

1 What's Your Problem?

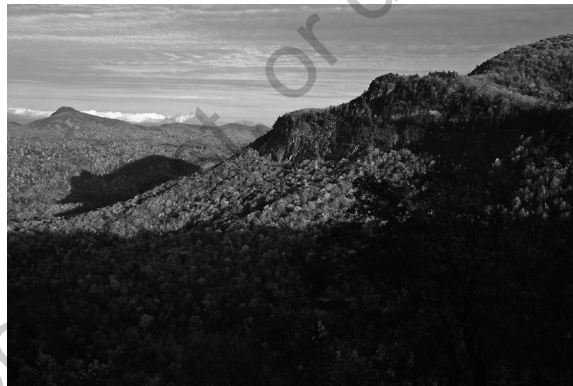
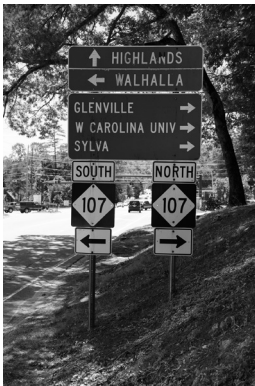
Defining the Challenge That Active Citizenship Can Solve

“Let’s work the problem, people.”

—Gene Kranz (Ed Harris) in *Apollo 13*

Case in Point A Road through the Mountains*

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Left: Road signs for NC 107 in Cashiers, North Carolina. The controversial Southern Loop, proposed as a bypass road for NC 107, would have threatened homes, businesses and the environment. Right: The bear-shaped shadow cast by Whiteside Mountain is one of many scenic views in the unique western North Carolina community that the Jackson County Smart Roads Alliance fought to preserve.

For the residents of Jackson County, North Carolina, the area’s richest blessing has also turned out to be its worst curse. Wedged between the hills of South Carolina and the heart of the Appalachian mountain chain, Jackson County is one of the most picturesque locales in the United States. With its green mountains, brilliant autumns, and relatively mild summers, it is little wonder that Scotch-Irish Protestants used to life in the Scottish Highlands founded Jackson County in the 1850s.

*We are very grateful to Sarah Thompson, director of planning and development for the Southwestern Commission (regiona.org), for reviewing and suggesting updates to this case study. We also thank Roger Turner and Bob and Susan Leveille, members of the Jackson County Smart Roads Alliance, and Walter Kulash, the Smart Roads Alliance’s consultant, for their contributions to the first edition.

During its first century, Jackson County was remote and isolated, its stunning beauty known only to residents and a few visitors. That all changed in the 1960s when Americans discovered the well-kept secret. Over the next five decades, Jackson County's population kept growing—more than doubling from 17,780 in 1960 to an estimated 40,981 in 2014. When Western Carolina College in the Jackson County community of Cullowhee became Western Carolina University in 1964, it had 2,659 students. By 2014, enrollment had skyrocketed to 9,800. But the surge in the number of permanent residents and students is only half the story. It does not account for the multitude of visitors who annually seek temporary refuge in the county because of the cool mountain air, its crystal clear lakes and streams, and the tranquility of mountain life. From April to October, towns such as Cashiers in Jackson County and Highlands in nearby Macon County are crawling with travelers from all 50 states.

Growth has brought change to Jackson County. Skeptics need look no further than NC 107, a north-south thoroughfare that mostly parallels the rippling, white-foamed Tuckasegee River. This strip is today lined with the telltale signs of urbanization: tourist motels, boat rental shops, gas stations, Walmarts, and fast-food franchises. The asphalt is sagging under the increased traffic, which frequently comes to a standstill when parts of the road are closed to accommodate maintenance crews or cleanups after accidents.

In the face of this growth and the resulting strain on the area's infrastructure, Jackson County leaders convened a series of public meetings in 2000 to determine the public's sentiments on possible responses to the population explosion. At these meetings, residents voiced overwhelming support for "smart" growth that would enhance their mountain communities and protect the heritage and beauty of the valleys and hilltops.

Some community leaders created a new initiative to give even louder voice to that sentiment. In 2001, the Tuckasegee Community Alliance began meeting to assess growth management in the county. The following year, that effort led to the formation of a new entity with a sharper focus: the Jackson County Smart Roads Alliance (smartroads.org/).

