications for opinions in small group discussions. Sui used the same methodology I intended to use, but focused on a more specific area rather than deliberative democracy overall. Sui analyzed the results of deliberative polls conducted face-to-face and online with individuals across the United States; none included Tribal governments or Reservations. Sui's study is reviewed in Chapter 3.

What is Deliberative Democracy?

Deliberative democracy is the participation of individuals, on an equal basis, in reasoned discussion regarding a topic of public interest for the development of a solution based on a public good (Levine, Fung, & Gastil, 2005). Much of deliberative democracy theory has rested in Habermasian ideal speech theory (Bächtiger, Steenbergen & Niemeyer, 2007; Gutmann & Thompson, 2004; Rostbøll, 2009). Rostbøll identified Habermasian ideal speech theory as being made up of four elements:

1) No space-time limitation: argument can continue until everyone, everywhere and at all times agrees.

2) No limitations of topics, reasons, or information.

3) Equal and symmetrical participation: everyone has an equal opportunity to influence the argument.

4) Exclusion of every kind of coercion (p. 20).

Habermas (2005, 2006) modified his stance on ideal speech to account for the use of media to bring information about debates to the general public and to allow elected representatives to act on behalf of others. Habermas also acknowledged the limitations in media reporting arguing that it is a public responsibility to demand that newspapers have a professional responsibility to report objectively. While he called for media responsibility in deliberative democracy, Habermas persisted in stating that ideal speech should continue to be the goal.

Scholars have identified some consistency regarding deliberative standards. The elements of deliberative democracy have generally involved equal participation (whether that equality is in the ability to participate, or the amount of time speaking), opinions presented along with reasoned support, listening to others' opinions and reasoning, public discussion, and development of solutions that resolve a public issue based on public preferences (Borgida et al., 2008). Other authors have identified some additional elements required in deliberative forums, such as disagreement, action, public discussion, and specific identification of the topic (Levine, Fung, & Gastil, 2005; Gutmann & Thompson, 2004; Rosenberg, 2007; Stromer-Galley, 2007).

In my search through the literature, from 1999 to the present, I identified nine general terms in the literature search: *deliberation*, *deliberative democracy*, *democratic deliberation*, *public deliberation*, *public participation*, *participatory democracy*,

discursive participation, *strong democracy*, and *participatory engineering*. Several authors have argued that deliberation has no consistent definition, and in doing so they appeared to have some basis (Mutz, 2008; Parkinson, 2006). However, from 1999 through the date of this writing, I observed a strong trend towards *deliberative democracy* as a consistent term and Habermasian *ideal speech* as the base criteria for evaluation (Chambers, 2009; De Vries, Stanczyk, Wall, Uhlmann, & Damschroder, 2010).

In the remainder of this section, I compare differing opinions regarding the qualities of deliberative democracy's elements. Although the basic theory identified above has five elements used by researchers, through my review of the research I have identified at least nine different elements. I review the most common elements first.

Primary Elements

The primary elements of deliberative democracy are reason giving, equal time or equal ability, public issue, and decision. I found these elements appeared in my literature review most frequently as making up deliberative democracy's elements. Most authors referred to all four of these elements when referencing deliberative democracy, and authors who used other elements also generally included many of these four elements in their defined standard(s).

Reason giving. Almost every author identified reason giving as an element of the deliberative process. Faggoto and Fung (2009), for example, pointed out that the basis of the requirement to express one's opinion while providing supporting reasons is to test

those views against others' reasons and opinions. Chambers (2009) suggested that the need to give reasons encourages the individual to be more thoughtful about his/her own opinion. However, the type or quality of reasons these individuals give varies widely. The requirements for *reason* ranged from a formal, debate-style discussion that included supporting evidence to a simple acknowledgement of others' presence (Chambers, 2009; McCoy & Scully, 2002; Ryfe, 2005; Young, 2002).

Levine et al. (2005) argued that the discussion should be "informed, substantive, and conscientious" (p. 2). This definition appeared to be in the mid-range of researchers requirements regarding discussion. Other researchers' higher levels of discussion required that people justify their ideas through evidence in some manner. In her study of a focus group regarding deliberation, for example, Stromer-Galley (2007) evaluated deliberative discussion based on whether individuals cited informative resources. Several other researchers also used this method, including Delli Carpini, Cook, and Jacobs (2004); Faggoto and Fung (2009); Goodin (2003); Innes and Booher (2004); Levine et al. (2005); McCoy and Scully (2002); Parkinson (2006); and Rostbøll (2009). As identified by these researchers, information resources could come either from a third party or from repeating information presented by another participant. De Vries et al. (2010) and Steenbergen, Bächtiger, Spörndli, and Steiner (2003) also identified this qualification in their research. In their study of deliberative forms, Steenbergen et al. measured the quality of reason giving on a scale ranging from *no evidence* to *sophisticated arguments*.

Toward one end of the spectrum, and to the more common level of reasoning found in the literature, I found many researchers' assertion that some comment must be given, even if simply to acknowledge another's presence, for reason to be found (Young, 2002). Authors presenting this line of research argued for a more open concept of deliberation requirements in order to capture more deliberative activities, such as those that occurred in real-world contexts (Young, 2002). For example, Ryfe (2005) argued that reasoning should include storytelling, since that type of speech resembles the manner in which most people are comfortable talking about issues. In turn, while excluding charismatic speech, Chambers (2009) suggested that even deliberative rhetoric should be included in the definition, since the large size of the population affected by any given public issue makes it impossible for all those individuals to engage in face-to-face deliberation. Habermas (2005, 2006) agreed with this latter concept, bestowing the responsibility for carrying out much of the deliberative rhetoric on the media.

Overall, I found this broad range of deliberative theory tended to shift from one type of reasoning to another based on whether the author recognized the limitation of engaging in more formal deliberation (through opinions and supporting evidence outside of focus group research) or small group discussion. In contrast, I found that authors willing to accept a broader category of what constituted reason giving developed a more practical expectation of how deliberation will or can occur.

Equal time or equal ability. Various authors have explained the ability to participate equally in two ways: every person gets the same amount of time or every person has an equal ability to participate—that is, every person speaks (Barber, 2003; De Vries et al. 2010; Dryzek, 2005; Kadlec & Friedman, 2007; Parkinson, 2006; Rosenberg, 2007). In addition to the above, some authors require participation quality be measured by each individual or by representation. Such representation can include an elected official or a selected representative from a group, as in a lobby group or from the results of minideliberation (Delli Carpini et al. 2004; Fuchs & Klingemann, 1999; Innes & Booher, 2004). Yet, when developing their criteria, most authors concluded that individuals needed to learn how to participate in deliberative activities (Fuchs & Zittel, 1999; Fung, 2002; Gaventa, 2004).

Borgida et al. (2008) required everyone have equal access to deliberation and protection be established against one or more individuals attempting to dominate the discussion. Many other authors also expressed this requirement, including De Vries et al. (2010), Rosenberg (2007), Stromer-Galley (2007) and Steenbergen et al. (2003). Borgia et al. suggested that, over time, deliberation grew to include everyone; as a result, everyone achieved equal access and participation. Indeed, Chambers (2009) supported this concept, modifying it through the additional limitation that every citizen ought to participate in a public issue, albeit not necessarily every public issue.

Authors' emphasis on every person's ability to participate also led to their recognition of forms of representation as meeting participation requirements. On the broadest level, authors explained that participation required inclusion of key stakeholders, not necessarily of every person concerned (Levine et al., 2005; Young, 2002). Conversely, Fuchs and Klingemann (1999) recognized the use of representatives in deliberation, thereby acknowledging the form of government in place in the United States. Other authors supported a form of representation based not on an individual speaking on a group's behalf, but on one of the following methods: a) individual, elected representative (Haus & Heinelt, 1999); b) public consultation required by elected officials (Ryfe, 2005); c) interest groups (Fung, 2002; Innes & Booher, 2004); or d) support for minority interests (Innes & Booher, 2004).

Many of the authors above recognized the limitations of enabling each person to speak and of including all persons in any deliberation (Goodin, 2005). The former could result in an extremely long meeting; the latter could be too unwieldy for the back-and-forth action of opinion and reason giving. I found a conflict between authors such as Hadenius (2001) who argued that interacting face-to-face is the primary requirement of deliberative democracy theory, and Parkinson (2006), who argued that this is the essential problem with deliberative democracy. Parkinson theorized it is difficult to overcome the size barrier, which affects the ability of everyone to speak. Perhaps Habermas (2005) accepted a more pragmatic view of deliberative democracy theory by saying that it was

not possible to meet all the elements of ideal speech and of deliberative democracy; as a result, researchers must presuppose that these processes are deliberative. Some authors argued from this perspective, contending that by using planning and organizational structure, people could improve on the interactions and participation in deliberative forums (Crocker, 2007; Kadlec & Friedman, 2007).

Public issue. The third qualification of deliberation I identified in my review of the literature is that deliberation must address a public issue. Authors were consistent regarding this requirement. Many defined a public issue as a problem or decision regarding a matter of common interests that required social cooperation (Fuchs & Zittel, 1999; Steenbergen et al., 2003). Authors raised questions regarding what constituted a public issue and whether it generated deliberation.

Ryfe (2005) suggested deliberation occurs only when an issue reaches high stakes for the community. He based this contention on the idea that individuals will only invest the time and effort to deliberate when something is important to their individual well-being. In contrast, other authors described a less demanding requirement of public issues: focusing on what is best for the community regarding a community issue (Barber, 2003; De Vries et al., 2010; Gutmann & Thompson, 2004; McCoy & Scully, 2002). These authors displayed a more realistic viewpoint regarding participation and deliberation's effect on public issues; they focused on the result of making a community decision regarding a public issue, however great or small.

Decision. According to the literature, making a decision was the fourth primary element of deliberative theory. Authors raised questions involving how decisions were made in the deliberative forum and on what basis. However, despite their range of questions, all authors argued that any decision must have been binding on the parties who are present in the deliberative forum (Rosenberg, 2007). Scholars recognize this aspect of decision making not as being permanent; rather, it is subject to further deliberation, the development of new information, or the identification of alternative solutions (Gutmann & Thompson, 2004).

Some authors focused on what processes participants in deliberative forums used to select the outcome. Several authors explained the act of choosing an option to carry out the solution to a public issue could range from gaining a simple majority vote to the more stringent requirement of consensus. At least one author argued that choosing among options, either as via a survey or among pre-identified solutions, was not deliberative (Dryzek, 2005). This author identified an initial problem: the selection of choices undermined deliberation's creative aspects. The selection encouraged participants in the deliberation to focus on pre-identified "solutions" and stifled discussion regarding unique or alternative solutions.

Almost every author focused on some type of consensus as a decision-making process. Rostbøll (2009) and Borgida et al. (2002) required consensus or unanimous decision-making. Borgida et al. defined consensus as a "universally held definition of the

common good vetted by all of those who would be affected" (p. 522). Yet, in his research, Schwab (2005) found one person holding out for his or her special interest, regardless of the others' opinions or desires, could undermine consensus. Further, Chambers (2003) argued consensus was not necessary to deliberation. In her view, "an overarching interest in the legitimacy of outcomes" was more important (p. 309).

Other authors, such as Levine et al. (2005) contended that the more open form of consensus decision making simply required the deliberation reach an agreement on common ground. Goodin (2005) called this *joint agreement*. Authors explained this level of decision-making was based on decision-making's second quality: the underlying basis for the decision. However, all of these authors agreed that in each case participants had some goal of, at least, reaching a decision.

Parkinson (2007) required the decision to be based on locally sensitive solutions. Gaventa (2004) anticipated and supported this point, suggesting decision-making involves shared responsibility. As these authors explained in their research, these requirements helped individuals build networks of reliance upon each other and develop support for their decisions.

Secondary Elements

Secondary elements are those identified, in the literature, by authors as being required elements of deliberative democracy, but which were not as frequently identified as the primary elements. However, despite this infrequency, I found that authors

presented fewer conflicts regarding the definitions of secondary elements. Secondary elements, which are discussed below, included disagreement, respect for others, action, arguments in public and topic identification.

Disagreement. Although it seems obvious from the above literature, many authors listed disagreement as an element of deliberative democracy. I determined this was different from the element of giving reasons, as the authors identified that deliberative democracy occurred only where disagreement of opinion, solutions, and/or reasons exist. Rosenberg (2007) equated the act of expressing opposing viewpoints to deliberation, while Steenbergen et al. (2003) identified this as creating or verifying an authentic quality of the deliberative process; having an ownership in opinions even as those opinions conflict with others'. Ryfe (2005), in contrast, suggested this conflict of opinions helped people move from their routines into genuine engagement in the deliberative processes; in turn, Dryzek (2005) assured readers that deliberation developed reciprocity of understanding, not simply gamesmanship by individuals working to present their point of view as dominant. Goodin (2003), built upon by Ryfe and Dryzek, indicated that disagreement within deliberations should include reflecting on others' opinions and their associated reasons in order to further support the deliberative discussion's resolution.

Respect for others. Kadlec and Friedman (2007) were unique in their suggestion that deliberation developed mutual respect for others and for differing opinions.

However, the remainder of the authors argued respect for others must be an inherent part of the deliberative process from the beginning. De Vries et al. (2010), for instance, argued each participant must respect others' opinions, a contention supported by Gutmann and Thompson (2004), Rosenberg (2007), and Steenbergen et al. (2003). Rostbøll (2009) presented this quality in the negative, contending it prohibited coercion.

Although not specifically identifying respect for others, Chambers (2003) allowed a certain level of self-interest in individuals participating in deliberations, while ultimately requiring a community-oriented goal. Chambers suggested some respect for the opinions of others must be present in deliberations. In turn, Fung (2004) recognized this level of self-interest would require some level of governmental oversight in order to protect minority interests.

Action. According to the authors I surveyed, action as a secondary element involved two ideals. First, decisions or action should not be taken until the deliberation is completed (Rosenberg, 2007). This point coincided with the requirement, as expressed by Goodin (2003) that people should be responsible for their actions and undertake those actions with consideration of impact on others. Second, people could only take action when the deliberative forum had obtained legitimacy through both consistent process and transparency. Chambers (2003) and Young (2002) supported this requirement; in fact, Young suggested people should use procedural approaches to deliberation to arrive at acceptable and legitimate action.

Argument must be public. Authors describing this element identified the inherent limitations of trying to develop a deliberative forum inclusive of all affected persons, even at the local level. While I will examine this limitation in more detail below, here I want to reiterate its requirement, expressed in the literature, of creating a public argument, which allowed many more individuals to participate by reviewing and weighing the merits of the reasons and opinions described within the deliberations (Borgida et al., 2008; Young, 2002). Finally, Fung (2003) argued the requirement of public deliberation helped to create acceptance by those who would be impacted by the decision.

Topic. Two authors identified the topic of discussion as an element necessary in creation of a deliberative forum. Rostbøll (2009), citing Habermas, argued that deliberation processes must permit an individual to speak to any issue of interest in order to avoid creating a façade of deliberation that is actually stifled by process. However, Stromer-Galley (2007) countered this position, arguing that topics must be structured in order to have in-depth and substantive deliberation. In this sense, structuring would allow discussion participants to reach a decision regarding an issue, or part of an issue, after full discussion, rather than losing the discussion by moving from topic to topic. While both authors argued some procedure might be necessary, Rostbøll also pointed out the concern that process or procedure may hinder deliberation if not carefully monitored.

I have identified nine different elements of deliberative democracy in this literature review: reason giving, equal time or equal ability, public issue, decision, disagreement, respect for others, action, arguments conducted in public and topic identification. In this dissertation, I evaluate three of these elements: participation (interruption as identified in the DQI or equal time or equal ability as identified in the literature), reason giving, and acceptance of reasons or opinions (respect for others). I have not included the remaining elements given the nature of GTC meetings. In the cases I describe in this dissertation, I have presumed the topic of discussion was a public issue regarding deliberation because it was presented by at least 50 Tribal members as a result of a petition in accordance with article IV, section 4 of the Constitution; as such, it can be presumed to meet that requirement. Further, members arguments were conducted in a public forum, the GTC meeting, and members ultimately came to some decision regarding the topic discussed. In light of these factors, I will not include the remaining elements in my study.

