

# 3

## Trust and Betrayal

---

*When Hurricane Katrina struck, it appears there was no one to tell President Bush the plain truth: that the state and local governments had been overwhelmed, that the Federal Emergency Management Agency (FEMA) was not up to the job and that the military, the only institution with the resources to cope, couldn't act without a declaration from the president overriding all other authority. . . . The government's response to Katrina . . . was a failure of imagination. On Tuesday, within 24 hours of the storm's arrival, Bush needed to be able to imagine the scenes of disorder and misery that would, two days later, shock him when he watched the evening news. He needed to be able to see that New Orleans would spin into violence and chaos very quickly if the U.S. government did not take charge—and, in effect, send in the cavalry. . . . The failure of the government's response to Hurricane Katrina worked like a power blackout. Problems cascaded and compounded: each mistake made the next mistake worse.*

Evan Thomas<sup>1</sup>

**I**n late August 2005 Hurricane Katrina blew ashore on the Mississippi-Louisiana Gulf Coast. The storm produced in its wake a second disaster as several breaches in the levee system that surrounds New Orleans allowed

water from Lake Pontchartrain and the Industrial Canal to pour into the city. Tens of thousands of people were trapped by the floodwaters, over a thousand people lost their lives, and hundreds of thousands of people were left homeless, including one of the authors of this book. Heart-wrenching images filled our television screens of people stranded in the flooded city: infants and children, elderly, disabled individuals in wheelchairs; people trapped on balconies and rooftops; thousands waiting for days in and around the New Orleans Convention Center without food, water, or adequate sanitation; thousands more at the Superdome under equally dire circumstances, waiting for buses to take them anywhere away from the ravaged city. People died in hospitals and nursing homes while waiting for rescue.

Within days of the disaster, the national news media were awash with criticisms of the federal government's response. For a number of days, it looked like the U.S. government was going to abandon tens of thousands of its citizens to a grim fate. Louisiana officials and African American leaders lambasted the tardy and ineffectual federal response. Reporters compared conditions in the flooded city to ones they had encountered in refugee camps in Somalia and Darfur. Ordinary people wondered why the U.S. government could get aid to victims of wars and disasters in distant countries but not to its own citizens. Why couldn't one of the richest countries in the world mobilize a speedy rescue of people trapped in such horrific conditions? Almost everyone, it seemed, agreed that the federal government, and in many cases state and city governments, had failed to do what needed to be done. One of the social consequences of this failure is reflected in the following comment made by a New Orleans college student to one of the authors of this book: "I will never trust the federal government again."

The New Orleans disaster captures on a large scale the downward spiral of disintegrating relations between residents and officials. A similar spiral is repeated on a much smaller scale in countless communities around the country. Government, it seems, often fails to respond to local environmental controversies and catastrophes in the manner citizens expect. This observation begs a more rudimentary question: What is it that residents expect from government in a time of acute or chronic stress? In a democratic system, it is reasonable for citizens to expect that government will provide assistance in times of collective crisis, protect the general welfare, be an impartial enforcer of the laws, and fairly arbitrate conflicts.<sup>2</sup> During routine, business-as-usual periods, most people's direct contact with government is limited to such mundane and circumscribed activities as

voting, obtaining a driver's license, or filing for unemployment. In general, these occasions provide little opportunity to test expectations against reality. Conservancy, siting, and exposure disputes alter this routine pattern, bringing citizens into protracted and often volatile contact with government. Suddenly, ordinary citizens have the opportunity to observe government agencies and officials up close and in action, and all too often they do not like what they see.

Faced with a recalcitrant and worrisome environmental problem, people are likely to find government agencies unhelpful, perhaps hostile, or perhaps simply uninterested. Indeed, they might find—or perceive, as we argue below—that instead of protecting them from harm, government actions put them at greater risk. Instead of making decisions in a fair and impartial manner, public officials are apt to be viewed as siding with the wealthy and the politically connected. While our primary focus in this chapter is on government officials and oversight agencies, such feelings of disillusionment can extend to other powerful social actors, most notably corporations. Community residents, for example, may have long viewed a particular company as a “good corporate neighbor” until it is revealed that it has been engaging in illegal dumping of toxic wastes.<sup>3</sup>

It is time to clarify why we are qualifying the above statements with words like *perceive* and *viewed*. Powerful social actors respond to environmental controversies and crises in many ways that engender citizen frustration and anger. These run the gamut from lies and cover-ups to foot dragging, indecisiveness, and dodging responsibility. All of these responses may leave residents feeling like they have been betrayed. Disillusionment and loss of trust are apt to follow. Yet what we want to emphasize in this chapter is that governmental responses that are troubling to residents may or may not coincide with organizations' and officials' intention to be craven, treacherous, reckless, or unresponsive. Perception refers specifically to what citizens “see” and “hear” from the words and actions of organizational representatives. Intention, on the other hand, is akin to old ideas of “good faith” and “bad faith” and refers specifically to the aim or purpose of organizational actors.

Is it possible that officials could act in good faith yet still be accused of dereliction of duty and betrayal of residents' trust? Is it possible that powerful social actors with divergent intentions could respond to local environmental crises in remarkably similar ways? In the present chapter we turn to conflict and organizational theories to help us explain why the answer to both of these questions is yes. (See Box 3.1 for a related discussion on social theory.) In the process, we will take what might appear as a

**Box 3.1** Social Theory

Sociology is a theoretical discipline. Though most sociologists study or examine some aspects of the empirical world, they do so using ideas, abstractions, or concepts.

Take the ubiquitous word *society*, for example. Now, it is true that sociologists study something we call society, but how many of us have actually seen one? Have you touched one? Sociologists are also fond of using the concept *social role*. But what is a role? Have you seen one? Think of concepts as the grammar of sociology. Think of theories as statements that connect concepts in ways that allow sociologists to bring some parts of the complex world into focus and allow for a certain kind of understanding.

What sociologists do, in one sense, is no different from what everyone does. Humans, as we know, must make some sense of the world they are in. If I'm in an airport, I should have an abstract idea of airport that helps orient me to the physical features of buildings, hangars, runways, towers, and so on. The idea of airport also signals a certain way of behaving, a certain orientation to time, and the list goes on. To be a human being means that I am able to describe a place, a person, an event, or a feeling with words that stand for or represent places, persons, events, and feelings. To be a sociologist means that I am able to engage in a similar process though for quite different ends. In short, dear readers, we all theorize. Indeed, what interests many sociologists is how, in fact, we abstract those bits and pieces of life from the overwhelming streams of human experiences, organize them into intelligible wholes, and recount them as life stories.

Environmental sociology, as we will see, borrows its concepts from a number of areas, including community sociology, political sociology, conflict sociology, and social movements. Most important, it also allows for a kind of border crossing, an invitation to consider the abstract relationships between the physical and organic on the one hand and the social and cultural on the other. We address this interdisciplinary promise of environmental sociology in Chapter 7.

NOTE: A good reading on the role of theory in sociology is Giddens (1987).

rather straightforward idea of betrayal and break it down into three distinct types: *premeditated*, *structural*, and *equivocal*.

Premeditated betrayal refers to cases where powerful individuals and organizations intentionally act in a craven, reckless, and self-serving manner. Other, equally appropriate, terms include *malfeasance* and *miscreance*; this is betrayal in its most stark, compelling, and ugly form. Here, organizations intentionally deceive communities and work to cover up those deceptions. This is the dark side of official organizational response to local environmental conflicts and crises. We tackle premeditated betrayal first, both because it is the most egregious example of the loss of collective trust

and because it is the most straightforward of the three forms of betrayal we present in this chapter.

We situate explanations of premeditated betrayal within the conflict perspective. Conflict theorists maintain that while advanced capitalist societies such as the United States are good at keeping up the appearance of being democratic meritocracies, in actuality they are highly inequitable systems whose institutional arrangements serve the interests of privileged and powerful elites.<sup>4</sup> An individual's premeditated betrayal, in other words, is only part of the story; the impetus toward disregard for public welfare is deeply embedded in existing social arrangements.

Structural betrayal refers to situations where residents perceive serious failure on the part of powerful organizations, but this occurs in the absence of any intent on the part of government or corporations to behave in a negligent manner. We turn here to sociological insights from organizational theory to explicate the subtle, deeply embedded tensions between local ways of life and the culture and habits of bureaucracies.<sup>5</sup> Communities are historical, emotional, complex, and multifaceted social arrangements; bureaucracies, on the other hand, are narrow, focused, hierarchical, inflexible, rule-governed arrangements. These two disparate social configurations can coexist through the routine and mundane affairs of life, each encountering each other briefly, if at all. But at those crises points, where government or corporate organizations are forced to encounter and respond to local needs in a timely and efficient manner, these two different social configurations, communities and bureaucracies, are often in tension if not in open conflict with one another. Structural betrayal results from communities and bureaucracies responding in a normal, expected, and incompatible manner to stressful life events.

We reserve the term *equivocal betrayal* for cases where there is limited empirical evidence regarding corporate and official intentions, and both conflict and organizational theories provide plausible explanations of the ostensibly miscreant behavior. These are the hard calls, and the discussion presented in this section is intended to encourage students of local environmental conflicts to avoid rushing to judgment in employing these conceptual labels.

