The Emergence of Environmental Conflict Resolution
Subversive Stories, Institutional Change, and the Construction of Fields*

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Storytelling is a life blood of everyday social interaction. Whether at home, on the street, or in a workplace, people tell stories among one another to entertain or persuade, to inform or exonerate, and more generally, to render meaningful the events of their lives. But storytelling is also important for larger social institutions – to the way they develop, persist, and change. This is especially true for the complex, intertwined, and sometimes murky organizational infrastructure that operates at the interface between society and the natural environment. Nearly forty years ago, for example, Rachel Carson in *Silent Spring* vividly spun stories about the consequences of pesticides that helped subvert existing assumptions about environmental degradation. Ultimately, the stories from *Silent Spring* became a clarion call for an environmental movement that beget a vast regulatory architecture.

New stories continue to inform the negotiated and contested development of environmentally-related organizations and institutions. Some of these stories embed site-specific environmental disasters, such as nuclear accidents (e.g., “Three Mile Island”) or chemical spills (e.g., “Love Canal”), in the failures of regulatory structures and markets. Other stories focus on environmental problems that affect vast expanses of territory (e.g., ground water pollution and water table depletion in the Southwest) and implicate failures across groups of public and private organizations. Still other stories focus on the failures of traditional institutions and forms of dispute resolution to handle the seemingly intractable conflicts that arise from competing claims on the natural environment. These narratives not only recount particular cases, but crucially contribute to the collective development and legitimacy of an ensemble of practices known as “environmental conflict resolution,” or simply, “ECR.”

Generally speaking, ECR refers to techniques that fall outside adjudication, administrative
actions, executive orders, or legislation, and include such processes as mediation, arbitration, or community consensus building (Emerson 1996). ECR is a cousin to alternative dispute resolution (ADR) in that it shares many of the same practices (especially mediation), although key ECR practitioners have increasingly specialized in environmental matters and have sought to differentiate themselves from the larger field of ADR. Over the past twenty years, ECR has grown rapidly and has been applied to hundreds of disputes involving land, air, water, and endangered species. Aspects of ECR (especially mediation) are now a part of the official repertoire of techniques used with federal (e.g., Environmental Protection Agency [EPA] and the Department of the Interior [DOI]) and local governmental agencies in the regulation of industrial pollutants, the management of wilderness areas, and land-use conflicts (Bingham 1985; Blackburn and Bruce 1995; Fox 1995; Jacobs 1995; Voorhees 2000).

In this paper, we open a new analytic front in cultural institutional analysis by exploring the role of political narratives in constituting and developing ECR as a field. Although cultural institutionalists have long acknowledged the importance of symbols in institutional change and construction (e.g., Friedland and Alford 1991; Loundsbury et al 2001), little systematic attention has been devoted to political narratives, which provide compelling mechanisms for embedding and constituting political concepts in broad cultural contexts. Our approach specifically provides strategies for studying how actors draw on discursive cultural resources to construct new fields at multiple levels of action and for understanding heterogeneity within institutionalized fields. Specifically, we focus on “subversive stories” that call into question and undermine existing institutions by highlighting their failures through dramatizations of particular events and locales (Ewick and Silbey 1995). For a story to be subversive in this sense, storytellers must narratively
move beyond the local and draw elements of their authorial voices from broader social discourses that evince underlying institutional logics, definitions of institutional failure, conceptions of alternative practices and emergent fields, and images of advocates ("heroes") and opponents ("villains"). Subversive storytellers thus lay bare linkages between local and broader social institutions. To the extent that subversive stories become highly stylized and begin to lay out alternative practices and possibilities, they can feed into collective action "frames" (Snow and Benford 1992) used by "institutional entrepreneurs" to mobilize relevant constituencies and resources to reconfigure existing institutions and/or carve out social terrains on which new institutions can be collectively constructed (DiMaggio 1989, 1991; Fligstein 1999; Rao, Morrill and Zald 2000).

In the next sections, we outline the theoretical foundations of our approach and then illustrate our arguments with the emergence of ECR. Specifically, we recount three key subversive stories that fed into collective action frames for ECR. We then briefly discuss how frames matter in terms of practice and collective action within the nascent ECR field. Finally, we close the paper with a series of emergent theoretical propositions implied by our work.

A Narrative Perspective on Institutional Change

Institutions and Fields

Institutions comprise taken-for-granted premises that enable patterns of human activity to be organized, made sense of, and navigated (Scott 1995). If institutions provide cultural and cognitive backdrops for action, "fields" embed institutional premises in bounded social domains where individual and collective players strategically orient themselves toward one another and negotiate meanings for their actions (Fligstein 1999; Dacin, Ventresca, and Beal 1999). Fields go
by many labels, but are consonant with several constructs across the social sciences used to analyze domains of social practices and organizations that achieve a “relative independence from external constraints” (Ferguson 1998: 597; see also Moore 1973). Fields achieve such independence through the construction of distinctive symbolic, technical, and moral boundaries relative to other organized practices. More concretely, fields are known by their expertise and legitimacy, interpersonal and organizational networks, hierarchical relationships, distributions of material resources, and internal "rules of the game" (Dezalay and Garth 1996: 16; Bourdieu and Waquant 1992: 94-100). The most commonly discussed fields in the institutional literature are professional fields (sometimes called “jurisdictions” to highlight their normative character; see Abbot 1988), such as law, medicine, or engineering. Fields also organize more diffuse practices such as culinary styles and or self-help therapies (Ferguson 1998). Whatever their substantive foci, fields matter because they influence collective rationality and identities among individuals and groups, the nature of relevant state (regulatory and legal) structures, and the forms that organizations adopt (Meyer and Rowan 1978; DiMaggio 1991). So important are fields that some institutionalists provocatively claim that much of what sociologists label “social change” in contemporary society is really the rearranging and/or reconfiguration of fields (Fligstein 1999). If much of social change (and by extension institutional change) concerns fields, this suggests two crucial theoretical questions for contemporary institutional analyses: When do fields change? How do fields change?