Focus of Deliberative Forums

In the process of identifying a deliberative forum's elements several authors pointed out that the results of a deliberative forum are in part based on the forum's developers focus(es) or goal(s). Some authors also made cautionary statements about what the forum could do in terms of decision-making. Finally, some authors warned readers that the forum itself affected the processes within it.

For example, Levine et al. (2005) offered a pragmatic approach to deliberative forums by stating that the form members' expectations of consensus should be explained and realistically recognized up front. In addition, these authors suggested that forum participants should be notified that the forum's results would be educational in nature; the result would not necessarily affect policy decisions or problem solving. These authors determined most deliberative forums are driven by and based in communities, not necessarily part of the decision-making processes or structure.

In contrast, Fung (2002, 2003) argued that deliberative forums have a strong ability to influence policy decisions. Fung contended that this influence occurred if the organizational structure built in deliberative forums from the bottom up and the top down. Fung's arguments centered on a key element he defined as changing the structure of the governmental organization to require community input.

Finally, Buttom and Mattson (1999) determined that incorporating an elected official into the deliberative forum changed that forum's nature. These authors determined that, in almost all circumstances, individuals deferred to the elected official as an expert or guide. Buttom and Mattson argued, because of this deference, within deliberations individuals moved from deliberative posture to listening posture, as if at a lecture or speech.

The GTC I describe in this study is a policy-making body that has authority to make decisions. This set-up is more in line with Fung's suggestion that deliberation be

incorporated into the body's structure. Although the GTC is a constitutionally developed body, there are limitations on what action it can take; these limitations, according to Levine et al., must be clearly identified up front. In the next section, I identify the positive and negative benefits of deliberative forums.

Positive and Negative Outcomes from Deliberative Forums

In my review of the literature, I identified ten different positive benefits. Most authors identified three primary positive benefits; half of the other authors identified a second set of benefits. In contrast, during this literature review, I only found five negative outcomes authors had identified.

Positive outcomes. Authors identified ten positive outcomes in the literature. Almost half of the authors identified three of those positive outcomes; in fact, authors of nine out of sixteen articles that were specifically mentioned positive benefits of deliberative democracy highlighted one positive outcome in particular. In Table 2, I summarize the positive benefits of deliberative democracy as identified in the literature.

Table 2

Positive Benefits of Deliberative Democracy

	Haus & Heneilt (1999)	McCoy & Scully (2002)	Chambers (2003)	Gutmann & Thompson (2004)	Fung (2004)	Delli Carpini, Cook, & Jacobs (2004)	Neblo (2005)	Ryfe (2005)	Levine, Fung & Gastil (2005)	Friedman (2006)	Fung (2006)	Stromer-Galley & Muhleberer (2009)	Carcasson & Christopher (2008)	Carcasson (2009)	Chambers (2009)
Improve public decision making and public decisions			x	x	x		x		x	x			x	x	x
Problem solving, unique decisions					x	x	x							x	x
Increase knowledge	x			x			x				x			x	x
Self-efficacy														x	
Relationship building		x		x		x	x	x						x	
Satisfying									x			x			
Stable decisions, legitimacy			x	x			x		x	x	x				
Improve reasoning						x	x								
Mutual respect			x	x			x	x							
Challenges government to improve				x			x								

Authors mentioned the positive outcome "improvement of public decision making and public decisions" most frequently. I found the first in a 2003 article by Chambers; after that, I found this outcome consistently mentioned thereafter, I found only three exceptions: publications by Ryfe in 2005, Fung in 2006, and Stromer-Galley and Muhleberger in 2009. However, in these particular works, the authors focused on a different aspect of deliberation. Fung (2004) asserted that participation allows for the development of unique solutions to local needs and for the identification of solutions that

otherwise might not have been identified. Clearly, these authors supported the idea that deliberation is capable of creating a better public decision by enabling more expansive public discussion (Carcasson, 2009; Carcasson & Christopher, 2008; Chambers, 2003; Chambers, 2009; Friedman, 2006; Fung, 2004; Gutmann & Thompson, 2004; Levine et al., 2005; Neblo, 2005).

I found further support for the idea that deliberative democracy could enable - better decision making in the benefits mentioned second- and third-most often in sixteen articles (the benefits were mentioned in seven and six of the articles respectively). In my research, I determined three positive benefits fit in this category: stable or legitimate decisions, increased knowledge, and relationship building. When authors discussed these three benefits, they focused on awareness of a public issue and ability to accept decisions about how to solve such issues because of public discussion regarding the opinions, rationale for those opinions, and problem solving suggestions.

Neblo (2005) argued deliberation created more stable decisions and enhanced the legitimacy of those decisions "filtering out certain kinds of preferences, arguments, and agendas" (p. 175). Neblo's argument is consistent with that of Fung (2006), who argued participation closes the knowledge gap between those making policy decisions and those affected by the decisions. In addition, authors found that each public deliberation had a long-term effect on public decisions because it created a network of individuals more likely to rely on or trust one another to deliberate in the future (Ryfe, 2005).

Five of the authors pointed out the deliberative process's ability to create unique solutions to problems. For example, Chambers (2009) suggested deliberation brings to light a position's strengths or weaknesses and helps to flesh out ideas. Carcasson (2009), suggested deliberation improves "how-to" skills.

Four authors indicated that people could develop mutual respect through participation in the deliberative processes. Chambers (2003), for instance, argued the process of discussion resulted in a better understanding of others' positions and develops a greater respect for others' opinions. Gutmann and Thompson (2004) echoed this point, recognizing that people who developed mutual respect had to accept valid opinions existed for on all sides of each issue.

At least one author identified each one of these last ideas about deliberative democracy's positive impact: They found, variously, that deliberative democracy challenges government to improve, improves reasoning, creates satisfaction with the deliberation forum, and develops self-efficacy. In one study of deliberation, Levine et al. (2005) found that individuals enjoyed deliberating more than is generally thought. Levine et al. argued the value of deliberation arose "when it help[ed] participants to learn the reasons for their disagreements and to distinguish subjects on which they [could] agree from those where they [were] unlikely to reach accord" (p. 3). Finally, Gutmann and Thompson (2004) suggested the deliberative forum posed a challenge to government to

improve, since the forum raised awareness of what public opinion was and how government was responding.

Negative outcomes. I identified five specific negative outcomes in the literature that can be categorized as elements of poorly planned deliberative forums, although in one instance the simple act of public expression was a negative consequence. In that case, Morrell (1999) found that although deliberation had many potential positive benefits, overcoming the need to go public with one's political beliefs remained problematic. Morrell was concerned that individuals might receive negative feedback or responses to their political positions, which, ordinarily, would not have been publicly identified. However, after reviewing the positive benefits of deliberation, I believe people could overcome this particular negative feedback concern by building mutual respect, building relationships, and acquiring knowledge to expand opinions and their associated reasons.

The remaining negative outcomes authors brought forward all addressed the forum's structure. For example, Carcasson and Christopher (2008) pointed out that if the forum did not clearly identify the potential results then individual expectations would be negatively affected. I found this argument consistent with the positive outcomes identified above, specifically those that regarded satisfaction with deliberative results. In addition, this negative outcome was connected to another, as identified by Levine et al. (2005), badly organized deliberation discouraged future participation.

Delli Carpini et al. (2004) argued deliberative forums had the potential simply to reinforce majority opinion, thereby increasing internal ties of sub-groups that supported the majority opinion. Ultimately, as the majority opinion strengthened, people created an exclusionary group. Although one goal of deliberation is to create networks and develop mutual respect, according to these authors deliberation could potentially end with the opposite results.

What Helps or Hinders Developing Deliberative Democracy?

In this literature review, I identified several actions or processes that helped or hindered deliberative democracy's implementation. Although I set forth the different elements individually in this study, they are interrelated. I grouped them into six areas, each of which reflected both the positive or negative action and its opposite: repetition, goals and expectations, rules and processes, structure of deliberation, speech methods, and hierarchy and power. For example, a smaller size group can be helpful in deliberation, yet the forum's very size can hinder the application of deliberative results. I found that several authors determined creating rules and processes could help make participants more comfortable and that repeating those forums would help to improve processes and deliberative structures (Gaventa, 2004; Morrell, 2005).

Repetition. Many authors found helping deliberative forum to develop required repetition (Kadlec & Friedman, 2007). Crocker (2007), for example, argued deliberation develops over time; Carcasson and Christopher (2008) argued improvement in

deliberative forums could only take place over time. In contrast, Friedman (2006) argued this same element of repetition undermines the ability to develop deliberative democracy. Friedman contended there might not be any incentive for participating in deliberative forums, given all the demands on an individual's time. However, those authors who suggested repetition could help implement deliberation also believed individuals would be attracted to the issues arising within deliberative forums (Gaventa, 2004; Levine et al., 2005).

Goals and expectations. Levine et al. (2005) and Carcasson and Christopher (2008) clearly pointed out that identifying goals and expectations was the first step, although not the last, in deliberative forum development. These authors contended that if people clarify what can be accomplished, along with what the impact of a deliberative forum's decision might be, they could help lower disappointment regarding the deliberative forum's impact. Kadlec and Friedman (2007) called these *external obstacles to deliberation*; people can manage them through the organization process.

Setting goals and expectations properly can help implement deliberative activities. In the literature review, I found this concept could be undermined in three ways: by the size of the forum, by the types of decisions that can be made, and by the inability to obtain consensus. Goodin (2005), as discussed above, argued it is not possible to deliberate, given the large population size. Goodin believed that if the goal or expectation is to participate in the decision being made, then people could not set realistic

expectations, given the number of individuals who might be affected by the potential decision and the abilities of those individuals, as well as their level of access to the forum.

In addition to contending that population-size is problematic in setting goals, Young (2002) argued that it was not possible for people to make a broad-based decision in those limited settings. Because of this limitation, Young argued, deliberative forums cannot meet deliberative democracy demands on their own. However, note that Young would allow representation as well as alternative media forums to meet deliberative democracy's needs.

Schwab (2005) found the concept of consensus decision making was not possible within group decision making. To support his argument, Schwab experimented with individuals using various decision methods in small group settings. Based on his findings, he contended consensus decision making resulted in no decision, since any one member had the ability and position power to hold out for his or her specific demands. As a result, Schwab argued, if the deliberative forum members' goal or expectation was to create a consensus among participants, it would not be possible to come to that point. Results included increases in frustration among those willing to offer compromises, those willing to adopt alternative methods, and those willing to accept even a majority decision.

In reviewing the literature, I found the issue of setting goals accurately in order to set individual expectation levels accurately was complicated by limitations of group size,

impact, and inability to create consensus decisions. Ultimately, these limitations were further impacted by repetition, which created greater participation within individual forums or across forums, and the rules and processes for conducting forums. Yet some of those rules and processes could offer deliberative forum participants compromise regarding the type of agreement (not necessarily consensus).

Rules and processes. Morrell (1999) and Schwab (2005) conducted focus group experiments to ascertain the impact of rules and procedures on decision making in deliberative forums. Both authors found using some form of rules, such as parliamentary procedures, help individuals cope with the deliberative forums; these rules identified how and when individuals could speak, kept the discussion on topic, and generally resulted in a decision the whole group could accept. Those focus groups that used consensus, as described above, or worked without such rules in their forums were less likely to come to a decision or to accept the group's decision. However, Schwab pointed out the difference there was not statistically significant. Habermas (2005) argued deliberative forums could not meet all the deliberative requirements; their members had to pre-suppose the processes were being followed. He also argued the types of deliberation being undertaken govern the processes.

Although he did not object to rules and procedures, Rostbøll (2009) expressed the cautionary note that rules and processes can lead to a deliberative forum becoming more of a façade than an actual expression of deliberative democracy. He worried that those

very rules could either stifle creativity or prohibit the presentation or discussion of the minority viewpoint. Further, these rules and procedures could result in simply reinforcing majority decisions.

Structure of deliberation. As the authors explained, deliberation structure can include physical attributes (such as room size and seating arrangements), as well as the procedures used to identify topics, set agendas, determines invitations, recognize individuals to speak, and a host of other issues (Kadlec & Friedman, 2007). Hadenius (2001) argued deliberative democracy exists only if supported through institutional structures that build societal organizations. These societal organizations recognized and participated in governmental structure, meanwhile developing a civil culture that supported and increased democratic norms. Without a supportive governmental framework, Hadenius asserted, individuals would take action only from desperation; otherwise, they would live without any need or desire to participate.

In contrast, Crocker (2007) argued deliberative democracy grows only by continuous use. Crocker suggested deliberative democracy is not reliant on structure, but on individuals and their deliberative actions. Under this theory, individuals would use deliberative methods when they could, but when the structure is prohibitive, they could move to non-deliberative methods. Ultimately, Crocker suggested, because of repeated attempts by individuals, an institution would slowly change its settings and processes to

recognize more deliberative processes. In such an institutional setting, the long-term goal would be the increased use of deliberative methods.

Finally, through experiments, Schwab (2005) identified that deliberative forum participants benefited from some regulation and structure in two ways. First, individuals felt more satisfied with the process. Participants in the focus groups understood what was happening and how to participate. Second, participants had the ability to make a decision. Schwab argued that through a voting process, as opposed to consensus, participants could make decisions and be comfortable with those decisions.

Other authors offered some debate about a vote's deliberative quality (Hudson, 2006). Hudson (2006), for example, argued the cost-benefit of voting is such that an individual would generally not vote. He theorized an individual would weigh the costs of expending time voting and the benefits to themselves. Hudson further argued voting is not effective under cost-benefit analysis: Because of representative vote dilution the allocation of time, loss of wages, and travel costs do not equal the "symbolic and expressive" nature of voting. A vote is an individual benefit, because of its symbolism, not a public benefit.

Against this backdrop, Hudson (2006) argued institutions do not have the capability to provide opportunities for deliberation. Hudson suggested that deliberative democracy calls for action by individuals, but that action is then undermined by governmental organizations run by representatives who hear about issues primarily from

lobbyists on behalf of groups. Ryfe (2005) supported this concept of representation and lobbyists by arguing that no matter how institutions are structured, they have to overcome two human reactions. First, individuals argue on a personal basis, not a public basis. Second, the natural desire of individuals is to stay within their known elements of everyday life, rather than to leave that and enter into deliberative forums.

Other authors also suggested that the structure itself, not simply the individuals within the structure, is problematic; they offered alternatives to integrate deliberative methods. Fung (2004) argued local decision making in a deliberative setting requires local government authority and involvement, as well as national government oversight. This delegated and included local government authority would assist individuals in making decisions that meet their unique needs, while the national government would provide oversight to avoid local bias against minority groups. Haus and Heinelt (1999) argued systems should exist to support deliberative democracy; however, because deliberative decision-making is not always effective, people should also recognize the need to have delegated authority within those systems.

Forms of speech. According to the literature, speech methods incorporate both face-to-face discussions and how an individual makes his or her point. At the most basic level, Morrell (2005) argued the critical element is face-to-face discussion. Morrell suggested face-to-face discussion and decision making helps increase internal efficacy. This increased internal efficacy can lead to an individual having greater feelings of

competence and developing a greater likelihood of participating in deliberative events in the future.

Authors also highlighted the type of speech in which individuals engaged in deliberative forums. Innes and Booher (2003), for example, argued speech should be "authentic." The authors argued rhetorical or ritualistic speech is not deliberative discussion, since there is no intent to have give-and-take of ideas in order to be persuasive. Innes and Booher defined authentic speech as sincere, understandable, and accurate. The goal of such speech is to build understanding and relationships between individuals, leading to creativity and learning. Kadlec and Friedman (2007) argued that many of what people consider deliberative forums more closely resemble "gripe sessions" than the give-and-take of deliberation. These authors suggested that deliberative forums, without being carefully crafted and framed, led only to increasing individual's respective power and disinterest in those not in the majority (p. 10).

Fung (2003) argued for the broadest context of speech. Fung suggested deliberation should include "testimony, storytelling, relating needs, principled advocacy, and the airing of conflicts and tensions" (p. 344). This array of speech allows for the greatest inclusiveness and discussion at all ability levels; the goal is increasing participation and deliberative learning opportunities.

