

Consensus Building and Water Policy in San Antonio:

A Profile of John Folk Williams

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San Antonio had been deadlocked about water policy for a number of years. This was an area where the developer community had been very, very strong in setting policies for some time. But beginning in the early 70's the developer community ran into some determined opposition. That opposition came to focus more and more on the impact of development on the water supply, which at that time came exclusively from the Edward's Aquifer, a very abundant limestone aquifer formation that covers five or six counties across south Texas.

The opposition was concerned in part with runaway growth taking the major development investments outside the older part of the city and developing a whole new area of the city on the north side following a major interstate route. The business community itself had had a conflict about whether or not to jump the city outside of the boundaries of their old development area.

For one set of constituents it was all about urban sprawl, about the city subsidizing growth in completely undeveloped areas at the expense of the rest of the residents. So, in part, it was the question of equity: who should pay to support all the infrastructure for that development?

Another set of constituents was very concerned about the disinvestment in the older parts of the city that was going on. While all this new investment was heading to the north side, the center of the city and the south, east, and west sides of the city—where the people of color

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lived—were neglected in terms of public investment for many, many years. And those urban sprawl critics and the inner city critics got together to defeat a major mall proposal in the early-to-mid 70's. It was at that point, as I understand it, that the growth issue got connected with the water issue.

The question of managing the Edward's Aquifer, and deciding which set of ground water users would have preference, had a long, long history apart from the development issue that came to dominate things in San Antonio. But the city policy clash was coming to a head starting from that period in the seventies through the early-to-mid-90's. There was one development proposal after another suggesting that the city become less reliant on the Edwards Aquifer and import surface water from other sources.

The focus of the controversy became a reservoir project named Applewhite. The proponents of development wanted to build a reservoir on the south side of town which would primarily fill up with treated effluent from the sewage treatment system, as well as from natural runoff. But the main rationale for that reservoir was really that it would be a holding area for water imported from outside the region. So, it was linked to a much larger plan, and it became a critical focal point for a lot of different constituencies.

This was the issue where the developers had just gone too far. For whatever reason—for lots of reasons—it came to symbolize City Hall being in bed with the developers, telling the rest of the residents what the future was going to be like—and, even though the reservoir was approved, and \$40 million had been invested in it by the City Council, and it actually was under construction, the opponents forced a referendum on it. They won the referendum, even though it had no binding effect. It was really kind of a plea: “Shall this project go forward or not go forward?” And the answer was, “No, it should not go forward.”

After \$40 million had already been invested, the City Council didn't accept that verdict. First of all, it had no binding effect. Second, they said, “Well, we have to go ahead with this anyway.”

So, they came up with a new water plan that still included the Applewhite reservoir. The City Council approved it again, and there was another referendum. They lost by an even bigger margin, at which point they conceded to reality and said, “Ok, the project is dead.”

So I got a call in '95. This is about a year after the Applewhite referenda were over, but the City still hadn't been able to do anything in terms of water policy. There were just these

polarized factions. I mean, after two public referenda, with all the political campaigning, television advertising, all the slogans and sound bites, this was just as sharply drawn a controversy as you could possibly have.

But, at the same time, the City still faced a problem—they were facing increasing restrictions on access to the Edwards Aquifer, largely because of the Endangered Species Act. This case had gone to federal court. The Sierra Club had brought a major lawsuit against all the Edwards Aquifer pumpers, including the City of San Antonio—and they had a federal judge from Midland who was intent on putting a ceiling—a mandatory ceiling—on public pumping, forcing all the pumpers to cut back.

So, if the federal courts didn't get them, then the State was going to have to adopt some form of regulation. And then the State did adopt—through its own legislature—a new regulatory regime, but that was thrown in doubt by further litigation. So, you had a mess going on in terms of litigation by environmentalists to impose pumping limits, litigation by pumpers to declare unconstitutional State-imposed limits to pumping, and for about a year or year and a half, they were at a standstill. San Antonio's water policy was always central to what the whole region was going to wind-up doing about the management of the aquifer, because they were responsible, as the largest user, for much of the success or failure of any regulatory regime, or any concept of conservation.

There was a mediator—an attorney/mediator—in San Antonio who called me. He had been talking with members of City Council for some time, and he persuaded them to give mediation a try. I happened to be in Santa Fe, New Mexico at the time. He knew me because I had taught him in a workshop in public involvement a couple of years earlier. And, actually, before this call he had brought me around to have a talk at the law school in San Antonio with a group of people including a member of City Council to just hear my thoughts about the issues, including the possible use of mediation or some consensus building approach. So, all of that early work seemed to bear fruit. He said that the City Council really wanted to do something about this. They had gotten to the end of their rope, they didn't know what to do, and they were going to try mediation.

So, they called me in and gave the assignment to me and this other fellow, Oscar, to be co-mediators of a process to break the deadlock on water policy in San Antonio. I guess the total time we spent was two or three months in interviews and preparations, and then seven months in

meetings. We had a thirty-four-member committee on water policy created by City Council. We had done a full assessment of this process, and that committee was appointed by City Council with our advice.