Opportunity Structures, Collective Action, and Skilled Players

Answers to the question of when fields change often employ various perspectives on collective action and social movements to identify “opportunity structures” that enable individual
and collective players to build and change fields. Opportunity structures, broadly construed, refer to alterations in state authority structures, elite alignments, broader cultural traditions, and other social arrangements that affect the possibilities for and outcomes of collective action (Tilly 1978; McAdam, McCarthy, and Zald 1996; Gamson and Meyer 1996; Meyer and Staggenborg 1996). Such opportunities, so institutionalists argue, arise from the interplay of external crises and internal contradictions in fields and institutions (Fligstein 1996; Clemens 1997; Levin and Espeland 2001).

To answer the question of how fields change, institutionalists have turned to two increasingly convergent theoretical streams within the collective action/movements literature: (1) the social psychology of collective action and (2) analyses of institutional entrepreneurship. The social psychology of collective action touches on a broad range of issues concerned with beliefs, values, and ideologies. However, a central problematic has emerged that focuses on the problem of micromobilization – why and how people become involved in collective action, or more abstractly, the linkages between broad sociocultural processes, and self and collective identities (Gamson 1992: 55). The linchpin of this perspective borrows from Erving Goffman's work on frames and framing processes. Frames enable individuals to "locate, perceive, and identify" events and contexts within their own lives (Goffman 1974: 21). Collective action frames emerge interactively through political contestation to provide interpretive bridges between individual consciousness and social movements. Frames enable people to make sense of collective problems and possible solutions, at the same time providing vocabularies of motive to legitimize collective action (Snow and Benford 1992).

Crucial for a frame is its "resonance" or, in plainer terms, whether it has staying power and
efficacy on the political landscape. At an operational level, frames manifest themselves in ways of
talking about movements, conceptual templates for structuring social movement organizations, as
well as slogans, strategies, and goals. Social movements can become associated with particular
frames as illustrated by ethnic- and gender-based movements being identified with a civil rights
frame that locates injustice in violations of due process and solutions in legal protection. Another
example can be found in the “psychosalvational” frame used by self-help social movements (e.g.,
Scientology, TM, or est) that locates suffering in the individual and solutions in personal
transformations (Snow and Benford 1992).

Frames do not develop by themselves out of some organic, mystical process; they require
real people in interaction and conflict to formulate, contest, modify, and deploy them. Moreover,
frames do not develop out of thin air. They are cobbled together from cultural traditions and
wider social discourses. Finally, not just anyone can produce a frame that resonates with
participants and potential constituencies. Frame development suggests the critical role of
“projective” agency by key players who actively engage in the improvisational and future-oriented
meaning work necessary to construct collective action frames (Emirbayer and Mische 1998: 983-
991; see also Joas 1993). Institutional analysts increasingly identify these tasks with skilled
institutional entrepreneurs who are socially positioned with access to relevant cultural resources,
such as discourses, symbols, and ideologies (Fligstein 1999). At the same time, institutional
entrepreneurs are not the only players who can construct collective frames; rank and file members,
members of the media, members of opposing groups (including governmental agents engaged in
social control), and broader public audiences all contribute to the interactive milieus out of which
frames emerge (see generally, Hilgartner and Bosk 1988). Yet, institutional entrepreneurs play
key roles by coloring, sharpening, and disseminating frames. Such players, then, are not merely scripted “dupes”, but can “driv[e] and sometimes even reshap[e]” collective action and frames, which in turn can powerfully affect efforts to change or construct new fields and institutions (Creed and Scully 1999).

Neglected in this discussion, however, is the crucial step of how frames are actually constructed. We know who, what, and why, but not how. The issue of how, we maintain, is vitally important for fleshing out the larger theoretical question of how fields change. In other words, how do collective action frames emerge? We maintain that political narratives – stories that relate to collective issues, problems, troubles, failures, and injustices – provide foundational building blocks for collective action frames.

Stories and Narrative Styles

Stories carry with them several attributes that make them compelling communicative forms and facilitate their contribution to collective action frames. First, narratives are among the most pervasive and common forms of communication across human experience (Riessman 1993).

Second, everyday stories can exhibit high degrees of accessibility that emanate in part from their approximation of the lived experience of time. Most story plots unfold in temporally ordered sequences much in the same way as people experience actual events. This means, among other things, that the basic plot structure of a story is often easier to remember than other forms of communication (e.g., scientific or theoretical arguments). However, as in lived experience, not all stories flow in neat sequences (e.g., 19th century Russian novels or cathartic, emotional stories about harrowing experiences). Nor do stories “reflect” lived experience in any perfect way. Rather, stories enable people to represent various realities they experience, at the same time
helping to constitute those realities. Third, narratives can generate affective commitments. Storytellers and audiences can develop emotional identifications with the twists and turns of a plot, as well as with the characters in stories. Finally, stories can function in very different ways according to the intents, social power, and skill of storytellers, as well as the contexts and audiences in which stories are told. Moreover, stories are mutable; their meanings and contents can change over time even as they retain many of their original elements (Ewick and Silbey 1995; see also Schank 1990).

Whether a story is written formally (as an essay or a book) or told informally during the course of everyday interaction, storytellers typically find their authorial voices by tacitly or explicitly drawing upon taken-for-granted conventions called “narrative styles” (Morrill et al 2000). Narrative styles operate as higher order cultural “tool kits” (Swidler 1986) from which authors draw substantive imageries, ways of lending coherence and meaning to plots, and accenting devices. Storytellers can access archetypal narrative styles that appear in many western and nonwestern societies, such as tragedy, comedy, romanticism, or satire (White 1973). They also can use styles that appear in particular historical time periods (Van Maanen 1988) or from particular identity groups, such as Native American tribes (Cornell 2000) or urban youth gangs (Cintron 1997); formal organizations, including private corporations (Morrill 1995), and public policy agencies (Roe 1994; Czarniawska 1997); or social movements (Gamson 1992). All narrative styles, however, are not equally accessible to all storytellers. Indeed, part of being a skilled political storyteller is knowing where to look for narrative styles relevant to particular audiences (see generally, Edelman 1967: 130-151).