Regardless of the type of speech, or other structural issues, Rosenberg (2007) and Mackie (2006) both argued individuals are not likely to change their opinions or

judgments as a result of deliberation. Rosenberg pointed out that people perceive strong guidance from their pre-existing prejudices and opinions in decision-making; generally, they are not subject to change. Mackie pointed out the foundation of deliberative democracy rests on the concept that giving and taking of reasoned opinions results in each individual developing a better understanding of the other's positions; from that understanding, an individual has the ability to change those opinions. However, Mackie also contended that while individuals may appear to change their opinion, these changes usually do not last in the long term. Mackie proposed an, "unchanging minds hypothesis" (p. 280). This hypothesis suggested that opinions and beliefs are interconnected with other opinions and beliefs. As a result, it is difficult to change a single opinion on a long-term basis because it is not possible to tackle the entire network of opinions and beliefs.

Finally, Ryfe (2005) argued that deliberation is unique and takes place outside of individual comfort zones. This leads to two problems. First, getting an individual to participate is difficult. Second, as Ryfe suggested, individuals may find it easier to simply support a cause or become homogenous with the majority group once they start participating.

Power: hierarchy and authority. Finally, according to the literature, implementation of deliberative democracy required attention to two types of power. *Hierarchy* referred to the individuals in a group in relation to their standing in the community, position within an organization, financial ability, ability to speak publicly,

and other similar situations. Second, *authority* generally referred to an individual's ability to either take or direct action because of his or her status as an elected official or position-holder within an organization.

In one study, Pierce, Neeley, and Budziak (2008) looked at the impact of deliberation on high- and low-power individuals. The authors used the term *high-power* to include those individuals who had greater education and greater finances. Their findings indicated that low-power individuals obtain greater benefits through moderated deliberation than those with high power. The author's hypothesis suggested this was a result of the unusual opportunity for low-power individuals to express opinions and know those with high power were hearing them.

In his 2005 study, Schwab also arrived at this conclusion. He suggested that a deliberative forum containing some rules provided people with greater individual happiness regarding the forum and decision. However, Connelly (2009) argued that those with power, such as elected officials and/or experts, are unwilling to give up that power; as a result, they undermine the deliberation's effectiveness. Alternatively, as identified by Buttom and Mattson (1999), people tended to defer to elected officials, who undermined the group's ability to deliberate and re-structured the forum as more of a question-and-answer session.

In another context, Stasavage (2007) argued that public deliberation among decision-making individuals leads to posturing and positioning. Stasavage contended that

the individual (in the case of this study an elected official) felt compelled publicly to protect the position of those he or she is representing by both defending and asserting only that position. Contrastingly, in private deliberation individuals might feel free to offer give and take in the discussion, since the result would ultimately be beneficial to their positions.

It is important to note the difference between the two ideas of power discussed above. The set of authors who argued power could be managed in a deliberative process were generally looking at individuals gathering within a community to discuss a public issue. In contrast, the authors who argued that power is problematic were discussing elected officials who used votes to represent constituents. The two different groups presented different issues.

Based on the above, it appears that the process of developing a deliberative forum has several pitfalls that people can only avoid through practice and repetition. Yet, in light of the above information, it is possible for people to structure a deliberative forum so that individuals can participate, feel their participation has had a positive effect on the outcome, and accept that outcome. However, when people in allow representation or changing the decision-making requirements, they must make trade-offs.

Limitations on Study

I identified several areas of concern in the literature regarding the ability to test or measure the results of deliberative democracy. De Vries et al. (2010) raised the most

basic issue: It is difficult, if not impossible to measure how much respect for others is occurring, if at all, during the deliberation process, or to measure deliberative democracy's social perspective elements. De Vries et al.'s recent allegation contributes to arguments made in the work of Neblo (2005) and Mutz (2008), both of whom argued that it is difficult to move from normative to empirical theory. Neblo based his argument on the inability to separate complex and intertwined elements of testing or measuring within large deliberative groups. Mutz, more in line with De Vries et al., argued that it is difficult to measure ideas and feelings.

In addition to the general issue of measurement, I determined that several authors have identified the related issue of common language as missing in deliberative democracy theory. As I discussed earlier in this chapter, authors have only recently started to construct a single term for the theory. Notwithstanding this consensus regarding the theory's name, Gutmann and Thompson (2004) and Bächtiger et al. (2007) suggested that it would not be possible to accurately measure across studies of deliberative democracy theory so long as the terms used within the theory are inconsistent. Gutmann and Thompson focused on the procedural issues of what works within deliberative methods and the lack of consistency in applying those deliberative processes. In contrast, Bächtiger et al. pointed out that the actual terminology is inconsistent. Gutmann and Thompson, and Bächtiger et al. argued for a broader definition of deliberation in order to accommodate greater deliberative opportunities. The questions they raised regarding

deliberative democracy studies points out that both procedural and substantive inconsistencies still require correction in order to study this theory further.

Finally, several authors determined the wrong instruments are being used to study deliberative democracy. On a basic level, Geenens (2007) suggested the use of voting to measure deliberative outcomes is inappropriate. Geenens suggested voting allows the majority to ignore the minority point of view and thus undermine deliberative decisions. However, Dryzek (2005), Goodin (2003), and Saris and Sniderman (2004) all argued that opinion polling, an alternative to voting, also results in measurement errors. Dryzek pointed out that polling may capture incremental changes in opinions, but it does not capture the results of deliberation. Dryzek argued that opinion polling cannot capture the communication element existing within deliberation (p. 199), also contending that polling simply represents a choice among choices, not an actual opinion. In an earlier study, Goodin argued that polling reflects an opinion regarding the vote, not the decision itself. Goodin suggested the goal should be "to shift more attention towards the internal deliberative aspects of political judgment and action" (p. 56). Finally, Saris and Sniderman argued that opinion polling creates opinions, rather than identifying opinions. They found individuals would state an opinion consistent with one of the polling choices in order to appear informed or to show they have an opinion. In their study, Saris and Sniderman determined that individuals re-polled later would not have an opinion

consistent with the prior poll. The authors suggested individuals are persuaded in their opinions according to the last piece of information received.

Given all of the above, I believe empirical testing remains a future goal of the study of deliberative democracy theory. However, embarking upon a normative study using qualitative tools remained a viable option. As a result, I used a qualitative methodology in my study.

Suggested Direction of Future Studies

In 1999, Fuchs and Zittel wrote that deliberative democracy should focus on outside-the-workplace activities as opportunities for learning how to be politically active and for development of opinions (p. 62). Fuchs and Zittel stressed deliberative democracy's participatory elements and looked at "neighborhood groups in the local context as another basis for personal growth and self-transformation" (p. 64). Six years later, Fuchs and Zittel's literature review identified the focus of recommended "future" research to be about how deliberation works or about what happens within deliberation. The former group appeared consistently in the literature around 2005; the latter around 2006. The 2006 period was the time in which authors were clearest about taking up deliberative democracy theory and in which they identified where future research should focus more frequently. Although the temporal difference between 2005 and 2006 is quite short, the significant difference in focus by authors before and after 2006 can be seen in the Table 3.

Table 3

Direction of Future Studies

	Fuchs & Zittel (1999)	Rosenberg (2005)	Fung (2005)	Levine, Fung, Gastil (2005)	Fung (2006)	Friedman (2006)	Parkinson (2006)	Habermas (2006)
Does the study look at deliberation from a community perspective, not a workplace perspective?	x							
Do individuals have the ability to reason?		x						
Do suggested benefits really occur?		x						
Is there a gap between deliberation and reality?			x					
Should we allow for less-than-deliberative methodologies while we wait for deliberation to develop?			x					
How do design and structure affect deliberation?				x				
How do we measure the quality of deliberation?				x				
Is there a link between deliberation and public involvement/advocacy?				x				
Can other social movements provide insights?				x				
What is the public interest in deliberation?				x				
Who participates?					x			
How do they participate?					x			
Is there a link between deliberation and policy change?				x	x			
Can deliberation be sustained?				x		x		
Can deliberation address broad issues, not just critical issues?						x		
Can the size of the deliberative forum be increased?				x		x		
Can the media be used as participants to create a larger deliberative group through representation?							x	x

Note: Levine et al. (2005) are grouped with the other authors in 2005 primarily because most of the future research questions pertain to how deliberation works, rather than what happens within deliberation.

How deliberation works. In 2005, authors focused on how deliberation works as a goal for future research. Three different authors clearly present these study recommendations: Rosenberg (2005), Fung (2005), and Levine et al. (2005). Rosenberg

focused on whether or not the individual was capable of participating in deliberative forums and whether those forums' benefits really occurred as a result of those individual capabilities. Rosenberg's review of the literature showed that democratic deliberation relies on logical, rational, objective process undertaken with an open mind allowing for change. He determined the literature also showed that most individuals do not think this way; as a result, deliberative democracy scholars should look at how individuals interact and adjust their theory accordingly.

Fung (2005) suggested that deliberative democracy theorists should study the design and structure of deliberative actions and what level of deliberative requirements should be identified in order to meet the goals of deliberative democracy theory. His concerns involved the gap between research and reality; he wondered whether deliberative democracy theory would ever meet the requirements scholars set forth in research. Fung argued scholars should move theory into reality by placing lesser demands on meeting the highest criteria; they should focus on moving incrementally, through experience, into more demanding deliberation methods.

Finally, Levine et al. (2005) suggested that research should focus on deliberation's structural aspects. Levine et al. argued that researchers could use this focus to identify how the structural elements of deliberation could be measured, thus improving both the theory and its implementation. As Levine et al. explained, "despite very different perspectives of academic scholars and grassroots activists, both groups agreed that the

array of practical experiments and projects now underway in deliberative democracy are significant and promising" (p. 8).

What happens in deliberation? In 2006, authors who had been suggesting future studies began focusing on what was happening within the deliberative setting. Fung (2006) suggested research should focus on who participates and how that participation is accomplished. Fung suggested there are four qualities deliberation should develop.

- The quality and quantity of participation.
- The act of informing officials and citizens; the act of building citizenship skills.
- The effect on governmental responsiveness and individual efficacy.
- The creation of citizen action.

Friedman (2006) suggested that, in the future, scholars should examine whether deliberative democracy could be sustained and whether deliberative forums could be increased to address larger numbers of participants, as well as to address topics other than critical issues. He focused on the more practical issues of whether deliberation can move from a single issue and local focus to a general issue that engage communities and larger groups. From Friedman's perspective, citizen participation comes at the cost of the citizen giving some other activity up; if this is the case, then deliberative forum designers creating a larger focus of participation can assist in reducing conflict with government policy (the conflict is created by elected officials). In turn, the reduction of this large-

scale conflict reduces local policy conflict. Friedman's focus on what happens within deliberation attempted to define how to make deliberation more productive on a larger scale.

Last, Habermas (2006) and Parkinson (2006) both argued that the media has a role to play in deliberative democracy theory development. Habermas suggested the media has a responsibility in increasing deliberation's potential scale. Parkinson echoed this sentiment by arguing that the media makes deliberation public, thus placing a lesser burden on individuals being present in a face-to-face deliberative forum. Both authors had some concerns with the media's potential to be captured (Parkinson) or to have been captured (Habermas) by politicians. However, both authors suggested the result of publishing a deliberation discussion creates a broader audience for deliberative democracy; future studies should recognize this alternative and consider it.

Summary

In the literature review, I determined that scholars generally think of deliberative democracy as having nine different elements: a) reason giving by speakers; b) equal time or ability to participate; c) public issue; d) decision made; e) disagreement between participants; f) action taken only after deliberation; g) arguments conducted in public; h) a specified topic; and i) respect for other participants. Based on my findings in the literature review, I also identified that supporting deliberative forums requires: a) repeating deliberative activities; b) identifying the forum's goals and expectations; c)

setting forth some rules and processes for conducting the forum; d) structuring deliberation supported by the organization; e) allowing broad methods of speech in order to increase participation; and, finally, f) managing hierarchy and power to avoid domination of the deliberative forum.

The GTC meetings I attended included many of the deliberative forum's supporting elements. For example, the meetings follow a specific agenda; identify the topics and scope of action available; have adopted rules of order, which are simple and published; allow all forms of speech, from simple acknowledgement to long debates; and are conducted in a forum that allows maximum participation. Thus, many of the elements of deliberative democracy theory are included at the outset. In this dissertation, I study membership meetings that occurred over the course of one year to determine at what level four elements of deliberative democracy were occurring within GTC meetings: a) reason giving, b) participation, c) respect for others, and d) common good. In Chapter 3, I explore different methodologies of content analysis used in prior studies to determine the appropriate process for conducting this dissertation's study.

Chapter 3: Methodology

Introduction

In this study, I used the Discourse Quality Index (DQI) to analyze General Tribal Council (GTC) meetings. My coding for the content analysis included all the DQI's elements; I included all seven GTC meetings held in the year 2010. In Chapter 3, I review the qualitative traditions regarding deliberative democracy theory, summarize previous studies of deliberative democracy reported within the past decade, identify the coding method used, and describe issues relating to the study, including the my role as the researcher, data collection, and analysis.

Qualitative Traditions or Paradigm

Creswell (2009) defined qualitative research as "exploring and understanding the meaning individuals or groups ascribe to a social or human problem" (p. 4). He further suggested that qualitative researchers develop theories from looking at detailed facts and have the goal of creating understanding from the detailed facts' complexity (p. 4). Weber (1990) suggested qualitative inquiry is used to understand group structures and intentions through analysis of communication patterns and norms (p. 9). Although Krippendorf (2004) argued that all content analysis is qualitative research, he pointed out that people are increasingly using content analysis as a research tool, especially when addressing the themes and ideas within discourse in written and oral media.

My search regarding content analysis in the literature published over the past ten years identified 11 studies; I identified almost half of them as making use of qualitative methodologies. However, many of those studies I identified as qualitative used methods like content analysis to create ordinal numbers, which the authors then used, in a quantitative study. For example, Schwab (2005) conducted a focus group study to determine what impact power had on the decision-making process and on satisfaction with the discussion (e.g., high economic power versus low economic power).

I used a pragmatic approach to understanding GTC meetings and the implications of deliberative democracy occurring in those meetings. Creswell (2007) suggested that this approach focuses on the more useful applications of research outcomes (p. 23). He summarizes this paradigm as "[focused on the] consequences of actions, problem-centered, pluralistic, [and] real-world practice centered" (Creswell, 2009, p. 6). I found this focus clear in much of the literature I reviewed in Chapter 2. The question many authors attempted to answer involved identifying what was occurring in a deliberative forum and how this understanding could help to improve those forums in the future.

Recent Research

Fuchs and Zittel (1999) questioned whether any empirical evidence supported deliberative democracy theory. Delli Carpini, Cook, and Jacobs (2004) and Rosenberg (2005) echoed this concern; they pointed out that while empirical evidence has lagged behind the theory's normative development, empirical studies are becoming more and

more available. In addition, Bächtiger, Steenbergen, and Niemeyer (2007) suggested that the study of deliberative democracy has taken a more empirical turn. In my search of the literature from 2000 to date, I identified nine articles and two published dissertations that involved a study of deliberative democracy in action.

In this section, I described deliberative democracy studies and then focused on the study replicated in this dissertation. I summarized the qualities of recent studies of deliberative democracy in Table 4.

Table 4

Types of studies conducted in past ten years

Author	Year	Methodology	Group Studied
Steenbergen, Bächtiger, Spörndli, & Steiner	2003	Qualitative – content analysis to form categorical data grouped to create index of variables	Parliament
Schwab	2005	Quantitative – survey	Role play
Morrell	2005	Quantitative – results of decisions	Focus group
Maiyegum*	2007	Qualitative – content analysis	Documents, interviews, surveys
Stromer-Galley	2007	Qualitative – content analysis	Focus group
Pierce, Neeley, & Budziak	2008	Quantitative – survey	Focus group
Sui*	2008	Qualitative – content analysis	Focus group
Bächtiger, Shikano, Pedrini, & Ryser	2009	Quantitative – content analysis to form categorical data	Parliament
Stromer-Galley & Muhleberger	2009	Quantitative – content analysis and surveys	Focus group
Townsend	2009	Qualitative – ethnography	Town meeting
De Vries, Stanczyk, Uhlmann, & Damschroder	2010	Quantitative – surveys and content analysis	Focus group

* Dissertation

I found researchers' results were almost evenly split between qualitative and quantitative analyses. The vast majority of the authors continued to use focus groups or other experimental methods in their studies. Of the four studies, authors conducted on real-life activities, two authors looked at governmental parliamentary actions, one analyzed documents related to governmental actions, and one examined a local government town meeting. Finally, all of the authors who looked at real-life activities used a descriptive analysis process in their studies; moreover, authors of those quantitative studies used content analysis to form ordinal data for further quantitative analysis. The two groups of authors who conducted their analyses on real-life activities can be separated into two groups: those whose studies used ethnographic methodology and those whose studies used the DQI or some modification thereof.

