Seizing the Power of Public Participation

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Where every man is a sharer in the direction of his ward-republic … and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day … he will let the heart be torn out of his body sooner than his power be wrested from him by a Caesar or a Bonaparte.

—Letter from Thomas Jefferson to Joseph C. Cabell (Feb. 2, 1816)

While strength is the natural quality of an individual seen in isolation, power springs up between men when they act together and vanishes the moment they disperse.

—Hannah Arendt, The Human Condition 200 (1958)

The Jeffersonian ideal of each of us as "a participator in the government of affairs" seems remote today; but if power does, in fact, spring from the capacity to act in concert with others, it is nowhere more accessible than in decisions made at the local level. A heritage of local power building—not by the white male property owners Thomas Jefferson had in mind, but by low-income residents of color—traces back well before the War on Poverty. Indeed, the federal mandate for the "maximum feasible participation" of affected residents was a by-product of civil rights demands over the previous decade.[1]

Today, as low-income communities and residents of color engage in building the power to ensure that their voices are heard and their needs met, federal and state laws impose a wealth of public-engagement requirements.[2] These laws provide an important legal hook for holding government accountable, but the truth is that successful public engagement is rarely due to the initiative of agency officials. On the contrary, public engagement succeeds because residents come together powerfully to influence decisions that affect them.

We draw here on our experience working in coalition with grassroots organizations and policy advocates within two public-participation processes in the San Francisco Bay Area:

- The 6 Wins Network—a coalition of grassroots, policy, and legal groups working to promote social, economic, and environmental justice across the nine-county Bay Area region—intervened in multiyear, regionwide transportation and land-use planning. After developing an "equity" alternative to the $290 billion, 28-year regional plan, the network won key amendments that addressed community-identified priorities relating to affordable housing, transit service, and protections against displacement.

- In the city of Concord, a middle-ring suburb of 125,000 people, the Community Coalition for a Sustainable Concord united a broad range of stakeholders to develop and win a visionary reuse plan for an eight-square-mile decommissioned U.S. Navy base—including 25 percent of 12,000 new homes affordable to lower-income households, 70 percent open space, walkable transit-oriented neighborhoods, and inclusive economic development provisions.

From these campaigns, we highlight three strategies that contributed to success in leveraging public-participation requirements for building power and winning concrete outcomes: (1) developing a shared policy agenda, (2) tackling the structure of the process, and (3) integrating "inside" and "outside" strategies.

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1 Economic Opportunity Act of 1964, Pub. L. No. 88-452, § 205(d), 78 Stat. 508, 518 (repealed 1981) (mandating "special consideration to programs which give promise of effecting a permanent increase in the capacity of individuals, groups, and communities to deal with their problems without further assistance"); John H. Wheeler, *Civil Rights Groups—Their Impact upon the War on Poverty*, 31 Law and Contemporary Problems, 152, 155 [1966] ("But for the Civil Rights Movement and its forceful, persistent pressures on the federal government, the Economic Opportunity Act of 1964 would undoubtedly have followed the traditional pattern of federal legislation and programs. The concepts of *maximum feasible participation* and *involvement of the poor* are attributable, at least in part, to the 'Movement.'").

2 See, e.g., Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42272, 42356–57 (July 16, 2015) (to be codified at 24 C.F.R. § 5.156(d)) (community participation in new rule from U.S. Department of Housing and Urban Development); 23 C.F.R. § 450.316(a) (2015) (public participation in metropolitan transportation planning); Executive Order No. 12898, 59 Fed. Reg. [7629, 7630] (Feb. 16, 1994), amended by Executive Order No. 12948, 60 Fed. Reg. 6381 (Feb. 1, 1995) (requiring each federal agency to adopt environmental justice strategy that "ensure[s] greater public participation" in relevant programs and federal agency-level planning); Manuel Pastor et al., This Could be the Start of Something Big: How Social Movements for Regional Equity Are Reshaping Metropolitan America 2–5 (2009).

The Power in Participation

We begin by framing these strategies in the context of some observations about what participation is and what makes it powerful.