We had seven months of very intensive meetings. Ultimately, the committee came to an agreement that was short of full consensus. The schedule we had come up with was a minimum of six meetings of the full group—so meeting every month—and then there were many committee meetings [in between]. By the end of January we had at least as much agreement as we could get—which was regarded as a great success by the City, generally. In fact, the report and the policy that we developed were adopted, virtually on the same day, by City Council, in principle.

The agreement was really a very simple one. It was impossible to get on a level of specificity about which water sources would be used—but this was an agreement, for the first time, to explore all of the various ideas that were out there. That represented a complete turn around, since new proposals for how to solve the city’s water problems had become so politicized that it was very hard for anyone to even concede that an opponent’s idea had even basic validity.

So the City Council now said, “Everything is on the table. We will study all these ideas.” They came up with an action plan, allocating money to achieve that goal, but then the other part of the agreement was to create a public process for using the results of that scientific research to develop all further water plans, policies, and projects. We created a set of criteria—eight major criteria that had to be satisfied for any plan or project in the future. So, this was not a bold solution as much as a solution in principle that enabled the city to move from immobility to get on a track that later resulted in a full-blown Water Plan—five years later.

When I got the call, I went down and I had a meeting with the mayor and the Water Committee of the City Council, who were three members of the City Council. I also met with the San Antonio Water System—which was called SAWS for short—and that was set up as a semi-independent agency with its own Board of Directors. So, there was the Chair of the Board, and then the head of SAWS, the San Antonio Water System, was involved in this.

Oscar and I talked about the principles of the consensus building process. The City Council had a traditional method for creating any kind of task force or committee, and that

consisted of allowing every member of the Council to appoint someone, with a couple of extras appointed by the Mayor.

So, we told them that wouldn't work—and that we needed to do an assessment and interview all of the interest groups' leadership. From the outset they realized that what would set this apart from previous water committees—and there had been at least half a dozen other committees, none of which had worked—was that it wasn't going to have a predetermined outcome, which was a great problem with all the others.

The City Council members and the Mayor were not going to be on it—to keep the elected leadership away from pushing it in a particular direction—and the most vociferous opponents of the current Mayor and City policy in general were going to be at the table.

So, those were the characteristics that would set this apart. In addition, we successfully argued that there should be no appointed chairperson, that the mediation team would manage the process, which was quite unusual. They agreed to all that, and they funded the process, quite handsomely.

During the interview process, which took about eight to ten weeks, we interviewed at least seventy people representing all the major interest groups. The Greater San Antonio Chamber of Commerce was the political voice of the business community. Traditionally, that body had been conceived as very arrogant, dictatorial—they wanted to impose policies on the politicians, the City Council, and that was it. So, it was very hard to get them to turn around. I had to start with them, and then in this polarized situation with the other side—who were the harshest critics of the city.

There was one critic who had waged a successful candidacy against the current Mayor, and she had a sort of populist organization. She pulled together a coalition of anti-tax people and urban sprawl critics and a number of the minority groups. She wasn't the only one pulling them together, but she became the leader in terms of getting out front, in front of TV cameras, because she was good at that. Then, after the referendum that defeated Applewhite, she ran for mayor, and she almost won. But that was before I came.

Then there was this husband and wife couple who had just devoted all their spare time to studying this water issue. They and this ex-mayoral candidate conceived of the city politicians as “crooks—that's it.” They threw that language around a lot: There were "deeply imbedded conflicts of interests." There were "crooked deals;" the dam builders "wanted to make a fortune

from the city's water policy"—and the Applewhite group, of course, had a field day with that, because that was a bizarre proposal, a very weak proposal to begin with.

The mayoral candidate never tired of saying, "They want us to drink sewer water"—"us" meaning the southern part of the city, which is poorer and non-white—"and then they want to charge us to pay to pump the stuff to the far north side where the actual development will take place and where the beneficiaries of this new water policy will be."

So, in trying to put this group together I had to deal, first of all, with those polar extremes. Then I had to identify everyone in the middle. Ultimately the secret to getting anywhere with this process was to build up the middle. The middle turned out to include a great number of people who had been anti-Applewhite and had been written off by the Chamber of Commerce as just opponents to city policy—but it was much more complex than that. There were major civil rights leaders. There were Chicano leadership, African-American leadership, and community organizing groups. There were union-affiliated groups. There's a tremendous tradition of parish-based organizing in San Antonio, and the most famous manifestation of that was called the COPS organization, built on the Saul Alinsky model, and they had been part of this coalition. The "middle" included many, many groups, including a lot of the north side middle-class and upper-middle-class people who were fighting urban sprawl. All of those groups had reservations about the extremists of the anti-Applewhite crowd—namely this mayoral candidate and this husband and wife team. They were the bitter opponents—nobody expected them to change or to concede much of anything.

So, first of all, to build up the middle we had to make sure that the Chamber of Commerce did not just come to dominate the committee. Now usually my habit is to meet with people one-on-one, or in small groups, and draw them out. But when we first went to meet with the Chamber of Commerce they had me and Oscar go into an auditorium—where they had 40 members of their group—and get up on a stage and sit next to one of the real hardcore advocates of importing new water into the region and a bitter opponent of the anti-Applewhite people—and he was there to articulate all the things that he stood for. I got a little bit into describing what this process was about, and all of this anger and frustration just rose up out of the audience. They were not having any of this.

One member of the Chamber group just said outright, “I don’t know who else you have to worry about—this is the community”—the business community—“This is the only community you have to worry about.”

