Politically Oriented Advocacy
Montgomery County, MD Presentation

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http://maryland.sierraclub.org/montgomery/

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Politically Oriented Advocacy...

...triples bad project defeats;

makes sound projects better; and

expands voter support for reforms.

The tactics which compose Politically Oriented Advocacy have been in use for a very long time. It appears though that CEDS is the first to bring these tactics into a coherent strategy. In fact, CEDS coined the phrase Politically Oriented Advocacy to describe this approach, which:

• Triples the number of bad projects defeated;
• Makes sound projects better; and
• Expands voter support for the reforms needed to prevent future bad projects.
Politically Oriented Advocacy provides benefits far beyond the conventional approach of simply attempting to kill a bad project through legal action. By the end of this presentation I think you’ll agree that seizing upon every opportunity to use this approach is critical to restoring our degraded environmental resources and preserving those still pristine.
Workshop Topics
How To Use Politically Oriented Advocacy to...

✓ Win individual development battles, enforcement issues, etc.; then
✓ Win the war.

This presentation consists of two parts and takes a total of 45 minutes. Steve Lonker will then lead us for 45 minutes of questions. So I suggest holding your questions until the end.
While the concept of Politically Oriented Advocacy is simple and very intuitive, the specifics can get quite complex. Unfortunately we only have time today to briefly touch on the specifics. Further detail is provided on our POA webpage and in this 300-page book available free on the CEDS publications page. This presentation is also available on the POA webpage.

There are some aspects of this approach you won’t hear today or find in these two resources. We keep these aspects closely guarded to hamper the development of counter-tactics by those who profit from environmental harm.
The vast majority of development concerns can be resolved through the CEDS Easy Solution, which is presented in Chapter 1 of our book. I’ll give a brief introduction to The Easy Solution using one of the many cases we’ve won here in Montgomery County.
Before getting into the specifics of Politically Oriented Advocacy I’d like to explain the difference between the Conventional Approach and POA.
Rare, but well-publicized instances, fosters the myth that it’s easy to stop a project. And the way you do it is to hire a lawyer to kill the project.

**Conventional Approach Realities:**
- Only 1% defeated long-term;
- Effort costs $5,000 - $100,000;
- 1 in 15 chance of killing project short-term;
- Parties polarized;
- Minimal citizen involvement;
- Citizens get negative view of process;
- Negotiated settlement most likely positive outcome.
For most of my 40-year environmental-advocacy career I used the conventional approach. But by the late 1990s I was growing increasingly disillusioned with this approach.

Our clients would block a permit, count this as victory, yet see the success undone on appeal. Thus our clients spent large sums and seldom got anything for their money. Frequently, the only positive outcome was a negotiated settlement.

Politically oriented advocacy doesn’t abandon litigation, but first pursues solutions that resolve citizen concerns in ways applicants can live with. When this isn’t possible POA emphasizes political action and uses litigation as a stop-gap.
These are the four components of Politically Oriented Advocacy. I’ll describe each in the next series of slides.
An equitable solution is one that, as the name implies, is fair to all parties involved:

- those who must live with a project,
- those hoping to profit from the project, and
- the officials who must regulate and monitor the project.

A good equitable solution:
1. fully resolves citizen concerns;
2. allows the applicant to get most of what they want; and
3. is consistent with existing law and policy.

Further detail was provided during the presentation using the two examples in this slide.
Finding equitable solutions can be challenging since there aren’t many people with the necessary expertise who have also verified that solutions truly do work. Determine your options should negotiations stall, otherwise you may feel compelled to compromise.

When you find a good solution begin negotiations by meeting with the applicant then the appropriate regulatory agency. Do not become wedded to a single solution. There may well be other, equally effective solutions the applicant or regulators prefer. If negotiations are successful then make the agreement binding through a contract and permit conditions.
Smart Legal Action is a phrase coined by CEDS in response to the dumb approach we’ve seen far too often. Many citizens hire the first attorney who will take their case. These attorneys then litigate the first permit up for action rather then evaluating the pros/cons of the dozen or so approvals most projects require.