What is public participation? Too often it is reduced inappropriately to the concepts of outreach and accessibility. (Of course, many public agencies do a poor job at even this logistical level, failing to notify the public meaningfully of the opportunity to be heard and to make that opportunity accessible, e.g., to residents with disabilities or limited English proficiency.) But this reduction misses the connection of participation to power, and truly opening opportunities for community participation requires much more. It requires agencies, for instance, to identify the pivotal intermediate steps that will shape and constrain the ultimate decision; to develop a range of alternatives; to give timely analysis and information about the consequences of those alternatives; to structure the process to facilitate the translation of public input into decision-making outcomes; and to fund community groups to engage residents.

A narrow focus on outreach and accessibility loses the connection of democratic participation to power, which is not simply about being heard but about influencing outcomes. The embodiment of this cramped approach is the two-minute public comment. When a participant stands up alone in the hostile arena of the decision-making agency to make her individual comment, she may face insurmountable barriers to productive engagement. Isolated participants face the challenge of connecting their lived experience with a decision-making process governed by the alien logic of administrative expertise. And isolated participants are easy to ignore.

The solution we discuss below does not require the individual to become an expert

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in the complexities of the agency, although that capacity does grow over time. Instead power is built when the individual joins with neighbors to deliberate and reach consensus about the priority problems and solutions within their community. They then come to the microphone prepared to speak from their own expertise, connecting personal stories, needs, and priorities to a larger demand, which their neighbors also support and to which they, in turn, bring the power of their own experience. In short, when residents participate together and shift the fight to ground where they hold the indisputable expertise—the needs and priorities of their own community—democratic participation can move from an alienating experience to a powerful one. This participation model can also refocus the debate from technocratic details to real-world consequences for real people, moving decision makers and affecting their decisions.

In sum, residents can participate most powerfully when their input comes out of their own expertise about the impact of the proposed decision on their own communities. We have found a simple framework helpful in turning the tables to highlight this community expertise. It brings these four questions to the discussion of each proposal as well as to the comparison of alternative proposals: (1) will the proposal benefit the community by meeting important unmet needs, (2) will those benefits be significant, (3) will they be targeted to low-income residents, and (4) will the proposal avoid significant harms?[3]

3   See Richard A. Marcantonio, *How Are Disadvantaged Communities Truly Benefited?,* Public Advocates, July 18, 2014.

While engagement in a public process is not worth much unless it yields outcomes that benefit the community, we must understand and value the full spectrum of benefits that may be won. These include not only immediate substantive victories but also building long-term community power to effect more fundamental systemic change. Lawyers and policy advocates often emphasize the immediate decision-making outcomes over the ways in which democratic participation can build power, cultivate community leaders, and bring about change. Organizers, by contrast, are apt to recognize that fighting for policy change spurs the building of an engaged membership base and the development of community leadership, which they often view as an end in itself—an end tied closely to winning more fundamental change in the longer term. Strong campaigns and coalitions recognize the relationship of policy outcomes to power-building outcomes and develop an advocacy framework that knits the two.

Differing in views of power and participation among participants is just one of many challenges that can arise in collaborations and coalitions and that must be addressed transparently with open minds and hearts. Other challenges can include differences in the ease of engagement favoring professional advocates and staff members over community members who participate as volunteers; organizational decision-making processes that have different paces (e.g., organizing groups often need more time to reach a position out of respect for member deliberation and consensus building); and, most fundamental, differ-

ences of privilege and power related to race, class, gender, language, disability, education, and other systemic prejudices.

The relationship of democratic participation to winning outcomes that build power and change policy is complex. With this overview, we turn to a set of strategies we have found effective in achieving both kinds of outcomes.

Strategies for Participation that Build Power and Affect Outcomes

One reason public-participation processes fail low-income communities and communities of color is that those processes are not grounded in an assessment of community needs. Here we describe an alternative public-engagement model structured to serve the community's own identified needs and priorities. At the outset, collaborative conversations—led not by the agency but by the community—identify shared priorities, "asks," and strategies. Next, advocates attend to the structure of the process itself, rewiring it to create conditions to advance that agenda. Strategic advocacy then proceeds, both within and without the formal process, to promote the community's agenda while building its power to implement its wins and achieve more fundamental change over the longer term.