Well, mixed in there were some very influential younger attorneys and some people from the military. Even among the younger attorneys, whom I later interviewed one-on-one, some of them said, “You know, what you were hearing the other day is exactly what the Chamber has to stop doing: They have to stop ordering people what to do. And if you set up this committee, you have to make sure you get business representatives who are not going to be on the phone every night taking orders from the leadership of the Chamber but who are, instead, free to express their own opinions.”

Then, when I talked to the military, I learned that the military had formed a kind of study group of their own to look at the water issue. They had chosen one man, an Air Force colonel, who was looking for a way out for the military—so they could preserve their water supply, which was a key to getting their future missions in their own funding competition with the defense establishment. There were five bases in San Antonio at the time, so it had always been a big military town, and this one colonel was an excellent and very reasonable guy. He said, “Well, you know, you listen to the Chamber, but you listen to everybody else. Don’t take them too seriously.”

When I left this meeting in the auditorium with the business community, I felt for sure, “This isn’t going to go anywhere, if that’s the way they are talking right now.” What they wanted was that the Mayor to step up and declare what the policy was going to be. They didn’t want the whole process to be turned over to some sort of non-political public group that was going to debate the issues openly. That was the last thing they wanted. But I thought, “Well, this isn’t going to work without them.”

But some people got to them. I communicated what was going on to a State Senator who happened to be the wife of the President of the Chamber, and I talked with a member of the City Council who happened to have access to a lot of business people. The Mayor himself was allied with one of the very senior development people in the community, and sooner or later—or eventually—the Chamber turned around.

So, suddenly, the next time, they welcomed me—I met privately with a couple of the guys from the leadership, and they basically changed their approach. Instead of saying, “This is

bogus. This is the wrong way to go,” they said, “Well, we think that this might work, and here is a list of candidates we would like you to consider for this committee.”

At the time we were talking about a couple of dozen people—maybe a group of thirty-four or thirty-five. I said something like, “How am I going to cover all these different constituencies?”

They said, “Well, here is our list,” and it had about thirty names on it, because they had broken down the business community into every conceivable sector—including the military.

I said, “Well, this is a lot of names, and we can’t have this thing dominated. Maybe five?”

They just looked stunned. “Oh! That’s impossible!” They thought, there are thirty names here—you could form a committee here without adding anyone—you don’t have to look further than that.

So I took the list, and I told them, “There are a lot of constituencies,” and I told them about some of the other interests. They tried to argue down most of those. They were just awful.

I talked about some of the anti-sprawl interests on the north side—because those groups had formed very influential neighborhood associations, and then I talked about umbrella organizations within the neighborhood organizations that were getting involved in politics—and, in fact, that political dimension of the neighborhood movement elected the next mayor a couple of years later.

But the chamber just argued, “This has nothing to do with growth.” One of them just said to me, “If you think you can bribe some people into this by promising them that you’re going to deal with a favorite issue of theirs, you can just forget about it right now.”

So, I said, “Yeah, sure.”

So, anyway, I had their list, and it turned out, in fact, that the real hard liners in the business community were not on that list—that it was mostly younger people. Like many business communities, the one in San Antonio is very clever about recruiting new leadership among younger entrepreneurs, about giving them exposure, gradually, and getting them on committees, building them up prominently for public service roles. There were a large number of very interesting younger people, so we interviewed many, many of those folks. Many of them were quite moderate—and had a distinctly new cast of thinking. Some of them, I knew, would follow orders, but others would not.

There were many well-known civil rights leaders who just commanded tremendous respect in the Chicano communities of San Antonio. That's one of the great treasures of San Antonio: its history and its involvement in the civil rights movement—going back to the Mexican Revolution. One of the early calls for Mexican independence was written in San Antonio, and it was a place of exile for a lot of people who lost struggles. A lot of radical thinking came up from Mexico and settled in during the 20th century in San Antonio.

For Oscar and me, this meant that there were civil rights leaders like a fellow who had been a State Senator. He was then running for State Superintendent, a member of the State Board of Education. Another interesting person was the first Chicana elected to the San Antonio City Council in the 80's, and she had served on the same City Council as Henry Cisneros. But she was often a majority of one, because she was a person of great principle and refused to be corrupted by political offers and the business community. She stuck to her guns—at the cost of being politically isolated during that decade—but she had great standing. She had been very prominent in the fight against Applewhite, but she was a very important figure to include. Representatives of the Catholic Church had a major social justice mission, and the leader of that organization, part of the Archdiocese of San Antonio, was very influential in the community.

These groups were very obvious, very well organized social justice groups. They were already vocal and talking about the issues. Not only that, San Antonio had a tradition of organizations dedicated to civil rights and social equity. These groups were very much part of the fabric of San Antonio, and what gives some of them much more credibility was that they were part of the fabric of the Catholic Church. So, the church leadership was involved.

The COPS organization, “Communities Organized for Public Service,” had come into the picture in the 70's or so. They had a principle of not cooperating with consensus-based efforts, because their strategy was very much to pick their own targets. They like to summon politicians to their big meetings, giant rallies, and put them on the spot and basically say, “Are you with us, or are you against us?”

They want “Yes” or “No” answers on all their issues. That's the way they like to deal with people, and then they might send a couple hundred people to the City Council to demonstrate.

