ABSTRACT

Dissertation:	DELIBERATION AND LEGITIMACY IN ECONOMIC DEVELOPMENT POLICY
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Most policy decisions are channeled through deliberative forums, such as a city council or state legislature. Economic development is a frequent concern in those deliberative forums, as economic development policy can greatly affect the life and livelihood of constituents. Yet the process of economic development policy can be enigmatic, intimidating, and/or inequitable. Accordingly, this dissertation analyzes economic development in localized policy processes and decisions. The driving goal is to better understand and ameliorate policy problems, especially problems of democratic deliberation and legitimacy. Thus, this dissertation joins other works that aim to "illustrate how rhetoric engages advocates and audiences alike to frame public problems and identify policy solutions."[1]

This dissertation uses case studies as the basis for qualitative analysis. The case studies are distinct episodes of economic development decisions and campaigns. Rhetorical analysis is the main method of analysis. But this dissertation also honors the goals of a "problem structuring" study, where policy problems are interpreted, organized, and more clearly defined.

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[1] Asen, Robert. "Introduction: Rhetoric and public policy." *Rhetoric & Public Affairs* 13, no. 1 (2010): 5.

Furthermore, each case is structured as an ecological study. This intensive observation of past situations and decisions allows a more concentrated focus on policy problems.

Chapter one introduces the frame of work, methods, and goals. Chapter two is an intensive look at the economic development policy of Harrisburg, PA from 1999-2003. This centers around an aging trash incinerator and encompasses issues such as environmentalism and social justice. Chapter three observes university-centered economic development. A series of case studies shows how universities employ similar rhetorical appeals to secure funding and investment. Chapter four addresses democratic legitimacy. After defining the term, the case studies of previous chapters are re-analyzed to uncover problems of democratic legitimacy.

In using this localized focus and distinct methodology, this dissertation endeavors to ameliorate policy problems in the analyzed cases. Yet these problems are often analogous to policy processes in many other contexts. Therefore, this dissertation is applicable to many policy situations across the country.

DELIBERATION AND LEGITIMACY IN ECONOMIC DEVELOPMENT POLICY

by

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CHAPTER 1: Introduction

This study began with a desire to help. As a long-time resident of Harrisburg, PA, I experienced the shortcomings of policy first-hand – mostly through my wallet. Parking costs were indefensibly high. Fees for trash and sewer costs were also remarkably inflated and subject to sudden increases or random one-time fees. For several years, a "special tax" was levied on all residents and commuters to save the Harrisburg School District, and an aggressive collection company was retained to see it through. All this extra money did not seem to reach the city itself, though. Urban parks were crumbling or simply closed. Blight was common in many parts of the downtown area. Vagrancy and homelessness were pervasive problems, with small camps of displaced people in many city alleys. Non-major city streets were in disrepair, and other streets were simply dangerous to walk through at any time of day. This imagery reflected recent developments; Harrisburg suffered a municipal bankruptcy, an insolvent school system, a Mayor arrested for fraud, and a series of accompanying public service failures. How did it all happen? What decisions and policies led to the sorry state of the city? Why did the people tolerate such things? These questions led to my opening focus on the policy issues of Harrisburg, PA.

Farther north, but in a quite similar situation, is Albany, NY. Albany and Harrisburg are both state capitals, former industrial centers, and in serious economic declines. Urban Albany remains a shell of what was built in the 1920's and 1930's. The landlords, who own and maintain the pre-war townhouses, extract inflated rents from college students and wage workers. The State Capitol area is built like a fortress, being a relic of the Cold War era, and not exactly an inviting

visage for those living nearby (it also makes traffic a nightmare at rush hour). As my one friend put it, "Once you drive into Albany, you travel back in time." Albany's unique and most pervasive issue is its troubled relationship with the international metropolis and financial capital of New York City (NYC). The wealth of NYC somewhat radiates to the north, as wealthy city-dwellers often patronize Albany's private schools and/or Universities. The area also enjoys seasonal tourism from skiers and "leaf peepers," which increased during the Covid-19 lockdowns. Yet the general disparity of the state's wealth and population presents some persistent policy issues. NYC has enormous influence on state government, policy, and even local concerns in Albany. NYC's influence only increased during the Covid-19 pandemic, as NYC was the initial epicenter of the virus. In most contemporary policy matters, Albany remains an afterthought. Where Harrisburg was somewhat able to address their own problems (the many special taxes and fees, for instance), Albany must wait for NYC to notice its troubles and then approve any policy ideas. This dynamic would eventually lead to a large and energetic economic development campaign, which I explore in Chapter 3. The overall situations in Harrisburg and Albany are at least analogous to many situations across America. How do smaller cities – those less influential in state and national policy – take a stake in their own development? And how are the people of those smaller cities represented?

This study is not designed to criticize these locations, nor to comment on their culture, nor to lament the downfall of Middle America. These locations are the background for policy debates on economic development. The common theme of the locations is the apparent need for reinvestment or reinvigoration, to enjoy the "goods of technology" that come through economic development. These locations do not comprise the entirety of economic or cultural situations across America. Indeed, they speak more closely to specific regions of America, i.e., the "Rust

Belt" and other former industrialized areas of New England and Mid-Atlantic states. Yet I believe their example can be stretched across America, as the disparities of wealth and opportunity often manifest in proximity. Thus, the main goal of this study is to better understand and ameliorate the policy issues within these cities, and hopefully beyond.

At a larger level, this study joins the effort to ameliorate social issues in a peaceful and orderly way. I focus on America while acknowledging the many national problems in other parts of the world; what may work in America probably will not work in other places. America is officially a federal democratic republic, though sometimes judged as a plutocracy or aristocracy. There are plenty of reasons to decry America's governance and lament the injustices of the system, overall. Yet, I believe that peace and happiness are better preserved by working within the system and by improving the system. Modern national revolutions, in their many forms, are usually painful and tragic affairs. The 20th century is proof enough of that. So, while I have many issues with America's system of governance, and I appreciate that many people are suffering, I firmly believe that the people benefit more by working *within* the flawed system. My study proceeds accordingly.

Rhetoric and Public Policy

This study engages policy analysis, rhetorical study, and economic development. There is a vital legacy in this cross-section of fields, which connects the important work of democratic deliberation to the problems of modern economic policy. In the 1930's, John Dewey was deeply troubled by The Great Depression and the attending social issues thereof. In his 1935 work, *Liberalism and Social Action*, Dewey endorsed Liberalism and its traditions, despite great

synchronous Marxist sympathy. When considering the "essential elements of liberalism," Dewey proposed a list of three: liberty, individual development through liberty, and "the central role of free intelligence in inquiry, discussion and expression."[1] While Dewey found shortcomings in all three of these elements, it is the final element – free intelligence – that Dewey analyzes most closely. "Free intelligence" encompasses the more modern ideas of freedom of inquiry and freedom to criticize government. All these freedoms are necessary for a democracy to function honestly and optimally. In short, Dewey believes that free intelligence is what makes democracy and liberalism superior to their alternatives. But free intelligence has been historically compromised. As the power of business rose with industrialism, business interests overtook the powers of inquiry, criticism, and democratic efficacy. By liberalism's own principles of free exchange and individual accountability, free intelligence became the virtual property of the upper class. And so, free intelligence began to work against the "mass of people." In the long run, this harmed all Americans (including the wealthy), as displayed by the failures of The Great Depression.

With the modern-day prevalence of Neoliberalism and Economic Nationalism, Dewey's formulations seem disturbingly familiar. The disparity between rich and poor is as stark and unnerving as it was in Dewey's time. One could easily conclude that America continues to exist in an "era of power possessed by the few."[2] In response, the wealthy may espouse the "justifying apologetics" of free trade, meritocracy, and trickle-down economics. [3] Such tenets, sometimes crystallized in national law, have rarely elevated the modern working class of America. Yet these

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[1] John Dewey, *Liberalism and Social Action* (New York: G.P. Putnam's Sons, 1935), 32.

[2] Ibid., 36

[3] Ibid., 34

tenets continue to be politically tenable, so much that they expand their reach into all aspects of governance. *Citizens United* is a clear and modern example of this arrangement: the right to freedom of speech somehow morphed into a freedom of capital in politics.[4] The latest byproduct of conservative economics, Economic Nationalism, likewise does little to enhance the liberty or wellbeing of a majority of its constituents. Like Dewey's pre-war liberals, Economic Nationalists espouse the virtue and magnanimity of their program while enjoying the legal and economic protections thereof. In short, America's current economic situation is entirely analogous to 1935. Economic laws and regulations are justified and coded in law, to the benefit of the few and the wealthy. And without "free intelligence" in American democracy, there is little that the "mass of people" can do to change the situation.[5] In *Liberalism and Social Action*, Dewey wonders how such a state of affairs contributed to the great evils already seen in the early 20th century: wanton colonialism, horrifying world wars, and widespread hunger.[6] While the 21st century has no world wars to speak of (yet), it does possess several great displacements, refugee disasters, and violent religious and/or racial persecutions.

According to Dewey, this series of crises can be ameliorated in two ways: education, and "the formation of social policies in legislation."[7] Rhetorical scholars are certainly concerned with both education and the "formation of social policies" – what is today often called policy studies or policy analysis. Generally, rhetoricians are moving with an increased urgency as social and economic disparities seem to be widening. Since most rhetorical scholars are also teachers, many

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[4] *Citizens United v. Federal Election Com'n*, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753 (2010).

[6] *Liberalism and Social Action*, 35

[7] *Liberalism and Social Action*, 46

see education as a worthy answer to the problems described by Dewey. In the summative volume *Rhetorical Education in America*, William N. Denman confirms that "Those whose rhetorical resources have been constrained can add their voices through the practice of rhetoric and participation in civic life."[8] The teacher, then, must provide the communication and rhetoric skills that enable such practice and participation. Denman more confidently declares that "It is time to bring the "citizen-orator"—and the "citizen-writer"—back into the college curriculum." The zeal for increased rhetorical education perhaps reached its peak with the publication of *The Mt. Oread Manifesto on Rhetorical Education 2013*. The *Manifesto* speaks on behalf of a large group of rhetoric scholars.[9] As might be expected from a manifesto, much of the language seeks to unify both scholars and curriculum. The authors specifically claim that, "Though their history within separate disciplines obscures it, rhetoricians have a common interest." That common interest is apparently concealed by the separation of departments and specialties. The *Manifesto*'s overall goal is a grand consolidation of scholars and teachers, under the rule of Rhetoric, to "develop citizen participants, not simply future employees or more literate students."[10]

While this educational passion may have subsided in recent years, the idea of using education as corrective social action is still alive in most English departments. And despite the sometimes-herculean efforts of rhetorical scholars, most colleges have found that substantial change is challenging. Entrenched interests are difficult to move without crisis, and economic

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[8] William N. Denman, "Rhetoric, the "Citizen-Orator," and the Revitalization of Civic Discourse in American Life," *Rhetorical Education in America*, 12.

[9] William Keith and Roxanne Mountford. "The Mt. Oread Manifesto on Rhetorical Education 2013," *Rhetoric Society Quarterly* 44, no.1 (2014): 1-5.

[10] Ibid., 3

pressures continue to mount upon the Liberal Arts. William Keith, one of the *Manifesto*'s

primary authors, virtually admitted defeat in a later article.[11] Keith elaborates how most

instructors could only change those courses directly under their control: First-Year Writing and

First-Year Speech. While re-focusing those courses to more civic-based goals is laudable, these

changes can only ever have a limited effect. Indeed, most college students have professional

goals and look upon university study as an investment. Most students want to be, as the

Manifesto says, "future employees." This leaves little room and little patience for extra-

professional activities like civic life and democratic forums.

How, then, can we address the problems of free intelligence and the gap in deliberative

power as described by Dewey? In recent years, rhetorical scholars turned to more direct

intervention while maintaining an educational focus. In his chapter, "Coming Down from the

Ivory Tower: Writing Programs' Role in Advocating Public Scholarship," Dominic DelliCarpini

describes how his curriculum at York College "asked students not only to complete the act of

scholarly deliberation, but to simulate the ways in which the fruits of academic research and

discussion could then be transferred to a wider public."[12] In his program, DelliCarpini's students

must figure out how to apply their classroom-based knowledge in a public project. He explains

how classroom practices can merge with public (i.e., civic) action in a mutual program:

> Our curriculum is meant to mount different arguments: that academic research
>
> and disciplinary-based academic essays do in fact have value, and that it is

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[11] William Keith. "Understanding the Ecology of the Public Speaking Course." *Review of Communication* 16, no.2-3 (2016): 114-124.

[12] Dominic DelliCarpini, "Coming Down from the Ivory Tower: Writing programs' role in advocating public scholarship," *Going Public*, 209.

important that educated individuals go public by using the expertise that they develop as they write in those academic genres.… The academic essay and the disciplines it represents, are crucial heuristics, providing students with a process and format for [public] writing.[13]

DelliCarpini's outreach work provides a pedagogical purpose for the college students (and grad students/teachers) who take part in the intervention. Other scholars have taken similar approaches to rhetorical education. Linda Flower recently developed a community project as part of a graduate seminar titled "Leadership, Dialogue, and Change."[14] This project was developed in partnership with local community members and structured as a collaborative "thinktank." In this environment, graduate students used methods learned in the classroom in order to identify social problems. Flower then outlines a "difference-driven inquiry" that offers a methodology and ideological foundation for rhetorical work in the community. This form of inquiry acknowledges the generative potential of disagreement, contrasting the typical insistence on consensus and majority rule. While such inquiry is ostensibly educational, Flower also lauds the "incremental knowledge transformation going on in local publics," which can lead to positive change.[15] Among Flower's goals are desires to shift the perspective on local deliberation and reach a more productive and more inclusive mode of analysis.

My study takes a different approach to reach similar goals. The core goal of my study is to better understand policy processes and problems in local cases of economic development

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[13] Ibid., 199

[14] Linda Flower. "Difference-Driven Inquiry: A Working Theory of Local Public Deliberation." *Rhetoric Society Quarterly*, vol. 46, no. 4 (2016): 308–330.

[15] Ibid., 328.

campaigns and appeals. The major secondary goals are to show a pathway to "positive change" in public discourse, and to increase the "fruits of discussion" in policy procedures.[16] To achieve these goals, I engage the traditions of rhetorical analysis and policy analysis. I likewise embrace the established subfield of Rhetoric and Public Policy. At present, Robert Asen is the foremost scholar in this subfield, and for good reason. His models illustrate the value of combining rhetorical analysis with policy studies. In his first major work, *Visions of Poverty*, Asen recalls historical debates on national poverty policy.[17] Wherein, Asen unlocks new, rhetorically-based ways of analyzing policy matters. Asen sees the idea of "representing" (either one's own views or a group's views) as the essential rhetorical moment in policy matters: "Representing entails contest and struggle as participants in public debates and controversies seek to sustain, modify, or supplant representations that circulate through public discourse."[18] These kinds of understandings, belying rhetorical powers, go unanalyzed or underappreciated without concentrated rhetorical analysis. Asen uses rhetorical aspects such as "imagery" and "imagination" to better understand the problems of a national policy on poverty. Analyzing policy procedures and debates with this kind of rhetorical lens unlocks new ways to understand, and hopefully ameliorate, important policy problems. My study adopts Asen's general perspective. Thus, I echo Asen's goal to reveal "cases where interlocutors attempt to deny [rhetoric's] presence… where they actively employ the generative power of rhetoric."[19] Indeed,

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[16] Paraphrasing Flower and DelliCarpini, respectively, above.

[17] Robert Asen, *Visions of Poverty: Welfare Policy and Political Imagination* (Michigan State University Press, 2002).

[18] Ibid., 12.

[19] Robert Asen. "Introduction: Rhetoric and Public Policy." *Rhetoric & Public Affairs*, vol. 13, no. 1 (2010): 5.

understanding the rhetorical positions, appeals, and motivations of stakeholders makes policy problems more palpable and democratic discrepancies more obvious.

This study also demonstrates the real and practical work that a policy analysis can do, even in a rhetorical mode. To that end, I am in debt to the foundational work of Frank Fischer in *ReFraming Public Policy: Discursive Politics and Deliberative Practices*. Fischer holds that, historically, there was a complete focus on policy results and little or no focus on the process of achieving those results. In evaluating a historical case of national welfare policy, Fischer recalls a long era in American History when policy analysis was lacking. Many policy specialists and politicians focused on data and various semi-scientific methods, approaching policy in a very quantitative and mechanical way. Policy was seen as a math problem, which includes Fischer's analysis of historical poverty debates; "All too often it was merely assumed that… the poverty problem could be solved."[20] This reveals a serious failure of communication. There was a gulf "between the resources and the commitment on the one hand and those of need of help on the other." To solve this pervasive problem, a more qualitative, and indeed reflective, approach was needed. Fischer then sketches how an increased focus on the *implementation* of policy (rather than results) led to serious improvements in policy process throughout the 1970's. Fischer aims to continue that good work. Most importantly, this study echoes Fischer's belief that policy studies "[begins] with the promise of improving policy decision-making."[21]

In this study, I take a joint perspective from Fischer and Asen. I think both scholars largely agree on the potential and goals of their studies. Yet Asen better demonstrates the

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[20] Frank Fischer, *Reframing Public Policy: Discursive Politics and Deliberative Practices* (Oxford University Press, 2003): 7.
[21] Ibid., 3.

potential of rhetoric in policy analysis (honoring the subfield of Rhetoric and Public Policy), while Fischer more concisely and emphatically honors the work and applicability of policy analysis. Like Asen, I firmly believe that the rhetorical tradition is more than valuable to the practice of policy studies. Furthermore, I believe that rhetoricians are generally more proficient in civility and impartiality, and thus, have distinct advantages when analyzing policy matters. In an era so often divided by party and corporate interests, it is certainly prudent for rhetoric scholars to begin deciphering and resolving policy problems. But this work should not exist only in discussion between professors and scholarly journals. So, like Fischer, I believe academic policy work should aim to improve the process of policy formation. And such should be the goal from the outset. Rhetorical scholars can use a distinct and systematic methodology (also implored by Asen) to present studies that can improve current policy processes.[22] Both Fischer and Asen assert the value of analyzing past policy procedures and decisions in order to improve future procedures and decisions. This type of study can be applied in many fruitful ways, including: (1) maximizing the limited resources of government, (2) ameliorating some of the pervasive socio-economic issues of our time, or (3) increasing social trust and stability through a genuine advancement of democratic processes.

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[22] Asen, "Introduction: Rhetoric and Public Policy," 3-4.

Methodology: A "Problem Structuring" Ecology of Texts

In Rhetoric, a debate starts with *stasis*, or the determination of the facts and/or opinions that are in dispute. In Policy Analysis, studies start with "problem structuring," in which policy problems are sufficiently discovered and identified so that a solution can be later formulated. *Stasis* is usually able to find what facts and opinions are at issue, or at least categorize them sufficiently enough to allow a debate to proceed. Problem structuring, on the other hand, is more nebulous. To start, one can assume that all analysts want to improve the policy process. Yet, "policy analysts, policy makers, and other stakeholders hold competing assumptions about human nature, government, and opportunities for social change."[23] Because of these important variables, as well as the general complexity of policy problems in themselves, the methodology of problem structuring must be a careful and thorough process.

In this dissertation, I structure case studies and their analyses with a problem structuring mindset. I also honor the goals of a problem structuring orientation: finding hidden problems, understanding difficult problems, and interpreting problems with a goal of amelioration. Because the studies in this dissertation are rhetorical analyses that use rhetorical terminology, I cannot fully embrace "problem structuring" in strict terms. Nonetheless, my studies are at least *inspired by* the potential of a problem structuring study. This orientation brings a measure of scholarly precision; even a rhetorician can assume that they hold certain proclivities, biases, and subjective ideas of right/wrong. Therefore, it is very important to separate "problem structuring" from "problem solving" work. First, this separation discourages any confirmation bias or belief bias,

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[23] William N. Dunn, *Public Policy Analysis: An Introduction*, third edition (Pearson Education Inc., 2004): 71.

thus promoting a more accurate approach and more useful findings. Second, even the most sensitive analysis can devolve into a supercilious argument, especially where evidence gives room for interpretation. A problem-structuring orientation discourages this proclivity. Accordingly, the main goal in my case studies is "to assist in discovering hidden assumptions, diagnosing causes, mapping possible objectives, synthesizing conflicting views, and discovering… new policy options."[24] Ideally, this approach presents options to ameliorate policy problems, rather than arguing for prescribed solution(s).

"Problems" are an essential part of this and related studies, and thus require further attention. Consider that many problems are obvious. People are suffering from unemployment, their children have inadequate public schooling, and other public services are poor or worsening. These are known problems, or what policy analysts may call "metaproblems." For example: one might ask the question, "How do we fix the poverty in this city?" Yet, that question is perilous because the *metaproblem* of poverty is actually a number of linked problems all gathered under the subject of "poverty." Any attempt to fix a metaproblem is practically impossible and certainly inefficient; metaproblems are a hallmark of politicians, but a waste of time for serious analysts. Accordingly, much of the analytical effort in this study is moving from metaproblems to "formal problems." In a formal problem, you have both the category of the problem (economic, social, rhetorical, etc.) as well as "the nature of the problem itself."[25] That is to say, the problem is specific enough that there are no longer any problems with the problem. A formal problem can stand on its own without interpretation or delineation of factors, circumstances, etc. Getting from metaproblem to formal problem(s) takes a concentrated analysis and

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[24] Ibid., 55.

[25] Ibid., 82-85. Quote on p. 85.

comprehensive consideration of a situation. Yet it is certainly worth the effort, because formal

problems have a real chance to be solved. Much of the analytic work in my case studies is

breaking down metaproblems, such as pollution or unemployment, into more manageable formal

problems.

In a typical policy study, analysts use model-based analysis, data-based analysis,

quantitative comparisons (usually involving money or voting numbers), or a combination of

these types. These are efficient ways to reveal problems at scale. However, they offer little in the

way of understanding political power, stakeholder influence, or other deliberative shortcomings.

They can also fall into the troubling patterns described by Fischer, becoming strictly data-reliant

and end-based exercises. That is where rhetorical analysis comes in. Rhetorical analysis can

scrutinize policy procedures and deliberative processes in a qualitative way. Modern rhetoricians

have already started some of this valuable work. For instance, W. Michele Simmons observes

several cases of environmental policy enactments in *Participation and Power: Civic Discourse

in Environmental Policy Decisions*. Simmons shows several documented instances where the

local citizenry could comment or ask questions of officials, but the power to make a decision

ultimately rested with a board of advisors, a political committee, or even an appointed director.

Simmons asserts that "public discourse influenced technical decisions, but only when scientific

advisory boards supported the public contributions."[26] In her observed cases, political

justification came from scientific studies and projections, rather than open debate and

deliberation. While Simmons acknowledges that such specialized knowledge is very useful, she

also notes that "technical experts often do not have the local knowledge about how a particular

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[26] W. Michele Simmons, *Participation and Power: Civic Discourse in Environmental Policy Decisions* (State University of New York Press, New York, 2007): 33.

policy would affect a particular community." In many local debates, the local citizenry is only partially acknowledged, or dismissed for lack of expertise, or only allowed into the process after the decisions are effectively made. Noting these tendencies, Simmons declares that "we must examine not only whether the public is allowed to participate in environmental decisions, but also whether they are granted the power to directly influence the decision."[27] Simmons thus shows a productive path for Rhetoric and Public Policy. The cases in this dissertation seriously consider not only the accessibility of the public, but also the deliberative power of the public. Especially at Harrisburg, this line of criticism reveals important policy issues.

Rhetorical analysis can be applied more locally and more intimately, as Candace Rai does in *Democracy's Lot: Rhetoric, Publics, and the Places of Invention*. Invoking the ancient maxim that rhetoric is based on context, Rai asserts that "this perception must be pushed to its radical extreme as profound immersion and understanding of the immanent enmeshments of all that constitutes the world."[28] Noting that a rhetor must be able to observe all the available means of persuasion (à la Aristotle), Rai holds that context and environment are understudied areas in modern rhetoric. By concentrating effort on a small scale, Rai intends to find the "rhetorical ecologies that are already invested with material constraints, political textures, ideological vectors, affective valences, normative social relationships, and salient rhetorical structures."[29] Looking at the Wilson Yard in uptown Chicago, Rai traces the progress from an empty space to a hotly debated development of retail shopping and "affordable housing."[30] Through her analysis,

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[27] Ibid., 36

[28] Candice Rai, *Democracy's Lot: Rhetoric, publics, and the places of invention* (University of Alabama Press, 2016): 6.

[29] Ibid., 7

[30] Ibid., 66-72

Rai finds that "the paradoxes of democracy are exhibited in the most grounded everyday publics – publics that are radically diverse, educated, morally driven, and engaged in projects passionately taken to be in interest of the public good."[31] My case analysis reiterates the potential of "everyday publics" to reveal larger issues of democratic governance and the public interest, and also embraces the appreciation of local contexts.

Where Rai is concerned with the importance of ideology and "salient rhetorical structures," David Fleming speaks more to demographics and measurable metrics. Both sides are important, and both are a part of my study. In *City of Rhetoric*, Fleming asserts that "modern cities "suffer politically and rhetorically from the socioeconomic fragmentation, decentralization, and polarization of the United States."[32] Fleming seeks the safe and open spaces where American democracy can benefit from the civic and cultural wealth of the modern city. Focusing on a particular neighborhood in Chicago – Cabrini Green – Fleming shows how cities are often segregated by class, economic status, and indeed race. Effectively, the (predominantly Black) citizens of Cabrini Green are civically stifled because their environment is filled with crime, danger, and blight. This environment has rhetorical power, and only a rhetorical study can uncover the latent problems therein. Besides reinforcing the importance of context and qualitative policy studies, Fleming succinctly states the enduring importance of cities: "We still live together in permanent settlements: if anything, we are more enmeshed in our cities – more "political" – than ever, and those cities are more diverse, and more complex, than ever."[33] Both Fleming and I explore the contradiction of "more political," yet less democratic, cities.

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[31] Ibid., 202.

[32] David Fleming, *City of Rhetoric: Revitalizing the public sphere in metropolitan America* (SUNY Press, 2008): 14.
[33] Ibid., 14.

To summarize, this study adopts 1) the analytic process of Simmons, 2) the local-context focus of Rai, and 3) the consideration of social and economic pressures revealed by Fleming. All three authors engage issues of modern economic development. Accordingly, this study focuses on economic development policy.

Economic Development

This study does *not* engage the entire range of economic development, which includes the vast fields of economics and political science. Yet, because this study is focused on economic development policies and campaigns, it seems wise to establish the basics of the term "economic development." These basics are most famously outlined in the oft-cited work of economics, *The Theory of Economic Development*, by Joseph A. Schumpeter. To grossly summarize: the progress of technology and the progress of social conditions rarely coincide. Schumpeter sees this as the reason why "we see all around us in real life faulty ropes instead of steel hawsers, defective draught animals instead of show breeds, the most primitive hand labor instead of perfect machines."[34] Economic conditions often explain technological shortcomings: there simply are not enough resources for everyone to have the best technology. Schumpeter further explains that "The economic best and the technologically perfect [usually] diverge, not only because of ignorance and indolence but because methods which are technologically inferior may still best fit the given economic conditions." Because of this, much of society lacks the

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[34] Joseph A Schumpeter, *The Theory of Economic Development: An inquiry into profits, capital, credit, interest, and the business cycle* (Transaction Publishers, 1982), 15. This work was originally published in 1934, translated from the German. So, one should note its enduring influence and forgive its dated references.

"goodness" that comes with technological progress. According to Schumpeter, this shortcoming of goodness is the *sans égal* rationale for economic development. Furthermore, as Schumpeter explains at considerable length, the ability to produce goods is more desirable than the goods themselves.[35] There are two main reasons for this: (1) people will have the ability to continually produce goods over a long period of time, thereby resulting in more "goodness" in the long run, and (2) people have the ability to adapt the "goodness" as times and conditions invariably change. Therefore, it is better to build a factory and supply well-paying jobs than to simply give money to people on the street. All these reasons and metaphors are familiar and oft-invoked justifications for economic development in the modern world.

This general knowledge can be applied very acutely in modern policy issues. Let us revisit 2017, when the "Amazon Headquarters" search captivated the nation and enrapt the ambitions of many local politicians. The extrinsic enticement for municipalities was Amazon's promise to bring 50,000 jobs that would each pay over $100,000. To that end, Amazon collected proposals from over 200 American cities, towns, and alliances thereof. By mid-2018, New York City was reported to be one of the finalists for the new Amazon Headquarters, now dubbed "HQ2." Such was announced in November 2018, to many initial plaudits. Yet, curiously, HQ2 would be split between Queens, NY and Northern Virginia.[36] The split produced a rancor by itself, as New York would only receive half of the promised benefits (approx. 25,000 jobs, which Amazon later revised to "as many as 40,000 jobs"). The backlash quickly gathered momentum as local New Yorkers decried the inevitable increase in real estate prices, rent, and service costs, as

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[35] Ibid., 19-46.

[36] Karen Weise, "Amazon Chooses Queens and a Washington Suburb for 'Second Headquarters'" *The New York Times,* Nov 12, 2018.

well as the further strains on public transit, parking, and traffic. After a short goodwill campaign, Amazon withdrew HQ2 from New York City.[37]

This is a story of cutting-edge economic development, fully wrapped into the layered political establishments and concerns of a modern metropolis. In the article "The fleeting, unhappy affair of Amazon HQ2 and New York City," Priya S. Gupta helps explain the failures of policy and political procedures that pushed Amazon out of New York City. NYC's official proposal to Amazon, which became public by accident, reveals the amount of work and expense that New York's politicians proposed to undertake. Gupta describes how the proposal itself likely required dozens of people, if not hundreds, who were either hired or pulled away from other government work. The act of developing the proposal cost well into the millions of dollars, to be paid by taxpayers. More substantially, the cost of the proposed tax cuts, private/public deals, and other "sweetheart" agreements would likely cost New York taxpayers several billions of dollars. All of this was proposed with little or no approval from the people of New York; the proposal rather seems to view New York and Amazon as business partners.[38] Gupta argues that the removal of citizens from the decision-making process triggered the fierce backlash and eventual cancellation of the Amazon HQ2 project in Queens, NY. Gupta further explains that "there are several ways in which the Amazon HQ2 process bypasses law and legal processes which are particularly relevant to the designation and allocation of city space."[39] The most problematic of these legal evasions was the "side-stepping of the New York City Council."

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[37] J. David Goodman, "Amazon Pulls out of Planned New York City Headquarters," *The New York Times,* Feb 14, 2019.

[38] Priya S. Gupta, "The fleeting, unhappy affair of Amazon HQ2 and New York City." *Transnational Legal Theory* 10, no.1 (2019): 103

[39] Ibid., 113

Unsurprisingly, New York City Council became a leader of the resistance against Amazon's HQ2.

This famous example shows how economic development involves far more than economics. An entire community, or even an entire city, has a voice in economic development decisions. One could call the event a success for democracy: the people united in opposition against HQ2, and the project was soon abandoned. But the event was, in many ways, also a failure of democracy. New York's politicians, the purported representatives of the people, took their own initiative to pursue Amazon's project. And if the results are any indication, the voice and opinion of the people was either misunderstood or ignored by said politicians. Indeed, the Amazon HQ2 debacle exemplifies the democratic issues in contemporary economic development policy. City politicians and corporations should not be business partners. Elected representatives should not eschew the people from economic development policy. Yet I believe such problems are pervasive throughout America, and my work will show several examples in more detail. Furthermore, I believe economic development is an emergent topic in Rhetoric Studies, especially in the subfield of Rhetoric and Public Policy, even though it is not always emphasized or celebrated. For instance, in *Democracy's Lot*, Candice Rai frequently invokes the issues of affordable housing, community investment, and other economic concerns. But Rai elects to gather those issues under a more benevolent and encompassing term: "public goods."[40] Like Rai, my forthcoming cases show how citizens, students and teachers are surrounded by economic development. But those same citizens, students and teachers rarely notice the decision-making processes that go into the economic development – unless it is something highly publicized like

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[40] *Democracy's Lot*, 92-97.

Amazon's HQ2. Accordingly, I hope my work is not only a productive analysis of economic

development policy, but also becomes a call to action: let's notice the world developing around

us, and let's take a meaningful place in its decisions!

An Ecology of Texts

As an ecology, this study has important foundations in modern rhetorical studies. Those

foundations provide for a special kind of rhetorical analysis. In "Unframing Models of Public

Distribution," Jenny Edbauer (Rice) questions the shortcomings of the rhetorical situation and its

familiar, classically-based elements.[41] Commenting on the work of Louise Weatherbee Phelps,

Edbauer expounds how rhetorical studies can "recontextualize those elements in a wider sphere

of active, historical, and lived processes." Furthermore, "the elements of a rhetorical situation

can be re-read against the historical fluxes in which they move."[42] This leads to a larger

rhetorical understanding based on a "conglomeration" of elements – something much larger than

the "rhetorical situation" models of the past. While this may be called progress, Edbauer wisely

notes the limitations of a conglomeration. In practical terms, a conglomeration must have limits,

boundaries, and rules. And so, such a model would be based on perception and judgment, and

thus be highly subjective. Edbauer calls this a "problem of location," which she then posits as a

problem of exigence. And exigence, despite its apparent scholarly ethos, is itself highly

subjective and largely based on location. Edbauer holds that any seemingly objective attempts to

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[41] Jenny Edbauer, "Unframing Models of Public Distribution: From Rhetorical Situation to Rhetorical
Ecologies." *Rhetoric Society Quarterly* 35, no.4 (2005): 5-23.

[42] Ibid., 8

define a rhetorical situation are subject to an "ongoing social flux."[43, 44] Using a

"conglomeration" approach does not change this problem, but rightfully acknowledges it.

Therefore, Edbauer proposes a new model of rhetorical understanding: "look[ing] towards a

framework of affective ecologies that recontextualizes rhetorics in their temporal, historical, and

lived fluxes."[45]

Edbauer wants to use ecologies to show the affective power of rhetoric in its full context

(hence the phrase "affective ecologies"). For instance, Edbauer helps explain how a phrase like

"Keep Austin Weird" can take on many meanings and thus gather much rhetorical power, even

during policymaking processes. While I acknowledge and appreciate the "affect" power that

Edbauer invokes, my studies are much more interested in Edbauer's essential methodology: the

ecological study. This type of study has become more concrete since Edbauer published

"Unframing Models." With fifteen years of successive ecological studies, two important aspects

of those studies have become better defined. The first (and sometimes overlooked) aspect is the

temporal nature of an ecological study. A rhetorical ecology is essentially historical; as Edbauer

originally wrote, it "recontextualizes." This leads to other necessary procedures as a matter of

course. An ecological study involves a substantial gathering of materials, a careful construction

of narratives based on the facts revealed by those materials, and a critical analysis of the facts

and narratives thus revealed. The cases in this dissertation are ecologies, and thereby proceed in

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[43] Ibid., 9.

[44] As Edbauer poetically elaborates: "Situation bleeds into the concatenation of public interaction. Public interactions bleed into wider social processes. *The elements of rhetorical situation simply bleed*" (emphasis original).

[45] Ibid., 9

the same manner. They focus on past events. And in doing so, they can help identify social and/or democratic problems in governance.

The second important aspect of an ecological study is its focus on texts. "Texts," of course, can take many forms: an interview, ethnographical field notes, a commercial on YouTube, or a disused billboard on a pothole-marked highway. My studies adopt a more deliberate approach. In the 2011 article "Ecological, Pedagogical, Public Rhetoric," Nathaniel A. Rivers and Ryan P. Weber explain the importance of "mundane" texts. Rivers and Weber use the example of allowing an anti-war flag to fly during a protest. In this case, there is a bureaucratic and legal approval process before such a flag is allowed. The texts that may seem most essential are the established laws, the live debates, and especially the flag itself. Yet the processes that make up the anti-war flag debate reveal some quite important, if mundane (i.e., boring) texts. The "permit application," which is a necessary step to flying the flag at the particular location, is a text. Rivers and Weber aver that the permit application "is just as vital to public advocacy as the anti-war flag."[46] Many other highly emotional moments of debate or policy-making involve such texts: approval for presentations at City Council, the published agendas of Trustee meetings, or the financial details of a state budget. These texts are boring and tedious, but very important for the local debates and policy decisions. They often reveal information that is hidden or deliberately avoided in live debates and speeches. Such texts are often more logical and candid than public-facing texts and appeals. Thus, my studies echo the ideas of Rivers and Weber, who hope to highlight the often-overlooked texts that arrive alongside the emotional protests or dramatic public debates. The authors propose a view of "rhetorical action as emergent

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[46] Nathaniel A Rivers and Ryan P. Weber. "Ecological, Pedagogical, Public Rhetoric." *College Composition and Communication* (2011): 187.

and enacted through a complex ecology of texts, writers, readers, institutions, objects, and history."[47]

Focusing on the "mundane" texts seems especially important in the context of public policy analysis. Widely publicized texts, like some of the more inflammatory and highly partisan books, enjoy a great deal of media coverage and bask in the *pathos* of political debate. Such texts are intrinsically antagonistic and either argue for change or incite arguments against change. Many of the everyday texts and discourses that circulate in daily media follow the same pattern. They are important and interesting, but much overhyped. A focus on the "mundane" texts of policy studies, by contrast, is more likely to objectively reveal the details and workings of any underlying social injustices and disparities. Furthermore, the study of the texts that make up policy can more plainly show the way that policy *actually happens*, and so hopefully reveal the best ways to improve policy and the processes thereof. For their part, Rivers and Weber are "in favor of acknowledging and responding within frameworks of existing norms, regulations, and procedures, even when an advocate's ultimate goal is to drastically change those frameworks." While this acknowledgement may somewhat compromise the social activism of any proposed study, it nonetheless allows a "strategic and deliberate" form of resistance – which may ultimately be more effective. Thus, I again echo Rivers and Weber, who admit the ideological shortcomings of a "mundane" text-based ecology, but defend the change-making potential of such work.