Townsend's (2009) ethnographic study culminated in a deeper understanding of how a local town hall meeting government worked. Townsend developed insights into how the meeting's interactions and processes influenced individuals. Notwithstanding the depth of knowledge developed in Townsend's study, I have difficulty seeing how this study could be repeated over time. Further, as another author observed, a researcher's involvement in this type of study may ultimately change the results of the town hall meeting, since the ethnographer becomes part of the studied activities (Creswell, 2007). My goal for this dissertation was to identify an ongoing process by which GTC meetings could be analyzed to provide insight and direction, by which people could improve future

GTC meetings. Although ethnography can be helpful to a researcher in developing an understanding, I believed the Tribe would find it difficult to replicate or maintain consistency while being subject to an ongoing ethnographic study over multiple meetings, as identified by Creswell. Further, elected leaders and employees, who attended meetings as part of their existing duties, have already revealed the type of information drawn from Townsend's ethnographic study and presented it to the tribal government. Although this type of study can give a researcher deep understanding of a deliberative forum, I do not believe it would provide feedback regarding meetings and improvements made over time.

The second set of authors used content analyses to study deliberative democracy. One proposed a purely descriptive measure of deliberation. Three others in this group used the DQI (or a modification of the DQI). These authors used the index to identify themes at the thought level within discussion transcripts of governmental meetings and assigned a numerical value to the actions.

Stromer-Galley (2007) developed a method of analyzing discussion at the thought-level to describe deliberation occurring in moderated forums. Stromer-Galley's study measured six elements:

- Reasoned opinion: did the speaker provide a justification for his/her opinion, agree with another speaker, or elaborate on another speaker's point?

- Resources cited: what was used to support reasons given? Media, briefing materials, other speakers?
- Disagreement: did some disagreement exist within the discussion?
- Equality: what was the each speaker's frequency of contributions and number of words spoken?
- Engagement: did speakers talk to each other, did speakers ask questions, and did speakers summarize prior discussion?
- Agenda: did the discussion stay on topic? (Stromer-Galley, 2007).

Stromer-Galley's study presented a method I could use to describe the action in deliberative forums. However, I believed using Stromer-Galley's study would not result in me identifying any particular value or level of deliberative democracy; I would only be able to identify that one or more of the elements were occurring. As an initial foundation, I thought Stromer-Galley's study would be useful as a preliminary test of whether deliberation was occurring in meetings. For the purposes of my study, I identified, through my initial review of GTC meetings, that those meetings included many of the deliberative democracy elements. Therefore, I needed a more robust measurement tool.

Steenbergen et al. (2003) developed the DQI in response to scholars' calls for more empirical studies of deliberative democracy. The DQI is based on deliberative democracy as defined at the Habermasian level of the equal opportunity to participate. The latter includes stating reasons supporting opinions, discussing topics based on what

meets the community's common good, respectfully listening and responding to others, arriving at consensus decision making, and, finally, speaking openly and truthfully (pp. 25-26). Steenbergen et al. identified a coding process for discussion in deliberative forums that combines to form an index of deliberation: the DQI. This index ultimately became a variable that can be used in quantitative research to further identify relationships between different processes, rules, forums, and discussion.

The DQI incorporates all of the Habermasian elements except "authenticity." Steenbergen et al. described the difficulty in measuring how truthful a speaker may have been without interviewing each speaker as the reason for excluding this element from the index. Even after interviewing each speaker, researchers would have found that an unknown level of authenticity remained. The DQI has seven elements, and I have summarized its coding structure in Table 5.

Table 5

DQI Coding System

	0	1	2	3
Participation	Interrupts speaker	No interruption		
Level of Justification	No justification	No link between reason and opinion, includes illustrations	Link between the reason and its effect on the action	At least two complete justifications
Content of Justifications	Specific group interest identified	No inferences to group or common good	Greatest good for greatest number—Utilitarian*	Good for least advantaged—Difference Principle*
Respect Groups	No respect, negative comments	No negative statements or positive statements	At least one positive statement, even if negative statements are present	
Respect Demands of Others	No respect, negative comments	No negative statements or positive statements	At least one positive statement, even if negative statements are present	
Respect Counterarguments	Speaker ignores counterarguments	Counterarguments acknowledged, but degraded	Counterarguments acknowledged, but no negative or positive statements	Counterarguments acknowledged and responded to with positive statements
Constructive Politics	No compromise, reconciliation, or relationship building	Alternative proposal, but not on topic	Mediating proposal that fits within topic	

Note. Categories may not be mutually exclusive, if I determined more than one was present in a speech, I would correct that based on coding at a smaller unit, such as comment, sentence or phrase.
* These are categorized as "2a" and "2b".

The DQI provided me with a description of deliberation occurring in deliberative forums; and ultimately, it can become a variable researchers can use to test different elements of change they present to improve deliberative forums. From my perspective in regards to this dissertation, the DQI enabled me to create a more robust description of deliberative democracy theory elements. Although I believe creating a numerical variable

would be premature, researchers can obtain a better understanding of deliberation through those numerical values, which can in turn provide them with significant direction for future change.

The DQI has limitations. As I discussed earlier, Steenbergen et al. recognized the DQI ignores authenticity, an important element in Habermasian theory. Given the difficulty in measuring this element, I am not surprised Steenbergen et al. excluded authenticity from the DQI or that this element remains unmeasured. Furthermore, I would like to note that the measurement is limited to the spoken word; researchers cannot use it to record verbal and physical cues that may occur during discussion.

Bächtiger et al. (2009) and Sui (2008) incorporated the DQI in two subsequent studies. Bächtiger et al. challenged the DQI, indicating that it failed to meet the deeper needs of measuring deliberative democracy. As a result, Bächtiger et al. made two primary modifications to the DQI; they gave researchers the ability to note sequencing and the capacity to recognize that, at some level, people were not deliberating. Bächtiger et al. argued that deliberation occurred sequentially within parliamentary settings. Their sequence involved the transition of the legislative discussion from subcommittee to the committee as a whole. Recognizing this sequence, they argued, would enable researchers to identify a more specific level of deliberation within the discussion's context.

Bächtiger et al. also contended that at a certain point, if people used a certain type of speech, deliberation did not occur. As a result, their modified DQI identified various

types of discussion: type I, which referenced formal deliberation requirements; and type II, which referenced informal deliberation, such as storytelling. The authors then set expectations on each of the elements they measured in order to establish the level at which no deliberation would be taking place.

Bächtiger et al. added additional elements to the measurement tool, enabling researchers to obtain a more critical view of the deliberative forum. However, I found the change in their study that involved identifying sequences of discussion to be inapplicable within GTC meetings. Further, I contend that identifying levels of deliberation regarding these discussion types may work only in truly parliamentary meetings. Citizens, not those generally familiar with parliamentary proceedings or discussions at the more formal level of discourse, make up GTC meetings. As a result, I believe measuring these discussion types would be premature and highlight individuals' ability to follow the rules rather than the discourse itself.

Finally, Sui (2008) used a portion of the DQI to identify the level of justification occurring within deliberative forums. In this study, Sui examined whether individuals expressing an opinion would support that opinion by some justification, and whether the individuals' speech allowed for any opinion modification or offered alternative solutions. Based on the results, Sui determined the DQI could be separated, and authors could examine a specific element. Although Sui used moderated forums as the study's basis, I realized a GTC meeting's essential nature should be significantly similar to that of the

group studied by Sui in order to reach the same level of results. Researchers who have the ability to remove elements of the DQI (because of those elements' inapplicability) make their studies more focused. However, to obtain the broadest picture of deliberation within GTC meetings, I will use the full DQI in my study.

Coding in This Study

In my study of GTC meetings, I used the DQI, as described in Table 5, to analyze those meetings' discussion. As an initial foundation, I used all the DQI's elements. This allowed me to exclude elements found to be impractical or inapplicable when used to analyze GTC meetings in future DQI applications. Steenbergen et al. (2003) found the DQI's coding process to have high reliability statistics; indeed, it reached almost perfect levels with coders agreeing 91.5% of the time. In addition, Steenbergen et al. found almost perfect coding between coders in the categories of participation, content of justification, and constructive politics (pp. 37-41). The researchers calculated the reliability statistic standardized α at a low of 0.834 for the element *level of justification*, and at a high of 0.922 for the element *respect for demands of others*.

Role of Researcher

In my study, I examined transcripts of GTC meetings. I have had two roles in regards to the documents: my work in both these rolls took place before I began the dissertation or considered the dissertation study. First, as Chief Counsel for the Tribe, I have been responsible for providing legal advice to the Oneida Business Committee

regarding the subject matter and application of Tribal laws. I delivered this advice in the form of verbal opinions, which I gave at Oneida Business Committee meetings, and written legal opinions, which I delivered to the members as part of the information they could use at the GTC meetings. Second, I served as parliamentarian at GTC meetings. In this role, my responsibilities included providing, upon request, opinions regarding whether motions and actions on agenda items were in accordance with the rules of order, prior GTC actions, and Tribal laws.

The Secretary's office produced the recordings of the meetings and the transcripts themselves. In some cases the Secretary's office engaged a third party to type up a transcript, in other cases the staff in the Secretary's office typed up either a transcript or partial verbatim minutes. If the GTC meeting did not have a transcript completed, I used the video or audio recording and the minutes to create a partial transcript for analysis in this study.

In my study, I coded the meeting materials. Completing the coding process assisted me in identifying coding concerns or addressing confusion in regards to future application and training. In addition, in my learning process I ultimately identified necessary qualifications or skills Tribal employees needed to implement for future meetings of the GTC.

Research Questions

R1. What does the discussion used by members in membership meetings, as identified in transcripts of those meetings, indicate regarding the level of participation and deliberation occurring at the meeting?

Sub1. What indicators of participation occur, based on the DQI category of participation defined as *interrupted* or *not interrupted*?

Sub2. What indicators of opinion- and reason-giving are present, based on the DQI category of level of justification set at four levels (ranging from *no reasons* to *sophisticated reasoning*)?

Sub3. What indicators of acceptance of others' opinions and reasons are present, based on the DQI category of respect set at three different issues (*respect for group levels*, *others' demands*, and *counterarguments*?

Sub4. What indicators of decisions made for the common good are present, based on the DQI category of content of justifications (set at levels ranging from *neutral* to either *greatest good for greatest number* or *common good for least advantage*)?

Information Gathering – Context

The GTC is a governing body whose business is conducted under *Robert's Rules of Order, 10th Edition*, as modified by Tribal law. Each meeting's participants include individuals who are members of the Tribe, age 21 and over, who appear at a duly-called

meeting for which an agenda and information have been presented and a quorum of at least 75 members are present. Because these meetings can affect the lives of 16,000 Tribal members, the employment of 2,500 individuals, a budget of almost $500 million, and contracts, programs, services, and government-to-government agreements, it is important that participants make informed decisions.

In my DQI-based study of deliberative democracy, I arrive at insights regarding the level of discourse occurring in GTC meetings. In addition, my findings can provide other researchers or Tribal members with a foundation to improve meeting processes and information delivery. Finally, other researchers or Tribal members can use my findings as stepping-stones from which to examine the GTC's actions on a more nuanced basis than simply looking at the vote.

Ethical Protection of Participants

GTC meetings are closed events; they are open only to members of the Tribe. The Oneida Business Committee approves the materials for a GTC meeting in open session of the general public session of the Oneida Business Committee, and the Secretary's office mails the materials to every member age 21 and over. These materials typically contain information related to the meeting, summaries of the Tribe's budget, prior meetings' minutes, and reports on the organization's status. Generally, Tribal members consider these materials to be confidential documents not for public release because of historical processes, not as a result of any specific action requiring the documents remain

confidential. Given the changing nature of how information can be presented because of technology, specifically through the Internet and the Tribe's website, members at varying levels within the Tribe are currently discussing this level of confidentiality.

In my analysis, I looked at each meeting as a discrete group of data, and I considered the thoughts within individual speeches as the units of analysis. In my report on the analysis, I do not name individual speakers; instead, I attempted to maintain individual confidentiality. Note, however, that Tribal members reading this dissertation can access the documents analyzed and will likely be able to identify individuals.

The Oneida Business Committee, as custodian of the documents and records, granted me permission to use the documents and records. In my request for those materials, I specified that the documents I received would be kept confidential and not released. Members of the Oneida Business Committee adopted the following motion authorizing access to the documents and recordings:

> Motion by Melinda J. Danforth to approve the request with the understanding that the [Oneida Business Committee] will get to review the dissertation findings prior to it being submitted, seconded by Trish King (Oneida Business Committee, June 22, 2011, Minutes, p. 9).

The Walden Institutional Review Board reviewed the above information regarding this study and the participants' ethical protection, and approved this study on March 28, 2012. The approval number is 03-28-12-0102595.

Selection of Data and Justification for Amount of Meetings Studied

For this study, I analyzed the GTC meetings held in the year 2010. In 2007, the GTC adopted a stipend payment program for members attending GTC meetings; the program was to be applied in 2008 and forward. The 2008 meetings included the initial process of implementing the stipend; as such, individuals' participation and discussion during this year may be affected by the stipend payment. Primarily, I argue the data would be shaped by the effect of increasing the number of members present, the greater number of people who could potentially speak, and the number of people witnessing that speech. All this eliminated 2008 as an appropriate year for study, which left two full years for analysis: 2009 and 2010. In the interest of conducting my study on the most recent recorded activities, I used data from the 2010 GTC meetings.

Tribal members held seven GTC meetings in 2010 with an average of 1,363 members in attendance. The range is from 1,251 to 1,428 members in attendance with a standard deviation of ±80. Comparing this data to that of meetings from 2008 and 2009, I found 2010 meetings had the lowest fluctuation in attendance.

Table 6.

GTC meeting characteristics

	2008	2009	2010
Average	1297	1609	1363
S.D.	191	308	80

Each meeting lasted, on average, about four hours and was conducted in the same physical forum; the Four Clans Ballroom at the Radisson in Green Bay. The meetings

included the annual and semi-annual meeting, a budget meeting, and several petition subject meetings. As is customary in scheduling GTC meetings, petition items could appear on any meeting agenda.

Data Analysis Process: Software Analysis

I used the program NVivo to assist in documenting the coding process. NVivo software can organize developed data and capture the coded thoughts as written words or video/MP3s; I used written words. Finally, I used NVivo to identify trends within the data that I might not otherwise have discovered.

For coding purposes, I reviewed each transcript at the thought level. I reviewed each meeting once in its entirety; then, I reviewed again and coded the data. During my first review, my goal was to obtain a context of the meeting's discussion and to make sure that each person was given a unique identifier for coding purposes (thus maintaining confidentiality regarding individuals' names). At this stage, I also identified each meeting as *annual/semi-annual*, *budget* or *petition*. For cases in which a combination of meeting types occurred within one meeting, I identified each subset separately. This process allowed me to code each meeting as a separate subject or meeting type unit, while also allowing me to study types of meetings according to group. For example, I studied all budget meetings separately from all annual/semi-annual meetings. In addition, I used this type of coding because it allowed me to identify trends between different types of meetings and combinations of meetings.

Once I completed coding, I analyzed the results by identifying trends occurring within DQI elements. I generated reports for each of the sub-questions; I also reviewed word trees and other graphic representations of the coding results. Reviewing each of these types of reports assisted me in identifying how future meetings can be improved.

Summary

I used the Discourse Quality Index developed by Steenbergen et al. (2003) to analyze GTC meetings that occurred in 2010. I then used NVivo software to code the data (transcripts or minutes/recordings from the GTC meetings) and identify any additional themes. In Chapter 4, I present the results of my content analysis.

Chapter 4: Results

Introduction

This chapter describes the steps I took to complete the study, how I collected the data, and what data I found missing. Then, I describe the process of the content analysis and the reports I generated. Finally, I discuss the data related to each of my research questions.

Data Gathering and Coding

Data Gathering

As part of my initial data-gathering process, I identified every GTC meeting held in 2010; I then obtained a copy of each meeting's agenda (in Adobe document format), minutes (in Microsoft Word format), and audio recordings (in .wav file format). The Executive Tribal Clerk in the Secretary's Office delivered materials to me either on the USB jump drive I had supplied or as a download from the Tribe's website.