When reading the sections to follow, keep in mind that all conceptual labels are abstractions from the messiness of everyday life. The most likely scenario is that any particular local environmental controversy will display all three of these types of betrayal, though one may be markedly more prevalent than the other two. Examples of ways in which the causes and consequences of betrayal connect with material presented in previous chapters is provided in Box 3.2.

**Box 3.2** Making Connections With Previous Chapters

There are obvious reasons for the predictable disputes between governments and communities. One obvious source of contention is the powerful voice of state and federal governments in legislating, regulating, and adjudicating environmental issues and disputes. In Chapter 1, Box 1.3, we directed students to document key government actions as an important part of the descriptive time line of local environmental conflicts for precisely this reason. A society governed by rule of law puts extraordinary authority in the hands of elected and appointed officials. Indeed, as we pointed out in Chapter 1, authoritative government actions end many environmental controversies.

Another obvious reason for the predictable disputes between governments and communities was presented in Chapter 2, where we discussed the City of Los Angeles' confiscation of water from the Owens Valley, as well as the Bureau of Reclamation's efforts to flood the Fort McDowell Reservation, home of the Yavapai Indians. Citizens and governments are often at odds over development and natural resource use. One of the questions we directed students to use to assess the harbinger role of history is the following: Does the cultural toolbox of local peoples include a living history of resistance against exploitation and injustice from which they can draw symbolic resources to use in a present conflict? (See Box 2.4.) As the above two examples indicate, such an outside exploiter may be a governmental body. In other words, as a result of past experiences, local people may be predisposed toward cynical views of government.

The Guadalupe Dunes case, also presented in Chapter 2, provides a different scenario. As this case illustrates, sometimes environmental controversies and crises make local residents aware of malfeasance that has been there all along. These situations are fertile ground for invented histories, as activists and residents reinterpret past actions through the new lens of intentionally craven, self-serving, and reckless acts. At the same time, when examining a case where an invented history raises such accusations, it is important to scrutinize these claims and not just to accept them at face value. Invented histories, after all, provide particular interpretations of events that may or may not be accurate.

"Outside exploiter" is hardly the only way government bodies interface with communities and indeed is probably not even the most typical. For example, as seen in the recent spate of hurricanes along the U.S. Gulf Coast, communities turn to the government for assistance in times of collective crises. These experiences shape the kinds of resources found in local cultural toolboxes, as illustrated by the St. Louis, Michigan, case presented in Chapter 2. Government actions can also foster local dependencies, which could include welfare assistance (see the Buffalo Creek case, Chapter 2) or such locally important sources of employment as prisons and military bases (see Box 1.4). Government laws on historic preservation or treaties granting Native American tribes access to particular places and resources create conditions under which precedents set in the past can be used to justify present courses of action (see Box 2.5).

## Premeditated Betrayal

### The Cornhusker Army Ammunition Plant

In 1942, operations began at the Cornhusker Army Ammunition Plant (CAPP).<sup>6</sup> Located outside the town of Grand Island, Nebraska (population 33,000), the facility covered 19 square miles of farmland in the Platte River Valley. “[T]he plant packed explosives into munitions ranging from 105-millimeter shells to 1,000-pound bombs.”<sup>7</sup> During the peak of the Vietnam War buildup, the plant ran full time, six days a week, employing just over 5,000 workers. The plant was shut down one day a week so that the explosive dust that settled everywhere could be washed away.<sup>8</sup> Otherwise, the dust might ignite.

Substances used to make explosives include TNT, RDX, and aluminum flakes. The cleaning process produced vast quantities of wastewater contaminated with these toxins. Another source of wastewater at the plant was laundry. Workers typically came off shift with their clothes coated with dust. After every shift, each worker removed his or her clothes on-site and left them with the plant laundry.

In 1970, during the height of production for the Vietnam War, the Army actually kept track of the laundry’s wastewater, estimating that the procedure generated a daily outflow of approximately 473 cubic meters (roughly 100,000 gallons) of water contaminated with explosive residues.<sup>9</sup>

Workers referred to the wastewater as “red water.” This designation came from the high concentrations of TNT, which gave the water a pinkish tint. The water was deposited on-site, in “a network of more than fifty cesspools and leaching pits.”<sup>10</sup> Due to the types of contaminants in the water, it evaporated at a considerably slower rate than normal. This meant the primary route of water loss from the cesspools and leaching pits was percolation through the porous soils. Combined with rapid groundwater flow underneath the site, conditions were optimal for significant off-site migration of contaminants. Some Army officials recognized the potential for severe environmental problems as early as 1970.

Studies conducted at the facility in 1980 documented a number of alarming conditions. The explosive compound RDX was found in the base’s groundwater in concentration levels which exceeded the Army’s fairly lax proposed limits by a factor of 8. Toxic contaminants were believed to have already traveled off-site; at the rate they were estimated to be moving, they would reach the town of Grand Island in 4 years.

In 1982 a story ran in the local paper, the *Grand Island Daily Independent*, which reported some contamination problems had been discovered at the base. A Cornhusker official, however, reassured the public that there was “no evidence” that any domestic wells, including the base’s own wells, had been contaminated. “At about that time, Army specialists also confidently told the public that it could take more than a century for the compounds to reach the town’s outer limits.”<sup>11</sup>

In a public meeting held in April 1984, the Army publicly acknowledged for the first time the extent of the contamination problems. Findings from studies conducted over the previous 2 years were finally released. The conclusions of these studies exposed the Army in an intentional act of prevarication.

[M]ore than half of the 467 private wells the Army tested in the Le Heights and Capitol districts of Grand Island had extremely elevated levels of RDX. The Army’s underground contamination, in other words, had already migrated more than three miles from the edge of the facility.<sup>12</sup>

What the Army would not release to the public was the information it already possessed on an array of disturbing health effects stemming from exposure to RDX. RDX is a neurotoxin; its effects on the human nervous system include seizures and loss of consciousness. At the time of the Army’s revelation, RDX was also listed as a possible carcinogen by the U.S. Environmental Protection Agency (EPA). Neither the EPA nor the Nebraska Department of Health had established any safety standards for RDX in drinking water. Initially, the EPA accepted by default “the Army’s contentions that levels of RDX below 35 parts per billion presented no danger to human health.”<sup>13</sup> This would change in 1988, when the agency concluded that the Army’s standard was 17 times too lenient, dropping the standard from 35 ppb (parts per billion) to 2 ppb.

A far more immediate response to the Army’s revelations was undertaken by some residents of Grand Island, who organized into the grassroots group Good Neighbors Against Toxic Substances (GNATS). This group filed a lawsuit against the Army in 1984. Some GNATS members had their own wells tested and found other contaminants besides RDX, “including disturbing levels of the solvents dichloroethane and trichloroethane.”<sup>14</sup> Some residents began to make connections between these contaminants and health problems such as recurrent headaches and skin rashes.

Throughout the 6-year legal battle that followed, the Army provided little information to the activists and haggled about such things as which residents were entitled to free bottled water. The defense the Army



employed in the lawsuit was that the contaminants which had migrated off-site were from production for the Korean War and earlier periods. Since the disposal methods used at the facility during the 1940s and 1950s were perfectly legal at the time, the Army contended it could not be held liable for pollution problems stemming from those practices. Experts retained by the plaintiffs could not prove any of the contaminants that had migrated off-site were from more recent production at the facility. On the advice of their lawyer, GNATS members finally dropped the lawsuit in 1990, deciding it would be difficult to win and therefore not worth the risk given the costs involved. By the early 1990s, the contaminants had migrated 2 miles farther from the plant, threatening a new group of Grand Island residents.

The frustration of the grassroots activists is summed up by GNATS member Chuck Carpenter, who describes his battle with the Army as a “nightmare.”

Carpenter says that perhaps the worst part of the entire saga is the way the Army treated him and his neighbors. Years ago he told the local press that it felt like being a guinea pig, but today he puts it a little differently. “We were treated like mushrooms. The Army kept us totally in the dark.”<sup>15</sup>



Perhaps nothing can more quickly lead to feelings of betrayal and loss of trust than discovering that one’s own government has not only pursued actions which put you, your family, and your community in harm’s way but also lied about it. Cover-ups and deception are intentional acts. Like the child who breaks the cookie jar or the spouse pursuing an illicit affair, falsehoods are told to avoid the negative repercussions which might follow if the truth is revealed. Certainly the U.S. military has an interest in deception; it oversees some of the most contaminated real estate in the world. After all, cleaning up sites contaminated with radioactive isotopes and toxic chemicals is exorbitantly expensive, costs which may be pushed even higher by substantial legal settlements.

We find the same dynamics at work in the private sector, as shown in the popular films *Erin Brockovich* and *A Civil Action*, both based on true stories. The events recounted in the second film were first portrayed in the book *A Civil Action*, by Jonathan Harr.<sup>16</sup> The subject matter of this book and subsequent film is a case of water contamination in Woburn, Massachusetts. During the 1970s a number of children in Woburn were diagnosed with childhood leukemia. Subsequent investigation revealed that the majority of these children lived in neighborhoods which received the

highest percentage of domestic water from city Wells G and H. These wells had only been opened in the 1960s and were only used part of the year because residents complained about poor water quality.