In the end, they agreed—they said they were not going to take an active part in the sense of being members, but that they would monitor the proceedings. They sent two people to take

part that way, in every meeting. They weren't official representatives, but they were there. But that was a very important avenue of communication in the community, because there were two organizations [like that]—one was COPS, but another was called “METRO.”

COPS had done all their organizing in certain parts of town through the catholic parishes, and METRO had done their organizing in other parts of town through non-Catholic, mostly Protestant, parishes. So, the alliance of COPS and METRO was a very extensive political community-based network. So there was really no problem identifying leadership for the poorer areas—the people of color—that was very well established in San Antonio.

[Oscar and I were trying to put a group together that the Council would approve.] So we came up with our recommendations, and they included the extremist anti-City advocates and the business community and everybody in-between.

It's funny because there was one member of City Council who was on this Water Committee who really spoke for the Chamber's interests, and she was really upset at some of my choices that I had urged on the mayor—like including this husband and wife team.

So, we were in this private session, after the Committee had finally agreed on all the members, and this woman just gave me a tongue-lashing like I've never had: “Who do you think you are? How many husband and wife teams did you ever appoint to a committee? Are you in the habit of doing that kind of thing?”

She was talking to me like I had just loaded the deck totally against city interests. Fortunately, she was not very active in the thing. There were one or two members of the Council who agreed with her and voted against this or abstained. The point was that there were two of them, the husband and wife team, as opposed to just one. That was especially galling to her. I guess they were political enemies. It was just the tip of the iceberg for her.

[But then] we went to the City Council to present this plan for approval. The City Council adopted the proposal in the form of a city ordinance with a charge to the group and a budget and indicating who the members of the committee would be.

So, what we did was [get] them all together and we had to add a few more people here and there to appease some of the interests. It got going, and it was very wild and woolly for a while, because in fact the extreme anti-Applewhite people were intransigent and intolerant.

The husband and wife team—especially the husband—was better informed than anybody else, and because the really strong people in the business community were not part of the

process, there was no foil for him. He was just born for combat—he was a divorce lawyer and a very aggressive one. It was funny—because in private you had exactly the opposite impression: the guy was reasonable. If anything, he was a restraining influence on his wife, who would go on and on forever on the issues, but in public he would get furious. He would not let a comment go by that struck him as favoring a different point of view other than his own—he had to refute it.

Well, we had to go through many process and structural things to contain him: We would go around the table, or we would break up into groups, or do various things like that so that we didn't just have a free-for-all conversation with him.

If he said something nasty about somebody else's point of view, did we stop him? Well, he didn't do ad-hominem attacks, except at one point—when I did stop him totally.

He had facts, and he had read some study, and he would talk like a scholar. If the arguments were economic, he would claim to be an economist, and if the argument was scientific, he wouldn't exactly give himself these credentials, but he would talk as if he were an expert in that field as well.

To deal with this guy eventually, there was a certain amount of kidding that would help control him. I mean the guy had no sense of humor, but you could communicate more with his wife. If I was trying to set up some sort of structure, basically, to control him, he would sit there and say, "I don't understand. I don't understand. What are you talking about?" because it was that hard for him to stop and listen to somebody else.

So, it would often take ten minutes to get the instructions through to him, and then he would say, "Oh. Oh, yeah. We'll do that." Then we would do the process, and it would work out OK. He was never easy, but after a while the group just accepted what was happening. But there was always a danger that by having the husband and wife team there and then not shutting them up completely, some people felt I was sort of giving the process away to them.

What I was doing was, in a way, hearing stories from the couple in between meetings about how it was going. The wife would say, "It was just horrible how Tom was shut up completely in that meeting. The group was losing this tremendous source of knowledge, and I just don't understand, you know?"

I would tell her, "You know, I have the rest of the group rebelling that you guys are dominating the whole thing—don't be ridiculous—just listen to yourselves." So, it was just a

constant struggle with them. Oscar knew them better than I did, and he could talk to them, often, when I was past patience in dealing with them.

How did Oscar and I divide the work? I led the process, but he had invited me into it, so I couldn't just tell him, "Leave it to me." But, in fact, he and I did develop some rather sharp differences.

First of all, as an attorney and not very experienced as a mediator, he liked to argue with people. This is not my style. You know, he would just argue with people—whether it was a one-on-one meeting or in a group! He would take on the whole group, and if they'd get wrapped up in some frenzy, "No, Oscar, you got it all wrong, you can't do that!" and they would be arguing with each other as well as with him, he thought, "Oh, this is just great. We're finally getting down to the real stuff." But I'm sitting there holding my head in my hands. It was really unbelievable.

I had to spend hours and hours with him, first of all convincing him that something he had done was totally wrong and destructive—and that I had learned the hard way by making those mistakes before—and I didn't want to go through this again, just for the benefit of his education. So there were many times when we just worked out an agreement, where he would be supportive here, supportive there, but just leave the thing to me. Anyways, that relationship was bumpy, right to the end.

How did we design the process? Well, thirty-four people are a lot of people, but we had a sub-committee structure and a tremendous amount of time was devoted to giving people background information on all kinds of subjects. It was a very technical area to get into. We had a number of very well respected experts, external people, brought in to give us this information.