Develop a Shared Policy Agenda. A community coalition that comes together around a shared platform of "asks" that low-income community members help create has already won half the battle. This can be hard work, and it must happen early on, but it can pay big dividends in the longer term. A shared agenda is a foundation for the meaningful and effective engagement of residents. It also creates the conditions for the collaboration of groups that bring a diverse set of capacities. Rather than depending on public agency outreach efforts, community leaders,

WHAT IS EQUITY?
A FRAMEWORK FOR ASSESSING PROPOSED PROJECTS AND INVESTMENTS

MEETS AN IMPORTANT COMMUNITY NEED?	Under-served communities have needs and priorities that may be distinct from those of the public at large. The equity of projects and investments should be assessed based on whether/how well they address these priority needs.
BENEFITS TO THE LOCAL COMMUNITY ARE SIGNIFICANT?	Benefits should be significant, not merely incidental or nominal.
LOW-INCOME RESIDENTS ARE THE PRIMARY BENEFICIARIES?	Benefits of investments should be expressly targeted to low-income residents or households.
AVOIDS SUBSTANTIAL BURDENS?	Projects in underserved communities should not increase toxic exposures, lead to a net loss of affordable housing, or displace residents or local businesses.

members, and organizers are energized because they shape the agenda around their daily experience of segregation, lack of opportunity, inadequate resources, and concentrated burdens. And their engagement is strategic and empowering: In place of a smattering of disconnected two-minute statements during public comment, residents play from their strengths and expertise, tying individual experiences and ideas to a common framework in a way that makes compelling the need for community-proposed solutions.

A shared policy platform can help counteract the marginalization of community residents at the hands of professional advocates. We noted earlier that organizers and advocates tend to emphasize power and policy outcomes differently. One unfortunate consequence of that differing emphasis—particularly when it is not acknowledged openly—is that policy groups too often treat base-building groups not as coequal partners but as a tool for swaying

board member votes. Organizers are all too familiar with the eleventh-hour call asking them to turn out their members for a key public meeting. While this can sometimes shift short-term outcomes on a particular vote, it does little or nothing to cultivate true community-owned power or spur more fundamental change. Indeed, it can harm power building by reinforcing existing power structures that cast professional advocates as the "experts." By contrast, when community leaders are at the table to contribute their expertise in identifying priorities and developing policy "asks," their engagement shifts from a model of isolation and alienation to one of empowerment.

A shared platform is essential to bringing new alternatives to the debate. It can prevent recycling the same tired "con-

The 6 "wins" for which the 6 Wins Network is named are intertwined with, dependent on, and reinforcing of the others. Embracing these interconnections from the beginning helped the 6 Wins Network to engage its members across issues that are sometimes siloed and to coalesce around a focused set of policies that advanced all of the wins in the "Equity, Environment, and Jobs" alternative.

sensus" that underserved communities have played no role in shaping.[4]

A shared platform can be developed with the sole priority of benefiting low-income residents and communities, as in the 6 Wins Network. Such a platform can also be developed in a "big tent" coalition in which social justice aims are negotiated with other focal points, such as environmental conservation or labor, as happened in Concord.

The 6 Wins Network. The 6 Wins Network came together around—and took its name from—a high-level platform of social equity changes we hoped to achieve in the Bay Area's new regional plan. We sought "wins" such as frequent and affordable transit, affordable housing, and community-serving investment that protected longtime

residents from displacement.[5] At an inaugural retreat in October 2010, dozens of organizations met to articulate and endorse these prospective "wins" as both individual and interconnected victories, bolstering one another and addressing sets of issues inextricably linked in the lives of low-income communities of color.