Consequently, this study thus embraces many of the mundane texts that go overlooked in political discourse: financial documents, court-case documents, meeting minutes, the actual text

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[47] Ibid., 188-189.

of policy referendums and budget proposals, and many other public and semi-public policy documents that are often buried in some administrative building's basement. This focus allows a more precise and more accurate understanding of policy procedures and issues. Yet it is difficult to form the entire picture of a historical debate by relying on these documents alone. So, to explain the context of a particular debate or policy decision, my studies often use the more popular and somewhat less reliable texts of newspapers, public release documents, community-produced texts such as activist websites, and several other historically significant secondary sources. I acknowledge that such texts are largely subjective and have latent, less-than-democratic interests at heart. But I also argue that such texts are necessary to understand the context of a particular policy debate, especially at the local level of government. And, following Rai and Fleming, my studies aim to provide all appropriate local context.

This study is also *entirely* informed by written, published texts. This would seem to betray the value of more active techniques, such as interviewing or ethnography. This also seems to privilege the people who make the texts: often the politically connected, wealthy, predominantly white and predominantly conservative capitalists of the media and the political establishment. Furthermore, such a study favors a population with certain literacy skills and access to education. The focus on "mundane" texts somewhat dulls, but does not totally dismiss, the issues with my exclusive use of written and published texts. Yet, through constructing this study, I discovered some inherent value of this limitation. Recalling Edbauer, the rationale behind a "conglomeration" of texts is not the authoritative re-telling of certain events (which is the job of a historian). For a rhetorician, the power of using written texts is the reconstruction or "recontextualization" of prevailing narratives and interpretations. While published texts cannot reach a personal level, they can help reveal the "interstices of collective perceptions" that inform

and drive debates when they are happening in real-time.[48] This allows a meaningful reinterpretation of historical events, i.e., the most valuable criticism. In my problem-structuring based study, a reinterpretation may allow for the discovery of hidden problems – a key step to improving policy processes. And from a rhetorical perspective: an ecology of texts is not meant to tell the entire story, but rather becomes, as Asen stresses, "a resource of invention."[49]

In sum, the case studies in this dissertation have three major methodological limits: 1) a goal of problem structuring (rather than problem solving), 2) an exclusive use of written and published texts, primarily "mundane" texts, and 3) a purposeful focus on certain localities. This is the deliberate design of a problem-structuring ecology of texts.

Chapter 2 is a long-format case study of Harrisburg, PA, from roughly 1999- 2003. I focus on the ill-fated Incinerator project, and the case mostly observes the policy procedures that preceded the development decisions. The keystone of my analysis is the public interest and the problems thereof. I ask how the public is represented in policy procedures, how the public can express itself, and what political power exists in the mechanisms of local government. By analyzing the positions of stakeholders, including public interest groups and the city's own government, I unlock important issues of representation and rhetorical standing. We now know that the weight of the incinerator's (eventual) failure crushed Harrisburg's financial wellbeing. But for a few years, the commencement of that project was uncertain, and the people of Harrisburg were very interested in its development. Through my ecological analysis, one can

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[48] Asen, *Visions of Poverty*, 226.

[49] Ibid.

easily question how many Central Pennsylvanians could have benefitted from a more equitable policy process.

Chapter 3 observes the economic development policy of universities. I examine the cases of SUNY Albany, The University of Maryland at College Park, and Harrisburg University. While each location has distinct issues, some constants emerge. I find that universities exist in a very competitive, and very capitalist, environment. Most universities constantly compete for limited resources, and even more so after the Covid-19 pandemic. Thus, universities inevitably employ similar and highly effective rhetorical appeals. One type of appeal is based in tradition and imagery; I call this the "university ethos." Another type of appeal is an archetype based in technology and the success of Silicon Valley. I call that appeal the "Stanford archetype." Many universities employ both appeals to realize their economic development goals. Based on my case studies, the goodness of such appeals is questionable at best. For instance, one may assume that a local community would benefit from a university's economic development. But that is usually not the case. Other issues of governance, equitability, and economic mismanagement reveal themselves through my rhetorical analysis.

Chapter 4 tackles democratic legitimacy. Democratic legitimacy is something like "faith in democratic process," but certainly more nuanced. I assert that democratic legitimacy is underappreciated in both rhetorical and policy contexts, despite its obvious importance. To support this, I re-analyze the case studies of previous chapters to reveal issues of democratic legitimacy. But first, I must define democratic legitimacy. This requires some merging of fields, including rhetoric, political science, and jurisprudence. From there, I craft a simple but effective way of analyzing democratic legitimacy in a policy context: a series of carefully curated questions, which combine to make an efficient heuristic. I use this heuristic to re-interrogate the

cases of previous chapters. I culminate my analysis with a comprehensive list of problems thus revealed. I believe that these progressions help showcase the importance of democratic legitimacy in a Rhetoric and Public Policy study. But I mostly hope that my analysis can help improve policy procedures by making them *more* democratically legitimate.

In my conclusion, I look ahead. Deliberation is about the future, after all. I ask how we can apply the knowledge revealed from case studies to ameliorate current problems. I find that many of the observed issues are indeed correctable – if the public is willing to push its political potential to the necessary level. And, especially in light of the Covid-19 pandemic, I ask what the next five years of economic development will look like. How will Harrisburg, which was already struggling, rejuvenate itself after months of strict lockdowns? How will SUNY Albany survive in the new era of university pedagogy? What is the fate of College Park, after so much economic development was allocated for students and visitors of the University of Maryland? Hoping to preempt questions like these, I position my findings to help the public address the incoming problems of economic development policy.

CHAPTER 2: Representing the Public Interest in Harrisburg, PA

Harrisburg grew with the rest of the country in the early 20th century, developing into an important business center. Steel and railroad transportation were among its main industries. Population grew rapidly, and towns like Steelton and Hershey blossomed nearby. But as key industries declined, so did Harrisburg. Penn Central Railroad went bankrupt in 1970. The Harrisburg Steel Company closed in 1982, after a long decline. Wealth continued to flee into the suburbs, as was the case across much of America. As if the flight of wealth and industry was not bad enough, the city also suffered the full wrath of Hurricane Agnes (1972).[1] Entire wards of the city were consumed by flood waters, and many homes were simply abandoned thereafter. The 1970s were the peak of decline for Harrisburg. During this time, it was commonly said that Harrisburg's main industry was prostitution.[2] Meanwhile, politicians were bogged down by the financial realities of Harrisburg's poverty. Wealthy suburbanites aggravated disparities by securing new highways and public schools, directing public resources away from the urban center. Racial tensions escalated. It was easy to distinguish between the White, wealthy suburbs and the predominantly Black city. And as local government suffered and/or unfairly favored the largely White suburbs, Black community leaders rose to fill the gaps. This shifting leadership was key when the mayor's office switched to the Democratic Party in the close race of 1982. Stephen Reed, the newly elected mayor, would stay in that office for the next 27 years.

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[1] Some of the abandoned buildings from Agnes remained until as late as 2016, when redevelopment finally arrived.

[2] Paul Beers, *City Contented, City Discontented: A History of Modern Harrisburg* (Penn State University Press, 2011): 124.

This is the rough setting of a story that visits issues of economic disparity, environmental ideals, and social justice movements. Below I observe the case of the Harrisburg Incinerator, an economic development project that brought the city to financial ruin. The policy debates of the Harrisburg Incinerator stretch from 1999 through the present day, but were most consequential from 2001 through 2003. At that time, public energy coalesced into interest groups, national factions came to Harrisburg, and people unified in opposition to an entrenched political power.

Of primary concern in these debates is the "public interest," because the public interest was so often ignored, refused, or deliberately redefined. Objectively, the public interest could be generally defined as a widely held desire, belief, or position. But this idea is quickly troubled in local and political contexts, as different groups have different ideas about what the public wants. Indeed, part of the argument around policy decisions is an argument about the definition of "public interest." In the following chapter I will show, at minimum, how the public interest is represented and misrepresented in the relevant policy debates. At Harrisburg, issues of environmentalism and social justice become paramount. Local interest groups and politicians argue about these matters directly, but also present themselves as representatives of the public interest. For instance, certain groups become authorities on environmentalism or social justice, based on their experience, membership, etc. But should those people or groups have an increased say in policy decisions or debates? Do those groups represent the actual public interest? In the below consideration, I show some important rhetorical problems of "public interest" in policy debates.

Because I want to present the public interest in proper context (and avoid misrepresentation), I propose a category of interests instead of a strict definition. This structure can reveal policy problems around the procedures, understandings, and rhetorical uses of public

interest. But first, I must address that troublesome term, "public." According to Jürgen Habermas, "public" is fundamentally an adjective that means "open to all," or otherwise opposed to exclusive matters.[3] It becomes a noun (*a* public or *the* public) when connected with other matters or organizations, such as "public health" or "public defense." Essentially, a "public" is understood by contrast to a private matter or organization. Thus, "public" avoids a constant or concise definition, and must be compared to a private thing to be understood at all. And as a result, the definition of "public interest" is fundamentally reliant on the definition of "private interest." Rhetoricians may be familiar with this idea; in the foundational article "Rethinking the Public Sphere," Nancy Fraser asserts that the categorization of public or private is a rhetorical move. More importantly (and in agreement with Habermas), Fraser concludes that publicity itself is "decided precisely through discursive contestation."[4] Fraser goes on to argue that, because of the imprecision of the terminology, a "public" exists on a sphere of possibility. There are weaker and stronger publics, as well as the "subaltern counterpublics" that propagate societal change. By proposing a new appreciation and framework for the idea of a "public," Fraser greatly increased the possibility of the idea. Fraser's rhetorical understanding of public versus private is key to my own categorization of interests. But the distinction of private and public is muddied in modern contexts, and thus, requires further examination.

At Harrisburg, most of the observed debates happen live, between active participants in a formal setting. But much communication before and after the formal settings transpired through modern communication networks (one of which I analyze closely). Thus, a modern formulation

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[3] Jurgen Habermas, "The public sphere: an encyclopedia article (1964)." *The Idea of the Public Sphere: A reader* (2010): 114-115.

[4] Nancy Fraser, "Rethinking the Public Sphere: A contribution to the critique of actually existing democracy." *Social text* 25/26 (1990): 71.

of a "public interest" must take modern (i.e., digital and internet) communications into account, while also maintaining the foundational idea of "discursive contestation." In her work *A Private Sphere*, Zizi Papacharissi observes the many new forms of expression available to people in the 21st century, and the accompanying influence on democratic practices.[5] She explains that "most civic behaviors originate in private environments and may be broadcast publicly to multiple and select audiences of the citizen's choosing at the citizen's whim."[6] Largely because of this ability, most citizens develop a "personally devised definition of the political." Furthermore, technology removes modern citizens from the classical ideas of public participation, and instead legitimizes private decisions as public actions. Any citizen with the requisite technology can effectively decide whether their actions and beliefs are public. This new private/public dynamic allows things like consumer choices and lifestyle habits to be regarded as political (and thus public) statements. Obviously, this may present some issues for an understanding of "public interest."

Axel Bruns and Tim Highfield confirm that political information is more than difficult to categorize in "the patchwork of personal publics."[7] The authors explain how the disparity between private and public is confused by the *potential* of publicity, which is never quite certain nor ever quite controlled. Using the example of a Facebook post, Bruns and Highfield note how a message may only be intended for a select group. Yet "its dissemination across the patchwork of overlapping personal micro-publics may nonetheless come to have widespread effects on public debate if it achieves sufficient reach and impact."[8] To better understand this nebulous

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[5] Zizi Papacharissi, *A Private Sphere: Democracy in a digital age* (Polity, 2010): 12.

[6] Ibid., 19.

[7] Axel Bruns and Tim Highfield, "Is Habermas on Twitter?: Social media and the public sphere," *The Routledge Companion to Social Media and Politics* (Routledge, 2015): 56-73.

[8] Ibid., 64.

communication situation, the authors propose a model of "micro-publics," which are typically

bound to a certain platform (such as Facebook) and provide some organizational normality

through tools like hashtags. Though even when limited to a specific platform, the communication

environment becomes "a series of public sphericules and micro-publics, none of which are

mutually exclusive but which coexist, intersecting and overlapping in multiple forms."[9] The

authors wisely note how current social media will evolve and be replaced by other platforms,

creating "a further fuzziness around ideas of public, semi-public, and private discussions."

These terms are indeed fuzzy. The understandings of public and private are changing too

quickly to contain. Could Papacharissi, Bruns and Highfield have imagined the modern

capacities of TikTok, Instagram, and similar social networks? Could their models posit an

understanding of the many dating and "hook-up" apps that are now mainstream? Could they

reckon with the many privacy issues that have emerged in recent years? Clearly, the complexity

of these matters can reach baffling levels. Any attempt to control the many complexities of a

contemporary "public" seems inefficient for my purposes. Therefore, in my quest to define the

public interest, I propose a simple genus/species relationship where "interest" is the genus or

master category. The species under the genus are: "public," "corporate," and "private." We

already discovered how public and private are a necessary marriage, but I add a third category -

corporate - to bridge the gap between them. I outline each of these interests in detail, below.

In *Policy Paradox*, Deborah Stone clarifies the modern understanding of public interest

with "The Market and the Polis."[11] Basically, the market and polis each represent an idealized

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[9] Ibid., 71

[11] Deborah A. Stone, *Policy Paradox: The art of political decision making*, revised edition (W.W. Norton, 2001): 17.

model of the political state. In the Polis: "Let [public interest] be an empty box, but no matter; in the polis, people expend a lot of energy trying to fill up that box."[12] As opposed to a market model where, "In theory, the public interest… is the net result of all individuals pursuing their self-interest." Thus, in the polis model, the public interest is something actively sought, deliberated, and reconsidered. In the market model, the public interest is something that happens naturally as every individual pursues their own self-interest. Especially in the Rhetorical Tradition, the polis tradition enjoys more *ethos* as a matter of scholarship, aspiration, and application. It is also the more democratic of the two formulations of public interest, requiring active engagement from an interested public. Yet it would be naïve to dismiss a market-based formulation of public interest. Wide swathes and important sections of American society rely on a market-based understanding of public interest. This differentiation can result in highly consequential differences of opinions, or outright misunderstandings, in a policy context. The differences between the models of public interest – market and polis – are important to keep in mind during any intensive analysis of policy problems. Yet, for purposes of my present categorization, both models can be considered "public interest." Arguing for one model, the other, or some hybrid, is not necessary at this time.

The second species of interest is "corporate," which bridges the gap between public and private. Aristotle originally divided life into household and *polis*, and Hannah Arendt famously attached the realm of "social" to that dualism. Arendt's social category is apt in theory, but not ideal in a modern policy debate – especially when talking about economic development. To best understand the division of interests in a policy context, I posit the sociological scheme of Max

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[12] Ibid., 23

Weber. Like Arendt, Weber identified a third level between public and private: corporate groups. Corporate groups cannot be totally private because they must have members.[13] Nor can they be totally public, if only for practical reasons. Most corporate groups have formal rules, goals, and ranks of membership. Individuals form a corporate group to better project and protect their shared interests. A corporate group can use the social and rhetorical power of the group to benefit all or some of the individual members within the group. Typical corporate groups in a policy debate include political parties, labor unions, and professional organizations (like the NCTE or MLA). Most corporate groups have goals in a policy debate, even if they are not explicitly elaborated. Those goals are corporate interests.

From all this, I outline three species of interest. First is the public interest, which can take the polis or market form (see above). Second is private interest, which is synonymous with greed and personal gain.[14] Somewhat legitimized by the newer school of Neoliberalism, private interest nonetheless remains an easily understood concept in essence. The third species of interest is corporate, which arises from a formal group. These three species of interest (public, private, corporate) are a necessary framework for unraveling and interpreting the observed policy debates. Moreover, the structure of the genus/species relationship permits a more focused analysis and criticism of stakeholders in a policy debate.

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[13] Max Weber, *The Theory of Social and Economic Organization* (New York, The Free Press, 1947): 145.

[14] As private interest is not much used in my study (beyond its importance in definitional matters), I did not see the need to further justify its categorization. More important is the relation between corporate and public interests.

Representation

This chapter connects the large ideas of the public interest to the actual functioning of local governments and policy debates. In local policy debates especially, "representation" becomes a central issue. Consider: the whole public cannot be, or chooses not to be, directly part of any individual policy debate. At a basic level in local debates, the public abides two forms of representation: 1) from elected officials, and 2) from private citizens who attend the debates and endeavor to speak for the public.[15] This already presents some obvious issues. On one hand, private citizens may not understand how their attendance and participation can serve to represent the voice of the entire local population. On the other hand, elected officials must interpret the public interest through intervening concerns, such as political party pressures and re-election efforts. In either case, the representative party is given many opportunities for misunderstanding, misconception, and perhaps even strategic selfishness. This gray area between representatives and the represented is the nexus of many policy issues. This becomes a persistent concern at places like Harrisburg, where the voice of the people becomes less influential as political power coalesces. A better understanding of representation in local contexts will help discourage the monopolies of power that sometimes develop in local politics.

As an idea, representation has been engaged from many angles by rhetorical scholars. I hope to continue the discussion of ideas inspired by the Habermasian Public Sphere, while focusing the established ideas for policy analysis. To begin, I echo the thoughts of Zizi

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[15] I use the qualifier "basic" because I acknowledge the many forms of representation that go into modern deliberation. Especially in the digital era, many outside forces intrude into a political debate. Outside influences may then limit or delimit the representative power of some stakeholders.

Papacharissi in *A Private Sphere*. She notes "the impossibility of practicing direct democracy in mass societies;" a phenomenon which is usually called the "democracy paradox."[16] For practical reasons, modern democratic governments must be "representative democracies;" there are simply too many people for direct democracy to be fathomable. When this issue combines with the legal process of majority rule, a representative democracy "requires homogeneity of public opinion… which precludes any possibility of true pluralism."[17] In sum, the legal necessity to form a majority in a legislature results in gross simplifications of public opinion. In modern times, this also leads to "aggregations of public opinion obtained through polls."[18] Papacharissi posits that "the tendency to group and categorize public opinion" seriously limits the potential for public deliberation, as citizens' opinions are siloed into issue-based concerns and yes/no answers. Most importantly for my own studies: The above trends limit the potential for civic engagement and place a larger power into the hands of the representatives. As citizens have less power to affect public processes and/or decisions, they (often implicitly) rely on their representatives to deliberate for them.

In *Visions of Poverty*, Robert Asen helps bring these issues into a policy analysis context. Asen concurs that representation is an imperfect process, and then outlines the imperfections in the modern spaces of policy deliberations. Crucially, Asen shows how representatives are always trying to represent people that are not present – either willingly absent from the political process, or else somehow inhibited from participating. In the context of national welfare policies, Asen describes how "those claiming to speak for the poor, not the poor who were likely affected by

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[16] Papacharissi, *A Private Sphere*, 13.

[17] *A Private Sphere*, Paraphrasing Moffe (2000); 13.

[18] Ibid., 14

changes in public assistance programs, participated in welfare policy debates."[19] Because of the distance (both literal and figurative) between the representatives and the affected population, the representatives must, to some extent, *imagine* their constituents and their constituents' desires. This opens a policy decision to the unfortunate tendencies of stereotyping, simplification, underestimation and/or simple misrepresentation. Or, as Papacharissi previously noted, it leads to an overreliance on the flawed mechanism of polling. In the most basic sense, these shortcomings may lead to policies that do not work in the public interest, or at least not fully in the public interest. Furthermore, stakeholders may understand the above issues of representation (even implicitly) and manipulate a debate to favor their own interests. Corporate groups, both government-based and civil society-based, become the major stakeholders at Harrisburg. These groups have driving interests that can be satisfied through policy, and thus, argue accordingly. Yet each group desires the representative power of the public. How might they achieve such power?

Basically, I find that corporate interests often pose as the public interest. One group endeavors to represent the whole public, and that group may deploy exaggerated language, evocative imagery, and/or physical presence to achieve such representation. This is the basic and recurring rhetorical problem of the below case study. The public interest is also misrepresented through an essentially condescending perception by local politicians. Harrisburg's public representatives frequently misunderstand and/or underestimate the public interest, favoring their own ideas and evidence instead. These more delicate, rhetorically-based problems only reveal themselves through dedicated rhetorical analysis and an ecological "re-contextualizing." I outline and describe these problems as they appear in the public debates around the ill-fated Harrisburg

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[19] Asen, *Visions of Poverty*, 13.

incinerator project. To better facilitate the discovery of problems, and to put things into a more

cohesive rhetorical structure, I separate the long-scale (2+ years) policy debate into two "lines of

argument." The first line of argument revolves around environmental issues and eventually peaks

on the idea of environmental racism. The second line of argument evaluates the rhetorical power

of economics.

Environmentalism and Environmental Racism

Harrisburg's trash incinerator operated for several decades, with varying degrees of

success, since 1972. In 1990, the Environmental Protection Agency (EPA) started efforts control

the emissions of all Pennsylvania's trash incinerators. Concurrently, Stephen Reed (Mayor of

Harrisburg) began a furtive plan to retrofit and expand the Harrisburg Incinerator. The Mayor's

plans were unknown until the EPA held public meetings about the Harrisburg Incinerator,

specifically.[20] At the meeting, the EPA announced a list of environmental violations made by the

Harrisburg incinerator. The Mayor's office submitted a list of objections to the EPA, and then

published the objections in a press release.[21] The publicity and scandal of the back-and-forth

caught the notice of several interest groups, and a smaller part of the Harrisburg citizenry. This

led to a serious environmental policy debate that would span several years. The observed debates

begin in September of the year 2000, when environmental concerns were most pressing.

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[20] "Section 111(d)/129 State Plan for Large Municipal Waste Combustors (MWCs)," Pennsylvania State of Environmental Protection, 1998-99 (exact date of publication unknown), http://www.ejnet.org/dioxin/mwcplan.html

[21] Unfortunately, I only know of the existence of these objections through source documents. I could not locate the objections or the press release itself.

In these debates, I observe several major stakeholders and their primary arguments. All the major stakeholders are corporate groups that seek to represent the public interest, and they often have diverging views. The Sierra Club, a national environmental advocacy organization, argues against the incinerator project as a matter of principle. They deploy environmentalist arguments, based partly in logic and evidence and partly in sympathetic imagery. A local organization also develops in these debates, called the "Coalition against the Incinerator" (CAI). To some extent, CAI echoes the evidence-based arguments of The Sierra Club. But to better present their idea of public interest, they also deploy a widespread coalition and a numbers-based appeal. As more serious allegations of environmental racism surface, a new corporate group enters the debates. The Interdenominational Ministers Council of Greater Harrisburg (IMCGH) led several interested groups in condemning the alleged racist policies of Harrisburg City. To this end, they use imagery of highly polluted, and primarily Black, neighborhoods. They invoke historical examples and comparisons of racist policies. And, along with the CAI, the IMCGH presents a widespread coalition as a numbers-based argument for the public interest.

On the other side of the debate is the primary antagonistic stakeholder, the local Democratic Party and its public officers. In these debates, the most common players are the Mayor (Stephen Reed) and the members of City Council. Their major argument is pro-incinerator. They need to keep the incinerator funded and its development on schedule - a schedule set, unilaterally, by the Mayor's office. Unbeknownst to the public, Harrisburg's financial wellbeing was fully wrapped into the incinerator development project. To maintain a pro-incinerator position, the Mayor and City Council primarily rely on ethos-based arguments; they purportedly have the experts and the experience to make the correct policy decisions. In key moments, experts are deployed in a public capacity to allay the public's concerns. But when the

public interest is contested, the government presents themselves as public defenders. They do this by 1) claiming that they are protecting jobs, 2) claiming that they are keeping taxes down, and 3) insisting (mostly without evidence) that the Incinerator is safe and clean. Thus, they largely deploy economic arguments to counter the environmental concerns of other corporate groups.

The story begins with environmental concerns. Most of the contested debates take place in the chamber of Harrisburg City Council and officially address referendums on funding or refinancing the Harrisburg Incinerator. Yet the debates would often veer into related subjects, especially environmental concerns. The widely published EPA issues (post-1999), dealing with air quality standards, brought the Sierra Club to Harrisburg, PA. The Sierra Club is a national environmental advocacy group, but its interests overlap into other political areas. Their initial environmentalist position was based on a widely-publicized scientific report, where a team of scientists traced substantial levels of pollution in the Artic Circle directly to the Harrisburg Incinerator.[22,23] Most distressing was the level of dioxin – an odorless air pollutant – that was presumably created by the Harrisburg Incinerator. The Sierra Club and other environmental sympathizers saw this report as indication of tremendous dioxin levels in Harrisburg City. Dioxin thus became an early rallying cry and a frequent rhetorical invocation. Later arguments from the Sierra Club would continue the ostensibly science-backed appeals. The self-proclaimed Director

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[22] Barry P. Bartlett Commoner, H. Eisl, and K. Couchot, "Long-range air transport of dioxin from North American sources to ecologically vulnerable receptors in Nunavut, Arctic Canada." *Final report to the North American Commission for Environmental Cooperation.* Queens College, 2000.

[23] On October 4, 2000, the *Patriot-News* published an article with the tagline: "Harrisburg's incinerator was labeled one of the top 10 dioxin polluters of the Canadian Arctic in a study released yesterday." This tagline did not tell the whole story. The article goes on to directly question and criticize the study's findings. In a *New York Times* article a few weeks later, the primary author of that study, Dr. Barry Commoner, "believed Harrisburg's waste incinerator was producing less dioxin than estimated in the study."

of the Sierra Club questioned City Council about the long-delayed environmental reports from the city. The speaker focused on the apparently promised "asthma screening program," harking on the dangers of unclean air.[24] These challenges often combined with published concerns from the EPA, most of all the EPA's call to shut down the incinerator for "necessary repairs" in December 2000. The Sierra Club, to some extent, adopted the ethos of the EPA and its presumed power of expertise. Based on their evidence, invented ethos, and implications thereof, the Sierra Club was able to forward two major and compelling arguments: 1) the incinerator is an environmental hazard, and 2) the city *cannot* operate the incinerator within federal environmental standards.

Evidence was an essential part of Sierra Club's early arguments, most of all the dioxin report and the EPA publications. But the Sierra Club's position increasingly relied on sympathy for the (presumably) affected. This was often expressed in the public speaking periods of City Council meetings. One member of the Sierra Club, who also identifies himself as "a Diamond Heritage member of the Greater Harrisburg Area NAACP," said this:

> I recommend…that they take this money to try to correct some of the physical impalements [sic] that they have put on some of the people of South Harrisburg, which these dioxins is if they have spread all over top of them for the last, I'm going to say ten years… I would look at this with this money that you have to study this thing and find out what repairs can be made [based on] what you've done to the people of Harrisburg by not retrofitting that incinerator.[25]

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[24] Minutes of the Legislative Session of Harrisburg City Council, Nov 5, 2003.

[25] Ibid.

Indeed, Sierra's position took an increasingly emotional angle. Many local citizens took up this argument, presenting themselves as sufferers of an unjust environmental policy. One speaker, identifying himself as an engineer, urged Council to check the "airflow and steam rates" for dioxin pollution. Another speaker asked Council to identify and measure what other possible pollutants may be in the facility exhaust. Several speakers emotionally expressed disgust at the pollutants apparently contaminating the neighborhood, city, and region. So, while the Sierra Club took a step back in subsequent debates, they had already provided the proofs and paths of argument that were picked up by later individuals and groups. Their argument is essentially corporate but became productively muddled in public concerns and expressions. In other words, what started as Sierra Club's corporate interests of environmentalism became something like an expression of public interest. As Sierra Club realized this was happening, they "leaned into" it. The logic and evidence of early arguments was eschewed in favor of community sympathy and public anger.

The ongoing environmental issues of the incinerator debate were enough to mold a specific group: "The Coalition Against the Incinerator" (CAI). Fortunately, much of this group's work is still available on their original website, preserved by ActionPA at http://www.stoptheburn.com. The website is a very useful historical archive, showing many of the contemporaneous appeals and issues of the Harrisburg Incinerator debates. Moreover, the website itself was an important part of the policymaking environment from 2000-2003. The CAI website provided a place to unify the voices and concerns of several social groups and other concerned individual citizens. The website presents itself in such a way, hence the "coalition." Yet there were some important limitations to the website's gathering power. In the year 2000,

only about 42% of people had a computer with internet access in their homes.[26] In a less wealthy

area like urban Harrisburg, it is likely that the percentage of households with reliable internet

access was lower. Nonetheless, the website allowed people to connect across cyberspace in ways

that were not possible otherwise. This probably provided some measure of real-world rhetorical

power. For example, the group held "a candlelight vigil" before the re-opening of the Incinerator

on January 13, 2001. The vigil was advertised on their website before the event and reported on

the website after the event. CAI also apparently "sponsored" a presentation by Lois Gibbs, "most

known for her efforts in exposing the toxic waste scandal in Love Canal in the late 1970s."[27] The

website displayed a record of the event, as well as a copy of the article as it appeared in the local

newspaper. [28,29]

Somewhat building on the work of the EPA and Sierra Club, the CAI website provides

information on the Dioxin report of Dr. Barry Commoner. A special page is dedicated to the

report itself. Paraphrasing the data in the report (which is admittedly onerous), the website

claims, in bold text, "**the Harrisburg incinerator is the #1 source of dioxin pollution at half**

of [the testing sites]" (emphasis in original).[30] It also provides links and citation information to

the originally published report, though that is not a prominent point in the website's presentation.

The website also links a large amount of information and data provided by another group, the

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[26] "Computer and Internet Use in the United States: 1984 to 2009," *United States Census Bureau*, 2010.

[27] "In Brief," The Patriot-News, Feb 28, 2001.

[28] Jack Sherzer, "Environmental groups demand city close down its incinerator," *The Patriot-News*, Mar 1, 2001.

[29] Gibbs spoke on the shore of the Susquehanna River with the incinerator's smokestack deliberately at her back. At one point she said, "The reason I'm here is because what's behind me is a Love Canal in the air" (referring to the popular Love Canal story of 1978).

[30] www.stoptheburn.com/dioxin.html

"Energy Justice Network."[31] For each identified major sub-issue, such as "pollution standards," CAI provides summaries of amalgamated data and reports, as well as links to further information (usually from the Energy Justice Network). While there are some obvious concerns with bias and straw men, the website nonetheless provides a key public service. By summarizing the complexities of the environmental findings and data, the environmental-based appeals can reach a wider audience. This educational effort matches the core *ethos* of the coalition, which presents itself as a wide gathering of many different people and groups.

The technology of an early website also limits its sensory power. Videos and other multimedia, so common on today's digital devices, were slow and unreliable at best in 2000-01. Yet even an early-internet website can present some affective imagery. This becomes very important for a site and project that was closed to visitors, as the incinerator was, ostensibly for safety reasons. Much like Phaedra Pezzulo describes of the damage of Hurricane Katrina in New Orleans, the physical witnessing of a disaster site "still matters to appreciating the damage done and work left to do."[32] This imagery can help galvanize a community and pivot towards forward-looking initiatives. Figure 1, below, shows the frontpage of the website. Though the technological affordances are limited, the website uses text and imagery to seek an affective appeal. One of the main pages on the website is labeled "incinerator photos." Therein, a series of six photographs shows the incinerator in operation; the photos are undated and lack full context. The photos highlight smoke coming from the incinerator towers, the mounds of trash and other waste that are piled in the storage bays, and the generally sordid state of the industrial building.

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[31] www.energyjustice.net

[32] Phaedra C. Pezzullo, ""This Is the Only Tour That Sells": Tourism, disaster, and national identity in New Orleans." *Journal of Tourism and Cultural Change* 7, no. 2 (2009): 110.

In Figure 2 (below), the photo that I found most evocative, CAI claims to show the leaking ash of the trash burning process. The caption on the website describes "a combination of bottom ash that somehow fell out of the furnaces, as well as fly ash that fell out of the electrostatic precipitators (the only pollution control equipment that operates at the plant)."[33]

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[33] "Photos of the Harrisburg Incinerator," http://stoptheburn.com/photos.html

Coalition Against the Incinerator (CAI)

[Note: the coalition no longer exists... this site is maintained by ActionPA for historic purposes.]

No New Incinerator in Harrisburg!

Close it, Keep it Closed, Clean it Up!

...one step down, two to go!

On June 18th, 2003, the Harrisburg incinerator finally closed, ending the 30 year operation of the nation's oldest trash incinerator and the largest known single source of dioxin air pollution since the 1994 closure of the Columbus, Ohio incinerator.

Unfortunately, the Harrisburg Authority and the Mayor are intent on building a new incinerator in its place, rather than pursue recycling and waste reduction as a cleaner, financially-sound, job-producing alternative. On December 31st, 2002, Harrisburg City Council passed Mayor Reed's 2003 budget, a budget with a $6 million deficit that needs to be balanced by the end of the year. Reed and his Harrisburg Authority hoped to plug this budget hole by having the City Countil vote to guarantee a $125 million bond for the Authority to build a new incinerator. In return for putting more Harrisburg taxpayer money on the line to cover the Authority's bad credit rating, the Authority would kick back the money needed to balance the City's budget. Unfortunately, on November 5th, 2003, the City Council agreed to back that bond.

Find out about Environmental Justice issues around the incinerator.

Recycling is the alternative!

"As to the incinerator, would there be any thought of restarting this environmentally unfriendly facility if it bordered Bell View Park or Mountaindale? City and Dauphin County politicians know the answer is NO!" ~ Rev. Dr. W. Braxton Cooley, Sr.

It's hurting our health

- The Harrisburg Incinerator was one of the largest sources of dioxin in the country. Dioxin is the most toxic chemical ever studied. There is NO safe level of dioxin.
- The soot and emissions poison people, leading to more cancer and asthma, and contaminate our air, water and soil.

It's hurting our pocketbook$

- The incinerator has been losing money every year since 1993, totaling nearly $25 million in losses through 2002. It has left city taxpayers responsible for its $145 million debt, and will continue to lose money every day it runs. (more info...)
- Mayor Reed and City Council are putting the taxpayers into another $125 in debt to build a new incinerator in the same place.

Figure 1:Screenshot of www.stoptheburn.com, preserved by ActionPA

Figure 2: Excerpt from "Photos of the Harrisburg Incinerator"

CAI shows great potential for gathering and galvanizing people across real and digital spaces. By its own reporting, this group facilitated a movement where "hundreds of people and groups [signed] letters asking the U.S. Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (DEP) to close the Harrisburg incinerator by their December 19th, 2000 deadline." The proof of this "movement" is made primarily in published letters, presented in full on the website. Though there is no evidence of any actual signatures, the website often claims that "hundreds" of local citizens signed or otherwise endorsed the letters. In one of the most harked upon letters, ostensibly addressed to the EPA and Pennsylvania DEP, the group asks "to demonstrate real commitment to public participation by providing for an adequate public comment period with a public hearing before a possible approval for de-rating the facility is communicated in any way." This underscores a key point of both CAI and the Sierra Club in the early debates. The letter adds backing and credibility to the groups' appeals, as the letters are presumably endorsed by the wide coalition associated with CAI.

Through these published letters, the Coalition also introduced a key issue that went largely unspoken until later in the debates. In a letter dated December 20, 2000 CAI writes:

> Public housing and other low-income residential neighborhoods are in close
> proximity to this incinerator. Many of the residents are people of color. A
> determination allowing continued operation of this one facility without the
> significant emissions reductions of the federal regulation unfairly jeopardizes the
> health of these residents. It is a clear environmental justice matter.[34]

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[34] http://www.stoptheburn.com/lettersignored.html

To support this position, CAI invokes the *First National People of Color Environmental Leadership Summit*, which was held on October 24-27, 1991. There, 300 predominantly Black and Latinx representatives, from dozens of nations, gathered to discuss environmental issues.[35] CAI's website directly links to the 17 "Principles of Environmental Justice" that were declared during the summit.[36] Thus, CAI presents itself as interlocutor for environmental justice in the Harrisburg incinerator matter.

In actual debates, CAI's enduring contribution is the focus of public energy. People who were passionate about environmental issues found a group to attach themselves to. CAI provided individuals with approachable information, proofs to support their arguments, letters to galvanize and unify the group's opinions, and evocative imagery to cement the justice of their cause. This led to a general increase of the group's representative power, as CAI could claim support from many individuals and groups (though the extent of that support is debatable). CAI also gave an endurance to the anti-Incinerator position. In most of the public debates from 2001 through 2003, a member of CAI spoke on record. In many cases, CAI speakers presented their position effectively. The arguments themselves largely followed those originally presented by the Sierra Club: (1) Dioxin is a unique and especially troubling Harrisburg problem, (2) the incinerator is not up to environmental standards, and (3) local citizens are not properly represented in environmental policy decisions. CAI added proof, ethos, and imagery to these arguments. Nonetheless, these arguments would fade away in the public outcry of later debates. CAI first

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[35] Dana Alston, "The Summit: Transforming a Movement" *Race, Poverty and the Environment* 17.1, Spring 2010, https://www.reiminerpe.org/20years/alston.

[36] http://www.ejnet.org/ej/principles.html

invoked the ethos of environmental justice, but another group would effectively take ownership of that issue in the public debates.

It is difficult to say how environmental racism emerged as a polarizing issue in the incinerator debates. But one group took leadership of the issue: The Interdenominational Ministers' Conference of Greater Harrisburg (IMCGH). By the time of the incinerator debates, IMCGH was already advocating causes in central PA, such as the "boycott [of] Hershey Foods Corp. products and Hershey-area attractions over minority contracting practices."[37] Representatives of IMCGH started speaking at Harrisburg City Council meetings in mid-2003. The group added a professionalism and charisma to many of the public debates, thus gathering supporters along the way (including the CAI). IMCGH presents their arguments in a focused though multifaceted way. First is their legal position, based largely on the Civil Rights Act of 1964.[38] In public debates, many of IMCGH's explicit arguments rely on legalities (though they also employ data and historical examples). Yet two important implicit arguments may be just as meaningful. First, IMCGH demonstrates the number of people who are passionately opposed to the city's position. Second, IMCGH helps to literally show the bodies that would suffer from environmental policy: predominantly Black and historically discriminated.

All facets of argument arrive in several important public debates in October and November of 2003. The IMCGH requested and received permission for a special presentation at a City Council Meeting. A thorough legal argument was thereby presented:

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[37] Joe Elias, "Progress claimed on Hershey boycott." *The Patriot-News*, Oct 5, 2003.

[38] This position at least contributed to a lawsuit filed against Harrisburg and Mayor Reed in 2003, as will be explored below.

