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Social Change Requires Civic Infrastructure

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ABSTRACT

Civil society is a potentially powerful "third force," which can balance the excesses of business and government. To date, civil society has only been convened episodically, through demonstrations, protests, and other forms of mobilization to press general or specific grievances. Once grievances have been addressed, or the movement co-opted, activity tends to subside. How might civil society be organized to maintain continuous oversight over government, beyond periodic elections, and over business, beyond individual consumer choice? This article explores these questions, in light of historic and current social movement trends.

"*We must be organized*"— Stokely Carmichael (a.k.a. Kwame Ture)

INTRODUCTION

Time Magazine identified "The Protester" as its 2011 Person of the Year because massive street protests have become the "defining trope of our times" and the protester a maker of history.[1] Protest leaders are overwhelmingly young, middle class, and educated, adept at using social media,[2] and operate outside the political establishment.[3] They are frustrated with a dysfunctional and corrupt political and economic system rigged to favor the rich and powerful and prevent significant change.[4] They don't want communism,[5] but they

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1. Kurt Anderson, *The Protester*, TIME (Dec. 14, 2011), http://www.time.com/time/specials/packages/article/0,28804,2101745_2102132_2102373-1,00.html.
2. *See id.* ("[S]ocial media and smart phones did not replace face-to-face social bonds and confrontation but helped energize and turbo charge them, allowing protesters to mobilize nimbly and communicate with one another and the wider world more effectively than ever before.").
3. *See id.*
4. *Id.*; *see* Robin Rogers, *The Hidden Costs of Million-Dollar Donations*, WASH. POST (Dec. 30, 2011), www.washingtonpost.com/opinions/the-hidden-costs-of-million-dollar-donations/2011/12/20/gIQAzpC1QP_story_2.html (finding that even when the rich engage in philanthropy, their inordinate wealth and power can unbalance community stability).
5. *See* Anderson, *supra* note 1.

don't want "hell-bent megascaled crony hypercapitalism" either.[6] They search for a third way, a "new social contract."[7]

Can they succeed?[8] And if they do, what would the new social contract look like? According to *Time Magazine*, the "vanguard" youth of Arab Spring have been "subordinated, if not sidelined, by better-disciplined political organizations."[9] Can protest movements such as "Occupy Wall Street"[10] learn from this example? And if so, what's the lesson? Is it to focus their energies on the mainstream political process?[11] Or is it to develop some entirely different machinery?[12] Maybe they have learned from Einstein, who defined insanity as doing things the way they have always been done, and expecting to get different results.[13]

The weakness of government and the indifference of corporations prompt the need for some new machinery, which I call "civic infrastructure."[14] In Part I, I discuss the decline of community in the United States since the days of de Tocqueville and the corresponding

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6. *Id.*
   We live in a winner-take-all world. The top 1 percent controls 40 percent of the planet's wealth. In cities throughout the United States, people are still camped in public parks, holding signs that say "We are the 99%." Unemployment hovers around 9 percent, state budgets have been slashed and social programs cut. Food pantries report growing demand. The very rich, in the meantime, have never been richer.
Rogers, *supra* note 4.
   7. Anderson, *supra* note 1.
   8. *See id.*
   9. *Id.*
   10. *See* Anderson, *supra* note 1; *see also* Dan Gillmor, *Time Magazine's Protester Cover Reminds Us of the Value of Big Media*, GUARDIAN (Dec. 14, 2011, 6:05 PM), www.guardian.co.uk/commentisfree/cifamerica/2011/dec/14/time-magazine-protester-dan-gillmor.
   11. *See* Anderson, *supra* note 1.
   12. *See id.*
   13. *Quotation #26032 from Michael Moncur's (Cynical) Quotations*, QUOTATIONS PAGE, http://www.quotationspage.com/quotes/Albert_Einstein/31 (last visited Feb. 2, 2013) ("Insanity: doing the same thing over and over and expecting different results.").
   14. The Deliberative Democracy Consortium has begun using the term, picked up by its Executive Director Matt Leighninger, after reviewing a chapter of my book AFRICAN CIVIL RIGHTS IN THE AGE OF OBAMA: A HISTORY AND A HANDBOOK, in which I first used the term. *See infra* note 17. In June of 2012, the Consortium held a conference called "Building Civic Infrastructure." Their promotional material states:
   Communities would do well to take a closer look at their "civic infrastructure" the opportunities, activities, and arenas that allow people to connect with each other, solve problems, make decisions, and celebrate community. These are the fundamental building blocks of strong local democracy, and they include physical and online spaces for citizens, civic skills and capacities, and participatory processes for policymaking.
Matt Leighninger, *What Is Civic Infrastructure and Why Does It Matter? Join Us for Next Week's Conference Call*, CMTY. MATTERS (June 21, 2012), http://communitymatters.posterous.com/building-civic-infrastructure-join-us-for-nex. We differ here. What they are calling "civic infrastructure," I would call "civic capital," as it is not knit together. Knitting civic capital into civic infrastructure is the topic of this article.

increase in government and corporate power. Part II considers the failure of American institutions to respond to the imbalance. Part III looks at both the promise and the limitations of social media as a remedy. In Part IV, I consider the lessons of Arab Spring and the Occupy Wall Street movement. Part V sketches the contours of the proposed civic infrastructure, and Part VI looks at its possible operation. A conclusion follows.

I. THE RELATIVE DECLINE OF COMMUNITY POWER

Revolution is a powerful and attractive idea. It is an even more attractive and exhilarating experience. Many of us in the United States see our politics and our economy as systems that are broken. Weighted down by centuries of corruption, the spirit of the American revolution as well as its great and resounding principles of a democratic and open society have been crushed under generations of indifference and decades of selfishness and greed.

From that perspective, it was a great privilege to participate in the frontier days of the grass-roots civil rights movement as a college student and as a law student. It was also a breath of fresh air to see the Occupy Movement burst on the scene, after so many years have passed since I have breathed a revolutionary atmosphere. I was so taken with their example that I brought my Civil Rights Planning class to Freedom Plaza in Washington, D.C.'s McPherson Square to observe the Occupiers, meet, and talk with them. That was October 2011.

While there, I got into a deep conversation with David Swanson, Press Secretary for Dennis Kucinich's 2004 presidential campaign, and an Occupy leader. I told him about a concept I had for a "civic infrastructure" to be built from the ground up to hold government and business accountable.[15] I told him I would send him a short memo on it and asked that he share it with whomever he thought would benefit. I asked specifically not to be named, because I didn't want to slow down its absorption with a focus on who I was—an outsider. I asked that he use my *nom de plume*, "Prof," a nickname my Howard students call me. We emailed and talked a bit after that, but then 1 lost contact with him. It wasn't until the editors of the *Howard Law Jour-*

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15. I had begun working with these concepts in an article for the *Howard Law Journal* on ways to organize communities struck by Hurricane Katrina. *See generally* Harold McDougall, *Hurricane Katrina: A Story of Race, Poverty, and Environmental Injustice*, 51 How. L.J. 533 (2008).

nal went Googling that they found David's website, where my analysis is lodged, where all Occupiers—and their colleagues in social movements around the world—could see it.[16]

In a separate conversation, my friend Matt Lehninger, who I met while working with the Study Circles Resource Center's governing Board, told me that my term "civic infrastructure," which I first used in a book chapter in 2009, was "in the water."[17] He said everyone he knew who was in the movement for democratic, grass-roots participation and social change was using it. We both tried to figure out how that had happened, because the book was used only at Howard. Now, thanks to the *Journal* editors, I know.

To quickly summarize, I quote Senator Bill Bradley's analogy that compares U.S. society to a three-legged stool.[18] It has a government leg, a business leg, and a community leg.[19] Because the business and government legs are so long, and the community leg so short, the whole stool—the society—is unstable.[20] How to grow the community leg of American society that so impressed de Tocqueville?[21] How to make it long enough to balance the other two, hold them accountable?

The basic idea is to build a latticework of small, regularly meeting groups, of about ten people each, connected to one another by delegates.[22] The delegates meet in groups of ten each, select their own delegates, and create a cascading system that grows to a scale of more than 100,000 people, meeting in groups of ten.[23] The system is accessible, face-to-face accountable, and small-"d" democratic.[24] I supplied David with a graphic model,[25] created for me by my research assistant Gabrielle Sims in 2010. (Gabrielle was also the *Howard Law Journal* Executive Publications Editor 2011-2012).

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16. "Prof.", *Study Circle, Citizen's Assemblies, and Social Media: A Civic Infrastructure for "Occupy Wall Street,"* WAR IS A CRIME (Nov. 8, 2011), http://warisacrime.org/content/including-non-occupiers-and-strengthening-movement.

17. Harold McDougall, African American Civil Rights in the Age of Obama: A History and a Handbook 186 (2010).

18. *Id.*; *see* "Prof.", *supra* note 16.

19. *Id.*

20. *Id.*

21. *See id.* ("[America is a society] with a rich community life and a vibrant civil society.").

22. *Id.*

23. Harold McDougall, *The Citizen's Assembly: A Civic Infrastructure for Progressive Social Change,* HUFFINGTON POST (June 29, 2012, 10:49AM), http://www.huffingtonpost.com/Harold-a-mcdougall/civic-engagement_b_1637398.html.

24. *Id.*

25. "Prof.", *supra* note 16.
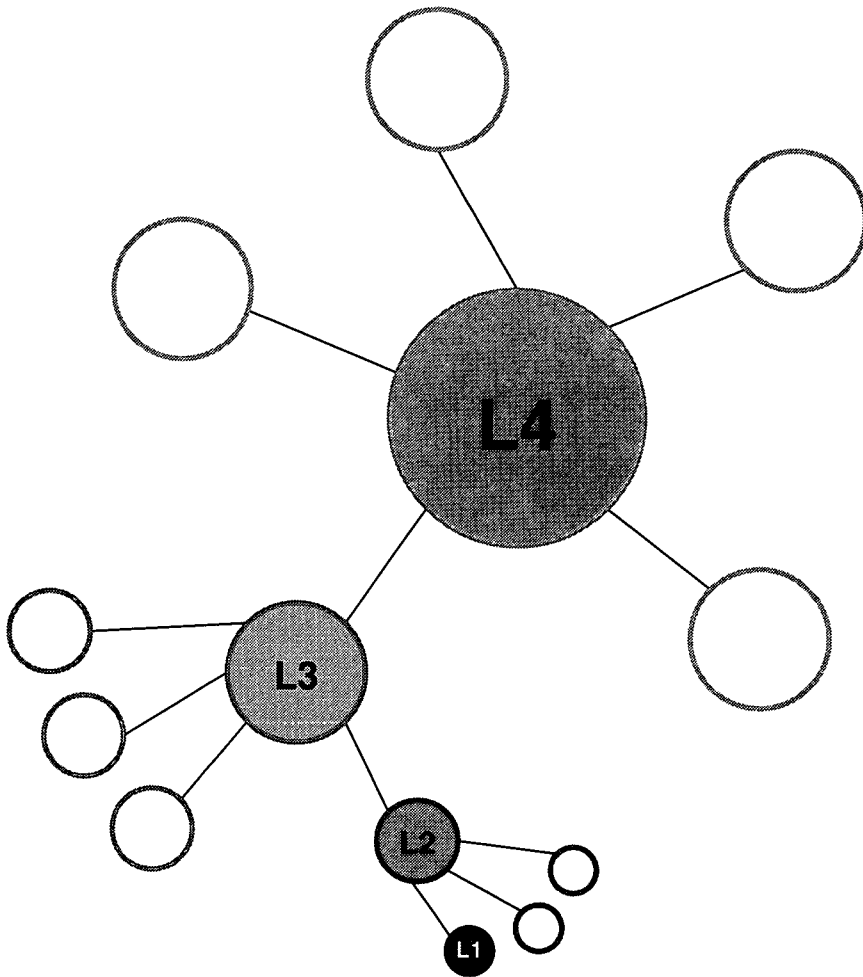
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The groups would meet periodically, processing community issues, considering how the support of government and business could be enlisted, or coerced.[27] How could the interests of citizens and consumers be protected day by day and over the long haul?

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26. Level One groups are "study circles," bringing ten people together. Each study circle picks a delegate who represents them at a committee of ten Level One groups (this is Level Two). Each committee picks a delegate who represents them at a council of ten Level Two groups (this is Level Three). Each council picks a delegate who represents them at an Assembly of ten Level Three groups (this is Level Four). Continue that process to Level Five and 100,000 people are involved.

27. *See* "Prof", *supra* note 16.

I built on the short memo that you can find on David's website[28] with a slightly longer essay that appeared on my blog for the *Huffington Post* almost a year later, in summer 2012.[29] Here, in the *Howard Law Journal*, I can expand on the concepts a bit and give scholars the benefit of the research that underlies my ideas.

My Article for the Branton Symposium expands on the practical workings of this theoretical construct, "civic infrastructure." I will also provide a bibliography of the books, articles, and web resources that have informed my work.