There was a very wonderful guy from the US Geological Survey who was well respected by everybody. He was a natural with groups in explaining concepts simply and directly. He was just marvelous, and he put together slideshows on how the aquifer system works. He was terrific.

The group wanted to have a technical consultant work with us, and I thought that was going to be very hard to get consensus on. But in fact, there was a person who had worked for one of the river authorities, and then he had gone to work for the San Antonio Water System. I thought, "Well, this is going to poison or taint his usability in this case"—but not at all. The harshest critic of the city said, "He's been on the other side working with them, but we still respect him."

I had worked with this guy before on an earlier problem—same set of issues, different setting. So, he would coordinate with the other experts. He would find the people. He would sometimes give presentations himself. So, that was great.

The biggest problem during all of that was controlling this one guy, the divorce lawyer, who really wanted to refute anything that didn't sound right to him. When there was a scientific authority opinion that supported what he was saying, well, he was just gloating. He couldn't say enough in favor of this point of view.

Oscar and I were, from the beginning, searching for basic policy elements that they could agree on. What would be the major principles guiding the allocation of resources regarding water for the future of San Antonio? What would these principles be?

For a long time, I had to resist pressure to define the problem. They wanted to have a discussion about defining, "What is the problem we are here to solve?"

The problem with a conventional approach to "defining the problem" is that you generally end up with a definition that limits the terms of debate and forecloses some possibilities. This is especially true in a case like this, where the definition of the problem had become part of the political fight. So it became very sensitive whether you said, "San Antonio has a water problem," or not.

The anti-city policy people said, "They are pretending that the city has a water problem. They are talking about drought. They are talking about all these problems, but this aquifer is the most abundant water source in Texas, over time,"—which is demonstrably true, because of how it is structured, "over time, it has had no major decline in its elevation."

These limestone aquifers empty out in periods of drought, but they fill right back up in times when rain returns. So, to characterize this as a "water-short" situation, the critics said, just created the idea that we live in an arid environment, a water-short environment, when in fact, "All they want to do is profit. They want to make you think we are running out of water so that they can build their dam and import water! Then they could control water instead of preserving this aquifer as the sole source of drinking water. They could build over the recharge zone 'til their heart's content and do anything they want."

So, of course, on the other side they are saying, "We don't have enough water. The federal government is telling us that we have to protect this species and these springs. The way the water formation is set up, water moves across a broad area about 150 miles in length, and

narrows and at certain points comes to the surface in the form of very, very abundant springs, the most abundant springs in Texas. There's a whole economic world developed around that, as well as endangered species and very strong environmental interests. So, in order to keep the springs high, you have to be conservative in the amount of water you take out of the aquifer."

So, on the Chamber's side and others, they were facing regulations. They said, "The State is trying to limit how much water we can take out. If the State fails, the federal government will succeed because of the Endangered Species Act. We can't pretend this isn't happening. We need some other sources of water."

The way the problem needs to be defined in consensus groups is really by looking at interests, because this is a political problem that we're dealing with—the inability of the city to make a political choice. So certain interests have to be satisfied, and all those interests were around the table. All of those interests have to be satisfied before the city can break out of this impasse. That's the problem.

Now the boundaries around that are that you're talking about water policy, you aren't talking about transportation policy. But still, the basic question was, "How is the city going to spend money in the future on water sources and water supply?" That was the charge and that's what I limited the discussion to. The city didn't say exactly that, but they did say "water policy."

The principles came out more spontaneously, because one of the structural devices we used in this big committee—an unruly committee in some ways, in addition to using sub-committees—were interim reports that we had to make to the City Council. Everyone wanted fast action, and we had to make an interim report about two months into the process.

I can't remember who suggested this. I think what happened was that the committee had been talking and identifying issues as we went through the process of looking at information and recording people's reactions and all of that. What I did was to take a huge roll of newsprint, and after one meeting I spread that out, about 30 feet long, and I had written all of the ideas they had come up with. I clustered them into groups that made sense to me. I put this up on a huge wall in this vast hotel conference room that we were in, and I started pointing out what I was hearing in terms of the clustering of these issues.

One of the big clusters had to do with people's sense of community: Whatever policy they came up with had to show that San Antonio was together, that it was unified—the water policy wasn't just driving the city apart. Some people wanted that as a kind of hitch to the

outside world in terms of economic development. Some people wanted that because it was a deep core value they had as social justice advocates—or whatever.

So, community unity stood out as something that came up again and again, and then there were a few other things, like equity. The issue for some people, African-Americans on the east side, for example, was, “Hey, we are saving water. We’re paying high prices for water, but then when I drive up on the north side, I see these hoses going forever, these sprinklers going forever, on these golf courses or whatever. It’s unfair. We have to cut-back, but on the north-side they can have all the water they want.”

Not only that, the city had an old-fashioned rate structure under which you paid less per unit, the more water you used. So that favored the commercial interests.

So I put up this big newsprint with these clusters of issues. Out of that I said, “Now we need to come up with a report. What are we going to do?”

People really sort of looked at that and kept thinking about it, and came up with this: “Well, there are some principles we can say that we agree on,” and those eight core values came really to be the heart and soul of the ultimate agreement.

So we identified those principles for this interim agreement, and it was almost a matter of course at that time—they didn’t even think this was a big deal. It just seemed self-evident, but in fact it was a very big deal.