The mere existence of a polluting facility in a community like this, reduces property values, undermines the aesthetics and future involvement of the community, whether or not a community will draw in certain types of businesses, and the impact it has on schools and the overall quality of life. Has that assessment been done in relationship to this project? … As you know, Title 6 of the Civil Rights Act of 1964 says that recipients of federal financial assistance shall not be discriminated based on race, color, or national origin. The argument that we have advanced on this issue is this, when state entities receive federal funds, and those federal funds are used to pay staff who do research and sub-sequentially issue permits to facilities to operate in communities of color; disproportionately, that according to our assessment of Title 6 constitutes a violation of Title 6.[39]

The speaker supports this legal argument with statistics that illustrate environmental disparities in Black neighborhoods. This argument links several important rhetorical appeals: the emotional disgust with racist policies, the legal proofs of Title 6 violations, and the apparent proofs of economic malfeasance. It essentially undermines the city's argumentative position and consolidates the public objections into a serious legal contention.

This presentation was part two of a two-pronged legal attack against the city's policy position. A few weeks before, a group of community and environmental advocates filed a lawsuit against Harrisburg, the State of Pennsylvania, and the Pennsylvania DEP. In their suit, the appellants allege that the defendants violated federal law when they approved the incinerator financing. In particular, "Appellants allege that the Department [of Environmental Protection]

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[39] Minutes of the Legislative Session of Harrisburg City Council, 5 November 2003.

issued the Plan Revision "without making any investigation regarding possible violations of the Civil Rights Act of 1964, Title VI, Section 601, 42 U.S.C. §2000d.""[40] The relevant law, 42 U.S.C. §2000d, reads: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."[41] This lawsuit echoes the legal position of the IMCGH at public meetings. IMCGH's arguments cast substantial doubt on Harrisburg's legal stance. Did the city duly review Civil Rights matters before making their policy decisions? Extant evidence is not sufficient to conclude one way or another. The IMCGH-backed lawsuit proved durable for a time, though was eventually dismissed.[42]

With the apparent power and quality of their arguments, as well as their established credibility, the IMCGH gathered a wider community to their position. In doing this, they can project an authoritative idea of the public interest. For example, at one public meetings, IMCGH deliberately brought together representatives from the Clean Air Council, Big Bethel AME (a famous church in Atlanta), the National Black Environmental Justice Network, and CAI.[43] All associated speakers support the IMCGH position. One public speaker encourages the IMCGH and condemns the incinerator as environmental racism. Another speaker identifies himself as "professor of Environmental Science at nearby Dickinson College." The professor claims that

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[40] "Updated Status Report of Appellee The Harrisburg Authority," filed 10 March 2005, Environmental Hearing Board docket No 2003-246-K, page 6.

[41] *U.S. Code*, Legal Information Institute, Cornell University, https://www.law.cornell.edu/uscode/text

[42] The denial was not for a lack of merit, but because Harrisburg filed new pleadings which rendered previous lawsuits moot. The underlying legal matter appears unresolved.

[43] Minutes of the Legislative Session of Harrisburg City Council, 5 November 2003.

the incinerator will generate "hundreds of different chemicals and particles of incomplete

combustion." In other words, the air may be much dirtier than previously believed. Another

speaker identifies herself as the President of the Greater Harrisburg NAACP and reminds the

council that the NAACP is firmly against the incinerator project. The next speaker asks that the

Mayor and his officers "make a commitment that they will relocate their primary residence to the

south Harrisburg neighborhood - one half mile from the incinerator."[44] Another speaker tells a

story of Anniston, Alabama, where toxic waste is stored in predominantly black neighborhoods.

Both the Clean Air Council and the Sierra Club present a summary of their environmental

arguments against the incinerator. Several other citizens express general concern for the health of

their children. Through this showing, IMCGH and their allies want "to make clear that we view

this situation in Harrisburg as a national issue and we will bring everybody we need to bring into

this City to focus attention on the need to stop this facility by whatever means we have available

to do so."[45]

Perhaps the most galvanizing appeal of these debates is the claim of racism. The evidence

is strong in this regard. CAI and IMCGH show data that confirms the highly disproportionate

ethnic makeup of the incinerator's closest neighborhoods. Even though the greater Harrisburg

area (as of 2003) was over 66% white, the neighborhoods closest to the incinerator were roughly

75% lived in by people of color. This disparity was paralleled in the debate itself: most of the

public speakers identified as Black, whereas the Mayor and most of the Mayor's officers were

white. During one of the more heated debates, an IMCGH supporter summarizes the public

frustration:

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[44] Ibid.

[45] Ibid.

When I look at this, what I've seen publicly is that mostly people that are white have been at the table making the decisions… People of color and people in poverty are the ones who will pay for this decision, they were never asked by officials what they wanted, only the critics. So I ask you to reject this because the process was racist.[46]

At the conclusion of the same meeting, an IMCGH spokesperson appeals directly to the city's representatives:

We have had representation from those who propose this issue, who are making finances on it and I look at the representation and I see whom? I see no persons of color other than one firm, Stanley Mitchell and I look at this issue and he is getting a nickel and everybody else is getting a dollar. So even the Blacks that are participating in this financing are getting taken advantage of.

Implicit within these appeals are the disparity of bodies. IMCGH and allies present themselves as representatives of the neighborhoods most affected by the incinerator policies. The people making the decisions are mostly white and live outside the affected neighborhoods.

The problem of public interest comes full circle in this issue. IMCGH reveals a fundamental issue with their presentation of numbers and bodies: showing, literally, the people who disagree with the representatives. By the end of the observed debates, the IMCGH seems to cohesively represent the public interest, both physically and rhetorically. And the people who legally represent the people – the Mayor and City Council – object to this apparent public

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[46] Minutes of the Legislative Session of Harrisburg City Council, 28 October 2003.

interest. This disparity is more apparent and impressive because of the racial disproportions. The IMCGH (and allies) thus present a strong version of the public interest, based in solid legal arguments, a discrete gathering of groups, and through physical presence at public meetings. The tenacity and quality of IMCGH's arguments is laudable, and they seem genuinely interested in the public good. But IMCGH is still a corporate group pursuing corporate interests, and their representation of the public interest (however appropriate or compelling) is a rhetorical stance. Their rhetorical strength would be countered with rhetorical tactics from the city, as I explore below.

Economics: arguments and realities

City Council is the doorkeeper of the city's treasury. Any time the city requests extra funding, taxes, fees, etc., such matters must be put into a resolution. City Council then votes upon the resolution in a public meeting. The vote must be advertised beforehand, so the public may attend. And the public is given time to voice concerns before the resolution's vote. Formally, the Harrisburg City Council must approve the yearly budget.[47] They also must approve of any city-based resolution, which includes all the various forms of funding.[48] In an ideal situation, this format would serve to satisfy the will of the people and check the executive power of the Mayor. As I will show, the actual situation is murkier and more impressionable. Furthermore, most members of City Council ran on the "Mayor's ticket," presenting a package-

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[47] 53 P.S. § 41418

[48] 53 P.S. §§ 41409, 41410 and 41418 to 41421

type deal for voters. This presents obvious issues for the balance of powers in local government. Those issues are magnified when the local Mayor is a 20+ year incumbent with a virtual stranglehold on local politics. During the "Reed Era" (named for Mayor Stephen Reed), most of Harrisburg's City Council achieved their positions through the good graces of the Mayor's Office. Thus, in the incinerator debates, it is safe to assume that Mayor and City Council are on approximately the same "team."

Extant evidence shows that Mayor and City Council frequently redirected arguments away from environmental concerns and towards financial concerns. The main rationale here is that the city's environmental position was simply bad. The EPA and state-level DEP both presented data and arguments meant to shut down the incinerator. Later claims of environmental racism further eroded any credibility in the city's environmental position. The best retort that the city could muster is that they are working hard to get the facility within federal standards.[49] But this focus on economics also allowed the city government to make a claim for the public interest – a card that they played more and more as the debates went on. The Mayor and City Council frequently invoked the possibility of job losses and tax increases if the incinerator were forced to shut down. Who would take care of the incinerator workers and other employees who were somehow reliant on the incinerator's operation? And why would the environmentalists force the people of Harrisburg to pay even more in property taxes or special trash fees? With this financially-based position, the city could claim that they are defending the city's workers and the people of Harrisburg. This was a more productive position than trying to countermand the EPA or the IMCGH's very persuasive environmental justice argument.

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[49] This line of argument is repeated by several city representatives in public meetings, but most often by the Mayor's lieutenant, Daniel Lipsi.

Council began this affinity for economics early in the incinerator debates. As previously

discussed, the EPA published a letter that threatened to close the Harrisburg incinerator. The

news led to a substantially larger public turnout at City Council meetings. At one hotly contested

meeting, Council President House explains that the purpose of the meeting is to consider "a

refinancing of outstanding Harrisburg Authority debt and the securing of new money for

engineering evaluation."[50,51] The assembled attendees, some of whom representing the Sierra

Club and CAI, reject that proposal. Most speakers continued the environmental arguments,

aligning themselves with the EPA's position (as well as Sierra Club's line of argument). A few

members of City Council expressed sympathy with the environmental groups. In particular,

Councilwoman Stringer declares:

> I have to vote in the interest of the people. The people who we care about their
>
> health that they can have clean air. I cannot be forced to do something because
>
> they say that this has to pass right away and as elected representatives we have to
>
> take and listen to what the tax payers say and what is truly in the best interest of
>
> the city. So with that I will not be supporting this.[52]

After this extended public discussion period, the matter proceeds to a vote. In this case,

the vote is a simple yes or no to refinance incinerator operations. Since refinancing is necessary

to keep the facility operational, the vote serves as referendum on the very existence of the

incinerator. Accordingly, City Council members gave themselves time to justify their vote before

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[50] Minutes of the Special Legislative Session of Harrisburg City Council, 4 December 2000.

[51] The "Harrisburg Authority" is ostensibly a utility-based branch of the local government. It was actually a way for the Mayor's Office to fund pet projects and economic development without public approval.

[52] Minutes of the Special Legislative Session of Harrisburg City Council, 4 December 2000.

the vote itself. Councilman House laments that "we stand to have a 3.5 mill tax increase. There could be a 35 percent increase in trash fees."[53,54] Furthermore, "There could be layoffs of approximately 110 personnel including all 60 at the steam plant and possibly 50 others city wide including both police and fire." Councilmen Wright and Phoenix express their trepidation. Wright confesses "if I have ever seen anything that can be said to be on the horns of a dilemma, I guess this is it tonight because we are certainly at that point." Phoenix, perhaps the most poetic speaker, declares that "as tax payers and elected officials, we're sort of like between the dog and the fire hydrant no matter what we do." Yet both Wright and Phoenix justify their "yes" vote with a similar argument as President House: that the matter is a budget issue, that they cannot contradict their previous votes. This leads to a vote in the affirmative, 5 for and 2 against. The incinerator remains open, and it is getting more money.

Somewhat out of the public purview, but certainly in the minds of City Council, was the yearly budget meeting. As usual, Mayor Reed personally proposed the yearly budget to City Council. Though this was done at a public meeting, it was not a well-attended or well-commented meeting. Mayor Reed filled most of the time by laying out the justifications for budgetary items, including the incinerator project. His comments are worth evaluating in their entirety, but some clearly stand out. About halfway through his long opening speech, Mayor Reed said:

> [The incinerator's] permanent closure would mean a minimum of a three and one-
> half mill real estate tax increase, as well as a 35% increase in the citywide trash
> collection rate. Alternatively, the derating of the plant, as required on December

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[53] Ibid.

[54] "Mill" here and elsewhere means one percentage point of tax per $1,000 of property value.

19th, and its subsequent retrofitting, means that an efficient and less expensive means of trash disposal shall remain available to the city and that no new taxes or trash collection rates will be needed.

Mayor Reed somewhat anticipates the environmental argument, but brings the matter back to economics with a rhetorical flair:

The city's exemplary record of producing energy in the form of steam and electricity from the burning of trash will continue, which produces us revenue, while simultaneously assuring that our trash and the trash of other communities does not scar the land through land-filling.

These justifications were sometimes repeated by members of City Council at later meetings. For instance, Councilwoman Grove echoed that "the alternative to send this to a landfill is just sending it to somebody else's backyard. I don't find landfills any better than incinerators."[55] And a bit later, Grove also recalled that "The incinerator also helps to produce steam which produces heat for this area as well as electricity."

At the next year's budget meeting, Mayor Reed echoed many of the same points as in the previous year. His opening message: taxes will not increase. This appeal is repeated in many forms throughout the presentation. Later, he dedicates a section of his speech to "incinerator and Steam Generation."[56] Due to judgments and orders from both the EPA and Pennsylvania DEP, Reed conveys "The plant must close for retrofitting and upgrades in June [2003]." The mayor does not relate the possible costs for this retrofitting, only saying that "To refinance the

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[55] Minutes of the Special Legislative Session of Harrisburg City Council, 4 December 2000.

[56] "City of Harrisburg Pennsylvania 2003 Approved Budget." City of Harrisburg, Dec 31, 2002: 6-7.

retrofitting and upgrade, bonds shall have to be issued and it is expected that they will be presented for public comment and Council action by the end of the first quarter of 2003." The Mayor then proceeds to argue for the retrofitting, repeating many of the same appeals as before: the need for tax revenue, the undesirability of alternatives, the certainty that taxes will increase if the incinerator shuts down, and the immediate loss of jobs upon shutdown. Concerned citizens attended this meeting, but public outcry did not coalesce into a strong or unified message.[57]

As time wore on, the environmental justice issues became larger and larger. Yet, City Council needed to approve the Mayor's further refinancing of the incinerator. As usual, this happened in a public debate in Harrisburg City Council. Many corporate groups, including CAI and IMCGH were present at this meeting. Council allowed a special period for public debate before the vote. Daniel Lipsi represented the Mayor's office, and mostly ignored the environmental arguments of the other speakers. Councilwoman Linda Thompson cross-examined Lipsi, essentially asking him to promise that there would be no tax increases as a result of the incinerator funding. Thompson asked him to make it a matter of public record. Lipsi waffles a bit, but confirms that there should be no tax increases until the year 2015 (12 years in the future). Lipsi and Thompson then discuss how City Council would need to approve any increase in taxes. The discussion plays a major role in the progression of voting, and Thompson votes in favor of the new refinancing (though it is not clear if her vote was ever in doubt). This led to a Council vote to approve incinerator refinancing, essentially endorsing the idea of the incinerator. This vote went against the assembled objections and the large public turnout of groups like CAI and IMCGH.

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[57] Minutes of the Special Legislative Session of Harrisburg City Council, 19 December 2000.

So, time and again, the city aligned public interest with economics. They presented themselves as defenders of workers while aligning their opponents with job cuts and tax increases. They also insisted that any additional environmental policies would result in tax and fee increases for Harrisburg's citizens. This was essentially the city's play for the public interest, despite numerous and strong public objections.

But this position was not enough, especially as allegations of environmental racism emerged. The city, again making a play for the public interest, thus asserted a monopoly on financial expertise. Throughout the debates, City Council members frequently deferred their judgment and opinions to experts or advisors (usually appointed by the Mayor's office). Lipsi is the most invoked expert in the observed matters, though his actual expertise is dubious. At a later debate, the city presented Buchart Horn, a local law firm and ostensibly independent party, to answer the public's concerns. In a public presentation, Buchart Horn outlined the financial projections of the incinerator's operations. Assuming a favorable outlook over the next five years, Buchart Horn believes that the incinerator will make enough profit to pay for all its refinancing. Furthermore, the long-term financial benefits of the incinerator could help pay for environmental upgrades over time. All of this is fully outlined in Buchart Horn's published report to City Council (according to the meeting minutes).[58] Groups like CAI and IMCGH had no solid refutation to the city's economic position. Rather, they mostly criticized the city's economic projections as overly optimistic.

In *Participation and Power*, W. Michele Simmons states that "the notion of "expert" is nearly as problematic as "public.""[59] Experts can – and often do – come from a variety of fields

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[58] Despite my best efforts, I could not find a copy of the actual report.

[59] W. Michele Simmons, *Participation and Power*, 87

that may be loosely connected to the local matter at hand. Simmons notes that such persons are qualified as "experts" through relatively arbitrary formal recognitions, such as an advanced degree or membership in a certain profession. Experts often have little or no direct connection to the locality most affected by policy. Despite these issues, Simmons explains the persistence of expert-based policy making, sometimes called the "technocratic model:"

> The technocratic model works under the assumption that decisions about environmental risk issues are complex and technical and should therefore be restricted to individuals trained in risk assessment and risk management… This model still represents the mindset of most regulatory agencies who believe that the public cannot contribute to the technical discussions about risk and that these technical and complex decisions are best left unmarred by the public.[60]

Simmons thus describes how a technocratic model essentially removes the public from policy deliberations. This is especially problematic when considering the public interest.

In Harrisburg's case, the financial "experts" provide a kind of technocratic model. The city government's financial expertise could not be matched by the public groups, or at least not sufficiently to jeopardize the city's position. City Council frequently deferred to financial experts, both directly and indirectly. Especially in the 2000 and 2001 debates, City Council insisted that they were relying on experts to justify their votes. Daniel Lipsi, the Mayor's lieutenant, became the common authority for technical clarifications. This can be seen in several meetings of city council, but also seemed to happen wherever Lipsi appeared in a public capacity. Furthermore, City Council seemed to rely on Mayor Reed's budget and his other

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[60] Ibid., 89

financial proposals - documents which were often prepared by outside contractors with ambiguous allegiances. The public, though well-educated and well-prepared, did not have the *ethos* nor the practical ability to refute the government's financial experts. To challenge the experts at their own level requires resources that are usually beyond the abilities of a local public. To quote Simmons and Grabill, the Harrisburg public lacked "the ability to invent and produce usable knowledge from available information," whereas experts like Buchart Horn were well equipped to use budgets and other financial reports in a persuasive way.[61]

Looking at these matters as an ecology allows a fuller picture to develop. Because of Harrisburg City's scandalous financial ruin and bankruptcy, there were multiple reports and investigations published between 2010 and the present day. Some of these were proactive social efforts, others were compelled by state law, and others were deemed necessary by civil and criminal court cases. The first report included here is an amalgamated report published by The Harrisburg Authority, dated January 12, 2012.[62] According to this report, the story of the incinerator's retrofitting begins in 1999. The report cites relates the insider dealings between Mayor Reed, Daniel Lipsi, and the company who would be hired for the incinerator retrofitting: Barlow. Many assumptions and promises were made during these early meetings. In November 2001, "Barlow and the Authority entered into a Professional Services Agreement, which was designated as exempt from public bidding requirements."[63] In other words, it was a sweetheart, insider deal for a public utility project. And yet, when the Mayor's plan became public, Council

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[61] W. Michele Simmons and Jeffrey T. Grabill. "Toward a civic rhetoric for technologically and scientifically complex places: Invention, performance, and participation." *College Composition and Communication* (2007): 434.

[62] "The Harrisburg Authority Resource Recovery Facility Forensic Investigation Report," The Harrisburg Authority, Jan 12, 2012.

[63] Ibid., 22-23.

defended the decisions by claiming to be following the advice of experts. In some ways, expertise became a rhetorical smokescreen to hide the unsavory and perhaps illegal dealings of the Mayor and his favored companies.

There are some compelling reasons for this seemingly malignant pattern; what seems to be a story about an incinerator is actually a story about debt. This quagmire is unraveled in later investigations. In 2012, the Pennsylvania State Senate held a public hearing on the "Debt Structure of Distressed Harrisburg incinerator."[64] The core of the 2012 hearing is an investigative report by the State Senate. The first speaker is the chief investigator, Steven Goldfield. Through a long and comprehensive narrative, Goldfield explains how the Harrisburg incinerator started with a small debt in the early 90's and ballooned to nearly $80 million in debt by 2002. Goldfield affirms that public opinion in 2002 was to "shut it down."[65] The main financial problem, according to Goldfield, is that there was no feasible way to pay for the incinerator project's $80 million debt. Most of that debt was guaranteed on the basis that the incinerator would make a profit. Selling the incinerator was not an answer, since the highly publicized environmental concerns greatly reduced its buying appeal. Shutting down the incinerator would mean that the City of Harrisburg assumes almost $80 million in high-interest debt.[66] Noting this financial crisis, we could perhaps sympathize with the Harrisburg politicians in 2002 and 2003. The city had little choice but to continue pushing the debt into the future.

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[64] "In re: Debt Structure of Distressed Harrisburg incinerator," Senate of Pennsylvania Committee on Local Government, Nov 13, 2012 (Stenographic report of public hearing).

[65] Ibid., 34.

[66] Consider: the entire yearly budget of Harrisburg was only about $120 million in 2002, and that total already included about $17 million in incinerator-related debt.

In such dire circumstances, experts provided a way to expedite the policy process. The experts' authority could justify the reckless, but seemingly necessary, financial moves of the Mayor's office.[67,68] These reports also reveal that the experts to which City Council deferred were, for the most part, motivated by their own corporate interests. In legal parlance, this is called a conflict of interest. For example, the purported independence of Buchart Horn would be seriously questioned in later lawsuits.[69] Because so many of these connections and potential conflicts were hidden from public view, the actual conflicts of interest only emerged after the incinerator project started to financially unravel. If the incinerator project enjoyed even a modicum of success, many of these details would remain hidden. This should be a warning to other communities. In the 2003 incinerator debate, political will was crafted to seem like technical wisdom. Experts invented a rhetorical power that pushed political agendas forward. And yet, some questions remain: Why did City Council defer to those financial experts? Why did nobody question the experts' motivations? This brings us back to the core rhetorical and democratic issues of public interest.

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[67] "In re: Debt Structure of Distressed Harrisburg incinerator," 36.

[68] Goldfield also anticipated an important concern: who kept lending money for this incinerator? Couldn't they see what a bad investment it was? Unsurprisingly, the financials are quite complex. Indeed, Goldfield's main job was to explain those financials to the assembled committee. Basically, there were two financial institutions involved in the Harrisburg incinerator financing. One was a debt insurer, and another was a commercial lender. These institutions would charge fees for each transaction - sometimes quite hefty fees. These institutions made money every time a debt had to be refinanced, insured, moved, swapped, etc. Thus, these institutions did not much care about the quality of debt or the taxpayers who were on the hook. They cared about the fees, and the fees were paid in advance. This cavalier financing scheme is similar to the arrangements that perpetuated the financial crisis of 2007-2008.

[69] Jonathan Barnes, "Pennsylvania Sues Firms to Recoup Harrisburg incinerator Losses." *ENR Mid Atlantic*, May 30, 2018.

Analysis: Major problems of the public interest

The Harrisburg incinerator debates connect to broader issues in rhetorical studies and public policy critique. These issues help link the more general issues of public interest to the specific, Harrisburg-based policy problems. In this section, I identify four major problems and break them down into more manageable and more applicable parts.

First is the local monopoly on policy power – the issue that is most unique and most troubling about Harrisburg's situation. Part of this problem is caused by legalities. Laws for most municipalities are somewhat sketchy on the division of powers and the checks and balances of government. This allows powerful players to consolidate government powers. This is a general issue. Harrisburg's specific issue is centralization of power in the Mayor's office. Mayor Reed was a long-time incumbent, a seasoned officer of the Democratic Party, and a largely domineering personality. Mayor Reed had great influence in all policy matters and was also highly defensive of that power. In many cases throughout the incinerator debates, incinerator-based resolutions and motions went virtually unopposed. In other cases, great public opposition could only change the minds of a select few public representatives, if any. And yet, several environmental and social justice groups gathered around similar issues and presented something like a united front. There, City Council members faced a dilemma. They had to weigh the apparent public will against the will of the Mayor's office. They usually chose the latter, albeit with some hesitation.

The second general problem seen in the Harrisburg incinerator debates is "Neo-Feudalism," a term coined by Jürgen Habermas. As observed above, City Councilors and other elected representatives faced a recurring dilemma. To preserve their political station (as

guaranteed by their sponsoring political party), the representatives must honor the party's

corporate interests. In this case, those interests were to keep the incinerator funded and

operational. Yet their status as elected politicians relies on their ability to satisfy the desires and

consciences of the voters. And in many cases, the voters were clearly against the very idea of the

incinerator. Councilors had to summon all their rhetorical acumen to address this dilemma. In

these moments, Council members take an extended time to maximize the appealing force of their

personalities. This is seen in the lengthy appeals given by City Council members before each key

vote: each member is quick to indemnify themselves, to cast blame in the direction of other

authorities, and to demonstrate the difficulty of the decision. But in each observed instance, they

vote against the seemingly clear will of the people. The Mayor and aligned corporate interests

won the day, again and again. In a fully functional deliberative democracy, this trend would be

politically untenable. But because of Neo-Feudalism, this trend is possible and perhaps common.

Habermas has spent much of his career commenting on the problem of interests in the

public sphere. In *The Structural Transformation of the Public Sphere*, Habermas presents some

of fundamental issues of modern democracies. He incisively evaluates the purposes of political

parties, calling them "instruments for the formation of an effective political will." [70] While this is

somewhat defensible in a deliberative democracy, a key issue arises: the will of the political

party does not belong to a public but instead belongs to the party leadership. This has serious

consequences for policy formation, as party interests can overwhelm a legislature. Habermas

later claims "it is precisely the interlocking of organized interests… that lends to the parties a

paramount position before which the [deliberative body] is degraded to the status of a committee

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[70] Jürgen Habermas, *The Structural Transformation of the Public Sphere: An inquiry into a category of bourgeois society*. (MIT press, 1991): 203.

for the airing of party lines."[71] In this perverted form of deliberation, representatives use the public forum to justify their party's position and gather assent.[72] All of this leads to a rather sorry situation for democracy. As Habermas summarizes: "Before the expanded public sphere the transactions themselves are stylized into a show. Publicity loses its critical function in favor of a staged display."[73]

Consider: Environmentalism comes from somewhere outside of political studies. In the Harrisburg incinerator debates, the presence and political energy of environmental groups clearly shows the public desire for change. Though if we assume Habermas' model of public debate is accurate, all that effort is futile from the start. The representatives – in this case, City Council – are already set to vote along party lines. Their role in City Council is to justify and generate assent for those party lines. These workings can be seen in the fervent appeals of City Council before each key vote, as Council members frequently suggested that the situation was beyond the reach of their own consciences. Habermas implies that the only way for the public to change a legislature's mind is to threaten the political viability of the entire body. At Harrisburg, that would mean somehow proving that City Council (and their sponsoring political party and/or corporate groups) will suffer more through public criticism than by party disfavor. In other words, the public would need *real* leverage.

We have now observed the first two problems of monopolization and neo-Feudalism. Problems three and four, "privileged stakeholders" and "representation," deserve their own subsections.

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[71] Ibid., 205.

[72] *Structural Transformation,* 206 top

[73] *Structural Transformation,* 206

Privileged Stakeholders

The meetings and chambers of City Council are a prestigious and critical space where individual citizens and corporate groups can speak directly to those who formulate and approve policy. But the spaces of debate are much wider and more diverse than the meetings of City Council. Here I consider those other spaces. The core problem is not the presence of extra-political spaces (which are necessary to a healthy civil society), but the exclusivity and the power of certain extra-political spaces. I argue that such "privileged spaces" led to a culture of deal-making and back-scratching at Harrisburg, which greatly reduced the potential of democratic deliberation.

Because of their importance, the City Council meetings also generated secondary and connected areas of debate. That is to say, people talked about City Council meetings. This ancillary discussion can happen immediately before, after, or perhaps even during the meetings. Though there is no direct evidence in the sources, but it seems safe to assume that people would extend the discussions of the meeting both before and after the formal time of the meeting. These unofficial though formally connected spaces could serve as sites for rhetorical invention and provide a more personal space for appeals. The members of City Council or other public officers may be part of these ancillary discussions. Yet this extension of debate space goes farther than elevator run-ins and hallway conferences. For example: In 2003, several social and environmental groups came together to deliver a special presentation to City Council. The presentation was long, well informed, and supported by reports and visuals. To complete such a production, these groups needed to lobby and plead both inside and outside of the formal City

Council space. Furthermore, these groups needed to cooperate somewhere outside the confines of the City Council meetings. In other words, they needed the time and space to coalesce into the definition of a corporate group: a group with goals, rules, and distinct membership.

Several groups, such as the Sierra Club, maintained a presence in the incinerator debates. These groups probably had meetings outside of the formal debate space. The nature and formality of these intra-group meetings varies greatly. Some groups have frequent and regular meetings for members. Other groups rarely meet in person. Inevitably, some members will be more active than others, and some members will form circles within their own ranks. Social variances are considerable, but in all cases, the group must represent itself in the public arena. For the purposes of a formal public debate, a group must assent to a certain argumentative position. This may be a deliberate set of talking points, debated and voted upon by all present members. Or it may be an informal discussion to establish a basic platform. In some groups, assent may come through deference to a particular leader or set of leaders. All decisions, implicit or explicit, which lead to the group's assent must be made outside City Council chambers. Thus, the effective space of a public debate extends to the intra-group meeting spaces of any participating group.

A corporate group's spaces are not strictly public, even though they may address public issues. This even applies to cyberspace, which is often subject to strict gatekeeping, recording and perhaps censoring. Groups may have closed-door meetings, formally or informally, in which the most powerful actors corroborate political and rhetorical strategy. The same can be said for political officers, appointees, and other major players in local politics. However, some spaces allow public issues to be discussed and acted upon privately and/or confidentially. Certain spaces are even facilitated to that end. I call such spaces "privileged spaces." In the Harrisburg

incinerator debates, the best example of a privileged space is "The Tuesday Club." The Tuesday Club was an association of local businessmen and politicians, and long hosted a private space near the State Capitol (also near Harrisburg's local political offices). The Club becomes especially important during the time of the incinerator debates because it was recently moved and renovated by the highly influential local businessman, John Vartan.[74] The "new" Tuesday Club opened in October 2001, with the Mayor and other local and state politicians in attendance for the grand opening. According to a contemporary news article, "This home of the Tuesday Club is open to members only during the day. After 5 p.m., the club turns into an exquisite public restaurant called Parev."[75] Furthermore, it was generally known that local politicians would take lunches and dinners in the private rooms of the Club, being effectively an extension of the State Capitol. Thus, the Tuesday Club provided two privileged spaces. During the day, it was a lunch and meeting spot for its members, which included many prominent political officers and businesspeople. At night, it was an expensive and stilted restaurant, effectively privileging the space with its price point. While there is no extant evidence of certain meetings or discussions, all indicators point to the likelihood that politicians and businessmen regularly collaborated at the Tuesday Club. Within the Club, certain stakeholders could meet and discuss public issues away from public view or scrutiny.

The prevalence and power of a non-public venue obviously skews the fairness of the policy deliberation process. The privileged nature and "members-only" disposition of the Tuesday Club is only the most damning example of an extra-political space where political decisions are made. Of course, all this totally contradicts the ideals of public deliberation. There

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[74] "John Vartan," *Armeniapedia.org*, Dec 20, 2004.

[75] Mimi Brodeur, "Parev tops reviewers list of best," *The Patriot-News*, June 6, 2002.

is little free, equal, or fair in a space where politicians and businessmen make private deals. And there is certainly no sense of public interest. In *Visions of Poverty*, Robert Asen confirms that "An embrace of nondeliberative alternatives for policymaking such as bargaining processes and patronage rewards relies on the very resources that the poor lack— money, access, and power."[76]

Consider also: the observed incinerator debates happened from the years 2000 – 2003. The first iPhone came out in 2007. So, in a time mostly before digital devices, the newspaper was still an important source of daily news and opinion. Each newspaper has the power to facilitate, inhibit, or even censor stakeholders. The most frequent issue is the choice of content; the incinerator debate sometimes unfolded in the form of letters, editorials, and even the occasional "crossfire" pro vs. con article.[77] In these instances, the newspaper serves as censor and promoter. The mechanics of deciding which letter is published, or which article is more prominent, are hidden from public view. This is best exemplified by the early debates on environmental concerns, especially certain air pollutants. The *Patriot-News* originally published an article which summarized the scientific report on dioxin. It is unlikely that any typical citizen in Harrisburg would have discovered the report otherwise. The article led environmental groups to the dioxin report itself, which then supplied those groups with proofs for their arguments. Environmentalists particularly highlighted the report's claim that the Harrisburg incinerator was one of the world's leading dioxin producers.[78]

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[76] Robert Asen, *Visions of Poverty,* 15.

[77] Here I focus on the *Patriot-News*, but there are several newspapers invoked in the case study.

[78] Evidence of these arguments are still observable on the website of the Coalition Against the incinerator: www.stoptheburn.com.

The newspaper also presents rhetorical issues which compromise the purported fairness of the news. Ideally, the audience is the local public and the rhetor is an ethical and independently minded journalist. Realistically, there may be privilege issues affecting the newspaper's decisions. There were plenty of editorials and letters from anti-incinerator citizens throughout the observed years. Yet the authorship of certain articles puts the neutrality of the *Patriot-News* in question, at least some of the time. For example, both Daniel Lipsi and Mayor Reed published editorials and/or statements in the *Patriot News* throughout the incinerator debates. The timing of those articles implies some kind of design. For example, before the final EPA meeting (2001), Daniel Lipsi published an editorial to elaborate the city's position. This may not be shocking for a modern audience, who are daily bombarded with political advertisements and opinions via social networks. But before the digital age, one well-timed newspaper article could potentially make the difference between public assent and public dissidence, or between a peaceful exchange and a highly emotional shout-fest. Safe to say that the *Patriot News*, which dominated printed local news, had substantial influence in local politics and public debates. This at least opens the possibility of a highly localized and highly effective form of propaganda. While I cannot make any affirmative accusations here, I will say this: Mayor Reed was much more capable of influencing the *Patriot News'* editorial decisions than any local interest group.

Representing the Public Interest

Thus far, I outlined three major problems discovered through rhetorical analysis.[79] The problems of "representation" require a more focused and incisive procedure. I thus center my efforts on four questions about representation in the Harrisburg incinerator debates.

1. How do policymakers consider the public interest?

Harrisburg City was in a difficult and somewhat unique situation during this time, but the situation is analogous to other cities and localities across the country. Despite the problem of a virtual monopoly on local politics, the policymakers of Harrisburg seemed to consider the public interest. This may not have been a deep consideration, but the invocation of public interest was frequent. The Mayor framed appeals and speeches in a way that seemed beneficial to the citizens of the city. City Council likewise expressed concerns in terms of the well-being and future of the city's denizens. Other interested parties sought to placate public concerns and temper the outcry of certain public meetings. Throughout the incinerator debates, public officers considered and reacted to the public interest regularly. Of course, the debatable part of this trend is the intent with which those public officers proceeded. Representatives may have genuinely reflected the public interest, or they may have used the idea rhetorically, or perhaps a bit of both. And one should also consider the publicity in play here: what is said in a public forum may not represent the dealings and decisions made outside of public purview (as seen in privileged spaces and the incinerator investigations).

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[79] 1) Monopoly on local policy power, 2) Neo-Feudalism, 3) Privileged Stakeholders.

To summarize: considering the public interest is not the same thing as honoring the public interest. With the benefit of an ecological approach, some authoritative conclusions are possible. For the Mayor's Office, the consideration of public interest was hollow from the start. The Mayor's Office made the decision to re-build the incinerator, and began arrangements for the construction, well before the public debates even took place. And while City Council may have some genuine desire to accurately represent their constituents, they were (for the most part) politically pressured into adhering to the Mayor's plan. As is seen time and again in the case narrative, the Mayor's Office was the strongest stakeholder and the most influential participant in the policy-making process. Accordingly, all public officers in the Mayor's orbit were compromised by corporate interests. This probably extended to City Council in some ways, but the scope of corroboration is difficult to prove. Nonetheless, the overall consideration of public interest was muddled from the onset, despite the City Council's ostensibly public mission. City Council was frequently in a defensive mindset, usually responding to the concerns of corporate groups. Nobody seemed interested in finding the public interest, be it through a workable compromise or an amalgamation of perspectives. These complications lead to the next question.

2. Who represents the public interest?

Legally speaking, City Council represents the public interest in Harrisburg, PA. However, we saw how that representation was often compromised if not totally ignored. Only at moments of high drama, such as the votes on incinerator funding, was there a larger presence of citizens that could be called a wider public. Those relatively rare moments are indeed featured in the case study, but they are sporadic and thus not very typical. In the incinerator debates, the public interest was more reliably represented by two main groups of stakeholders: public

corporate groups (such as the Sierra Club, CAI and IMCGH) and/or highly energized individual citizens. Both stakeholders bring rhetorical and democratic issues regarding representation.

Members of the public attended the City Council meetings, the EPA meetings, and various other public meetings to express their opinions on the incinerator project. Though many citizens spoke out over the course of years, the observed public debates had a recurring cast of characters. Especially in the early months of the incinerator debates, the public was largely represented by environmental groups like the Sierra Club. These groups have long-standing agendas, an independent financial backing, and a more national interest. Correspondingly, their specific appeals to the Harrisburg government generally aligned with the interests of the corporate group. Yet, in the real-time of the debate, the corporate position may have seemed like an expression of the public interest. Of course, it is more likely an expression of corporate interests that align with the public interest to some degree. Other groups, including CAI and IMCGH, also fall into this rhetorical scheme: A corporate interest overlaps the public interest to some degree, and through application of corporate influence and resources, that corporate interest comes to represent the full public interest. For instance, both Sierra Club and CAI worked to make their environmentally-based anti-incinerator position seem like a biding public opinion. This tactic may have been beneficial in a rhetorical and competitive sense, but it also replaces any accurate representation of public interest. Any dissenters or moderators in the local public were overpowered in favor of a greatly simplified, corporate-group dominated, yet likely more effective rhetorical appeal.

There are other practical issues when considering the public's own representations of its interests. Throughout the years of the incinerator debates, there were several citizens who consistently spoke out at public meetings (I withhold names and individual analyses for

privacy's sake). These citizens had driving concerns, an apparent civic interest, as well as the skills and confidence to speak publicly. They were members of the local public, of course. But they were also individuals who assumed a disproportionate amount of the public's representative power. As such, these particular individuals did much of the rhetorical work of representing the public. This is probably a common scenario in local matters: a few highly energized and highly concerned citizens do most of the talking, and thus most of the representation of the public interest. If these speakers are rhetorically skilled or otherwise influential, this may benefit the local public (assuming that the speakers have genuine public interests at heart). If, however, these speakers are not rhetorically skilled, or present a largely negative image of the public, they may harm the local public.