Tests of water from Wells G and H begun in the late 1970s would reveal the presence of a number of contaminants, including the industrial solvent trichloroethylene (TCE). One of the possible sources of TCE was a tannery owned by the massive corporate conglomerate Beatrice Foods. Some residents filed a lawsuit against Beatrice and W. R. Grace, another likely source of contamination. Throughout the trial, the tannery operator (and former owner) and Beatrice representatives consistently maintained there had been limited use of TCE at the tannery. Furthermore, none of the substance was disposed of improperly. The lawyers for the plaintiffs were unable to produce evidence to contradict this claim, and the jury ruled that Beatrice was not the source of the TCE in Woburn Wells G and H. Following its acquittal from the civil suit, however, Beatrice became a target of an investigation by the EPA. This investigation would produce evidence of substantial use of TCE by the tannery, as well as illegal, on-site disposal. Workers at the tannery had destroyed incriminating evidence and lied through their teeth in order to protect themselves from the negative fallout of civil and criminal proceedings.

As this example illustrates, there are certainly personal motivations which drive lying, deception, and other forms of miscreant behavior. These include not only the desire to avoid punishment but also perhaps the lure of financial gain and advancing one's career. It is, after all, much cheaper and easier to just dump toxic chemicals somewhere on the sly rather than to have them hauled off-site and treated. We certainly do not want to discount these personal motivations, but our primary focus as sociologists is in understanding the systemic forces which influence individual and organizational choices. It is one thing if the rare company violates prevailing community standards by dumping toxic chemicals out back, and quite another if this is a widespread, common practice. Are acts of premeditated betrayal rare, isolated occurrences, or do they follow broad social patterns? If acts of premeditated betrayal are a recurrent feature of our society, then what are the institutional arrangements which produce them?

Conflict theorists would answer yes to this first question and answer the second by turning to the imperatives of the capitalist market system, the close connections between states and corporations, and the many obvious and subtle ways in which existing social arrangements promote and protect the interests of powerful and privileged elites.<sup>17</sup> Let's begin with the first of these. To survive in a competitive marketplace, firms must maximize profits.<sup>18</sup> A sure route to business success is given by the old adage, "Buy low, sell high." Keeping the costs of production as low as possible is simply an

astute, an even essential, business practice. If the prevailing market rate for low-skill labor in an area is \$8 an hour, a rate paid by existing fast-food outlets, would it make any sense for a new fast-food outlet to pay its low-skill workers \$25 an hour?

This market imperative has important environmental implications, because the cheapest options are also often the most ecologically degrading options. Clear-cutting, strip mining, discarding of mine tailings in nearby streams, dumping toxic wastes in lagoons on the back lot of the factory, burning refuse in incinerators—these are all less costly options than more environmentally benign alternatives such as selective logging. Therefore, it is hardly surprising that prior to the implementation of more stringent environmental regulations in the 1970s, the above-mentioned practices were all common in this country. Yet all of these practices can put communities in harm's way, which is why engaging in these acts when the danger is known constitutes an example of premeditated betrayal.<sup>19</sup> There are probably few things that more quickly disillusion and outrage community residents than learning some company was willing to put their health and lives at risk in order to “make a buck.”

Sometimes, the causal routes by which environmental perturbations trouble local residents are subtle and circuitous and hence become the subject of the kinds of knowledge disputes we discuss in the next chapter. Sometimes, however, the local consequences of corporate cost-cutting, profit-maximizing decisions manifest themselves in stark and tragic ways. Take the case of Bhopal, India. On the night of December 3, 1984, a gas leak of methyl isocyanate (MIC) from the Union Carbide plant located in this southern Indian city killed 15,000 people and injured 200,000 more.<sup>20</sup> The plant was experiencing financial difficulties prior to the leak, and as a result, a number of cost-cutting measures which compromised plant safety were implemented.

Several months before the accident, a refrigeration unit designed to inhibit dangerous chemical reactions in the storage tanks at the Union Carbide facility was shut down, ostensibly for cost-cutting reasons. Other critical mechanical safety devices were also inoperative or failed at the time of the leak. . . . [S]ome of the instruments for detecting pressure and temperature levels of the chemicals produced at the plant prior to the accident were unreliable, and there was a conspicuous lack of redundancy measures—computer backups, automatic shutoffs and alarm systems—that might have detected and stopped the gas leak before it spread beyond the confines of the plant.<sup>21</sup>

Another factor conflict theorists use to account for broad patterns of premeditated betrayal is the close connections between states and corporations. This political-economic perspective examines the ways in which the

government colludes with private industry to promote economic growth and capital accumulation.<sup>22</sup> In the United States, the points of contact and lines of influence between corporations and the state are extensive and deeply embedded.<sup>23</sup> Corporations make substantial contributions to the election campaigns of public officials and flood the U.S. and state capitols with well-paid lobbyists. Legislators use their control over agency budgets to encourage actions which promote business interests and economic benefits (such as timber extraction from national forests) and to discourage actions which cost companies money and contribute to a hostile economic climate (such as excessive environmental regulation). Corporate executives are appointed to key positions within the executive branches at both the state and national levels, bringing an “industry perspective” to such influential positions as secretary of the interior.

Industries, in other words, work hard to influence the legislatures that pass and rescind laws and the governmental agencies ostensibly created to regulate private economic activity. At times, industries are so successful at this latter endeavor that they are able to capture the agencies that were supposed to be overseeing and regulating them.<sup>24</sup> For example, the U.S. Department of Agriculture championed massive application of synthetic pesticides, and the U.S. Army Corps of Engineers and the Bureau of Reclamation championed the building of massive hydroelectric projects. Agency capture constitutes premeditated betrayal because the intent of the collusion is to create institutionalized patterns of favoritism. Of course, when local people encounter a government agency which consistently comes down on the side of industry, they may lose trust in any notion of an open, democratic, and responsive government.<sup>25</sup>

A primary analytic directive of conflict theory is to identify ways in which existing social arrangements promote and protect privilege; the notion of institutionalized favoritism provides one example of this. One place we see institutionalized favoritism is in rules and procedures which wealthy and powerful social actors are in a better position to exploit than adversaries with fewer resources at their disposal.<sup>26</sup> In pragmatic terms, this means when ordinary citizens become involved in environmental controversies, they may discover they are not competing on a level playing field. Such a revelation may leave residents feeling betrayed by a system of government they thought would be responsive and fair.

For example, corporations can afford top legal representation, and in fact may assemble teams of highly specialized attorneys which concentrate on particular aspects of a legal proceeding, such as filing motions or refuting the testimony of expert witnesses.<sup>27</sup> If corporations have sufficient resources to outlast their adversaries, they may work every legal angle they can to delay and drag out proceedings. Such a strategy is undertaken with the hope that

the other side will exhaust its resources and be forced to withdraw from the lawsuit. The legal burden of proof may also work to aid corporations and hinder community residents. For example, for corporations it is preferable if chemicals “are assumed innocent (not hazardous) until proven guilty.”

A final form of premeditated betrayal is expressed in threats and intimidation. If community residents feel betrayed when powerful social actors fail to protect them from harm, imagine the response if the same actors threaten to punish (harm) them. One form such threats can take is that of a local factory letting it be known that it will close down and relocate elsewhere if nearby residents start complaining too much about the amount of air pollution coming out of its smokestack. Sometimes, however, the threats and intimidation used by powerful social actors can take especially ugly and egregious forms. One notable example is the Nigerian government’s persecution of Ogoni people for protesting the pollution of their land by Shell Oil.<sup>28</sup> During the mid-1990s,

Nigerian soldiers oversaw the ransacking of Ogoni villages, the killing of about 2,000 Ogoni people, and the torture and displacement of thousands more. . . . The army also sealed the borders of Ogoniland, and no one was let in or out without government permission. Ken Saro-Wiwa and other Ogoni leaders were repeatedly arrested and interrogated. Finally, the government trumped up a murder charge against Saro-Wiwa and eight others, and, despite a storm of objection from the rest of the world, executed them on November 10, 1995.<sup>29</sup>

Questions which will help students assess whether they are dealing with instances of premeditated betrayal are provided in Box 3.3. Anyone who spends time examining local environmental conflicts is likely to encounter at least some and maybe a lot of unscrupulous, ethically troublesome, and perhaps even illegal acts. Yet appearances of bad faith actions can be deceiving, and we would advise any ostensible act of betrayal to be viewed through all three of the lenses provided in this chapter before making a determination of the intentions involved. It is to the task of developing these additional forms of betrayal that we now turn our attention.

## Structural Betrayal

### Love Canal: Industrial Chemicals, Suburban Neighborhoods, and Citizen Anger

From 1942 to 1952, Hooker Chemical Company buried 21,800 tons of organic solvents, acids, and pesticides in a partially completed canal in

**Box 3.3** Adding to the Portfolio: Premeditated Betrayal

1. Do powerful organizations pursue courses of action which put neighborhoods and communities in harm's way, then use lies, deception, and cover-ups to conceal the risks and/or their own culpability?
2. Do private companies compromise public safety in the pursuit of profits?
3. Is there collusion between government officials/agencies and private individuals/companies?
4. Do the rules which guide the decision-making process work to the advantage of the wealthy and powerful?
5. Do powerful social actors use threats and intimidation to influence decision-making outcomes favorable to their interests?