At its first meeting in September 2002, members of the Smart Roads Alliance advocated a comprehensive approach to Jackson County's traffic problems. Their recommendations included transportation planning, which would start with a feasibility study of NC 107; a possible redesign of roadside development; and other initiatives to maintain the community's character and preserve open spaces. This approach took official form in November 2002 when Jackson County and the towns of Sylva and Webster formally requested that the North Carolina Department of Transportation (NCDOT) conduct a comprehensive traffic management study of NC 107.

The department complied but only up to a point. In the summer of 2003, it released a less-than-comprehensive study on one option: a proposal to build two bypass roads around Sylva, Jackson County's largest town and county seat, to alleviate the congestion on NC 107. According to the plan, each segment would consist of a four-lane highway. One of the roads, commonly referred to as the Southern Loop, quickly became a source of great controversy. As designed, the bypass would cause the loss of 94 homes and 5 businesses, and it would have a significant impact on the county's farms, woodlands, and wetlands.

But the greater controversy was NCDOT's apparent determination to define the issue with a single choice—whether or not to build both the northern and the

southern loops. The department's refusal to consider a more comprehensive set of options ignited the traditionally serene populace of Jackson County. In response, the alliance took steps that would ultimately force all participants to frame the debate in broader terms.

First, the Smart Roads Alliance, which was often viewed as a group of outsiders, had the good fortune to find two leaders with local credibility. Harold and Gwen Messer believed in the "cause." Their home, like those of hundreds of other Jackson County families, was in the path of the Southern Loop. The Messers, as respected general contractors and church members, led the way in getting the larger community involved. When others said the road was a done deal, Harold and Gwen refused to believe it. Both Messers were savvy in shaping the message and in raising money. Together with their friends and allies they raised money from prominent individuals and organized barbeque dinners with donated food from local restaurants. The money raised was spent in ways that broadened the debate—such as paying for crucial advertising and retaining a traffic expert and consultant whose opinions brought credibility to the alliance's arguments.

Second, the alliance identified other Jackson County residents who should have been involved earlier but were unaware of their stake in the outcome. A North Carolina law required county governments to advertise the names of all property owners delinquent in their taxes. Jackson County residents had long been so interested in these notices that the local newspaper printed extra copies to meet the demand. Knowing that many people who read the newspaper would be affected by the proposed corridors but were unaware of their significance, the Smart Roads Alliance paid for an advertisement that resembled the property tax notice—but it instead listed all of the residents who would be affected by the proposed highways. When the ad ran in the newspaper, local residents bombarded the transportation department with complaints against the proposal and joined the alliance en masse. Jackson County and the municipalities of Sylva, Webster, and Dillsboro passed resolutions of opposition to the Southern Loop.

Third, the Smart Roads Alliance rested on a broad base of support. Concerns about Jackson County road construction cut across political lines. In keeping with the old adage that politics makes for strange bedfellows, the alliance was a big tent under which conservatives, community activists, environmentalists, preservationists, and even some business leaders opposed the Southern Loop.

Fourth, the alliance targeted specific allies to help frame the debate. It sought advice from the Southern Environmental Law Center in Asheville, North Carolina, and reached out to young people. These new friends brought new skills, such as the best ways to obtain government records, organize and conduct meetings, and turn the alliance into an Internal Revenue Service–approved organization and raise tax-deductible contributions. Even more important, the inclusion of future Jackson County leaders helped to make the debate about more than just roads. Their presence helped the alliance to focus attention on the mountains, rivers, forests, and future generations of the community that the new highways would affect.

Fifth, the Smart Roads Alliance relied on experts whose opinions carried weight with decision makers. Some of the earliest opposition to the Southern Loop came from prominent citizens in Webster, the historical seat of Jackson County. Malcolm MacNeill, a local developer, was one of those leaders. MacNeill found Walter Kulash, a nationally known traffic engineer, to advise opponents of the road about possible

alternatives to the new four-lane highway. Kulash voiced an expert's opinion to which North Carolina Department of Transportation officials would listen. Additionally, the alliance provided the public with information from experts on alternative transportation. Among them was Dan Burden, a national advocate for "walkable communities." In 2003, the town of Sylva officially incorporated the goal of becoming a walkable community into its long-term planning vision.