We went from clusters to principles, because in clustering I brought up some of these more general ideas. I named them. I didn’t try to do anything more than that—it was just a big, huge deal. And that, I think, registered with people.

It wasn’t at the same meeting, but a couple of meetings after, that they said, “Ah! Principles—there they are,” and they got in the habit of thinking, “There are some basic things that we share—in terms of concerns—and we need to acknowledge those.”

The deadline for this report was an important factor in making it happen. There was a lot of pressure in the process. That was very good, because for that six or seven-month period—you can’t hold people’s attention for a real long time—this process became the only game in town. If you wanted to talk about the future of water policy in the city, this was it.

Now, if it were any less important than that, then I don’t think there would have been the pressure to agree. There was a lot of publicity around it. There were columns in the newspaper written about it. There were TV and radio reports regularly about what was happening. One

curmudgeon columnist ranted in one column about how much money this was costing and how it wasn't going to get anywhere, how it was a big waste of time. So, the pressure was important.

The deadline was important because people needed to see results. The next year, the mayoral election was going to be held. So I had a mayor who was going to run on having made a breakthrough in water policy — so we damn well had better make a breakthrough in water policy! — and I had the arch-opponent of the mayor from the previous election, whom everyone expected to run again—and, in fact, she did—and she was going to run on the fact that the city had screwed up water policy. So everyone thought, "She'll never agree to anything," because it wasn't in her political interest to do so.

As we moved towards the end of this process, then everybody else started declaring their interest in running for mayor. One was this very grandfatherly member of City Council who was monitoring the whole process with us. He was in the room largely because he had a good relationship with the anti-Applewhite people and with the Mayor. He was a very helpful intermediary, a kind of calming voice on the radicals. He was not a member, but he was there. He would remind them that the City Council had this in mind, and it didn't have this other thing in mind—when they wanted to push the scope of the process. He decided that he would run for Mayor.

So I had three mayoral candidates directly involved in this. Then another mayoral candidate—whom I had interviewed during the run up to this whole thing—wasn't at the table but was a member of City Council. He declared he would run for Mayor, and he sent a letter to every member of the committee—except for the radical anti-city activists of which there were four.

His letter said, "Be reasonable. Come up with a policy. Don't listen to [the mayoral opponent] and the Smith husband and wife team. Make this breakthrough—do it."

He wasn't specific in his suggestions, but he was specific in saying, "Repudiate the extremists and come up with a new policy."

So he was getting political points out of this "Open Letter to the Committee," and all that was very good—because there was a lot at stake, and when there's a lot at stake, you've got to get this resolved. Something has to happen here.

To help them move ahead, the interim reports were the occasions to summarize what they could agree on, without saying, "This is a big deal," and saying instead, "This is just an interim

report”—We've got to tell them something, and here's an opportunity to summarize things we've been talking about.

So from the first meeting I had them talk about, “What would be achieved if we succeeded in this process and had a great breakthrough?” and, “What would the future look like if we did not succeed?”

I had them talk about that in small groups. Then, after we had many meetings of background information, bringing out all the ins and outs of the technical problems and the policy questions, I did my thirty foot spread of clustered issues and got them thinking again: “OK, here are the good things that can happen, and here are the bad things that can happen. You keep coming back to these same things.”

So when it was time for that interim report, the way had been prepared for people to say, “Well, there are some things we can agree on—at the level of general principles.” That was a very important step.

Now, in an intuitive way I knew that we were heading in that direction without explicitly saying, “This is the goal of the process.”

I didn't tell them, “We need to come up with these principles before we do anything else,” but it did emerge.

I expected something like that, because I could hear right off the bat some of these big themes that kept coming up. I didn't tell them the themes, they told me. I wouldn't have known these ahead of time really, so from that first discussion as these things started coming up—it was my job to put the words in front of them to show, “Last time you said this, this time you say that—this is all tied together.”

After this midpoint of formulating these principles, the group felt very strongly, “Ok, we want a big report—a big report about how all of these issues fit together, and that will be the structure for indicating what our policy recommendations are.”

I argued against that. I said, “There is no way you can do a big report. It would be a hundred pages. How the hell are you going to agree on a hundred pages? We have a lot of principles agreed upon—and that's great—and there are some more of those, but if you try for a hundred page deal...”

They would not accept that. They said, “Oh, we can do it,” because after having done those eight principles, they thought, “Hey, we can do more. We can really do something here!”

So, anyway, they set up a drafting committee and in a couple of meetings—maybe it was just the first one or two meetings—the lights went on.

It started really in one of those hallway conversations with a few people and they said, “Now, look. What if we just said, ‘We don’t make a choice about which water strategy we are going to follow.’ We don’t say, ‘We’re going to follow the Smith strategy.’ We don’t say, ‘We’re going to follow the Chamber strategy.’ But we just honestly study all of the strategies side by side—we don’t rule anything out—and we allocate money to make sure every conceivable strategy is thoroughly reviewed, and do that in a very public way so that it’s above-board?” That was the key. That was the contribution of these principles.

The committee members didn’t really have adequate data about the strategies at the time of the discussion. The Smith’s kept claiming, “We don’t really have a problem. You can re-think your way of managing this aquifer. You can take more water out of it.”