Members of the 6 Wins Network also knew, however, that they needed to coalesce around a more specific set of shared priorities that could guide advocacy over the three-year planning process and serve as a strategic road map for the critical "endgame," when a relatively small number of

choices would be set up for final decision. To that end, participants deliberated over a period of about six months, winnowing long lists of policy changes in each issue area down to a few key priorities. In those discussions, a strong consensus emerged around three interrelated priorities: planning for more affordable housing in high-opportunity suburbs (in addition to

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urban neighborhoods), improving local transit service, and conditioning regional infrastructure funding on local actions to reduce displacement. As discussed below, the network's platform—dubbed the "Equity, Environment and Jobs" alternative—served not only to unify the network and to drive its advocacy strategy during the remainder of the campaign but also to draw the support of other

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4   As the Belgian political theorist Chantal Mouffe notes, to participate "you need to have the possibility of choosing, and not simply participating in the creation of a consensus. It's necessary to have an alternative that implies a decision between alternatives that can never be reconciled" (Markus Miessen, The Nightmare of Participation 127 (2010)).

5   See Richard Marcantonio & Alex Karner, *Disadvantaged Communities Teach Regional Planners a Lesson in Equitable and Sustainable Development*, Poverty & Race, Jan.–Feb. 2014, at 1.

stakeholders, who came to see the equity agenda as promoting their goals as well.

The Community Coalition for a Sustainable Concord. Where the 6 Wins Network came together explicitly as a space for social justice advocacy, the Community Coalition for a Sustainable Concord brought together from the outset a broader range of groups, including open-space advocates and building-trades unions as well as affordable housing developers and neighborhood and faith-based groups. Some of these groups had worked together before; others barely knew one another.

In this context the creation of a shared vision for campaign outcomes took on even greater importance and facilitated cross-education, relationship building, and co-ownership of issues across a wide range of stakeholders. The discussions revealed deep interconnections among individual issues and led to a shared platform that united powerful interest groups that might otherwise have fragmented or worked at cross-purposes. Partners came to see that an emphasis on denser, more affordable transit-oriented housing was also a strategy for preserving open space, keeping development at an appropriate scale in areas bordering existing neighborhoods, and creating higher-skilled, higher-paid union jobs. The resulting platform integrated the needs of historically marginalized communities into a wide range of policy goals. For example, local hire and job training programs for disadvantaged community members were core planks of the Community Coalition for a Sustainable Concord's vision for jobs. The coalition presented this platform and vision not only in words but also as a conceptual land-use map for development, which proved to be a potent communications strategy for reaching a broad audience.

Lawyers know that procedure heavily shapes and often determines substantive outcomes. This is as true of local decision making as it is of the courts.

A key takeaway from our experience in both campaigns is that the strongest platforms are those that cohere in a tight-knit package of interrelated priorities rather than simply consisting of unrelated or tangentially connected policy proposals. In both examples, participants' recognition of the close relationship of multiple issues helped facilitate agreement on a shared platform while also building coalition solidarity and shared ownership of the entire platform and all its elements.

Rewire the Structure of the Process. A shared agenda, as powerful as we have found it to be, does not itself ensure that the public process will be conducive to achieving the desired outcomes. Lawyers know that procedure heavily shapes and often determines substantive outcomes. This is as true of local decision making as it is of the courts.

The structure of the process may impede successful advocacy in a multitude of ways. For instance, if the process does not include the consideration and analysis of alternatives, both data-driven decision making and robust public policy debates are impossible. Moreover, restricting community members to offering comments on policy alternatives developed by an agency's staff, rather than inviting community members to help develop those alternatives, can severely constrain the community's ability to shape outcomes by foreclosing from the outset the choices the community supports. And a process that does not offer a place where the substantive changes of importance to the community can "live" and be made offers little hope for success.

Many more examples could be adduced, all pointing to engaging the community to understand and reshape the process itself.

The 6 Wins Network. Understanding the importance of process, the 6 Wins Network took on the shape and scope of the process right at the start, exploiting a federal regulation that requires regional transportation agencies to adopt a public-participation plan.[6] In a comment letter joined by 50 organizations, the network tackled key questions about the structure of the process, going well beyond outreach and access, and won some changes.[7] For instance, the agencies agreed to assess and prioritize poor-performing "legacy" projects and ultimately eliminated many from the plan, and the agencies conducted their equity analyses on an ongoing basis, integrated into the decision making rather than as a disconnected "add-on" near the end when the decision was all but final.