I reviewed the minutes by reading them as I listened to the audio recordings for each meeting. The minutes of GTC meetings was either in the form of a complete or summary transcript of all discussion for the meeting developed through the Secretary's office. I used the audio either to confirm the accuracy of the minutes that were a complete transcript or to fill out information in the minutes that were a summary transcript to create a partial transcript. I also retained the summary in the partial transcript regarding any presentation already in the minutes; I did not plan to code those sections since they

did not consist of deliberation in the context of this study. In the partial transcripts, I also identified interruptions, of either crowd noise or other processes, by using brackets—e.g., [interruption]—in order to identify activities occurring on the audio recording that might be a part of the DQI.

Data coding processes and the three versions of the coding sheet. I began the data coding by reviewing Steenbergen, et al.'s (2003) descriptions of the DQI to set up NVivo; I included with parent nodes for each of the seven coding categories and then included a subset of categories as child nodes. I developed the initial coding sheet with titles for each node and used it to code approximately twenty pages of the April 10 meeting partial transcript. I then made notes to explain further the application of each code on the coding sheet during the coding process. Once I had continued coding for approximately two or three pages without making additional notes, I updated the coding sheet, which I now called "version 2," and deleted the coding in the April 10 partial transcript.

I used version 2 of the coding sheet to code the January 4 meeting partial transcript. Again, I coded about twenty pages while taking notes about questions I had or clarifications I needed to make to the coding sheet. Once I was making no additional changes to the coding sheet, I updated the coding sheet to "version 3," and deleted the coding for this partial transcript.

I used version 3 of the coding sheet to code the January 30 meeting partial transcript. Once I had coded a sufficient number of pages, it became clear to me that the coding sheet did not need any more significant explanations or descriptions. I completed the coding for this meeting, rather than delete the partial coding as I did when developing versions 1 and 2. I then coded all the remaining partial transcripts using version 3.

The coding sheet is an important part of the study results, since the coding sheet is intended to have a long-term use. I will transfer the DQI to the Tribal Secretary's office for continued use by the staff to develop reports to present to the Oneida Business Committee and GTC in order that they may continue to develop their understanding of participation and deliberation in future GTC meetings. My intent was to develop a two-page document that clearly defined each DQI element in the context of GTC meetings, thus establishing a standard for future use. Version 3 of the coding sheet is included in Appendix A.

As I clarified the definitions and explanations, I deleted my partial coding of the January 4 and April 10 partial transcripts to avoid potential errors in the earlier coding. For example, during the initial coding, I included opening prayers and opening comments by the Chair, which took place prior to the beginning of the meeting; I also included presentations. Eventually, I excluded these sections from the coding process because I determined that none of these discussion types included aspects of participation or deliberation. Furthermore, I also excluded motions unless substantive discussion took

place, since I determined that inclusion of these elements would focus more on procedural processes and less on deliberation. In addition, I excluded responses to Tribal members by Oneida Business Committee members in order to avoid bias in the respect nodes and the politics nodes, since I determined that these speeches were more responsive to members and their specific questions or comments, as well as more frequent, since elected representatives of the Tribe made them. Finally, I also included a separate category, the element of *participation-procedural*, to identify when members used the rules to interrupt speakers as a separate category. My intent in creating this element was to try to identify if the rules themselves had an impact on participation and deliberation.

Description of each meeting. I included seven meetings in this study; all occurred in the calendar year 2010. Typically, the Secretary's office arranged for each meeting to be audio recorded and, later in 2010, video recorded. However, I found that the recording for the January 4 meeting was missing about three 15-minute increments, the recording for the July 5 meeting was missing entirely, and audio equipment did not record during the August 21 meeting. I identify this information is more specifically below.

Thus, of the seven meetings held in 2010, I coded five for this study. I describe these meetings below. In general, the Oneida Business Committee scheduled the meetings on Saturdays, with the exceptions of the annual and semi-annual meetings,

which were held, as constitutionally mandated, on Mondays. The meetings lasted, on average about 4.3 hours; the longest was 5.5 hours and the shortest 3 hours. The July 5 semi-annual meeting lasted 5.5 hours, while the August 21 special GTC meeting lasted only three hours. Finally, except for the annual meeting on January 4 all meetings began at 10:00 a.m.

The Oneida Business Committee scheduled the Tribe's annual meeting on Monday, January 4; the meeting began at 6:00 p.m. and ended at 10:30 p.m. The members in attendance numbered 1182. The agenda consisted of minutes to be approved, a law to be adopted under tabled business, a report on prior GTC actions under old business, a presentation of proposed constitutional amendments, and annual reports. The meeting began with a member's motion to adopt an agenda that moved the annual reports earlier on the agenda. The member explained that her motion was intended to recognize the importance of these reports in regards to the remainder of the items on the agenda. The GTC members acted on all but two agenda items: the members deferred the report under old business to the July 5 meeting, and they deferred the constitutional amendments under new business to the January 30 budget meeting. In the discussion, the members explained they would defer the constitutional amendments to allow for the greatest amount of discussion on the topic, since the GTC had spent the vast majority of the meeting discussing the Treasurer's report and the Tribe's annual audit. The members simply deferred the report on prior GTC actions without discussion.

The Oneida Business Committee scheduled the January 30 meeting on a Saturday; the meeting began at 10:00 a.m. and ended at 2:54 p.m. The members in attendance numbered 1,397. The agenda consisted of a plan to adopt the budget, a presentation to amend a Tribal scholarship program, and the constitutional amendments proposed previously. The GTC members adopted the agenda as presented with a limitation of one hour of discussion for each item, and limited each member to speaking once for a three-minute period. The GTC members completed the agenda, with the exception of the constitutional amendments report, which they deferred to the next available GTC meeting. About half of the discussion at this meeting surrounded the adoption of the budget.

The Oneida Business Committee scheduled the April 10 meeting on a Saturday; it began at 10:00 a.m. and ended at 1:22 p.m. The members in attendance numbered 1,367. The agenda consisted of a petition to set expenditure restrictions, a petition to review executive managerial decisions and personnel, and the previously proposed constitutional amendments. One member made a motion to move the constitutional amendments to the beginning of the agenda. She thought the constitutional amendments were important and would not take much time to take action upon those agenda items. The GTC members adopted the agenda, with the change of moving the constitutional amendments to the beginning of the agenda; they stipulated that presentations would be limited to fifteen minutes, discussion to sixty minutes, and each member's speaking-time to three minutes

per person. The GTC completed the agenda for this meeting. Discussion centered on the procedural challenge of bringing petitions before the GTC and the petition to set expenditures restrictions.

Although I did not include the July 5 semi-annual meeting in the coding, I include the description here for reference purposes. The Oneida Business Committee scheduled the meeting on a Monday, in accordance with the Constitution; it began at 10:00 a.m. and ended at 3:36 p.m. The members in attendance numbered 1,251. The agenda consisted of minutes to be approved, the Treasurer's report, a petition to modify the GTC meeting stipend, the organizational report, four legislative actions, a report on constitutional amendments, and the deferred report on prior GTC directives. The GTC members adopted the agenda with one of the legislative actions removed, since some had alleged the action would restrict members' authority to bring matters before the GTC and the report on constitutional amendments moved to the beginning of the agenda because it would not take long to address. The GTC completed the agenda for this meeting. Most of the discussion focused on the constitutional amendments and the Treasurer's report.

The August 21 meeting was not recorded; I have included a brief description of the meeting for reference. The Oneida Business Committee scheduled this meeting on a Saturday; it began at 10:00 a.m. and ended at 1:05 p.m. The members in attendance numbered 1,227. The agenda had a single subject: the six proposed constitutional amendments. The GTC completed the agenda for this meeting.

The Oneida Business Committee scheduled the September 18 meeting on a Saturday; it began at 10:00 a.m. and ended at 2:36 p.m. The members in attendance numbered 1,363. The agenda consisted of the tribal budget, three petitions, a business start-up proposal, and a resolution identifying a long-term allocation of funds to land acquisition. One member's motion to adopt the agenda moved the two petitions (on health services and employee pay increase) and the business start-up proposal to the beginning of the agenda, explaining decisions on these items would affect the budget and should be addressed before the members acted upon the budget. The agenda for this GTC completed the agenda for this meeting. The discussion in this meeting appeared to be spread evenly across all agenda items.

The Oneida Business Committee scheduled the November 20 meeting on a Saturday; it began at 10:00 a.m. and ended at 1:42 p.m. The members in attendance numbered 1,438. The agenda contained two legislative items: the Legislative Procedures Act and the Judiciary Law. One member's initial motion to adopt the agenda with time limits on presentations and discussion failed to pass; instead, members adopted the agenda as presented. The GTC completed the agenda for this meeting. Of the two items presented at this meeting, the members focused primarily on the Judiciary Law in their discussion.

Discrepant Cases: Nonconforming Data

As I identified above, I did not include two of the meetings in the study because the audio tapes for these meetings were missing. These meetings included the constitutionally mandated semi-annual meeting and a special meeting with a single subject: addressing a legislative issue. However, I was able to access records for similar meeting types: the annual meeting and the November 20 meeting respectively. Although it would have been helpful to compare these two types of meeting agendas, I have samples of these types of agendas included in this study through analysis other meetings; thus, I am able to address the issues raised in these types of meetings.

In addition to the above, the January 4 meeting had some missing audio files (the missing sections were in fifteen-minute increments). My review of the audio files against the minutes identified that most of these exceptions occurred during presentations. The information in the minutes covered interruptions that occurred during the discussion. If it appeared that a speaker was interrupted during those missing recording periods, I used the default coding of *participation-interruption* in order to remain conservative in the coding process.

Keeping Track of Data and Emergent Understandings

I used NVivo software to manage the data in the five partial transcripts and to track the coded elements. I set the software up with eight parent nodes, each containing

three to four child nodes, as described in Table 7. I did not code the parent nodes, but included them for organizational purposes.

Table. 7

Coding Groups

Parent Node	Child Nodes
Agenda Type[*]	*annual, budget, other, legislation, petition*
Constructive Politics	alternative, mediating, no compromise
Content of Justification	difference principle, none, self-interest, utilitarian
Justification	linked, no link, none, two links
Participation	couldn't hear[*], interruption, no interruption procedural[*]
Respect Counterarguments	degraded, indifferent, positive, ignored
Respect Demands	indifferent, negative, positive
Respect Groups	indifferent, negative, positive

* This is not a part of the DQI.

I included the additional element of *agenda* in the coding process to recognize that a GTC meeting's agenda can be made up of multiple subjects brought forward for different reasons. For example, the semi-annual meeting's agenda included constitutionally mandated reports (e.g., the Treasurer's report), petitions brought forward by individual members, legislative items presented by the Oneida Business Committee, and reports directed to be presented to the GTC by motions in prior meetings. The Treasurer presented the Treasurer's report, the chair of the Legislative Operating Committee presented legislative items, the author of each petition presented his or her petition items, select members of the Oneida Business Committee presented on behalf of the Tribe, and the responsible party (in this case, the Secretary) presented prior reports. I

included the agenda node to capture discussion in these agenda items in order to determine if there was a difference in how participation and discussion occurred.

In addition to the agenda node, I included two subcategories of the participation node to capture two different reasons why an interruption might have occurred. Since participants in GTC meetings are members of the Tribe who choose to attend, I presumed that they had a basic understanding of the meeting rules; however, I thought procedural interruptions might be indicators of a lack of understanding of procedural rules. I will not test this assumption in this study; however, I set up the material to include this in future studies of the impact on providing procedural information to the membership. I also created the element of *participation-can't hear* because of previous issues with audio technology in order to note that a member's request interrupted a speaker. However, because I coded no material in this subcategory, it can be ignored for the purposes of this study.

At the conclusion of the coding process, I ran queries in NVivo to examine the aggregate of all the coding, coding within sets of partial transcripts, and coding related to different types of agenda items. Although my intent in this study was to look at individual meetings to track participation and deliberation, I used the aggregate of all meetings to view general deliberative values against those of individual meetings. I have included each of the query tables in the Appendix B through I.

I conducted an overview of the coding information, which showed that the nodes related to agenda, participation, and justification were coded for every speech I had coded. I found I coded the nodes related to politics and justifications second most often. In contrast, I coded the nodes related to counterarguments, demands, and groups only after hearing an initial argument or demand made in the discussion. I found I coded these latter elements the least, given the members' prerequisite to be responsive to a member who had made a demand, not simply a statement.

Using NVivo, scholars can present coding information at three different levels: the number of times a node has been coded, the number of words coded at a node, and the number of paragraphs coded at a node. Because I coded the entire speeches, I use the number of times I coded a node as the number analyzed in this study, not words or paragraphs. Although a speech can contain a combination of words that, if coded at the sentence or phrase level, would result in multiple codes for a single node, I determined such coding action would dilute the DQI: I would be focusing on single phrases instead of larger speech actions. However, on occasion, in my discussion of the data below, I include the number of words coded at a node for informative purposes. Overall, I coded five sources, including 309 speeches coded in those five; I coded 38% of the January 4 meeting, 28% of the January 30 meeting, 42% of the April 4 meeting, 34% of the September 18 meeting, and 57% of the November 20 meeting coded.

Findings: Research Questions

R1. What does the discussion used by members in membership meetings, as identified in transcripts of those meetings, indicate regarding the level of participation and deliberation occurring at the meeting?

As I identify more fully below in regards to the subset of more specific research questions, it appears that, on the whole discussion at GTC meetings included mediating solution comments 52% of the time; in fact, discussion included both mediating and alternative solution comments 80% of the time. I found members were able to speak without interruption 73% of the time and justify their comments with one or more links between opinion and reasons 88% of the time. Furthermore, I determined the discussion included some community view point based on the difference principle or a utilitarian viewpoint at least half of the time. Finally, I found 80% of the discussion by each speaker ended with the presentation of a mediating or alternative solution rather than with the speaker becoming caught in an uncompromising position. These elements encompass almost all the I discussion coded.

Unfortunately, once the members began discussion and started responding to others' comments, most of the discussion then involved negative comments made toward groups, other's demands, and others' counterarguments. However, I found this negative turn was usually limited to a small percentage of the meeting. I discuss these points more fully discussed in the subresearch questions.

Sub1. What indicators of participation occur, based on the DQI category of participation defined as *interrupted* or *not interrupted*? In a review of all materials coded, I identified that, on average, I coded the node *participation-no interruption* approximately 75% of the time. Yet when I separate the coding into agenda types and agenda items related to budget actions, I found this lowered the coding of that node to 69% of the time. Moreover, I found that including agenda items related to the node *agenda-other*, which were generally procedural actions, increased the coding to 79% of the time. The next highest-coded agenda item I coded was the node *agenda-petition*, appearing at 35%; followed by *agenda-budget* in which I coded 16% of the materials and agenda items related to the node *agenda-other* were coded only 6% of the time.

Looking at each individual meeting, I found participation coding faired slightly differently. It is possible to exclude coding something in the *participation-procedural* node as an interruption when looking at a discussion in which this type of interruption occurred either to keep discussion by members consistent regarding the agenda item or to determine procedures within the meeting (such as whether or not an action was in order or could be acted upon). However, I determined the numbers had an interesting aspect when I included procedural interruptions, so I have included both sets of numbers or percentages below.

Looking at each meeting separately, I found some meetings faired significantly better without procedural interruptions. For example, I determined the lowest percentage

of uninterrupted participation occurred at the January 30 GTC meeting, at which members discussed budget and legislative items; for this meeting, I entered uninterrupted coding at a rate of 75% without procedural interruptions and at 61% with procedural interruptions (the latter occurred mostly in relation to the budget). In contrast, I determined the highest percentage of uninterrupted speech, 94%, occurred at the Novemer 20 GTC meeting regarding legislative actions; when I included procedural interruptions, all of which occurred in relation to the legislative agenda item, the number fell to 80%. Overall, I determined the possibility of a trend: interruption tended to decrease during the course of the year.