II. THE FAILURE OF AMERICAN INSTITUTIONS

Today, "[g]lobetrotting businesses and banks increasingly see their customers as commodities rather than as members of a shared community."[30] "Government has become increasingly less responsive to 'ordinary' people and their concerns."[31] On the community side, television, and virtual reality increasingly substitute for human contact and exchange.[32]

Robert Putnam saw television eroding the sense of community in America. Membership in clubs and associations has been declining ever since television viewing became popular in the 1950s. Values are now transmitted to children by television, which has consequently replaced the family as the essential transmitter of moral education.[33] The more television a child or adult watches, Putnam adds, the less they trust other people, the less they vote, and the less likely they are to take part in organized activities outside the home.[34]

America has become a "mediated culture" in which mass media's "talking heads, flashing images, and concocted drama" deliver "prepackaged . . . experiences" that replace the reality generated by our own lives.[35] Televised political advertising keeps people distracted, molding and shaping public opinion with sound bites and visual

28. *Id.*
29. *See generally* McDougall, *supra* note 23.
30. "Prof.", *supra* note 16.
31. *Id.*
32. *See* Bradley A. Harsch, *Consumerism and Environmental Policy: Moving Past Consumer Culture*, 26 ECOLOGY L.Q. 543, 561 (1999).
33. *See* E.J. DIONNE, COMMUNITY WORKS: THE REVIVAL OF CIVIL SOCIETY IN AMERICA 111 (2000).
34. *See* Eric M. Uslaner, *Social Capital, Television, and the "Mean World": Trust, Optimism, and Civic Participation*, 19 POL. PSYCHOL. 441, 441-42 (1998).
35. LANGDON MORRIS, THE WAR FOR AMERICA: MORALITY, IDEOLOGY, AND THE BIG LIES OF AMERICAN POLITICS 103 (2004).

images. Public affairs shows are little more than shouting matches between liberals and conservatives.[36] The citizenry has become more and more polarized and disconnected from the process.[37] Public cynicism and alienation have reached record highs.[38]

The role of big money,[39] campaign consultants, and television attack ads has steadily increased.[40] Corporate opinion-makers use the mass media—especially television—to manage elections and social crises, using spectacle to shape political life, set the policy agenda, and control public opinion.[41] Television has its greatest impact on those least politically aware.[42]

In the midst of the current economic downturn, the right wing mobilizes support by demonizing immigrants and minorities as cultural threats and competitors for jobs.[43] Their vision of America resembles the Old South in disturbing ways: political institutions "dominated by and run for the benefit of a white elite," poorer whites and minorities set against one another, high levels of distrust, high levels of income inequality, and low levels of support for education and social services.[44] Indeed, conservative Republican electoral success is linked to a "Southern Strategy," introduced by Richard Nixon[45] and expanded by Ronald Reagan.[46] The social movements that might otherwise respond[47]—civil rights,[48] women's liberation[49]—have come

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36. *Id.*
37. *See* GLENN W. RICHARDSON, PULP POLITICS: HOW POLITICAL ADVERTISING TELLS THE STORIES OF AMERICAN POLITICS 62 (2d ed. 2008).
38. *See* STEPHEN ANSOLABEHERE & SHANTO IYENGAR, GOING NEGATIVE: HOW POLITICAL ADVERTISEMENTS SHRINK AND POLARIZE THE ELECTORATE 2 (1997).
39. *See generally* LAWRENCE LESSIG, REPUBLIC, LOST: HOW MONEY CORRUPTS CONGRESS—AND A PLAN TO STOP IT (2011) (describing how fundamentally good people, with good intentions, have allowed our democracy to be co-opted by outside interests, and how this exploitation has become entrenched in the system).
40. JEROLD M. STARR, AIR WARS: THE FIGHT TO RECLAIM PUBLIC BROADCASTING 94 (2001).
41. *See* INFORMATION SOCIETY AND CIVIL SOCIETY: CONTEMPORARY PERSPECTIVES ON THE CHANGING WORLD ORDER 123 (Slavko Splichal et al. eds., 1994).
42. *See* JEFFREY McCALL, VIEWER DISCRETION ADVISED: TAKING CONTROL OF MASS MEDIA INFLUENCES 90-91 (2007).
43. *See* GREGORY W. STREICH, JUSTICE BEYOND "JUST US": DILEMMAS OF TIME, PLACE, AND DIFFERENCE IN AMERICAN POLITICS 39 (2011).
44. STEPHEN J. KUNITZ, THE HEALTH OF POPULATIONS: GENERAL THEORIES AND PARTICULAR REALITIES 134 (2007).
45. *See* KENNETH O'REILLY, NIXON'S PIANO: PRESIDENTS AND RACIAL POLITICS FROM WASHINGTON TO CLINTON 6 (1995).
46. *See id.* at 360.
47. *See* DOUG McADAM ET AL., DYNAMICS OF CONTENTION 14 (2001).
48. *See* DENNIS CHONG, COLLECTIVE ACTION AND THE CIVIL RIGHTS MOVEMENT 194 (1991).

to focus more on inclusion in corporate society than on challenging it.[50]

Manning Marrable describes the collapse of the civil rights movement as proceeding from the co-optation of its reformist wing and the marginalization of its more radical wing.[51] The reformists were co-opted into mainstream institutions (directorships of major corporations, membership in exclusive white clubs). They shifted their focus from group advancement to individual self-preservation, claiming that their inclusion in the "citadels of power" was the ultimate aim of the movement itself.[52] The radical wing was hit full force while the reformers ducked for cover. The black power movement in the early 1970s was crushed by "government destabilization and repression," for example, lessening participation by poor blacks.[53] "The remnants of the movement [began] to subdivide while losing touch with their mass base."[54]

Professionalization has greatly narrowed the number of people actually involved in social movements. Social activists of the 1960s and 1970s movements retired from the field after the big battles were won, leaving implementation to conventional associations and parties.[55] For example, the major funding for the environmental justice movement has gone to professional organizations that lack a grassroots network.[56]

The decline of grassroots organizational structures and participation has also greatly weakened the progressive sector. The collaboration and participation of grassroots groups strengthens social movements; lacking such energy, social movements "silo," reducing their opportunities to establish common cause among one another.[57]

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49. *See* RUTH CLIFFORD ENGS, CLEAN LIVING MOVEMENTS: AMERICAN CYCLES OF HEALTH REFORM 229 (2001).

50. *See* JOHN FOBANJONG, UNDERSTANDING THE BACKLASH AGAINST AFFIRMATIVE ACTION 64 (2001).

51. *See* SEAN DENNIS CASHMAN, AFRICAN-AMERICANS AND THE QUEST FOR CIVIL RIGHTS 1900-1990, at 99 (1991).

52. *See id.*

53. JOY JAMES, TRANSCENDING THE TALENTED TENTH: BLACK LEADERS AND AMERICAN INTELLECTUALS 118 (1997).

54. CASHMAN, *supra* note 51, at 99.

55. SOCIAL MOVEMENTS AND DEMOCRACY 93 (Pedro Ibarra ed., 2003).

56. *See* DANIEL FABER, CAPITALIZING ON ENVIRONMENTAL INJUSTICE: THE POLLUTER-INDUSTRIAL COMPLEX IN THE AGE OF GLOBALIZATION 244 (2008). *But see* PHILANTHROPY IN AMERICA: A COMPREHENSIVE HISTORICAL ENCYCLOPEDIA 136 (Dwight F. Burlingame ed., 2004).

57. *See* THE WORLD AND US SOCIAL FORUMS: A BETTER WORLD IS POSSIBLE AND NECESSARY 25, 28 (Judith Blau & Marina Karides eds., 2008).

These social movements then have a tendency to fragment, eroding their communication networks, their levels of cohesion, their ability to mobilize, and ultimately their ability to influence policy.[58]

Ironically, right-wing movements in the U.S. have become very successful in aggressive mobilizing at the grass roots. The Pro-Life movement has a network of thousands of church-based grassroots organizations.[59] The Pro-Choice movement, in contrast, depends on professionalized national advocacy organizations that lack a grass roots base.[60]

The Tea Party was prompted by CNBC correspondent Rick Santelli's 2009 negative comments on bailing out distressed homeowners with taxpayer funds and by blogs such as Keli Carender's "Liberty Bell."[61] The Tea Party also used the Internet and social networks to turn out protests ranging from a handful of individuals to a half a million people. They began to take off when they attracted the attention of the ultra- conservative and extremely wealthy Koch Brothers.[62] Their focus has been almost exclusively on the electoral process and political candidates.

III. IS SOCIAL MEDIA[63] AN ANSWER?

Internet appeals can create a loose constituency around broadly held grievances. As *New York Times* reporter Matt Bai describes:

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58. *See* SARAH MAXWELL, SUCCESS AND SOLITUDE: FEMINISTS ORGANIZATIONS FIFTY YEARS AFTER THE FEMININE MYSTIQUE 8-9 (2009).

59. *See* ROBERT D. PUTNAM, BOWLING ALONE: THE COLLAPSE AND REVIVAL OF AMERICAN COMMUNITY 154 (2001).

60. *See id.*; SUZANNE STAGGENBORG, THE PRO-CHOICE MOVEMENT: ORGANIZATION AND ACTIVISM IN ABORTION CONFLICT 93 (1991).

61. *See* Chike Chijioke, Social Upheaval-Occupy Wall Street Movement (Nov. 28, 2011) (unpublished term paper, Howard University School of Law) (on file with the *Howard Law Journal*) (citing Beth Rowen, *History of the Tea Party Movement*, INFOPLEASE (Nov. 23, 2011), http://www.infoplease.com/us/government/tea-party-history.html (discussing the history of the Tea Party and how diverse populations gathered under a general and unified message against "big government, bailouts, and electorate positions gained" and referencing the tea party's shifts in focus since their beginning).

62. *See* Peter Finn, *Tea Party Funding Koch Brothers emerge from Anonymity*, U.S. NEWS (Feb. 2, 2011), http://www.usnews.com/opinion/blogs/Peter-Fenn/2011/02/02/tea-party-funding-koch-brothers-emerge-from-anonymity (speaking on how the Koch brothers are emerging from their previous anonymity status and now coming into the forefront of American politics though the Tea Party).

63. Damien S. Pfister & Getachew Dinku Godana, *Deliberation Technology*, 8 J. PUB. DELIBERATION (2012) ("[A] reframing of Larry Diamond's (2010) program of 'liberation technology' around the idea of 'deliberation technology.' Although the liberation technology program has been useful in supplying dissidents with a basic communication infrastructure during the various revolutions of the 2011 Arab Spring . . . [in] the cases of Tunisia and Egypt . . . deliberative vacuums have arisen after regime change.").

"The internet has transformed grassroots politics. It has allowed new groups of angry people—the most reliable footsoldiers of any political campaign—to find and talk to each other."[64] Such new-found allies might undertake "lowest threshold" actions like donating money, online petitions, or even selective buying campaigns.[65] Under the right conditions, little-known groups can quickly become central organizing hubs for more focused and sophisticated campaigns, such as mass mobilizations,[66] sit-in occupations, and "hacktivism."[67]

Internet activism dates back to the early 1990s by the indigenous EZLN Zapatista movement in the Chiapas region of Mexico.[68] This movement dramatized how new media and grassroots progressivism might synergize, excite the world, and challenge the status quo.[69] Activists emerging in other contexts began to use the internet as well, particularly to stage events against transnational corporate capitalism and its instrumentalities.[70] First came the "Carnival Against Capital," then the "Battle for Seattle" disrupting a World Trade Organization meeting, as an international protest movement surfaced to resist corporate globalization,[71] filling the void left by the domesticated movements of the 1960s and 70s.

Since then, as *Time Magazine* observed, broad-based, populist political spectacles have become more and more commonplace.[72] A growing planetary citizenry now uses a whole new set of internet-

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64. *The Day of Netroots; Internet Grassroots Politics*, ECONOMIST (Oct. 13, 2007), http://www.economist.com/node/9941786.

65. JEROEN VAN LAER & PETER VAN AELST, *Cyber-Protest and Civil Society: The Internet and Action Repertories in Social Movements, in* HANDBOOK OF INTERNET CRIME: CYBER-PROTEST AND CIVIL SOCIETY 230, 236-44 (Yvonne Jewkis & Majid Yar eds., 2009).

66. *See* W. Lance Bennett, *Communicating Global Activism: Strengths and Vulnerabilities of Networked Politics*, 6 INFO., COMM. & SOC'Y 143, 163 (2003), *available at* http://depts.washington.edu/gcp/pdf/communicatingglobalactivism.pdf.

67. *See* VAN LAER & VAN AELST, *supra* note 65, at 241-42, 244. For a brief discussion on the Zapatista Movement and Hacktivists in general, see Matthew Eagleton-Pierce, *The Internet and the Seattle WTO Protests*, 13 PEACE REV. 331, 334-36 (2001). Hacktivists are computer-savvy individuals who work to counter threats to privacy posed by government monitoring agencies. They have created open-source software that allows members of oppositional groups to exchange communications undetected by government monitoring software.

68. *See* Richard Kahn & Douglas Kellner, *Internet Subcultures and Oppositional Politics*, UCLA.EDU (2003), http://gseis.ucla.edu/faculty/kellner/essays/Internetsubcultures oppositionalpolitics.pdf (discussing the use of the Internet in the Zapatista Movement and Seattle World Trade Organization Meeting in 1999).

69. *See* Richard Kahn and Douglas Kellner, *New Media and Internet Activism: From the Battle of Seattle to Blogging*, 6 NEW MEDIA & SOC'Y 87, 87 (2004).

70. *See id.*

71. *See id.*

72. *See* Anderson, *supra* note 1.

based tools to become informed, to inform others, and to propose new economic and political relations.[73]

Facebook, the "world's most popular social network," with 900 million users in 2012,[74] functions like an open personal diary. You-Tube permits amateur videographers to share content with an inner circle as well as provides a wide showcase for emerging professionals.[75] A user-generated trove of information, Wikipedia today contains more than three million articles in more than 250 languages on every conceivable subject, written and edited by hundreds of thousands of contributors.[76] Twitter, created by Obvious, a small San Francisco company, encourages users to be "always on."[77]

These new "social media" formats enable masses of independent individuals to act in concert, disrupting and upending the status quo.[78] YouTube emerges as a major venue for politics and protest.[79] Twitter brings "microblogging" to the equation.[80]

The new formats have created volatile, highly-informed, autonomous communities that coalesce around everything from local lifestyle choices to global political and economic demands.[81] They can transform uneducated and unconnected people into "smart mobs" of socially active citizens, linked by notebook computers, PDAs, and smartphones.[82] They also help transcend silos, connecting people from diverse communities such as labor, feminist, ecological, peace,

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73. *See id.*

74. *See* David Goldman, *Facebook Tops 900 Million Users*, CNN MONEY (Apr. 23, 2012, 4:31 PM), http://money.cnn.com/2012/04/23/technology/facebook-q1/index.htm.