These forms of representation also present the problem of who is *not* represented. When corporate groups represent the public interest, the progression of debate may muffle those citizens who have opinions contrary to the group. Furthermore, it is possible that a particularly outspoken and influential corporate group may only represent a fraction of the genuine public interest, i.e., a misrepresentation. There is a similar problem when a small group of concerned individuals does most of the talking on behalf of the public. Those individuals may not accurately or effectively represent the public interest, though they purport to do so. This is not always a symptom of the "democracy paradox," but reveals issues of access, gatekeeping, privilege, and education.[80]

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[80] The "democracy paradox" summarizes the problem of making laws in the name of the citizenry while practicalities prevent every citizen to voice an opinion on the matter. Laws bind people who never considered those laws.

3. Does the public interest influence local policy decisions, and to what degree?

The Harrisburg incinerator debates are exceptional because of Harrisburg's top-heavy power structure. Nonetheless, they reveal a common issue in local policy debates: deciding whether the public interest is something that must be deliberated, or something that must be overcome. The scope of the incinerator debates reveals that, depending on the timing and the issue at stake, both possibilities are in play. Representatives may consider the public interest in the spirit of true deliberation while concurrently seeing the public interest as an obstacle to their own corporate interests. During the first funding debate in December 2000, two members of City Council dissented from the Mayor's plans and voted against funding the incinerator. They both mentioned how they had to vote in the interests of the people, with one councilwoman citing direct environmental concerns. Other council members, though voting in favor of the funding, expressed serious apprehensions and dramatically hedged their appeals and justifications. This moment shows that the efforts of the environmental groups had some effect, and that the apparent public interest substantially influenced the opinions and actions of the representatives. In terms of actual policy and legality, this may have been the public's most impactful moment.

Despite that apparent impact, the corporate interests of Mayor and Democratic Party won the day. And they would continue winning the day for several years thereafter. Accordingly, one can seriously question the point of public deliberation in these matters. While it is easy to take a results-based approach and conclude that the public debate made no substantive difference, a longer-term consideration may reveal some less obvious effects of the public's expressed interests. Recall that the early funding votes succeeded, against the outcry of the environmental groups and most of the public speakers. But the lack of consensus may have forced the powers-that-be to shift their approach and to consider the public interest more seriously in future policy

debates. And indeed, that did (apparently) happen in the later funding decisions. When additional incinerator funding was again proposed, it came with certain public-facing caveats and environmental studies which would help alleviate public concerns. It is entirely possible that Harrisburg could have suffered even more without the displays of public outcry, and the appeals to public interest, as seen in the debates.

A cynical observer could remark that such political procedures are merely showpieces or built-in concessions to placate the public - an act of deliberate design rather than honest consideration. Yet it is difficult to dismiss the possibility that the expressions of public interest forced a substantial response. To some extent, a government making concessions to public pressure means that the public had some influence on the policy being debated. But it is also true that a clever political scheme could placate public interest while pushing corporate interests forward. In the Harrisburg incinerator debates, I believe that these two things happened concurrently. The Harrisburg government was influenced by public expressions to a substantial degree, but also took measures to limit public influence in later policy decisions. The main problem is the public had little or no effect on the actual decision-making process. Rather, they were merely considered while the decisions were being made ("throwing them a bone").

4. Why do people allow corruption in the policy-making process?

This question also requires a two-part answer. The first possibility is that the public does not know or does not totally understand the policy-making process. Individual citizens may not understand how policy is debated, nor understand how their voice can directly impact policy decisions. In this way, citizens inadvertently allow corruption because they do not know about it or do not understand the scope of it. This is mainly a matter of education. The second and more encompassing possibility is that the public knows or has a substantial idea about the policy-

making process but chooses to abstain from it. In this way, the public mostly knows and

understands the scope of corruption but does not address the problem. This is a large matter

which includes voter disillusion, political apathy, propaganda, an overworked population, as well

as gatekeeping and discrimination possibilities. Though these large issues cannot be wholly

addressed (as they are each *metaproblems*)[81], they certainly warrant additional analysis. Here I

consider Harrisburg's specific situation regarding 1) voter education, and 2) political apathy.

Harrisburg's school system, which was never first-rate, deteriorated as quickly as its

general financial well-being. In 2008 and 2009, more than 80% of students at Harrisburg High

School scored as "basic" or "below basic" in their reading and math assessments, and more than

90% scored "basic" or "below basic" in science assessments.[82,83] And this was on the "PSSA"

exams, which are notorious for their ease and their essential rubber-stamping of school

performance.[84] The current state of education in urban Harrisburg is worse than poor, it's

criminal: As of 2019, the State of Pennsylvania took over the Harrisburg School Board because

of gross financial malfeasance, kickbacks, blackmail, as well as very poor graduation rates.[85]

And all of this came before Covid-19! Clearly, the public schools of Harrisburg have enough

trouble just trying to stay operational. If the schools can keep their doors open, teachers will

likely struggle to impart a basic knowledge in math, science and reading. Any notion of civic

education or civic engagement is probably a distant and perhaps comical idea. Thus, most of the

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[81] See methodology section in the Introduction chapter.

[82] *Pennsylvania School PSSA Report, Harrisburg HS*. Pennsylvania Department of Education (2010).

[83] The scale of measure is (low to high): below basic, basic, proficient, advanced.

[84] For example, in 2008, the state ranked nearly 50% of schools in the state as "advanced" in mathematics. Modern results are even more skewed towards high results. The test propagates grade inflation on a wide scale.

[85] Sean Sauro, "Harrisburg schools progress report: State takeover brings changes, but much remains to be done." Pennlive.com, Jan 6, 2020.

students who passed through the Harrisburg school system (which includes most working-class citizens of urban Harrisburg) have little or no formal education about their civic rights, civic powers, and civic responsibilities in the policy-making process.

Because of the poor state of public education, most of Harrisburg's population was precluded from political participation. For citizens who have the ability and education to participate in politics, they must also contend with disillusionment and political apathy. Harrisburg was particularly ripe for political apathy among its citizens, as the Mayor and the Democratic Party maintained a 25-year control of local politics. This dominance of local matters could easily lead to a sense of powerlessness among citizens, who see the same people and the same groups pushing the same politics, year after year. It is little surprise that most public meetings in Harrisburg were, and likely continue to be, sparsely attended, save for those highly emotional meetings as seen in the Harrisburg incinerator debates.

The problems of political apathy, which are deeply connected to generational poverty, geographic discrimination, and political exploitation, are too large to properly consider here. But the problems of political apathy certainly connect and corroborate with the problems of public interest. It is certain that more of Harrisburg's citizens would participate in government, and be better positioned to express and defend the public interest, if not for the problems of education and political apathy. And, unfortunately, the problems of education and political apathy only impart more power to local representatives. All interested parties of the Harrisburg incinerator debates – government officials, concerned citizens and corporate interest groups – intended to represent the public interest. But they usually represented an absent public. The people of Harrisburg were, by and large, either totally disillusioned or systematically excluded from the

policy-making process. In short: the people did not allow corruption, but rather found themselves

trapped in an environment through which corruption could propagate.

CHAPTER 3: A University's Place in Economic Development

Many rhetoric scholars work at universities where construction is constant, where new buildings and new expansions are always being erected, and where certain programs (mainly STEM) are constantly expanding. I see this dynamic currently unfolding at the University of Maryland, College Park. New construction and a dozen new buildings span the south end of campus. Some things are school related, like student dormitories, and others are only somewhat related, like hotels and restaurants. Just as well, I can look past the columns and gardens to see the surrounding community and its relatively humble state. Outside of the university-administered area, College Park, MD is not a particularly desirable place to live or work. Most staff and faculty (and even a fair number of students) live elsewhere, sometimes quite far away. In addition to College Park, I have seen analogous and likely more divisive situations at Temple University (PA), the University of Pennsylvania, and Johns Hopkins Medical School. These universities look like islands of wealth amidst relatively poor and old neighborhoods. Which leads me to some important questions: Why don't the people of these neighborhoods receive a larger share of the university's economic success? And, most importantly for a policy study: why don't democratic processes correct this obvious juxtaposition of wealth?

Issues of equality and fair deliberation are already implied. But the full answers to these questions are more complex, more policy-based, and more economically driven. My studies find that most universities exist in a very competitive environment and thus *need* to be selfish. This necessary selfishness sometimes extends to community outreach and development. The further and ongoing competition for students, teaching talent, research dollars, etc., drives universities

into a persistent policy contest. College administrators and budget committees likely prefer hard numbers and other measurable metrics, as is typical of policy analysis. But the overall situation is inherently rhetorical, as various stakeholders seek a greater share of limited resources. Basically, universities must persuade governments and investors to appropriate dollars. Especially at state universities, administrations must frequently fight for budget approvals, grants, tuition adjustments, and other financial considerations. My study finds that many universities employ similar rhetorical appeals to maximize their persuasive ability. The first and more common is the "University Ethos." In this persistent rhetorical appeal, a university projects imagery of inspiring architecture, benevolent communities, and academic excellence. The second typical appeal is what I call the "Stanford archetype." Wherein, stakeholders promote ideas of technological progress and Silicon Valley success to secure forward-looking investments. Obviously, Stanford University is the basis of the archetype. Universities may use both appeals to secure resources from the government, to entice investment from capitalists, or to recruit students and faculty. My case studies demonstrate the power and potential of these appeals in the economic development of universities. My studies also begin unraveling the democratic and social problems that arise because of university development and policy decisions.

Rhetoric Studies has a uniquely rich university heritage. The modern university certainly contrasts the lecture and declamation-based training of the ancient world, though some of the traditions persist. Universities may be the very core of a community, as is the case in State College, PA and other "college towns" across the country. A university could also play more of a supporting role, as is the case in many major cities across America. But many universities (as opposed to community, vocational, and/or preparatory colleges) are somewhere between the two: an important and influential part of the surrounding community. Rhetoric scholars continue to

study the relationship between university and greater society in modern America, sometimes pessimistically. In the article "The Rhetorician as an Agent of Social Change," Ellen Cushman laments the ideological distance that has developed between the Rensselaer Polytechnic Institute and the surrounding community. She sees this as an example of similar situations across the country.[1] Cushman believes that this distance between community and university will continue "so long as we differentiate between experts and novices, and so long as we value certain types of knowledge we can capitalize on through specialization." Cushman thereafter identifies ways for teachers of rhetoric and composition to enter the community, and she admits it is mostly through pedagogy. Published in 1996, Cushman's article anticipated a general civic and praxis push in rhetoric studies. For example, Gerard Hauser's *Vernacular Voices* insists on the differences between levels of public participation and debate, essentially legitimizing street language. Works like "The Mount Oread Manifesto on Rhetorical Education" demand a return to the civic traditions of rhetoric. Many of these modern works attempt to empower students as agents of change and/or engage in a Freire-like dialogue between educator and the community. In most cases, the university is the "have" and the community is the "have not," though most authors (especially Cushman) assert that the relationship is at least somewhat symbiotic.

A university, for the most part, remains an intellectually and culturally elevated institution. As Cushman and others suggest, this is not always worth celebrating. Indeed, many universities may have fallen into the characterization of an "ivory tower." In this paradigm, universities deliberately separate themselves from the surrounding community because of essentially elitist attitudes. We can perhaps see this imagery in the previously mentioned

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[1] Ellen Cushman, "The Rhetorician as an Agent of Social Change." *College Composition and Communication* 47, no. 1, (1996): 10.

examples of UPenn, Johns Hopkins, or Cushman's RPI. General criticism of the "ivory tower" in academics can be easily found, and each generation seems to develop a new stereotype of the eccentric and closed-minded academic world. Especially for scholars and students of rhetoric, who rely on audiences and public meaning-making, this restrictive setting is problematic.

Indeed, many scholars aim for a more collaborative environment. The field of Composition Studies, particularly the specialization of Literacy Studies, has a robust tradition of connecting university and community. Linda Flower melds public rhetoric and service learning through her many works, essentially blending literacy with rhetorical studies. In the summative article "Community Literacy: A Rhetorical Model for Personal and Public Inquiry" (co-authored with Lorraine Higgins and Elenore Long), the authors posit that "a rhetorically-grounded community literacy opens up a unique space where intercultural partners can inquire into and deliberate about problems, working toward both personal and public change."[2] This rhetorical framework allows a community to ask deliberative questions like, "What should we, as a community, do? And in the face of incredible differences in power, in perspectives, and in discourse styles… How can we, as a community, reason together?"[3] This framework places all participants, including the university, under the umbrella of "community." As a potential for common gathering, these ideas help curtail any ivory tower accusations. Yet, there is some ambiguity about what the greater community can offer, other than being a party for the exchange of ideas.

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[2] Lorraine Higgins, Elenore Long, and Linda Flower. "Community Literacy: A rhetorical model for personal and public inquiry." *Community Literacy Journal* 1, no.1 (2006): 10.

[3] Ibid., 11

In the aptly named chapter "Coming Down from the Ivory Tower," Dominic DelliCarpini more directly deals with the apparent distance between university and community. Echoing Cushman, DelliCarpini remarks that "Like the professoriate, college students are often treated as elite members of a world that is isolated from the day-to-day lives of the cities and towns that contain those institutions."[4] DelliCarpini sees this distance as an "academic/public dichotomy," which deserves rectification. Indeed, the act of scholarly research, essays, and specialized knowledge production are only useful if those things can be transmitted to an audience. How are students supposed to learn how to communicate their expertise, without some kind of public rhetorical training? DelliCarpini is certainly motivated by the civic mission of rhetoric studies, going all the way back to Plato's Academy. With the community-based programs at York College, DelliCarpini shows the potential of a "blended" program – one that willfully mixes classroom instruction and public engagement. Some ivory tower-like separation is good for knowledge production, but some public meaning is also necessary to prevent "insular knowledge silos."[5] DelliCarpini's goal is ultimately pedagogical: training college students to become public intellectuals and able participants in the *polis*.

To grossly summarize: a university should be a productive member of the greater community (Flower et al) and should produce public intellectuals that engage and enhance communities (Cushman, DelliCarpini). These are noble goals and I certainly want to echo them. But they all overlook what is possibly the underlying and fundamental issue. Universities project more than just expertise, wisdom, and civic beneficence. Universities are usually the largest businesses in their community, and command millions if not billions of investment dollars. Their

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[4] Dominic DelliCarpini, "Coming Down from the Ivory Tower," *Going Public: What Writing Programs Learn from Engagement* (2010): 194.

[5] Ibid., 197

economic role is always significant, and sometimes essential to the well-being of a community. At the very least, a university is a magnet for commuting students and staff, who patronize the local community and generally boost demand. At most, a university may directly control the largest part of a community's economy. Most universities probably fall somewhere between these two extremes. From all this, I aver: The civic and pedagogical power of the university is at least matched by the financial power of the university. And that financial power needs measured and deliberate propagating in the same way that Flower, DelliCarpini and others propagate the intellectual power of the university.

And in this chapter, each case study considers the interests of the university against the broader public interest. I find that, to varying extents, each observed university adopts or assumes the representative power of the wider community. And they often do this by presenting a certain, strategically advantageous idea of the public interest. At the State University of New York: Albany (SUNY Albany), politicians and university administrators adopt a very economically-based idea of the public interest. They frequently present university-based investments as a way to increase high-paying jobs or employment in general. This is similar to the situation at Harrisburg in the previous chapter: job numbers and investment figures stand as proof of public interest, even though such numbers may be projections or otherwise optimistic. I also look at Harrisburg University (HU), which arose almost concurrently with the incinerator debacle. Proponents of HU adopt a more pedagogical idea of the public interest, seeking a cutting-edge university to train a highly skilled workforce. And that idea is displayed, quickly and dramatically, through new buildings and advertising campaigns. Finally, I observe the University of Maryland at College Park (UMD). UMD proactively presents itself as a representative of the community, and thus a legitimate defender of the public interest. But in its

drive to create a more successful vision of itself (the "greater College Park"), UMD adopts a

narrow view of the public interest, based on a particular and desirable type of "public." To justify

these ideas, each university employs similar rhetorical tactics and appeals.

University Ethos and the Stanford Archetype

Universities invoke imagery that is appealing to most Americans: marble columns, brick

facades, tree-lined malls, monumental libraries, amphitheater lecture halls, and intimate study

rooms. There is also the "spirit" side of university life, most visible in football and basketball

programs. But the imagery also extends to the intramural fields, the open plazas, the student hubs

and cafeterias, which all project feelings of community and benevolence. Furthermore, the

population of a university helps create the charisma of university life: ambitious and energetic

young students, working together and bettering themselves, always suggesting future success.

Guiding them are sagely professors, who distinguish themselves through inspired teaching and

world-class research. It is all powerful and persuasive imagery, often amalgamated in

commercials and brochures. For example, the commercial titled "Experience Penn" consistently

shuffles through images of UPenn's campus scenery, architecture, and sports highlights,

interjecting scenes of smiling young students and well-dressed teachers.[6] Combined, such

imagery creates a unique rhetorical capacity: the "university ethos." The university ethos is an

exceptional and compelling combination of tradition, culture, and aesthetics. This becomes a

powerful and multifaceted asset in policy situations, and university administrators understand its

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[6] "Experience Penn." The University of Pennsylvania, Oct 22, 2013. Accessed Feb 18, 2021.
https://www.youtube.com/watch?v=bh9CRHu8yD0

rhetorical potential. Administrators can use the university ethos to help secure favorable economic arrangements. Though in some cases, universities may unknowingly push their rhetorical power beyond ethical bounds.

"Season's Greetings from UMD." President Darryll J. Pines and family, in front of University House at the University of Maryland, College Park. [umd.edu, Nov. 2020]

The case studies of this chapter demonstrate the potential and the perils of a university's rhetorical stance in greater policy and economic decisions. At Albany, NY, we see an alignment between politics, business and university that brings fleeting benefits and persistent social issues. Back at Harrisburg, PA, we see the birth and near-death of a tech-based university, rife with corruption and complicity, but ultimately a shining success for the community. At College Park, MD, we see a university-sponsored economic development campaign currently unfolding and displaying a more modern and sensitive understanding of community collaboration. Each case

seeks to use the university as conduit for economic development, and each relies on the university ethos to secure favorable economic arrangements. Each case study shows how the university ethos can curtail policy debates and/or flatten democratic processes.

Of course, the university ethos is not the only way that universities can secure economic investment dollars. There is a more modern and more targeted rhetorical appeal, based in the success of the technology industry. The idea of an "anchor institution" emerged in the 1980's but came into vogue during the latter 1990's.[7] According to a 2001 paper published by the Aspen Institute, "Anchor Institutions" can be defined as "institutions that have a significant infrastructure investment in a specific community and are therefore unlikely to move out of that community."[8] The paper cites examples like "universities, medical centers and public utilities." The paper further cites a "consensus in the literature" that affirms the local potential of anchor institutions. Their durable investment in the community makes anchor institutions, through pure self-interest, more concerned with community development. Thus, these anchor institutions (especially universities) often benefit the local community. The paper further explains that many Community-Based Organization (CBO) directors "recognize that anchor institutions have intellectual, human and financial resources that could benefit their residents."[9] Colleges and Universities can provide "technical expertise" and "research capabilities," while faculty and staff "have been a particularly rich source of assistance for communities."

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[7] While there are plenty of contemporary studies on anchor institutions and the relationships between universities and communities, I choose to analyze the cases in their ecological context. The methodology of an ecology is explained (at length) in the introduction chapter of this work.

[8] K. Fulbright-Anderson., P. Auspos, and A. Anderson, *Community involvement in partnerships with educational institutions, medical centers, and utility companies* (Annie E. Casey Foundation, 2001).

[9] Ibid., 5

The golden example of an anchor institution is Stanford University in Palo Alto, California. By the year 2000, several multi-billion-dollar companies developed in and around Stanford's campus. The university became a national leader of technology and science, having enjoyed a symbiotic relationship with the technology industry for several decades. Stanford's prestige now rivals much older, traditionally elite universities. Its success is also tangible in dollars. In 2017, Stanford University's net assets totaled $43.2 billion[10]. Compare this to tech giant eBay, whose net assets in 2017 were approximately $26 billion.[11] From 2016 to 2017, Stanford's assets increased by $2.7 billion. Nearby, perennial tech conglomerate Yahoo's net assets increased by only $1.7 billion in the same time frame.[12] According to the University's annual report of 2017, the top three areas of "operating revenue" (that is, not including gifts or endowments) are, in order: sponsored research support, investment income distributed for operations, and health care services. Student income (tuition etc.) comes in fourth place as only 11% of operating revenue. Clearly, Stanford is something more than the traditional image of a university, and its financial capacity is startlingly large.

Stanford's success did not happen overnight. A short investigation reveals many contributing factors: the desirability of the California climate, the relatively cheap real estate at Palo Alto (pre-1990), the radiant wealth of San Francisco, and the prevalence of a young and highly-educated workforce in the area.[13] During contemporary economic development

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[10] *Stanford University Annual Financial Report 2017*, Stanford University, Aug 31, 2018.

[11] Per Nasdaq.com, accessed August 1, 2019.

[12] Ibid.

[13] Margaret Pugh O'Mara, "Cold War Politics and Scientific Communities: the case of Silicon Valley." *Interdisciplinary Science Reviews* 31, no. 2 (2006): 121-134.

campaigns, these contributing factors are often overlooked. What politicians and administrators *do* see are Stanford's billions of dollars in profits, taxes, and government investments. They may remark how, in 1950, Stanford was an unremarkable school nestled among farms and orchards in sparsely populated Palo Alto, California. Through shrewd and forward-looking investments, an alliance with community and local businesses, and aggressive economic development, Stanford developed into one of America's most successful universities.[14] This is the dream of a prodigious anchor institution: one which greatly enriches the entire region. Who would not want the next Stanford in their city?

Of course, any solid logic would quickly reveal that you cannot build Stanford University in the same way that you can build a train station or a shopping mall. But some regions, like Albany and Harrisburg, tried to do it anyway. Why? Because stakeholders gathered and projected the success, the numbers, and the imagery of Stanford (or a Stanford-esque university) and its surrounding businesses. I call this summative rhetorical appeal the "Stanford archetype." In the following case studies, I show how this archetype is utilized in policy situations.

Why these three universities, and why revisit Harrisburg? In all these cases, politicians and administrators use the university as a centerpiece for a long-term and regional campaign of economic development. Furthermore, in all these cases, the universities are presented as a kind of greater investment in the community, city, or region. They each project a vision that is much larger than themselves. This vision grows to encompass large political meanings and implications, especially in the Albany region. And, in all these cases, the rhetorical appeal of the vision or campaign takes similar forms: the university ethos and the Stanford archetype. My first

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[14] Ibid.

case study, SUNY Albany, shows how administrators and politicians use a university's imagery and rhetorical appeal to pursue corporate and political goals. Additionally, I examine several significant social issues that should command more attention from public policy critics and rhetorical scholars – especially those who work in and around universities.

Albany Dreams of Silicon

Albany, NY is not a cutting-edge city. It has few modern business charms. It hosts a large medical center with a respectable faculty and regional standing. There is plenty of American history in and near Albany, and so the city enjoys some regional tourism. And Albany is a state capital, which means that thousands of government workers live and pay taxes in the vicinity. None of these things stopped the city from suffering many of the same failings as other Northeastern and Mid-Atlantic cities: a dwindling and aging population, a depreciation of real estate, a reduction of government services, and a general drop in the quality of life for its residents. In 1980's and 1990's, government leaders made a small and sputtering effort to increase manufacturing business in the Albany region.[15] This did not work well in the new global economy, where international industry could easily outpace and underbid American labor. By the late 1990's, the scholarship on anchor institutions caught up to the realities of Albany's economic situation. Accordingly, politicians and business leaders found something that could spur meaningful economic development: Albany's own colleges and universities. Most of

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[15] National Research Council, *New York's Nanotechnology Model: Building the Innovation Economy: Summary of a Symposium* (National Academies Press, 2013): 3-5.

Albany's universities are within the city limits, rather than out in the suburbs or in nearby towns. The city boasted a law school, a medical school, several Catholic universities, and several community colleges. These universities could be a catalyst for economic recovery. The University at Albany (eventually re-branded as State University of New York at Albany, or SUNY Albany), the largest university, was the clear choice for an anchor institution. This potential eventually coalesced and developed into a regional economic development campaign called "Tech Valley."[16]

Local business started adopting the moniker of "Tech Valley" as early as 1999 with names like "Tech Valley Communications" and "Tech Valley Homes Real Estate."[17] The name did not expand far beyond local bounds until Bill Gates announced an investment to create "Tech Valley High School" in 2007. From there, the nomenclature was adopted in many regional activities and gatherings, from local science competitions to job fairs to serious business consortiums like "StartUp Tech Valley." Then-President Barack Obama officially visited "Tech Valley" (in Troy, NY) in 2009, to promote the green energy industry.[18] As the idea of "Tech Valley" gained legitimacy, so did its political and economic value. Investments flowed into Tech Valley, especially after the year 2003. Those investments were often centered upon, reliant upon, or at least inspired by the newly emergent technology programs at SUNY Albany and its expanding Polytechnic Institute.

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[16] Ibid., 5-6.

[17] Wallace Altes and Lyn Taylor. "Tech Valley Turns Ten." Albany-Colonie Regional Chamber of Commerce, March 2008.

[18] Eric Anderson, "Obama nods to Tech Valley" *Albany Times-Union*, Sep 20, 2009.

The Polytechnic Institute at SUNY Albany as of Feb 2019 [photo from SUNYPoly.edu]

In the Tech Valley economic development campaign, state and state-affiliated institutions spent well into the billions of dollars. These investments were often co-sponsored by the sitting Governor, as well as some corporate partner like IBM. Much of this investment centered on SUNY Albany and its new Polytechnic Institute. For example, in 2006, Governor George Pataki announced a combined investment of $450 million to help create the expansion of SUNY Albany's Polytechnic Campus.[19] Several other such multi-million-dollar allocations and investments were made between 2001 and 2013. One could reasonably expect that, with so much spending on behalf of the people of New York, there was a robust process of public deliberation and approval. When dealing with so many levels and layers of administration – state, local, and

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[19] "State of the State, Governor George Pataki." *Gotham Gazette*, Jan 5, 2006.

university – the sites of deliberation are varied and decentralized. To finance the various tax breaks and matching funds in the Tech Valley campaign, the New York State Assembly had to approve the financing. The State Governor needed to sign the funding bill and/or approve the budget. Local and County governments needed to make many various approvals for land use, licensing, traffic, utilities, etc. All these steps involved some kind of public meeting where citizens can voice concerns. Yet, the very structure and complexity of the university's governance and economic development produces two key issues: a muddying of public powers, and a lack of public deliberation.

The first issue is essentially a problem of representation, based in transgressions of the public/private divide. While spurring economic development at SUNY Albany, the State of New York made deals with private companies like IBM, Tokyo Electron and Global Foundries (I explore the case of IBM in the next subsection). These companies received substantial tax breaks and other accommodations as part of their commitment to SUNY Albany and/or Tech Valley.[20] Those companies are legally bound to any contracts made with the State, but have no obligation to act, nor continue to act, in the interests of the people of New York. Some contemporaneous critics expressed apprehension at the idea of such dealings. For instance, they noted the unreliability of the co-sponsoring companies and the economic discrepancies of the proposed investments.[21] But contemporary critics did not question the ability of representatives to make those deals, nor did they question the process that allows the State government to appropriate funds on behalf of taxpayers. Accordingly, I question these abilities and processes. The

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[20] For example: Larry Ruilson, "Global Foundries Cash Grant Largest Ever Awarded in U.S." *Albany Times-Union*, Oct 9, 2011.

[21] Ibid.

remaining case study at SUNY Albany demonstrates a series of democratic shortcomings where representatives can mingle public and corporate interests.

The second and most substantial issue vis-à-vis deliberative democracy is the lack of democratic deliberation. In my ecological analysis, which is based on extant recordings, transcripts, reports and minutes, I could not find a substantial period of public interaction with the government. That does not mean that public debate never happened. Indeed, the public "debate" may have stretched across media and vernacular spaces that are beyond the scope of this analysis. Yet formal public review and debate, where the people can speak directly to government, is important if not vital to democratic governance. The university itself hosts several arenas of debate, ranging from closed to semi-public to fully public assemblies. Many deliberation sites, such as committee meetings, are not public.[22] For a college like SUNY Albany, which is state funded, the most relevant debate sites are the meetings of University Trustees. The Council of Trustees are the decision makers of the SUNY system, or else they appoint the decision makers (University Presidents and other executive officers). And these trustees have meetings where they conduct the university's business. By law, at least two of these meetings are open to the public every year (though especially in recent times, most meetings are open). Yet the public debates, as seen at Harrisburg City Council in the previous chapter, never materialized. Furthermore, the process of resolution and voting, being the primary

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[22] For example: an English Department may have an "open" departmental meeting, but such meetings do not have strict requirements for public notice, keeping of minutes, etc.

method to conduct economic development at SUNY, shows some key shortcomings in the observed time frame.[23]

Like many state-affiliated universities, SUNY hosts trustee meetings roughly once every month. Meetings usually begin with reports from committees, from the Chancellor, and from other relevant leaders. After those reports, meetings proceed to resolutions. The resolutions include budgets, policy changes, typical yearly business, and formal recognitions. Much like the procedures at Harrisburg City Council, the SUNY Trustees must approve each new request for funding with a resolution. For example, on a single day in 1999, the SUNY Trustees approved 8 resolutions that allocate funds to different campuses and individuals in the SUNY system, ranging from $20,000.00 to $450,000.00.[24] Another day saw an allocation of roughly $1.4 million for "construction and equipment" at Hudson Valley Community College.[25] These resolutions go beyond the allocations of the SUNY yearly budget (which is also approved via resolution), and so require special approval via Trustee resolution. While each of these is technically debated by the assembled trustees, it is rare that any resolution does not pass unanimously.[26] Furthermore, I could not find an instance (from 1999-2006) where an individual or group expressed a public objection to any particular resolution.

A lack of debate, while troubling, does not necessarily mean a lack of democratic process. Public accountability is also a keystone of democratic governance. I reviewed SUNY

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[23] The analysis and issues of trustees is only directly applicable to state-funded universities. Though I believe many universities have similar governance arrangements. As seen in the next section, a private university often can have a panel of "trustees," who behave more like a corporate board of directors.

[24] Resolution Index of SUNY Board of Trustees, year 1999.

[25] Ibid.

[26] Though I found a few examples that were rejected unanimously, because they violated procedure in some way.

minutes and other available procedural materials from roughly 1999 – 2006 to discover both the formal and typical process for passing resolutions, especially when dealing with economic development. These years were an important time of development for SUNY, as allocations for "Tech Valley" ballooned and became increasingly politicized. I found that, before a resolution, Trustees mostly speak to each other or call for pre-invited officers (such as a university provost or president) to make statements. Though public input is not evident in the observed minutes, there does not seem to be any strict forbiddance of public input before a resolution is voted upon.[27] Furthermore, based on the minutes, most public meetings have a designated time for "other business," where anyone present can speak their mind. While trustee meetings are not exactly energetic forums of public debate, they do actualize a democratic process that works for most of SUNY's business. Typical economic development, such as refurbishing buildings or expanding campuses, happens though the resolution process.

When SUNY is dealing with everyday business, such as confirming tenures or appointing administrators, its policy process is innocuous. But when SUNY extends its legal and economic powers by billions of dollars, as seen in "Tech Valley," the policy process can be very problematic for the people of New York State. In the first stages of the Tech Valley campaign (1999 – 2006), the SUNY administration's public review process and public accountability was simply not good enough for such region-altering allocations. Many of the publicized outlays of state funds, such as IBM's early investments, are not evident in the resolution lists of the SUNY trustees. The lack of accountability and public review can help foster private and corporate influence in the SUNY system. Consider the case of Robert L. King, who was appointed SUNY

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[27] We should note that, based on state law, a trustee meeting can be closed to the public at any time. Only two meetings per year are required to be fully open to the public.

Chancellor in 1999. King served in the New York State Assembly from 1987-1991, where he met then-Assemblyman George Pataki. Pataki would rise to become Governor of New York, and King became a key member of Pataki's staff. Soon after, Pataki appointed King as Chancellor of SUNY (December 1999). King also received a very large salary when compared to previous Chancellors.[28] From the beginning of his tenure, both King and Pataki pushed for less public funding in the SUNY system. King would go on to promote the Neoliberal-based idea of inviting private investment in the SUNY system of colleges and universities. This was probably a factor in the private industry's participation in and around SUNY Albany. For example, IBM announced their first large funding initiative in 2001, to be followed by several more at SUNY Albany. Such partnerships also show the potential for corporate/private intrusion in what is supposed to be a public service. I further explore the story of IBM and SUNY Albany in the next subsection.

Whose Money is This?

In 1998, SUNY Albany published a special "Statement of Strategic Values," which was meant to update the mission statement and vision of the university.[29] The document affirms a "rich legacy of leadership and innovation to forge our own daring concepts and a new framework of shared values." The five strategic values are: Engaged learning, Discovery, Societal Responsibility, *Innovation through Technology* (emphasis in original), and Distinctiveness. Most

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[28] Karen W. Anderson, "Pataki Aide is Selected to Lead SUNY." *The New York Times*, Dec 7, 1999.

[29] "Charting the Future: Creating a New Learning Environment for the 21st Century. A Statement of Strategic Values," University at Albany, State University of New York, Oct 13, 1998.

important in an economic development context are "Discovery" and "Innovation through Technology." The document declares that discovery is "the heart of a research university," and that the university needs to emphasize consistent performance in research and publication.[30] From this, it seems clear that the university want to develop itself as a serious research institution. This theme arises again in the "Innovation through Technology" strategic value: "The University at Albany must embrace innovation and harness new technological tools." More distinctly: "Such new (and constantly evolving) information technologies are vitally important to knowledge creation and, hence, the University's status as a major research university."[31] These desires culminate in several "strategic goals," including a goal to "expand and diversify its sources of revenue… in context of its mission and strategic goals."[32]

Thus, SUNY Albany explicitly expresses its intention to expand into a major research university with a focus in technical innovation, almost concurrently with the start of the greater "Tech Valley" economic development campaign. SUNY Albany's relatively small efforts of the late 1990's would grow to accommodate large regional ambitions. And indeed, the initial desires to become a research university would expand to ever-higher levels, as larger and more powerful stakeholders entered the scene. It did not take long for Governors to make their mark on SUNY Albany. Based on an amalgamation of news articles, press releases and other public release documents, it seems as though the politicians of New York State (especially the governors) wanted to project large numbers. Those numbers were often presented as predictions of

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[30] Ibid., 8

[31] Ibid., 12

[32] Ibid., 25

investments, prospective job numbers, and most of all, the total amount of funding. In the 2006 "State of the State" speech, then-Governor George Pataki announced:

> "At the Albany Center of Excellence [in SUNY Albany], IBM and a consortium of the largest nanoelectronics equipment suppliers will fund an unprecedented $450 million expansion of that center's R & D capabilities.
>
> Together these projects will bring a staggering $2.7 billion in new private investment to Tech Valley, bringing jobs and optimism to communities throughout the region."[33]

Phrases like "staggering 2.7 billion" illustrate the sense of the appeal. Tech Valley, and its attendant SUNY Albany, were conduits for big numbers.

This kind of appeal would be imitated by the next governor, Andrew Cuomo. In a major 2011 press release, Cuomo announced a total investment of 4.4 billion dollars in the Albany region, marking "a historic private investment."[34] The press release also trumpets how "The investment… will result in the creation and retention of approximately 6,900 jobs." Beyond the big numbers, Governor Cuomo announced a landmark agreement between government and the technology industry, including how "five leading international companies [will] create the next generation of computer chip technology." In a later and quite frank paragraph, the press release reads:

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[33] "State of the State, Governor George Pataki." *Gotham Gazette*, Jan 5, 2006.

[34] "Governor Cuomo Announces $4.4 Billion Investment by International Technology Group Led by Intel and IBM to Develop Next Generation Computer Chip Technology in New York." Governor.ny.gov, Sep 27, 2011.

No private company will receive any state funds as part of the agreement. To support the project, New York State will invest $400 million in the SUNY College for Nanoscale and Science Engineering (CNSE) in Albany, including $100 million for energy efficiency and low-cost energy allowances … The state investment will be directed entirely to CNSE, and all tools and equipment acquired through the investment will be owned by CSNE [sic].[35]

The end of the press release summarizes several earlier contributions made to the programs at SUNY Albany, though omits the efforts of former Governor (and opposite political party member) George Pataki. Nonetheless, it is clear that the private/public strategy at SUNY Albany did not belong to any particular administration or political party.

The continuing and escalating focus on numbers is telling. Big numbers make good headlines. Big numbers *and* good headlines make a compelling overall rhetorical appeal. Investments at SUNY Albany occur and reoccur, almost incessantly, from 2001 through 2013 (and somewhat into the modern day). Each new investment was presented through headline-busting numbers: jobs, tax windfalls, and overall investment totals. Of course, the investments themselves would take years or decades to develop and manifest. And in many cases, the numbers changed dramatically (often going lower) between the announcement and the actual implementation of funding; the IBM case, below, illustrates this tendency. Nonetheless, the headlines were immediately useful for politicians. So, politicians kept the headlines coming.

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[35] Ibid.

SUNY Albany originally framed their strategic goals to meet the "challenge of the new millennium."[36] In the introduction to the 1999 "Strategic Goals" document, the authors present the drive for research and development as a means to serve the greater community. The document quotes the university's mission statement: "Today's University at Albany eagerly seeks opportunities to enhance its educational mission – both in the creation and dissemination of knowledge." Yet once again, the university's grounded ambitions would grow quickly and dramatically as they are incorporated into larger schemes. In April 2001, IBM announced its intention to donate $100 million for the improvement of the microchip research and development program at SUNY Albany.[37] From there, the funding and investment floodgates would open for the next twelve years. SEMATECH, a government-affiliated alliance of high-tech industries, announced their new headquarters to be built at SUNY Albany in 2002. A few months later, Tokyo Electron announced its intention to base its American research operations at SUNY Albany. The former dedicated $400 million, the latter $300 million to these efforts.[38] In 2009, when planning a new microchip factory, Global Foundries praised the proximity of the SUNY Albany campus and its first-class technology program.[39,40]

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[36] "Charting the Future: Creating a New Learning Environment for the 21st Century. A Statement of Strategic Values." University at Albany, State University of New York, Oct 13, 1998.