Aside from drawing from archetypal and particularized styles, skilled political storytellers
draw from narrative styles that flow from long-standing political discourses deeply rooted in their cultures and societies. Williams and Matheny (1996) identify three such discourses in American society: a “technocratic” discourse that emphasizes efficiency, trained expertise, and the scientific model in governance (see also Frank 2001); a “pluralistic” discourse that focuses on the representation and balancing of collective interests in governance institutions; and a “communitarian” discourse that privileges contextuality and local concerns in geographically bounded communities. Stories constructed using narrative styles drawn from these discourses evince many of the same flash points of debate and contestation that the discourses themselves manifest. In this sense, political narrative styles and the stories associated with them become a core currency of standing, competition, and opposition among those in political conflict. Each of these political narrative styles and countless stories associated with them also can be found in particular collective action frames. For example, the technocratic narrative style has become associated with stories and collective action frames that accent the reform of governmental inefficiencies; the pluralistic style is a mainstay of contemporary civil rights stories and collective action frames; and the communitarian style informs grass-roots stories and collective action frames about community control (e.g., “NIMBY” or “not in my backyard” movements).

Subversive stories, as mentioned at the outset of this chapter, link particular problems with broad social institutions (Ewick and Silbey 1995). In this way, subversive stories can initially seem like the misfortunes of a single locale or even a single individual. To the extent that they live only on the political back stage, such stories become a part of the repertoire of “hidden resistance” by the oppressed or disenfranchised (Scott 1990). In the shadows, individuals in interpersonal exchanges or small, localized gatherings can share subversive stories, thus nurturing them through
retellings, at the same time as their low visibility protects both the stories and the storytellers.

Even in this guise, subversive stories can begin to delegitimize existing institutions and destabilize field boundaries by calling into question institutions' abilities to satisfactorily manage the dramatic events recounted. Subversive stories thus carry with them normative elements by tacitly suggesting that existing arrangements should be changed.

Subversive Stories and Collective Action Frames

At any one point in history, countless subversive stories may exist in any given society. In the crux of opportunity structures, however, subversive stories topical to crises can begin to emerge into the light of day – either shared across locales through word of mouth and other forms of personal communication or in larger gatherings where the less powerful or marginal meet to share their experiences. Under these conditions, subversive tales begin to take on a more definitively collective nature as well as a more confrontational stance vis-a-vis existing institutions and powerful players. Subversive stories also become more clearly associated with political narrative styles as storytellers accent particular language and images.

Institutional entrepreneurs – either the originators of stories or actors who swoop in and gather together narratives already in play – transform subversive stories into collective action frames via “theorization” (Strang and Meyer 1994), which itself entails three processes: conceptualization, elaboration, and generalization. Conceptualization occurs as the elements that form the logical underpinnings of stories are identified. For example, a story about an African American being refused service at a restaurant feeds into a collective action frame to the degree that it is conceptualized in terms of racism and violations of legally guaranteed civil rights. Elaboration refers to the development and articulation of conceptual elements from a story (i.e.,
spelling out what constitutes racial injustice or developing a strategy for addressing injustice through collective action). Finally, generalization refers to how one demonstrates a story's applicability across historical, cultural, and socio-political contexts. These processes can occur in “bottom-up” or “top down” fashions. Spinners of subversive stories can themselves become institutional entrepreneurs who cobble together their own stories and the political narrative styles with which they are associated into collective action frames. This process evokes a collective behavior sense of frame construction in which collective interests and strategies are emergent. A top-down process, by contrast, occurs when institutional entrepreneurs with a priori interests gather together subversive stories into collective action frames or flesh out nascent frames that are borrowed from adjacent fields of collective action.

The role of subversive stories is not limited to frame construction. Subversive stories remain in constant dialogue with collective action frames. As new stories are added to the cannon of a social movement, they can modify frames and feed into “frame disputes” within social movements (Benford 1993). Thus, subversive stories and their relationships to both existing institutions and fields, as well as challengers, explicitly raise the issue of social power, specifically, "whose narrative gains currency" and "who gets to narrate who" (emphasis in the original; Cornell 1998: 11).

Finally, we should note that political narratives are not limited to stories that challenge existing institutions and fields. Once emergent institutions and fields become viable they still can exhibit contests for legitimation. Under these conditions, subversive stories can be modified or transformed to function in constitutive fashions by providing examples that support the verisimilitude of “successful” collective action frames. If constitutive political stories reinforce

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taken-for-granted assumptions and help reproduce existing power relations, they can even become “hegemonic tales” (Ewick and Silbey 1995; see more generally, Clemens and Cook 1999).

Hegemonic tales tend to reify the symbolic, technical, and moral boundaries of fields. As such, they stifle and control alternatives by representing particular events as part of the natural order of things. Given the ontological assumptions often contained within hegemonic tales, critiques become difficult to imagine, and if they are advanced, can be regarded as incomprehensible or unbelievable by relevant audiences.

To recap the argument advanced in this section:

(1) **Crises to existing fields create opportunity structures for collective action aimed at institutional and field change.**

(2) **Opportunity structures are necessary, but not sufficient for collective action unless they are accompanied by micromobilization efforts led by institutional entrepreneurs who play key roles in developing collective action frames.**

(3) **Subversive stories supply vivid dramatizations of local events that point to failures and crises of social institutions and fields, and tie into political narrative styles that are useful for cobbling together collective action frames.**

We illustrate these orienting propositions by exploring three key subversive stories in the rise of American ECR and the collective action frames with which they are currently associated.²

A Tale of Three Subversive Stories: Storm King, Snoqualmie, and Santa Barbara

Each of the subversive stories we discuss below critiqued the same target, environmental litigation, but did so in very different ways: as inefficient (the technocratic critique expressed through Storm King), as incapable of managing the political complexities of environmental

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disputes (the pluralist critique represented in Snoqualmie), or as unresponsive to local community concerns (the communitarian critique conveyed in Santa Barbara).