75. *See Definition of: YouTube*, PCMAG.COM (2011), http://www.pcmag.com/encyclopedia_term/0,2542,t=YouTube&i=57119,00.asp#fbid=XGyFNTyQT1q (last visited Feb. 2, 2012).

76. *See Definition of: Wikipedia*, PCMAG.COM (2011), http://www.pcmag.com/encyclopedia_term/0,2542,t=Wikipedia&i=54463,00.asp#fbid=XGyFNTyQT1q (last visited Feb. 2, 2012).

77. *Twitter*, N.Y. TIMES, http://topics.nytimes.com/top/news/business/companies/twitter/index.html (last updated Oct. 18, 2012).

78. CHRIS C. DEMCHAK, WARS OF DISRUPTION AND RESILIENCE: CYBERED CONFLICT, POWER, AND NATIONAL SECURITY 281 (2011).

79. *Definition of: YouTube*, *supra* note 75.

80. *Twitter*, *supra* note 77.

81. Howard Rheingold, *Political Texting: SMS and Elections*, THEFEATURE.COM (Apr. 12, 2004, 3:00PM), http://thefeaturearchives.com/topic/Culture/Political_Texting__SMS_and_Elections.html.

82. *See id.*; *see also Kirkus Review*, KIRKUS (Mar. 18, 2012), https://www.kirkusreviews.com/book-reviews/van-jones/rebuild-dream/#review (reviewing VAN JONES, REBUILD THE DREAM (2012)) ("[T]he idea that decentralized, self-organized groups harness a sort of collective intelligence that renders them more resilient than vertical hierarchies.").

and various anti-capitalist groups, promising a new politics of alliance and solidarity.[83]

There are limitations, however. Internet-based campaigns often struggle to focus. Without this focus, such campaigns may be reduced to broad appeals to basic justice or fairness, relying heavily on "lifestyle symbols" such as using celebrities to promote debt relief.[84] Ironically, lifestyle symbols are also the stuff of most mass advertising, directing one's attention towards the consumption of products, which symbolizes the American lifestyle.[85] Businesses seem to find social media a more useful tool, precisely because of these factors.[86]

Like businesses, Internet-based campaigners approach their audience as potential consumers rather than as compatriots. Their campaigns promote associations between their product (their particular cause) and their target's "social identity claims, personal and professional networks, neighborhood relations, social trends, work and family schedules, health care needs, sexual preferences, fashion statements, travel venues, entertainment, [or] celebrity cues . . . ."[87] Thus, Internet campaigns can easily blur the boundaries between politics, cultural values, and identity processes such as "expressive and performance" activities, which focus on self-development rather than collective action.[88]

Moreover, people are embedded in various social contexts, not just the Internet,[89] and people move in and out of social contexts constantly, making it difficult for such campaigns to achieve a stable

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83. Mobilize.org will be investing over $25,000 in projects led by Millennials that increase civic engagement, community participation, and voter awareness. *Millennial Civic Engagement Summit 2012*, MOBILIZE.ORG, http://mobilize.org/get-involved/mcesummit/. *See generally* LAW-RENCE LESSIG, REPUBLIC, LOST: HOW MONEY CORRUPTS CONGRESS—AND A PLAN TO STOP IT (2011).

84. *See* Bennett, *supra* note 66, at 151.

85. *See* BENJAMIN R. BARBER, CONSUMED: HOW MARKETS CORRUPT CHILDREN, INFANTILIZE ADULTS, AND SWALLOW CITIZENS WHOLE 114 (2007); HERBERT W. SIMONS ET AL., PERSUASION IN SOCIETY 64 (2001).

86. *Cf.* EILEEN BROWN, WORKING THE CROWD: SOCIAL MEDIA MARKETING FOR BUSINESS 1 (2010) (discussing how social media can help businesses connect with customers); SUSAN M. WEINSCHENK, 100 THINGS EVERY DESIGNER NEEDS TO KNOW ABOUT PEOPLE § 61 (2011) (discussing how the "weak ties" of social networking can be quickly formed and exploited).

87. Jackie Smith, Social Movements for Global Democracy: Themes in Global Social Change 126 (2008).

88. *See* Peter Dahlgren, *Forward* to CYBERPROTEST: NEW MEDIA, CITIZENS AND SOCIAL MOVEMENTS xii (Wim van de Donk et al. eds., 2004).

89. *See* Sabine U. O'Hara & Sigrid Stagl, *Global Food Markets and Their Local Alternatives: A Socio-Ecological Economic Perspective*, 22 POPULATION & ENV'T 533, 540, 542, 549 (2001).

base.[90] Thus, the organizational levels of "networked campaigns" are often low, increasing the prospects for "unstable coalitions, greater communication noise, lack of clarity about goals, and poor movement idea-framing."[91]

Internet-based networks can greatly reduce the cost of attracting diverse players to issue and protest campaigns, but they might also gloss over important differences in approach, setting up any movement which emerges for real problems of ideology and focus.[92] Their functions thus tend to degenerate quickly into "pragmatic information exchanges and mobilization systems."[93]

Other limitations of the Internet include the "digital divide" or inequality in Internet access[94] and the easily broken "weak ties" that Malcolm Gladwell cautions the Internet creates.[95] Gladwell is very much in favor of social change,[96] but urges potential activists to bring their intuition to a project,[97] and use it to create a dynamic group effort.[98] He does not believe that the trust (i.e., social capital) needed to make a group project a success can be supplied by Internet-based, virtual relationships alone.[99]

IV. THE LESSONS OF ARAB SPRING AND OCCUPY WALL STREET (OWS)

The Occupy Movement took its inspiration from another movement, Arab Spring. Both movements involved large mobilizations to make a point, with considerable assistance from social media.

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90. *See* Bennett, *supra* note 66.
91. Bennett, *supra* note at 66, at 152.
92. *See id.* at 160.
93. *See id.*
94. *See* Jeroen van Laer & Peter van Aelst, *Internet and Social Movement Action Repertoires Opportunities and Limitations*, 13 INFO., COMM., & SOC'Y 1, 15 (2010).
95. *See id.* at 18.
96. *See What Is the Tipping Point About?*, GLADWELL.COM, http://www.gladwell.com/tippingpoint/index.html (last visited Feb. 11, 2013).
97. *See What Is Blink About?*, GLADWELL.COM, http://www.gladwell.com/blink/index.html (last visited Feb. 11, 2013) (describing when a person first encounters a new person, product, or the like and hoping that people take the concept of "rapid cognition" seriously in the book, *Blink*).
98. *See What Is Outliers?*, GLADWELL.COM, http://www.gladwell.com/outliers/index.html (last visited Feb. 11, 2013). ("My wish with *Outliers* is that it makes us understand how much of a group project success is. When outliers become outliers it is not just because of their own efforts. It's because of the contributions of lots of different people and lots of different circumstances . . . .").
99. *See* Malcolm Gladwell, *Small Change: Why the Revolution Will Not Be Tweeted*, NEW YORKER, Oct. 4, 2010, *available at* http://www.newyorker.com/reporting/2010/10/04/101004fa_fact_gladwell.

A. Arab Spring

Nearly one in five people living in the Middle East and North Africa (MENA) region today is a "youth" between the ages of fifteen and twenty-four, producing an unprecedented ninety-five million people by 2005.[100] These powerful demographic changes created a large working class as well as middle class people, educated youth, and publicly active women. Their futures as healthy and productive members of their societies depended on how well their government invested in the social, economic, and political institutions required to meet their needs.[101] The absence of such investment, and of formal channels for them to express their concerns, led to public confrontations.[102]

The then Secretary of State Hillary Clinton's technology advisor stated that social media played an essential role as an "accelerant" in the social protests of the Middle East that emerged as a result.[103] Commentators agreed, pointing out that Internet access networked like-minded groups of people and permitted real-time coordination in movement building, shortening a "years-long process" into one that took just weeks or months.[104]

Although the Egyptian revolution was not completely planned online, the idea first surfaced on Facebook in 2008 as a group named the "April 6 Youth Movement," which openly criticized the Mubarak government's responses to striking textile workers in the northern city of El-Mahalla El-Kubra.[105] The majority of the group members had never been actively involved with politics before joining, yet the group's discussion pages carried heated and informed debate.[106] One such discussion evaluated Muslim Brotherhood[107] street protests in

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100. Ragui Assaad & Farzaneh Roudi Fahimi,, *Youth in the Middle East and North Africa: Demographic Opportunity or Challenge?*, POPULATION REFERENCE BUREAU, 2007, at 1,1.

101. *See id.* at 3-4.

102. *See* Asef Bayat, *Social Movements, Activism and Social Development in the Middle East*, UNITED NATIONS RES. INST. SOC. DEV., Nov. 1, 2000 at 1, 2.

103. *See* Ben Barrack, *Is Hillary Clinton's Senior Adviser Running Interference for the Muslim Brotherhood?*, BIG PEACE (June 26, 2011), http://www.breitbart.com/Big-Peace/2011/06/26/Is-Hillary-Clintons-Senior-Adviser-Running-Interference-For-The-Muslim-Brotherhood.

104. *See* Alex Chitty, *Social Media and the 2011 Egyptian Revolution*, WORDPRESS (May 9, 2011), http://alexchitty.wordpress.com/2011/05/09/247/; Alec Ross & Ben Scott, *Social Media: Power to the People?*, NATO REV. (Sept. 8, 2011), http://www.nato.int/docu/review/2011/Social_Medias/21st-century-statecraft/EN/index.htm;.

105. *See* Chitty, *supra* note 104.

106. *See* Samantha M. Shapiro, *Revolution, Facebook-Style*, N.Y. TIMES MAGAZINE, Jan. 25, 2009, at MM34.

107. *See generally* Sameh Naguib, *The Muslim Brotherhood: Contradictions and Transformations*, 29 CAIRO PAPERS IN SOC. SCI.: POL. & SOC. PROTEST EGYPT 157-58 (2009) (discussing the growth of studies exploring Islamism in the context of social movements).

Alexandria: "Something like this should happen in Cairo," wrote one user.[108] Another called for more effective measures: "We need strong actions, not protests like the brotherhoods where they sing religious songs and go home."[109] Such exchanges foreshadowed the sentiments expressed in 2011's Tehrir Square.

Platforms like Twitter accelerated the pace of protest movements causing the "rapid coalescence" of Tunisian and Egyptian demonstrations.[110] The incumbent regimes attempted to shut down mobile and Internet networks to cripple the resistance;[111] the Obama Administration urged restraint.[112] The State Department began almost immediately on $30 million worth of Internet freedom projects, including software enabling activists to manipulate firewalls imposed by oppressive governments.[113]

Yet Egyptian protestors understood from the beginning that social media outlets could not substitute for face-to-face gathering and organization. They built an extensive organizational structure before using social media to encourage people to leave their homes and join them in Tehrir Square.[114] The Egyptians used an "interdisciplinary" approach: they held physical meetings to build solidarity, created small satellite organizations to maintain face-to-face contact, yet utilized social media to publicize these efforts as well. They laid the groundwork for their revolution by researching and mastering nonviolent resistance and nonviolent organization.[115] They studied the work of Gene Sharp and worked with leaders from *Otpor!* regarding nonviolent revolution.[116]

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108. *See* Shapiro, *supra* note 106, at MM34. .

109. *Id.*

110. Mary Beth Sheridan, *U.S. Warns Against Blocking Social Media, Elevates Internet Freedom Policies*, WASH. POST, Jan. 28, 2011, http://www?.washingto?npost.com/?wp-dyn/con?tent/artic?le/2011/01?/28/AR2011?012804554_?pf.html.,

111. Mahlet Ayalew, Facebook and Twitter: They Accelerate Revolutions, But Do They Create the Types of Change that Necessitate Revolutions (2011) (unpublished term paper, Howard University School of Law) (on file with *Howard Law Journal*) (citing Garry Blight et al., *Arab Spring: An Interactive Timeline of Middle East Protests*, GUARDIAN (Jan. 5, 2012, 10:45 PM), http://www.guardian.co.uk/world/interactive/2011/mar/22/middle-east-protest-interactive-timeline).

112. Mary Beth Sheridan, *Social Media Curbs Pose Hurdle for U.S.*, WASH. POST, Jan. 29, 2011, at A09.

113. *Id.*

114. *2011 Egyptian Revolution*, WIKIPEDIA, http://en.wikipedia.org/wiki/2011_Egyptian_revolution#Lead-up_to_the_protests (last visited Jan. 30, 2013).

115. *Id.*

116. *Id.*

The Egyptian April 6 group may have had only 75,000 Facebook "friends," but without organization and strategies in the street, they could not have built a movement.[117] Social media in Egypt created domestic and foreign pressure by bringing awareness to the efforts, but in isolation, it was not sufficient to bring about the intended revolution.[118]

Libyan dissidents did not have such preparation and perhaps thought that social media alone could do the job. They were mistaken. Where the Egyptian uprising showcased the people's technological ingenuity and adaptability,[119] the Libyan experience showed the limitations that can be imposed by a country's online culture, state limits on access, and the level of organization of groups using social media.[120]

In Libya, traditional fear of the Gaddafi regime, mixed with a kind of authoritarian populism, hindered the development of secular youth and professionals like those in Egypt and Tunisia.[121] Few Libyans were Internet users, and even fewer used Facebook. However, as protest escalated, the "number of Facebook and Twitter users in Libya rose dramatically" including expatriate Libyans and sympathizers around the world.[122]

Despite their head start, Egyptian protesters have not yet created an organization capable of operating the government, however. As a consequence, more organized forces have taken over. Soon after Mubarak resigned, the military stepped forward and took power, suspending constitutional provisions unpopular with the protesters but at the same time moving to limit demonstrations. They have stifled the Movement, re-engaging members of the old regime and adopting many of its tactics.[123]

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117. Bryan Farrell, *How Peer Pressure Creates Social Change*, WAGING NONVIOLENCE (June 3, 2011), http://wagingnonviolence.org/2011/06/how-peer-pressure-creates-social-change/.