In addition, when looking at each meeting and each type of agenda item independently, I determined that there were fewer interruptions occuring with agenda items related to legislative items and petitioned-for items. After conducting a review of the materials, I determined that much of the time at legislative, annual, and budget-related meetings involved Oneida Business Committee member's or petitioner's presentations regarding organizational reports and/or the budget. As a result, while the length of those meetings might have fallen within the average four-hour time, I found much of that time did not involve discussion. However, given their relatively low numbers of interruption, overall, I determined that members were generally able to speak at GTC meetings without interruptions, regardless of the type of agenda items they presented.

When separating types of interruptions regarding participation, I encountered a different scenario. I found procedural interruptions—these invovled application of the meeting's rules of order as applied by the Chair, interpreted by the Parliamentarian, and used by the membership—occurred in all but one of the five types of agenda items (annual reports). For the most part, I determined most procedural interruptions involved calling for discussion to be concluded, an action known as the "call for the question." The members' rules dictate this request must be made between speeches by recognized speakers, yet such requests often cuts off the next speakers just as they are beginning. In a few circumstances, I found the Chair recognized the call for the question, but upon interruption by the membership such as groans or shouts of "no," allowed discussion to continue. I determined the remaining majority of the procedural questions involved interruptions to clarify a motion or to call for the Chair to rule the motion out of order. In two circumstances, I recorded unusual instances of the procedural interruption: first, the Chair used it to keep members on the agenda item; second, a member used it to chastize the Chair for informal commentary that did not respect the membership.

In constrast, in regards to general interruption, I found most interruption occurred in interactions of a speaker with the audience. Except for a few cases in which a speaker was clearly interacting with an individual member, I identified that most interruptions involved either clapping (to indicate favor) or laughter. Regarding the few incidences in which direct action of an off-microphone member interrupted a speaker, I determined

those incidents were either direct confrontations of the speaker to which the speaker were responding or specific comments made to a member who appeared to have made a comment not recorded by the microphone. In both circumstances, I identified that the comments were derogatory either toward a group or at specific individual.

Sub2. What indicators of opinion- and reason-giving are present, based on the DQI category of *level of justification* set at four levels (ranging from *no reasons* to *sophisticated reasoning*)? Looking at the aggregate of all coded material for the calendar year 2010, I found it was rare for a member to have presented a speech without providing a link to some reason or presenting no link between the opinion and reason stated. I found speech with a single link or two or more links occurred 88% of the time and accounted for 96% of the words spoken. In terms of the coding under the nodes *justification-no link* or *justification-none*, I coded most speech as having no justification at all or simply stating an opinion. In a large number of cases, the speech I coded under these two categories involved questions about a prior discussion or stated agreements regarding a position or action.

In reviewing each meeting separately, I found almost all discussion continued to be justified. However, I identified that most speech without linked justification or with no justification occurred regarding legislative items or procedural items. The exceptions, I determined, were large groups of speech I coded in the nodes *justification-not linked* or *justification-none* under single occasions within two meetings, one involving the budget

on January 30 (this had 4 of 22 coded speeches) and one involving a petition on April 4 (this had 9 of 48 coded speeches), which were unique in regards to all coding for those types of agenda items.

In discussion regarding legislation or petitions, I found the unjustified speech generally involved expressions of a personal opinion regarding an action taken by the Oneida Business Committee, a specific OBC member, or a petitioner. For example, members expressed personal opinions regarding the efforts the Legislative Operating Committee had taken to craft complex legislative actions such as the Judiciary Act, before presenting questions about that legislation. In other circumstances, some speakers were simply asking for additional information.

I determined that individuals making justified speeches, whether those speeches contained one or more links, generally derived those links from four sources: the materials submitted to members prior to the meeting, handouts presented at the meeting, references to a presentation made at the meeting, or personal experiences. Most members spoke of personal experiences including their interaction with the Tribe (such as in their capacity as an employee or superivisor) or regarding their applications to receive services (such as higher education scholarships, low-income housing, job training, or health services). In a few circumstances, members shared their personal, non-Tribal experiences in an effort to compare and contrast what they had witnessed with a proposed or existing Tribal process or program.

Sub3. What indicators of acceptance of others' opinions and reasons are present, based on the DQI category of *respect* set at three different issues (*respect for group levels*, *others' demands*, and *counterarguments*)? To address this subquestion, I involved three different DQI nodes: *respect toward groups*, *respect toward others' demands*, and *respect toward counterargments*. I reviewed these individually below and then I present the collected group findings.

Respect toward groups. I found I coded *respect toward groups* negatively 61% of the time across all the sources. In other words, this means 36 out of a total 59 speeches for this node. On the whole, I coded *respect toward groups* in less than 20% of all the speeches coded. Within the speeches coded in this node, I found the range for positive *respect toward groups* ranged from 18% to 50% within types of agenda items. I conducted the least amount of negative coding in agenda items coded *procedural* and the greatest amount of negative coding in agenda items related to legislation. I found this to be consistent within individual meetings. On the whole, I determined, when members mentioned groups in the discussion, that discussion would most likely be negative. In addition, I noted very few occasions upon which members mentioned a group with indifferent (not positive or negative) comments.

I noticed members made negative comments regarding groups in two primary areas, although I found occurrances of negative comments throughout each meeting I coded. The January 4 meeting's disscussion is a primary example of the inclusion of the

first area of negative comments. During the annual meeting, members spent most of the discussion on the Treasurer's report on the Tribe's financial status. Their negative comments focused on two complaints: first, the failure of corporations owned by the Tribe to send a representative to respond to questions; second, the fact that two Tribal corporations had failed to respond to the Treasurer's requests for information. These complaints led the members to a discussion about accountability and the "failure" of these Tribal corporations to provide a financial return on investments made by the Tribe. Tribal corporations are created under Tribal or state law to allow such corporations to conduct business activities without the following: having to maintain Tribal level benefits for employees; being required to request the Oneida Business Committee to waive the Tribe's sovereign immunity when the corporation engaged in contracts with vendors, lessees, joint ventures or other business relations. Tribal corporations have a responsibility to return profits to the Tribe and report on their financial activities, in accordance with corporate charters. The Tribe's corporations include land management companies, hotel operators, and federal engineering and science contractors, to name a few.

The second major area of members' negative comments, I determined, were made involving proposed legislation regarding rule-making and adoption of a Tribal court. Their comments in this area involved concerns about taking power away from the General Tribal Council and what qualifications would be necessary to be elected as a

judge on the proposed Tribal Court. Members made these comments during several different meetings, but the issue arose primarily from disussion at the November 20 meeting. I identified that the negative comments regarding the legislative actions focused primarily on the Oneida Business Committee, which members perceived as trying to take authority belonging to the General Tribal Council by subjecting petitions to legislative public-hearing process and Oneida Business Committee approval. These comments came in the form of accusing the Oneida Business Committee of "failing to consider" other options in draftng legislation, taking "unilateral" action on legislation, and being "tone deaf" to the directives and wishes of the General Tribal Council. Much of the negative respect members exhibited toward groups at the annual meeting, I determined, involved rhetorical questions regarding the following: when the Oneida Business Committee was going to remove members of corporate boards for failing to be responsive to requests for information; how badly a corporation wanted to lose money before it would be dissolved by the Oneida Business Committee.

In addition to the two categories identified above, I identified members made negative comments toward groups resulting from off-microphone comments made to the various members granted the floor to speak. For example, at the January 30 meeting, during a discussion of a proposed limited wage increase for employees, one member responded to off-microphone comments by making derogatory comments to that individual, after which the Chair reprimanded both members as out of order.

Overall, I found most members' negative comments were subtle; these comments suggested that the history of a relationship or understanding of prior discussion would be needed to clearly identify the negative comment's nature. These types of exchanges, which occurred in almost every meeting, usually involved either praising one person at the expense of another or suggesting an individual might be unqualified to make decisions. For example, in a more obvious exchange one member indicated that proposed legislation was simply a law intended to provide job security to existing members who would not otherwise be qualified to hold such positions. In another exchange, a member referred to the Tribe's historical financial actions and suggested that the current body needed to have an understanding of those actions, referring to investments, business relationships, and former Tribal corporations. Finally, in regards to a petition-related action on a wage increase, one member suggested that the vote should not be influenced by the suggestion that employees would have to be laid off if the raise was approved; this comment related back to multiple statements over the years that lay offs might be the result of the GTC's approval of an expenditure. I contend that having an understanding of the relationships and history of the membership and prior GTC meeting discussions can aid in identifying these types of exchanges, which generally led to an increase in the discussions' tension levels and negative comments. Although these comments occurred infrequently in relationship to the overall discussion, I determined such interaction is a part of the personal and professional relationships many members have with each other

and the Tribal organization; furthermore, this interaction may reflect how they view their relationship with the organization as members, voters, employees, employers, elected/ appointed representatives, and participants in Tribal programs, among the many bonds between individuals and the Tribe.

Respect toward others' demands. Across all sources, I found I coded 33% to 47% of the discussion as positive in regards to the demands of others. The highest positive response to demands occurred in regards to petition agenda items and the lowest in regards to budget and legislation agenda items. Overal, *respect toward others' demands* included approximately 35% of all coded discussion. Reviewing the individual meetings, I found *respect towards others' demands* was more likely to be indifferent or positive, especially in cases in which there were more positive than negative comments in regards to legislation agenda items. Speeches categorized under this node were more likely to be positive or indifferent, in cases in which there were more positive than negative comments—in regards to petitioned-for agenda items. This distinction, I believe, may be a result of the rules of order in the meeting, in that negative comments toward others are in violation of those rules. In addition, members are supposed to abide by the restriction prohibiting discussion of individuals who are not present in the room, notified of the action, and brought forward to respond to the General Tribal Council within limited circumstances, such as removal from office. Although discussing an individual is different from discussing the demands made by another individual, I believe there may be

some overlap. Finally, this distinction may be the result of some members simply using the comments of previous speakers as springboards for their own individual comments, saving time in repeating the previously stated positions, which are generally done in a positive manner.

Overall, I found members were slightly more likely to make positive comments regarding other speakers's demands and, generally it was possible a comment would be indifferent as it would positive or negative. I did find one exception in regards to budget-related actions; in those instances, members were more likely to make negative than positive comments related to others' demands.

To illustrate, I present an example of an exchange of comments that were positive to others' demands; this exchange was clearly present in a meeting involving petitioned-for items. At this meeting, the members were discussing whether or not a petition should be brought forward prior to allowing the Oneida Business Committee to take action to address the petitioned-for issue. In this case, a member suggested the General Tribal Council should respect the Oneida Business Committee's responsibilities to take action and existing laws that allowed such corrective action to be taken. In response, an Oneida Business Committee member responded that the suggestions were appropriate: the Oneida Business Committee could take action, rather than conduct a General Tribal Council meeting, but in the current circumstances the meeting was already ongoing and, as such, was not the appropriate place to hold that discussion.

Members' negative comments, I found, primarily involved discussion about the actions being taken. For example, members identified recommended actions as "dispicable," "disrespectful," "inappropriate," and "irresponsible;" finally, one member "resented" the proposed action and its potential effect on a program. However, I determined not all negative responses to demands were derogatory. For example, one series of negative comments toward others' demands of others occurred in regards to setting the agenda, specifying the amount of time for presentations, and limiting the time for members to speak. In an initial motion setting these restrictions, a member had stated that there were many subjects on the agenda, so presentations and discussion should be limited to allow for each agenda item to be addressed: the member added that the materials had been sent out prior to the meeting, allowing members to understand the issues, and many members in the room might want to participate in discussion. The members responding to these restrictions suggested that the motion seemed intended to limit the information presented to the members and the ability to fully discuss the issues by limiting overall discussion, and that the items presented were all important actions and should be discussed for as long as needed so that all members would be fully informed. In my review of all meeting minutes, I determined that most members' negative comments involved actions regarding one of two topics: financial matters, such as opposition to an employee wage increase or to allocation of funds for a business proposal

or land acquisition; and legal matters, such as opposition to adoption of the Legislative Procedures Act or opposition to adoption of the Judiciary Law.

Respect toward counterarguments. Overall, I coded 23 to 43% of the discussion positively to others' counterarguments. I noted the discussions coded with *respect toward counterarguments* were coded 40% of the time out of all coded discussions. Within types of agendas, I found 43% of discussions included a comment regarding counterarguments that also had the highest positive coding regarding legislation, while I coded only 23% of agenda items regarding the annual reports as including a positive comment. Most discussion I found, were likely to be coded positively or degraded, except for agenda items regarding petitions. In this circumstance, I found coding equally likely to occur across all child nodes: *positive*, *ignored*, *indifferent*, and *degraded*. In contrast, the data showed an equal chance people would respond to a counterargument by ignoring it or responding to indifferently, in comparison to having a positive response. Within each meeting, I found, coding within each child node remained consistent with the aggregate coding of all meetings.

Members made positive responses to counterarguments, in relation to support for prior speakers, by recognizing others' comments and adding additional personal opinion or experience. For example, at one meeting a member acknowledged the difficulties in developing constitutional amendments, praised the work that had been done, and asked for further study of a proposal to remove the Secretary of the Interior from the

constitutional amendment process. As set forth in the Oneida Constitution at the time of this study, amendments require a petition signed by 30% of the qualified voters and approval by the Secretary of the Interior to call a federally regulated secretarial election regarding the amendments; if the members in the secretarial election approve those amendments, the constitutional amendments must receive final approval from the Secretary of the Interior. In this case, members had proposed amendments to remove both the secretarial election process and the review and approval by the Secretary of the Interior.

When I examined all of the *respect* elements together, I found it more likely than not that negative comments toward groups and demands of others would occur when comments toward groups, demands, or counterarguments were mentioned at all. However, when members made counterarguments, a greater proability existed that they would use positive comments. The latter, I speculate might be the result of members choosing support for their opinions, such as comments from prior speakers, thus allowing them greater time to spend on their own opinions or positions rather than repeating prior counterarguments.

Although the high incidence of negative comments represented a low quality discussion, I found its impact was limited to generally less than 33% of the total discussions I coded, which included a low of 23% regarding comments including *respect toward groups* and a high of 43% regarding *respect toward counteraruments*. As a result,

I determined that in less than half of all discussions, some negative comment regarding respect to groups, demands, or counterarguments would be made. The relatively small occurrence of this negative aspect makes sense, I believe, given that the element of *respect toward others' demands* relies on being responsive to something having been said or done (e.g., a reaction to something said during the meeting's progress, not an initial statement made as discussion of an agneda item began).

Sub4. What indicators of decisions made for the common good are present, based on the DQI category of *content of justifications* (set at levels ranging from *neutral* to either *greatest good for greatest number* or *common good for the least advantage*)? In examining the element of *content of justifications*, I looked at four different elements: the difference principle, no community-directed comment, self-interest, and utilitarian. I used the difference principle, as defined in the DQI, to reflect an interest in the *greatest good for the least able* and a utilitarian viewpoint to reflect an interest in the *greatest good for the greatest number*. Usually, the discussions in the meeting were not clear-cut; thus, I made inferences in regards to some points the members attempted to make during speeches. In all circumstances, I gave members the benefit of the doubt, assuming they had attempted to present opinions based on the difference principle or utilitarian viewpoint. For example, I coded a self-interested viewpoint when a member stated that he or she requested information and it was not given to him or her. I encountered this type of comment the most frequently by far. In

contrast, I coded comments protecting the GTC authority (e.g., to petition from being subjected to public hearing and approval by the Oneida Business Committee, as proposed in legislation) with a utilitarian viewpoint. Finally, I found the difference principle viewpoint in instances such as the following: a member, who was retired and did not need employment, proposed action based on the desire to protect the jobs of members who were employed by the Tribe and supported Tribal families.

In general, I determined it more likely that a discussion would include a utilitarian viewpoint (an opinion based on the *greatest good for the greatest number*); I also found it more likely that there would be no specific community viewpoint rather than a difference principle viewpoint (an opinion based on the *most good for the least able*). In addition, I found it more likely that a discussion would reflect members' self-interest, as opposed to being based on difference principle. If I used the data to look at nodes without content and self-interest nodes as a single category, and used *community interest* as the combined category of the difference principle node and the utilitarian view node, then I found it more likely that some community-related viewpoint would be stated, as opposed to no viewpoint or a self-interested viewpoint. My finding was consistent across individual meetings. For purposes of this category, I did not include the nodes *agenda-other* and *participation-procedural*, since the comments focused on procedural actions that members directed at the application of the rules, rather than the agenda item discussed.