[37] Richard Perez-Pena, "SUNY Albany gets $150 million for Development of Microchips," *The New York Times*, Apr 24, 2001.

[38] "About Us: History," College of Nanoscale Science and Engineering, University at Albany. Archived in Jan 2013, Archive.org. https://web.archive.org/web/20130129032112/http://cnse.albany.edu/AboutUs/History.aspx

[39] We should note that these figures include all the generous tax breaks and matching state funds that enticed industries to the region. But perhaps just as noteworthy was the $1.4 billion in tax breaks and other incentives, provided by the State of New York to Global Foundries. Of course, that generous tax break would be paid by the taxpayers of New York State.

[40] Larry Ruilson, "Region also Bested Russia, Brazil for Lab." *Albany Times-Union*, Oct 6, 2009.

The contemporary response was tepid if not critical. After the blitz of IBM investments, a local newspaper published an article titled "Across the nation, IBM leaves a trail of broken promises."[41] Through observing other instances where IBM and local or state governments worked together, the article suggests that IBM is not a reliable partner in economic development. A later article in the *Albany Times Union* describes how each job promised by Global Foundries would cost New York about one million dollars.[42] Greg LeRoy, a corporate analyst quoted in the article, worried that "recouping the state's investment will be especially difficult because high-tech product life cycles are short compared to other industries." LeRoy speculated that it would take "many, many years" to turn a profit on the state's investment. Josh Lerner, a Harvard Business professor, likewise criticized the campaign: "They would have been more successful had they instead focused on addressing the environmental issues that discouraged entrepreneurship there in the first place, including high marginal tax rates." This pointed criticism did not seem to stop the economic development dollars from flowing, though.

IBM's involvement at SUNY Albany is particularly illustrative. IBM's headquarters is in Armonk, NY – somewhere between the New York City metro area and the Albany region. As the only major tech company headquartered in the area of "Tech Valley," IBM was and remains a key player in the development process. By itself, IBM thrived in the era of the PC and its relatively large computer chips. With the onset of the smartphone era, microchips needed to be smaller and more powerful. Other international companies based in Asia and Europe were taking the lead in digital hardware. IBM's business suffered accordingly. Indeed, IBM had an urgent interest in pivoting its business model to smaller microchip production. But pivoting such a large

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[41] Christine Young, *Times Herald-Record*, Jul 27, 2008.

[42] Larry Ruilson, "Global Foundries Cash Grant Largest Ever Awarded in U.S." *Albany Times-Union*, Oct 9, 2011.

company would cost lots of money. From 2000 – 2008, IBM and New York State cooperated in several big-moment press releases, such as the initial building of the new chip-fabrication plant at East Fishkill.[43] But IBM also channeled its interests through SUNY Albany, especially during the development of Albany's SUNY Polytechnic campus.

In 2008, IBM and then-Governor David Paterson announced a new $1.5 billion investment in the microchip industry. Of that total, the State pledged $140 million in tax breaks and state funds. IBM's stated goal was to develop better technology and expand operations for smaller chip models. 2008 was a tough time for the American economy, in the throes of the housing recession. Accordingly, the State's main goal was job preservation, and the state funds were linked to job quotas. Many of these new jobs were put into research positions at the SUNY Polytechnic Institute (formerly the Center for Environmental Sciences and Technology Management). IBM already employed over 200 researchers within the program as of April 2008 and would have over 500 employees at SUNY Albany within two years.[44] The new positions seem to be research-based, with the goal of generating new and smaller microchips. It is difficult to surmise how those new employees would work for IBM versus working for the university; one could generously assume that they will work in concert towards similar goals. Extant reporting suggests some cooperation with internships and graduate research interests.

The question being driven here is: What is the goal of IBM's continuing partnership with SUNY Albany? IBM's cascading investments in SUNY Albany (and its many sub-campuses and

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[43] Much of the money promised to IBM from the State of New York came with conditions for statewide employment. Simply put, IBM did not meet those conditions and "as a result, the company wasn't awarded $475 million of the state's $660 million in pledged tax breaks and incentives." This was a substantial business failure on IBM's part.

[44] Larry Ruilson, "Region also Bested Russia, Brazil for Lab." *Albany Times-Union*, Oct 6, 2009.

programs) seem primarily oriented towards Research and Development, which is an arm of the for-profit technology industry. A more optimistic perspective might see how these new programs help train a new and technologically-capable workforce. Certainly, SUNY Albany is widely considered to be a superior tech-based training facility. This surface appeal becomes very important when a corporation, like IBM or Global Foundries, uses public funds. By claiming that these investments are creating new entities and programs at a *university*, those claims seem less objectionable. It is the university ethos in action. And of course, politicians are eager to boast about job creation and educational investments, mostly through bold-faced headlines. Nonetheless, the fact of the matter is revealed: The purely for-profit IBM Corporation used state funds to create their own R&D department within a state-funded university.[45]

In ideal circumstances, investing in a public university would honor the ideals of public interest. Universities are widely agreeable institutions. Universities are commonly revered, for good reasons; such is the university ethos. In this case, the university ethos is a glorified red herring. There *would* be a huge public outcry if the State of New York simply wrote IBM a 50-million-dollar check, or drove a truck filled with a billion dollars to the headquarters of Global Foundries (which is ironically in Silicon Valley, CA). However, with the vast appropriations of the state government, the money-truck metaphor is half-true. For instance, the international conglomerate Global Foundries was granted a total of 1.2 billion dollars in tax breaks.[46] There was no referendum or special public hearing before funding was announced. There were no

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[45] More recently: In 2019, IBM declared that it would invest $2 billion across New York State, including "at least $30 million" for the creation and enhancement of an Artificial Intelligence program at the SUNY Polytech campus in Albany. IBM further clarifies that "Rensselaer Polytechnic Institute and its supercomputer lab also will be part of the effort." [From John Cropley, "IBM to create artificial intelligence lab in Albany," *The Daily Gazette*, February 7, 2019.]

[46] Virginia Eubanks, *Digital Dead End: Fighting for social justice in the information age* (MIT Press, 2012): 159.

debates on the matter specifically. I believe this exemplifies the larger democratic issue. The largest funding occurred in partnership with businesses like IBM, Tokyo Electron, and more recently, international mega-companies like Global Foundries. Companies made deals with specific politicians, rather than seeking a wider public agreement. As such, these companies were never answerable to the electorate or the communities in which they built and developed.

Local proponents may claim something like: one must spend money to make money, and the high initial investment will pay off over time. But that line of thinking has perils. IBM built the first microchip plant in East Fishkill, NY, back in 2005. But after less than a decade, IBM wanted to sell the site. The State of New York provided millions in incentives to bring in a new buyer, the familiar Global Foundries, who took over in 2015. Then, in April 2019 - less than five years in Tech Valley - Global Foundries announced the sale of that same site. Neither Global foundries nor the new purchasing company ("ON Semiconductor") would commit to preserving the existing workforce, instead rationalizing about business shifts and global competition.[47] As of June 2020, there is no confirmation that microchips will be manufactured at the site ever again. A few offices remain at the huge facility, but it is otherwise dormant. As a resident of New York State, I want to ask: will Global Foundries be returning those billions of dollars in tax breaks? It seems not, because *new* state grants were given on the condition that the buyer maintain a number of local jobs over the next ten years.[48] In essence, New York is now subsidizing the purchase of the site for the third time. If one could not question the efficacy of these arrangements, one could certainly question the competence of the decision makers.

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[47] Liz Young, "GlobalFoundries selling East Fishkill computer chip plant to Fortune 500 company." *Albany Business Review*, Apr 22, 2019.

[48] Ibid.

Surely, the people of New York would not allow such a waste of public dollars. But what ability do the people have for corrective action? SUNY trustee processes are ostensibly public, but do not directly answer for the large-scale funding campaigns like Tech Valley. Yet, economic development at the scale of "Tech Valley" requires a consistent public assent. I aver that the university ethos provided (and may still provide) that assent. Many of the state's generous funding efforts were deliberately channeled through SUNY Albany, especially its new tech-focused Polytechnic Institute. If the state's investments were associated with SUNY Albany, they were also associated with the agreeable aspects of universities. Combined, this allowed the large allocations of Tech Valley to continue with relatively little public review or criticism. Indeed, the university ethos cascaded feelings of success over the entire policy process.

Harrisburg University: "Leave it to a Geek"

At the turn of the new millennium, Harrisburg, PA did not enjoy the same wealth of universities as Albany, NY. There are a few noteworthy campuses in the Harrisburg area, such as Penn State Harrisburg (formerly Penn State Capital Campus), Dickinson College and Law School, Messiah College, and several other smaller branch campuses like Temple University at Harrisburg. But all the larger schools lie well outside the urban area of Harrisburg, and thus outside the jurisdiction of city politicians. During Mayor Reed's long tenure, the city would see the expansion of the Harrisburg Area Community College and the rise of Dixon University Center, where several regional colleges offered specialized evening programs and supplemental courses. These city-based colleges are small, practical, workmanlike campuses. The Dixon

University Center focuses on providing supplemental educational to day workers. The community colleges focus on training professionals like police, teachers, and nurses. So, there would be no Stanford University in Harrisburg - unless it started from scratch. And with a 20-year incumbent Mayor and a virtual blank check from The Harrisburg Authority, why not?[49] The development of Harrisburg University is much different than the incinerator project of the previous chapter, but the starting point is similar.

Harrisburg University started its public life as an idea in a "State of the City" speech by Mayor Stephen Reed in 1998. At that time, many leaders questioned the need for a new university. Other colleges, like Penn State Harrisburg, inferred that the region should buffer the already-existing educational resources.[50] But proponents argued that "a four-year, residential university is a significant factor in the perception of any community and certainly in a community as strategically important as Harrisburg."[51] The origination effort began with the establishment of the Harrisburg Polytechnic Development Corporation in 2001, whose mission was to establish a polytechnic institute in the Harrisburg region.[52] The name switched to Harrisburg University in 2002, and new buildings were in development by 2003. In 2005, Harrisburg University welcomed its first freshman class, even though the construction of the main college building was not yet started. By 2007, the University changed its name to the

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[49] This material was covered extensively in the previous chapter. Basically: The Mayor's Office used legal loopholes and political pressure to control city-based economic development.

[50] Anne McGraw, "Higher goal; University of Harrisburg?" *Central Penn Business Journal*, Feb 27, 1998.

[51] Ibid., quote from Peter Loedding, then-President of the Capital Region Development Corporation.

[52] Susan Gvozdas, "COO named for polytechnic institute." *Central Penn Business Journal*, July 19, 2002.

"Harrisburg University of Science and Technology" (henceforth HU). The stated mission of HU was:

> Providing certificate, associate, baccalaureate and graduate degree programs with a principal focus on applied science, mathematics, existing and emerging technologies and systems; engaging in research, development, innovation and creation of new technologies and systems and providing training and work force development services.[53]

The niche that HU meant to fill was in technology education and research. According to the 2010/2011 Student Handbook, HU was "founded to address the Capital Region's need for increased educational opportunities in science, technology, engineering and mathematics"[54] Furthermore, the University itself was meant to serve as an "economic catalyst" for the Harrisburg region.[55] Once again, we see the Stanford archetype of university/community economic development, as well as the apparent majesty of the tech industry.

Most direct public input came during the process of economic development. And most economic development dollars were spent in 2006-07. Mayor Reed proposed the greater HU project at the 2006 budget approval meeting of Harrisburg City Council. By this point, Reed and company already decided that Harrisburg University needed additional space and legitimacy, i.e.,

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[53] Prospectus for "University Revenue Bonds, Series of 2007," The Harrisburg Authority (January 2007): 4.

[54] "Student Handbook 2010-2011," Harrisburg University of Science and Technology, harrisburgu.edu (July 2010): 7.

[55] Ibid.

a big new building. Reed required City Council to approve the city budget, which included the new HU development. In his budget appeal, Reed invokes the imagery of the Stanford archetype:

> [HU's] curriculum emphasis on math, science and the technologies addresses a significant skills gap in the American workforce and positions Harrisburg as a place where workforce development shall attract the businesses and jobs that fuel the 21st century economy…
>
> Already, we see this happening. The Life Sciences Greenhouse has moved to the same block as the University. Yards away are the newly relocated headquarters of the Technology Council of Central Pennsylvania. The new Pennsylvania Institute of Homeland and Defense Technologies is being established here… A technology corridor is now part of Harrisburg's continuing economic development renaissance.[56]

City Council voted in favor of the Mayor's proposed budget, with little fanfare or additional consideration of HU. We have already seen the Mayor's power over City Council during this era, in the previous chapter. Indeed, by the time of budget approval, the Mayor's plans were already in motion; the Polytechnic Corporation and Polytechnic Council (precursors to HU) were now well-established and certain city high schools had already developed cooperative programs with HU.

To corroborate this economic development, there was some show of popular support for HU. As expressly stated in the city's funding appeals, "The University was organized by Stephen

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[56] Reed, Stephen, "Budget Message from Stephen Reed for the Proposed Budget of the City of Harrisburg for the fiscal calendar year 2007." Speech notes presented to Harrisburg City Council in November 2006.

R. Reed, Mayor of the City of Harrisburg, and other community leaders and educators."[57] Likewise, the Pennsylvania State Assembly made a show of assent. PA House Resolution 266, issued on May 4, 2007, declared that "the House of Representatives applaud Harrisburg University of Science and Technology on the historic occasion of its inaugural commencement exercise and extend all best wishes for continued success at providing the Commonwealth and its community with continued returns on their investment." The resolution also notes that HU is well represented by minorities and will bring high-paying jobs to the area – an important set of consequences that seems to work towards the public interest (and resembles the many appeals of "Tech Valley" in Albany).

House Resolution 266 was a "non-controversial resolution", which means there was no debate on it (according to PA state rule 35). And frankly, this resolution and other public outreach efforts likely went unnoticed by the relevant public. The buildings were already being built and there was little or no public objection to the process. This is a dramatic contrast to the development of the incinerator project, just a few years prior. One does not need much imagination to see the different in imagery between the two projects. The idea of a university basks in the glow of culture and education – the university ethos. A university commissioned along the Stanford archetype is perhaps even more appealing, as the idea of technology easily adheres to community desires like jobs, wealth, and safety. Accordingly, there is little or no evidence that the public wanted to challenge the idea of Harrisburg University, except those challenges from competing institutions like Penn State.

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[57] "University Revenue Bonds, Series of 2007," 4.

Harrisburg University Academic Center, completed 2007 [photo from Harrisburgu.edu]

The imagery of technology and apparent financial success becomes central at this time of greatest financial outlay. People saw the shiny veneer of the new HU building, as well as the advertisements for education in majors like biotechnology, robotics, computer programming, and other tech-heavy programs. The student handbooks and catalogs do not hide the economic development mission of HU; the university's mission statement (as of 2008) included the desire "to expand, attract, and create economic opportunities in the region." There are also shades of the public/private muddying, seen previously at Albany. Explicitly, the 2008 Student Handbook outlines part of HU's history:

The University is a model public-private partnership, having received millions of dollars in external support from the corporate sector, private individuals, and state

and federal government. Companies such as Hershey Foods, Select Medical and

PPL along with other leading businesses like Gannett Fleming, Cleveland

Brothers… have all supported the University.[58]

Clearly, these partnerships were championed at the time. Other efforts, including a new tech-based high school and a "science center" for private industry, were in development as of 2008. There were talks of further development projects, such as a children's museum and an IMAX theater, to be built near HU (this would become the Whitaker Center, which has an interesting history in itself). Such efforts were advertised by HU's public documents. The new tech and science-focused district of the city, with all its financial benefits, was the touted imagery of HU.

The financial crisis of 2008-09 arrived at a very bad time for HU, just as it was reaching peak financial leveraging. As the wider economy slumped, local expenses rose and HU's tuition expectations were not met. For several years, the extent of the problem was not widely known; the local public was likely distracted by other and more dramatic city failures (including the incinerator controversy and Harrisburg's pseudo-bankruptcy in 2011). In 2013, the *Patriot-News* published a critical article titled, "Harrisburg University: Will it Survive Financial Struggle?" The statistics were not promising. Enrollment at the new University was only half of expectations by 2013, despite the shiny new buildings. Only 66 students received diplomas in the 2013 spring semester. Tuition revenue was likewise about half of expectations. Dauphin County was forced to pay $1.5 million each year from 2010-2019, because HU "cannot pay its bills." Many bonds were issued against the expectations of tuition income from HU. All those bonds were officially in default by 2013; HU could not even afford to pay the interest on said bonds.

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[58] Harrisburg University of Science and Technology, "2008-09 Catalog," retrieved from https://digitalcommons.harrisburgu.edu/hu_catalogs/14.

Given that Harrisburg city was effectively if not literally bankrupt at this time, it is no surprise that some community leaders were calling for the closure of HU. In response, HU officers and proponents remained hopeful and defensive. For example, the Dauphin County Commissioners compared HU to a start-up company. Upon issuing their $1.5 million aid in 2013, the Commissioners stated, "It is the rare start-up that does not encounter some growing pains in the beginning."[59]

Heretofore, my analysis assumed Habermasian auspices where free and open public deliberation is the most progressive and the fairest way for a modern society to operate. And indeed, a free and open debate is necessary for any kind of democratic legitimacy.[60] Harrisburg University shows some now-familiar democratic issues: despite being funded on the backs of taxpayers, there was little if any public deliberation about structure, governance, leadership, etc. Evidence of public deliberation (which was not very much in total) only concerned funding. There were no provisions made for public intervention, public review, nor even of public meetings on any regular basis. Unlike SUNY Albany, though, HU was effectively chartered to function as a private college. And by all accounts, HU has functioned and continues to function in that way. Nonetheless, its mission was and continues to be enrapt in the public interest. HU used ideas of public interest, cooperating with its university ethos, to secure its initial funding and legitimacy. Considering these facts, I posit: the university ethos gave enough rhetorical appeal to the *idea* of Harrisburg University that democratic processes were effectively flattened.

For perhaps any other publicly established institution, this would be considered unacceptable. How could a city government fund, charter, provision land for, and develop an

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[59] Donald Gilliland, "Harrisburg University: Will it survive financial struggle?" *Patriot-News*, Oct 3, 2013.

[60] Democratic Legitimacy is addressed at length in the next chapter.

entirely new university, without some substantial public deliberation, public review, or at least a

hearing? Yet any public participation was hidden or forgotten as the greater economic

development process churned forward. Consider that during the incinerator project, Mayor Reed

was not able to steamroll democratic processes (though he got his way despite great resistance).

For HU, in contrast, democratic processes were misplaced, abridged and/or ignored. Politicians

and businesspeople made decisions that put the assumption of risk onto the public, usually in the

form of tax liability. At the very least, those decision-makers made many assumptions about the

public interest. And at worst, HU was a 'pork barrel' from the start.

      The two key issues seen at SUNY Albany are also present at Harrisburg University. First,

as discussed, is a lack of public debate. In the observed lifespan of idea, inception, building, and

(brink of) ruin, there is little extant public debate on HU economic development. Second is the

matter of democratic representation, which again suffers from a skewing of the public/private

divide. HU is not a state-funded university (like SUNY Albany). Yet it enjoys a generous

number of public-subsidized benefits, such as remaining a non-profit (i.e., tax-free) entity and

commanding the lion's share of local infrastructure and development resources. While HU has a

Board of Trustees, that Board is not subject to the same legal requirements as SUNY campuses.

Trustee meetings are not public, and HU does not maintain public records. Moreover, the

Trustees have been and continue to be businesspeople. As of September 2019, members sitting

on the HU Board of Trustees include the President and CEO of UPMC Pinnacle Health, the

President of Independence Blue Cross Foundation, the President and CEO of Capital Blue Cross,

the CEO of Select Medical, and several other corporate officers, attorneys, and investment

professionals. The integration of private industry was among the founding tenets of HU, and the

apparent proliferation of the health industry suggests public/private issues like those seen at SUNY Albany.

Success Begets More Stanford Dreams

At the time of HU's major founding investments, the city already had great financial commitments (such as the incinerator project), and there were plenty of needs in more essential city services like infrastructure, schools, and housing. Yet, HU was imagined and built in less than ten years. The idea of a university in urban Harrisburg was at least tolerated for the duration of the campus' construction. I already explored how the university ethos was key to the start of the campaign. As initial designs morphed into imagery in the form of buildings and advertising campaigns, HU's appeal more directly assumed the Stanford archetype.

The visage of campus in 2007 well symbolized HU's overall situation: big, pretty, and mostly empty. HU's financial troubles peaked in 2013, when the University was in technical default (i.e., cannot pay its bills). By then, Harrisburg had suffered several scandals and financial crises. Public opinion was mostly impatient and harsh. And there was no public money to spare. Accordingly, Dauphin County announced that they would be suspending financial support to HU. Simultaneously, the Middle States Commission on Higher Education (HU's academic accrediting agency) placed HU on probation. The main reasoning was "a failure to show that it is in compliance… namely that it has the financial resources necessary to support its programs and that it has policies and procedures in place to evaluate and improve student learning."[61] With

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[61] Sean Spencer, "Harrisburg University placed on probation by accrediting agency," *The Patriot-News*, Sept 24, 2013.

HU's failure becoming more and more palpable, Mayor Reed's appointees abandoned the project. University President Mel Schiavelli, part of HU since inception and a known Reed associate, resigned. Trent Hargrove, another known Reed associate, announced his resignation from the Board of Trustees.[62] By the end of 2013, when the economic and political pressure was highest, many office holders and bureaucrats had made their escape from HU.

Surprisingly, all this was not a bad thing for the university. With new leadership and a rejuvenated Board of Trustees, HU was free from the political arrangements of the previous administration. In 2014, the University switched recruitment strategies, focusing on regional recruitment and affordable education initiatives. HU froze tuition, expanded housing options, and even built new living facilities for students. HU also started a Philadelphia location, largely to help recruitment and provide a springboard from the Philadelphia area to Harrisburg's main campus. Because of those efforts, Fall 2014 saw the largest freshman class in HU's short history. By the end of 2015, HU was making a profit. New President Eric Darr hailed "financial stability for the university, which is now looking to the future, instead of discussing how to make payroll and keep on the lights."[63] Fast-forward to 2019, and HU cannot expand quickly enough. A new medical science building is under construction, which will surpass the size and capacity of the 2007-built academic building and bring 1000 new students.[64] Additionally, HU expanded its Philadelphia location several times over, growing it into a separate campus entirely.[65] This

[62] "Pennsylvania v. Stephen Reed," docket no. CR-228-15, Dauphin County Criminal Court, Jul 14, 2015.

[63] Julianne Mattera, "Tuition revenue triples for Harrisburg University as it marks 10th anniversary." *The Patriot-News*, Nov 19, 2015.

[64] "New Harrisburg University Tower," harrisburgu.edu (press release), accessed Oct 10, 2019.

[65] Nick Malawskey, "Harrisburg University to quadruple Philadelphia location" *The Patriot-News*, July 13, 2017.

economic success has also pushed HU's academic rankings into respectable company. Certainly, HU's accreditation is no longer under any threat.[66]

The rhetorical position is also an important factor in HU's recovery. During the times of suffering and revival, HU doubled down on its Stanford archetype appeal. This is evident in its overall pedagogical and research positioning: an unabashedly heavy emphasis on STEM, with a specialization in technology. HU also advertises graduate programs in fields like data science, analytics and "techpreneurship." In advertising, HU projects itself as a cutting-edge, technology-based, STEM-centric university. For a few months in 2017-2018, a billboard along I-283 (just outside urban Harrisburg) read "Harrisburg University: Silicon Valley 2.0." Another billboard displayed HU's new slogan: "Leave it to a Geek." HU pushed this new slogan into a substantial advertising campaign that culminated in a commercial which aired during the 2019 Super Bowl (albeit only to a regional audience). The commercial scans quickly through images of zoomed-in microchips, hovering drones, rows of server lockers, images of computer code and people coding, as well as a few curated images of HU's campus.[67] The final line declares "go ahead, call us geeks, thanks for the compliment."

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[66] Much credit goes to the administrators, educators, and politicians who maneuvered out of a very tight spot and pushed HU onto a solid financial footing. However, the greater situation in Harrisburg reveals some mitigating circumstances. After the 2008/09 housing crisis, there was an expanding clientele of students who wanted a 4-year degree, but did not want to pay for, nor travel to, an older and larger university. It is mostly good luck that HU had the capacity and the curb-appeal to take advantage of shifting preferences in higher education. HU offered a relatively cheap, no-nonsense, STEM-based education in a city that is very logistically connected. Students started coming to HU for practical reasons: because they thought other universities were too expensive, because they wanted to live closer to home (HU is next to an Amtrak station and Harrisburg is along several major highways), because they wanted an area with reasonable living expenses, and because they also wanted a useful college degree. HU offered value and sensibility for a 4-year college education and continues to do so.

[67] "LeaveItToAGeek 30 v9 SOCIAL 1080p." Harrisburgu (username), Mar 23, 2018. YouTube. https://www.youtube.com/watch?v=nXMIUkEQkCs

In its relatively short but complicated history, HU thus demonstrates both the pitfalls and the potential of a Stanford archetype. In early development, this would prove a false lead and a path to near-financial-ruin. In later years, the appeal would find a wide audience and help push HU to ever-higher levels of success. Is this the Stanford dream that HU was always looking for? HU's vision was, and continues to be, a sophisticated urban university that trains the next generation of technology specialists in the region. Simultaneously, the University would be the centerpiece of a rejuvenated downtown district, sandwiched nicely between the State Capitol and the "Restaurant Row" retail area. Extending the dream, HU would generate complimentary tech-based businesses, further rejuvenating Harrisburg's weary downtown streets. It is powerful rhetorical imagery that first spawned some irresponsible investments, but later helped a university find its niche in the competitive world of higher education.

University of Maryland: Community Champion or Community Curator?

Modern universities exist in a very competitive environment, both politically and economically. At the political level, they must satisfy a large number of interested groups, many of which have different ideas of what a university is or should be. Alumni groups may be more conservative and traditionalist, insisting on a static form of education. Professional groups may be much more progressive, encouraging (or demanding) a more practical form of education. Other stakeholder groups, such as faculty and student government, will have other interests. Each of these groups carries some form of leverage in the university's overall function. When opinions collide, that leverage can be applied in the form of alumni donations, faculty strikes, or student

protests (to name a few possibilities). Furthermore, I found that opinions often collide around economics. Most universities have limited resources, and different corporate groups have different ideas about how those resources should be used. Especially at larger institutions, university administration may become an intensely political arena.

Nonetheless, most universities consolidate the many internal influences into a widely agreeable "mission statement." This document, often published on the university's website, provides general guidance for the policy decisions and governance of the university. Most mission statements gravitate around several core values; SUNY Albany previously showed its five core "strategic goals." For another example, the University of Maryland (UMD) outlines six "institutional objectives and outcomes."[68] They are: 1) Undergraduate Education, 2) Graduate Education, 3) Diversity and Inclusion, 4) Research, Innovation and Economic Development, 5) University Outreach, Partnerships and Engagement, and 6) Improving University Infrastructure and Resources. Of these, numbers 4 and 5 mostly address the university's economic wellbeing. Number 6 addresses economics directly. Both SUNY and UMD demonstrate the University's interest in research, economic well-being, and the potential for expansion and development. UMD specifically mentions "economic development," considering it a key part of the university's core mission. This differs from SUNY Albany, who overly promoted research and mostly implied the possibility of program expansion and economic development.

UMD is a special case that I wish to analyze further. For UMD and many universities, there is a very competitive aspect to the drive for university-based economic development.[69]

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[68] University of Maryland, "UMD Mission Statement," March 22, 2019.

[69] Jarrett B Warshaw and James C Hearn. "Leveraging University Research to Serve Economic Development: An analysis of policy dynamics in and across three US states." *Journal of Higher Education Policy and Management*, 36, no. 2 (2014): 196–211.

University Presidents and administrators must compete for state, regional, and local funding. In the 2014 volume of *Journal of Higher Education Policy and Management*, a significant article appeared, entitled "Leveraging University Research to Serve Economic Development: An Analysis of Policy Dynamics in and Across Three US States." The authors consider the ways that universities generate revenue for a particular state and put it into base economic terms: "turning inputs (e.g., appropriations, academic staff, laboratory equipment) into outputs (e.g., patents, technology transfers, spin-off companies)."[70] The authors note that other institutions, such as hospitals, laboratories, or business parks, can claim the same general economic arrangement. This means that universities cannot claim a unique money-making potential. Nonetheless, state budgets and federal programs have limited dollars, and a university must prove themselves to be a worthy investment. And every university must directly compete with other institutions and other universities in their region and state. While the authors describe many ways that university administrators address this ongoing problem, they found a common theme of state-based investment: "Fiscal policies established incentives and parameters for *collaboration*" (emphasis added).[71] That collaboration may be with the state itself, with a network of universities (such as the Big Ten conference), with a hospital, with the local community, or all of the above. If we boil this down, we reach the relevant conclusion: universities usually get more state appropriations by collaborating with their local community. The University of Maryland, competing with many DC and Baltimore-based institutions and universities, must therefore prove its collaboration with the local community.

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[70] Ibid., 199.

[71] Ibid., 206.

The University of Maryland has long publicized the "Greater College Park Initiative" (henceforth GCPI). This university-sponsored program "links dynamic academic buildings, a public-private research hub and vibrant downtown community."[72] This program is the face of a complicated arrangement containing many interested political and corporate groups. The idea of concerted economic development had been in motion since at least 2009, when U3 Advisors was retained to "[advise] on a variety of real estate and community engagement initiatives."[73] This advisory role led to the formation of the Terrapin Development Company. These advisors and new companies eventually amalgamated "The Greater College Park Initiative." GCPI is led by the University of Maryland but counts as its "partners" the City of College Park and the City Council, Prince George's County (the university's home county), and the State of Maryland. The featured quote on the GCPI website comes from then-University President Wallace Loh: "If we are to recruit and retain the world's best faculty and staff, we need housing options, stores and restaurants, green spaces. And we need to intrinsically tie together our academics and research with our surrounding communities."[74]

So, in this campaign we have a solution, albeit ostensibly, to many of the democratic issues presented in the previous two cases (SUNY and Harrisburg U). GCPI ties together the community and university. Furthermore, the Initiative came from a place of presumed public support, as it counts several local democratic bodies as its "partners." Its driving goal is explicitly stated in the "Vision 2020:"

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[72] "Greater College Park," https://greatercollegepark.umd.edu/, accessed Jan 3, 2021.

[73] "University of Maryland, College Park," U3 Advisors, https://www.u3advisors.com/projects/university-of-maryland/, accessed Oct 2019.

[74] "Reshaping College Park," University of Maryland, https://greatercollegepark.umd.edu/index.html, accessed Oct 2019.

The Vision 2020 [aims] to create a top university community, where lines
between campus and city are blurred, and where creativity, learning, innovation,
and sustainability happen throughout the community. We have focused on
initiatives within five key strategy areas laid out by the Vision – Housing and
Redevelopment, Transportation, Public Safety, Education, and Sustainability.[75]

Developers surmised that the key factor in long-term success is having staff live near the
University. According to a 2018 article in *The Washington Post*, College Park developers looked
to models like Ann Arbor, MI and Madison, WI as thriving college towns.[76]

Two hidden but important aspects are embedded in these plans for economic
development. The first is revealed by considering the university as an anchor institution. In a
Governing article titled "How Communities Can Make the Most of Their Anchor Institutions,"
author Ted Howard confirms that "anchors have, at least in principle, an economic self-interest
in helping ensure that the communities in which they are based are safe, vibrant, and healthy."[77]
So while the university often takes the role of benefactor, they are essentially helping themselves
by helping their local community. Second: the article also describes how an investment in
community-university partnerships may "tap directly into non-taxpaying nonprofits as a source
of revenue." That is, a university can shift investments in a way that creates a tax-advantaged
mode of community-based economic development. This is a clever way for university

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[75] "University District Vision," College Park City-University Partnership,
https://collegeparkpartnership.org/university-district-vision/, accessed Oct 2019.

[76] Katherine Shave, "University of Maryland is bringing upscale hotels, restaurants to College Park," *The Washington Post*, Jan 1, 2018.

[77] Ted Howard, "How Communities Can Make the Most of Their Anchor Institutions," *Governing*, Jan 9, 2014.

administrators to stretch their economic potential: using tax-favorable dollars to improve a location in which they already have an economic interest.

Through all this economic context, we can see the rhetorical angles at work. The University of Maryland understands that it needs to prove its collaboration (with the community, with other institutions, and within itself) to entice government funding. The Greater College Park Initiative and its many accompanying programs provide that proof. Indeed, the very nomenclature of "Greater College Park" is a major part of the overall rhetorical position. Yet, the CGPI is not entirely rhetorical, as a university has a real economic interest in its local community. The University of Maryland, for example, wants to improve local neighborhoods to enhance staff retention and student housing desirability. This is an odd reversal of the anchor institution idea: improving the surrounding area in order to better the university. In any case, the community collaboration serves several rhetorical and financial purposes: it helps secure funding and investments and improves staff and student retention.[78] This is truly a two-birds-with-one-stone kind of arrangement. In this way, the University of Maryland continues to take advantage of its limited resources. But all this development and ostensible cooperation came with some controversy, as I explore in the below subsection.

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[78] Additionally, a university can maximize their existing financial resources through tax-free investments in community programs. Of course, the university can use those investments for public relations as they seek additional grants and state budget adjustments.

Unplanned Resistance

There was some discussion about UMD's economic development as it was unfolding. A local D.C.-based radio station, WAMU 88.5, has a running program titled "The Kojo Nnamdi Show." On August 13, 2015, the Kojo Nnamdi show debuted an episode titled "Reimagining College Park" (College Park is the city in which the primary campus of UMD resides).[79] Nnamdi's major guest for this episode was then-University President Wallace Loh. According to the episode's description, Loh intended to "talk about his vision for a renovated college town." In the interview, Nnamdi first allows Loh to deliver his pitch. Loh outlines the university's ongoing projects, describing the "major partners" of economic development at UMD. This opening statement mostly reiterates the major points of Loh's "Vision 2020" (described above). Thereafter, Nnamdi challenges Loh on a few points. He asks Loh about the concerns of lower-income students and, specifically, "what is the university doing to make sure that all university students have access to safe and affordable housing?" Loh responds that on-campus housing is always available and is usually cheaper than off-campus housing, though many students voluntarily choose to live off-campus. Building on that answer, Nnamdi asks if the new development may be making the total cost of attending UMD higher. Loh hesitates a bit before confirming that UMD has "the lowest tuition and fees among all of our peer institutions." He goes on to mention opportunities for scholarships and student financial aid. Thus, Loh does not answer the question directly. Another caller asks about the problems with the constant "upscale" development in and around College Park, again noting the affordability issue. Loh responds by

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[79] "Reimagining College Park." *The Kojo Nnamdi Show*, WAMU 88.5: American University Radio. Originally aired Aug 13, 2015, 12:00 PM.

saying that UMD must "create the market" that will attract developers, and then a "correct market price" will settle.

As of 2018, only five percent of UMD: College Park faculty and staff lived in College Park.[80] Given the still-poor state of public schools, public safety, and housing options (as of early 2020), that figure is unlikely to change soon. Yet, there are new buildings popping up all over the south side of campus. Among them are new retail buildings, apartment complexes and hotels – all with a modern design and shiny veneer about them. Until recently, undergraduates seemed to be enjoying the newer, closer, more stylish dining and shopping options. But that initial appeal is retreating. General student resistance started in 2018 and 2019, when UMD suffered a very embarrassing scandal around the football team: a player died from overexertion and the coaches were not fired until serious public outcry forced the University's hand. This came soon after another, more national tragedy, where a promising student was murdered at a campus bus station, simply because he was African American. After these two very public incidents, the student body became largely critical of the university administration. Student protests and demonstrations were common in 2018 and 2019.

In subsequent semesters, this student-led activism extended to criticism of economic development. *The Diamondback* is the student newspaper of UMD: College Park. In Spring 2019, *The Diamondback* published several editorials disparaging the recent surge in construction and gentrification. One article observes the plans to demolish several businesses in order to make way for a new student housing & retail building:

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[80] Katherine Shave, "University of Maryland is bringing upscale hotels, restaurants to College Park," *The Washington Post*, Jan 1, 2018.

It's a demolition of cultural institutions — or as close as it gets in College Park …

It speaks to a disconnect between the proposed project's developer and the desires

of the community — especially students, who frequently crowd the block in the

evenings. These are popular businesses, and the parts of College Park that

residents enjoy.[81]

That savvy editorial goes on to criticize the desire to "pull in young professionals," which is

slowly pushing out other populations. The article also relates, as I can personally confirm, that

"it's getting harder to buy lunch for less than $10."[82] The article's general conclusion is that

College Park is getting more expensive, which is harmful to anyone who lacks disposable

income.

Another editorial, published one week later, asks: "Are we at the whims of private

developers looking to profit off students with "luxury" apartments and expensive lunch options,

pricing out poor and working-class students and residents?"[83] One of the beacons of

development is a new hotel adjacent to the south side of campus, called simply "The Hotel." The

Diamondback article asserts that The Hotel "is only available to upper class clientele visiting the

university, looming large over Route 1 as a symbol of the university's priorities."[84] Prices

indicate the truth of this statement. Shortly after The Hotel opened in 2017, room rates were over

$300 a night. By Fall 2019, they leveled to $150-200 per night – still quite expensive for a

weeknight stay. Other new constructions continue the trend of exorbitance. Recently built

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[81] Hadron Chaudhary, "College Park doesn't need to redevelop iconic route 1 businesses." *The Diamondback*, Sep 4, 2019.

[82] Ibid.

[83] Michael Brennan, "College Park needs an alternative to private development," *The Diamondback*, Sep 13, 2019.