Niagara Falls, New York.<sup>30</sup> The chemicals were put in metal or fiber drums, an acceptable disposal method at the time. Unfortunately, many of the drums broke apart as they were being buried, releasing raw chemicals into the canal bed. In April 1945, only a few years into the dumping, an engineer who worked for Hooker wrote an internal memo describing the canal as a “[q]uagmire which will be a potential source of law suits.”<sup>31</sup> A prescient memo, indeed. Once full, the canal was covered with clay to keep moisture from reaching the drums and eventually the chemical stew. Grass was planted over the clay seal.

In 1952 the Niagara Falls School Board approached Hooker Chemical and asked the company to donate this empty grassy field to the city for a new school. Hooker resisted, telling board members that it could not guarantee the safety of the area. The school board countered with a threat to assume ownership of the property through eminent domain. Hooker Chemical agreed to sell the grassy-covered canal full of volatile chemicals to the board for \$1. Shortly thereafter, working-class and middle-class homes were built around the new school.

In the winter of 1976 a heavy snowfall melted, softening the soil. Chemical odors penetrated people's houses, a creek running through the neighborhood turned a reddish brown, and sump pumps in some homes overflowed with smelly, abrasive effluent. Rusty drums dripping with old chemicals began to surface in the playground of the school. Small but frightening explosions began to occur on the playground as once buried toxic chemicals worked their way to the surface and literally burst through at various places.

Citizens complained. Newspapers reported the story. Two years after the first evidence of a disaster in the making, the federal government responded. The EPA, the first agency at the scene, found 82 toxic chemicals in air, water, and soil samples near the dump. Moreover, the report linked area health problems, including miscarriages, to exposure to these toxins, some of which were carcinogenic.<sup>32</sup>

The New York Department of Health (DoH) and the New York Department of Environmental Conservation (DEC) learned of the problem in 1978 by reading the federal EPA report. On August 2, 1978, the DoH recommended temporary relocation of pregnant women and young children. Many residents wondered aloud about the financial burden of relocating. And what does “temporary” mean? How will families function when children are here and Dad is there? And what about the elderly or people with chronic health problems? Should they relocate too? The DoH could not answer these questions.

On August 9, Governor Hugh Carey signed an order for the permanent relocation of 239 families with documented birth defects and miscarriages. But his order was delayed as agencies disagreed over who was in charge of the relocation and how it would be funded. Eight months later, relocation began. Again, many of the questions following the recommendation to relocate were asked of this permanent relocation. And again, the government had no plausible answers.

In February 1979 the DoH approved the relocation of all pregnant women from the subdivision and provided limited relocation expenses. That order was delayed, however, while the state constructed a drainage system that was promised to rid the neighborhood of the chemicals. An engineering project, in short, replaced a relocation initiative, leaving residents wondering what was going on, who was in charge, and, most important, what should they do in response to this organizational and environmental calamity.

The confusion continued. In July 1979 the DEC began to move 120 families to motels. The relocated families did not know what was going to happen to their houses or themselves in the months to come. Families that remained wondered aloud how their houses and yards could be safe while their neighbors' properties were too dangerous to inhabit.

On May 16 the EPA reported chromosome damage in 36 residents living near the canal. On May 19 two EPA officials were kept hostage in the house of a local resident-activist. The White House was called, notified of the hostages, and given a deadline to act, or else. In hindsight, the EPA officials were not in any real danger. But the symbolic politics of this act leveraged the buyout residents were seeking. Five minutes after the deadline set by the

group, the White House issued a press release announcing that it was authorizing the temporary relocation of all 810 families from the Love Canal area. On October 1, 1980, President Carter signed a bill to permanently relocate all families from the contaminated area. In 1981, the U.S. Senate authorized \$15 million to purchase and relocate the families at Love Canal.



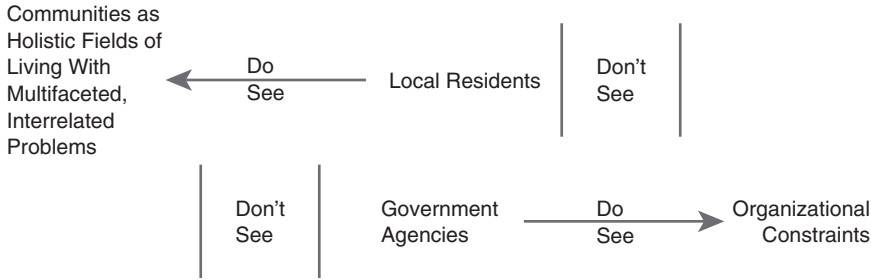
It is not difficult to understand why people who suddenly find themselves embroiled in this kind of nightmare would turn to others for assistance. Indeed, the more wishful among them might imagine the calvary riding over the hill to their rescue. Initially, Love Canal residents were grateful for government involvement, especially New York state's DoH. Over time, however, residents' perceptions soured as many came to believe the government was not responsive to their needs, purposefully covering up the true extent of the danger, and more concerned about containing costs than protecting their welfare.<sup>33</sup>

Certainly the Love Canal residents felt betrayed by the government agencies they believed should be protecting them from harm. Yet, for all the ire directed against them, the rank-and-file DoH personnel assigned to the case were in fact working hard to come up with viable solutions to local contamination problems.<sup>34</sup> How, then, do we account for the escalating spiral of animosity and accusations that went on in this case? How does a government agency come to be vilified by people they are trying to help? How do local residents come to adhere to off-the-mark interpretations of bad faith government actions?

To answer these questions we need to view the Love Canal conflict through a particular lens, one that juxtaposes the widely varying structural character of communities and government bureaucracies.<sup>35</sup> Drawing on insights from organizational theory, this lens allows us to appreciate the ways in which local residents and agency personnel often end up speaking past each other, each viewing the conflict in a particular way, ignorant of the concerns and constraints facing the other party. As a consequence, local residents misinterpret the motives underlying agency actions, while agencies pursue policies which unintentionally harm local residents. To visualize the basic nature of this conflict dynamic examine Figure 3.1.

Communities are holistic fields of living where people own or rent homes and apartments; raise families; educate their children; shop; attend churches, synagogues, or mosques; engage in volunteer and civic activities; recreate; make a living; grow old; and die. People typically experience a community in an extended temporal line as past, as present, and as future. Moving





**Figure 3.1** The Limited Vision of Local Residents and Government Agencies

between memories and plans, people experience community, neighborhood, and home as emotionally and culturally charged places.

Juxtaposed against communities as holistic fields of living is the narrow, instrumental, goal-oriented nature of the numerous formal, complex organizations we find operating in any modern town or city. These are

large-scale, special purpose social units with explicit, impersonal goals in terms of which the activities of members are coordinated. In the interests of operational efficiency, the structure of these organizations is designed as a formal, hierarchical system known as a *bureaucracy*.<sup>36</sup>

Bureaucracies are often the source of dark humor. A political cartoon in Niagara Falls' local newspaper appearing during the height of the Love Canal controversy shows a family dressed in casual clothes sitting in their proper middle-class living room and two men in moon suits with giant oxygen tanks on their backs standing in front of them. The caption? "Everything is safe and under control."<sup>37</sup> Think about this cartoon for a moment from the analytic vantage point provided by Figure 3.1. The men in moon suits are doing the job dictated by the narrow, instrumental strictures of the government oversight agency they work for, to wit, determining whether the house has dangerous levels of contaminants. The aspects of the local context salient to them are the ones that pertain to this organizational mandate, their horizon of concern highly constricted.

The family living in this house does not have the luxury of such a narrow vantage point. They will remain in residence after the men in moon suits leave, and even if they are assured "everything is safe and under control," they may never feel as secure in the house as they once did. Indeed, when we factor in the temporal and emotion-laden aspects of residents'

relationship to place, we see the capacity for all types of disruptions. The family projects back to the exhilarating time when purchasing the house was the fulfillment of a lifelong dream and recounts years of happy memories. The family also projects forward to an uncertain future where it seems unlikely they will ever be able to get the same type of enjoyment out of the house they once did.<sup>38</sup> They may recall persistent health problems among their children and worry that, regardless of the reassurances of the men in moon suits, their children have been exposed to contaminants and will experience health problems in the future.

Then, of course, there is the concern about property values. Even if given official clearance, the mere fact the men in moon suits were there is a stigma.<sup>39</sup> Indeed, if that stigmatization extends to an entire neighborhood or community, it will have widespread repercussions, for as property values go down, the tax base will also go down, perhaps resulting in fewer city services and underfunded public schools. Residents may lose the motivation and/or financial means to keep up their yards and houses, and as a consequence the overall quality of the neighborhood deteriorates, creating yet another damper on property values. The horizon of concern for community residents is simply far more expansive than that of the government bureaucrats. Residents incorporate past and future as well as present, and appreciate the ways in which problems, or even suspicions of problems, in one area reverberate throughout many facets of their lives.