Sixth, the Smart Roads Alliance developed reasonable alternatives to the NCDOT's "build or no build" choice. In this task, the alliance was aided by an option proposed by Jim Aust, Sylva's town planner. In 2003, after carefully studying area traffic patterns, Aust proposed a network of new two-lane roads that would connect pre-existing roads to NC 107, thus funneling traffic away from that busy highway. The alliance also recommended the examination of all proposals related to 107 to determine secondary impacts, such as possible pollution of the Tuckasegee River. Though the Aust plan would ultimately prove to have challenges in terms of available funding, potential environmental impact, and neighborhood opposition, it helped the alliance switch from defense to offense. It could now challenge the department's position more effectively. Jackson County Smart Roads thus avoided the trap into which many citizen initiatives fall: expressing opposition to a proposal without offering a counter-proposal.

The alliance's years-long effort to expand the debate beyond a single construction proposal has made some notable achievements. Jackson County created a transportation task force to study the road issue and appointed two alliance members to the group. A headline in the *Sylva Herald* on December 11, 2008, spoke the loudest about how far the alliance had come: "DOT Officials Say They'll Explore All Options for 107."¹ The NCDOT planned to study alternatives, conduct environmental impact studies, and collect input from citizens at public hearings and workshops before choosing a course of action in late 2012. The alliance had succeeded in preventing the question from being only whether to build or not.

While the Jackson County Board of Commissioners voted on a narrow 3–2 majority to include a revised version of NCDOT's original connector project in the 2010 Jackson County Comprehensive Transportation Plan (CTP), the alliance's public outreach succeeded in convincing commissioners to make improving the existing road a higher priority than constructing a new one. The year 2012 came and went without a final decision on the Southern Loop.

Two years later, the local community and the Southwestern Rural Planning Organization conducted a NC 107 corridor study that recommended repairs to existing infrastructure over building a new one. When the study was released, it won the unanimous endorsement of the Jackson County Board of Commissioners and the Town of Sylva Board of Commissioners. As a result, the current road improvements were funded in the state transportation plan. The connector was on hold. As the NCDOT stated bluntly in its project timeline, "2014: Work on the N.C. 107 Connector is suspended. . . . Based on the results of the 2014 ranking cycle, the proposed N.C. 107 Connector is not funded at this time, and studies are concluded for the time being."²

¹Stephanie Salmons and Lynn Hotaling, "DOT Officials Say They'll Explore All Options for 107," *Sylva Herald*, December 11, 2008.

²North Carolina Department of Transportation, "NC 107 Connector," www.ncdot.gov/projects/nc107connector/

By the time 2015 and a new round of prioritization arrived, the NC 107 connector was not even submitted for consideration. The project is at risk of being removed from the county's comprehensive transportation plan when Jackson County completes an update to that document in late 2016 or early 2017—an action that could be a final deathblow to ultimate project funding.³ While North Carolina has initiated the improvements to the existing road, an August 2015 newspaper headline indicates just how far the alliance has come: “Controversial Connector Is Shelved for Good.”⁴

HOW TO DEFINE THE PROBLEM

You know the feeling. You're listening to a speaker, watching television news, scrolling through your Facebook or Twitter feed, reading an Internet news site or smart phone app, or even talking to friends or family. You could be paying for electricity, taxes, insurance, or tuition. You might even be walking through a neighborhood park, canoeing down a river, or visiting a national park when it hits you. Something isn't right. You feel upset, even angry. Righteous indignation swells within you, and you find yourself saying something like, “There should be a law!” or “If only I were king or queen for a day!”

That feeling is the launching pad for active citizenship. When something you see, hear, read, or experience in your community, state, or nation causes you great anger or worry, and you realize that democratic institutions—the school board, city council, county commission, mayor, state legislature, governor, or even the U.S. Congress or president—have the power to address your concern, you are ready to embark on your journey as an effective citizen.

A Chinese proverb says that a journey of a thousand miles begins with a single step. Your first step in launching a citizen initiative is to understand and clearly state the problem you want to fix. Be specific and realistic. “I want my community to be a better place to live” is a nice sentiment with which almost everyone can agree, but it is far too broad and vague to be useful. More focused starting points might include the following:

- We don't feel safe because crime has increased in our neighborhood.
- Our drinking water looks, smells, and tastes nasty.
- In the past year, my property taxes have doubled.
- My small business is losing workers because I can't afford to set up a 401(k) plan for their retirement.
- Our daughter is one of 35 children in a single kindergarten class.
- The state wants to build a new expressway that would make it too noisy to think at my house.