Conclusion

I coded five sources in this study based on the DQI presented by Steenbergen et al. (2003). I modified the DQI to include an addition element of *agenda*, with descriptive subcategories, and an additional category in *participation*, which I used to track procedural issues. My coding involved, on average, 40% of each source, and I reported data in regards to each research question. In Chapter 5, I analyzed my findings regarding each research question and provided further discussion regarding future studies and application.

Chapter 5: Findings and Conclusions

Introduction

In this chapter, I present the study results and discuss applications and recommendations for future actions. I begin with a brief review of why I focused on this topic, summarizing the overall study findings and describing the results in more detail, I describe the recommendations I proposed for use by the Oneida Business Committee and observe how the use of the study results can effect positive social change. Finally, I end the chapter with discussions of future studies of deliberative forums within the Tribe and deliberative democracy theory, reflections on the coding experience, and concluding observations of the overall study.

Overview: Reasons for the Study

My intent with this study was to identify a process by which the Tribe could analyze participation and deliberation in GTC meetings, with the goal of identifying the current level of deliberation and how change or improvements could affect that level of deliberation. Over the years, the Tribe has continuously worked to maintain its historical roots to community decision making. However, the difference between decisions made in historic agrarian society and in today's contemporary society has created two types of challenges: those faced by the membership in GTC meetings, and those faced by the elected officials attempting to obtain membership input consistent with our cultural processes. After many years of declining participation in GTC meetings, one member

presented a petition to pay stipends to those members attending meetings. The approved petition proposed payment of a $100 stipend to each member who signed in at the beginning of a meeting and signed out at the conclusion of the meeting. This payment initiative resulted in moving from meetings at which quorums barely met the requirement of 75 members to meetings at which the quorum has regularly exceeded 1,200 members in attendance.

In spite of this increase in the number of members attending meetings, I still had a question regarding the value of that participation. Meetings generally lasted about four hours; once the business of agenda adoption and approval of prior minutes was concluded only three and a half hours remained for presentations and discussion. In most circumstances, presentations would take up about thirty minutes. Two or three presentation items on the agenda accounted for another hour to an hour and a half of the meeting time. Finally, even in cases in which the members placed a three- or four-minute time limit on individual discussion, it was not possible for every member in the room to speak during the remaining two hours of the meeting.

Is it possible to identify what is occurring in regards to participation and discussion at a GTC meeting? Is it possible to understand what is occurring in order to implement changes to improve participation and discussion, and to track the effect of those changes? I intended to answer those questions and identify a long-term tool for this purpose.

The focus of deliberative democracy theory is on the participation and deliberation of individuals regarding governmental decisions. In the literature review, I determined that at an academic level deliberative democracy theory scholars looked at the theory's normative aspects in order to better understand how deliberation works. At the empirical level, people employ two types of applications of the theory. In scientific studies, conducted with focus groups and facilitated or mock deliberative processes, researchers have attempted to better define specific elements of deliberation. In contrast, although real-world deliberation is less studied, people have developed several practical applications that attempt to measure levels of deliberation in real-world forums. Steenbergen et. al (2003) developed the DQI, which measures deliberation occurring in parliamentary and legislative processes, as a tool with which to measure real-world deliberation levels. With the DQI, researchers can look at individual speech from seven different points of view, ranging from whether the speaker was able to participate without interruption to the amount of respect the speaker gives to others who have spoken on the subject during the session.

I determined that analyzing the results of a DQI-based content analysis of a meeting transcript could help to identify the level of participation and deliberation that occurred in that meeting. I could analyze the DQI to transform qualitative results for use in quantitative studies. However, I can also analyze the DQI from within the elements set forth in my study. By looking at the results of each element of the DQI, I can identify

how participation and deliberation occurred within a particular meeting. For example, were the speakers respectful of others' counterarguments? Did a speaker justify his or her opinion by connecting a personal feeling with one or more reasons supporting that opinion? The DQI-based description of what occurred within a meeting can provide us with a better understanding of how meetings can be managed to increase participation (*participation*), identify levels of information relied upon by members to justify opinions (*justification of opinions*), create a better understanding of the Tribe and the Tribal community (*content of justification*), understand individual or group positions regarding Tribal activities (*constructive politics*), and understand how members relate to each other (*respect: groups, demands, counterarguments*). In addition, I determined that it would possible to use this analysis to identify themes within discussions and subjects, thereby better anticipating what types of information should be presented or what potential procedural changes could be implemented to improve participation and deliberation. I discuss these implications more fully below.

Brief Summary of Findings

From the data analysis in Chapter 4 I determined that, in general, GTC meetings had a high DQI level in regards to participation and speech. I based determination on the initial four elements of the DQI: *constructive politics*, *content of justification*, *justification of opinion*, and *participation*. I found that most members' speech had

community-based content, offered mediating or alternative solutions, justified the speaker's opinion based on one or more linked reasons, and was uninterrupted.

However, when I looked at how members interacted with each other regarding the DQI category of *respect*, an entirely different picture emerged. Although this category included a small percentage of all discussion I coded, I coded over half to almost two-thirds of the discussion in this category either *negative* or *degrading* speech. In this study I identified that focusing on the *respect* category—as it relates to comments regarding *groups*, *counterarguments* and *demands*—has the potential to provide the greatest improvement in deliberation and participation in GTC meetings. As Gutmann and Thompson (2004) noted, respect for others is a critical element of deliberative democracy and must be a part of the process from the beginning. Overall, using the elements of the DQI, I determined that while most meetings had strong positive elements of deliberative democracy, focusing on reducing the negative or derogatory comments could create a more positive environment for members—an environment in which they could be more comfortable in airing their opinions and hearing other viewpoints.

Interpretation of Findings and Recommendations for Action

How can the results of this study provide guidance to the Oneida Business Committee or to Tribal members? Initially, I would like to point out that this study's results showed the following: members were able to speak without interruption, they generally gave reasons for their opinions, their discussion generally included some type

of solution to the issue presented, and, finally, their opinions were generally community-oriented. Unfortunately, as my findings show, once a member presented this initial position, the respect another member gave in response was most often negative.

In looking at the data regarding *respect* more specifically, I identified that the DQI findings did not change whether the meeting was regular or special. In contrast, if I separated the DQI into types of agenda items, the results did change. In managing meetings, I recommend that the Oneida Business Committee should spend additional time preparing for and managing the discussion related to legislative and budget agenda items, and, to a certain extent petition items. In the meetings I analyzed, the first two discussion groups contain most of the negative discussion, although my research showed petitions generally led to positive discussion, I also coded high levels of negative discussion. In reviewing the coding and the transcripts, I found it possible to identify that negative discussion increased as the discussion progressed. It was not clear if this increase related to frustration with the amount of time waiting to speak or derived from the general negative aspect of respecting others' opinions. For example, I found the initial discussion regarding the Legislative Procedures Act contained counterarguments that were acknowledged but not negative. However, as the discussion continued, the respect for counterarguments decreased, and members aimed derogatory language at the proposed legislation, the drafters, and/or other members in the audience. These discussions tended to be quite lengthy, as opposed to petition items, for which the

discussions were short and decisions adopted quickly. In addition, members' discussion regarding the proposed legislation generally focused on the same two proposals: the Legislative Procedures Act and the Judiciary Law. I believe it is possible that frustration levels were higher in these cases because the membership present may have felt that no amendments were made because of prior discussion and recommendations.

By focusing on respect within GTC meetings, I argue that members would find it possible to make discussion more inviting, since individuals offering personal opinions would feel less intimidated. As I identified in the literature, speaking at deliberative forums is intimidating; at least one group of authors suggested that respect is a required element of a deliberative forum (De Vries et al., 2010). In addition, other authors contended that one outcome of deliberative forums included identifying alternative solutions that might otherwise remain unstated (Chambers, 2003; Fung, 2004). In light of the coding results, I recommend a simple change, which could include the Chair taking greater care to enforce the rules regarding showing respect to other members during discussion, thus decreasing the negative findings of *respect* (*counterarguments, demands, and groups*).

Implications for Social Change

GTC meetings can include all aspects of governmental decision making under the Constitution of the Tribe. Over time, the GTC has limited its own authority. For example, the GTC has prohibited itself from taking direct action in regards to personnel, has

required information to be presented prior to a GTC meeting, and has directed specific procedures to allow for public input in the development of legislation. However, GTC meetings continue to be managed using the same procedural rules adopted in 1936 and according to information requirements adopted in 1991. Although the Oneida Business Committee members develop information for GTC meetings in accordance with those requirements, there has been no formal process for understanding what goes on in regards to participation and deliberation.

In this study, I have identified that the DQI can provide a clearer picture of what has occurred regarding participation and deliberation in GTC meetings. Unfortunately, that picture has provided both good and bad news about the levels of deliberation in those meetings. For the members of the Oneida Business Committee, these results can provide a clear direction for what can be done to improve the GTC meeting forum by strengthening respect within its deliberative forums. As I identified in the literature, continuous steps should be taken to by the Oneida Business Committee to improve and replicate deliberative discussion over time (Kadlec & Friedman, 2007).

By implementing the content analysis of GTC meeting transcripts using the DQI I believe it is possible for the Oneida Business Committee members to identify a potential procedural or information presentation change before and during a GTC meeting and to understand the effect of that change on the actions within the GTC meeting (Levine et al., 2005; Carcasson & Christopher, 2008). For example, in the analysis of the 2010

meetings, I identified a high DQI level regarding *participation* and a low DQI level regarding *respect*. Do these same levels exist in 2011 meetings? Could Oneida Business Committee members implement any changes in regards to GTC meetings that could affect these DQI levels?

GTC meetings are part of the current structure of the Tribe's historical communal decision-making process. By better understanding these processes and taking informed steps to improve those processes, the Oneida Business Committee members can create positive social change in two ways: first, by improving individual understanding and interaction with their government; second, by identifying a broader range of solutions to issues facing the Tribe that require action by the GTC or the Oneida Business Committee. I have demonstrated that the DQI is a tool that can be used to identify changes, and the impact of those changes, in the process of monitoring deliberation and participation improvement in GTC meetings. I will be recommending the Oneida Business Committee integrate the DQI analysis into the existing responsibilities of the Secretary's Office. Such integration can create a continuous stream of information related to the participation and deliberation in GTC meetings in order to test changes and increase responsiveness to membership needs and demands at GTC meetings.

Recommendations for Further Study

I will be recommending several areas of study to the Oneida Business Committee to implement within the Tribe itself that could provide useful information in

understanding and improving GTC meetings. I will also recommend to the Secretary ongoing application of the DQI, which would grant them a greater understanding of GTC meetings by the Oneida Business Committee and members derived from a longitudinal research perspective. In addition, I recommend future study regarding deliberative democracy theory, with the intent of developing a greater understanding of the theory from practical application.

Within the Tribe itself, the DQI, as I presented in this study provides a basic framework for understanding participation and deliberation. While it is not necessary to go backwards to prior years' GTC meetings, it might be useful to do so to understand GTC members' reactions in meetings. For example, members developed and approved the Ten Day Notice Policy because one member felt they had insufficient information in order to make decisions at meetings; members developed the Administrative Procedures Act a result of receiving a grant to develop a tribal court system. More recently, members' approval of paying a stipend to attend GTC meetings has resulted in large quorums. What, if any, effect has this had on the forum's ability in previous years to address subjects that, most likely, would have been rejected through the lack of a quorum? A study of these interactions, I believe, could help the Oneida Business Committee members provide alternatives to the GTC in addressing matters that body might previously have rejected by simply not showing up, but which now results in significant discussion.

Furthermore, in this study I did not address the issue of different individuals chairing GTC meetings. The chair of a GTC meeting, under the Tribe's Constitution, is required to be the chairperson of the Oneida Business Committee, or, in the chair's absence, the vice chairperson of the Oneida Business Committee. I made no attempt in my study to establish a control for this potential change in chairs between meetings, and the same individual chaired all meetings in 2010. It may be the different personal qualities of each elected official could result in different outcomes in coding the elements of the DQI. Those conducting future studies of GTC meetings should take this into consideration and perhaps attempt to code this difference. Finally, in this same category, others may be useful to determine if there is an election-year effect on deliberative democracy levels in GTC meetings, thus allowing the chair to anticipate greater or lesser levels of deliberation and participation in those meetings, either during the conclusion of a term of office or at the beginning of a new term (whether as an incumbent or a newly elected officer).

In addition, in this study I did not look at the number of participants in a GTC meeting. It may prove informative to create additional codes within NVivo in order to incorporate information about the number of speakers, amount of minutes or words each speaker used limitations on the length of time to speak, and repeat opportunities to speak. Such coding could be incorporated with the recent video recordings to identify if a procedural action or time limit cut members off. It may be helpful in providing an

understanding for the chair of how the membership uses the rules and awareness of who may be up next to speak to drive action within the meeting.

For example, if members take up thirty minutes adopting an agenda with 3 items for action and they have thirty minutes for a presentation on each item, then—assuming all of the presentation time is used—over half of the average 4 hour meeting is already taken up by non-deliberative activities. This leaves 2 hours to discuss and take action on the items, leaving approximately forty-five minutes for discussion on each item. If each individual is granted only three minutes of time to speak, presuming no questions receive responses, that means approximately 14 people get to speak per item, which is approximately 2% of the members attending a meeting.

I recommend Tribal members develop the agenda while recognizing these limitations, manage it such that the greatest amount of information is delivered prior to the meeting and increase time for members to speak to a single subject, anticipating subjects that may result in greater discussion overall. This approach increases the opportunity for members, through deliberation and participation, to have a greater positive impact in identifying alternative ideas, managing competing or conflicting opinions, accepting the final decision, and creating greater community reliance or network building, all of which are outcomes of deliberative forums.

On a broader scale in regards to the deliberative democracy theory, I recommend that future studies focus on deliberative forums occurring within Tribal governments. The

historical-contemporary integration of community decision making continues today in other Tribal governments. Learning how these nations have modified their traditional governmental structures to incorporate today's demands can provide researchers with greater insight into deliberative democracy theory.

Reflection on Coding Experience

Significantly, during the coding process it became increasingly clear that I had underestimated the high level of uninterrupted speech and the high level of the negative/derogatory nature of the *respect* elements. I anticipated there would be greater interruptions and fewer negative or derogatory comments, mainly because the meeting rules can be used to stop inappropriate or derogatory speech and to cut off individuals, thus stopping discussion altogether.

In addition, I anticipated that a greater amount of each partial transcript would be coded. However, though the amount of each meeting that I actually coded (generally, I found that less than half of each meeting included deliberative activity), I identified that a significant amount of the meeting is involved in presenting information. Members used this time through presentations or by responding to questions raised during discussion.

Finally, while the process of coding the DQI is easily accomplished, understanding how to begin took me significant time. It takes time to gain a practical understanding of how to read and select items to be coded. As a result, during the process of transferring this knowledge to the Secretary's Office, I will need additional time to

ensure the recipients have an understanding of the content analysis process, not just an understanding of the DQI.

Concluding Statement

Scholars describing the theory of deliberative democracy have argued that individuals participating in formulation of governmental decisions can result in a greater number of potential solutions and a greater acceptance of approved solutions. According to the practical application of the theory of deliberative democracy, scholars accept that deliberative forums are not inclusive of all individuals who may be affected; that even if all individuals are included, it is not practical to create an opportunity for every person to speak and respond to others; and that even if a deliberative forum is convened, it is not realistic to effect government decision making on a larger scale. However, I have shown that in Tribal government membership forums, participation and deliberation occurred and that these processes were effective in shaping community decisions. In addition, I have shown that reviewing the transcript of a GTC meeting can provide insight into the deliberativeness of that meeting, aiding people in understanding the decisions made and providing information for continuous improvement of future deliberative forums. I believe such improvement can affect members' daily lives through the Tribe's programming, employment, services, activities, and decisions about how elected officials carry out their responsibilities.

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Appendix A: Coding Description, v. 3.0

Agenda Type: If a comment is coded in any of the above, it should be coded here except for those procedural motions unless substantive discussion included. All discussion is coded within the category of the agenda, regardless of whether it is on point or on some other agenda item.

Agenda—Annual: Any discussion regarding reports at an Annual or Semi-Annual meeting.

Agenda—Budget: Any discussion related to adoption of the budget.

Agenda—Other: Any discussion not included in the three categories.

Agenda—Legislation: Any discussion regarding adoption of law, regulation, policy etc.