[84] Ibid.

apartments called "The Domain" boast an excellent location for students, only one block away from the Liberal Arts side of campus. As of October 2019, the lowest price for an apartment was roughly $1800 per month, with the average being closer to $2000, for a 600-750 sq. ft. apartment (according to the building's website). A bit farther from campus, in the heart of Route 1 gentrification, lies "Alloy by Alta" luxury apartments. This large, combined housing and retail building opened in mid-2019. As of October 11, 2019, only two 2-bedroom apartments were available. The lowest possible monthly rent for an apartment is $2,960, according to the building's website. (One should note that prices likely dropped enormously because of the Covid-19 pandemic).

This situation presents a myriad of social and ethical issues. But I limit my consideration to: Why the surge of extravagant prices for apartments, services, lunches, and other basic costs of living at College Park? The mere presence of high-class facilities is not particularly momentous. Many, if not most, universities will have accommodations for high-class students. But based on my personal experience (as a graduate instructor), the 2015 "Kojo Nnamdi Show," and the testimony of *The Diamondback*, there is a deliberate prevalence of high-class services. As implied in the recent editorials, the new-founded building and development is not aiming for affordability, nor anything that might be called economic balance. The new apartments and services are only affordable to upper-class students. This seemingly targeted development corroborates with a general increase of everyday expenses. Many of these problems were already elaborated or implied in Kojo Nnamdi's radio show in August 2015 (above).

While there is not enough evidence here to make any broad conclusions, the overall dynamic certainly compromises any democratic legitimacy for the university. It seems highly disingenuous to make claims of social justice when the university is slowly but deliberately

pushing away certain sectors of the overall population. It is hard to imagine, for example, a corporation doing the same things that the University of Maryland is doing at College Park. At the very least, that corporation would face much more public resistance. It is perhaps natural that property near a university would ripen into a higher-class area. But that is quite different from a university purposefully creating that situation, using its political clout and economic power to re-design neighborhoods. One could infer that the overall desire is to push working-class people away from the university neighborhood, and bring in a higher-class, higher-paying type of citizen and student. Here the university ethos works like a red herring, projecting the economic development as educational and student-friendly. It also masks the competitive driving force of the community development, as the University of Maryland must prove its collaboration with the community to secure state dollars. As ever, the university ethos blankets any objectionable decisions with the benevolent imagery of the university, as exemplified in the below graphic:
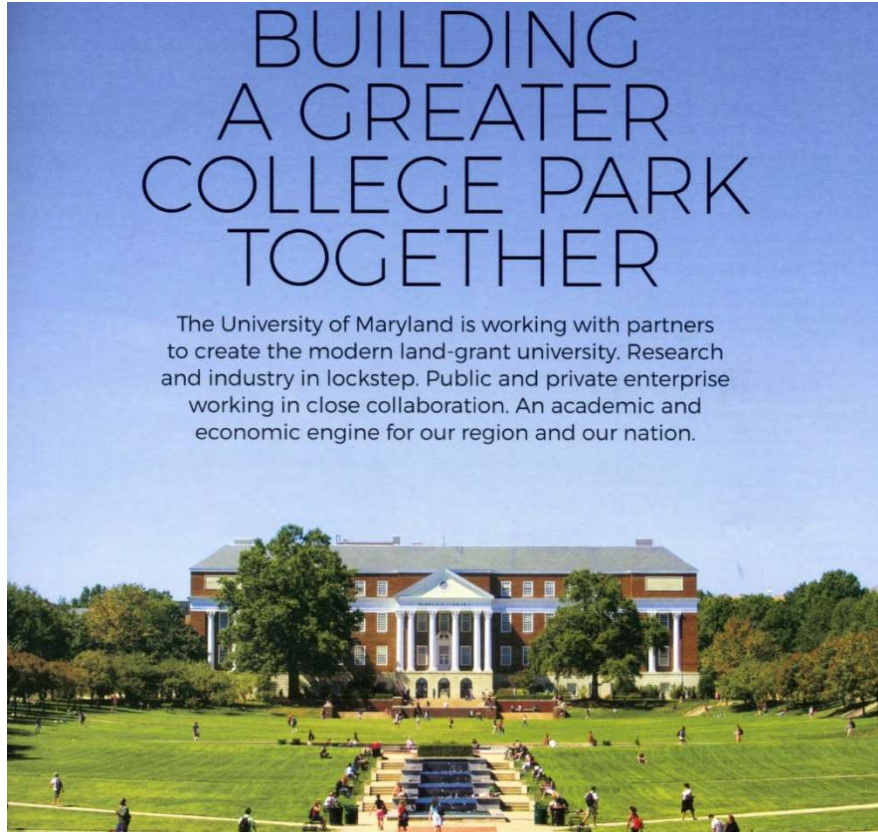
Excerpt from front page of "Building a Greater College Park," published in the
Washington Business Journal, Winter 2016

Considering a University's Place in Economic Development

Back at Albany, the Tech Valley campaign opened the doors to corporate finance. Politicians, university administrators, and corporate officers aligned to build several ambitious new projects at SUNY Albany, including the entirely new Polytechnic Campus. The student body benefitted from improved facilities, from new and innovative programs, and from greater university prestige. But many other advances only tangentially improved the lives and educations of the student body. When IBM funded a new research facility on campus, that facility was staffed with IBM researchers doing IBM work. Other programs at SUNY Albany followed the

IBM/corporate blueprint to some extent. One could argue that these researchers are bringing value to the State, the college, and the locality. Yet, many of the investments made in Tech Valley in the past twenty years have dried up or suffered setbacks as the global markets shifted. Most of IBM's initial promises were not met, and the company now has very few financial commitments to "Tech Valley."[85] Companies who bought or stepped into IBM facilities had no obligation to continue any public commitments.[86] For the time being, it is unclear if microchip manufacturing will continue in the Albany region. And as the microchip industry becomes less lucrative and more competitive, will IBM and others want to continue funding their research at SUNY Albany? Will the State of New York have to pick up the pieces to save their "Tech Valley" economic development campaign?

State-affiliated universities (like SUNY and the University of Maryland) have some public accountability built into their system through their trustees. For SUNY Albany and the University of Maryland, the most localized arena of debate is the university trustee meeting. Yet, at both the formal and legal level, trustee initiatives and resolutions have limited options for public criticism. Furthermore, as seen through SUNY policy processes, the trustee structure can be compromised by corporate and political interests. Trustees were often appointed based on political loyalty and corporate connections, to some extent. And at the private Harrisburg University, over half of the university trustees are corporate officers with little or no education experience. All of this might be defensible if those universities did not use public money and public goods to fund their economic development.

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[85] It was not only sold but quickly re-sold less than two years later. See Amanda J. Purcell, "Global Foundries to Sell Portion of East Fishkill Campus," *Poughkeepsie Journal*, Apr 26, 2016.

[86] Ibid., for example.

The University of Maryland is not reaching for the development scope of SUNY Albany. But more and more private companies are engaging in the economic development of UMD: College Park. Defenders like former President Wallace Loh can display the goods of this development. Housing options have increased. There are more hotels to accommodate visitors. Certain streets and parks are probably safer and more walkable. There are plans, delayed several times, to connect campus to the larger public transit system.[87] New businesses like Whole Foods and WeWork have come to College Park – a notable modernization of the retail and business scene. Older, less aesthetically pleasing buildings continue to be removed in favor of new, modern-looking apartments and retail buildings. The College Park area is buzzing with development, where before it was largely idle. Combined, this is the visible proof of the initial "Vision 2020" and the fostering idea of "Greater College Park." This ongoing development produces opportunity for some and challenges for others. At College Park, the most immediate problem for most residents is that the cost of living continues to rise. This unfairly affects lower-income students and residents, and such was the major criticism of UMD's economic development through 2019.

By showcasing the desirable aspects of university culture and life, universities can effectively reduce the potential for public criticism. The rhetorical situation in a university's economic development is complex but important to understand. Stakeholders can take advantage of the complexity, relying on specialists and insider agreements to streamline the process and reduce any public criticism. Real public resistance is practically achievable through media, as seen among the editorials in *The Diamondback*. But the business and university interests can

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[87] Campus is only connected by bus at the time of this writing. The subway line construction halted as costs greatly exceeded expectations. As of late 2020, plans to complete the subway line have been re-engaged.

always oppose criticism with their own media, using the rhetorical fallback of the university

ethos. At College Park, things like restaurants, hotels and luxury apartments all manage to fall

under the benevolent umbrella of education and humanism. Similarly, Harrisburg University was

able to commission overly ambitious building projects with little public opposition. These

projects are often done with public funds, tax breaks, taxpayer-funded initiatives, and with the

blessings of public officers. Yet they have little if any built-in ability for public debate.[88]

There are many democratic issues in these cases, but some of them are endemic or

perhaps even encouraged in wider society and business culture. So here I hope to boil down

some essential problems for further study and consideration. First: Universities are

commandeering public funds and public works without any substantial public approval or

oversight. State-affiliated universities usually have some built-in political and economic

connections. Thus, state-funded universities can work with politicians more directly than other

universities. With enough clout, state-affiliated universities can summon massive amounts of

public funds, as seen time and again at SUNY Albany. The public approval process for these

economic movements is distant at best. Furthermore, the Tech Valley campaign should be a

warning to all university-associated communities. Businesses have money and the incentive to

develop, and so they make very good partners at the beginning of a development campaign. But

as markets shift, conditions change, and decades pass, those companies have no obligation to

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[88] Another problem is harder to see as development is happening, but becomes clearer in comparison to other case studies in this chapter. I ask: in ten or fifteen years, when the new buildings are not so new, will the business and economic success continue in College Park? Or will the developers, like businesses in Tech Valley, sell their stakes and move to more profitable grounds? In the boom-and-bust cycle of market forces, College Park seems especially vulnerable to a bust. Most of the new development is services-based: apartments, retail, specialty stores, etc. It is very reliant on a certain consumer being present. With the Covid-19 pandemic ongoing, it is important to ask: will these businesses be profitable in the near future? What is the outlook for hotels, apartment buildings, and high-end restaurants? Will the developers, investors, and business owners continue their commitments to the College Park area?

continue their commitments. Companies like IBM are beholden only to capitalist forces. Whatever human benefits or goodwill that come along with profits are secondary benefits.

The second major democratic issue here is class-based. In varied ways, the observed universities want to encourage a higher-class, higher-earning kind of student and citizen. At SUNY Albany, this was a region-based initiative. The new facilities at SUNY Albany would bring better jobs and higher-earning citizens to the region, or so was the idea. At Harrisburg University, the original vision was a radiating university wealth (i.e., the Stanford archetype). A tech-based university would attract high paying jobs and lucrative businesses to the area. But the class-based issue is most obvious at the University of Maryland, College Park. There is a targeted development of high-class structures and services along with the relocation or elimination of lower-class services and structures. Developers and administrators are changing the community at College Park, largely to the detriment of existing citizens and students. What happens to the working-class people of those neighborhoods? Hopefully, elevation, but more likely relocation. All this points to a stratification of higher education, echoing a stratification of society, which fully contradicts any arguments for meritocracy or social justice.

Finally, there is the question of public interest. Where is the public interest in these situations? At any university, there are many strings being pulled, of which the local community is only one. Should a university's local community be subservient to the larger public interest, which the university itself may represent? Will the state, the country, and humanity be better served through the economic development at SUNY Albany, Harrisburg University, and the University of Maryland? Even when considering these larger questions, the problem seems much the same as in the Harrisburg incinerator debate. The public interest can be defined, claimed, reduced, or cast in a certain light to achieve certain corporate or private interests. And when the

arenas of public debate shrink or fade, as seen in trustee meetings and budget approvals, the definition of public interest becomes even more malleable.

At SUNY Albany, politicians and university administrators pushed an economically-based definition of the public interest. Job numbers and investment figures stood as proof of public interest, even though such numbers may be projections or otherwise optimistic. This came to a head as corporate partners abandoned the public mission but took their public money with them. At Harrisburg University, initial advocates pushed a more pedagogical idea of the public interest, seeking a cutting-edge university to train a highly skilled workforce. But that was a means to an economic end; the real justifications were high-paying jobs and a rejuvenated urban area. Politicians projected the idea of success, i.e., the Stanford archetype, well before any success was apparent. The University of Maryland at College Park presents itself as a partner with the local community, projecting its ideas for a "Greater College Park." But in this plan, UMD adopts a narrow view of the public interest, based on a particular and desirable type of "public." Contemporaneous criticism is stifled by the university ethos.

These are three short stories of universities, chosen because they show similar visions of economic development. Yet the cases also show a wide range of communities and rhetorical situations. Thus, I believe the examples present a fair comparison to many universities across America, especially state-funded universities. And so, the examples are illustrative in several respects. Most urgently: the economic power of a university should not be underestimated, nor should it be placed behind safer subjects like pedagogy. Such optimism is irresponsible at best, and a selfish enforcement of the economic status quo at worst. Many universities wield just as much economic power as major corporations. Their rhetorical power is also uniquely strong. Thus, a university's place in economic development should be fittingly recognized and criticized.

CHAPTER 4: Democratic Legitimacy in Rhetoric and Public Policy Studies

Previous chapters worked around the idea of public interest, the problems of

representation, and the rhetorical strategies of stakeholders in economic development policy.

Until now, any essentially democratic problems were only lightly addressed. In this chapter, I

address those democratic problems head-on. I intend to use the experience of the observed cases,

as well as the wisdom from several scholarly fields, to develop a pathway for further study. The

theme and normative force of this pathway is *democratic legitimacy*, a concept that will be

thoroughly explored. As ever, the larger goal of this study is to discover, diagnose, and

understand policy problems. To that end, the goal of this chapter is to develop a rough-and-

ready, yet fully considered technique which specifically reveals problems of democratic

legitimacy. The process of inventing and justifying this technique requires a journey through key

issues in rhetorical theory with stopovers in subjects beyond Rhetoric Studies. I begin this

journey by seeking a definition of that term, "democratic legitimacy." I then outline and justify

my heuristic technique, which is a simple list of highly qualified questions. And finally, I re-

evaluate the case studies of previous chapters to analyze, interpret, and more clearly understand

problems of democratic legitimacy.

On a larger level, I believe that democratic legitimacy is necessary for peaceful

governance in America. And I hope to show that it is also an important part of policy, even at the

local level. Though I must acknowledge the problems with the concept. Its linchpins are legal

functions such as majority rule and the consent of the governed. My study often implies that the

best form of democratic government is that which most truly represents the will of the people.

But this works on the assumption that most people are virtuous, capable, and civil. History shows

how that can be a dangerous assumption. In *The Origins of Totalitarianism*, Hannah Arendt

outlines the procedure by which a people proceed from a liberal society to a totalitarian one, as

seen in Hitler's Germany and Stalin's Russia.[1] Movements towards fascism, totalitarianism

and/or dictatorial rule often start with popular support. Arendt holds that "the number of this

mass of generally dissatisfied and desperate men" are particularly vulnerable to demagoguery, as

they seek solace from failing political systems.[2] A new system, often represented by a single

charismatic individual (such as Hitler or Mussolini), unifies the "mass of… desperate men" into

a binding majority. This is perhaps the most urgent reason why the American system needs to

take democratic legitimacy more seriously. As America's democratic system becomes more and

more fractured, and the people more and more disillusioned, the prospect of alternate

governments becomes more and more real. Does America want to see what its next government

might look like? Do Americans want to suffer the process of transition and the risk of

widespread violence? To preserve the current system, and the peace thereof, American

governance needs legitimacy. In short: the people must feel like they have a voice and a stake in

their own governance, or else they may fall into the patterns described by Arendt.

    While I appreciate these problems at the macro and historical level, my study deals

directly with local concerns. These are nonetheless important, and certainly easier to ameliorate.

To get to the heart of the matter, consider a familiar example: A few years after the Incinerator

debates, the city of Harrisburg was on the brink of municipal bankruptcy. By this time (2010-

2011), the incinerator project had fully capsized and the mammoth financial losses were too

large to hide or re-package. Both the City Council and the Harrisburg School Board wanted to

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[1] Hannah Arendt, *The Origins of Totalitarianism*, Meridian Books, 1958.

[2] Ibid., 334-337.

declare bankruptcy to unlock State-based aid and assistance, as well as limit the damage from several pending lawsuits. By then, a new Mayor was in office. A new Governor presided over the State. Yet both Mayor and Governor, as well any creditors that stood to lose money (which were quite a few), vehemently objected to the idea of municipal bankruptcy. This led to a situation where City Council filed for bankruptcy with the local court, but the Mayor's office refused to even acknowledge the filing.[3] The bankruptcy dispute only increased the push-and-pull between City Council and the Mayor's Office, with the State repeatedly threatening to take over the entire city. The bankruptcy petition was dismissed within two months, and the city soon entered a "receivership" under the State of Pennsylvania.

This was a lamentable series of events, encouraging "facepalm" reactions and cynical declarations throughout the region. But the Harrisburg bankruptcy fiasco separated the representatives from the represented to the extent that people seriously doubted the *legitimacy* of the whole framework. Many people stopped paying parking tickets – why bother?[4] Property taxes became a hotly contested issue, with some arguing that previous tax increases were illegal. Public schools, already struggling, were now wondering which day would be their last.[5] This breakdown of civic workings only increased the city's financial crisis. For example, trash collection was unreliable for a time, so people dumped trash in the streets. Streets then went unmaintained and uncleared, to the point where Front Street (a major thoroughfare) became a regional embarrassment.[6] Of course, this is a dramatic and unusual culmination of democratic

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[3] Sabrina Tavernese, "City Council in Harrisburg Files Petition of Bankruptcy," *The New York Times*, Oct 12, 2011.

[4] Ivey DeJesus, "Got a Delinquent Parking Ticket from Harrisburg? Better Pay Up!" *The Patriot-News*, Jan 9, 2015.

[5] G. Terry Madonna and Michael Young, "How do You Spell Crisis? Public Schools." *The Patriot-News*, May 31, 2012.

[6] Tara Leo Auchey, "Q&A with TLA: Why is the City of Harrisburg so Dirty?" *The Patriot-News*, Feb 26, 2013.

failures. Such dramatic failures hide the many smaller failures in representation and public interest, all of which have a corrosive effect on people's faith in the government. And as people fall out of touch with their own government, policy failures are likely to increase, and democratic legitimacy is likely to decline. This is a slippage towards oligarchy, authoritarianism, or other oppressive forms of government. My question-asking technique can help recognize and properly expose the obscure yet fundamental problems that underly policy decisions. And hopefully such problems can be understood and ameliorated before any serious civic breakdowns. Obvious troubles like the lack of effective leadership, partisan bickering, and financial strains conceal the insidious, more long-term problems in government policies and procedures.

Policy problems, large and small, are often analyzed in the form of numbers and other data-backed procedures. Yet such problems are essentially rhetorical, especially in terms of deliberation and democratic process. If nothing else, the case studies in previous chapters show how globs of money and seemingly scientific allocations do not always lead to policy success. Many fields, including Policy Analysis and Rhetorical Studies, need to better understand the connection between democratic governance and rhetorical interpretation. This is not a precise relationship, as rhetoric is more of an art than a science. The difficulty of study does not diminish its importance, though. I find that the rhetorical tradition is intimately connected with democratic legitimacy and is thus highly illustrative.

The Instrumentality of Rhetoric: a dichotomy of interpretation

The debate of rhetoric's instrumentality is perhaps as old as the study of rhetoric itself. This has important implications for contemporary political rhetoric and deliberation. For the Sophists, rhetoric was a tool to be used - a way for the clever and well-educated to get what they want. Of course, Plato favored a philosophy-based approach to discovering the truth about matters.[7] Aristotle, as we know, incorporated democratic deliberation (in the form of assembly speeches) in the system of his rhetoric . So, in the ancient tradition, to put things simply, there are three ways to view political rhetoric. First is the Sophistic view, where rhetoric is purely instrumental: a means to an end. That end is whatever the speaker desires. Second is the Platonic view, where rhetoric has so many prerequisites and responsibilities that any open political debate is practically impossible. Third is the Aristotelian view, where people can realize "what it is most useful to do," i.e., deliberation.[8]

One's understanding of political rhetoric – Aristotelian, Platonic, or Sophistic – is highly consequential for the study of Rhetoric and Public Policy. But it is not entirely a matter of scholarly preference. I hold that democracy relies on deliberation – deliberation that has roots in the Aristotelian tradition of seeking truth and wisdom . Indeed, the foundation of democracy rests on the belief that deliberation is good or at least leads to good things. The basic dependence on public debate, majority rule, and the legislative function of government is testament to the

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[7] Plato's *Phaedrus* explains the many prerequisites for using rhetoric, among which are "knowledge of the soul" and "dividing" the matter into its essential parts. Furthermore, the prospect of someone (like Lysias) crafting laws or making political decisions without the many prerequisites is "disgraceful." Safe to say that Plato did not envision the use of political rhetoric by any large number of people, and thus, could never endorse anything like modern democratic deliberation.

[8] Aristotle, *Rhetoric*, I.6

goodness of deliberation – that the good arguments will win the day, eventually. Else, the whole idea of a democratic process and/or common decision-making is hollow at best.

In *The Rhetorical Surface of Democracy,* Scott Welsh quashes such idealism. Welsh believes that "The value of rhetoric to democracy is defended… by emphasizing that rhetoric is more than an instrument with which to get what one wants, that it also produces practical wisdom, the common good, shared visions of reality, or public judgment."[9] Yet a serious problem occurs "whenever [a] rhetorical contest produces policies or programs regarded as less than wise by those in opposition." In short, whenever there are opposing points of view, one party or another can easily claim that the other side is making unwise judgments. When taken with the belief that "rhetoric is more than an instrument," a logical contradiction arises. For when each side can claim that the other is unwise, and both can make persuasive arguments, rhetoric stalls. The conclusion is that something other than rhetoric must decide what is wise and what argument wins the day. As Welsh puts it: "Since we all regularly fail to see the wisdom in a multitude of governing policies or programs, it is not clear why anyone would believe that rhetorical contest reliably produces either practical wisdom or the will of the people."[10]

Here I use Welsh's work to represent a prevailing position on instrumentality. Welsh is firmly in the camp of the Sophists, who see rhetoric as a means to personal or corporate interests. As Welsh explains repeatedly, any use of rhetoric is always a way of "getting what you want." And in more substantial political situations, rhetoric becomes a means to power. As suggested by the subtitle of his book, Welsh firmly believes that idealism is clouding the progress of rhetorical

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[9] Scott Welsh, *The Rhetorical Surface of Democracy: How deliberative ideals undermine democratic politics,* (Lexington Books, 2012): 24.

[10] Ibid.

theory in politics. Yet many celebrated rhetorical theorists, such as Gerard Hauser and Robert Asen,[11] are committed "to the idea that democracy is a mode of decision-making." Welsh posits that such an optimistic mindset "prevents them from coming to terms with rhetoric as a contest for power."[12] Welsh further suggests that the calls to make the democratic process more inclusive, more effective, more grounded, more pure, etc., which are seen frequently in rhetorical studies, are not progressive. Rather, the field should fully acknowledge that rhetoric is an instrument for personal gain and that democracy is a contest of political powers.

In my studies, the most overt use of such instrumental rhetoric was the Governors of New York State (Pataki and Cuomo) using SUNY Albany as both corporate exchequer and headline-generating apparatus. Governor Cuomo's press releases were deliberately orchestrated to demonstrate a wide appeal and galvanize a wide population in his favor. To some extent, the inferred funding and private-industry cooperation was completed to generate favorable headlines and re-election materials; Cuomo wanted to outperform Pataki (the former Governor) clearly and decisively in the area of higher education. It is hard to argue that such press releases and headlines are anything but instrumental rhetoric, which certainly seems to concur with Welsh's overall position. Yet my case analysis also reveals some of the shaky ground upon which Welsh's assertions reside. For we can easily question just how representative and how legitimate were those SUNY-based headlines and press releases. Such publications could be stakes in an argument, rather than demonstrations of power. And though Cuomo's office designed the publications to seem conclusive, it is still within the power of the public to object, to criticize,

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[11] Ibid., 44 and 49, respectively.

[12] Ibid., 30

and potentially, to change the relevant policies. In other words, democratic deliberation is still in play.

Curiously, Welsh does not regard the instrumental status of rhetoric as a perversion or decadence, but rather essential to the practice of democracy. This surprising conclusion is based on his assertion of "the public's inability to forge or implement a shared judgment."[13] Welsh sees this "inability" as a necessary check against naked demagoguery. For in pure demagoguery, a particular person or political party successfully "embodies the will of the people." If the public were simple and agreeable, politicians would be able to seize public power for themselves through demagoguery. Instead, Welsh holds that the will of the people – what I call the public interest – should remain mysterious and impossible to interpret. Indeed, without the mystery of the people's will, a politician could reach higher powers than the people. Welsh further believes that the constant and implicit threat of the people's will prevents the emergence of a Julius Caesar in America. This conclusion easily corroborates with many prevailing thoughts on the right of the people to rebel against unjust governments. So, with the problem of the public will (public interest, public opinion, commonwealth, etc.) solved, Welsh is free to continue claiming that democracy is all about personal power struggles.

Welsh makes strong points, and I agree with most of his commentary on the day-to-day practice of democracy in America. The warnings on demagoguery are important, and I think they are underappreciated in Welsh's work. But as for the public interest and the instrumentality of rhetoric, I think Welsh and other critics of democracy are overly cynical. To maintain the claim that democracy is all about power struggles, Welsh simplifies the matter of public interest. He

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[13] Ibid., 25

claims that the public cannot agree on anything, and Welsh interestingly supports this claim by stating that public disagreement is good. Yet there are indeed things that virtually the entire public can agree on - they are just broad and difficult to achieve. For instance, an entire public can agree on certain things as good. Starting with basic human needs like food and shelter, we can move down a few levels to modern human desires like safety, health, prosperity, etc. The public almost certainly disagrees in method, detail, and degree of these goods, but they can agree on their desirability. So, for the purposes of refutation: the public need not agree on every detail to reach a public opinion, even if that opinion is something as simple as "We want to be healthy."

For example, a large part of the reason that Pataki and Cuomo's headlines were so effective was that a clear majority of their electorate is in favor of education, generally. I observed the rhetorical problems of this situation with my analysis of "university ethos" in chapter 3. Wherein, I concluded that the main reason so few people objected to the unabashed spending at SUNY Albany was because of the wide desirability of a university-based education. If we simplify this general desirability even further, we arrive at a very widely agreeable statement such as: "We want to be educated." Such a statement could be an expression of the public interest, in terms of education. While it does not nearly capture all the complexities or the details of each individual or corporate interpretation of education, it certainly captures the essence of the desire. Accordingly, any individual New Yorker will probably not agree with the way SUNY Albany was funded and developed. However, they are likely to agree with the basic idea of the policies, in which government (purportedly) provides education for the people. To some extent, this basic idea is what made the SUNY-based headlines and press releases so

effective, and why the Governors kept them coming. There was a wide public agreement, i.e., a public opinion, on the desirability of education.

With the possibility of public agreement, the goodness of rhetoric is once again open for debate. Take, for example, the statement: "we want to be healthy." Could anyone reasonably object to it? In a democratic context, such a statement is an expression of public interest and also implies a belief that people can work together to make it happen. The statement does not consider all the many details and problems that would go into making people healthy, nor does it engage any historical considerations or analysis. It does not acknowledge how the desire for health is probably insatiable. "We want to be healthy" is not a practical statement, but a rhetorical one. Large and broad rhetorical statements allow large and broad publics to agree on general goods; most people want to be safe, to be healthy, to be educated, to be treated fairly under the law, etc. These expressions are the public interest, in simple forms. I believe that even a broad and impractical public interest can push debate and policy in a certain direction. For instance, a public interest in education at least encouraged the developments at SUNY Albany, even as the situation devolved into an ever-increasing competition for headlines and corporate sponsorships.

Against my assertions, arguments about practicality could be made. Large and vague statements of public interest could be dismissed as statements of human nature. And when the public agrees on something that a modern government usually provides, such as national security or infrastructure, public interest will fracture into many different opinions regarding method, detail, and degree. In addition, there is always a cynical retort about the public's lack of quality, i.e., the Platonic argument: that people are largely short-sighted and lack the wisdom to know what is truly best for them. Yet even when these counterarguments are taken to the maximum,

they at best show only (1) impracticability, or (2) unjustified conservatism. Neither Welsh's work nor these counterarguments prove the impossibility of a legitimate public interest.

A more effective counterargument would contend that public interest and public opinion are just two rhetorical devices that politicians use in an instrumental way. So that, when a politician invokes something like the desires for national security, prosperity, or health, those appeals are merely instrumental rhetoric in action. To that I answer: the possibility of instrumental use and even the typicality of instrumental use do not necessarily disprove the underlying public interest. The reason that public interest can be used instrumentally is because, perhaps only implicitly, the public widely agrees upon that interest. Else, the appeal would have limited effect – it would not be public at all. Again, the use of headlines and press releases at SUNY Albany demonstrates the rhetorical potential of a public interest. Rhetors (i.e., politicians) can use this widely held belief in a political way, as the Governors of New York did with the economic development at SUNY Albany. Even though the execution of those policies was *not* in the public interest, the purported goals of the policies – improved education for New Yorkers – *are* in the public interest. The modern and applicable conclusion is this: broad public interests, such as the desire for good education, can push policies in a direction that (at least seemingly) works in the public interest.

I certainly sympathize with Welsh's cynicism of democratic practice, especially after closely viewing previous debates around economic development. In truth, Welsh and I agree in all but certain underlying premises. But those premises are crucial and reach all the way back to the foundations of rhetoric, with the Sophists on one side and Aristotle on the other. [14]

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[14] Ironically, Plato may be on the Sophists' side in this context.

Unfortunately, the dichotomy of rhetoric's instrumentality remains unresolved. It seems that we must live with both sides of instrumentality and push into more practical and policy-based scholarship.

In the tradition of Policy Analysis (and to some extent in Rhetoric Studies), there is little room for a defense of deliberation. I consider this an overly cynical presumption, and I would like to answer it at the source. In 1950, Kenneth J. Arrow published a very influential article titled "A Difficulty in the Concept of Social Welfare."[15] Wherein, Arrow navigates the centuries-old tradition of "voter paradoxes" and then carefully and methodically proves that a collective body *cannot* make a decision that satisfies the majority of individual opinions within that body. Or as Arrow puts it, "majority voting … must be regarded as [an] unsatisfactory technique for the determination of social preferences."[16] While there is some modern questioning of Arrow's work, the "Impossibility theorem" is a keystone of Policy Analysis, especially in Sociology. Arrow's theorem undergirds democratic criticism like Welsh's and promotes a general scholarly skepticism of democratic procedures. I do not intend to refute or challenge Arrow's theorem (or those like it) in its proper context. It is very useful in specific cases of policy analysis, but is more generally a way of confirming that democracy is not perfect.

Thus, I respond: the impossibility theorem relies on assumptions of voter performance which are based in a market-driven idea of self-interest. As outlined in Chapter 2, I rejected a purely market-based scheme of interests. Furthermore, the impossibility theorem assumes that voters cannot be persuaded against their established opinions and convictions. In other words,

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[15] Kenneth J Arrow, "A difficulty in the Concept of Social Welfare." *Journal of political economy* 58, no. 4 (1950): 328-346.

[16] Ibid., 330.

the impossibility theorem does not consider the field of Rhetoric. Rhetoricians understand that

convictions and opinions can be influenced, invented, and exaggerated through affective

rhetorical appeals. The opinions and convictions to which a voter adheres in any moment may be

based on local rhetorical events. There is no doubt that many people have prevailing and selfish

motivations in policy debates, as Arrow outlines. But those same people can be galvanized by

rhetorical influences, perhaps changing their starting position entirely. This can certainly happen

during the process of policymaking. All this confirms that Arrow's theorem is not sufficient for a

rhetorical understanding of policymaking in democratic contexts (though it probably never

meant to be so). The shortcomings of the impossibility theorem also reaffirm the importance of

rhetoric in policy studies.

Rectifying the place of rhetoric in policy studies does not solve the underlying dichotomy

of instrumentality. But as we shift to a democratic and policy-based context, the dichotomy takes

a new form. On one side are the defenders of democratic practice, who believe that any problems

in democratic governance are caused by bad actors or other correctable shortcomings - not

through any fundamental defect. On the other side are the critics of democracy, who see

democracy as a comprehensive ruse to obscure oligarchic or aristocratic power, and which keeps

the masses content through appearances of commonwealth. In a philosophical sense, this is a true

problem. But does anybody think about the instrumentality of rhetoric at a policy meeting? I

believe that, in practical policy situations, the dichotomy of instrumentality becomes a matter of

general understanding (rather than philosophical purity). Instrumentality is important and

consequential, but only when understood and appreciated by a modern audience. Furthermore, it

must be put into the context of democratic policymaking. Thus, I propose that one's

understanding of instrumentality hinges on a single question: Are social problems *correctable*

through democratic processes, or not?[17] The answer leads to two competing, but important, interpretations of democracy.

I define "Idealistic Democracy" as a democratic state where any perceived problems in governance can be corrected by the governed, even though such corrections may be very difficult or impractical. This state is underwritten by the belief in commonwealth and the primacy of public power. And necessarily, an Idealistic Democracy relies on the Aristotelian form of rhetoric. It becomes actionable in the practical function of governance: any social problems can and probably should be corrected through democratic processes. Furthermore, an Idealistic Democracy sees the exchange of power between corporate interests as part of the democratic process. Some easy examples are the political parties who constantly vie for executive and legislative seats. Although these corporate interests certainly obscure the direct voice of the people, they are a tolerable part of the democratic process. That is to say, in an idealistic democracy, corporate interests still fall under the large umbrella of democracy.

Alternately, one needs to eschew honest deliberation to reach the opposed perspective, what I call "Cynical Democracy." In a Cynical Democracy, corporate interests exchange political power as greedily and as fiercely as they like, whenever opportunity arises. They often do this through legal and socially acceptable methods, like open debate. But in this competition, legality and ethics are perhaps as instrumental as rhetoric. Democracy is then merely procedural; it provides certain norms for the more authentic contest of political powers. Welsh, representing cynical democracy, summarizes his interpretation of deliberation:

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[17] An answer of "sometimes" or "it depends" is actually an answer for "yes." By acknowledging the possibility of an affirmative answer, one acknowledges that social problems are indeed correctable. One exception is the possibility of democratic processes *accidentally* correcting social problems. One could validly aver that social problems are *not* correctable through democratic processes, but democratic process may solve a problem accidentally.

Deliberation is conducted in view of citizens empowered to vote, it becomes an exercise in politically deploying and manipulating ways of speaking that are deemed acceptable within a political culture. If citizens are empowered to vote and politicians are allowed to speak freely, there is nothing that can be done to prevent prevailing political discourse from becoming a competition among political actors hoping to shape and direct the institutional power of the state (always in the name of the common good, the will of the people, or good judgment).[18]

Welsh also confirms that one's interpretation of democracy is essentially based in one's view of rhetoric. A belief in deliberation is a belief in democratic processes, and vice-versa. Furthermore, if one wanted to carve a middle ground between the dichotomy of Idealistic and Cynical Democracy, one must also resolve the dichotomy between the Aristotelian and Sophistic views of rhetoric. Of course, there is no strict resolution there.[19]

Would policies have unfolded differently if everyone at the Harrisburg incinerator debates had a cynical or idealistic understanding of democracy? One could reasonably expect that the many interest groups which participated in City Council meetings had an idealistic understanding of democracy, since they sought to change policies within the prescribed democratic procedures. In the early incinerator debates, the Sierra Club petitioned through City Council meetings and gathered some supporters. The Sierra Club may have been more successful

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[18] Welsh, *The Rhetorical Surface of Democracy*, 33

[19] Because rhetoric can always disprove other rhetoric, Welsh sees any higher purpose for rhetoric as naïve: "The higher calling democracy allegedly serves is either wise decision-making or shared judgment. However, neither of these aims is inherently higher or more pure than winning political power." Ibid., 55

if more local citizens believed in the *correctability* of social problems through public policy. It is likely that some people maintained a cynical interpretation of democracy because of a 20-year incumbent Mayor and a firmly entrenched political party, not to mention several large regional industries. After all, who could win against such influence? On the other hand, the Sierra Club could have adopted a more cynical understanding of democracy. They could have applied extra-political pressure by making threats, offering bribes, or promising secret kickbacks in exchange for political influence. Given the situation at Harrisburg, such tactics may have been more successful! But this is all speculation. In any case, the difference between idealistic and cynical understandings of democracy may lead to substantial differences in policy decisions. And the difference of understanding certainly has important ramifications for democratic legitimacy.

To review: Rhetoric Studies has an age-old dichotomy known as instrumentality. The dichotomy of instrumentality leads to two opposing understandings of democracy: idealistic and cynical. Rhetorically, this leads to some useful questions: what basic beliefs make up a person's (or an audience's) political identity? What structures and virtues move them to political action? Why do they continue having faith - or not - in the democratic system of governance? Such questions require a consideration of the interpretation of democracy, and all the morals, rationalizations and opinions that inform, or are informed by, that interpretation. These competing interpretations are consequential in larger social groups, where stakeholders can move audiences in a political way. What is convincing for an idealist may be twaddle to a cynic. A cynic may find alternate political arrangements, such as socialism or authoritarianism, more appealing than democratic governance. On the other hand, an idealist may forego practical solutions in favor of strict political ideals. Indeed, the *power* to convince large and/or important groups of people, as based on their interpretation of democracy, is an underappreciated

phenomenon. Furthermore, the difference of interpretations has important ramifications for one's understanding of, and rhetorical adherence to, the idea of democratic legitimacy.

In this section, we could not ameliorate the dichotomy of the Sophists and Aristotle, nor of cynical and idealistic understandings of democracy. Yet when simplified to their fundamental differences, the sides of the dichotomy can now be better understood and categorized.

Finding and Applying Democratic Legitimacy

Here I seek to understand the idea of democratic legitimacy in modern political debates. Indeed, until now, I have ignored the question of *why*. For instance: Why do people believe in democratic governance? Why defend democratic policies and procedures? Or, more bluntly: Why aren't we all cynics? These questions are the nexus of the following exploration. I assert that all these questions can be answered by the phenomenon of Democratic Legitimacy.