Here, then, is one way in which government personnel, in the process of conscientiously performing their job, can inadvertently undertake actions which harm residents. Residents' lived experience is that of a complex entanglement of many interrelated problems, but an agency's narrow and instrumental focus on only a subset of those problems means that in the very act of ameliorating some problems, it may unintentionally exacerbate others. Consider again the case of Love Canal. Once the state DoH had amassed enough information on chemicals migrating from the canal through the neighborhoods to conclude a health hazard did exist, it did what it was supposed to do: inform the people and recommend relocation. However, this dire warning was not followed by any financial or logistical offers of assistance, even though the announcement itself had just rendered the residents' homes valueless.

To take another example, recall the case of the devastating flood that swept through Buffalo Creek, West Virginia, discussed in Chapter 2. That disaster left 4,000 people homeless. The Federal Emergency Management Agency (FEMA) responded by siting several trailer parks to house survivors. While this was a speedy response to a pressing need, the agency was narrowly focused on the problem of providing shelter, not on the broader

problem of rebuilding an uprooted and fractured community. Concentrating on the efficient provision of living space, FEMA assigned people to trailer parks in a random fashion rather than making an effort to house former neighbors near each other. Ironically, the well-intended actions of this federal agency completed what the flood so tragically started: the destruction of community.<sup>40</sup> There is another way in which the procedures bureaucrats follow to “get the job done” can unintentionally create situations which leave residents feeling frustrated, angry, alienated, and betrayed. The source of this particular clash between bureaucratic and community structures relates to the very *sine qua non* of complex organizations: routinization, predictability, and standard operating procedures. Indeed, while it is common to poke fun at bureaucracies, it is precisely these features that render these organizations highly efficient and indispensable to a smooth-running modern society.

Yet when it comes to confronting local environmental crises and conflicts, bureaucracy’s greatest strength can readily become its greatest weakness. Designed to anticipate and respond to a limited range of problems, a novel problem that demands innovation is likely to be avoided, redefined to make it fit a particular bureaucratic regime, or mismanaged by applying routinized procedures to no good effect.<sup>41</sup> Viewed from the perspective of organizational theory, bureaucratic inflexibility and its related problems are recurring and utterly expected phenomena. Viewed from the perspective of residents who may lack this particular vantage point, slow and inadequate agency response can easily be read as intentional dereliction of duty.

To take another example of the disparate perspectives portrayed in Figure 3.1, consider the bureaucratic imperatives of routinization and standard operating procedures. These imperatives encourage oversight agencies to approach local environmental conflicts and crises with an array of one-size-fits-all solutions. From an organizational perspective, there are sound reasons for wanting to make problems fit the existing solutions. It is time consuming and expensive to come up with new tools. Doing so requires establishing the necessary knowledge base (e.g., conducting studies), followed by trial-and-error efforts to figure out what alternatives work. The faster an agency can routinize responses, the lower the costs and the more readily they can get on with accomplishing *something*, even if that something is not really what needs to be done to correct the problem. This can be seen in the Love Canal case, where government officials “wanted the definition of harm to be narrow, to fit the resources they had available, so that some tasks could be successfully accomplished, accounted for, and pointed to.”<sup>42</sup>

Viewed from a bureaucratic standpoint, this is rational agency action. But following the economist Herbert Simon, it is wise to remember that

humans and their organizations operate within what he called “bounded rationality.”<sup>43</sup> Human rationality is limited or bounded to the degree that the capacity of the human mind for formulating and solving problems is small compared with the size and complexity of the problems that need solving. Imagine the problems a complex organization must identify and solve as a deep lake that is clear for a few feet down and then becomes so dark and murky it is impossible to see any farther. The comparatively few problems at the surface are solved with routine competence. As problems occur in deeper, more obscure water, however, routine, customary actions are less likely to succeed adequate to the complicated tasks. Rationality, in short, works optimally on routinized tasks. The more fuzzy, vague, and unsettled the problem, the more likely new and innovative behaviors are needed. Innovation, of course, is not something bureaucracies do well.

The upshot may be government responses woefully inadequate to the problems at hand. Here we are talking about a different type of failure than the selective attention to only a subset of local problems, though this failure is likely to occur in concert with, and further compound, our present focus of concern. What happens when we add routinization, standard operating procedures, and bounded rationality to the mix is the potential for bureaucratic agencies to fumble even with problems that ostensibly fall under their legislative mandates. In many respects, environmental oversight agencies are perpetually trapped between a rock and a hard place: the bureaucratic imperative is to standardize procedures and minimize uncertainty, while the complexity of ecosystems (and related difficulties of foreseeing all consequences of intervention), combined with a steady stream of new technologies, almost guarantees these agencies will be forced to grapple with novel problems. All too often communities are caught in the gap between existing procedures and emergent needs. What this is likely to look like from the vantage point of residents is that no governmental entity is making any apparent effort to protect them from harm.

The oil spill underneath the Guadalupe Dunes presented in Chapter 2 provides a telling example of the problems that can stem from bounded rationality. This spill grew incrementally over a period of almost 40 years. The regulatory and response agencies responsible for oil spills were not on the lookout for a slowly emerging, ambiguously defined, and uncertain disaster. Their organizational competence and expertise was biased in favor of responding to sudden, immediate impact, and massive disasters like the *Exxon Valdez*, the proverbial “tanker on the rocks.”<sup>44</sup>

Consider again the case of Love Canal. Residents viewed area contamination problems as an emergency in need of immediate remedial action. Given that particular interpretation of the situation, it made sense to turn

to FEMA for assistance. The agency responded, however, by pointing out various criteria found in its charter and organizational mandate to argue that Love Canal did *not* conform to the kind of disaster situations it was mandated to assist.

If the Love Canal situation were truly an *emergency*, traditional (FEMA) reasoning went, then essential cleanup and other remedial measures for the site and people should be accomplished within 60 days. If they are not done within that time, then, by definition, an emergency situation never existed. The Love Canal remedial work was not begun until some 70 days after the health commissioner's order—proof, under this reasoning, that the Love Canal situation, which had taken some 30 years to develop, simply did not qualify under the existing definition of an emergency.<sup>45</sup>

When public officials appear unresponsive to existing problems, or worse, create new problems and headaches for local residents, they are likely to be regarded, at the very least, as callous bureaucrats. Agency personnel may not have this self-perception, however. Indeed, they may be doing all they can to respond to a conflict or crisis and be caught off guard by residents' hostility. Again, the divergent perspectives portrayed in Figure 3.1 are crucial to understanding this conflict dynamic. Agency personnel may not understand that local residents have little knowledge or appreciation of the constraints they must work within. At the same time, lacking the holistic vision of local residents, agency personnel may not perceive how their own tunnel vision addresses only a subset of problems local residents face or how the solutions developed for these particular problems generate, or exacerbate, other problems. The feedback loop which creates an ever-deepening level of anger, frustration, and mistrust on both sides can be seen in the Love Canal case.

State and city officials had conducted public meetings with the residents as early as May 1978 not only to describe the proposed epidemiological and environmental studies but also to tell residents about the remedial construction plans proposed by the Conestoga-Rovers firm. During the meetings, the residents criticized the plans and deplored the level of the information they received. The officials believed that they were offering tangible plans for help, and surprised at the anger expressed, they became somewhat shaken in conducting meetings where dozens of people asked probing questions that the officials were unprepared or seemed unwilling to answer.<sup>46</sup>

The person who conducted [one public meeting] . . . mentioned later that he felt proud he had been able to remain cool, "to talk like a machine," despite the anger the Love Canal residents displayed. . . . Privately, the officials congratulated each other on not giving anything away, or not conceding anything

## 90 Volatile Places

to the residents. Simply living through a heated meeting, getting it over and done without “losing cool” and without departing from an official position became one more mark of the professional.<sup>47</sup>

Examine Box 3.4. Included here are the kinds of questions which will help you assess whether particular government actions which produce angry and disillusioned responses from area residents are best classified as cases of structural betrayal.

### **Box 3.4** Adding to the Portfolio: Structural Betrayal

1. What is the full array of problems local people associate with, or see stemming from, an environmental conflict or crisis?
2. What are the narrow, instrumental foci government agencies bring to the conflict or crisis?
3. Do government efforts to ameliorate one problem inadvertently create other problems for local residents?
4. Do local environmental perturbations present novel problems that do not readily conform to an agency's standard operating procedures?
5. Is there a feedback loop which creates ever-deepening levels of distance and distrust between residents and agencies, as government personnel respond to the anger, frustration, and resentment directed toward them by becoming defensive, withdrawing emotionally, and closing ranks?

## Equivocal Betrayal

### The Conflict Over Turtle Exclusion Devices on the Louisiana-Texas Coast

On the weekend of July 22–23, 1989, shrimpers along the Louisiana and Texas coast participated in a blockade of passes and shipping lanes to protest a court order mandating the use of turtle exclusion devices (TEDs) on shrimp trawls.<sup>48</sup> Approximately 1,000 vessels participated in the blockade, with many more smaller vessels on hand to lend support to the shrimpers.

Shrimp trawls maneuvered their vessels across the affected channels and anchored side by side to create a formidable physical barrier, three or four vessels deep. The shrimpers tried to hold formation against tidal changes and strong currents. At . . . Galveston [Texas] the Coast Guard used water cannons to disperse the shrimpers.<sup>49</sup>

Additional blockades continued through the summer and fall of that year. But these were just the latest—and most dramatic—forms of protest in a battle that had been simmering for a good decade. The precipitating event was a marked decline in the populations of a variety of species of sea turtles, most notably the Kemp Ripley turtle. By the end of the 1970s, several species of sea turtles had been listed as threatened or endangered.