Storm King and the Crisis of Environmental Litigation

In nineteen sixty two (ironically the same year as the publication of Carson's *Silent Spring*), residents and weekenders with resort homes along New York's Hudson River Highlands became concerned about the aesthetic impact of Consolidated Edison's proposed hydroelectric plant at the base of Storm King Mountain. Con Edison planned to remove a portion of the Storm King Mountain for the plant and a water reservoir that would provide additional water when auxiliary power was needed for peak demand periods. The dispute over Storm King caught fire when the Federal Power Commission (FPC) granted Con Edison a construction license in late 1963 (Talbot 1972). Together with local opponents, a coalition of hiking, garden, environmental, and outdoor sporting clubs formed the Scenic Hudson Preservation Conference in 1964 and succeeded in attracting high-profile support from concerned government officials (e.g., Robert Kennedy), celebrities (e.g., Pete Seeger, Aaron Copeland, and James Cagney), and national environmental organizations (e.g., the Sierra Club and Audubon Society). In 1965, the Conference challenged the FPC's granting of the construction license in the Second Circuit of Appeals. The court held that the Conference had legal standing to protect Storm King's natural beauty under the Federal Power Act and that the FPC had not adequately considered the "need for preserving the area's unique beauty and historical significance, which the Federal Power Act required" (Environmental Law Reporter 1981: 10074). The Court further instructed the FPC to reopen hearings on the matter.

Following the Second Circuit's decision, the case wound its way along a complex path
through federal and state courts, commissions, and agencies until 1979 when Russell Train, former administrator in the EPA and president of the World Wildlife Fund, volunteered his services as a mediator. Four other utility firms, four public agencies, and dozens of environmental and recreational groups who supported the Scenic Hudson Preservation Conference had joined the case in the nearly two decades since it began. Train succeeded in mediating a settlement among all the parties, which stipulated that Con Edison would surrender its license to build the plant and donate a 500 acre site on Storm King for park use. In return, the Conference agreed to discontinue all litigation against the utilities and drop their demands that Con Edison and other utilities modify all of their existing open-cycle plants to closed-cycle operations by installing cooling towers (Environmental Law Reporter 1981: 10076).

The important legal finding from Storm King – that parties can bring suit to protect the aesthetic, conversational, and recreational interests in an area" – ushered in a new wave of environmental litigation, that resulted in an “environmental litigation explosion" in the 1970's and 80's (Hyatt 1995). Rick Sutherland, the former executive director of the Sierra Club Legal Defense Fund, argued during the mid 1980's that “litigation is the most important thing the environmental movement has done over the past fifteen years" (Turner 1988: 26). And environmental litigation came from several sources: from the EPA, which under the provisions of the 1969 National Environmental Protection Act (NEPA), was charged with enforcing many of the environmental protection and pollution-related laws passed by Congress; from grass-roots environmental groups and communities who used the courts to fight corporate polluters, developers, and governmental agencies who failed to comply with environmental impact requirements; and from private corporations who filed counter suits against those who opposed
their operations on environmental bases (Hyatt 1995). Although no one is certain of the number of environmental suits filed during the 1970's and 80's, there is little question that many professionals involved with environmental regulation and litigation perceived a crisis of the courts in handling the influx of environmental suits (Mays 1988; Percival 1992).

In the aftermath of the mediated settlement in 1980, the Storm King story focused on the “success” of mediation at resolving a seemingly intractable dispute. Listen to this environmental mediator talk about how Russell Train told the story of Storm King:

For the people involved, it was a story of good and evil. Each side told horror stories about the evil the other side had done or wanted to do. The way he [Train] told it, the utilities and the Storm King preservation coalition [Scenic Hudson Preservation Conference] had been in conflict for so long, they had both lost sight of what it was they were fighting about. But it was more than the parties involved being screwed up; the litigation process was screwed up and wasteful. All the litigation, with its combativeness, helped create the ill will that everyone had for each other and kept the dispute from being resolved. Everything was so adversarial and there was no one to turn to except hired-gun lawyers who kept pushing, pushing, pushing. The case would never have resolved without mediation [I-09/01].

In these statements, one sees the focus in the Storm King story shift from failures by the parties (as having forgotten about the real issues at stake) to focus on failures at the institutional level (i.e., the “combative” assumptions underlying litigation).

Train's success and the lengthy legal ordeal that led up to it formed the basis for a Storm King narrative that called into question the effectiveness of environmental litigation to solve
environmental conflict. Although Train did not write his story in memoirs or professional essays, he operated as an early institutional entrepreneur for ECR through his connection to federal- and state-level policy circles. His social ties in these elite contexts ensured that broad, face-to-face networks of environmental lawyers, administrators at the state and federal levels (especially those in the EPA), and corporate counsel and top managers heard and retold the story of Storm King (Train 1993). The story they heard subverted environmental litigation, at the same time as it underscored the promise of mediation as a way to efficiently settle environmental disputes, which in turn began to link the story with the technocratic political narrative style.

The link to the technocratic style and a step toward Storm King feeding into a collective action frame for ECR occurred with the publication of a 1981 "comment" that appeared in the *Environmental Law Reporter* (a publication read by virtually all environmental lawyers and professionals). The piece officially summed up the Storm King settlement and its general implications for environmental litigation and ECR. The essay carried the provocative title, “Calm After the Storm: Grandmother of Environmental Lawsuits Settled by Mediation”, and its author (unnamed by convention), indited “formal litigation” as “burdensome” and “one of the least efficient and effective means of obtaining relief”. The article further proclaimed: “Mediation...is emerging as one promising method of conflict resolution. It recently scored its biggest triumph with the settlement of the long-standing dispute over energy and water resources on the Hudson River" (*Environmental Law Reporter* 1981: 10074). Six years later, the EPA's chief administrator, Lee M. Thomas, issued a memorandum that urged the use of ECR techniques (especially mediation) for environmental disputes in which any EPA federal or regional office was involved. Thomas drew explicitly from the technocratic style in laying out the problems with
litrigation and the benefits of mediation, and used Storm King as a prime example of success (Mays 1988). A technocratic ECR collective frame – informed by Storm King – was now in play at the highest levels of public environmental management.