Once the process was under way, the 6 Wins Network continued to play an active role in steering it. The network did not wait for the agency to conduct "outreach" but instead educated residents about the issues, brought them to the table to develop priorities and strategies, and helped them prepare for meetings where they testified strongly. The network asked the agency for information and analyses, submitted

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6   23 C.F.R. § 450.316(a) ("The [metropolitan planning organization] shall develop and use a documented participation plan that defines a process for providing citizens … with reasonable opportunities to be involved in the metropolitan transportation planning process.").
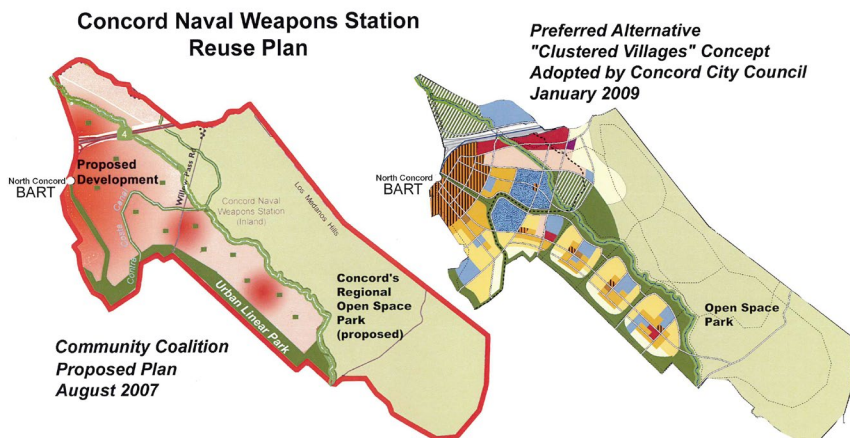
7   See Comment Letter from Rev. Daniel Buford, Prophetic Justice Ministry, Allen Temple Baptist Church, et al., to Scott Haggerty, Chair, and Jon Rubin, Legislation Committee Chair, Metropolitan Transportation Commission (Sept. 14, 2010).

proposals on the scope and methodology of an equity analysis, and demanded to be involved in the development of policy and investment alternatives. The network then found academic researchers to assist in technical analysis to support its objectives rather than relying solely on the analyses that agency staff had conducted.

Even then, the 6 Wins Network did not rely on the agency's policy development but created its own equity alternative. This was a pivotal moment in which the campaign leveraged the network's unified platform and solid organizing to interrupt and reset the agency process. When agency staff issued a set of five "scenarios"—high-level alternatives that would guide the process and become the basis for the final plan— the network injected its own community-developed scenario into the mix. This "Equity, Environment and Jobs" scenario was built around the three consensus priorities that the network had landed on earlier.[8]

In the past, community groups were relegated, for the most part, to objecting to agency decisions. Now they learned the power of saying yes. By creating a constructive proposal, the 6 Wins Network earned a place at the table, shifted the terms of the debate, and changed the outcome. In stark contrast to a public-participation strategy focused on outreach and isolated individual comment, this strategy allowed a strong and unified social justice voice to be heard above the din of competing ideas. The strategy was so successful that, for the next two months, board discussions focused on social equity: What did it mean? Was it already present in the five staff scenarios? Was a sixth scenario needed?

The takeover of the public process and debate carried a twofold benefit: increasing the power and ownership

8   See Marcantonio & Karner, *supra* note 5, at 7.

Concord Naval Weapons Station Reuse Plan

Preferred Alternative "Clustered Villages" Concept Adopted by Concord City Council January 2009

Community Coalition Proposed Plan August 2007

 At the outset of its campaign in 2007, the Community Coalition for a Sustainable Concord created a map and written platform that served as a useful outreach, communication, and advocacy tool. This vision of dense development near transit and open space preserved without encroachment from proposed roads or subdivisions was adopted almost exactly by the city council in 2009.