A number of factors contributed to the decline in turtle populations, including pollution and loss of nesting beaches from coastal development. These are difficult problems to address, however, given they involve activities of millions of people spread across a number of local and state jurisdictions. In addition, coastal development is driven by powerful economic and political interests. Rather than try to take on these challenges, policy advocates early on focused on one contributing factor to sea turtle decline that seemed far more amenable to government action: incidental drowning of turtles in shrimp trawls. If this form of turtle mortality could be prevented, the official reasoning went, threatened and endangered species might have a chance to rebound.

For their part, shrimpers contested the notion that shrimp trawls were responsible for turtle deaths. Using local knowledge based on personal experience, Texas and Louisiana shrimpers maintained that they seldom caught turtles in their trawls, and on those rare occasions when it happened, the shrimpers made valiant efforts to try and save them. As shrimpers told it, sea turtles are far more prevalent off the Florida coast than in the western Gulf of Mexico. A universal regulation mandating TEDs throughout the entire Gulf region might fit the one-size-fits-all mentality of the bureaucrats, but it did not fit the unique environmental conditions found in different coastal regions.

Still, the drive to mandate TEDs marched on. During the 1980s, the U.S. Fish and Wildlife Service (USF&WS), located in the Department of the Interior, aggressively pushed the use of TEDs. As the federal agency which bore the primary responsibility for implementing the 1973 Endangered Species Act, the USF&WS came down strongly on the side of conservation. A second federal agency, the National Marine Fisheries Service (NMFS), located in the Department of Commerce, tried to walk a fine line between conflicting mandates of protecting sea turtles and promoting the interests of the shrimping industry. The marine agents employed by the Sea Grant Extension Service, a sister agency of NMFS, also located in the Department of Commerce, acted as a liaison between shrimpers and government regulators and also sought to educate shrimpers on the need for and proper use of TEDs.

At the beginning of the TEDs conflict, shrimpers in the western Gulf were represented by the Louisiana Shrimp Association and the Texas

Shrimp Association. Given the strict mandates of the Endangered Species Act, one possible route to protecting the turtles would be to prohibit trawling altogether. Initially hopeful that minor gear modification would pacify environmentalists while allowing commercial harvesting to continue, the shrimp industry worked with the Sea Grant Extension Service, using research monies provided by NMFS, to find an acceptable technological solution.

The result was the first TED prototype, which was introduced in 1980. Theoretically, TEDs prevent turtles from entering shrimping trawls. When initially introduced, their adoption by shrimpers was strictly voluntary. NMFS and Sea Grant personnel were hoping shrimpers would go that route, precluding the need for mandatory regulations. The NMFS and Sea Grant attempted to sell shrimpers on the use of TEDs by dubbing them “trawl efficiency devices.” As presented to the shrimpers, using TEDs would reduce drag, thus lowering fuel costs and making shrimping more profitable. NMFS, Sea Grant, and the shrimping industry had, in other words, tried to come up with a win-win solution, one that would satisfy environmentalists concerned with protecting sea turtles while simultaneously advancing the economic interests of the shrimpers.

The TEDs only accomplished these miraculous outcomes, however, if they were properly installed, and as shrimpers soon discovered, it was difficult to install the TED prototype correctly. Improperly installed, TEDs created a number of problems for shrimpers, including increased drag and shrimp loss. Shrimpers rejected the prototype TED, claiming it was dangerous and did not work. “In 1983 a smaller, lighter, collapsible TED was introduced.”<sup>50</sup> Despite optimism on the part of NMFS, Sea Grant, and environmentalists, and despite the fact that NMFS distributed TEDs free to any shrimper who voluntarily adopted it (thus saving shrimpers the \$200–\$300 purchase price), shrimpers also rejected this TED. By 1985 it was becoming increasingly clear that the strategy of voluntary compliance was not working.

This failure resulted in the hardening of positions on both the environmentalists’ and shrimpers’ side. While environmentalists were supportive of gear modification as a solution to turtle death and injuries in trawls, they became increasingly frustrated at the slow progress and low rates of shrimper compliance. By the mid-1980s, environmentalists had become more aggressive in their efforts to protect sea turtles. The National Wildlife Foundation and the Center for Marine Conservation took to the courts trying to force NMFS into compliance with the Endangered Species Act by making TEDs mandatory rather than voluntary. The July 22–23, 1989, blockade recounted above occurred in the aftermath of a July 21st court order which imposed the use of TEDs on recalcitrant shrimpers. This was



only one moment in an ongoing tug-of-war, however. The Commerce Secretary quickly lifted the regulation, in part because of fear of violence from the shrimpers and in part because the secretary favored alternatives to TEDs, like tow-time limitations. This proved to be a short-lived respite for the shrimpers, however. “[B]y September of 1989 the reimposition of TEDs was inevitable.”<sup>51</sup>

In a study conducted in the early 1990s, Margavio and Forsyth found that 99% of the 51 shrimpers they surveyed “agreed with the statement that ‘TEDs are a threat to my way of life.’”<sup>52</sup> Even after TEDs were made mandatory in the fall of 1989, compliance rates among shrimpers only ran about 40%–50%. The growing dissatisfaction of shrimpers had gained organized expression several years prior to this, with the formation of the new grassroots group, Concerned Shrimpers of America (CSA). This development signaled growing rank-and-file dissatisfaction with the two organizations which had represented shrimpers at the start of the controversy, the Louisiana Shrimp Association and the Texas Shrimp Association. From the shrimpers’ perspective, the threat of mandatory TEDs produced desperate times requiring desperate measures.

Unlike the two older organizations, the CSA was an advocate of desperate measures. It was the CSA which promoted and organized the blockades of shipping lanes. The CSA also provided shrimpers with a powerful unifying ideology. At the heart of this ideology was the increasingly vocalized contention that, at least in the western Gulf, incidental drowning of turtles in shrimp trawls was exceedingly rare.

Surrounding that assertion of “fact” was a contending explanation of TEDs. The real motivation underlying TEDs was not the protection of sea turtles but rather the promotion of a hidden agenda to punish shrimpers for past political activism and to rid the gulf of commercial harvesters. This hidden agenda, furthermore, was being pursued by powerful opponents sporting the kinds of political connections which allowed them to work effectively behind the scenes. For shrimpers aligned with the CSA, pursuit of TEDs in a context where the shrimpers believed they were clearly not needed constituted evidence they were being persecuted by a conspiracy which included large corporations, national environmental organizations, wealthy and influential individuals, and the USF&WS.

As the shrimpers saw it, one major player promoting this hidden agenda was the giant corporation Waste Management Inc. “Shrimpers believe that the TEDs regulations are payment for their past grassroots resistance to waste disposal plans in the Gulf.”<sup>53</sup> Shrimpers cite as evidence supporting this contention Waste Management Inc.’s financial contributions to the Center for Marine Conservation, the leading advocate of TEDs.

Another powerful enemy was the Gulf Coast Conservation Association (GCAA), which represents recreational fishers along the southern United States from Virginia to Texas. Many offshore species, such as speckled trout and red drum, are targeted by both commercial and recreational fishers. As the populations of these species decline, the competition between these two groups increases. The trend over the last three decades is toward much greater governmental restrictions on commercial harvesting. The elite base and political connections of the GCCA is seen in the following quotation:

The GCCA had its beginnings in 1977 in Texas when fourteen sportfishing entrepreneurs met in a Houston sporting goods store to launch a sportfishing organization. Among them were Walter Fondren, Jr. and Perry Bass. Fondren's father had founded Humble Oil Company. Fondren served as chairman of the Gulf of Mexico Fisheries Management Council. Perry Bass, a member of the Fort Worth, Texas, Bass family whose fortune is based in oil and banking, served as director of Texas Department of Natural Resources.<sup>54</sup>

For the shrimpers, the majority of government actions undertaken in the case did not feel democratic and protective but rather autocratic and threatening. Not only their economic livelihood but a valued way of life was at stake. The USF&WS and the courts were all too ready to hammer the final nails in the coffin by making TEDs mandatory. Shrimpers' own local knowledge about turtle mortality was excluded from the decision-making process. As ordinary working folk in a modest-sized occupation, shrimpers knew they lacked the political clout of their adversaries. The very system of government decision making, it seemed, had been designed to work against them.



The shrimpers involved in the TED conflict recount experiences and offer analyses that certainly make the actions of the powerful individuals and organizations involved in this case sound like premeditated betrayal. While we suspect this is an accurate accounting of part of what was going on in this case, careful scrutiny leads us to question whether premeditated betrayal was as extensive as the shrimpers' claim. We cannot definitively debunk the shrimpers' version of events, but we have no cause to simply accept it out of hand either. The problem is a lack of sufficient empirical evidence regarding the intentions of the powerful organizations and individuals involved in the TED controversy. What we do have are shrimpers'

accusations, which are fine, so long as we treat them as claims, but become problematic if, in the absence of corroboration, we present them as hard evidence of malfeasance.