Snoqualmie

As Storm King snowballed with new issues and disputants in the 1970’s, another ECR subversive story emerged about the Snoqualmie river valley in the Pacific Northwest. The Snoqualmie joins with the Snohomish river to form a natural bracket around the Seattle metropolitan area. The three forks of the Snoqualmie river flow from steep alpine valleys into a middle river valley modestly populated by two towns, and then on to a lower valley densely filled by farms. In the wake of a serious flood in 1959, the local county enlisted the U.S. Army Corps of Engineers to develop plans for a flood control dam that could protect homes and agricultural businesses in both the middle and lower valleys. The farmers supported the resultant plan, while a coalition of environmental and community groups opposed the dam because they believed it would spur “urban sprawl...[and would] interrupt a free flowing river” (Cormick 1976: 220). Coalitions of farmers, environmentalists, and residents pushed the plan back and forth between threatened litigation and various state agencies until the governor vetoed it in 1973, calling for public hearings on the plan. The hearings dragged on for months, further polarizing farmers, residents, environmentalists, and the Corps of Engineers. In early 1974, Gerald Cormick, then the director of the University of Washington's Environmental Mediation Project (EMP), contacted the governor's office and the Corps to inquire whether they would agree to his and a colleague's intervention into the conflict as mediators. Both parties consented and the governor officially appointed Cormick and his colleague as mediators in late 1974.
Cormick came to the dispute with a background in labor mediation and strong links to the Ford Foundation, which funded the EMP. As a result of his connections to Ford, he also knew about conflict management models from the “racial” mediation programs Ford had funded in the 1960’s in attempt to resolve urban tensions among ethnic groups (see generally, Morrill 2001). This background set the stage for Cormick’s approach to the dispute, which began with assessments of the social, political, and economic “interests” that needed to be represented in the conflict resolution process and the differential social power among the parties (Cormick 1982).

Through a lengthy interviewing process, Cormick and colleagues from the EMP uncovered who the “core group” of decision makers were in the Snoqualmie river valley among farmers, environmentalists, home owners, and representatives from the Corps, county, and state. By mid 1974, Cormick began meeting as a mediator with the core group on a regular basis. By December of 1974, the parties reached an agreement that provided for a multi-purpose set of flood controls on the Snoqualmie, including a flood control dam on the upper part of the river, a basin planning council to coordinate planning for the entire river basin, and an interim committee with wide citizen participation to implement the agreement (Cormick 1992).

Unlike Russell Train who largely told about Storm King in his personal network of decision makers and left its public dissemination to others, Cormick began to publicly tell and write about Snoqualmie almost as soon as the agreement was struck. He first told the story through presentations and meetings at conferences (especially meetings of the National Association of Environmental Professionals; NAEP), and then through a series of scholarly and practitioner-oriented articles. Regardless of the medium, Cormick emphasized the politics of the Snoqualmie conflict resolution process, especially the deadlocks, impasses, and breakthroughs.
He also emphasized how litigation could not have achieved a multifaceted agreement because it could not adequately handle the complexity of the case. Nor could litigation create sustainable, collaborative dispute “solutions” (Cormick 1976, 1980). Listen to this environmental mediator, from an interview with the first author, discuss one of Cormick's early conference presentations on Snoqualmie:

He liked to tell a story about the aftermath of the Snoqualmie agreement. I think it was 1975. Before much of the agreement could be implemented, a flood hit the valley that damaged a lot of houses and farms. Right after the flood, you could see a lot of environmentalists out there with generators helping dairy farmers with their milking. Before the mediation, these guys were at each other's throats. Now they helped each other out. If they had gone to court, they would never heard each other's voices or interests. Snoqualmie wasn't only about getting something done more efficiently because the things Cormick described sounded like it [the conflict resolution process] was pretty rocky at points; it was about getting peoples' interests on the table; creating a solution to the conflict that could balance those interests in a sustainable way [I-06/01].

The story recounted here echoes Cormick's (1976, 1980) earliest writings. In them, Cormick uses the 1975 flood to illustrate how the Snoqualmie mediation created a foundation of “trust” among valley residents that could sustain collaborative planning in the valley – an outcome, so Cormick argued, that could not have occurred in court or through traditional public hearings.

Taken together, Cormick's Snoqualmie links strongly with the pluralist political narrative style. In some of his pieces, for example, Cormick writes about how Snowqualmie illustrates how ECR can contribute to a “democratic society” or how “political power is a route to social
participation and change" (1980: 33). In other pieces, he writes about how ECR can balance and represent political interests in environmental disputes (Cormick 1992). As a result, Snoqualmie subverts environmental litigation less through demonstrations of legal inefficiencies (the central subversive theme in Storm King) than through the court's ineffectiveness at managing politics and balancing interests in a complex environmental dispute. Although Cormick retained the labels of "mediation" and "mediator" in his tellings, he broadened the purposes and goals of ECR beyond settlement to include collaborative planning and facilitated problem solving (Cormick 1982). By emphasizing the importance of obtaining political support from governmental elites, Cormick underscored the importance of political power in ECR. Finally, he illustrates a storyteller who early on became an institutional entrepreneur as he generalized the Snoqualmie story by linking it explicitly with broader attempts to effect social change through ECR.

Santa Barbara

From one perspective, the story of Santa Barbara, California, does not seem like an ECR story at all. High profile ECR entrepreneurs did not intervene into the dispute to mediate it; nor did they spin the story through elite networks or widely read publications. Instead, the ECR story of Santa Barbara diffused through social networks of community and grass roots activists up and down the Pacific coast, and more recently through the Internet to far flung communities around the world.