³See Southwestern Commission Council of Government, “Jackson County,” www.regiona.org/rpo/jackson-county/

⁴Quintin Ellison, “Controversial Connector Is Shelved for Good, Debnam Says,” *Sylvia Herald*, August 12, 2015, www.thesylviaherald.com/news/article_8ef88ecc-4113-11e5-ae6b-337c3799d9ed.html

Do you see the difference? The statement of the first problem is so nebulous that the democratic process would not be able to address it. On the other hand, the latter statements address particular concerns for which citizen action may produce results.

When you feel anger, concern, or a passionate desire for change rising up inside you, consider whether the source of that feeling could become a political issue. Many people miss the potential for citizen action when they ignore these gut reactions.

Take this example: At a university's foreign language studies conference, the program director announces that undergraduate foreign language course offerings are being cut. The students in the audience are dismayed. How can they continue their studies with fewer language courses? One faculty member observes that the issue is one of choices: The university has prioritized academic subjects, and languages didn't make the cut. The professor urges the students to organize a plan for citizen action to force a reexamination of the choices made. The students have been confronted with an issue that is vital to their academic and professional careers. This is their moment to exercise active citizenship. With the right definition of the problem, they could begin the process of convincing the university to see foreign language instruction as a vital tool in preparing students to compete in the accelerating global economy. But the students appear unable or unwilling to believe they have the power to reverse the university's decision, and their lack of faith makes the decision that much more final.

Once you have concluded that your concern can be addressed through citizen action, the following steps will help you define this concern in the manner most likely to produce a positive result.

1. Look with a Telescope, Not a Microscope

Place the problem you have identified in a larger context. If you do this, you may find that others have the same concern—and that the community faces a collective challenge that requires a democratic response. For example, if you notice that your child's elementary school classroom lacks the necessary technology for effective teaching and learning, other parents at your school or at other schools may have the same concern. Because your local school board is much more likely to address an across-the-board problem than one that affects only a single student, see whether you can define the problem as inadequate technology throughout the entire school system—not just in your child's particular class.

The telescope will work better if you use the lens of history. Remember the wisdom in Ecclesiastes 1:9: "What has been will be again, what has been done will be done again; there is nothing new under the sun."⁵ While your citizen advocacy issue may seem new to you, chances are that it existed somewhere else in the past and produced insights and best practices that can be resuscitated.

Consider the example of prison reform, a goal that has gained bipartisan momentum at both the federal and state levels in recent years. As former National Rifle Association and American Conservative Union president David Keene

⁵Ecclesiastes 1:9 (New International Version).

explained the concern in a 2015 report from the Brennan Center for Justice at the New York University School of Law, “America locks up too many people for too long. We do little to prepare them for their release. Then we lock up more than half of them again and again.”⁶

The support across ideological lines for prison reform has resulted in some old ideas becoming new again. Twenty years after Congress prohibited the use of federal dollars on prison college education programs, states are again prioritizing higher instruction as part of the rehabilitative process.⁷ California, New York, Washington, and other states are directing more funding to inmate higher education, and almost every state has sought to participate in the U.S. Department of Education’s 2015 initiative to make Pell Grants available for prisoners taking college courses.⁸

You don’t have to reinvent the wheel. History will repeat itself. Adjust your telescope and look for opportunities to apply the lessons of past experience.

2. Focus the Telescope if Necessary

Politics is the art of the possible, and sometimes it is necessary to narrow the larger context if the wide-angle view presents an outsized target. Don’t throw a Hail Mary pass when what you really need is a first down. For example, you may be a local store owner who is concerned that your state’s taxation system does not treat small businesses fairly. However, you are even more concerned about the competitive advantage that Internet hardware suppliers enjoy. You are required to collect sales taxes when your customers buy hammers in your store. Because your Internet competitors can escape that requirement, they can sell hammers for less than you do. If you learn that the state is scheduled to explore the issue of sales tax fairness, and you want to present your side of the issue, you will increase your chances of addressing the most important part of the problem if you define and focus it as an Internet sales tax collection issue and leave other perceived tax inequities for future citizen action.⁹ As we will discuss more in chapter 6, timing is everything when it comes to influencing policymakers.