We can turn to our preceding discussions on premeditated and structural betrayal to gain insights into the problem here. Powerful social actors are not going to advertise their bad faith actions; indeed, we can expect lies, deceptions, and cover-ups to be the norm when individuals and organizations are engaged in unethical, unscrupulous, or criminal activity. This does not mean that corroborating evidence is never going to be available. Indeed, revelations of official and organizational intention might come through a variety of sources, including public admission of guilt, investigative journalism, whistle-blowing, civil or criminal legal proceedings, and Freedom of Information Act (FOIA) requests. Our concern in this section is with cases where this kind of information is not available; the challenge is in trying to determine whether that absence signals a successful cover-up or the lack of any intentional malfeasance from the start.

In this section, we present several strategies for dealing with situations where there is little or no empirical evidence to corroborate residents' claims of premeditated betrayal. First, critically scrutinize the plausibility and reasonableness of residents' and activists' claims. What evidence do they put forth to support their contention that powerful individuals or organizations acted in bad faith? Is it extensive or limited? Is it circumstantial or hearsay? Is it selective, omitting other evidence that might contradict their claims? Is it open to alternative explanations?

Let's return to the conflict over the use of TEDs. The shrimpers' account of bad faith actions went further than collusion between wealthy private sector interests and government; they pointed to a vast behind-the-scenes conspiracy to rid the Gulf of Mexico of commercial harvesters. From their view, the real reason TEDs were mandated had nothing to do with saving sea turtles, which the shrimpers maintained were not endangered by their trawls anyway. No, there was a darker, more sinister purpose at work: TEDs were mandated for the sole reason that they furthered the hidden agenda of "doing in" the shrimpers.

In order to help readers recognize conspiracy theories when they hear them, consider the following account, taken from a fictionalized conservancy dispute portrayed in the novel *The Buffalo Commons*:

You sit down with any bunch of Fish and Wildlife or Park Service people, and most Forest Service and BLM people, and you'll hear it [the hidden agenda for the Western U.S.]. . . . What they want is to change the face of the West, restore it to wilderness and habitat for all sorts of species from grizzlies to

wolves and buffalo. And how would they do that? By systematically driving out ranching in particular, and agriculture in general. Since Congress won't give them money to purchase land, they're doing it by other means, mainly regulation calculated to undermine ranching.<sup>55</sup>

It is difficult to definitively disprove conspiracy theories because, after all, by their very nature conspiracies are carried out behind the scenes, in secret. A successful conspiracy would leave no evidence for others to find. Yet even if we cannot definitively disprove conspiracies, we can certainly raise questions about their plausibility. For starters, the social conditions necessary for conspiracies—coordination among a geographically dispersed group of individuals and organizations able to pursue a secret agenda for an extended period of time—are a bit difficult to pull off. An additional problem is that once individuals believe a conspiracy is afoot, they come to interpret all kinds of action, inactions, and utterances through that framework. What believers take as convincing evidence of shadowy machinations and hidden agendas may appear quite dubious to those outside the fold.

In the TEDs case we can raise further concerns about plausibility by juxtaposing accusations of conspiracy against what may be a far more straightforward explanation for government regulatory action: shrimp trawls really do kill sea turtles. This does not mean that they are the *only* cause of population decline; indeed, it is likely they are not even the most important cause. Nor does this mean that there were no bad faith actions that went on in this conflict—the CCA no doubt saw TEDs as a window of opportunity for their far-from-hidden agenda of promoting sports over commercial fishing—but this is a far cry from saying TEDs were just a smokescreen for the real purpose of putting the shrimpers out of business.

Not that we want to leave the impression that critical scrutiny of accusations of premeditated betrayal will always punch holes in residents' claims. Indeed, we suspect the conclusions reached by such an examination will often find residents' accounts plausible. While they may be able to offer little in the way of hard evidence, they may be able to muster a considerable amount of circumstantial evidence. A Department of Environmental Quality official accepting a lucrative job with a private sector waste management company not long after approving a controversial solid waste landfill operating permit for the company hardly constitutes conclusive evidence that something fishy was going on, but it certainly is suspicious.

In some conflicts there may be political contention about the intentionality of ostensibly mean-spirited acts. Finger pointing becomes part of the conflict dynamic, with different participants offering different interpretations of the situation. Let's return to the case of Hurricane Katrina. In the

aftermath of the flooding of New Orleans, FEMA was lambasted for its slow response time and general ineffectiveness in handling the disaster. Some public figures called for an immediate firing of all FEMA employees. Yet not everyone was willing to paint in such broad brushstrokes; for example, one elected official from Mississippi contended most of the rank-and-file FEMA employees were decent folks who simply wanted to do their jobs. The problems which existed originated at the highest organizational levels: an unqualified director appointed for political reasons, the transference of FEMA to the Department of Homeland Security, and the gutting of FEMA's budget to provide money for fighting terrorism. In time, sufficient evidence may surface to allow us to sort out how much of FEMA's woefully inadequate response to the New Orleans' disaster should be attributed to premeditated betrayal and how much to structural betrayal. In the interim, arraying participant claims provides a means for conveying the different interpretations that might be given to a particular set of governmental actions. Undertaking such an exercise helps to avoid too hasty a condemnation of all agency actions and personnel once it becomes apparent the agency is guilty of at least some bad faith actions.

An additional strategy which can be used when confronted with scanty evidence of intentionality is to determine how readily ostensible acts of premeditated betrayal can be explained using conflict and organizational theories. In other words, is it possible that troubling government and corporate actions are actually structural rather than premeditated betrayal? In the absence of sufficient evidence, we probably won't be able to determine which conceptual label is the appropriate one, but what we can do is present both sides of the argument.

Let's consider an issue that can become a lightning rod of contention in local environmental conflicts: citizen participation in the decision-making process. There are many types of government actions for which agencies are legally mandated to offer participation opportunities. At a minimum, there must be a public comment period when interested parties can submit written statements about some proposed action, such as the promulgation of a new regulation or the issuance of a permit, and perhaps public hearings as well. There are also many decision points where agencies have the discretion of opening the process to public input. Participation opportunities are most broadly governed under the 1946 Administrative Procedures Act, but particular environmental statutes may provide additional mandates and guidelines as well. For example, the 1986 Superfund Amendments and Reauthorization Act (SARA) mandates a 2-month public comment period following the announcement of preliminary cleanup plans for abandoned hazardous waste sites.<sup>56</sup>

When residents believe timing and location of public participation venues hinder their involvement in decision making, they may come to believe such obstruction was intentional, the result of bad faith actions on the part of government agencies and officials and perhaps other powerful individuals and organizations.<sup>57</sup> For example, a public hearing on a water discharge permit may be held on a Wednesday afternoon from 1:00 to 3:30 and may be held in the state capitol rather than in the community where the facility requesting the permit is located. For local residents, attending the hearing is likely to be inconvenient and under certain circumstances may entail a significant burden. This would be the case, for example, if the state capitol was located a considerable distance from the community, so that residents had to make a day's commitment to simply attend the hearing. The burden would be compounded if at least some residents had to take off work to attend, and compounded further if the residents were low-income individuals for whom a lost day of wages presented a significant financial hardship. Added to this could be the cost of additional day care for children, as well as road expenses for gas and food. How much more convenient it would be for residents if the hearing had simply been held in their own community in the evening!

As it is, the decision to hold the hearing far away, and during regular working hours, might very well make residents feel like they are being intentionally excluded from the process. It is quite possible that assessment is the correct one. Certainly conflict theory posits such a pattern of intentional exclusion as a pervasive feature in environmental decision making. Conflict theorists contend that, appearances aside, our system of government is not set up to be highly democratic or overly concerned with the trials and tribulations of ordinary folks. Rather, the driving force underlying policy and action is the promotion of profitability in the private capitalist sector and the protection of elite privilege. Citizen input about unacceptable technological risks and environmental costs of economic development projects is not conducive to that goal.

This seems straightforward enough, and we suspect there are many instances where conflict theory provides a valid account of the participatory venues being offered in a particular controversy. Yet conflict theory is not the only plausible explanation available. We can use organizational theory to argue that an agency's scheduling of participation venues at inconvenient times and places may be a case of structural rather than premeditated betrayal.

As we illustrate in Figure 3.1, residents and bureaucrats often fail to see the world from the other's vantage point. A particular government decision, such as whether or not to issue a water discharge permit, may be a very big deal for community residents living near the facility seeking the permit. It may not, however, be a big deal for the agency handling the

permit application. Indeed, the agency may receive hundreds of permit applications each year, which in true bureaucratic fashion get processed in a routine manner. If controversy is the exception rather than the norm, this will be reflected in procedures. Hearings will be held in the state capitol, as this is the location most accessible to the organizational representatives who normally attend. Hearings will be held during the day, because agency personnel would rather keep their evenings free for nonwork activities, such as spending time with their families. There is no intentional obstruction going on here, just civil servants carrying out routine procedures in a routine way.

In an ideal situation, students of local environmental conflicts would have access to the kinds of empirical evidence which would allow them to determine the intentionality underlying ostensibly craven, reckless, self-serving, unresponsive, and deceitful acts. This section has presented students with strategies they may use when such evidence is simply not available. A list of the kinds of questions which can be posed in such circumstances is presented in Box 3.5. Because these questions address issues of evidence and plausibility, scrutinizing any apparent act of betrayal through the lens presented here can help students of local environmental conflicts ensure they are employing the labels of premeditated and structural betrayal in a sensible and defensible manner.