Storytellers mark the beginning of the Santa Barbara narrative at January 29, 1969, when a Union Oil Company platform six miles off the Santa Barbara coast suffered a “blowout” while it was pumping natural gas out of a well. Initial efforts to cap the blowout created further leaks and ruptures on the ocean floor that ultimately released 200,000 gallons of crude oil into the Santa
Barbara Channel. For eleven days, oil workers struggled to cap the leaks. Meanwhile, an 800 square mile slick hit the beaches of Santa Barbara and the Santa Barbara Channel Islands. The devastating impact was almost immediate on sea life, as thousands of sea birds, seals, dolphins, tidal plants and animals died as a result of ingesting or coming into contact with the oil. The community response to the spill was also immediate as thousands of Santa Barbara County residents banded together to try to save the affected wildlife and coastline. Much of their efforts involved transporting affected sea life (especially birds) to “treatment centers” where the oil on them could be washed. For larger creatures who could not be moved, volunteers washed them on the beach. And the beach itself was washed a few feet at time by removing and diluting oil (Easton 1972). Of the community response to the oil spill, nature writer John McKiney wrote: “I had been impressed by the way energetic college students, shopkeepers, surfers, parents with their kids, all joined the beach clean-up. I saw a Montecito [a wealthy town a few miles south of Santa Barbara] society matron transporting oily birds in her Mercedes” (1995: 136).

In the weeks and months that followed, a multi-agency investigation discovered that Union Oil's rig ruptured due to inadequate protective casings which the U.S. Geological Survey permitted the company to use. Because the rig stood more than three miles offshore, it escaped regulation by California’s stringent codes and inspections. The focus of the dispute over the spill centered on who should pay for the clean up, how the communities affected should be compensated, and what future measures should be put into place to prevent or lessen the affects of a future spill (Steinhart 1972; Molotch 1970). How the dispute evolved locally is recounted by a long-time environmental activist who was living in Santa Barbara at the time of the spill:

Everybody was filing law suits against everybody else. There was one story about a guy
out in Isla Vista [the college town north of Santa Barbara adjacent to the University of California, Santa Barbara campus] who was trying to file a suit on behalf of some seals out on Devereaux Point [near the university]. Nobody thought that the law suits would do any good. Union Oil’s president got quoted in the newspaper saying that it [the spill] wasn’t a big deal because nobody got killed – I guess he counted the 50,000 sea birds and other animals as nobodies. Bud Bottoms had already organized GOO [Get Oil Out] and other community groups started to get into the act. Some of the national environmental organizations, like the Sierra Club, got involved [ID-04/02].

Eventually, Union Oil did expend millions of dollars in its clean-up efforts, and paid millions of dollars to local fishing-based business for losses they incurred and to local communities in legal settlements (Steinhart 1972). But disputes over the spill did not end with the legal settlements because its damage continued to affect Santa Barbara and nearby communities well beyond the 1970’s to the present. The story of the damage done to Santa Barbara by Union Oil also continued to be told, but with an added twist. In the 1980’s, so argues this environmental activist/mediator, the Santa Barbara story began to be about ECR:

What Santa Barbara meant to a lot of us was that conflict resolution didn't only have to occur at the mediator's table...or the courtroom. Conflict resolution needs to occur in somebody's living room, on the beach, or on a website when people become aware and work together. In fact, maybe it shouldn't occur at a bargaining table at all. Hell, all of this stuff really happens in communities, not in some office somewhere [I-02/01].

As implied by the speaker, the Santa Barbara story is really an amalgam of stories about community empowerment, each spun at public protests, meetings, town halls, direct mailings,
word-of-mouth, and, increasingly in the 1990's, on websites with hypertext links to other organizations. GOO, for example, recounts its on-going “consciousness raising” public protests about oil company operations on its website. The Santa Barbara Wildlife Care Network (SBWCN), to cite another example, devotes part of its website to “success stories,” which recount how SBWCN volunteers working with other grass-roots groups to save particular animals who have been adversely affected by pollution. Even oil companies spin their own community-oriented stories with their “Clean Seas” website. Clean Seas is an oil-industry funded organization operating three ocean-going “clean up” vessels (dubbed, without a hint of irony, Mr. Clean, Mr. Clean II, and Mr. Clean III) that can participate in clean ups when spills occur along the coastlines of Santa Barbara and nearby counties. These websites contain perhaps the most subversive ECR stories of all. The Santa Barbara stories question not only the efficacy of traditional environmental conflict resolution (i.e., litigation and other formal processes), but ECR techniques themselves, including the ECR's centerpiece, mediation. Thus, the ECR frame that emerged from the Santa Barbara stories links with the communitarian narrative style and its focus on local empowerment and support networks within and across communities.

How Frames Matter: ECR Practice and Collective Action

During the past two decades, institutional entrepreneurs conceptualized, elaborated, and generalized the three stories recounted above into explicit collective action frames. Top EPA personnel continue to be closely involved in the development and deployment of the technocratic frame both within the EPA and in the emerging ECR field (Mays 1988). More recently, top corporate managers from firms closely regulated by the EPA (especially chemical firms) and environmental lawyers have become involved in efforts to mobilize support for ECR from a

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technocratic perspective (see, for example, the panel discussion reproduced from the 1999 Environmental and Public Policy Sector conference on SPIDR’s website at http://www.spidr.org/envpol/). As discussed above, Snoqualmie became the basis for Cormick's initial development of the pluralistic ECR frame. Other practitioner/entrepreneurs, such as Lawrence Susskind, Howard Bellman, and James Laue have conceptualized and articulated this frame through conference and workshop presentations, and through their publications (e.g., Bellman, Sampson, and Cormick 1982; Susskind, Bacow, and Wheeler 1983; Susskind, Mckearnan, and Thomas-Larmer 1999; Laue 1988). The communitarian frame, as typified in the Santa Barbara stories, by its diffuse nature, has not enjoyed towering sponsors compared to the other frames (see Williams and Matheney 1995). Rather, it has blossomed, so to speak, in hundreds of locales, and can now be found easily on grassroots organizations' websites. Table 1 summarizes the components of each ECR collective action frame.