⁶Times-Union Editorial, “Prison Reform Now Is Bipartisan Movement,” *Florida Times-Union*, November 4, 2015, jacksonville.com/opinion/editorials/2015-11-04/story/prison-reform-now-bipartisan-movement; The reference cited here is David Keene, “A Real Mental Health System,” in *Solutions: American Leaders Speak out on Criminal Justice*, ed. Inimai Chettiar and Michael Waldman, 49–54 (New York: Brennan Center for Justice at New York University School of Law, 2015), 49, www.brennancenter.org/sites/default/files/publications/Solutions_American_Leaders_Speak_Out.pdf

⁷Josh Mitchell and Joe Palazzolo, “Pell Grants to Be Restored for Prisoners,” *Wall Street Journal*, July 27, 2015, www.wsj.com/articles/pell-grants-to-be-restored-for-prisoners-1438029241

⁸Donna Gordon Blankinship, “College Behind Bars: An Old Idea with Some New Energy,” *The Big Story*, March 1, 2016, bigstory.ap.org/article/2d2d0b63ef054c5298a27da86a8bde95/college-behind-bars-old-idea-some-new-energy

⁹Brian Fung, “Why You’re Paying Sales Tax on that Cyber Monday Deal, But Others Aren’t,” *Washington Post*, November 30, 2015, www.washingtonpost.com/news/the-switch/wp/2015/11/30/why-youre-paying-sales-tax-on-that-cyber-monday-deal-but-others-arent/

3. Begin with the End in Mind

In his famous self-help book *The Seven Habits of Highly Effective People*, Stephen Covey urges readers to “begin with the end in mind.” As he explains, “To begin with the end in mind means to start with a clear understanding of your destination. It means to know where you’re going so that you better understand where you are now and so that the steps you take are always in the right direction.”¹⁰ The same advice applies as you define your problem for citizen action. At the end of the process, elected or appointed decision makers at some level of government are going to give a thumbs-up or thumbs-down to your initiative. The chances of pointing those thumbs in the right direction increase if you think carefully about how to frame the problem so officials can relate to it. Fortunately, you have expert advice on how to hardwire yourself into an elected official’s brain from a sitting member of the United States Congress.

TIPS FROM THE PROS

Anticipate the Decision Maker’s Needs

CONGRESSMAN DEREK KILMER



The late great Native American leader Billy Frank Jr., when advising others regarding how to advocate effectively, gave a simple direction. “Tell the truth,” he said, “and tell your story.”

But how do you tell your story? There are a handful of questions an advocate can answer to make his or her case effectively.

1. What’s the problem you’re trying to solve or the opportunity you’re trying to capture? Policymakers want to make a difference. That’s easier when you can identify the difference you want to be made. What’s wrong? What could be better?
2. Why is it a legitimate problem? Make a case for why you have a problem that needs solving. When possible, use statistics or stories to strengthen your argument. For example, it’s one thing to identify a problem. Rising sea levels, for example, are a problem for coastal communities. But it creates a greater sense of urgency for a policymaker when he or she hears that the local childcare facility has persistently flooded, putting kids at risk. It’s more compelling when one learns that the community has faced a “100-year flood” in four of the last seven years. Know the specifics of your story and have details to back it up.
3. What’s your proposed solution? A public official needs to know how you plan to take this from a problem to a solution. If you were calling the shots, what would you do to fix the problem?

(Continued)

¹⁰Stephen R. Covey, *The Seven Habits of Highly Effective People* (New York, Free Press, 2004), 98.

(Continued)

4. Why is that a legitimate solution? You have to make sure that what you are proposing is realistic. If you want to solve a gridlock traffic problem don't say that we need flying cars on our roadways. Find out how—whether through construction projects or additional mass transit options—to solve the community's traffic congestion woes. If you have data or case studies or any backup sources to indicate that your solution is the right one, use them to strengthen your argument.
5. What are the consequences—intended or unintended—of the solution? Take a holistic approach to the problem you are trying to solve. Policymakers will often ask, "But if I do what you're asking me to do, won't 'x' happen?" Make sure you have thought through the outcomes your solution could produce.
6. Who are key stakeholders and what is their position on this issue? Policymakers will often want to know "who is for this?" and "who is against it?" You need to be able to say how your solution might affect others and what they might think. Elected officials will not want any surprises. And be honest. If you try to gloss over potential opposition, you might damage your relationship with the leader over the long haul.
7. What's "the ask?" Know what you want from the policymaker. Is it an endorsement of a plan? Or a letter to an agency? Do you want a bill introduced? Be specific and know what success looks like for your meeting.