Generally, litigation is used to forestall a fait accompli until the political campaign can produce victory. The exception are those rare cases which can set valuable precedents. For example, of the 9,000 citizen environmental suits filed since the 1970s, five have set precedents so important that they’ve been cited by federal courts 10,000 times.
Here’s an example of what I meant in the previous slide by attorney interviews. Landfills are frequently allowed only by special exception.

Generally, special exception or conditional use permits provide citizens with their best option for resolving impacts. But of the 34,000 attorneys licensed to practice in Maryland, no more than 50 could give a good answer to these seven questions. Hiring an attorney who can’t answer these questions can be a very, very costly mistake.

I might also add that very few advocacy group staff or Board members could answer these questions. I’m not demeaning these folks; just encouraging you to use these questions to verify that they truly understand the issue. Other wise you may suffer from well-intentioned, yet bad advice.
An Aggressive Political Campaign Has...

- A clearly defined end game;
- Targets elected decision-makers;
- Perceived as reasonable;
- Escalates quickly;
- Makes it obvious you’re not going away, and
- Convinces target solving the problem is their best option.

This slide shows the characteristics of a good aggressive political campaign. The end game is usually an equitable solution or killing a fatally-flawed project. The target should be an elected official: a county executive, a mayor, county commission president, etc. If you genuinely tried to find equitable solutions, but failed, then most will be more inclined to view a kill-the-project effort as reasonable. The key to success is convincing the target that the future holds only one outcome: An ever growing number of voters viewing them negatively until they support your end-game.
This slide provides an example of how a typical aggressive political campaign unfolds. The position letter shows the world you’re acting reasonably. If the letter fails to produce victory, then the message is distilled into a call for action among impact-zone residents. If the target still fails to act then look for ways to expand the impact zone and use linkage to increase the number of groups supporting your position. A citizens’ town hall meeting is a typical mass event which frequently produces victory. Find a tactful way to let the target know you’ll remind all your voter-supporters how the target helped (or hurt) you just before the next election. If victory is still illusive then begin organizing: a) in the voting precincts the target must carry to win the next election, then b) among their campaign contributors and the other members of their political family.
Again, the preceding was a very quick review of Politically Oriented Advocacy. I trust you now have a sense of the many benefits of Politically Oriented Advocacy when contrasted with the Conventional Approach. This slide contrasts the pros and cons of both approaches.

There are some cases, however, which do not lend themselves to a political strategy leaving legal action as the sole option.

But, again, the most likely outcome of litigation is a negotiated settlement that resolves at least some citizen concerns. POA gets you there quicker, with far less expense, and better, more lasting solutions. Plus the voter education results in increased political power for the environmental movement.
In this second portion of the presentation I’ll describe how the voters educated by winning a development battle can be used as a base upon which to build the political power required to dramatically change how growth is managed. And this same approach can be used to prevent other future threats to the environment while accelerating restoration efforts.
Greenhouse gas emissions are on the rise.
We’ve barely succeeded in halting the decline of the Chesapeake.
Our region is the fifth most traffic-congested in the nation and promises to get worse.
Environmental enforcement actions are at an all-time low.
Yes, there are also victories, but few of us dark greens would contend that we’re winning the war.
But the war is far from lost. There’s still time to turn things around. But to reverse current trends we must dramatically change how we wage environmental battles. And Politically Oriented Advocacy is critical to winning the voter support needed to force change to happen.
Earlier this decade the Roper organization found that 5% - 10% of consumers have an inordinate influence on what the rest of us buy and watch. These “influencers” are trusted by about 30 other people with whom they regularly communicate. Political scientists then discovered the same was true in their field and coined the term PoliFluentials. CEDS took this a step further with EnviroFluentials. The group or coalition that wins the trust of the 40,000-70,000 EnviroFluentials in Montgomery County will be in a position to achieve tremendous, never-before-seen environmental successes.
How will this power come about?

Because EnviroFluentials can determine who wins primary elections, like the one coming up six months from now on September 14th.

Consider how narrowly these 2006 primaries were won.

Convince candidates that you have the ear of thousands of EnviroFluentials and they will be far more likely to pledge support for reasonable actions to advance environmental protection.
But what actions do Montgomery County EnviroFluentials support?