But they didn’t have a technical solution worked out—at that point—though about four years later they did—but at that point it was the vaguest thing. So, even if you believed it—if you wanted to believe them—there was nothing really to look at. There was nothing to show that there was no problem, and it would take years of study to fill in the blanks. The best we could really do was to say, “We will study all of these things.”

The committee that decided this included some of the radicals and people on all sides. There were some very reasonable people from the business community, this sort of younger generation. They could see the logic of this. The military was interested in this approach, and everybody wanted the military on their side. The military was just so important. So the business community claimed the military as one of their own, and the radicals were just as eager to demonstrate to the military that they could have a better deal if they forgot about the expensive importation schemes and focused on the aquifer.

So the committee had this meeting where it was just clear as a bell to them. They said, “This is going to work—we really have the secret.”

Then they went to the full group, and it was a very interesting case where the committee was so excited about what they presented, but the verbal articulation of it sounded very flat, and it didn’t click with anybody else. The others just said, “What’s that?”

They didn't even put it the way I put it, "We'll keep everything on the table." They just said, "Well, here is the structure of a report," and they put it in a very boring format. I should have worked more with them on that.

So it took several more meetings of thrashing through the issues and getting everyone to see that they were really onto something. During one of those meetings and thrashing sessions, there was a mess created by my co-mediator, Oscar, who got everybody in the room angry at him. I just wanted to hide. But in the end, it was all useful, because they struggled through it, and they really got some clarity.

We got through to a point where we said, "Well, to wrap this up and to finish up this big report, we need a weekend retreat." So, we had a weekend retreat, and we went through all of the recommendations trying to get drafts of all the language of this big report. But unfortunately—and as I feared—the drafting committee started coming up with drafts that were partisan. They just weren't able to write objectively, dispassionately.

I was helping, I was involved, but they were doing the drafting. Then I would see the results and say, "What the hell is that?" —Because one of them read just like a brief or a PowerPoint [page] about who was right—it was horrible.

So this started creating problems, and [even though] we reached a lot of agreement in this weekend [retreat], it was getting into the last week and we still had this big fat report that was just too long.

What I had foreseen as a problem came to pass. They could never agree on a hundred pages of garbage. The result was that they were focusing on the twenty things they couldn't resolve and forgetting about the twenty things they had resolved already and had already agreed to.

We really got down to some hot and heavy issues during one last meeting, and they spent the first hour of this meeting just fighting back [and forth], back and forth. It was just reverting to the worst behavior.

So I said, "Ok, we're taking a break, and I'm going to come back and I'm going to make a proposal."

We had about two days before we had to bring our final report to the City Council, and I figured that what I was going to do was strip this down, throw out most of this language, and get it down to core principles that I knew they had already agreed on.

I'm not sure it would have worked, if I had announced that after the break, "I'm going to do this."

But fortunately, the military guy, this colonel, said, "John, why don't you give me a few minutes after we come back from the break?" He was writing up—on a flip chart—exactly what I had in mind: "Here's what we have to agree on"—because he had listened to the Chamber—and the Chamber by that time was putting on more pressure saying, "What the hell? You have this huge report. It doesn't make any sense, and you guys have to agree to this and this and this"—they were really getting surly. They could have screwed the whole thing up.

But he had been to all those meetings, and he took what he wanted away from it, and he had also listened to the Smiths, and he had listened to all the experts too. He saw that there were some ways in which the Smiths were right on—about how the aquifer worked, and the way the problem looked to them, and he could also see where they went too far, where the facts didn't support them.

So he said, "Well, look: We pretty much have to agree. We've already agreed on these things, but there are a couple of other things we have to agree to—because we can't change them." He just explained it in that way, and again, he was from the military and everybody wanted the military on their side.

The relief was instantaneous. It was one of those great moments where we went from what some people call the "groan zone," where people are at their worst—fighting, accusing, and falling back to the original behavior that got them there in the first place—to where, all of a sudden, there was this wonderful exhilaration and excitement that "Hey, we can do this!"

So, we resolved that the Colonel and I, overnight, would produce this small report. At a final meeting the next night we would notify everyone and build our consensus, and the morning after that we would take it to the City Council.

So we got to that meeting and everybody came out in support of this compromise proposal, including almost all of the old allies of the radicals. One by one, they came out and supported this, including people in the audience during a public comment period, very influential people. But four of the radicals wouldn't sign off. They kept holding out. They were the two Smiths, the mayoral candidate, and then there was this other guy—they just refused to sign.

The rest of the group was really at the end of its patience. I was feeling kind of bad, because I knew we were going to wind up with signatures—as if it was a form of voting. So I

was feeling badly, thinking, “If we don’t get them, what kind of agreement do we have?” They refused to sign it; but everybody else signed it.

The next day, we went in to City Council, and we presented this report. I presented it for a little while, and then everybody talked about it—the mayor, and all the members of the City Council. They hailed it as a “big breakthrough,” then at least half of the members of the committee came up individually to offer their comments.

Then it was the turn of the mayoral candidate. She got up there, and the first thing she did was to thank the Mayor for sticking to his promise and not meddling in the committee for six and a half months—for staying on the sidelines. He stuck to his word, and she gave him a lot of credit for that. She pointed out all the things that she was pleased with in the report—that it really did make progress—and then she ranted a bit about the things she didn’t like.