118. Ayalew, *supra* note 111.

119. *Id.*

120. *See* Peter Beaumont, *Can Social Networking Overthrow a Government?* SYDNEY MORN- ING HERALD (Feb. 25, 2011), http://www.smh.com.au/technology/technology-news/can-social-networking-overthrow-a-government-20110225-1b7u6.html#ixzz1ZI0LvBBK (comparing Libya's experience of Internet disruption to be worse than the time when Egypt's government stopped the country's Internet service).

121. Bayat, *supra* note 102, at 2.

122. BARRY LIBERT, THE REVOLUTION WILL BE TWEETED 5 (2011).

123. Ayalew, *supra* note 111 (citing *Egyptians Grow Distrustful of Ruling Junta*, ONISLAM (Sept. 29, 2011), http://www.onislam.net/english/news/africa/454113-egyptians-grow-distrustful-of-ruling-junta.html; *7 Months After Revolution Ousted Mubarak, Egyptian Military Maintains Control, Suppressing Dissent*, DEMOCRACY NOW! (Oct. 4, 2011), http://www.democracynow.org/2011/10/4/7_months_after_revolution_ousted_mubarak).

The protest movement, meanwhile, has begun to fragment and lose momentum, its former "unity of purpose has given way to a multiplicity of demands, mirroring the divides that beset Egypt's political life."[124] Many protestors expected rapid success and did not plan the next steps. Their considerable skills as protest organizers did not carry over to create a social movement capable of operating in post-Mubarak Egypt. Without an action plan—goals, strategies, tactics—suited to the new conditions, they began to lose hope and burn out as the movement lost momentum.[125]

B. Occupy Wall Street (OWS)

The Occupy Wall Street Movement grew from a small band of activists protesting reduced social services in New York, to turnouts of sixty to 100 participants protesting near Wall Street, and eventually to mass demonstrations of more than 15,000 people across the nation.[126] Arab Spring inspired them; they tailored Egyptian and Tunisian approaches to their own concerns—that the richest one percent of Americans writes the rules of an unfair global economy that controls the future of the other ninety-nine.[127] OWS in turn inspired "Occupy" demonstrations in seventy United States cities, 600 United States communities, and 900 cities worldwide.[128]

OWS dramatized America's increasing economic polarization and obsession with wealth, and struck a nerve.[129] They gave a voice to citizens increasingly dissatisfied with the lethargy of the American political process and the boundless greed of the rich.[130] The broad base of the population has come to believe their government works only

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124. *Egypt News — Revolution and Aftermath*, N.Y. TIMES, http://topics.nytimes.com/top/news/international/countriesandterritories/egypt/index.html (last updated Sept. 26, 2011).

125. Ayalew, *supra* note 111.

126. Chijioke, *supra* note 60 (citing Nathan Schneider, *The Nation: From Wall Street to Everywhere*, NAT'L PUB. RADIO (Oct. 19, 2011), http://www.npr.org/2011/10/19/141501013/the-nation-from-wall-street-to-everywhere).

127. *See also* NATHANIEL J. HIGGINS, THE REVOLUTION WILL BE TELEVISED 15 (2011) (citing *Occupy Wall Street*, OCCUPY TOGETHER (Jan 15. 2012, 5:15 PM), http://www.occupytogether.org/occupy-wall-st/).

128. *About*, OCCUPY PROTEST, http://occupyprotest.net/about (last visited Feb. 10, 2013).

129. *See* Paul Rogat Loeb, *From Occupy Wall Street to Occupy the Neighborhoods*, HUFFINGTON POST (Nov. 9, 2011), http://www.huffingtonpost.com/paul-loeb/from-occupy-wall-street-t_b_1085255.html.

130. Chijioke, *supra* note 61.

for "large wealthy special interests . . . ."[131] and that the democratic process itself has been corrupted.[132]

Social media afforded OWS a forum to present new and improved ideas about how to achieve their goals and spark conversations as to how the movement can be strengthened.[133] The Occupy movement also used physical space, so people could come together to "plan creative tactics, handle donations of food, address medical needs, reach out to the media, create innovative art projects, clean the occupation grounds, and ensure physical security."[134] Also, "[c]ommon meals became a form of communion."[135] In these "free" spaces,[136] participants found their voices and their problem-solving instincts. They began to "talk, brainstorm ideas, make posters and banners, [and] draw in the curious, including those just passing by."[137]

OWS was initiated by "Adbusters," a self-styled "culture jammer" group.[138] Such groups resist consumer culture[139] with the goal of "'toppl[ing] existing power structures and forg[ing] major adjustments to the way we will live in the twenty-first century,'" by changing "the way we interact with the mass media and the way in which meaning is produced in our society.'"[140] Benjamin Barber describes culture jammers as imaginative activists who engage in creative "demarketing" campaigns.[141]

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131. 107 CONG. REC. 183 (daily ed. Feb. 13, 2002) (statement of Rep. Luther) (discussing the Bipartisan Campaign Reform Act of 2001); *see* WE ARE THE 99 PERCENT (Nov. 6, 2012), http://wearethe99percent.tumblr.com/. This blog provides real quotes and stories from members of the Occupy Wall Street movement. The members tell how they, and other members of the 99% are essentially being denied the American dream.

132. *See* EDWARD SIDLOW & BETH HENSCHEN, GOVT 217 (2d ed. 2011) (discussing the constitutional challenges of the Bipartisan Campaign Reform Act of 2002); WE ARE THE 99 PERCENT, *supra* note 131.

133. Jennifer Preston, *Protesters Look for Ways to Feed the Web*, N.Y. TIMES, Nov. 25, 2011, at A28.

134. Loeb, *supra* note 129.

135. *Id.*

136. *See* SARA M. EVANS & HARRY C. BOYTE, FREE SPACES: THE SOURCES OF DEMOCRATIC CHANGE IN AMERICA, at ix (1992).

> [W]e define free spaces as "public places in the community . . . in which people are able to learn a new self-respect, a deeper and more assertive group identity, public skills, and values of cooperation and civic virtue . . . setting between private lives and large-scale institutions . . . with a relatively open and participatory character."

Id.

137. Loeb, *supra* note 129.

138. Rod Mickleburgh, *Anti-Wall Street Protests Take Off Thanks to a Canadian Idea*, GLOBE & MAIL, Sept. 6, 2012, at A16.

139. BARBER, *supra* note 85, at 281.

140. *Id.* at 282.

141. *Id.* at 283-85.

During the height of the OWS demonstrations, CNN aired a misleading news program attempting to portray OWS as a group of anarchists led by the hacker group "Anonymous."[142] Culture jammers are not hackers or anarchists, though both became OWS fellow travelers.[143]

Instead, culture jammers work to change or subvert the symbolic meanings of marketing symbols and "consumerism's most seductive features."[144] For instance, in response to post-holiday shopping days, culture jammers started "Buy Nothing" days and attempted to counter television marketing with a "TV Turnoff" week.[145] Other efforts at combating consumer culture include painting their "own bike lanes, reclaim[ing] streets, 'skull[ing]' Calvin Klein ads, and past[ing] GREASE stickers on tables and trays at McDonald's restaurants." They also "organize swap meets, rearrange items on supermarket shelves," and make their software available free on the Net.[146]

The most fundamental limitation for culture jammers is that by using counter-marketing techniques, the jammers simultaneously promote the very marketing they try to lampoon.[147] In Barber's words, "[t]aking over capitalism with 'good commodities' is not the same thing as subverting commoditization . . . . After all, the Blackspot shoe may pretend to be an anticommodity, but an anticommodity is just another commodity—at least when it's a shoe."[148]

Culture jammers are up against the wealthiest giants in marketing—"master jammers"— who, through irony, use negative marketing to reinforce their products.[149] As Barber describes, "[t]here has not

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142. *CNN Presents: Amber Lyon Profiles 'Anonymous'*, CNN PRESS ROOM BLOGS (Jan. 13, 2012, 9:40 AM), http://cnnpressroom.blogs.cnn.com/2012/01/13/cnn-presents-amber-lyon-profiles-anonymous/.

143. *See* DMOZ, http://www.dmoz.org/desc/Society/Activism/Media/Culture_Jamming (last updated Feb. 12, 2013) (describing the function of culture jammers as "media hackers"); J.J. Jackson, *Return of the Summer Socialists and Sunshine Terrorists*, LIBERTY REBORN (May 4, 2012), http://www.libertyreborn.com/2012/05/04/return-of-the-summer-socialists-and-sunshine-terrorists/ (last visited Feb. 12, 201), and Nathan Schneider, *Thank You, Anarchists*, NATION (Dec. 19, 2011), http://www.thenation.com/article/165240/thank-you-anarchists# (last visited Feb. 12, 2013) (describing how anarchists' ideologies influenced the Occupy Movement, to get a better understanding of how culture jammers or "media hackers" and anarchists are similar as it relates to government).

144. BARBER, *supra* note 85, at 284.

145. *Id.*

146. *Id.* at 282.

147. *See id.* at 286 ("[T]he underlying question remains whether anticonsumerist activists can actually harness the entrepreneurial spirit . . . without playing the game whose rules they want to subvert.").

148. *Id.*

149. *Id.* at 288.

yet been a symbol of resistance and transgression that has not been effectively assimilated and reengineered as a marketing slogan or sales logo."[150] Barber provides several examples of this reengineering including: the 1970 Buick promise to "light your fire," GM's Oldsmobile division's sale of "Youngmobiles," and the sale of Mao Tse-tung jackets and Che Guevara T-shirts.[151] Additionally, Barber sees the movement's forays into politics[152] as diverting attention away from the primary evil of consumerism and trivializing the aims of the culture jammers.[153]

V. TOWARDS A NEW CIVIC INFRASTRUCTURE

The embers of Arab Spring and OWS are still warm. To regain their fire, Arab Spring needs to go beyond protest, and OWS needs to go beyond culture jamming. Most importantly, each needs a "civic infrastructure" that is "sufficiently strong and well-organized to balance the shortcomings of both business and government."[154] This civic infrastructure has several distinguishing characteristics.

First, this civic infrastructure should be community-based, attracting the social capital of informal as well as formal leadership.[155] Formal leaders include local elected officials, ministers, and heads of traditional civil society organizations. Digging deeper for informal leadership,[156] we find "go to" people (informal consultants and men-

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150. *Id.*

151. *Id.*

152. *See id.* at 284 ("As an eclectic movement . . . the jammers have unavoidably adopted an eclectic politics. . . . But calling President Bush or former Israeli Prime Minister Sharon terrorists probably does not help critics of consumerism focus on the jammers' primary issue.").

153. *Id.*

154. "Prof." *supra* note 15.

155. *See* Loeb, *supra* note 129, for a brief discussion of the SNOW Coalition, a coalition of Anti-Iraq war activists in Seattle who divided themselves up by neighborhoods and acted in communities where people were "more likely to know them as neighbors, coworkers, or friends." *See Sound Nonviolent Opponents of War (SNOW Coalition)*, WASH. STATE ACTION NETWORK, http://wanet.org/organizations/Sound-Nonviolent-Opponents-of-War-(SNOW-Coalition).

156. *See* RICHARD C. HARWOOD, TAPPING CIVIC LIFE: HOW TO REPORT FIRST, AND BEST, WHAT'S HAPPENING IN YOUR COMMUNITY (2d ed. 1996), http://www.pewcenter.org/doingcj/pubs/tcl. In relevant part:

> Indeed, journalists tend to spend a lot of time in just two layers of civic life: the official layer and the private layer. They cover the official layer routinely. . . . "Think of them as a pyramid with city officials at the top. The deeper we probe into a community - past the bureaucrats and then through the civic activists - the broader the pyramid gets."

Id. (listing and describing the types of community leaders; the "Official Leaders," "Civic Leaders," "Connectors," "Catalysts," and "Experts").

tors), "networkers" (people who are good at making connections),[157] and "boundary crossers" (people fluent in diverse cultures and accepted in many).[158]

Second, this civic infrastructure should avoid bureaucracy, hierarchy, or top-down control—organizational and decision-making models that emerged in the Industrial Age. The military, as the only decision-making model for a large organization at the time of the industrial revolution, became the organizational model for engineering and manufacturing in the United States.[159] By the early twentieth-century, the "Fordist" assembly-line model emerged—those at the bottom performed highly specialized, repetitive tasks, with little room for judgment or discretion, and instead, rules, procedures, and standards set from above governed their work.[160] From the mid-19th century, top-down models supplanted more democratic and cooperative approaches in the United States, in civil society and government as well as industry.

Top-down models are particularly unsuited for the knowledge-based Information Age, however.[161] The models worked in the "slower, simpler, more predictable" Industrial Age, but they do not work now.[162] Such models exalt routinized procedure; internal communications proceed at a snail's pace. "Not used to thinking for themselves, employees [in top-down models] wait for direction[,]" not trusting their supervisors, let alone their own judgment.[163] Organizational success in the fast-paced Information Age depends not merely upon the commands of those at the top, but on deploying, coordinating, and improving the intellectual abilities of the whole workforce.[164] Top-down models are too slow and inefficient for this task.