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<td>Each of these frames has also exerted considerable influence in the emergent ECR field, which, at this writing, is quite heterogeneous and contested with regards to practice and collective action. Indeed, it is difficult to tell at this juncture whether there is a single ECR field, or whether there are overlapping quasi-fields, each with different orientations and networks. What is clear is that practitioners and entrepreneurs linked with the technocratic frame champion more formalized and settlement-oriented processes of mediation, as well as processes that efficiently approximate court procedures, such as arbitration, mini trials or private judging. Key in these procedures is</td>
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providing information and choice sets to disputants that will lead to settlement (Mays 1988; Hyatt
1995). By contrast, the pluralist frame leads to less structured and more open-ended citizen
participation as captured by facilitated problem solving, negotiated rule making, and collaborative
planning. Disputants are assumed to bear conflicting interests, although individual players may
not always be able to articulate their interests before entering into an ECR process. Thus, an
important part of pluralistic ECR focuses on the articulation of interests on the way to finding
consensus among conflicting parties (Susskind, McKearnan, and Thomas-Larmer 1999; Cormick
1992). Finally, the communitarian frame is associated with processes that fit less easily within the
bailiwick of most ECR techniques. The goal of communitarian ECR is to repair tears in the social
fabric by building networks of cooperation among communities and other players.

The practices associated with these frames continue to contend with more orthodox
dispute settlement (e.g., litigation and regulatory procedures). Adherents of technocratic and
pluralist ECR face opposition from within the federal government (especially from the
Department of Justice who fears the liability and procedural implications of ECR for
environmental law) and grassroots environmentalists (who fear that professional ECR will either
“sell out” to corporate and governmental interests in the name of compromise or simply does not
have the enforcement bite of hard-edged legislation and adjudication). Communitarian ECR has
experienced the most opposition from federal agencies, who fear that community-based ECR will
interfere with the enforcement of broad-based standards.

Aside from conflict between ECR and external players, there is also considerable
contestation among adherents to various ECR frames. Some of the conflict manifests itself as
conflict over the appropriateness and effectiveness of modal practices. Proponents of

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technocratic ECR, for example, call into question the effectiveness of more open-ended pluralistic and communitarian ECR. A high-ranking administrator from a large Western state, for example, commented in an interview with the first author that some disputants, especially in the corporate world and among large ranching interests, “...want settlements. They don't want to sit around and talk forever and plan for all of the contingent problems that could arise or get in bed with a thousand little community interests. They want to know that this particular dispute [sic] is off the table and that they can move on unimpeded with their business.”

Other forms of contention appear in the kinds of collective action associated with each frame. Both technocratic and pluralistic frames dominate the discourse about practice and collective action spearheaded by the primary ECR professional organization, SPIDR. From the standpoint of these frames, building ECR is a professional project with different, albeit potentially complimentary trajectories. Technocratic professionalization has meant the insinuation of ECR into state-level and federal courts (including administrative courts) in which ECR stands as an alternative to adjudication (Collins 1990; Jacobs 1995). Such insinuation has occurred in two ways, first through the recruitment of judges, lawyers, and other court personnel into state and national professional organizations, and second, through uniform rules and memoranda either requiring or strongly suggesting ECR (especially mediation) for particular classes of disputes. Pluralistic ECR efforts have been more radical in attempting to restructure dispute-related and other administrative decision making. Professionalized ECR proponents have led the charge to encourage administrative personnel to be trained in ECR techniques and to develop free-standing ECR departments within all administrative agencies as part of the comprehensive Administrative Dispute Resolution Act of 1990, which sought to overturn “the overjudicialization of
administrative processes” (Bingham and Wise 1996). At the same time, as ECR collective action related to the technocratic and pluralistic frames has occurred primarily in and around state organizations, communitarian activists have been busy building networks within and across communities. Here, ECR collective action often takes the form of coalition building by grassroots organizations who have negotiated working agreements among themselves and, in some cases, across the political divide to state-level agencies and private corporations.

Conclusion

In the preceding pages, we have explored the linkages between political storytelling, the production of collective action frames, and the rise of ECR in the United States during the 1960's and 1970's. We organized our analysis around the argument that collective action frames facilitated the mobilization efforts of institutional entrepreneurs to create ECR as a set of recognized practices in a variety of contexts and to the emergence of ECR as a highly contested, heterogeneous field. Key in these processes were three subversive stories – Storm King, Snoqualmie, and Santa Barbara – that supplied vivid dramatizations of the courts' failures to manage environmental disputes and, through the processes of conceptualization, generalization, elaboration, led to the development of ECR collective action frames.

Beyond providing some analytic purchase on the origins of ECR as a field, we believe that several useful implications flow from our narrative approach. First, our approach expands the research strategies available for studying institutional change. Standard research strategies for studying social change from an institutionalist perspective typically rely on the covariance of factors rather than the processes that underlie or shape institutional effects (Schneiberg and Clemens 2001; Scott 1995). Our approach, by contrast, focuses on the processual production of

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ideational factors in institutional change, especially the processes by which collective action frames are constructed and deployed. In so doing, it is consistent with collective action approaches that regard meaning work by movement participants and broader social constituents as significant for institutional change (Benford and Snow 2000; Clemens and Cook 1999).

Second, our narrative approach provides a window to top-down and bottom-up interactions that link micro-level with broader social phenomena. Specifically, we draw attention to how stories come to be instantiated with elements drawn from higher-order cultural models (narrative styles), which in turn can have significant effects on meso-level phenomena, such as institutional fields and collective rationality (e.g., the desirability or costs associated with particular strategies or resources).

Finally, our approach can supplement existing strategies for analyzing the textured nature of structural variation within fields (e.g., Milstein et al 2001; Levy and Rothenberg 2001). Specifically, narrative analysis provides a basis for examining symbolic – especially discursive – variation within emergent and established fields. Questions such as which stories have currency and legitimacy, which stories have disappeared from common parlance, or which subversive stories make it from the backstage to the frontstage, all provide clues to the constitution of a field and its continued dynamics.