More generally, I believe that legitimacy is an undervalued part of debate in democratic contexts. Furthermore, I believe that an observation of democratic legitimacy can help alleviate the disparity between the competing interpretations of democracy. In this section, rhetoric provides the framework rather than the content; I work in the *stasis* of definition to reach a solid understanding of democratic legitimacy. And while Rhetoric Studies does not ignore this part of democratic deliberation, I find that other fields – political science and jurisprudence – are better positioned to address the definitional question, i.e., what is democratic legitimacy? Accordingly, I first outline the essential ideas and necessary conditions of democratic governance. Getting to

the core of the matter allows for a full and comprehensive understanding. I then move to a point-based definition of democratic legitimacy. From there, I propose a heuristic to understand democratic legitimacy in policy decisions and processes: a list of carefully designed questions.

In the following interpretation, I adopt the "idealistic democracy" perspective (as categorized above). To some extent, this is a *telos*-based decision. There would be little point in studying democratic legitimacy if I were arguing for a cynical interpretation of democracy. But this is also a reflection of predominant minds in the field. In the following exploration, I focus on a certain few scholars. But I sampled many over the course of research. While virtually all scholars argue against the apparent evils of democratic governments, few see inherent defects in the foundations of democracy. Indeed, many of the controversies from high philosophy to partisan-based bickering are not about the defects of democracy, but rather about the defects of the governors. From this I see a rough consensus on the virtue of democracy *in essence*. In any case, I do not dismiss a cynical interpretation of democracy, but rather place it aside in the interests of heuristic progress.

Now, something about that word, "legitimacy." Much of human history unfolded with a Darwinian idea of legitimacy: might makes right. But as civilization developed, more complex ideas of legitimacy emerged. Eventually, the "might makes right" principle became untenable (at least as official doctrine). One could trace the modern idea of legitimacy all the way back through social contract theory, and perhaps farther still. But I could call such tracing dated, since most if not all social contract theory relies on natural law, i.e., absolutism.[20] Absolutism in social

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[20] I understand and appreciate the ideas and structures that continue to affect modern life and governance, such as the tenets outlined in America's founding documents. These ideas should not be disregarded in a fuller context. I place that content aside in favor of heuristic utility.

matters tends to be harmful, as shown throughout the 20th century. Furthermore, for practical reasons, a more modern understanding of legitimacy is required. Accordingly, I place Max Weber as the first modern scholar of legitimacy.

In his brawny political work, *The Theory of Social and Economic Organization*, Weber describes a unique and telling power of political officers and procedures. Going beyond mere habit, custom, or expediency, Weber posits that "legitimacy" is a matter of duty or obligation. And legitimacy is most effective when a duty or obligation is met voluntarily, i.e., without compulsion from others (such as the police).[21] This voluntary compulsion has identifiable origins, what Weber calls the "bases of legitimacy:"[22]

i.   Tradition. According to Weber, "the most universal and most primitive case."

ii. Emotional affect from revelation, such as often seen in prophecies, oracles, or in more recent times, from philosophical or scientific findings.

iii. A "rational belief in absolute value," such as seen in natural law societies. For example, the language of absolute rights and freedoms in America's founding documents.

iv. Legality. The thing is regarded legitimate because it was arrived at by an accepted legal procedure, such as democracy's usual acceptance of majority rule.

Each of these bases fosters a kind of power that encourages people to act in a certain way. Different forms of government will rely on different bases of legitimacy more or less. Obviously, a theocracy would rely more heavily on revelation (basis #2). A monarchy may engage bases 1 and 2 equally. Democracy is more nebulous, as there is substantial variance within modern

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[21] Max Weber, *The Theory of Social and Economic Organization* (New York: The Free Press, 1947): 124-130.

[22] Ibid., 130-132

democratic governments. America's system of governance favors number 3, but also relies on bases 1 and 4. In comparison, the United Kingdom's democratic government is more reliant on tradition. Newer democracies could be more reliant on the emotional affect from revelation – a faith in democracy - as perhaps seen in former members of the Soviet Union.

On the rhetorical front, Weber's "bases" provide avenues for powerful appeals. In a policy debate, legitimacy could very well be a crucial factor. This is especially true in debates where law or established precedent is not clear. In any case, there is a large grey area between strict legality and general social acceptance, and legitimacy fills at least some of that gray area. [23] While this only scratches the surface of the rhetorical capacities for legitimacy, the exigence is clear. Weber's framework helps put legitimacy into a political context and provides a mode of analysis. This basis allows us to consider the more specific and more applicable term, "democratic legitimacy."

Accordingly, I now focus on scholars that address legitimacy in a democratic context. Even in this limited field there are a variety of terms for the subject; I simplify the lot to "democratic legitimacy" whenever possible. Conventional study of democratic legitimacy comes from the fields of jurisprudence and political theory, seen most famously in the works of John Rawls and Jürgen Habermas. Other scholars certainly have contrasting views and valuable content to add. But such considerations are a matter for political science and jurisprudence; I use Rawls and Habermas to summarize the field and the subject, not to represent it.

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[23] One durable takeaway from Weber in modern democratic contexts is: a lack of interest in civic duty, such as voting or signing up for the selective service, may indicate a lack of belief in the government's legitimacy.

Rawls spends most of *Political Liberalism* connecting the foundations of social justice to the practice of democratic government. Democratic legitimacy plays a role throughout this philosophical exploration. As a first step, Rawls explains that a system based on communication (as opposed to forced obedience) requires decorum and civility: "We view citizens as reasonable and rational, as well free and equal, and we also view the diversity of reasonable religious, philosophical, and moral doctrines found in democratic society as a permanent feature of their public culture."[24] Even when given these characteristics, how is political power justifiable? Rawls answers that "our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in light of principles and ideals acceptable to their common human reason."[25] Rawls partially endorses Weber's bases of legitimacy, especially legality and the "rational belief in absolute value," as presumably expressed in a constitution. Legitimacy thus plays a part, if only implicitly, in the basic framework of Rawls' system. Fortunately, Rawls later clarifies that democratic legitimacy is based in a "duty of civility." In a deliberative democracy, legitimacy relies on the ability of citizens to "explain to one another… how the principles and policies they advocate and vote for can be supported by the political values of public reason."[26] In other words, democratic legitimacy requires free, open, fair, and rational debate among equally empowered citizens. Such is the basic idea of "public reason."

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[24] John Rawls, *Political Liberalism* (Columbia University Press, 2005): 136.

[25] Ibid., 137.

[26] Ibid., 217.

Accordingly, any exercise of political power in a democracy which is not based in public reason is at least partially illegitimate.[27]

Rawls admits that such work is not meant to be totally descriptive. Indeed, his framework seems like a rosy view of democracy, largely ignoring the challenges and gritty realities of everyday struggles. For any practical application of legitimacy, a more pragmatic understanding is required. In *The Structural Transformation of the Public Sphere*, Jürgen Habermas also sees public reason as a prerequisite of the exercise of public power.[28] Though unlike Rawls, Habermas interprets public reason as a historical condition caused by economic progress. Habermas continues this historical perspective to the nexus of modern democracy, explaining that a "political conscience developed in the public sphere of bourgeois society… which articulated the concept of and demand for general and abstract laws."[29] And the "only legitimate source" of these new laws was public opinion. In a time of highly stratified literacy and political potential, as was the 17th and 18th centuries, the bourgeoisie virtually monopolized public opinion. Furthermore, rather self-interestedly, "public opinion claimed the legislative competence for those norms [of governance]."[30] Public opinion empowered the lawmakers, who themselves (or their economic class) dominated public opinion. Thus, according to Habermas, democratic legitimacy is at least somewhat self-serving.

This criticism helps unravel the complexities of democratic legitimacy. Habermas maintains a critical view as he continues the historical interpretation of the public sphere. While

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[27] Ibid., 226-227.

[28] Habermas, *Structural Transformation*, 27.

[29] Ibid., 54

[30] Ibid., 54

exploring the development of British Parliament in the 19th century, Habermas affirms that economic motivation drove governments to develop more public apparatuses. Yet, Habermas accepts that "the constitutional state as a bourgeois state established the public sphere… to ensure institutionally the connection between law and public opinion."[31] And therefore, public opinion is the foundation of a "constitutional state."[32] Because of this, Habermas concedes that public opinion could be a normalizing and legitimizing force in democratic governments. But he also holds that public opinion usually becomes "a staged display of… publicity in the service of persons and institutions, consumer goods, and programs."[33] Clearly, Habermas doubts the rightness and the authenticity of modern democratic governments. But he also shows, in historicist fashion, that public opinion *could be* a legitimating factor in "constitutional states" - a category that includes most modern democracies.[34]

In *Between Facts and Norms*, Habermas tackles the idea of legitimacy more directly. Because he is arguing for a "discourse theory of law and democracy," Habermas refutes many prevailing thoughts on legitimacy, including some of his previous thoughts on civil society.[35] Simplifying the idea, Habermas basically argues that legitimacy is a legal power "that has become reflexive."[36] This aligns with Weber's idea of tradition as a legitimizing force. But this

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[31] Ibid., 81

[32] Assuming that modern democracies, such as America, were indeed founded along the lines of a bourgeois public sphere (as explained by Habermas).

[33] Ibid., 236

[34] There is an important problem, which continues to this day, where the educated middle class assume the entirety of public opinion. This is probably true for the beginning of American democracy. Yet, public opinion is not the same as it once was: voting rights have been greatly expanded, literacy is greatly increased, and information is widely available to the greater population. The form and value of "public opinion" is certainly debatable in a modern context. Nonetheless, the idea (and the ideal) of public opinion is a chief factor in legitimacy, law, and governance.

[35] Pp. 75-76.

[36] Jurgen Habermas, *Between Facts and Norms* (John Wiley and Sons, 2015): 80.

does not explain how or why a democratic government, with an ostensibly nebulous basis of power (i.e., the people), remains legitimate. Working towards an understanding of democratic legitimacy, Habermas then proposes that "legitimate law" requires voluntary adherence: "law must not compel its addressees to adopt such motives but must offer them the option." The alternative to this compulsory power is to simply remain free rational citizens. This alternative is not the same thing as breaking the law, which could be considered a deliberate violation of legitimate law (being something along the lines of *mens rea* criminality). Rather, democratic legitimacy requires that every citizen have the freedom to reject the legitimacy of laws; "it must remain possible for everyone to obey legal norms on the basis of [personal] insight."[37] In other words, democratic legitimacy requires people to follow the law by their own will.

If law is the basis for democratic legitimacy, then lawmaking must have special preponderance in the government. Indeed, Habermas sees legislative power as the main force and power of democracy. And only with that common acceptance of law, which provides the legitimizing power, can legislation remain legitimate. This becomes rather cyclical: law originates spontaneously, based on some social agreement (however informal that agreement may be). Law creates legitimacy if people continue to voluntarily accept and follow the law. And more legitimacy leads to more law-making power. If this cycle repeats itself enough times and/or with enough adherence, a legitimate democratic government can form and give itself formal legal powers. Habermas calls this idea "self-legislation," which is a defining characteristic of functional democratic states.[38] Thus, legitimacy is foundational in the formation of a democratic state and continues to be essential in mature democratic states.

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[37] Ibid., 121.

[38] *Between Facts and Norms*, 120-121.

Habermas is not finished with legitimacy, as democratic states need a way to legitimize their other powers (executive, judicial, etc.). In summary, Habermas presents two interpretations of democratic power, each with special consequences for democratic legitimacy. The first interpretation assumes that a democratic government's authority is the result of a "problem-solving process."[39] In this case, democratic government "owes its legitimating force to a democratic procedure intended to guarantee a rational treatment of political questions."[40] The necessity for a "democratic" process – one that is typically open and fair to all citizens – is to make sure that all issues and possibilities are considered "on the basis of the best information and arguments." Such is the rational justification of any exercise of power in a democratic state; the problem-solving process must be open to society, so that the best possible solution may be found. The legitimacy of the government's decision-making power is based on the belief (or the assumption) that problems are being solved in the best way.[41]

But maybe democracy is not about problem solving – an issue previously encountered in the two interpretations of democracy (idealistic and cynical). Habermas anticipates this objection and states that "we can consider the principle of popular sovereignty directly in terms of power." The chief problem vis-à-vis power is one of representation, or what Habermas calls the transferring of legislative power from the "totality" of the people. For any democratic government, this means undertaking a "Parliamentary Principle… establishing representative

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[39] For example (my example, not Habermas'): The people decide that they want a road. Unfortunately, this project is too much for private industry. To solve this problem, the people empower some officer or branch of government to build the road.

[40] *Between Facts and Norms*, 170.

[41] "Best" depends on the social values of the society in question. It likely takes rhetorical dimensions.

bodies for deliberation and decision making."[42] A parliament is a practical body of governance, but susceptible to decadence and corruption. To prevent a perversion of the government's power (and thus reduce the democratic legitimacy of that government), the parliament must retain a popular mandate for its actions *in fact*. The desire for legislation must come from outside the government establishment and bureaucracy. This also means that public opinion must arise from a civil society. And the key here is that civil society must be separate from the state itself; people must be free to form opinions without government interference or propaganda. Furthermore, Habermas clarifies that this separate sphere of civil society must not be a "corporate body" of the state. Rather, civil society must maintain its autonomy and its connection to the people.

Admittedly, this process is difficult to follow. Yet it is essential to understanding democratic legitimacy. So, to help explain this process, please see the following progression (being an interpretation of Habermas' system of democratic legitimacy):

    i.   In democratic states, practicality necessitates a parliament. Direct democracy is practically impossible.

    ii.   A parliament leads to corruption of democratic empowerment, as certain actors gain oversized influence and/or bureaucracy becomes self-serving.

    iii.   Parliament thus requires a check from the public, lest the state devolve into another form of government (such as oligarchy).

    iv.   Public opinion both checks and legitimizes parliamentary action, if and only if public opinion arises from an autonomous civil society.

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[42] *Between Facts and Norms*, 170.

These steps are essential elements in a democratic state. Steps 1-3 are mostly constitutional provisions. Step 4 is the persistent action of democratic legitimacy, where people effectively communicate with and legitimize the legislature. For step 4 to be possible and veritable, a state must possess a fully formed civil society and must allow "a rationally formed will to emerge and find binding expression in political and legal programs."[43]

Civil Society and its "rationally formed will" are pillars of modern democratic legitimacy. We add this to Rawls' prerequisite of free, open, fair, and rational debate among equally empowered citizens. From all this, I propose a list of *necessary conditions* for democratic legitimacy:

1. Specific debates about policy must be free, open, fair, and rational (Rawls).

2. Policy must be decided in a process that requires public debate (Rawls), and such process must be legally prescribed (Habermas).

3. Democratic procedures must allow "a rationally formed will to emerge and find binding expression in political and legal programs"[44] (Habermas, Rawls).

4. There must be a separate, autonomous civil society that considers policy and/or government decisions (Habermas).

5. Civil society must be free from government intrusion, censoring, intimidation, or other coercive factors (Rawls and Habermas).

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[43] Ibid., 176.

[44] Habermas, *Between Facts and Norms*, 176.

These conditions are not exhaustive, and should be considered heuristic in the very complex process of democratic governance. Furthermore, most of these criteria exist on a spectrum of possibility and should be answered accordingly.

The long walk through political philosophy was necessary to form a reliable basis and eliminate any lingering predispositions. Hopefully, we got to the very heart of democratic legitimacy. Yet now, there must be a pivot towards practicality. Abstract considerations must come down to the level of the debate floor and find some applicability in everyday governance. To that end, I now move towards a practical analysis of democratic legitimacy. In more simple terms, I limit my analysis to the *practice* of democratic legitimacy, or what Frederick M. Barnard calls "procedural legitimacy." In the aptly named work *Democratic Legitimacy*, Barnard posits that democratic legitimacy involves three aspects. First is the electoral or constitutional right to rule, second is the procedural or normative "rightfulness in the exercise of rule," and third is the substantive or teleological "rightfulness in the *ends* of rule" [emphasis added].[45] While the other aspects of legitimacy are important and will be considered to some extent, the main objective of this study is to analyze policy actions. Therefore, I focus on Barnard's second form, "procedural legitimacy."[46]

Barnard asserts that while rules and intentions are certainly important for procedural legitimacy, "procedural correctness in itself fails to disclose the quality of the policy or to

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[45] Frederick M. Barnard, *Democratic Legitimacy: plural values and political power*. (McGill-Queen's Press-MQUP, 2001): 26.

[46] There are some inherent advantages to this limitation. Analyzing democratic legitimacy from a procedural perspective helps eschew any predisposed, nationalistic, or partisan ideals. Things like votes, a person's qualifications, an official's statements, the availability of public involvement, etc., can be more directly accounted for. Subjectivity is limited. By embracing the procedural form of democratic legitimacy in this way, we can ask more effective analytic questions.

guarantee the attainment of its intended outcome."[47] Accordingly, the procedural approach to studying legitimacy mostly involves criticizing the veracity of each aspect of the procedure. It is an involved technique, as Bernard explains:

> A procedural approach… focuses on the *how* as a matter of cardinal importance: are the credentials of those who make public decisions in order? Are their actions adequately accounted for? Have questions of competence and jurisdiction been fully examined?... These are the sorts of queries that arise when we probe legitimacy in a procedural way.[48] (emphasis added)

A procedural approach is unique because it asks *how* a policy is legitimate. What processes made it so? Who made the decisions, and what were their justifications? Any analysis of right or wrong is not important, and perhaps counterproductive, in a procedural approach.

This limitation allows a more focused application of previous conclusions. Indeed, the important but unwieldy ideas of democratic legitimacy can be better applied through the relatively narrow framework of procedural legitimacy. Accordingly, the above "necessary conditions" of democratic legitimacy are here re-formatted into analytical questions. These questions are designed to analyze the democratic legitimacy of a policy decision or policy process.

1. How free, open, fair, and rational was the policy process?
2. What were the legal requirements for public debate in the policy process?[49]

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[47] Ibid., 27

[48] Ibid., 27

[49] As legality is more explicit, this is more practical as a "what" question rather than a "how" question.

3. How did "a rationally formed will [emerge] and find binding expression in political

   and legal programs?"[50]

4. How did a separate civil society influence the debate(s) or the outcome of the policy

   decision?

5. How did stakeholders in [policy event] censor, intimidate, or otherwise coerce other

   stakeholders and/or the process itself?

These questions should be answered in a descriptive way. Evidence is key, and thoroughness is

vital. And while there are normative implications within each question, one should not presume a

normative function. The goal, as ever, is to identify and better understand problems of

democratic legitimacy.

Reinterpretation of Cases: Democratic Legitimacy in the Harrisburg Incinerator Debates (chapter 2)

The above series of questions is a heuristic technique, meant to expose problems of

democratic legitimacy in policy processes or decisions. To put this heuristic to the test, I proceed

with a re-analysis of policy decisions and events from previous chapters. This is *not* a rote, top-

to-bottom procedure. The questions need to be put in proper context, and many questions can

(and will) cover similar material. Yet the process of asking these questions forces a specific

consideration of policy problems, especially as they relate to democratic legitimacy. And while

the questions themselves are based on a consideration of democratic legitimacy, they can reveal

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[50] Habermas, *Between Facts and Norms*, 176.

problems that do not strictly deal with democratic legitimacy. Indeed, this question-asking

process is meant to reveal, acknowledge, and better understand policy problems. Such problems

are rarely obvious. Recognizing these problems allows a fuller understanding of the democratic

and procedural issues that inhibit effective and equitable policy.

The Harrisburg Incinerator debates span a long period and involve many different areas

of debate, from wider-reaching newspaper articles to restrictive venues like the Tuesday Club.

Despite that, I maintain that City Council chambers remain the most important area of policy

debate. That is where policy decisions happened, even though such decisions were influenced by

outside powers. Accordingly, I limit this analysis to the venue of Harrisburg City Council

meetings. The full narrative of this policy debate is told in chapter 2.

Because we already reviewed many local details about the Harrisburg incinerator debates,

the question-asking process can proceed without much prologue. And maintaining a procedural

focus, most urgent of the listed questions seems to be: How did stakeholders in the Harrisburg

incinerator debates censor, intimidate, or otherwise coerce other stakeholders and/or the process

itself? City Council is the primary participant and an important stakeholder in the overall

rhetorical situation. The previous case study (chapter 2) elaborates many of the ways that

members of City Council were bound to the will of the longtime Mayor, Stephen Reed. Those

same members were compelled to argue and vote in a prescribed way. This certainly qualifies as

coercion: a more powerful government officer was effectively controlling City Council's voting

ability. The veracity of the voting process was seriously compromised. This led to several

instances where City Council members expressed their sympathy for the people's voice, but

ultimately voted against it. So, public debate at Harrisburg was passionate and expressive but

could not move the entrenched interests of local government.

The policy debate process can be altered or flattened in other ways. As seen in the case study, public energy coalesced in opposition of the Mayor's plan. At first, pre-established groups like the Sierra Club played a leading part in the environmental opposition. As public dissidence grew, other groups became heavily involved. The "Coalition Against the Incinerator," which seemed to be led by a few highly energized citizens, took a lion's share of public debate time. Other interest groups like the NAACP became involved, especially when allegations of environmental racism emerged in the debates. As emotions peaked and valleyed (often encouraged by local media), certain groups dominated the public response. Individual debates became largely two-sided, with the government on one side and a corporate group on the other. It was an emotional bias, where the most vocally passionate groups assumed a representation of the public interest. Any moderate voices were lost in the tumult. In this way, certain stakeholders influenced the process itself. This may have been a good rhetorical move: a coalescence of emotion is probably more effective than a plethora of disjointed opinions. But the dynamic may have coerced other stakeholders or individuals to submit to the leading group, or to stay out of the debate entirely.

We now proceed to questions 3 and 4, which are closely linked in this case. In the Harrisburg debates, was there a separate civil society? And was that separate society allowed to express its will in a politically "binding" way? If we recall, the contested nature of the Harrisburg debates began with environmental issues. To a large extent, those early objections came from people and groups who did not live in the affected area. These groups met outside of the City Council space, usually with private meetings of their own. They then appeared at City Council with prepared talking points, or sometimes a full-fledged presentation. Because of these documented activities, it seems clear that a separate civil society existed. Yet, the ability to form

a "binding" expression was another matter. Public opinion was frequently acknowledged by elected officials, but was it respected? Especially as the debates turned to considerations of environmental racism, the Mayor's agents (mostly Daniel Lipsi) responded directly to public concerns. The Mayor's office also deployed various experts and reports to support their position. City Council became more outwardly sympathetic as community concerns became stronger and more widespread. There were also some candid political gestures to placate the concerns of civil society. For instance, City Council undertook an allegedly independent investigation of the financial feasibility of the Incinerator project. City Council scheduled additional gatherings outside the typical venue of City Council meetings, with the stated objective of gathering public concerns. Based on the unfolding of events, it seems that civil society's expressions were binding enough to cause a substantial, if indecisive, response from the government. Moreover, there is no durable expression of the public interest in the finished policy product.[51] The policy and the accompanying regulations proceeded according to the Mayor's plan, eventually. So, if one looks at this as a communication issue, one can conclude that civil society was able to make a "binding expression." If one approaches it as a legal or social issue, the matter is debatable.

The next concern requires a full knowledge of the political dealings around the Harrisburg Incinerator debates. The formal question is: What were the legal requirements for public debate in the policy process of funding the incinerator project? The synchronous documentation provides one answer, especially in the legal sense. Ostensibly, the final decision was made by City Council, and their procedures legally require periods for public debate. Indeed, some of that public debate was able to affect the progression of the policy decisions. The

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[51] In later years, as public opinion turned against Mayor Reed, there were quite a few retroactive policies that could be called the "people's will."

second part emerges because of extensive government investigations and protracted litigation –

asynchronous documents. These documents seem to require additional questions, such as: Where

and when were the policy decisions *actually* made, who made the decisions, and what rhetoric

did they employ to validate those decisions? Thanks to several government investigations

(observed in chapter 2), we know that Mayor Reed and his retainers decided to build the

incinerator as early as 1998 - three years before City Council debates began. Had City Council

voted against funding the Incinerator, the Mayor could have circumvented them by pushing

funding through The Harrisburg Authority, as he did with other projects. So, by the start of the

City Council debates, the policy decision was already "made." Which leads to the question: If

there was no policy decision to make, then what was the point of all these debates?

Because of his long tenure and powerful connections, Mayor Reed could effectively

dictate policy. Other, less public institutions (such as the Harrisburg Authority) fused economic

power in a way that concealed the nearly autocratic decisions of the Mayor's Office. The City

Council debates inadvertently served two purposes, and neither of them are deliberative. First,

for the community, they became a venue to air grievances – a release valve of sorts. Second, for

local government, they were a venue to invent public assent and placate public criticism.

City Council meetings were meant to be part of a decision-making process, duly

incorporated within federal, state, and/or local statute. Because of certain political arrangements,

the debates started with a (strictly) planned course of action. In Aristotelian verbiage: the debates

were forensic when they should have been deliberative. This is an exemplary situation. Consider

how, in situations like the incinerator debates, a public debate must be held. And legally

speaking, the policy-making body must honor and seriously consider the results of that public

debate. But the actual decision-making power is far away from that public debate. This leads to a

troubled situation where the legal process is comprehensive and seemingly legitimate, but the actual decision-making power is not in step with the legal process. In policy situations like this, the public meetings and debates are mostly "loops to jump through." The democratic legitimacy of such policies is questionable at best.

The heuristic also asks if the debates were free, open, fair, and rational. These are large terms and thus open to subjective interpretations. On the face of the matter, and from a strictly legal perspective, the observed debates seem to be free, fair, and open. There were no formal barriers that would prevent a citizen from attending and participating in the City Council debates. However, there are many potential soft barriers, impediments, and discrepancies that could prevent citizens from participating effectively. Intimidation is the main soft barrier, as the City Council environment and the parliamentary procedure can be intimidating even for seasoned public speakers. Accordingly, many citizens may desire to participate, but are discouraged because of the very environment. This leads to the possibility of a privileged disposition – one which favors highly educated and politically-connected citizens.[52] At Harrisburg, the intimidation factor almost certainly favored the conservative and established political interests, i.e., the Mayor. Other matters of class, race, political parties, etc., are certainly important but well beyond the scope of this study. In any case, it is worth questioning how "free" were the incinerator debates.

Rationality is another matter. Fortunately, rhetorical analysis is an appropriate tool for analyzing rationality. The Harrisburg Incinerator debates often devolved into a two-sided argument between government desires and the concerns of the citizenry. From the start, the

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[52] Unfortunately, this is likely a general issue in pluralistic societies. Political processes will always need rules, and therefore, the people who know and master the rules have distinct advantages. Specialized education is another distinct advantage.

Harrisburg government assumed the argument from authority; they claimed, often implicitly, to have the experts and the knowledge to make the correct policy decisions. When the debates became more hotly contested, Harrisburg deployed a more logic-based argument. They did this chiefly through economics, insisting that the large initial investment would pay off in the long run. They also deployed statistics to help alleviate environmental concerns. But when those numbers were contested, the government fell back to its position of authority. In several key moments, City Council paraded experts and financial reports to justify their pro-incinerator stance. These experts and reports used logical appeals, most often in the form of statistics. But their argumentative appeal came chiefly from their authority. The public can and often did challenge the experts, but the public opposition did not have the authority of financial expertise.[53] Ethos appeals certainly favor those already in power. So, while the Harrisburg government consistently implied that their argument was rational, their appeals were often based in ethos rather than strict logos.

On the other side, the citizenry responded with mixed rationality. At first, the environmental groups pushed for seemingly idealistic solutions, like composting, recycling, and repurposing. These appeals seem to originate from a subjective belief in the value of natural conservation. The overall position has some rationality to it, especially when considering health and long-term ecological perspectives. But the environmental counterproposals became untenable in the face of government refutation. The government, perhaps correctly, argued that the economic issues were more urgent than environmental concerns. In later debates, the rationality of arguments became almost strictly economic. The citizenry coalesced their

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[53] There were a few observed moments where experts appeared as opposition to the government. A professor of science spoke out against the environmental impact in 2001/02, and another professor spoke about claims of environmental racism in 2003.

argument into a firm and simple opposition, which relied on economic statistics and logical projections.

The most charged portion of the debates arose from claims of racism. While there was a large deal of pathos within the claims of racism, it was also perhaps the most rational of all the contested issues. To support the claims of racism, citizens stated facts and cited examples. They showed how the incinerator site was positioned in a predominantly minority-lived neighborhood. Accordingly, they asserted that people of color would be the most affected by the environmental side-effects. They reasonably claimed that property prices would drop with the proximity of a trash and sewage-burning incinerator. They questioned why alternate sites were not considered. Proponents deployed examples from other communities with incinerators. They also called on experts and community leaders to lend testimony. To answer these rational claims, the government needed to scramble their own experts and fish for counterexamples. But the government's counterexamples were not particularly strong or convincing. And so, Harrisburg again relied on authority as its main rhetorical appeal.

From all this, I assert that the debates were more rational than not. Emotions may have carried the energy of the debates, but those emotions were usually justified with hard facts and concrete evidence. Facts were key points of argument during the heat of debate. Statistics were frequently discussed and contested. Each side deliberately deployed rational arguments, often to counter one another.

So, just how democratically legitimate were the Harrisburg Incinerator debates? Acknowledging the problems of interpretation, I cannot put a scale on this problem. However, I can concede that the debates were at least somewhat democratically legitimate. The debates were certainly *not* free from government influence, as local politics in Harrisburg was a virtual

monopoly. However, the public was free to form opinions and express them in a public forum; individual debates were legally free, fair, and open. One could question how *practically* free, fair, and open they were. Nonetheless, the expressed views of the public caused procedural alterations and delays by the government, even if the final result did not change. Perhaps more change would have occurred if the City Council had independent decision-making power. While the individual officers could have voted with their conscience, they almost always voted according to the desires of the Mayor's office. This severely limited the actual decision-making power of City Council, and of the public.

Now it is worth asking: how could a policy have any democratic legitimacy if the public had no practical decision-making power? How could it be considered legitimate if local government was a virtual monarchy? Answer: I believe that the public possessed the ability to overthrow the corrupt tactics of the local government. Indeed, at some moments, it seemed like the public may do just that. Certain legal procedures ensured that the public could make its voice heard at key moments. Citizens maintained the right and the power to form objections, voice them, and make their influence known. Civil society projected its influence through multiple media and various forums. In the actual debates, public influence played a major though ultimately indecisive part. The power of the people could have won the day if enough energy and support were gathered. Because of this potential, the Harrisburg Incinerator debates collected some democratic legitimacy.

State universities require a more nuanced analysis because there is so much *indirect* democracy involved. Accordingly, I choose to break down this analysis into three parts. First, I show why it is prudent to focus on the SUNY Trustees, despite a complicated scheme of governance. To do this, I outline the larger democratic process of SUNY's policy decisions, from the election of a state governor to the individual Trustee meetings. Second, I analyze the democratic legitimacy of the SUNY Trustees in general. Third, I analyze the democratic legitimacy of a single policy decision: the 2001 IBM proposal for SUNY Albany.

To begin, we must determine who sets policy and where debate happens. New York State has an unorthodox way of administering educational policy. Instead of an elected or appointed Secretary of Education, the state employs a "Board of Regents," who collectively comprise the executive authority of the educational system in New York State.[54] Officially, the Regents oversee all universities in the state. But they also oversee the public education system. The statute reads:

> The regents shall exercise legislative functions concerning the educational system of the state, determine its educational policies, and… establish rules for carrying into effect the laws and policies of the state, relating to education, and the functions, powers, duties and trusts conferred or charged upon the university and the education department.[55]

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[54] New York Consolidated Laws, Education Law (VIII), § 202

[55] New York Consolidated Laws, Education Law (VIII), § 207

Between the original writing of the law (1930s) and the present day, the size and demands of public education have multiplied many times over. Furthermore, the Regents themselves are unsalaried and are thus essentially volunteers.[56,57] As of December 2019, most of the sitting Regents are otherwise fully employed professionals. The Chancellor and Vice Chancellor each own a law firm. So, while Regents have large formal powers, the day-to-day oversight of education policy likely falls to full-time political officers (Assembly members, appointed committees, etc.). And in matters dealing with SUNY, practical power cascades to the SUNY Board of Trustees.

Officially, "The state university shall be governed, and all of its corporate powers exercised, by a board of trustees."[58] The law further clarifies that, while the Regents hold power of oversight, SUNY Trustees decide local policy. Of the full board of 18 trustees, 15 are appointed by the Governor of New York. The other three are the President of the University Faculty, the President of the Community College Faculty, and the President of the Students. Each of these non-appointed trustees has limited powers.[59] The 15 appointed trustees serve a term of seven years, though often step down before a full term elapses. Furthermore, from among the 15 appointees, the Governor decides who is Chairperson and Vice-Chairperson of the Board. Clearly, this puts a lot of control in the hands of the Governor.

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[56] "Current Members," New York State Department of Education: Board of Regents, http://www.regents.nysed.gov/members, accessed Jan 2020.

[57] This problem invokes some debates from the founding of the country. For people of the working classes, a salary is almost certainly required. Most people cannot afford to work for free. Because Regents do not collect a salary, they are more likely to be independently wealthy. In other words, there are aristocratic tendencies at work here.

[58] New York Consolidated Laws, Education Law (VIII), § 353.

[59] New York Consolidated Laws, Education Law (VIII), § 353, 1.

In this complicated situation, there is a large "debate" space that includes the elections of the Governor and State Assembly. Trustees are appointed by the Governor, while Regents are elected by the State Assembly. All these people have a part to play in the grand scheme. Recall that this study is focused on economic development. Fortunately, statute is clear about who decides economic development policy for SUNY campuses. The various powers of the SUNY Trustees are elaborated in Section 355 of the New York Consolidated Laws, Chapter VIII. Besides administrative duties, charter renewals and granting of degrees, the Board of Trustees also has wide power to determine economic development of university and surrounding property. Specifically, subsection k empowers the Trustees "to enlist and accept the cooperation of municipal authorities in obtaining the use of public buildings, lands, property and other facilities, or portions thereof, under the jurisdiction of such municipal authorities, for the purposes of the state university." This is the only statute that discusses economic development specifically and thus provides a wide swath of open-ended power that is surely the envy of many government administrators.

SUNY's own policy dictates certain processes for hiring professors, chartering new schools, allowing retirements, etc. The necessity of voting on matters like hiring and tenure practically guarantees the regularity of Trustee meetings. Legally speaking, however, regular meetings are only required in one way: the Board of Trustees must hold two public meetings per calendar year. According to law, "The purpose of such hearings shall be to receive testimony and statements from concerned individuals about university issues."[60] All official meetings, public or not, have strict record-keeping requirements. While it may behoove the Board to make policy

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[60] New York Consolidated Laws, Education Law (VIII), § 353, 2(a).

and vote at public meetings, it is not strictly necessary. Furthermore, the law does not elaborate a specific procedure for economic development decisions, nor does it even seem to dictate that such decisions must be published in a resolution. Any debate, discussion or decision-making regarding economic development can occur fully outside the public knowledge. Indeed, that was the modus operandi during the SUNY Albany investment years.[61] In sum: while the SUNY Board of Trustees is required to follow certain procedures and regulations, there is no specific requirement for public debate in SUNY economic development policy. Rather, the trustees are trusted.

Noting the above facts, the evaluation of democratic legitimacy starts with condition number 2: "Policy must be decided in a process that requires public debate (Rawls), and such process must be legally prescribed (Habermas)." To some extent, both by state law and internal policy, the SUNY Board of Trustees requires public debate. But the prescribed public debate is highly limited, and its actual effect is questionable at best. In recent years, the SUNY Board is voluntarily making itself more accessible and accountable to the public. But that practice does not necessarily affect the actual deliberation or decision of policy. Per statute, public meetings are only held to hear concerns; there is no legal requirement that the Board allow the public to participate in any actual decisions. Furthermore, while agendas and resolutions are regularly published, these documents do not fully document the policy decisions of the Trustees.

These shortcomings have serious consequences for further questions about democratic legitimacy. Question number 1 is particularly tenuous. While SUNY's public meetings are legally free, fair, and open, it is not clear if the public portion of the meeting has any substance in

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[61] In recent years, the Board has taken accountability more seriously. Most of their formal meetings are recorded, with the videos and minutes posted online for anyone to access.

the decision-making process. The meetings themselves are not designed to facilitate public debate. In a public meeting, there is only one period given for public input. Members of the public can question and criticize specific resolutions, policies, and past decisions, but this rarely appears in meeting minutes. Furthermore, SUNY Trustee meetings usually occur at SUNY's headquarters in downtown Albany. From that venue, the Trustees make decisions that affect the entire state, including SUNY Albany (several miles away). To have a voice at Trustee meetings, a citizen would need to be personally present in downtown Albany for a public meeting. This could be a serious logistical challenge for any citizen, and it certainly discourages public debate.

Question number 3 is also difficult to answer. Because public debate is formally and practically limited, there is little space for the public to form a "binding expression" in policy decisions. Simply put, there are limited options for debate or public expression. There is no consistent space for the public to voice their concerns. The Trustees themselves are only semi-public figures, with limited disclosure obligations and virtually no public oversight. In individual policy decisions, there are no legal or procedural accommodations that help the public express their concerns. In any single policy decision, the SUNY Board can disregard public opinion (though outright rejection is probably not in their best interest). Of course, the public can express themselves and formalize a political will in other ways, such as through the press and social media. But these expressions are outside the policy process and have no binding policy power, though they may have substantial rhetorical power. In turn, the "binding" aspect of public opinion is generally dubious within SUNY's policy procedures. SUNY Trustees are appointed positions and serve long terms. They have no direct accountability to the electorate, and they may not even have accountability to the current Governor. This situation led to clear cronyism in the early 2000s.

The second question asks if a separate civil society considered the policy before its enactment. After observing the available public documents, minutes, etc., I posit that there *could* be a separate civil society which considers the policies decided by the SUNY Board. For example, an advocacy group could petition the Board to have its voice heard, and possibly exert some direct influence. Yet, based on a review of minutes from 1999 to 2007, such a thing does not happen – at least not publicly. This does not mean that a separate civil society is totally absent from the process. Rather, interest groups likely target the more powerful and influential officers such as the Governor and the various state-based committees on economic development. The influence of civil society then cascades from the heights of state government to the SUNY Trustees, who, because of their appointment status, are especially susceptible to influence from above. I understand this is speculation, but it is based on facts. Certain interest groups influenced political actors in order to obtain favorable economic arrangements at SUNY Albany. They often took the form of corporations: IBM, Global Foundries, Taiwan Semiconductor, etc. From all this, I posit that a separate civil society exists, and that separate civil society is interested in SUNY affairs. However, that separate civil society rarely considers the specific policy-making processes of the SUNY Board.