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157. Scott London, *Informal Networks: The Power of Organic Community Groups*, 2010 HARWOOD INST. http://newpossibilitiesassociates.com/uploads/LSF_Informal_Networks_Final.pdf.

158. *See generally* Neal Peirce & Curtis Johnson, Boundary Crossers: Community Leadership for a Global Age (1997).

159. *See generally* JOHN X. WANG, WHAT EVERY ENGINEER SHOULD KNOW ABOUT DECISION MAKING UNDER UNCERTAINTY (2002) (discussing engineering decision-making).

160. TOM BENTLEY, LEARNING BEYOND THE CLASSROOM: EDUCATION FOR A CHANGING WORLD 102 (1998).

161. DAVID K. BANNER & T. ELAINE GAGNÉ, DESIGNING EFFECTIVE ORGANIZATIONS: TRADITIONAL & TRANSFORMATIONAL VIEWS 312 (1995).

162. MICHAEL H. HUGOS, BUSINESS AGILITY: SUSTAINABLE PROSPERITY IN A RELENTLESSLY COMPETITIVE WORLD 41 (2009).

163. THOMAS J. CARTIN, PRINCIPLES AND PRACTICES OF ORGANIZATIONAL PERFORMANCE EXCELLENCE 32 (1999).

164. NELARINE CORNELIUS, HUMAN RESOURCE MANAGEMENT: A MANAGERIAL PERSPECTIVE 245-46 (2d ed. 2001).

Finally, this civic infrastructure should move us toward a form of "strong democracy."[165] Benjamin Barber, originator of the term, insists that strong democracy can only emerge from a substantive consensus of "common beliefs, values, and ends that precede government" and constitute a community "in and through which individuals can realize themselves . . . ."[166] How can such a consensus be created in today's context? It must arise out of "common talk, common decision, and common work" carried on in a participatory context, using conflict and transforming it to "common consciousness and political judgment."[167]

For a movement to succeed, it must build a strong social base and formulate a coherent, "well-planned and organized agenda for change."[168] At present, the windows of opportunity created by the forces of democracy are quickly filled by more organized forces, usually in the form of new oligarchic elites or even holdovers from previous regimes.[169]

Mancur Olson argued in *The Logic of Collective Action* that rational, self-interested individuals would not act to achieve their common interests in large groups unless they receive financial incentives (i.e., the market or "business" leg)[170] or are coerced to do so (i.e., law and enforcement—the "government" leg).[171] Olson also predicts that working for the common interest is too costly in terms of time and

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165. Benjamin Barber, *Making Democracy Strong: A Conversation with Benjamin Barber*, Civic Arts Rev., Summer-Fall 1996, at 2, *available at* http://car.owu.edu/pdfs/1996-9-3.pdf. ("[A fuller democracy] would rely much more heavily on citizen participation. A fuller democracy does not mean participation of all the citizens all the time in all forms of public life. But it has to mean government by all of the people some of the time . . . .").

166. Benjamin R. Barber, Strong Democracy: Participatory Politics for a New Age 224 (2d ed. 2003).

167. *Id.*

168. Ali Reza Abootalebi, Islam and Democracy: State-Society Relations in Developing Countries 1980-1994, at 116 (2000).

169. *See* Ayalew, *supra* note 111. Ayalew proposes that Egypt is categorized at Stage Five of the Movement – the phase where an "active democracy" is created." *Id.* At this phase, citizens must address grievances prior to the Revolution, i.e., the neoliberal economic policies that created wealth for a selected number of people. *Id.* (citing Sameh Naguib, *Egypt's Unfinished Revolution*, Int'l Socialist Rev. (Sept.-Oct. 2011), *available at* http://www.isreview.org/issues/79/feature-egyptianrevolution.shtml).

170. Mancur Olson, The Logic of Collective Action: Public Goods and the Theory of Groups 2, 26 (1965) ("Only when the elasticity of demand for the industry is less than or equal to the fraction of the industry's output supplied by a particular firm will that firm have any incentive to restrict its output . . . .").

171. *Id.* at 1-2.

money for groups like labor unions, farm organizations, cartels, and corporations.[172]

However, Olson conceded that small groups might be able to act without being forced *or* paid, because "each member gets a substantial proportion of the total gain simply because there are few others in the group . . . ."[173] Thus, small groups might achieve a collective good through "voluntary, self-interested action."[174] To achieve larger ends, however, they might need professional organizers.[175]

Neither Arab Spring nor the Occupy movements developed organizational structures permitting activities beyond mobilization. The Muslim Brotherhood, in contrast, is very well organized, with an extensive "network of social service and religious organizations at the local level" including "hundreds of schools, medical clinics, private mosques, day-care centers, and job-training centers."[176]

OWS, during an April 2012 national conference, discussed some ways to take their issues back to their own neighborhoods, communities, workplaces, and campuses.[177] Several models are available to accomplish these objectives, but I favor Swedish-style study circles[178] and the citizen's assembly model pioneered by Thomas Jefferson.[179] The Occupy Movement, should they attempt to regroup, might consider using them, as I suggest in my memo to David Swanson and in my Huffington Post blog entry.[180]

In the Huffington Post piece, I argue that the Citizen's Assemblies, aggregated to scale in Congressional districts, could model themselves on the Opposition in British Parliament, which primarily "seeks to expose the deficiencies of Her Majesty's Government, and ultimately to replace it."[181] The Citizen's Assemblies, however, would

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172. *Id.* at 6-7, 11.
173. *Id.* at 34, 48.
174. *Id.* at 34.
175. *Id.* at 10-11.
176. BRUCE K. RUTHERFORD, EGYPT AFTER MUBARAK: LIBERALISM, ISLAM, AND DEMOCRACY IN THE ARAB WORLD 94 (2008).
177. Observation by Prof. McDougall, attending the OWS conference as an observer.
178. "Prof.", *supra* note 16.
179. *Id.*
180. *See* McDougall, *supra* note 23.
181. R.M. PUNNETT, FRONT BENCH OPPOSITION: THE ROLE OF THE LEADER OF THE OPPOSITION, THE SHADOW CABINET AND SHADOW GOVERNMENT IN BRITISH POLITICS 4, 10 (1973) ("The Opposition is office-seeking in that its role is not merely to criticize those who are in power, but is also to seek to replace them."). In contrast, The Assemblies could operate parallel to government, providing services such as community mediation. *See* "Prof." *supra* note 17. In 2000, the largest congressional district held 905,316 people. The smallest district had 495,304. The average size of a congressional district is 646,952 people. *Congressional Apportionment,*

focus on deficiencies for the sake of accountability rather than to seek formal political power for themselves.

How does a shadow government work? Since 1955, in the U.K. there has been a formal[182] "Shadow Government" mirroring the structure of the formal Cabinet and Ministerial organization.[183] Specifically, there is a leader of the opposition and a "front bench team" of ministers[184] including senior, deputy, and junior spokesmen, temporary assistant spokesmen (for some debates), and secretary and assistant opposition whips.[185]

The Opposition chooses the subjects for debate[186] and directly faces and debates with the Prime Minister during Question Time.[187] The ruling party, the press, and the public are made aware of the Shadow Cabinet at the beginning of each session.[188] With respect to how much media coverage the Opposition front benchers receive, "[w]hile Ministers receive some attention through their departmental work . . . the Leader of the Opposition is almost alone among Opposition figures in receiving regular coverage by the news media."[189]

The "shadow cabinet" refers to the opposition party representatives who concern themselves "with the tactical political considerations of the Opposition and the affairs of the Opposition party."[190] The Shadow Cabinet decides "who will speak for the opposition in the week's debates, and who will lead the attack in Question Time."[191] In addition to these responsibilities, the Shadow Cabinet determines "the policy attitudes of the Opposition towards immediate issues,"[192] manages administrative affairs, and "concerns itself with long term party policy, producing policy statements and manifestos, and planning policies in anticipation of future office."[193] Meetings of the cabinet are

NAT'L ATLAS (Feb. 28, 2011), http://www.nationalatlas.gov/articles/boundaries/a_conApport.html#two.

182. *See* PUNNETT, *supra* note 181, at 10 ("[T]he presence of Her Majesty's Opposition is formally recognized within the machinery of Government: the Opposition recognizes the Government's right to govern, and in turn the Government officially recognizes the Opposition and provides opportunities for the Opposition to function.").

183. *See id.* at 5.
184. *See id.*
185. *See id.* at 75 fig.E.
186. *See id.* at 9.
187. *See id.* at 5.
188. *See id.*
189. *Id.* at 100.
190. *Id.* at 216.
191. *Id.* at 217.
192. *Id.* at 218.
193. *Id.*

not called with any regularity.[194] The Shadow Cabinet also utilizes committees and small group arrangements that are generally ad hoc and informal.[195]

The effect of the Opposition (which includes former ministers) to debate and call into question the decisions of the prime minister and ruling party[196] provides a template for the civic infrastructure I describe. The one Leader of the Opposition "acts as a public watchdog by keeping the actions of the Government under scrutiny, and secondly he provides an element of choice for the electorate by posing as an alternative Prime Minister at the head of the alternative government."[197]

Citizen's Assemblies, representing many consumers and bank depositors, would have sufficient economic power to check business as well.[198] Past examples include the boycotts and selective buying campaigns of the civil rights movement, and labor's boycotts and public "shaming" campaigns.[199] During the Civil Rights Era, the NAACP boycotted retailers, restaurants, and merchants that adhered to Jim Crow practices, as well as engaged in selective buying campaigns in cities that segregated public transportation services.[200] Spelman College students successfully picketed supermarkets with discriminatory hiring practices.[201] In *NAACP v. Claiborne Hardware*, businesses in Claiborne County, Mississippi that lost customers as a result of a civil rights boycott, sued for damages.[202] The Supreme Court dismissed the suit, concluding that the boycott activities, including speeches and non-violent picketing, were constitutionally protected by the First Amendment.[203]

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194. *See id.* at 221.

195. *See id.* at 247.

196. *See id.* at 28 ("The presence in Parliament of ambitious critics, many of whom will be former Ministers, and thus familiar with the workings of government, means that Ministers of the Crown have to perform their duties in an atmosphere that is considerably more hostile than that surrounding almost any other occupation.").

197. *Id.* at 77. The Assemblies could also perform some functions "parallel" to government, such as community mediation. *See Community Mediation: Resolving Conflicts Quickly*, SAFE HORIZON, http://www.blue-iceberg.net/www.safehorizon.org/Resources/Mediation_Brochure_Eng.pdf (last visited Jan. 27, 2012).

198. McDougall, *supra* note 23.

199. *Id.*

200. GILBERT JONAS, FREEDOM'S SWORD: THE NAACP AND THE STRUGGLE AGAINST RACISM IN AMERICA 1909-1969, at 175 (2005).

201. *See* HARRY G. LEFEVER, UNDAUNTED BY THE FIGHT: SPELMAN COLLEGE AND THE CIVIL RIGHTS MOVEMENT 1957/1967, at 45 (2005).

202. NAACP v. Claiborne Hardware Co., 458 U.S. 886, 886 (1986).

203. *See* GARY MINDA, BOYCOTT IN AMERICA: HOW IMAGINATION AND IDEOLOGY SHAPE THE LEGAL MIND 122-23 (1999).

In the 1970s, Cesar Chavez led migrant farm workers in a strike against California grape growers triggering a nationwide grape boycott, pressuring the growers to sign "equitable contracts with the workers," demonstrating the "power of moral passion, commitment, and solidarity to bring about change in a democratic society."[204] Labor unions in the early 1980s pioneered "corporate" campaigns that threatened the images of corporations in the eyes of consumers, investors, journalists, social interest groups, and other publics.[205]

A. Using Social Media

The Assemblies and their study circle components would no doubt use social media such as Twitter, Facebook and YouTube to speed communication and Wikipedia to aggregate their insights and goals. These are all excellent tools, but I argue they must be put to use by a human community existing in real time.

My research assistant, Sharaya Cabansag, commented in rejoinder that using social media to do this can soften the embarrassment and "otherness" that is sometimes associated with public political display.[206] She agrees with me that social media should not replace face-to-face civic participation, but insists that social media allows the recipient of the information the freedom to accept or ignore the call to action.[207] Just as a text message is read, sinks into the consciousness, and then the receiver can either text back or ignore the message, social media puts the ball in the reader's court.[208] This relative anonymity leaves the recipient with more wiggle room for inaction, but also relieves them from feeling coerced in a face-to-face encounter.[209]

Sharaya's concerns might best be met by a mixture of virtual and face-to-face deliberation. The "eLIDA CAMEL" and "Meet-Up" ap-

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204. ALAN AXELROD & CHARLES PHILLIPS, WHAT EVERY AMERICAN SHOULD KNOW ABOUT AMERICAN HISTORY: 225 EVENTS THAT SHAPED THE NATION 310 (3d ed. 2008).

205. *See* Bennett, *supra* note 66, at 10. Functions "parallel" to business the Assemblies could perform include "social" businesses such as food and energy co-ops. *See* Jeremy Rifkin, *The Third Industrial Revolution: How Lateral Power Will Transform Society*, HUFFINGTON POST (Sept. 28, 2011), http://www.huffingtonpost.com/jeremy-rifkin/the-third-industrial-revo_b_981168.html.

206. *See* Memorandum from Sharaya Cabansag Commentary on *Soul of a Citizen in Light of the Social Media Research* 1, 2 (2011) (on file with author).

207. *See id.* at 2.