Our chapter only scratches the surface of how political stories operate in the construction of collective action frames and institutional change, as well as the role of institutions, more generally, in the management of the natural environment. Future research should consider, at the very least, a number of important questions. How do particular types of narratives function in context? It is clear, for example, that Storm King and its associated technocratic frame meshed...
well with legal concerns about court efficiency. Under what conditions does this relationship hold? When will a story told using the communitarian or pluralist style be most effective in mobilizing efforts? The issue of context also suggests the role that geographical region or state could play in the production of subversive stories. All three of the stories we considered emanated from states (New York, Washington, and California) that are among the most progressive in the U.S. regarding environmental regulation and legal administration. In other words, how do the cultural, political, and legal climates of states affect the production, resonance, and role of subversive stories in institutional change? Another question suggested by our research concerns how the timing and sequencing of political narratives relative to one another affect the construction of collective action frames and the structured nature of the fields in or on which they operate. Is there a kind of path dependency when one narrative or narrative style precedes another? Yet another research area to pursue addresses the nature of institutional crises. The crisis of environmental litigation could be said to be a crisis of socio-political legitimacy rather than of market failure. Does the type of institutional crisis affect the production and subsequent impact of subversive stories? How can we theorize institutional crises and their relationships to political opportunities for change? And last, this analysis suggests that more systematic attention be paid to the interplay between skilled individual players, collective action, and broader cultural/institutional discourses in institutional change.
<table>
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<tr>
<th>Components</th>
<th>Technocratic</th>
<th>Pluralist</th>
<th>Communitarian</th>
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<tr>
<td><strong>Key Subversive Story</strong></td>
<td>Storm King</td>
<td>Snoqualmie</td>
<td>Santa Barbara</td>
</tr>
<tr>
<td><strong>Underlying Logic</strong></td>
<td>Efficiency</td>
<td>Pluralism</td>
<td>Holism</td>
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<td></td>
<td>Trained expertise</td>
<td>Balancing power</td>
<td>Contextuality</td>
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<tr>
<td><strong>Existing Institutional Failures</strong></td>
<td>Inefficient</td>
<td>Unrepresentative</td>
<td>Fragmenting</td>
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<tr>
<td><strong>Expert Underpinnings</strong></td>
<td>Environmental law</td>
<td>Labor relations</td>
<td>Local knowledge</td>
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<td></td>
<td>Science and engineering</td>
<td>Helping professions</td>
<td>Eco-science</td>
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<tr>
<td><strong>Disputes</strong></td>
<td>Lack of expert information</td>
<td>Conflicting interests</td>
<td>Tear in community fabric</td>
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<tr>
<td><strong>Disputants</strong></td>
<td>Uninformed actors</td>
<td>Interest-bearing actors</td>
<td>Situated actors</td>
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<tr>
<td><strong>ECR</strong></td>
<td>Efficient settlement technique</td>
<td>Participatory mechanism</td>
<td>Mechanism of community empowerment and linkage with natural environment</td>
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<tr>
<td><strong>Modal Practices</strong></td>
<td>Mediation</td>
<td>Facilitated problem solving</td>
<td>Networks of cooperation between communities and other relevant actors</td>
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<td></td>
<td>Arbitration</td>
<td>Negotiated rule making</td>
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<td></td>
<td>Mini trial/private judging</td>
<td>Collaborative planning</td>
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<td><strong>Evaluation</strong></td>
<td>Cost-benefit analysis</td>
<td>Scope of participation</td>
<td>Community health Self-determination</td>
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<tr>
<td><strong>Associated ECR Collective Action</strong></td>
<td>Professionalization</td>
<td>Professionalization</td>
<td>Direct action and protest</td>
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<td></td>
<td>Insinuation into government agencies</td>
<td>Restructuring public decision making</td>
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<td><strong>Principal Advocates</strong></td>
<td>Environmental lawyers</td>
<td>Mediators</td>
<td>Community activists</td>
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<td>Chemical corporations</td>
<td>Institutional environmentalists</td>
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<td>EPA administrators</td>
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<tr>
<td><strong>Principal Opponents</strong></td>
<td>U.S. Justice Department</td>
<td>Grassroots environmentalists</td>
<td>Federal agencies</td>
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<td></td>
<td>Grassroots environmentalists</td>
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<tr>
<td><strong>Principal Audiences</strong></td>
<td>State-level courts</td>
<td>Federal agencies (sans EPA)</td>
<td>Diffuse collectivities</td>
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<td>Federal judges</td>
<td>State-level agencies</td>
<td>Grassroots environmentalists</td>
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ENDNOTES

1. Although part of the business of this paper will be to unpack the various meanings given to ECR techniques by different constituencies, it might be useful to provide some preliminary working definitions at the outset. In a widely known definition, Lon Fuller (1971) argues that mediation involves a neutral third party who facilitates joint decision making by disputants, but who does not have the authority to pronounce outcomes. Other techniques discussed within the auspices of ECR include: collaborative group planning, facilitated community problem solving, public consensus building (all of which are less settlement oriented and can occur with and without specific disputes present); arbitration (adjudicatory-like procedures without the direct enforcement powers of a court); early neutral evaluation (in which a third party evaluates the merits of a case prior to it going through a more formal procedure); mini-trials and private judging (trial-like procedures conducted by private parties); and hybrids, such as “med-arb” (in which the third party is authorized to act as an arbitrator if impasse is reached during mediation). For further background discussions on ECR and the wider field of alternative dispute resolution (ADR), see Menkel-Meadow 1997; Moore 1986).

2. The ECR case sections derive from several sources: (1) essays and first-hand accounts written by key players in the Snoqualmie and Storm King cases; (2) depth interviews of key ECR players (n = 11) at regional and national conferences for the Society for Professionals in Dispute Resolution (SPIDR), the Environmental and Public Sector of SPIDR, and Udall Center for Studies in Public Policy sponsored ECR conferences during 1996-1999; (3) multi-day participant observation of planning meetings (n = 3) for the United States Institute of Environmental Conflict Resolution. 

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Resolution (USIECR) and at other meetings (n = 4) of key players in the ECR field during 1997-1999; and (4) information from Internet web sites associated with key organizations (e.g., SPIDR and USIECR) and individual players in the field.

3. The number in the brackets (e.g., [I-13/001]) at the end of quote indicates an excerpt drawn from an original interview conducted by the first author. "I-09" refers to the informant identification number and the number after the slash to the particular interview with the informant.