**Box 3.5** Adding to the Portfolio: Equivocal Betrayal

1. What sort of evidence is there to corroborate activists' and community residents' claims that powerful organizations acted in bad faith?
2. How plausible are activists' and local residents' accounts of bad faith actions on the part of corporations, government agencies, and other powerful organizations and individuals?
3. Is there political contention about the intentionality underlying ostensibly craven acts?
4. Can particular actions read by residents as examples of bad faith actions on the part of powerful individuals and organizations be explained using conflict theory?
5. Can the same set of actions read by residents as examples of bad actions on the part of powerful individuals and organizations be explained using organizational theory?

## A Concluding Word

A person does not have to examine very many local environmental conflicts for it to become apparent that oversight agencies, elected officials, corporations, and other powerful social actors are frequent targets of resident anger

and oppositional activity. While in some communities these hostilities are long standing, in many others such strained relations are a direct outgrowth of conflict and may well have been preceded by trust and goodwill.<sup>58</sup> When residents become involved in environmental controversies, they come into more direct and extensive contact with powerful organizations than would be the case had they remained apolitical. All too often, residents are dismayed by what that contact reveals. Expecting sympathy, assistance, and protection from harm, they instead encounter organizations which appear either indifferent or downright hostile. Obstructionism and evasion, unresponsiveness and favoritism, recklessness and craven disregard for public welfare—these are hardly the behaviors one would expect from organizations in a democratic society.

In this chapter we presented two explanations for such troubling organizational responses. On the one hand, such acts could be intentional, resulting in what we referred to as premeditated betrayal. On the other hand, they could be the unintentional consequences of bureaucratic constraints and procedures, producing what we referred to as structural betrayal. We used conflict theory to illustrate how the impetus toward miscreance is deeply embedded within existing social arrangements, and organizational theory to identify the inherent dissonance between the widely varying structural character of communities and government bureaucracies. We also argued that the challenge of acquiring sufficient empirical evidence can sometimes make it difficult to determine which explanatory account is applicable to particular cases of ostensible malfeasance. We called these situations equivocal betrayal.

Correct identification of the factors underlying troubling organizational responses is important not only for analytic reasons but for applied, pragmatic reasons as well. Residents' perception that corporations and government agencies have undertaken actions which put them at risk, or have taken a dismissive attitude toward local problems, results in anger and outrage. Such powerful emotions fuel the conflict, leading to escalation and intractability.<sup>59</sup> If the miscreance is intentional, there may be no intervention that can dilute this dynamic. Indeed, in such situations, confrontational tactics (which will also further fuel the conflict) may be the only route by which community residents can hope to achieve redress. Yet if the root cause of spiraling animosity lies in miscommunication and misinterpretations between residents and powerful organizations, as shown in Figure 3.1, then conflict resolution mechanisms stand some chance of succeeding.

Compounding the problems of organizational betrayal are the uncertainties which surround environmental initiatives and troubles. We alluded to this complicating factor in this chapter, where we talked about the



difficulties bureaucracies experience when confronting novel circumstances or the anger shrimpers felt at official dismissal of their local knowledge. In the following chapter we undertake an in-depth examination of the role of knowledge disputes in local environmental conflicts, examining not only sources of tension between residents and experts but among residents as well.

---

## STUDENT EXERCISES

1. Exercise 4 in Chapter 1 asked you to use the questions presented in Box 1.4 to describe the local context of a rural area, town, suburb, or urban neighborhood you lived in at some point in your life. Looking back over that description, indicate how this area might be vulnerable to one or more environmental disasters. Choose one of the disasters on this list and write a brief disaster scenario. What would residents in this area expect from the government if this disaster were to actually strike? Speculate how residents might interpret the situation if the government did not respond in the expected manner.
2. Imagine that a number of people in your neighborhood are suffering from a persistent skin rash. Doctors have not been able to diagnose the cause of the rash, and it does not respond to any known treatment. Suspecting something in the water, neighbors turn to the state health department for assistance. The health department takes water samples, then months pass before residents receive a letter from the health department telling them very low concentrations of a certain chemical have been found in their water which *may* be causing their skin problems. No suggestions of “the next step” is provided in the letter. Your neighbors are incensed and begin to make vocal demands that “something be done about the problem.” They also begin to attribute the health department’s slow and inadequate response to the fact that the likely source of contamination is a massive chemical factory located on the edge of town. What sorts of evidence would you need to determine whether the health department’s response in this case constitutes an example of premeditated or structural betrayal?
3. Exercise 2 in Chapter 1 asked you to create a hypothetical conservancy dispute involving the lesser three-toed, red-eyed lizard. Imagine now that you are a recent hire of the U.S. Fish and Wildlife Service and have been put to work developing a habitat protection plan for the lizard, which has just been added to the endangered species list. Write up a memo for your superiors outlining a strategy for developing and implementing a species/habitat protection plan which would reduce the likelihood of agency actions unintentionally angering and alienating residents living near the lizard’s natural habitat.

## 102 Volatile Places

4. Shrimpers in the TEDs case used a type of conspiracy theory to explain what they perceived as threatening and unnecessary government regulatory action. Pick one of the case vignettes presented in Chapters 1 and 2 and speculate whether or not it provides fertile soil for a conspiracy theory to flourish. Defend your answer.
5. As part of the descriptive detail of the case, you were directed in Chapter 1 to summarize the major strategies nongovernmental participants use to influence the course and outcome of controversy. What types of strategies do you think local activists are likely to adopt if they come to believe government agencies, corporations, and other powerful organizations are intentionally acting in a craven, reckless, self-serving, and deceitful manner?

## Notes

1. Thomas (2005), 32–33.
2. This is an ideal portrayal, from which there will be considerable personal and community deviation. For a discussion of the latter, see Box 3.2.
3. Sociologist Bill Freudenburg (1993) revived Max Weber's idea of recreancy to capture the anger and frustration people experience when they lose trust in government or other responsible authorities. While most dictionaries define *recreancy* as disloyalty to a belief or duty, Weber added the important dimension of perception, making it a more sociologically interesting idea. A concept that points to citizens' perceptions of the resistance or unwillingness of organizations and officials to act on their behalf, recreancy signals a loss of trust and confidence in powerful social actors. We do not use this term in the present chapter, as it has not gained widespread currency in the literature.
4. Domhoff (1988); Mills (1956).
5. Mott (1974).
6. Case material from Shulman (1992).
7. Shulman (1992), 75.
8. Information from Charles Fisher, plant director during the Vietnam War era, as reported in Shulman (1992).
9. Shulman (1992), 76.
10. Ibid.
11. Ibid., 77.
12. Ibid., 78.
13. Ibid.
14. Ibid., 79.
15. Quoted in Shulman (1992), 75.
16. Harr (1995). Harr's book focuses on the legal intrigue of the Woburn case. For a sociological analysis of the case, see Brown and Mikkelson (1990).
17. Cable and Cable (1995).

18. Bell (2004).
19. One way in which clear-cutting can put a community in harm's way is by increased vulnerability to flooding.
20. Bell (2004), 106.
21. Bogard (1989), 3; see also *New York Times*, January 28, 1985.
22. Schnaiberg (1980); Schnaiberg and Gould (1994); Gould, Schnaiberg, and Weinberg (1996).
23. Domhoff (1998); Mills (1956).
24. Variations on this theme are captured in the concepts of iron triangles, cozy triangles, and subgovernment systems. For applications pertinent to environmental conflicts and decision making, see Bosso (1987) and Culhane (1981).
25. Cable and Cable (1995).
26. Coles and Foster (2001).
27. Harr (1995).
28. Other forms of intimidation include job blackmail and strategic lawsuits against public participation, or SLAPPS. For discussions, see Kazis and Grossman (1982) and Pring and Canan (1996).
29. Bell (2004), 17; see also Sachs (1996).
30. Case material taken from Gibbs (1982), Levine (1982), and Mazur (1998).
31. Levine (1982), 112.
32. Environmental Protection Agency (1978).
33. Levine (1982).
34. Ibid.
35. Mott (1974).
36. *Encyclopedia of Sociology* (1974), 111; emphasis in original.
37. *Buffalo Evening News* (1978).
38. Edelstein (1988).
39. Ibid.
40. Erikson (1976).
41. Beamish (2002); Clarke (1989).
42. Levine (1982), 42.
43. Simon (1997).
44. Beamish (2002).
45. Levine (1982), 118.
46. Ibid., 50.
47. Ibid., 98.
48. Case material taken from Margavio and Forsyth (1996).
49. Margavio and Forsyth (1996), 33.
50. Ibid., 6.
51. Ibid., 11.
52. Ibid., 37.
53. Ibid., xvi.
54. Ibid., 80.
55. Wheeler (1998), 77.

104 Volatile Places

56. Mazmanian and Morell (1992).
57. For an overview of the kinds of problems discussed in this section see Zwart (2003), Futrell (1999), and Kuehn (1991).
58. For an example, see Dizard (1999).
59. Lewicki, Gray, and Elliot (2003).