I doubt anyone viewing this presentation can say with certainty. And there’s far too much at risk to simply speculate, particularly when there’s an easy way to find out what EnviroFluentials think – ask them.
CEDS has been doing extensive research into what is most likely to motivate EnviroFluentials. We’ve learned that it is NOT safe to assume that our priorities are theirs. And priorities shift among EnviroFluential subgroups, localities, and with time.
Some of the research CEDS examined comes from direct marketing to green consumers.

Here are two of the more common subgroupings: Light Greens vs. Dark Greens.

Isn’t it great to know that 85% of us fall into a subgroup which might be motivated to act based upon green values!
The characteristics of green consumers closely parallel those I showed earlier for EnviroFluentials. But for some issues and subgroups it also pays to tailor messages based upon gender and parental status.
And the marketing research helps us understand how to tailor these messages to maximize response rate among subgroups.
Finally, marketing research gives insights into where EnviroFluentials go to get information about green products.

This slide shows that the subgroup likely to be our most committed EnviroFluentials – the Dark Greens – seek information from a source we have ready access to: the internet.

Other research indicates that EnviroFluentials are seven times more likely then the general population to get their political issue information through the internet.
The 2008 Obama campaign provides one of the best example of how to use the internet to recruit supporters and influence voters. For example, its extremely important that a campaign have a simple entry website which entices visitors to take an easy action requiring that they leave their contact information. Additionally the campaign should make it easy for volunteers to grow by taking on more challenging tasks. The campaign must also utilize Facebook and other social networking tools.
By getting to know Montgomery County EnviroFluentials we can craft an agenda of, say, three to a dozen essential actions these critical voters will support in large numbers.

By demonstrating we have the ear of these key voters, candidates for County Executive, the Council, and the General Assembly will be far more likely to pledge support for our agenda.

But our works doesn’t end on inauguration day. We must then provide the ongoing support needed to ensure each action is fully implemented.
Before bringing this presentation to a close I’d like to try a little quiz. First, can anyone tell me who this is?

John Muir

- Saved Yosemite
- Efforts lead to national park system
- Founded the Sierra Club
How about this gadfly?  
Edward Abbey  

  .Started out as ranger  

  .Writer Desert Solitaire, Monkey Wrench Gang, etc.  

  .His activism helped preserve 90 million wilderness acres
And who is this firecracker?

Barbara Mikulski
  .Social worker.

  .Led campaign to protect Fells Point from I-70

  .Five-term congress member;

  .Three-term U.S. Senator.
And last but not least, this gal?
Bonnie Bick

Saved Chapmans forest

From Chapmans Landing, a 2,000-acre edge city below Washington D.C.

And this success made Smart Growth possible
Now, what do these heroes have in common?

. They all were grassroots activists;

. They used forms of Politically Oriented Advocacy to achieve amazing things; and

. They generally became highly-respected advocates.
We need more leaders, we need pro-environment think-tanks. In short we need to approach environmental activism with the same strategic, long-range approach consumptive forces have used so effectively against us.

Last October I had the pleasure of speaking in North Carolina with University of Illinois Law Professor Eric Freyfogle. In Eric’s book, *Why Conservation Is Failing*, he cited a number of trends that are seriously harming the effectiveness of the conservation-environmental movement. Principal among these is a lack of support for new leadership. All too often new activists come to me complaining of indifference from established advocacy groups. It’s almost as though nonprofit staff would rather deal with government officials, lawyers, foundation staff and even developer consultants than citizen advocates. I’m concerned that future Muir’s, Mikulski’s and Bick’s are being left with no choice but expensive litigation where they have few opportunities to grow as leaders when compared to the approach outlined in this workshop.
Now this is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.

Sir Winston Churchill, November 1942

It's my hope that the politically oriented approach I'm advocating makes sense to you. It's also my hope that you'll urge novice activists to use this approach rather than solely pursuing legal action. As I said earlier, every enforcement problem or land use battle should be viewed as an incredibly important opportunity to defeat what sometimes seems to be overwhelming forces profiting from environmental degradation. I am convinced that the shortest route to success lies in seizing each opportunity and continually expanding our support among EnviroFluential voters.
So I’d deeply appreciate it if you would consider pointing newcomers to Politically Oriented Advocacy and not just an attorney who occasionally wins a temporary victory for citizens.

Now I’d like to turn the floor back over to Steven Lonker and the Montgomery Sierra Club.

Thank you.