208. *See id.*

209. *See id.*

proaches blend these two modalities.[210] Meet-Up enables users to organize their own face-to-face meeting group or join one of thousands already established. There are more than 2,000 Meet-Up groups operating in local communities each day.[211]

E-Learning Independent Design Activities (eLIDA) for Collaborative Approaches to the Management of e-Learning (CAMEL) arose as a way for British academics using e-learning techniques to share perspectives and approaches, not only online, but also in a series of "round robin" meetings at each of their home universities.[212] In this way, participants got to appreciate the context in which their colleague's ideas had emerged, and got to meet with students and administration, increasing their understanding.[213] They also bonded more closely through face-to-face interaction.[214]

Platforms such as "IMeet" and "Gotomeeting" provide even more flexibility. IMeet is a video conferencing option for purchase.[215] Participants are placed in "cubes" through which they access the software's audio and video options.[216] The platform can support fifteen people at a time, making the "meeting" seminar size, or about the size of a large real-time study circle.[217] Additional options include posting documents, attachments, links to web pages, and YouTube videos.[218] Gotomeeting provides similar options.[219]

Electronic communications of all sorts can "accelerate" Assembly processes.[220] Feedback loops built into the Assembly's Internet platforms could facilitate the distribution of information and problem

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210. *See RunObama.com Enlists 6,500 Obama Supporters in First Two Weeks; Calls on Obama Supporters to Gather 10,000 Signatures by Sunday,* PR NEWSWIRE ASS'N (Dec. 7, 2006), http://www.prnewswire.com.

211. *About Meetup,* MEETUP.COM , http://www.meetup.com/about (last visited Jan. 31, 2013).

212. Interview with Prof. Mandla Muhkanya, Pro-Vice Chancellor of the University of Southern Africa (UNISA), South Africa's 'on-line' University. Dr. Makhanya first alerted me to the existence of the eLIDA CAMEL approach, which he planned to implement at UNISA. Pretoria, South Africa, July 2008

213. *Id.*

214. *See Project Details: Project Outcomes,* ELIDACAMEL, http://elidacamel.cms.gre.ac.uk/outcomes.html (last visited Jan. 27, 2012); *see also* Jill Jameson, *The eLIDA CAMEL Nomadic Model of Collaborative Partnership for a Community of Practice in Design for Learning,* 6 ELECTRONIC J. OF E-LEARNING 197, 197 (2008), *available at* www.ejel.org.

215. Matt Smolinger, *IMeet Reviewed,* SMALLNET-BUILDER (Mar. 31, 2011, 3:06PM), http://smallnetbuilder.com/cloud/cloud-services-apps/321-imeet-reviewed.

216. *Id.*

217. *See id.*

218. *Id.*

219. *See* GOTOMEETING, http://www.gotomeeting.com/fec/ (last visited Jan. 27, 2012).

220. *See* VAN LAER & VAN AELST, *supra* note 65, at 230, 245-47; McDougall, *supra* note 23.

solving techniques with the potential of becoming as commonplace as "following one's favorite TV shows, sports teams, or news stories."[221]

"Teledemocracy," a tool used to improve communication between citizens and their government representatives, might be used internally by the Assembly, stripped of its "VIP" implications. Teledemocracy experiments such as the Public Electronic Network (PEN) have been set up to create a channel of communication between city governments and their constituents.[222] Thus far, using information and computer technologies (ICTs) in this way has served to distance officials from citizens rather than bringing them closer together. There is a tendency to refer to people as "users" or "customers" rather than citizens, seeking feedback rather than discourse and deliberation.[223]

B. Social Media and Community Ties

The Assembly, with its face-to-face dimension, can "ground" what would otherwise be purely virtual encounters. Its face-to-face meeting features would build empathic connections—"strong ties" rather than weak ones.[224] We are *physiologically programmed* for community.[225] When two people engage, each of their brains are being "sculpted and changed" by their impressions of one another.[226] MRIs performed on both show a "mutual firing and mutual growth in the social centers of the brain."[227]

From infancy, our neurological circuits—"mirror neurons"—go to work, internalizing what we see and hear of others' feelings.[228] These circuits are increasingly activated as we experience more such "social exercise."[229] Parent and community nurturing of an infant, for

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221. RICHARD HALSTEAD-NUSSLOCH, DESIGNING PERSONALIZED USER EXPERIENCES IN ECOMMERCE 182 (Clare-Marie Karat, et al. eds., 2004).

222. *See* Patrick B. O'Sullivan, *Computer Networks and Political Participation: Santa Monica's Teledemocracy Project*, 23 J. APPLIED COMMC'N RES. 93, 94-95, 103-06 (1995).

223. *See* BARRY N. HAGUE & BRIAN LOADER, DIGITAL DEMOCRACY: DISCOURSE AND DE-CISION MAKING IN THE INFORMATION AGE 13 (1999).

224. *See* Gladwell, *supra* note 99.

225. *See* JEREMY RIFKIN, THE EMPATHIC CIVILIZATION: THE RACE TO GLOBAL CONSCIOUS-NESS IN A WORLD IN CRISIS 14-15, 109, 125-127 (2009).

226. DANA CROWLEY JACK & ALISHA ALI, SILENCING THE SELF ACROSS CULTURES: DE-PRESSION AND GENDER IN THE SOCIAL WORLD 103 (2010).

227. *Id.* at 103.

228. *See* PETER A. LEVINE & MAGGIE KLINE, TRAUMA THROUGH A CHILD'S EYES: AWAK-ENING THE ORDINARY MIRACLE OF HEALING 302 (2007).

229. *See* RIFKIN, *supra* note 225, at 83-90 (discussing the relation between biology and culture).

example, triggers its "mirror neurons," establishing "empathic pathways in the brain."[230] Human connection is thus a primary ingredient in psychological,[231] cultural,[232] and intellectual development.[233]

Empathic face-to-face connection builds trust, the social capital needed to make Gladwell's "group projects" work. A high level of social capital—"strong ties"—are also associated with cooperation, reciprocity, civic engagement, and collective health.[234] They are not built on the Internet, but rather grow and endure through contact, which is more intimate and frequent than that which characterizes casual acquaintance.[235]

Douglas North, a Nobel Prize winner in economics, makes a complementary point. North examined the "transaction costs" accruing when two or more individuals must agree to cooperate in an endeavor—purchase goods and services, cast their votes, or agree to work together in some community enterprise.[236] North showed that social capital—built in community[237]—also facilitates human communication in the market and in government because it broadens the norms of honesty, integrity, and reliability.[238] The greater the fund of social capital in any society, the more efficiently it works.[239]

CONCLUSION

The early history of Arab Spring and the Occupy Movements reveals the fault lines of the twenty-first century's defining struggle. It is a struggle between the forces of democracy and freedom on the one

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230. *Id.*

231. *See* JACK & ALI, *supra* note 226, at 103.

232. *See* Harold McDougall, *Reconstructing African-American Cultural DNA: An Action Research Agenda for Howard University*, 55 How. L.J. 63, 69 (2011).

233. Leon Neyfakh, *Are We Asking the Right Questions?*, BOSTON GLOBE (May 20, 2012), http://www.bostonglobe.com/ideas/2012/05/19/justask/k9PATXFdpL6ZmkreSiRYGP/story.html?camp=pm ("Wielded with purpose and care, a question can become a sophisticated and potent tool to expand minds, inspire new ideas, and give us surprising power at moments when we might not believe we have any.").

234. *See* JULIA HÄUBERER, SOCIAL CAPITAL THEORY 56-57 (2010).

235. *See id.; see also* SANDRA C. DUHE, NEW MEDIA AND PUBLIC RELATIONS 96 (Sandra C. Duhe ed., 2007) (discussing how "weak ties" or social networking with acquaintances requires "very little time and interaction").

236. *See generally* DOUGLASS C. NORTH, UNDERSTANDING THE PROCESS OF ECONOMIC CHANGE (2005).

237. *See* JONG S. JUN, THE SOCIAL CONSTRUCTION OF PUBLIC ADMINISTRATION: INTERPRETIVE AND CRITICAL PERSPECTIVES 219 (2006).

238. *See id.*

239. *See id.* at 58.

hand, and the forces of elite and oligarchic control on the other.[240] The Occupy Movements showed that this struggle will be carried on in developed countries as well as those that are less developed. Protesters in Egypt and throughout the Arab world will fight against traditionalist, self-aggrandizing elites,[241] but protesters in the United States and other developed countries will struggle against corporate elites.[242]

Traditional elites have been able to hold on to power by filling the minds of the people with an ideology based on traditional values, which Benjamin Barber collects under the symbol "jihad."[243] Corporate elites have been able to hold on to power by filling the minds of the people with an ideology based on consumerism and individualism, which Benjamin Barber collects under the symbol "McWorld."[244] Governing elites reacting to the emergence of Arab Spring and OWS disruptions were quick to exploit the people's allegiance to either of the two ideologies Barber identifies.[245]

In order for the forces of freedom and democracy to prevail, they will have to break free of both these ideologies.[246] Revolutionary movements' new problem-solving approaches must become a matrix from which new norms and values may spring, as well as new patterns of interaction and organization.[247] Paul Loeb observed a sense of festival at Occupy gatherings, "with puppets, colorful banners, drum cir-

240. *See* Josh Halliday, *Hillary Clinton Adviser Compares Internet to Che Guevara*, GUARD-IAN.UK (June 22, 2011, 5:53PM), http://www.guardian.co.uk/media/2011/jun/22/hillary-clinton-adviser-alec-ross ("Alec Ross said 'dictatorships are now more vulnerable than ever' as disaffected citizens organise influential protest movements on Facebook and Twitter.").

241. *See* CHRIS C. DEMCHAK, WARS OF DISRUPTION AND RESILIENCE: CYBERED CONFLICT, POWER, AND NATIONAL SECURITY 281 (2011).

242. *See* Lee Fang, *As Tea Party Koch Brothers Earned an Extra 11 Billion in Recent Years, They Laid Off Thousands*, THINK PROGRESS ECON. (Feb. 11, 2011, 2:46PM), http://thinkprogress.org/economy/2011/02/01/141767/david-charles-koch-jobs/; Sarah van Gelder & Brooke Jarvis, *Wisconsin Awakens a Sleeping Giant*, YESMAGAZINE.ORG (Mar. 15, 2011), http://www.yesmagazine.org/people-power/from-wisconsin-a-sleeping-giant-awakes; Paul Street, *Report from North America: The Wisconsin Rebellion and Its Limits in a Global Context*, NEWLEFT-PROJECT.ORG (Jan. 5, 2011), http://www.newleftproject.org/index.php/mayday/article/6285.

243. *See generally* BENJAMIN BARBER, JIHAD VS. MCWORLD: TERRORISM'S CHALLENGE TO DEMOCRACY (1996) (discussing how Jihads focus on traditional notions of community and how religion, generally, has become intertwined with the political landscape).

244. *Id.* at Part I (discussing consumerism as an ideology deriving from advertising); *see also* BETTY MALEN, BALANCING LOCAL CONTROL AND STATE RESPONSIBILITY FOR K-12 EDUCA-TION 139 (2000) (discussing the social and political forces unleashed by globalization and how the growth of multinational corporations encourages the development of a homogeneous world culture).

245. *See* Ayalew, *supra* note 111.

246. Cory Siemaszko, *Pakistani Teen Who Survived Taliban Shooting Flown to British Hospital*, N.Y. DAILY NEWS (Oct. 15, 2012, 12:55PM), http://www?.nydailyne?ws.com/new?sworld/pa?kistani-te?en-survive?d-taliban-?shooting-f?lown-briti?sh-hospita?l-article-?1.1183885.

247. *See* PIOTR SZTOMPKA, THE SOCIOLOGY OF SOCIAL CHANGE 295 (1993).

cles, radical marching bands, signs saying 'I'll believe corporations are people when Texas executes one,' and people dressed up as predatory billionaires, Lady Liberty and dollar-spewing zombies who chant 'I smell money, I smell money.' "[248] The "spirit of play echoes the defiant folk and hip hop music of Tehrir Square and the Gandhi meets Monty Python approaches of the Serbian youth movement Otpur, who helped train the initial Tehrir Square occupiers."[249]

Such movements, even if ephemeral, create new cultural patterns in their wake, leavening both traditional and modern ideas. Thus, they might enhance and deepen traditional culture, but avoid extreme notions of jihad that are really "opportunistic attempts at self-aggrandizement, rather than the preservation of . . . community."[250] At the same time, they might root modern notions of autonomy and individuality[251] in practices and approaches, which do not serve the alienated consumerist individualism of McWorld.[252]

New values alone will not suffice, however. As these movements appear, they must be urged to develop an organizational structure, supple as well as sophisticated, that does not repeat the mistakes of the past. Social media has a role to play,[253] as does public protest, but small-group organizing and coalition-building, to create a progressive civic infrastructure, is essential if the 21st century struggle for political and economic democracy is to survive and flourish.

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248. Loeb, *supra* note 129.

249. *See id.*

250. *See also* Richard Kahn & Douglas Kellner, *Internet Subcultures and Oppositional Politics*, UCLA.EDU (2003), http://gseis.ucla.edu/faculty/kellner/essays/Internetsubculturesoppositionalpolitics.pdf (discussing use of the Internet by terrorist groups). *But see* OLIVER LEAMAN, ISLAMIC PHILOSOPHY: AN INTRODUCTION 136-37 (2009).

251. This is possible because of "communication independence from the mass media." *See* Bennett, *supra* note 66, at 9.

252. *See generally* McDougall, *supra* note 232.

253. *Cf.* Katherine Kendrick, *Activism 2.0*, YALE GLOBALIST (Feb. 28, 2007, 8:33PM), http://tyglobalist.org/focus/activism-2-0/ (describing the role of Moveon.org in changing the manner of participation in American Politics); Howard Rheingold, *supra* note 81 (examining the correlation between SMS text messaging and political activism around the world including: toppling the Estrada Regime in the Philippines; changing election results in South Korea; turning an obscure candidate into a frontrunner in the United States; using texting to organize mass demonstrations despite a ban in Madrid; and having a fair election with the highest number of voters experiencing easily accessible election results as a result of the mobile phone).