Agenda—Petition: Any discussion related to an item within a petition.

Constructive Politics: Comments regarding finding solutions.

Politics—Alternative: Solution not within the agenda.

Politics—Mediating

Politics—No Compromise

Content of Justification: Comment regarding application of solution, opinion etc.

Content—Difference Principle: Greatest good for the least advantaged.

Content—None

Content—Self Interest

Content—Utilitarian: Greatest good for the greatest number.

Justification: Justification of the speaker's opinion by some other information includes references to power point presentations, materials submitted, personal knowledge

Justification—Linked: Opinion and reason and the two are related.

Justification—No Link: Opinion and reason, but no link between them.

Justification—None

Justification—Two Links: Two complete justifications of opinion.

Participation: Every speaker except procedural non-substantive actions.

Participation—Can't Hear

Participation—Interruption: Begin coding new after interruption, applause is not an interruption.

Participation—No Interruption

Participation—Procedural: Point of order, privileged question. Motions not coded unless substantive discussion which is coded separately.

This group is coded only after the initial discussion identifies a point of view to be responded to by the next speaker.

Respect Counterarguments

- **Counterarguments—Degraded**: Acknowledged and negative comments made.
- **Counterarguments—Indifference**: Acknowledged but, no positive or negative comments made.
- **Counterarguments—Positive**: Acknowledged and no negative statements made.
- **Counterarguments—Ignored**: Not acknowledged

Respect Demands of Others: Response to motion or question asked or comment made.

- **Demands—Indifferent:** no positive or negative comments.
- **Demands—Negative**
- **Demands—Positive**: If there is at least one positive comment it is coded here.

Respect Groups: Comments identify other points of view, not counterarguments, but groups such as BC, GTC, management, front-line etc.

- **Group—Indifferent**
- **Group—Negative**
- **Group—Positive**

Chair is not coded unless substantive discussion.

Presentations are not coded.

Responses to questions asked or comments made by BC member not coded

Code entire comment as a single group, applause is not an interruption to the comment.

Appendix B: Coding for All Sources–Aggregate

	# Sources	# Coded	# Words	Coding	Words
Agenda-Annual	1	46	8783	15%	18%
Agenda-Budget	2	49	6111	16%	12%
Agenda-Legislation	4	86	15951	28%	32%
Agenda-Other	2	20	1484	6%	3%
Agenda-Petition	2	108	17666	35%	35%
Politics-Alternative	5	55	10069	28%	25%
Politics-Mediating	5	101	22481	52%	56%
Politics-No Compromise	5	37	7535	19%	19%
Content-Difference Principle	5	36	8507	15%	18%
Content-None	5	59	8143	25%	17%
Content-Self Interest	5	45	8223	19%	17%
Content-Utilitarian	5	93	22541	40%	48%
Justification-Linked	5	168	28467	70%	60%
Justification-No Link	2	3	237	1%	0%
Justification-None	4	25	1673	10%	4%
Justification-Two Links	5	43	17340	18%	36%
Participation-Interruption	5	42	4340	13%	9%
Participation-No Interruption	5	233	43735	73%	87%
Participation-Procedural	4	45	2458	14%	5%
Groups-Positive	4	18	4569	31%	29%
Groups-Indifferent	3	5	1716	8%	11%
Groups-Negative	5	36	9713	61%	61%
Demands-Positive	5	43	11446	39%	42%
Demands-Indifferent	5	34	7828	31%	29%
Demands-Negative	5	32	8183	29%	30%
Counterarguments-Positive	5	45	10296	35%	34%
Counterarguments-Ignored	2	7	2385	5%	8%
Counterarguments-Indifference	5	45	9974	35%	33%
Counterarguments-Degraded	5	31	7323	24%	24%

Appendix C: Research Questions

Sub1. Participation					
	No Interruption	**Interruption**	**Procedural**	**% of no interruption**	
Annual	35	10	0	78%	
Budget	34	10	5	69%	
Legislation	67	3	16	78%	
Other	15	3	1	79%	
Petition	77	16	14	72%	
Sub2. Justification					
	Linked	**Two Links**	**None**	**No Link**	**% of Linked**
Annual	31	5	2	0	82%
Budget	30	5	4	0	77%
Legislation	44	11	7	1	70%
Other	8	4	3	0	53%
Petition	53	17	9	0	67%
Sub3. Respect					
Group	**Indifferent**	**Negative**	**Positive**	**% of Positive**	
Annual	0	10	4	29%	
Budget	1	5	2	25%	
Legislation	2	12	3	18%	
Other	0	1	1	50%	
Petition	1	8	7	44%	
Demands	**Indifferent**	**Negative**	**Positive**	**% of Positive**	
Annual	2	2	3	43%	
Budget	2	4	3	33%	
Legislation	11	11	11	33%	
Other	7	2	6	40%	
Petition	11	12	20	47%	
Counterarguments	**Degraded**	**Ignored**	**Indifference**	**Positive**	**% of Positive**
Annual	6	1	3	3	23%
Budget	6	0	3	3	25%
Legislation	9	4	11	13	35%
Other	1	1	6	4	33%
Petition	8	0	21	22	43%

Table continues

Sub4. Justification

	Difference Principle	None	Self Interest	Utilitarian	% of Utilitarian	% of Difference Principle
Annual	6	8	7	17	45%	16%
Budget	6	10	10	13	33%	15%
Legislation	6	14	14	25	42%	10%
Other	4	2	4	4	29%	29%
Petition	14	22	9	33	42%	18%

Appendix D: Analysis of Participation by Meeting

4-Jan-10	**Participation-No Interruption**	**Participation-Interruption**	**Participation-Procedural**	**% w/ & w/o Procedural**
Agenda-Annual	35	10	0	78%
Agenda-Budget	0	0	0	
Agenda-Legislation	1	0	0	
Agenda-Other	0	0	0	
Agenda-Petition	0	0	0	
30-Jan-10	**Participation-No Interruption**	**Participation-Interruption**	**Participation-Procedural**	**% w/ & w/o Procedural**
Agenda-Annual	0	0	0	75%/61%
Agenda-Budget	17	10	5	
Agenda-Legislation	16	1	5	
Agenda-Other	0	0	0	
Agenda-Petition	0	0	0	
4-Apr-10	**Participation-No Interruption**	**Participation-Interruption**	**Participation-Procedural**	**% w/ & w/o Procedural**
Agenda-Annual	0	0	0	84%/71%
Agenda-Budget	0	0	0	
Agenda-Legislation	9	2	1	
Agenda-Other	5	0	1	
Agenda-Petition	49	10	12	
18-Sep-10	**Participation-No Interruption**	**Participation-Interruption**	**Participation-Procedural**	**% w/ & w/o Procedural**
Agenda-Annual	0	0	0	88%/85%
Agenda-Budget	17	0	0	
Agenda-Legislation	0	0	0	
Agenda-Other	0	0	0	
Agenda-Petition	28	6	2	
20-Nov-10	**Participation-No Interruption**	**Participation-Interruption**	**Participation-Procedural**	**% w/ & w/o Procedural**
Agenda-Annual	0	0	0	94%/80%
Agenda-Budget	0	0	0	
Agenda-Legislation	41	0	10	
Agenda-Other	10	3	0	
Agenda-Petition	0	0	0	

Appendix E: Analysis of Level of Justification by Meeting

4-Jan-10	**Justification-Linked**	**Justification-Two Links**	**Justification-None**	**Justification-No Link**	**Occurrences of No Link or None**
Annual	31	5	2	0	Annual
Budget	0	0	0	0	
Legislation	1	0	0	0	
Other	0	0	0	0	
Petition	0	0	0	0	
30-Jan-10	**Justification-Linked**	**Justification-Two Links**	**Justification-None**	**Justification-No Link**	**Occurrences of No Link or None**
Annual	0	0	0	0	
Budget	17	1	4	0	Budget
Legislation	15	1	1	0	Legislation
Other	0	0	0	0	
Petition	0	0	0	0	
4-Apr-10	**Justification-Linked**	**Justification-Two Links**	**Justification-None**	**Justification-No Link**	**Occurrences of No Link or None**
Annual	0	0	0	0	
Budget	0	0	0	0	
Legislation	5	1	1	1	Legislation
Other	4	0	1	0	Other
Petition	32	7	9	0	Petition
18-Sep-10	**Justification-Linked**	**Justification-Two Links**	**Justification-None**	**Justification-No Link**	**Occurrences of No Link or None**
Annual	0	0	0	0	
Budget	13	4	0	0	
Legislation	0	0	0	0	
Other	0	0	0	0	
Petition	21	10	0	0	
20-Nov-10	**Justification-Linked**	**Justification-Two Links**	**Justification-None**	**Justification-No Link**	**Occurrences of No Link or None**
Annual	0	0	0	0	
Budget	0	0	0	0	
Legislation	23	9	5	0	Legislation
Other	4	4	2	0	Other
Petition	0	0	0	0	

Appendix F: Analysis of Respect–Group by Meeting

4-Jan-10	**Group-Positive**	**Group-Indifferent**	**Group-Negative**	**% Negative**
Annual	4	0	10	71%
Budget	0	0	0	
Legislation	0	0	0	
Other	0	0	0	
Petition	0	0	0	
30-Jan-10	**Group-Positive**	**Group-Indifferent**	**Group-Negative**	**% Negative**
Annual	0	0	0	
Budget	2	0	5	71%
Legislation	0	0	2	100%
Other	0	0	0	
Petition	0	0	0	
4-Apr-10	**Group-Positive**	**Group-Indifferent**	**Group-Negative**	**% Negative**
Annual	0	0	0	
Budget	0	0	0	
Legislation	0	0	2	100%
Other	0	0	0	
Petition	7	1	6	19%
18-Sep-10	**Group-Positive**	**Group-Indifferent**	**Group-Negative**	**% Negative**
Annual	0	0	0	
Budget	0	1	0	0%
Legislation	0	0	0	
Other	0	0	0	
Petition	0	0	2	100%
20-Nov-10	**Group-Positive**	**Group-Indifferent**	**Group-Negative**	**% Negative**
Annual	0	0	0	
Budget	0	0	0	
Legislation	3	2	8	62%
Other	1	0	1	50%
Petition	0	0	0	

Appendix G: Analysis of Respect–Demands of Others by Meeting

4-Jan-10	**Positive**	**Indifferent**	**Negative**	**Likelihood of Response**
Annual	3	2	2	Slightly positive
Budget	0	0	0	
Legislation	0	0	0	
Other	0	0	0	
Petition	0	0	0	
30-Jan-10	**Positive**	**Indifferent**	**Negative**	**Likelihood of Response**
Annual	0	0	0	
Budget	1	1	3	More likely negative
Legislation	1	3	1	More likely indifferent
Other	0	0	0	
Petition	0	0	0	
4-Apr-10	**Positive**	**Indifferent**	**Negative**	**Likelihood of Response**
Annual	0	0	0	
Budget	0	0	0	
Legislation	2	0	0	More likely positive
Other	2	3	1	More likely positive or negative
Petition	9	2	8	More likely positive or indifferent
18-Sep-10	**Positive**	**Indifferent**	**Negative**	**Likelihood of Response**
Annual	0	0	0	
Budget	2	1	1	Slightly negative
Legislation	0	0	0	
Other	0	0	0	
Petition	11	9	4	More likely positive or indifferent
20-Nov-10	**Positive**	**Indifferent**	**Negative**	**Likelihood of Response**
Annual	0	0	0	
Budget	0	0	0	
Legislation	8	8	10	Slightly negative
Other	4	4	1	More likely positive or indifferent
Petition	0	0	0	

Appendix H: Analysis of Respect–Counterarguments by Meeting

4-Jan-10	**Positive**	**Ignored**	**Indifference**	**Degraded**
Annual	3	1	3	6
Budget	0	0	0	0
Legislation	0	0	0	0
Other	0	0	0	0
Petition	0	0	0	0

30-Jan-10	**Positive**	**Ignored**	**Indifference**	**Degraded**
Annual	0	0	0	0
Budget	0	0	2	3
Legislation	2	0	5	1
Other	0	0	0	0
Petition	0	0	0	0

4-Apr-10	**Positive**	**Ignored**	**Indifference**	**Degraded**
Annual	0	0	0	0
Budget	0	0	0	0
Legislation	1	0	1	0
Other	2	0	2	0
Petition	13	0	11	6

18-Sep-10	**Positive**	**Ignored**	**Indifference**	**Degraded**
Annual	0	0	0	0
Budget	3	0	1	3
Legislation	0	0	0	0
Other	0	0	0	0
Petition	9	0	10	2

20-Nov-10	**Positive**	**Ignored**	**Indifference**	**Degraded**
Annual	0	0	0	0
Budget	0	0	0	0
Legislation	10	4	5	8
Other	2	1	4	1
Petition	0	0	0	0

Appendix I: Analysis of Content of Justifications by Meeting

4-Jan-10	**Difference Principle**	**None**	**Self Interest**	**Utilitarian**	**% of Total Meeting**
Annual	6	8	7	17	61%
Budget	0	0	0	0	
Legislation	0	1	0	0	100%
Other	0	0	0	0	
Petition	0	0	0	0	
30-Jan-10	**Difference Principle**	**None**	**Self Interest**	**Utilitarian**	**% of Total Meeting**
Annual	0	0	0	0	
Budget	3	7	4	8	50%
Legislation	6	2	3	6	71%
Other	0	0	0	0	
Petition	0	0	0	0	
4-Apr-10	**Difference Principle**	**None**	**Self Interest**	**Utilitarian**	**% of Total Meeting**
Annual	0	0	0	0	
Budget	0	0	0	0	
Legislation	0	4	2	2	25%
Other	1	0	2	0	33%
Petition	7	18	7	15	47%
18-Sep-10	**Difference Principle**	**None**	**Self Interest**	**Utilitarian**	**% of Total Meeting**
Annual	0	0	0	0	
Budget	3	3	6	5	47%
Legislation	0	0	0	0	
Other	0	0	0	0	
Petition	7	4	2	18	81%
20-Nov-10	**Difference Principle**	**None**	**Self Interest**	**Utilitarian**	**% of Total Meeting**
Annual	0	0	0	0	
Budget	0	0	0	0	
Legislation	0	7	9	17	52%
Other	3	2	2	4	64%
Petition	0	0	0	0	

Curriculum Vitae

Jo Anne House
Oneida, Wisconsin 54155
jo.house@waldenu.edu

Education

Ph. D. Candidate–Walden University, 2012
Master of Public Administration–Walden University, 2008
Juris Doctor–University of Wisconsin-Madison, 1993
Bachelor of Science-American Jurisprudence–University of Houston-Clear Lake, 1990

Career

2006-Present
Chief Counsel, ***Oneida Tribe of Indians of Wisconsin***
Manage law office of 8 attorneys and 4 support staff for Tribal government. Act as Parliamentarian at General Tribal Council meetings. Provide legal advice and assistance to all levels of government, draft legal opinions regarding reports and requests to General Tribal Council and Oneida Business Committee. Facilitate and develop working relationships between Tribal entities with competing legislative responsibilities.

2005-2007
Vice President, Board of Directors, ***Bay Bancorporation***
Provided feedback and guidance concerning new opportunities in the banking and loan industry and set direction for new management and goals of bank.

2000-2006
Legislative Counsel; Chief Legislative Counsel, ***Little River Band of Ottawa Indians***
Managed law office of 3 attorneys and 1 support staff for legislative branch of Tribal government. Acted as primary attorney responsible for all Tribal legislative drafting, parliamentarian and legal counsel for Tribal Council. Represent Tribal Council in Tribal Court.

1993-2000
Attorney; Sr. Staff Attorney; Interim Chief Counsel, ***Oneida Tribe of Indians of Wisconsin***
Primary legal duties involved drafting and reviewing legislation, providing legal opinions regarding the interpretation and application of Tribal law, legal services for the Oneida Election Board, Oneida Gaming Commission and other Tribal entities. Acted as Parliamentarian at General Tribal Council meetings.

Admitted to practice in Wisconsin (1021514) and Michigan (P62691)

Goals

- To continue to improve Tribal government systems that offer clear and understandable information to members in an accessible format and forum.
- To continue to develop systems which invite and encourage interaction with Tribal government and to assist in the creation of laws and programs which meet the needs of Tribal citizens.
- To continue to develop an understanding of Tribal government operations and organizations.