Finally, we come to question number 5: How do stakeholders in SUNY's economic development decisions censor, intimidate, or otherwise coerce other stakeholders and/or the process itself? Based on the analysis of cases, government intrusion and coercion are virtually guaranteed in SUNY's policy-making process. This was seen time and again during the Tech Valley campaign: Governors wanted something, corporations wanted something similar, and the SUNY Trustees made policy to accommodate those desires. In the observed economic development matters, SUNY Trustees had little if any independent voice. Rather, they mostly

seemed to toe the party line, or else let other policy bodies (such as the State Assembly and/or various economic development councils) take the lead. This tendency uncovers serious problems for those who are directly affected by SUNY-based economic development. In the "Tech Valley" campaign, outside interests controlled the economic development of SUNY college areas, often overpowering or ignoring the people who will be directly impacted. For example, at SUNY Albany, luxury apartments and boutique services were (and continue to be) pushed into neighborhoods that more so need affordable housing, grocery stores, safe public spaces, and improved infrastructure.

My criticism of SUNY processes is obvious. SUNY is a public institution, enjoying public money and prestige, but has little if any direct public accountability. That does not mean that every Trustee is a vain, greedy, small-minded partisan. Rather, I think most Trustees take their job and mission very seriously and have a genuine interest in providing quality education to the people of New York. We should not forget that Trustees are unpaid yet assume large responsibilities.[62] Therefore, I hope this analysis points out problems with the process, rather than the people. When a policy-making process lacks democratic legitimacy, it invites cronyism, partisan voting, and corruption. A more robust public accountability would give more power to the Trustees themselves, and alleviate the unjust disparities as observed in the Tech Valley campaign.

The above analysis only questions SUNY's general policy-making process. The observed issues become clearer when analyzing a particular policy decision. In April 2001, SUNY, IBM, and the State of New York agreed to fund an improvement program at SUNY Albany.

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[62] The perils of an unsalaried official were discussed in a previous footnote. Basically, the unsalaried nature of the position virtually assures that only independently wealthy people can hold the office.

Specifically, IBM would gift $100 million and the state of New York would contribute $50 million to the development of microchip research programs. According to the State's press releases, the combined investment would fund the Center of Excellence in Nanoelectronics and Nanotechnology (CENN) at the newly established School of Nanosciences and Nanoengineering at SUNY Albany.[63] The investment announcement was first made in a ceremony at SUNY Albany on April 14, 2001. Members of the SUNY Board, including Chairman Thomas F. Egan, were present at that ceremony. Chairman Egan announced the investment again at the April 30, 2001 Meeting of the SUNY Board of Trustees; it was the leading part of his opening report.

> [Mr. Egan] said a $100 million investment by a private company like IBM was very special and signified the highest level of confidence by IBM in the University at Albany's accomplishments and ability to develop cutting-edge technologies and innovative new products.[64]

How these funds were collected, distributed, enacted, etc., is not clear from public documents. Furthermore, no actual debate is present in the approval of the 2002 budget.[65] Though, there were serious extenuating circumstances at the time. The attacks of September 11 just occurred, which seriously preoccupied all political officers in New York. Accordingly, the Governor asked the SUNY Board to simply re-approve the budget from the previous year.[66] The SUNY Board complied.

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[63] College of Nanoscale Science and Engineering, University at Albany, "About Us: History." Archived in January 2013, Archive.org, https://web.archive.org/web/20130129032112/http://cnse.albany.edu/AboutUs/History.aspx

[64] Minutes of the Meeting of the Board of Trustees of SUNY (Apr 30, 2001): 5.

[65] Minutes of the Meeting of the Board of Trustees of SUNY (Dec 18, 2001).

[66] Ibid., 18

The more specific economic development decisions are made somewhere, though. Minutes sometimes show resolutions to acquire parcels of property or sell others, to accept gifts, to approve pay raises, etc. But the details of economic development - money spent, attribution, companies consulted, etc. - is absent from the minutes. These details are reported to some extent in SUNY's annual financial report, which is published well after the economic development decisions are made.[67] Formally, the more detailed decisions appear to be made at executive session meetings and/or meetings of specific committees. These secondary meetings are not public and have lax reporting requirements. Officially, each committee is supposed to deliver an oral report of the secondary meeting at the next full meeting of the SUNY Board. As seen in the minutes, the quality of the report largely depended on the person who led that particular meeting. Typically, there was little detail of secondary meetings unless that meeting produced a new resolution which required Board approval.

IBM's initial investment was widely celebrated. The corporation and State provided a lot of money, seemingly given freely, for seemingly good purposes. It also came with certain conditions for job creation. Ostensibly, this was done to further the public interest in gainful employment. When IBM did not meet the prerequired conditions, they were refused much of the total funding. Thus, to some extent, the public was protected from wasteful spending. But other provisions, such as where and how the money is spent, are hidden. A fully public process would help ensure that the funds are spent appropriately and contribute directly to their stated goals. In this specific case, the general problems of SUNY policy decisions carried through. The decision to provide tax breaks to IBM was made without serious public debate. Wherever debate may

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[67] Reports since 2012 are available at https://www.suny.edu/communications/publications-reports/ (as of January 2020).

have occurred, it was not "free, fair and open." Furthermore, any "binding expression" from the public was indirect at best.

Summary of Findings

This chapter was dedicated to finding problems of democratic legitimacy in policy procedures. To summarize and quantify the chapter's findings, I present the below table.

Table 1: Problems discovered

	Harrisburg Incinerator	**SUNY Albany / Tech Valley**
0) Known problems	- Declining money and population - Mayoral / Party control of local government	- Declining money and population - Favoring of New York City in economic development
1) Free, fair, open, and rational	- Soft barriers: intimidation, education, venue restrictions - Reliance on experts for rationality; favors government - Purporting ethos appeals to be rational/logical conclusions	- Soft barriers: distance, infrequency - Public meetings often take place away from the affected locations - Public meetings aren't designed to facilitate public input - Many committee meetings are closed to public - No discussion = no rationality
2) Legal requirements for public debate	- Disparity between legal requirements and decision-making potential - Forensic versus deliberative modes of debate	- Law only requires two public meetings a year - No public review or debate period for individual policy decisions
3) Public opinion leads to a binding expression	- Interest groups flatten public opinion - Favoring of emotional appeals - Select groups representing the entire public - Public opinion simplifies to opposition	- Trustees not legally bound to consider public debate - Trustees not bound to electorate, and can thus disregard public opinion - No extant expression of public opinion in policy decisions or publications
4) Autonomous Civil Society	- Interest groups came from outside areas with dubious intentions -Government nearly monopolized expertise - Many venues were not public (e.g., Tuesday Club) - Local press had an outsized influence in policy matters - Democratic Party dominance ensured some party-based compliance in the citizenry	- Much influence comes from within government - Civil Society expressions dominated by profit-based corporate interests - No regular publication of decisions until recent years - Publication standards still lack an accounting of all policy decisions
5) Censoring / Intimidation	- City Council election process jeopardizes separation of powers - Local politicians deciding between career advancement and conscience - Social response coalesces in interest groups, stifling moderate voices - Venue and parliamentary process may intimidate citizens into non-participation or quiet acceptance	- Trustee appointment process invites cronyism and nepotism - Trustees lack independence; require complicity with governor - Limited reporting standards for many meetings and decisions - Policy decisions made away from public meetings

CHAPTER 5: Conclusion

> Against burning
> fossil fuels, let's punish all those smokestacks
> for eating the ozone, bring the wrecking balls,
> but build more smokestacks, we need jobs
> here in Harrisburg, here in Kalamazoo. Against
> gun control, for cotton bullets, for constructing
> a better fence along the border, let's raise
> concrete toward the sky, why does it need
> all that space to begin with? For creating
> holes in the fence, adding ladders, they're not
> here to steal work from us, no one dreams
> of crab walking for hours across a lettuce field
> so someone could order the Caesar salad.
> No one dreams of sliding a squeegee down
> the cloud-mirrored windows of a high-rise,
> but some of us do it.
> *From "All-American," by David Hernandez*[1]

The cases in this dissertation are exercises in frustration. The official practice of America is democracy, but the tangible governance of America is something different. These cases are also a test of the opposed understandings of democracy: one cynical, the other idealistic. A cynical understanding may suggest that these studies are pointless, other than being a confirmation of established injustices. An idealistic understanding sees reason to hope and to continue ameliorating the observed democratic problems. I have tried to maintain an idealistic perspective, in the name of progress. Yet the cynical position is tempting. It is difficult to accept a situation where a university engages in subtle but unmistakable classism (which also implies racism), while ostensibly championing social justice and meritocracy. It is difficult to continue

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[1] Excerpt from "All-American" in *Dear, Sincerely*, by David Hernandez (University of Pittsburgh Press, 2016).

resisting when, even after a showing of national opposition, a local mayor can still push through his pet projects. It is hard to continue believing in the system when corporations and conglomerations can exert enormous influence on education, economic development, and policy in both local and regional matters. Perhaps most of all, it is painful to look back at the past twenty or thirty years of a small city and ask *Cui bono*? An honest answer discloses the biggest contradiction yet. It seems that, more often than not, the people who benefit most from economic development policy are people who live somewhere else: *intra*national colonialism.

Change is slow and perhaps difficult to interpret in a positive light. Is it better when discrimination occurs through a secret scheme, rather than open exhibition? Is it better when governments invent public assent, rather than ignoring public opinion entirely? Is it better when people can speak to their politicians, even if it may have no effect? There is progress implicit in these questions. For all the many evils and setbacks of American political and social policy, there is reason to be optimistic. Pluralism is becoming more and more real; think what political debates may have looked like fifty or one hundred years ago. And while many citizens remain poor, unhappy, and politically oppressed, they are nonetheless living longer and more comfortable lives than in previous generations. What I am saying is: things are bad, but they could be worse. History is the only proof necessary for that. And things did not get better by royal decree or act of nature. They got better, slowly and incrementally, though legislation and policy.

This project began with a desire to help. And I believe my studies can help, with support from other rhetoricians whose work inspired my own. Scholars like Robert Asen continue to show how the rhetorical tradition is more than valuable to the practice of policy studies. In an era so often divided by political and corporate interests, it is certainly prudent for rhetoric scholars to

decipher and help resolve policy problems. Furthermore, rhetoricians are generally more proficient in civility and impartiality, and thus, have distinct advantages when analyzing policy matters. Asen defends the use of case studies as a research mechanic but implores researchers to "make explicit the interconnections of practice, theory, and criticism in our studies of public policy."[2] Asen holds that such connections already exist, but they must be better featured. To answer this call for better research, I invoked the work of Frank Fischer, who shows a pragmatic way to connect scholarship with actual policy formation. Essentially: studies should be deliberately designed to improve current policy processes, through both methodology and goals. Such studies can be productive by maximizing the limited resources of government, ameliorating socio-economic issues, and/or increasing social trust and stability through a genuine advancement of democratic processes.

With these goals in mind, the studies of this dissertation were deliberately structured as problem structuring analyses. Wherein, the methodology intended not to solve problems, but to discover and better understand the problems as they exist. The point of such a study is to refine the problems themselves, categorizing and reducing them in order to make them more manageable for existing problem-solving bodies and arms of government. I believe that the study has proven the merits of such an approach. At Harrisburg, one can easily focus on the many large problems and failures of governance. For instance, the "metaproblem" of environmental racism was a compelling issue during the incinerator debates. Through analysis, my study showed how this metaproblem was empowered by smaller but highly motivating rhetorical problems, such as the imbalanced influence of expertise, the accompanying disparity of education amongst the governed, the issue of privileged spaces, and the hidden economic motivations. Each of these

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[2] "Introduction: Rhetoric and Public Policy," 4.

contributing issues can be better addressed and ameliorated when compared to the large and highly controversial issue of environmental racism. This process of amelioration cannot "solve" environmental racism, but rather make the policy process more fair and legitimate so as to allow the people to better solve social and political problems (such as environmentally racist policies).

At Albany, we saw the large problems of unjustified government spending and an uncomfortable cooperation between state government and private industry. I argued that this was channeled through some compelling rhetorical techniques: the university ethos and the Stanford archetype. A better understanding of the rhetorical and political capabilities of the university is certainly important. But it also reveals some underlying problems in policy formation and governance, which, individually, can be better addressed and ameliorated by existing powers. My analysis first revealed how the government spending was, from the outset, meant to serve political and not public purposes. It was a battle for headlines. Further analysis of SUNY's policy process revealed that, in short, there was not much democracy involved. Trustees and officers were appointed based on political connections, meetings were only somewhat public, and the greater electorate had very little ability to review or deliberate about SUNY governance. This made it very easy for political actors to use SUNY as a conduit to increase state spending, to further mingle with for-profit corporations, and to maintain existing political and social disparities. To some extent, these problems extend into the modern day. And when better understood, some of these problems seem easily ameliorable.

Some scholars may reasonably seek a more comprehensive solution. Over the past two decades, many rhetorical scholars have responded to civil and social shortcomings by championing a holistic rhetorical education. This perhaps began with Gerard Hauser's 2004 *RSQ* article, "Teaching Rhetoric: Or Why Rhetoric Isn't Just Another Kind of Philosophy or Literary

Criticism." Therein, Hauser asserts that "without rhetorical competence, citizens are disabled in the public arenas… and democracy turns into a ruse disguising the reality of oligarchic power." To rectify this, Hauser insists that students must be empowered by the education to perform in civic arenas. He invokes the example of Isocrates, who taught his students "to seek *arête* through rhetorical practices aligned with the narratives of their intellectual and moral traditions." *The Mt. Oread Manifesto on Rhetorical Education 2013* came roughly 10 years after the Hauser's article, though more clearly summarizes a consolidated position on rhetorical education.[3] The *Manifesto* implores teachers to "develop citizen participants, not simply future employees or more literate students." The authors see this is a step towards "a world in which…average citizens can perform rhetorical analyses of discourse around them and ask productive questions." Essentially, rhetoricians must give students the power to lead in civic arenas, and to solve contemporary social issues through excellent rhetoric and empowered by a deep political knowledge.

While these publications are a bit dated, they nonetheless represent a healthy portion of the civics-based *gravitas* of Rhetoric Studies. The tradition of rhetoric is largely a teaching tradition, and the utility of rhetoric is largely based in action and performance in civic arenas. While I agree with and am inspired by the spirit of these publications, all nonetheless suffer a key weakness – one that has been particularly exposed through the Covid-19 pandemic. The observed program of rhetorical education is heavily based in the university structure, which inherently limits the reach of even the most centralized university-based efforts. This includes those scholars who may participate directly in the community but are nonetheless reliant on university resources. I do not say that these studies are wrong or unworthy – far from it. But I

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[3] While Roxanne Mountford and William Keith are the main authors, the *Manifesto* claims to represent dozens of co-signers from English and Communication departments across the USA.

believe that such studies must be supported by larger policy analyses that recognize the political and economic power of the university. My analysis of university policy confirms that a university is usually bound by economic (i.e., not civic or ethical) interests. Recall how the University of Maryland continues to make great efforts to prove its cooperation with local politicians and regional interests. Likewise, Harrisburg University promised to increase prosperity for adjacent neighborhoods. On the face of things, these seem like noble goals. Yet my analysis shows that community cooperation is a major rhetorical appeal for a university's funding and investment. In other words: a university's community cooperation is, to some extent, a means to a moneyed end, necessitated by the competitive and capitalist environment in which most universities exist. This at least compromises the purported nobility of a university's community outreach. It also leads to an unfortunate implication in modern Rhetoric Studies. If rhetoricians insist on a civic and communitarian approach to education, without considering the structures and gatekeeping involved in that approach, they may be (perhaps unknowingly) participating in the university's essentially capitalist endeavors. This can seriously undercut the ethical and democratic foundations of a rhetorical education program, as seen most emphatically in the *Mt. Oread Manifesto*.

Indeed, some rhetorical studies must address ethics, education, and democracy beyond the influence of the university. The emerging field of Rhetoric and Public Policy is doing that. Suitably, I recall W. Michele Simmons belief that "we must examine not only whether the public is allowed to participate… but also whether they are granted the power to directly influence the [policy] decision."[4] Simmons anticipated many of the same policy problems that were revealed

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[4] W. Michele Simmons, *Participation and Power: Civic Discourse in Environmental Policy Decisions* (State University of New York Press, New York, 2007): 36.

in my studies. Simmons' work shows the public forums where local citizens could comment or

ask questions of officials, but the decision-making power ultimately rested with a board of

advisors, a political committee, or an appointed officer. This is highly analogous to the policy

situation at SUNY Albany and its Tech Valley campaign. Accordingly, I concur with Simmons'

position on experts, as her studies showed the imbalanced power of "scientific studies and

projections."[5] The influence of experts was a persistent issue during the Harrisburg incinerator

debates, where politicians relied on projections and budget figures much more than the pleadings

of the public. Simmons and I can both generally conclude (in fully separate and contextualized

analyses) that local citizens are often merely acknowledged, summarily dismissed for lack of

expertise, or seen as an obstacle to centralized political will and/or economic expediency. If

nothing else, I hope that my case studies confirm many of the issues originally observed by

Simmons. But I also believe that analyzing these policy problems with an economic focus, as I

have done, adds a layer of practicality in the often-economically-inclined environment of

localized policy procedures.

     Another important touchstone in my study is Candace Rai's emphasis of "everyday

publics."[6] The "paradoxes of democracy" are revealed in such publics, as are the power

structures that uphold those paradoxes. My study embraced the potential of everyday publics as

they relate to deliberative democracy, and thus revealed many paradoxes. Especially at

Harrisburg, this helped reveal key failures in policy and governance. I showed how the

Harrisburg City Council debates could occasionally capture the essence of public debate, or at

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[5] Ibid., 33.

[6] Candice Rai, *Democracy's Lot: Rhetoric, publics, and the places of invention* (University of Alabama Press, 2016): 202.

least the essence of the issues at hand. And while the many stakeholders were ostensibly arguing about environmental and economic policy decisions, they were also challenging the justice of the local political system. The most unfortunate paradox for Harrisburg was that, despite great public outcry, the actual policy decisions were preordained by snowballing economic malfeasance. The cascading paradoxes from such failures eventually led to a crisis of democratic legitimacy at Harrisburg. Paradoxes also came to light at Albany, where spending on behalf of taxpayers came without any real taxpayer approval. At Maryland, a school advertised its community outreach, but enacted economic development for the benefit of outside visitors and a desirable external population. Rai embraces the meaning-making potential of these revelations, as do I. Yet, I believe my work can contribute an important expansion to the analysis of "everyday publics:" criticism of the publics themselves. Through analyzing the policy situation at Harrisburg, I posited the problems of "privileged spaces," which were ostensibly public but limited by economic access or personal connections. I also revealed the problems of simplifying a public position, as often happens when a particular corporate group takes ownership of an incendiary issue. At Albany, the relevant public spaces were either vacant or made moot by a wide public affirmation (owing to the university's rhetorical power). At Maryland, I posited the economic motivations which compromised the efficacy of the alliance between community and university. Against these, one could claim that the more genuine "everyday publics" exist somewhere else. While I don't disagree, I candidly ask what power those publics have.

I also ask what the "public" will look like after Covid-19. While some scholars, like Zizi Papacharissi, already warned us about the shift to digital publics, the trend certainly accelerated in 2020. Most rhetoricians conduct or have conducted their classes, conferences, and even personal meetings through digital communication networks. My studies focused on the more

traditional spaces of public debate, such as public meetings, speeches, and other formal gatherings. And I furthermore held that my reflective and historical techniques, going back into the 1990's in some cases, were valuable. Yet it is worth wondering how relevant these non-digital forms of public spaces and policy procedures will be in five years' time. The post-Covid and highly digitized environment exposes a few more of those "paradoxes of democracy" that Rai previously invoked. In *City of Rhetoric*, David Fleming succinctly defends the importance of public spaces, especially cities: "We still live together in permanent settlements… if anything, we are more enmeshed in our cities – more "political" – than ever, and those cities are more diverse, and more complex, than ever."[7] Both Fleming and I explored the paradox of "more political" yet less democratic cities. Even as the world becomes more accepting of purely digital communication, the places where we live and work – even if that means working from home – are as consequential as ever. The problems of access, gatekeeping, and socioeconomic stratification, formerly a problem in non-digital publics, are at least analogous to problems in digital publics. And this extends beyond present disparities in internet access and computer hardware. At Harrisburg, I showed the potential of a public to gather and galvanize around a core issue, like clean air or environmental racism. At Albany, people did *not* gather nor galvanize because of built-in procedural limitations, access ambiguities, and certain rhetorical powers like the university ethos. If anything, the possibility to gather, or to alternately inhibit publics from gathering, only increases with the affordances of digital technology. Rhetoricians will need to interrogate digital publics as I have interrogated formal publics: analyzing how access,

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[7] Fleming, David, *City of Rhetoric: Revitalizing the public sphere in metropolitan America* (SUNY Press, 2008): 14.

education, and economic stratification allow or disallow a "binding expression" of public interest.

The Next Five Years of Economic Development

As I sit in my apartment in Albany, NY, effectively quarantined by the State's emergency measures, my thoughts mostly focus on the health and wellbeing of my family. Most Americans surely feel the same way. Across the country, hospitals continue to be overwhelmed by the influx of patients. And on the economic front, people have lost and continue to lose jobs at a record-breaking pace. Businesses are closed (often forced by emergency health measures), and many of them will not reopen. Even some hospitals are struggling financially, forcing layoffs in what should be a safe industry. The Covid-19 vaccines, supposedly the answer to global lockdowns, have been seriously mismanaged. The ongoing crisis is exposing major shortcomings in leadership, logistics, and social order. Thus I, like most concerned citizens, fear the greater political fallout from this pandemic. It is almost certain that borders will close, international hotspots will heat up once again, and economic consequences will lead to broader political conflict. Furthermore, once the pandemic slows, people will want someone or something to blame. Will they look inward, to the failings of governance and leadership? Will they look outward, blaming the "other?" Will they instead blame greater society and retreat to their personal fortresses of social media and remote employment? It is likely that all these questions can be answered in the affirmative to some extent. And the answers to these big questions will help determine the answers to smaller questions, as local politicians and citizens decide how to ameliorate the economic damage of Covid-19.

Economic policy has already started at the federal level. Calling the pandemic a national crisis, the President(s) and associated federal agencies have instituted a wide variety of emergency policies. The Federal Reserve and other financial institutions are doing whatever is in their legal authority (some actions debatably so), including buying government debt, purchasing corporate bonds, "injecting liquidity" into the short-term credit market, and various other credit-providing schemes that are basically a roundabout way of printing money. In April 2020, Congress approved a "financial relief" package that includes sweeping corporate grants and direct payments to every citizen in the United States. And this may only be the first of several trillion-dollar relief measures. Politicians are proposing and re-proposing programs worth more than the nation's yearly GDP, noting that inaction now would have dire effects in the future. Clearly, the corporate arm of Washington, D.C. is in good health. And the nature of the Covid-19 crisis means that any deliberation, or really any consideration of the matters, is condensed in favor of quick action. Experts rapidly reach consensuses that favor wide and large government action, or, alternatively, wide and large government abstention. The public, caught up in fear and uncertainty, becomes increasingly more dissatisfied.

Much of the local debates observed in this dissertation have been directly affected by widespread economic events. In both Albany and Harrisburg, the "dotcom" crash (1999-2000), the economic scare because of the 9/11 attacks (2001-2002), and the financial crisis (2009-2011) shaped and reshaped policy decisions, economic possibilities, and public attitudes. In the Harrisburg incinerator debates, the Harrisburg government embraced the downtrodden economic attitudes of 1999-2002. Widespread economic uncertainty persisted as the technology industry retrenched, and the subsequent 9/11 terrorist attacks shook the composure of the entire nation. So, when the Mayor's office wanted to justify the huge expenditures of the new incinerator

project, they talked about job losses, tax increases and "balancing the budget." This kind of fearmongering played into the uncertain economic attitudes of the moment. At Albany, a similar tactic played out, though mostly in the aftermath of the financial crisis (2009-2011). New York politicians justified their huge grants and expenses with the promise of high-paying jobs and rejuvenated neighborhoods, which was especially welcome during the years of high unemployment. Corporate and political stakeholders used the overall economic situation to increase the appeal of their sponsored programs. This situation is still unfolding in Albany, and recent news is mixed at best. Meanwhile, another economic event is unfolding. The next five years of economic development may be determined by the financial consequences of the current "Covid-19" pandemic. I certainly hope that the public, many of whom have now lived through several economic crises, will remember the mistakes of previous policies.

The grand scheme of Covid-19 consequences is still playing out as of this writing. What will certainly be overlooked are the local decisions and policies that filter from the greater national situation. The current federal policy of wanton purchasing will eventually give way to a longer-term stimulus effort, as citizens will want to recover the jobs and prosperity lost during the pandemic. Lots of money will be thrown around, and to some extent, the localities will need to decide what to do with it. City councils, school boards, county commissioners and state legislatures will be tasked with economic development in the general sense. Will the next five years be a repeat of past mistakes – a furthering of *intra*national colonialism? Or will the citizenry engage politicians to ensure the public interest is realized, at least to some extent? The nature of the crisis concentrates concerns on public health and economics. Accordingly, economists and physicians enjoy an increased influence. While corporate lobbyists and the

political parties are doing their part to exert influence, they usually do so (or at least seem to do so) through specialized experts.

The next five years at Harrisburg, PA will be pivotal. The city was brought to the brink of ruin in the mid 2000's but fought its way back, largely by flouting the tremendous debts incurred in its name. Now, many gains of the past ten years are seriously jeopardized. Harrisburg was one of the first small cities to institute mandatory closures and limitations on public gatherings during the Covid-19 pandemic. Thus, this period will prove especially hard for the many restaurants, cafes, salons, and other small businesses that dot the urban landscape of Harrisburg. As is the case across America, many of these small businesses will not survive the impending economic downturn. The flight from cities is already apparent in places like New York City and Philadelphia. Real estate will suffer accordingly, not only from a general drop in economic activity, but from the cascading effect of urban decline. The City Council of Harrisburg will need to consider ways rejuvenate the urban economy. In 2001, local politicians thought a particularly large project – a trash incinerator – was the path to prosperity for the city. But the unified political force of Mayor Reed is gone, and the idea of a strong Mayor is likely untenable at Harrisburg. Furthermore, it is unlikely that such an effort will happen again, if only because Harrisburg lost its taste for large projects.

Yet, Harrisburg will need to rejuvenate the local business scene to reverse the trend of urban decline. That may prove dangerous for the local public, as two large players now dominate economic development in the city. We already visited Harrisburg University, which has emerged as a major player in the local economy. Harrisburg University recently began a partnership with the other major player, Harrisburg Hospital (officially the "University of Pittsburgh Medical Center – Harrisburg"). Together, Harrisburg University and Harrisburg Hospital represent most

of the non-government business in urban Harrisburg. They employ many thousands, educate

thousands more, and enjoy lucrative partnerships with regional businesses. And after a public

health crisis, the influence of universities and (especially) hospitals will be large indeed.

Unfortunately, it is not difficult to imagine a situation where both Harrisburg University and

Harrisburg Hospital virtually dictate economic policy in the city. But how generous will that

economic policy be? How much consideration will be given to local communities? What profit-

seeking projects will be realized in the name of the people of Harrisburg? On one hand, there

could be a substantial flowing effect, to the benefit of many local citizens. On the other hand, the

city could build islands of wealth within a sea of blight and poverty, as seen at locations like the

University of Pennsylvania and Johns Hopkins Medical School. To prevent such disparities of

wealth, the people of Harrisburg need to take an active and determined interest in the economic

policy of the next five years. Without substantial public action, the intranational colonialism will

almost certainly continue.

Albany will endure many of the same problems as Harrisburg. But there are two other

factors that will determine the economic future of Albany, and they will play out over the next

five years. First is the state and national response to the pandemic itself. New York City (NYC)

was the epicenter of the Covid-19 disease in America. The city commands a great deal of the

national news cycle and serves as a flashpoint for the country's political contentions. More

importantly, state authorities estimate that as much as 80% of NYC residents will contract

Covid-19.[8] By the end of the pandemic, tens of thousands of NYC residents may die. Clearly,

this is a national tragedy and should be responded to with vigorous action. Governors, Mayors

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[8] "Video, Audio, Photos & Rush Transcript: Amid Ongoing COVID-19 Pandemic, Governor Cuomo Accepts Recommendation of Army Corps of Engineers for Four Temporary Hospital Sites in New York." New York State Governor's Office, Governor.ny.gov, March 22, 2020.

and Presidents continue to debate just how much action the government needs to take. Economic development is hardly a consideration at the moment. But, after the pandemic eases, there will be a genuine need for relief and recovery. This will eventually lead to large campaigns of economic development. The symbolic and literal value of New York City generates great influence over economic decisions in New York State. But where will that leave Albany? Already largely overlooked, Albany may be untouched as both the state and nation are wrapped into rescuing New York City. The citizens of Albany will need to work extra hard to grab a piece of the future economic development dollars.

The second important factor for Albany is the preponderance of the technology industry. The "stay at home" orders, which cascaded across the nation in March 2020, led to a huge increase of digital workspaces, video conferencing, and fully online work. The long-term ramifications of this movement are too large to speculate upon, but it is likely that the technology industry will take an even loftier place in America's overall economy. As of early 2021, the Albany region still holds on to the "Tech Valley" nomenclature. With some notable technological parks and corporate partners already in place, the Albany region (and its attendant universities) could stand to benefit substantially. A boom for the technology industry is likely a boon for Tech Valley. Though even in this optimistic scenario, one can easily question who may benefit. Technological jobs require an advanced education, and an advanced education is more common among established middle- and upper-class families. Any windfall that comes from a tech-based boon will likely exacerbate the classism of the Albany area. For instance, despite the decades-long Tech Valley campaign, Albany's public schools and public services continue to lag. For the most part, working-class families have yet to receive improved opportunities or neighborhoods because of the Tech Valley campaign. And so, the people of urban Albany, who

still represent the largest population in the area, will need to scrutinize future decisions in the Tech Valley campaign. Wouldn't $50 million to help Albany's ailing schools, or small businesses, or public health programs, do more good than $50 million in tax breaks for Amazon, Cisco, or IBM? Wouldn't a concentrated infrastructure rejuvenation help Albany much more than another research center or university expansion? As part of Tech Valley, why not offer technical literacy programs for adult learners and public schools? These questions are only a start. Over the next five years, the people of Albany should reject the "trickle-down" narrative and demand a fair share of the economic development dollars.

Deliberation and Correction

Deliberation seeks the wisdom to achieve the best path forward. This dissertation outlined several historical policy debates and situations. The point of the case studies was to identify, understand, and categorize policy problems. Hopefully, many problems have been analyzed to a level where they could be solved by existing authorities and levels of government. I acknowledge that many of these cases are dated, but I do not regard this as a weakness. The point of this historical approach is a recontextualizing, a deeper exploration of persistent problems, and an invention of potential solutions. Age is a small matter; I can look back to 1935 and John Dewey to find policy problems that persist to the modern day. Furthermore, a historical survey could be a basis for improving the process of policymaking. A historical analysis also helps prevent old mistakes from being repeated. Hopefully, the study itself has proven the merits of a historical approach.

Yet it would be bittersweet to compartmentalize all this experience, work, and knowledge, without offering some suggestions for change. Deliberation is about the future, after all. So, I will close this study with several suggestions, directed at an interested public, for correcting future problems in policy. With these suggestions, I assume that the stakes of the debate, as well as the rhetorical situation, have been established. This is essentially activism.

1) Expose the outside interests

A large part of the studies in Harrisburg and Albany revealed how corporate bodies can propose their own interests as the public interest. When the "marketplace of ideas" is viewed as a competitive environment, the public interest is just another rhetorical tool. While this is largely a moral failing on the part of policymakers and representatives, activists should not flout the status quo. Instead, activists should ask direct questions of policymakers and politicians. How does the local population benefit from the proposed policy? How do *current* policies help the local population? Etc. Questions should be deliberately asked to expose any lingering corporate interests. Many politicians are experts at deflecting questions or answering in a vague way that seems honest. Typical responses include "a step in the right direction" or "encouraging business" or "the best available option." Activists should be likewise alert for politicians that "are doing everything they can" or whose "hands are tied." This is almost always an exaggeration. If the representatives cannot properly explain how the policy benefits the local population, it probably does not. Anything based on projections is worthy of suspicion and critique. Politicians may also impose a false urgency (everything is a crisis these days) and misuse their position of authority to push the policy-making process in a certain way. Activists should be on alert for such tactics and demand specific answers, nonetheless. Furthermore, local government is highly susceptible to that fallacy of mistaking motion for progress. Activists should consider that, in many cases

(especially matters that involve outside interests), the best option may be doing *less*, or doing nothing.

When debating or criticizing an economic development matter, activists should demand a full accounting of financial details and arrangements. Such details are usually hidden in committee meetings or buried in some budget addendum, and even then, they are often less than transparent. Outside interests may take advantage of this tendency, and strong stakeholders (such as a Mayor and/or political party) may deliberately streamline the financial review process. Unfortunately, many local politicians may not even know or understand the full implications of a yearly budget or financial referendum. Recall that many local representatives, especially school boards and city councils, are populated by amateur politicians. The representatives may have little to no training (or interest) in economics. Simply demanding a review of the numbers may cause representatives to change their positions. It may also expose and discourage corruption in a very basic, yet very effective, way. Hard numbers make lawsuits easier to pursue, and thus, keep all the actors more honest. Beyond foul play, a full accounting of financial details can help reveal any party that has an interest in economic development matters. This makes the public interest easier to distinguish.

2) Generalize the message

Part of the unfortunate truth of democratic government is the squelching of individual voices. While individuals can have more say in local matters than in state or federal matters, it is highly unlikely that any personal opinion can make much difference in policy. A "binding expression" of political will takes more than one citizen. And in many cases, it takes more than one group to make a difference in policy debates. Nancy Fraser and Zizi Papacharissi are correct when they identify the essential flaws in democratic governance; the rule of majority and the

"winner take all" format of American politics leads to a polarization of opinions and a simplification of deliberation. More importantly for local debates, it leads to an issue-based understanding of politics and policymaking. If activists want to make policy changes, they need to live with these shortcomings, at least for the time being. And rather than fighting the system or lamenting the follies of partisan politics, activists should lean into these known issues.

Most private citizens and corporate groups align with a particular issue or set of issues. This occurs on a spectrum. Many people enjoy green spaces and clean air, but few would consent to living without electricity. In the early debates at Harrisburg, environmentalists started the public objections. While their position was noble and perhaps correct in a scientific sense, the idealism of the environmental groups worked against them. They proposed actions that aligned with their own goals: strict conservation, green energy, and optimistic composting programs. Their narrow focus allowed for easy objections. It also pushed away moderate voices and potential allies. Those allies eventually arrived, especially once allegations of racism became mainstream. For a few months in 2003, the environmentalists, the economic critics and the anti-racism groups coalesced into a strong public resistance. Harrisburg's fate may have been much different if those groups were present and active from the start of the incinerator debates.

Many activists have specific desires, based in strong beliefs. That is why many became activists in the first place. Yet, painful as it may seem, activists would be wiser to generalize their message for rhetorical effect. Exactly how to generalize will vary considerably in each situation. But, in any case, the goal should be to 1) attract allies, 2) attract public sympathy, and 3) prevent outright objections. In the Harrisburg incinerator debates, the early environmentalists were quickly dismissed because they were unashamedly optimistic and idealistic. As a starting point, they should have offered more incremental alternatives to burning trash, and then

considered more aggressive options later. The early environmentalists also should have expanded

their appeal to associated problems, like local health and quality-of-life concerns. These issues

piqued public interest in 2003 (3 years later), but by then, local government was already

financially committed to the incinerator project.

3) Sustain the debate

To build a good campfire, one needs a spark, tinder, kindling, and fuel. Once established,

a campfire needs occasional fuel to keep burning. If it is tended and protected, the campfire can

burn for weeks or months. To build a bonfire, one needs a spark, accelerant, and fuel. The

accelerant burns hot enough to ignite all the fuel at once, creating a large and hot fire. The

bonfire will quickly extinguish without more accelerant and large amounts of fuel.

Policy is a slow process. Bonfires burn quickly. Most policymakers and corporate

stakeholders understand this dynamic and play both sides of it. On the one hand, stakeholders

can use urgency to subvert policy processes. The Tech Valley campaign targeted specific

businesses that were, as of the late 90s and early 2000s, "hot" industries. The appeal of

microchip manufacturing and research played into the hands of established companies and

developers, who enjoyed wide government assistance. The slow processes of accountability and

public review were mostly eschewed during this "bonfire" time, and few people seemed to

notice. On the other hand, stakeholders can use the slow process of policymaking to their

advantage. When public resistance to the Harrisburg incinerator coalesced in 2003, policymakers

deliberately extended the policy process. Votes were delayed and additional meetings were

called, ostensibly to facilitate public input. Interest groups kept the "bonfire" burning to some

extent, but it was difficult to sustain throughout the days and months. Many public meetings

were lightly attended, and public resistance seemed to wear out. By the time that the ultimate funding vote passed, the "fire" was ebbing.

Activists should acknowledge this dynamic and play the process the same way that politicians and corporations do. Activists should start and sustain more campfires: showing up to budget meetings, voicing specific criticisms, writing to associated politicians and business interests, making sure that representatives continuously recognize the public's concerns. Such efforts propagate the slow and steady changes that policy processes can make. And when bonfires happen, activists should be the moderating voices that can push through meaningful changes to policy procedures and established programs – *not* the people who (metaphorically speaking) pour more oil onto the fire and thereby burn it out more quickly. While this all seems difficult and perhaps counterintuitive, I believe these are more effective ways to make changes within the system.

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