VI. POST-SCRIPT: COMMUNITY REENGAGEMENT THROUGH THE REFORMATION OF ADVISORY NEIGHBORHOOD COMMISSIONS
(*with Crinesha Brooks*)

The Occupy movement has faded.[254] Arab Spring is in chaos.[255] Yet the grand ideas that spurred them still give hope. How might their concepts of radical civic engagement be applied in a setting familiar to us at Howard?

Inspired by this Symposium, and by the desire of *Howard Law Journal* students to produce a "legal" result, I thought about the Advisory Neighborhood Commissions (ANCs) of the District of Columbia, formed to liaise with Congress before the advent of Home Rule in the District. I asked my research assistant, Crinesha Brooks, to look into the ANCs as a possible vehicle by which to implement some of my civic infrastructure ideas. She wrote the following under my direction.

A. Reviewing the Decline in Citizen Engagement

Direct civic participation in local government is the most effective means to ensure that policies of public concern are being implemented.[256] This is, in large part, due to local governments' size and accessibility. However, since the 1960s Civil Rights Movement, citizen engagement has dramatically declined.[257] Robert Putnam attributes civic disengagement to the current family structure—referencing the two-career household—increase in television consumption, and generational shifts.[258] Citizens have become less engaged in modern

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254. *See* Star-Ledger Editorial Board, *Occupy Wall Street Movement Has Faded, but the Frustration Lives On*, STAR LEDGER (Sept. 17, 2012, 8;20 PM), http://blog.nj.com/njv_editorial_page/2012/09/occupy_wall_street_movement_ha.html.

255. *See Syria Uprising: Assaad Says Arab Spring Brought Chaos*, BBC NEWS, http://www.bbc.co.uk/news/world-middle-east-19671635 (last updated Sept. 12, 2012, 1:44 PM).

256. Matthew Parlow, *Civic Republicanism, Public Choice Theory and Neighborhood Councils: A New Model for Civic Engagement*, 79 U. COLO. L. REV. 137, 144 (2008).

257. *See* Nicole Turner Lee, *The Challenge of Increasing Civic Engagement in the Digital Age*, 63 FED. COMM. L.J. 19, 22 (2010). During the Civil Rights Movement, citizens gathered in church basements to plan and organize how to challenge the racially motivated policies. That generation of people was concerned with how local, state, and federal policies affected their lives and their communities. During this historic movement, and those of others, individuals canvassed, met publicly, knocked on doors, made telephone calls, and all other such things requiring personal collective action. Today, collective action is more passive such as blogging, retweeting, or posting a status on Facebook.

258. *Id.* at 22; Stephen Macedo, *The Constitution, Civic Virtue, and Civil Society: Social Capital as Substantive Morality*, 69 FORDHAM L. REV. 1573, 1580 (2001); *see also* Cynthia Estlund, *Working Together: The Workplace, Civil Society, and the Law*, 89 GEO. L.J. 1, 1 ("Echoing de Tocqueville, Putnam argues that the vitality and efficacy of democratic political institutions

politics and government, which has led to an uninformed public.[259] This lack of citizenry is apparent in low voter turnouts in local, state, and federal elections.[260] The belief is that when individuals lack civic engagement, they lack the requisite knowledge that they would otherwise have as it pertains to political and governmental issues relevant to them.[261] American political participation has been described as a mix of long periods of "uninformed and apathetic disengagement" followed by brief periods of "popular ferment and participation."[262] However, engaging in these brief periods of "popular ferment and participation" interferes with the effectiveness of policy and our political systems lack consistency.[263]

Many believe that we have entered into an era of personal democracy, where citizens are no longer interested in collective mobilization.[264] Instead, citizens' engagement with the government has become more privatized leading to less policy influence because of a disinterest in policy-making.[265] The collective community identity that is essential in a democratic republic, such as ours, that would allow policy-makers the opportunity to become aware of issues more relevant to respective communities has declined.[266]

Although Putnam attributes civic disengagement to the two-career family structure,[267] increase in television consumption, and generational shifts,[268] the focus here is briefly on two aspects of the

depends crucially upon the society's store of 'social capital'— 'networks, norms, and trust . . . that enable participants to act together more effectively to pursue shared objectives.' And it is largely through their participation in voluntary clubs, associations such as the PTA, fraternal and professional organizations, and even bowling leagues that citizens develop these social ties. Putnam contends further that, as Americans devote progressively less time and energy to these civic associations, the store of social capital in American society is eroding.").

259. Parlow, *supra* note 256, at 138.

260. *Id.* This is with the exception of the 2008 and 2012 Presidential elections, which showed a huge increase in voter turnout. Josh Lederman, *Voter Turnout Shaping Up to Be Less than 2008,* HUFFINGTON POST (Nov. 7, 2012, 5:22 PM), http://www.huffingtonpost.com/2012/11/07/voter-turnout_n_2088810.html (explaining that in 2008, 131 million people voted in the election and about 126 million in 2012).

261. Parlow *supra* note 250, at 138.

262. Carlos E. González, *Popular Sovereign Generated Versus Government Institution Generated Constitutional Norms: When Does a Constitutional Amendment Not Amend the Constitution?,* 80 WASH. U. L.Q. 127, 215 (2002).

263. *See* Parlow, *supra* note 256, at 143 ("[The] communal experience, can, in turn, increase the likelihood that citizens will participate in their government, enhance its effectiveness, and give more credence to the policies adopted through their involvement.").

264. Parlow, *supra* note 256, at 140-141.

265. *Id.*

266. *Id.*

267. *See* Estlund, *supra* note 258, at 1.

268. *See* Lee, *supra* note 257, at 22; Macedo, *supra* note 258.

generational shift. Two concerns due to the generational shift that may be attributed to civic disengagement are the decline in civic education and a Digital Age that replaces real with virtual contact. With the former, as Alexis de Tocqueville puts it, "In democratic countries knowledge of how to combine is the mother of all other forms of knowledge; on its progress depends that of all the others."[269] If citizens are unaware of how to participate in society, they will not do so. With the latter, as this new phenomenon increases, the chances of increasing participation in the local town halls, church basements, and community centers will continue to decrease.[270]

B. The Importance of Civic Education

Because the concept of democracy is not a given, it is something that must be taught repeatedly.[271] Civic education provides students with the ability and understanding of what it truly means to be a citizen.[272] It sets the tone for understanding policy-making, mock trials, self-governance, and various forms of dispute resolution.[273] However, civic education has decreased throughout schools in the United States.[274] Today, if the course in civics does exist or is part of a curriculum, it is limited to the formation and organization of American government.[275] Under this setting, civic virtues, duties and engagement are overlooked, and students are not exposed to the many ways that they may become involved in the political processes. In 2009 Justice Souter issued a call to action during an American Bar Association (ABA) meeting in Chicago stating, "[W]e have to take on the job of making American civic education real again . . . [w]hat more important work can you do?"[276] As a result of the decline in civic education, disengagement runs prevalent within the younger community and has increased.[277]

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269. ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA 288 (Scott A. Sandage ed., George Lawrence trans., Harper & Row 1969) (1840).

270. MATTHEW A. CRENSON & BENJAMIN GINSBERG, DOWNSIZING DEMOCRACY: HOW AMERICA SIDELINED ITS CITIZENS AND PRIVATIZED ITS PUBLIC 10-11 (2002).

271. Michael Palmer, *Civic Education Through Civic Engagement*, 31 VT. B.J. 30, 31 (2005).

272. *Id.*

273. *Id.*

274. Kevin Ryan, *Lost in the Cave: Citizenship and the Decline of Public Education*, 29 VT. B.J. 7, 9 (2003-04).

275. *See id.*

276. Leo I. Brisbois, *Civics: To Save a Village, Teach a Child*, 66 BENCH & B. MINN. 7, 7 (2009).

277. Ryan, *supra* note 274, at 10 ("Far from being concerned about the public good, nearly three-quarters of today's youth set financial success as their highest priority in life. Powerfully

Before the Internet Age, citizens met in local coffee shops and community town halls.[278] Today, citizens engage in passive political discussions on the Internet.[279] The issue with this is that online access is limited.[280] Although there have been many positive changes due to social networking and the Internet,[281] the Digital Age has created a form of social isolation.[282] Barriers have been created for those who are less educated, low-income, disabled, and elderly.[283] Because the Internet is far less accessible than our traditional public forums, it excludes segments of society that would serve to gain from civic engagement.[284]

C. Previous Efforts to Redress Civic Disengagement

Federal, state, and local governments have created programs designed to reengage the public in issues that are central to their communities. As will be discussed, the limitations experienced by those programs were primarily due to the top-down approach. Because the federal and state governments lack the experience and connectedness of the communities, it was more difficult to establish programs designed to bridge the gap of community solidarity and policy-making.

Beginning with the War on Poverty, the government has made several failed attempts at reengaging the public.[285] Although the focal point of many of these programs was to target a distinct and marginalized group, the poor, the efforts still proved to be unsuccessful.[286] Examples of such programs are the Community Action Program, the Community Development Corporations, and various planning move-

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illustrating their cynicism about working with others for public ends, trust for other people has fallen dramatically among those between the ages of 15 and 25.").

278. *See* Lee, *supra* note 257, at 20.

279. *See id.* at 22-23. Frank Rusciano describes citizen engagement on the Internet as passive discourse. However, sociologist Barry Wellman views the Internet as a new forum for social interaction and describes social networking sites as the new "vanguards" for public discourse. *Id.*

280. *See id.* at 21, 25, 28-29.

281. Haiti and the 2008 Presidential election are examples. *Id.* at 20-21, 23. KONY 2012, Occupy Wall Street, and the shooting of Trayvon Martin are examples of how the Internet brought these issues of public concern to the forefront. Matt Mastricova, *'Kony' a Milestone in Social Media*, TARTAN (Mar. 26, 2012), http://thetartan.org/2012/3/26/forum/socialmedia.

282. Lee, *supra* note 257, at 25. People with low-income are often unable to afford Internet access; elders and the less-educated are not able to utilize these tools. The disabled are also unable to utilize the Internet without assistance, which places them in social isolation.

283. *Id.*

284. *See id.*

285. *See* Parlow, *supra* note 256, at 157-58.

286. *See id.* at 158.

ments initiated throughout cities in the United States, which were created as pathways for indigent citizens to become more directly involved in redevelopment efforts in urban communities.[287]

However, these programs failed due to the program administrators', (usually federal and state officials) lacking experience in areas of community planning and engagement; the belief that these programs would be unsuccessful at the outset and essentially a "waste of time"; unrealistic expectations; and inadequate funding.[288] All of these reasons were primarily due to the top-down approach.[289] Rather than these programs originating from local government and working their way up, they originated at the top, federal and state governments, making it even more difficult to obtain civic buy-in and engagement.[290]

D. Proposal: ANCs Functioning as Ward Republics

As mentioned, programs for collaborative neighborhood organizations have been a phenomenon in a number of cities and/or states.[291] One such is the ANC for the District of Columbia, which is tasked with representing neighborhoods in the eight wards throughout the District, each of which comprises about 2000 residents.[292] By statute, they are given the authority to make recommendations to the City Council, the mayor, or other agencies as it relates to matters affecting their prospective wards such as, traffic, parking, zoning, recreation, street improvements, liquor licensing, economic development,

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287. *See id.*; Peter W. Salsich, Jr., *Grassroots Consensus Building and Collaborative Planning*, 3 WASH. U. J.L. & POL'Y 709, 712-13 (2000).

288. Parlow, *supra* note 256, at 158-159; Salsich, *supra* note 287, at 713.

289. Salsich, *supra* note 287, at 713.

290. *See generally id.* at 714. (discussing the decentralization of federal programs and its implications for neighborhood collaborative planning).

291. Salsich, *supra* note 287, at 716-24; *see* ATLANTA CITY CODE §§ 6-3011-6-3019 (2012) (establishing Neighborhood Planning Units within the City of Atlanta); *see also* CONN. GEN. STAT. ANN. § 7-600 (2012) (requiring neighborhood planning commission to be limited to areas with a "significant number of deteriorated property"); D.C. CODE § 1-207.38 (2012) (establishing Advisory Neighborhood Commissions); DRAFT UNIFIED LOS ANGELES CITY CHARTER, art. IX, § 901 (2012) (creating the Office of Neighborhood Empowerment to assist with creating citywide neighborhood councils); MINN. STAT. ANN. § 469.1831 (West 2012) (authorizing Minneapolis and Saint Paul to establish neighborhood revitalization programs); MO. ANN. STAT. § 208.335 (West 2012). The Missouri statute was created to alleviate property, however; this bill has since been repealed. *Id.* Washington also has a similar statute. WASH. REV. CODE ANN. § 36.70A.050 (LexisNexis 2012) (creating indirect neighborhood planning commissions).