Community Coalition proposed plan map courtesy of Community Coalition for a Sustainable Concord.

of grassroots organizations and their members and simultaneously injecting a strong policy framework that would shape the remainder of the campaign.

The Community Coalition for a Sustainable Concord. Also paying attention to the process, the Community Coalition for a Sustainable Concord early on put the brakes on the city's process when the coalition realized that none of the official scenarios for development reflected the coalition's vision and platform. As in the 6 Wins Network campaign, bringing forward an affirmative community vision for the project allowed for powerful organizing and messaging. The vision formed the backbone for community education and turnout, one-on-one meetings with elected officials, and communications. These efforts led the city to add two new scenarios that better reflected the coalition's vision.

Agency staff began to structure some workshops in more open-ended ways to create the opportunity for the community to speak to its priorities rather than simply responding to a limited set of agency-selected options.[9] Meetings were conducted in Spanish in the city's low-income immigrant neighborhood and were planned in cooperation with one of the coalition's faith-based organizing members. Even when public participation was restricted to two-minute public-comment windows, the coalition managed to coordinate turnout and messaging strategically and ensured that a strong vision and coherent set of priorities broke through in that constrained format.

Combine "Inside/Outside" Tactics. Most successful engagement campaigns make use of both "inside" tactics that leverage

9   Jean Tepperman, *Smart Growth in the Burbs*, East Bay Express (Feb. 29, 2012) ("'At the end, everybody was happy with the process,' noted Roseanne Nieto, a 45-year Concord resident and leader of the Naval Weapons Station Neighborhood Alliance. 'But we had to be at the city council banging on the table to make it that way.'").

the official process and "outside" tactics that supplement, circumvent, or disrupt those channels. The "inside game" includes advocacy within the formal and informal processes established by the decision-making agency (e.g., submitting comments or participating in public hearings and on advisory committees) as well as informal discussions with staff and decision makers.

The "outside game" involves a range of tactics on a spectrum from mild to adversarial, including communications with the general public (op-eds and door-to-door canvassing), community research, creation of community-driven alternatives, press conferences, protests, legal demand letters, administrative complaints, and litigation.[10]

The 6 Wins Network. In its power analysis the 6 Wins Network identified key dynamics relevant to the nature and balance of inside-outside strategies: first, the process was largely driven by agency staff, and the new collaboration of two regional agencies with diverging interests created opportunities; second, while several progressive decision makers were growing bolder about moving in support of the network's agenda, the decision-making dynamic was overwhelmingly stacked in favor of regional agency board members locally elected from the suburbs; and, third, the process was governed by federal and state legal requirements with openings for potential administrative and judicial remedies.

The 6 Wins Network engaged in a range of inside and outside tactics appropriate to these dynamics. On the one hand, the network participated actively in those phases of the planning process that were open to the network's meaningful engagement, such as the development of goals,

performance measures, and equity metrics. On the other hand, locked out of the agency staff's development of alternative scenarios, the network injected into the process its own externally developed equity scenario.

Most significant, to reach suburban board members who tended to be less open to its agenda, the 6 Wins Network carried out an innovative "regional day of advocacy," in which small groups of community members and advocates fanned out, after a morning of training, to visit dozens of board members in their local districts in all nine Bay Area counties. That "personal touch" surprisingly worked and contributed to the overwhelming support that equity amendments received upon adoption of the final plan.

An example that blended inside and outside tactics was the coupling of policy comment letters on both the draft plan and the environmental impact report with more detailed legal letters that demonstrated the potential for litigation if the proposed plan were adopted without change. Later the 6 Wins Network's takeover of the public debate was embraced in part by the official process when the network prevailed upon the agencies to analyze the equity scenario as an alternative in its environmental impact report.[11] The agency analysis showed the superiority of the equity scenario—not only in meeting the needs of underserved communities but also in promoting a range of environmental, public health, and other goals in the proposed plan. These

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findings led 40 groups to submit comments favorable to the equity scenario.[12]

The outcomes of the 6 Wins Network campaign included both near-term policy change and long-range power building. In terms of policy change, the network achieved three eleventh-hour amendments that hold out the promise of real change: a commitment to adopt a strategy to fund improved levels of transit service, the integration of antidisplacement protections into a program awarding regional infrastructure funds to local governments, and the allocation of $3 billion in anticipated new state revenues in the region, with at least 25 percent to be spent to benefit disadvantaged communities.