Derek Kilmer was elected in 2012 to represent Washington State's 6th Congressional District in the United States House of Representatives. He serves on the House Appropriations Committee. Prior to his congressional service, Derek served in the Washington State House of Representatives from 2005 to 2007 and in the state Senate from 2007 until 2012. While in the Washington State Legislature, Derek was the principal writer of the state's capital budget.

4. Suggest Solutions as You Define the Problem

Whether you want to improve your neighborhood park or have the federal government change banking laws, your goal is to alter policy. Consistent with Congressman Kilmer's advice to be solution oriented, your definition of the problem should either implicitly or explicitly identify the desired outcome. In the Jackson County example that began this chapter, opponents of the proposed bypass shrewdly made the campaign about "smart roads" and "smart growth", setting up a litmus test the planned highway, which interfered with homes, businesses, agriculture, and the environment, could not pass.

5. Define the Problem in Public Terms

Political consultants correctly tell their candidates that voters will usually remember no more than a sentence or two about them. Depending on the size of the electorate and the office being sought, thousands or even millions of dollars are devoted to ensuring that voters remember the right sentence or two when they see a particular

candidate's name on the ballot. Even though your "campaign" may be more about persuading policymakers than voters, you need to brand your issue in a succinct yet memorable way that drives home your central goal.

One group of motivated and creative citizens did exactly that in persuading voters to put new environmental protections in the Florida Constitution. This coalition was alarmed at the rate of development that was burying the state's coastal areas in condominiums, destroying forest lands, and paving over wetlands. Coalition members wanted to find ways to preserve more land for public use. They sought to persuade the state legislature to put two constitutional amendments on the next general election ballot—each to earmark a portion of the state real estate transfer tax for public land acquisition. The legislature agreed, even though many of those who voted to put the amendments on the ballot secretly believed they had no chance of passage in a state that prided itself on economic growth and individual property rights.

Early in the legislative session, the environmental advocates had secured the first and second general election ballot spots for constitutional amendments. They would be pushing Amendments 1 and 2, and they turned that favorable placement into a memorable slogan: $1 + 2 = \text{Lands for You}$. When Election Day arrived, most voters knew that mantra by heart. The campaign imprinted all of its materials with the catchy label and unveiled two signature images: one, a lake with happy campers in canoes and, two, a pastoral wetlands landscape. A volunteer songwriter penned a $1 + 2$ jingle, and the campaign gave donors its two signature images to distribute to other possible supporters. At every rally, press conference, and public appearance, the proponents of Amendments 1 and 2 drove home the point that the preserved lands "would be for you." Voters remembered that when they walked into polling places and overwhelmingly adopted the amendments.

6. Be Prepared to Refine the Problem

Take care not to think of defining the problem as a static step in the citizen engagement process. As you conduct research, determine which level of government is the appropriate place to address a problem, test public opinion, engage the media, and raise resources, you may need to refine your definition to make it as compelling as possible to decision makers and those people and public forces that influence them. While you will read more about this effort in chapter 7, you may already be aware that lesbian, gay, bisexual, and transgender (LGBT) advocates around the nation have worked for years to expand local human rights ordinances (HRO) to include sexual orientation and gender identity as characteristics protected from discrimination in housing and employment. Some of these initial efforts were unsuccessful. But then many HRO advocates correctly decided to focus on the economic impact of not offering this protection by showing that companies are less willing to invest in a community if they don't think all of their employees will be legally protected. That pivot reflected a wise refinement on their part to make the HRO a business development issue, one that could appeal to a broader range of the political spectrum.

7. Repeat, Repeat, Repeat

Over the next few chapters, you will learn many skills to help make your citizen initiative a success. Just remember that your definition of the challenge to be resolved is the North Star of your efforts. This statement of the problem is your inspiration, and

to lose sight of it is to abandon the very concern that motivated you to act in the first place. Summarize your problem in a single sentence, and repeat it to yourself before and during each step in the process outlined in the pages ahead. You won't get lost if you hold tight to your compass.

CHECKLIST FOR ACTION

- Look with a telescope, not a microscope.
- Focus the telescope if necessary.
- Begin with the end in mind.
- Suggest solutions as you define the problem.
- Define the problem in public terms.
- Be prepared to refine the problem.
- Repeat, repeat, repeat.

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