292. ADVISORY NEIGHBORHOOD COMMISSIONS, http://anc.dc.gov/page/about-anc (last visited Nov. 30, 2012) [hereinafter ANC]; James Wright, *ANCs Hold Elections*, WASH. INFORMER (Nov. 14, 2012, 1:47 PM), http://washingtoninformer.com/index.php/local/item/12339-ancs-hold-elections.

police protection, sanitation, trash collection, and the District's annual budget.[293]

Although ANCs were created to serve as a liaison between the community and the federal government, ANCs have been under the microscope for a host of issues surrounding corruption.[294] The issue with the ANCs is the lack of oversight, which in turn leads to local corruption.[295] The ANCs are given access to public funds to use for public purposes, and too many times those funds have been misappropriated.[296] One of the issues with local government today is the lack of transparency in policy-making and resultant self-interested corruption. The ANCs are no exception.[297]

Gary Hart describes America as a "procedurally deficient republic" as it pertains to resistance to corruption, civic duties, and civic participation and civic engagement.[298] Hart emphasizes the restoration of the ward republic, which is described as "direct, personal and collective action of citizens" in local governance.[299]

Professor McDougall and I propose that the Advisory Neighborhood Commissions should look and function more like ward republics. Functioning as a ward republic, ANCs would engage in more activities requiring community engagement and direct citizen participation, which in turn, decreases local corruption.[300]

Participating in the political process is an obligation of citizenship.[301] Thomas Jefferson believed that the elementary ward republic was the most appropriate forum to engage citizens in the political, so-

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293. D.C. CODE § 1-309.10 (2012); ANC, *supra* note 292.

294. *See* Delia Gonçlives, *Vice Chair Steps Down Two Weeks After Allegations Against Chair*, 9 NEWS Now (June 27, 2011, 1:09 PM), http://www.wusa9.com/news/local/story.aspx? storyid=155311; *see also* Policy Fellow, *DC's ANCs Should Put Their Financial Reports Online*, SUNLIGHT FOUND. (Apr. 17, 2012, 11:28 AM), http://sunlightfoundation.com/blog/taxonomy/ term/Local-Corruption/ (discussing the chairman of one of the ANCs who stole about $30,000 from his ANC); Luke Rosiak, *DC ANC Members Break the Rules Without Redress*, WASH. TIMES (Sept. 29, 2011), http://www.washingtontimes.com/news/2011/sep/29/dc-anc-members-break-the-rules-without-redress/?page=all (discussing Regina James, who allowed taxpayers' funds to disappear under her watch, punished individuals who requested accountability, closed meetings to the public, and refused to give elected officials access to records).

295. *See* Policy Fellow, *supra* note 294; Gonçlaves, *supra* note 294; Rosiak, *supra* note 294.

296. *See* Policy Fellow, *supra* note 294; Gonçlaves, *supra* note 294; Rosiak, *supra* note 294; Salsich, *supra* note 287, at 719.

297. Parlow, *supra* note 256, at 139.

298. GARY HART, RESTORATION OF THE REPUBLIC: THE JEFFERSONIAN IDEAL IN 21ST CENTURY AMERICA 3 (2002).

299. *Id.* at 81.

300. *See id.* at 12-13.

301. *Id.*

cial, and economic processes.[302] He believed that the more dependent citizens became on their elected officials, the less republican the government, which ultimately leads to corruption.[303] However, under Jefferson's ward republic, there are restrictions on size and space. Jefferson understood the difficultly of establishing "pure republics" across the United States, especially in areas with a higher concentration of people.[304] According to Jefferson "[r]epresentation could be used to create a large republic so there would be small, pure republics and a large, less pure republic based on representation."[305] The restoration of the republic is to restore the reengagement, empowerment, and accountability of citizens in concerns that are relevant to the community and nation.[306] Ward republics would restore integrity to the government and instill in future generations the conviction that the only way to secure democratic rights is through exercising civic duties.[307]

E. Reforming Commissioner Elections

The best way to address the issues of lack of transparency and corruption with ANCs is to first reform the way they become commissioners. ANCs are chosen in nonpartisan elections in each ward, ad-

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302. *Id.* at 8.

303. *Id.* at 12-13.

304. *Community Involvement and the Ward Republic*, PER-FIDEM, http://www.per-fidem.org/codex/wardrepublic.html (last visited Oct. 31, 2012).

305. *See id.* To get a better idea of what Jefferson had in mind in terms of size and number of wards, Jefferson proposed an education bill in 1779, as well as an education plan for William and Mary. *See* Frank Shuffelton, *Thomas Jefferson and the People's Government*, JEFFERSON LEGACY FOUND., http://www.jeffersonlegacy.org/Winter2003.htm (last visited Oct. 31, 2012).

> The 1779 bill proposed a three-tiered system of public education from primary schools, through what we would know as high schools, and finally to college. Because the College of William and Mary already existed, the Bill focused on the primary and secondary levels. Jefferson's Bill proposed that each county would be divided into "hundreds . . . so as that they may contain a convenient number of children to make up a school, and be of such convenient size that all the children within each hundred may daily attend the school to be established therein." Jefferson's deliberate use of the term "hundreds" echoes the Anglo-Saxon term for such a political sub-division because he along with many of his contemporaries believed that English liberties —and by extension American liberties — were rooted in Anglo-Saxon political life. Moreover, in these "hundreds" we see the origins of Jefferson's later conception of "ward republics," political units so small that "every citizen, can attend, when called on, and act in person." (Political Writings, 212)   Just as the schools were envisioned as a tiered system, so the ward republics were the smallest, most intimate scenes of political life and the basis for state republics and the national republic.

Id.

306. HART, *supra* note 298, at 10.

307. *Id.*

ministered by the D.C. Board of Election and Ethics.[308] Often, elected officials are more prone to lean towards their own self-interest, so to remedy this, the ANC elections could take the form of a caucus. Caucuses, like that of Iowa,[309] are more community-oriented.[310] This communal political experience allows for a platform where the community can engage and discuss issues of concern before casting a vote.[311]

Unlike ANCs current system of write-ins, those interested in the position would have to attend these caucuses being held in their respective single-member districts and discuss issues.[312] If commissioner elections for ANCs were done in this manner, more responsible and trustworthy officials would be in office, and when issues such as local corruption arise, there would be opportunities for accountability. The idea is that when small groups of people come together to share a common interest, it is easier to hold one another accountable. This format assists potential candidates in becoming familiar with the issues that are relevant to the community, and the community can feel engaged and involved in policy-making.

F. Extending ANCs to Public Education

Once the ANC elections are reformed, one way to imagine how ANCs would function as a ward republic is with public education. The public school system is linked to community solidarity: "School reform initiatives that encourage kids to attend smaller, more communal schools may have the unintended result of increasing both student

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308. *See* Salsich, *supra* note 287, at 719. The only qualifications to have your name on the ballot for commissioner are that you must live in a single-member district for at least sixty days prior to the election, be a registered voter for the District of Columbia, and file an "Affirmation of Write-In Candidacy" if you decide to run as a write-in. ADVISORY NEIGHBORHOOD COMMISSIONS, http://anc.dc.gov/page/anc-elections (last visited Nov. 23, 2012).

309. Iowa has 1,774 districts, which all either meet at local churches, schools, or other public venues to discuss issues before voting. Only those who are registered party members may attend the caucus, so those who are not registered are not allowed to attend the caucus. David Sessions, *How the Iowa Caucuses Work: Delegates, Secret Ballots, More Details*, DAILY BEAST (Jan.1, 2012, 11:13 PM), http://www.thedailybeast.com/articles/2012/01/01/how-the-iowa-caucuses-work-delegates-secret-ballots-more-details.html. On its face, it may seem absurd that people are excluded because they are not registered party members, but this could potentially provide encouragement to others. If the issues are that important, then more than likely you will register and attend the caucus.

310. Dean Praetorius, *What Is a Caucus? How the Iowa Caucus Works*, HUFFINGTON POST (Jan. 30, 2012, 12:39 PM), http://www.huffingtonpost.com/2012/01/03/what-is-a-caucus-iowa-2012_n_1181069.html.

311. *Id.*

312. *See id.*

and parental involvement in clubs, classroom activities, governing bodies, and education lobbying groups. In this way, such education reform could be an engine of civic reengagement."[313] A current local issue in D.C. is its public school system. Recently, D.C. Public School Chancellor (DCPS) Kaya Henderson announced that she will be consolidating twenty schools across six wards for the 2013-14 school year.[314] The reason for the consolidation is due, in large part, to underenrollment and funding.[315] DCPS Chancellor Henderson has asked for community engagement in determining how to execute the consolidation plan.[316] This is the perfect opportunity for the Advisory Neighborhood Commission to step up and either assist or advocate on behalf of the parents so that we can be sure that they are a part of this call to action.[317]

Although the rights revolution emphasized the role of education and the need for social equalization, over time schools have lost their local identities.[318] Since 1940, the number of local school districts has contracted by eighty-seven percent primarily due to consolidation.[319] This phenomenon provides good reason as to why D.C. residents should answer the Chancellor's call and become proactive in this new consolidation plan. The role of education must be put back into our communities. As Hart correctly puts it, "[A] central purpose of republican government [is] to empower the citizen to participate in the affairs of the local *polis* both as a forum for constructive service and as a forum for conflict resolution."[320] It is the citizen's duty to assist in resolving this consolidation issue. Many parents view the federal government's control in education as the reason for the decline in the

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313. HART, *supra* note 298, at 188.

314. *See* D.C. PUB. SCHS. *DCPS Invites Community Feedback on Proposed List of School Consolidations,* (Nov. 13, 2012), http://dcps.dc.gov/DCPS/About+DCPS/Press+Releases+and+Announcements/Press+Releases/DCPS+Invites+Community+Feedback+on+Proposed+List+of+School+Consolidations [hereinafter DCPS].

The portfolio of schools in DCPS will shift dramatically after these consolidations. The average school enrollment will increase to 432 students, up from 376. Overall building utilization rate will be 84 percent, an increase from 72 percent. Only 26 elementary schools will have fewer than 350 students, instead of 41. 1,700 additional students will have the opportunity to attend school in a modernized building.

Id.

315. *Id.* DCPS allocates funds based on enrollment. Schools that are under-enrolled do not receive adequate funds to sustain a quality education.

316. *Id.*

317. *See* Salsich, *supra* note 287, at 732-33 (discussing the two main types of participation alternatives).

318. HART, *supra* note 298, at 189-90.

319. *See id.* at 190.

320. *Id.* at 191.

quality of public education.[321] Because of this control, the middle- and upper-middle-class families favored the privatization of education through charter and private schools, and home schooling.[322] If this trend is to continue, the quality of public schools will continue to decrease.[323] Because public education is central to our communities, civic engagement in education would help restore the local identities of our communities.[324]

Currently, D.C. ANCs may be described as passive recommenders, in that they make recommendations without pushing for more direct civic engagement. This approach taken by ANCs would have to be reformed so that they are targeting community members to be actively engaged and responsive. Two potential participation alternatives are the advocacy/confrontation approach and the collaborative/consensus building approach. Under the advocacy/confrontation approach, the ANC commissioner would serve as an activist tasked with uniting the community around a particular issue and advocating on their behalf to the government.[325] Under the collaborative/consensus building approach, commissioners would focus on neighborhood organization so that eventually these groups of people may function on their own.[326] Regardless of the approach taken by ANCs, it must be one that focuses on how to best engage citizens. However, this is not to say that the two approaches may not be executed together.[327] We need more parents at these meetings led by DCPS officials and other civic organizations pertinent to the vitality of the community.

CONCLUSION

The purpose of local government is to provide a forum for individuals to gather within their prospective communities and deliberate about issues of common concern.[328] Today, local governments have become less transparent and less accountable for their actions. The best way for individuals to protect their rights is through civic engagement and participation in their local government. By reforming orga-

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321. *See id.* at 192.
322. *Id.*
323. *Id.*
324. *See id.*
325. *See* Salsich, *supra* note 287, at 732 (noting that this model was popularized in the 1950s and 1960s in Chicago).
326. *Id.* at 733.
327. *Id.* at 736 ("One of the lessons of the confrontation models of the 1960s is that confrontation before consensus building is not likely to produce lasting improvements.").
328. *See* Parlow, *supra* note 256, at 144-45, 153.

nizations such as the District of Columbia's Advisory Neighborhood Commissions, and by shifting their focus to the engagement of the citizens, we can hold each other accountable. Due to the decline of civic education in our school systems, our potential future leaders have not been exposed to the importance of civic engagement and its effect on democracy. Also, the Digital Age does not have to hinder our public discourse. As we have seen, and as has been discussed, a number of movements have been led by interactions on the Internet. Although we may not be in a time where we can meet in coffee shops or at the local community center, there are still open forums at our disposal that we may use to reengage the public.

Education is where we start.[329] In order for our citizens to participate in the political processes, they must be educated. As has been discussed, DCPS is struggling to provide quality education to all of its students.[330] This is the perfect time for citizens in the D.C. area to become involved in this issue. The public education system is the core of the community. It is essential that those who live in these communities who are facing consolidation step up and become active participants in the political processes rather than passive bystanders.

In 1840, de Tocqueville described America as the following: "In towns it is impossible to prevent men from assembling, getting excited together and forming sudden passionate resolves. Towns are like great meetinghouses with all the inhabitants as members. In them the people wield immense influence over their magistrates and often carry their desires into execution without intermediaries."[331] This communal identity that de Tocqueville described is no longer present within our communities. The most effective protection of individual rights is widespread participation in governmental affairs, and remote centralized government and citizen detachment is the greatest danger.[332]

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329. *See* Ryan, *supra* note 274, at 7-8 ("A long tradition of political thought, running from Plato, Xenophon, and Aristotle through Locke, Rousseau, and the American Founders, has seen a properly designed and delivered education as the prerequisite of a stable polity.").

330. DCPS, *supra* note 314.

331. *In Search of Tocqueville's Democracy in America*, ALEXIS DE TOCQUEVILLE TOUR EXPLORING DEMOCRACY IN AMERICA, http://www.tocqueville.org/chap5.htm (last visited Nov. 30, 2012).

332. HART, *supra* note 298, at 12; *see* Parlow, *supra* note 256, at 187. ("It is important to remember that '[s]ince the earliest days of the Republic, the maintenance of political participation by its citizens has been viewed as essential to the preservation of free government.'").

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