The campaign also had power-building outcomes that were tangible for the 6 Wins Network as a whole and its grassroots organizing groups in particular. The experience of power was felt at these points: when the network shifted the debate to focus on the equity scenario, when it deepened the commitment of a larger number of equity "champions" among agency board members, and when it won support even from suburban board members. Community residents experienced particular power in seeing how their personal narratives, when tied to a broader community platform, swayed board members. And several organizers who were at first skeptical

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10   See Nicholas Freudenberg et al., *Community Participation in Environmental Decision-Making Process: Can It Reduce Disproportionate Impact?* 13 (May 26, 2010).

11   The environmental impact report is required by the California Environmental Quality Act, a state analogue to the National Environmental Policy Act.

12   See Richard A. Marcantonio, *We're in Good Company on the Equity, Environment and Jobs Scenario*, Public Advocates (May 22, 2013) (American Lung Association, League of Women Voters, and over 20 other groups joined letter "urg[ing] [the agencies] to incorporate the best elements from the ["Equity, Environment and Jobs" scenario] … into the Final Plan Bay Area to improve outcomes on a host of issues vital to the future of the region").

about engaging at the regional level came to see the synergies that advocacy brought to their local campaign work.

The Community Coalition for a Sustainable Concord. To develop personal relationships with elected officials, the Community Coalition for a Sustainable Concord sought consistent meetings with city council members, conducted candidate forums before every election (fully permissible within 501(c)(3) activities), led tours for elected officials and staff as a way to educate them and deepen connections, and gave intelligence, technical support, and other assistance for elected-official allies to be advocates from the dais.

At the same time that the Community Coalition for a Sustainable Concord was organizing and using legal leverage, one of its core members served as cochairwoman of the city-convened Community Advisory Committee for the project. This was a strong "inside" avenue for her to direct agency resources, including toward studying the coalition's proposals, and allowed her to defuse the efforts of opposing interest groups.

As in the 6 Wins Network campaign, the environmental review process was a critical structure for "outside" legal advocacy that supported community participation. While review and comment on multiple rounds of environmental impact reports over two years required highly technical legal work, we undertook this work as both a power-building and legal strategy. We educated some coalition members unfamiliar with the contours of the California Environmental Quality Act and the environmental impact report process; coordinated a set of mutually reinforcing comment letters from all members of the coalition to show unity and breadth of engagement; and focused our legal advocacy on the shared

vision and platform rather than on a laundry list of unrelated legal violations.

A strategic move in both campaigns was to court outside stakeholders to rally behind the agenda. The 6 Wins Network was helped by intentionally aligned policy recommendations coming from city and transit agency staff and sign-on from environmental and good-government groups in support of the "Equity, Environment and Jobs" scenario. In Concord coordination with progressive members of the business community and the regional parks district added key leverage. In both cases these stakeholders were influential with decision makers.

A lesson of both campaigns is that "inside/outside" is not always a binary choice. "Outside" tactics can, in fact, help open up an "inside" role as a network or coalition that proposes a constructive policy vision moves from contentious outsiders to trusted advisors.

Advocates and community members should choose their public-participation opportunities with care. Participation in legitimating a "consensus" decision is unlikely to meet any pressing needs of an underserved community and is instead likely to be a profoundly disempowering experience. If the conditions are right, however, a community-driven public-engagement model holds real promise, both for shaping immediate decision-making outcomes and for supporting the longer-term power building needed to achieve change.

Community lawyers can assess opportunities for engagement and suggest strategies. Where a proposed decision has high stakes for the community, the lawyer can help convene a table of like-minded stakeholders to discuss whether the public process holds the opportunity to promote

community priorities and what strategic possibilities are available. If tactics such as those discussed here are used to seize such opportunities in a thoughtful, strategic, and community-driven way, public participation can advance social justice.

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