So did the Smiths, Tom and his wife. They basically gave this a mixed report card.

It was pretty clear that there were certain things that gave the City license to do what they wanted, but the Smiths were able to benefit because the report brought many of their principles to the table for the first time, getting them into water policy in the City in a more legitimate way, without their actually having to sign it. So this was a classic case of their letting the thing go through—without actively opposing it—and, in fact, offering some public praise for it.

So I then felt much better, when I realized the logic of that, from their point of view. That was very exciting. In fact, over the succeeding five or six years, those critics repeatedly referred back to this agreement as almost a covenant that was reached by the city with all the different constituents, every time they were afraid the city was varying from that. So, this became a sort of classic text—this was the core agreement: it was very exciting.

There was a commitment in this agreement to an open, public process. That was important, because in the past the experience of anybody who disagreed with the Chamber of Commerce or the city water policy was not only excluded from a committee, they were usually told to leave the room if it was at all a public meeting. They were used to being hounded out and totally excluded. So, the commitment to that open public process was really, really a key thing.

Now, the reality of that is that nothing in that agreement is all that major. It is the sort of agreement that could sit on a shelf and not amount to anything. But what was important was everybody who signed it—and the fact is that they stayed with that commitment, and the city stayed with that commitment as well. So that is what set it apart.

Reflections on Power, Process, and Politics

This was a very interesting case because here the powerless or the relatively powerless had built their power, and they had fought and won against the city establishment against all the odds—all the money was on one side. But this strange coalition of people—many of whom were in very poor communities, and many from wealthy communities too—this strange coalition beat the powers that be. So they weren't powerless anymore—in terms of politics and counting votes, they had made their point—and they could not be denied.

As for the Smiths, I think if I had known all the trouble I was going to have from Tom Smith, I would have just settled for having his wife there. But it seemed, going in, that the basic principle was that the people who the City vilified needed to be at the table.

The City had vilified the Smiths and the mayoral challenger, and they had fought major campaigns against them to discredit them. So it seemed essential—but I think one of the two would have been “OK.” On the other hand, had Tom not been there as a member, he would have been dogging the committee. I was somewhat fearful of his command of publicity outside the room. He would've really created problems for us.

This case had high press visibility. We simply agreed that no one was going to speak on behalf of the committee, until the committee authorized somebody to do that. We couldn't keep individual members from talking to the press, but they always had to specify that they were only giving their own opinions, talking as individuals.

The point was that we were trying to create an atmosphere for collaboration. It's very easy to destroy that and to destroy any potential for trust if you're yelling at people in front of a TV camera and then sitting down next to them trying to get them to agree on something.

Nevertheless, the mayoral challenger often violated that, because she couldn't resist a sound bite here or a sound bite there. I missed many of those, since I was commuting back and forth from Santa Fe, New Mexico. But she did that, sometimes, and so did some of the others.

Oscar spoke Spanish, but I didn't—which didn't matter so much in this process. Race and ethnicity was very interesting here. I've worked on water policy issues for 25 years, and often I've seen cases where people of color were not involved in the discussion at all. Sometimes that was because you were talking about water planning over a fifty-year period—you're not talking about some immediate issue in this community, which people can relate to—it gets very abstract,

very quickly. But these communities had been engaged on this issue—they were in the fight, and they were well represented at the table.

So, this was an exception—there were issues of discrimination implicit in the basic problem about equity and the fact that the developer community had been leading the city for twenty years to focus investment and development dollars north instead of in the old part of the city. So, that was there, and the rate structure and all those things, and they were [all connected].

San Antonio has learned to make plenty of room in the public sphere and in the political sphere for people of color—but not in the economic sphere. [But] I think they were well represented [here].

I love the politics in this work and figuring out what people are trying to gain and what they want, how to define their “threshold” for declaring victory, or loss. Often you have to work with them on that a little bit, because they may not be clear, in a strategic sense, when they have won enough, when they need to back off, and when they need to moderate.

The Smiths are a great example of shooting themselves in the foot, because they couldn't listen to any other point of view. After a while, they really did isolate themselves, because everybody else came to see, “Hey, there are some reasonable things here. We want to move ahead. We don't want to be just held up in this constant struggle,” and so the Smiths were alone in the end. It was quite dramatic: They angered many of their allies, alienated many of their allies. Even some of their people, who in the past pretty well trusted them, couldn't understand why they were—or at least Tom was—so “out of control” during the process.

So I'm really intrigued by all of that. What I learned most from the process involved this question of “What is consensus?” What does it mean to say, “Well, can you live with this, even if you can't sign the document?”

That was the first time that it really hit home to me that I didn't need 34 signatures from a 34 member committee to have a very workable consensus.

Normally I'd thought that we should have a 100% consensus—[but] here, I saw that you didn't always need to. Now, I don't usually imagine that you're going to get 100% from a big committee like that. But here were four major spokespersons for a particular point of view, and at the outset it would have been inconceivable to me that if we didn't have their willing acceptance, then we would still have an agreement. I had to learn that, “Well, they're letting it go ahead, and they're taking advantage of it to this extent—that they wanted to keep an out for

themselves for the things they don't agree on, and their way of doing that was even going so far as to offer 50% praise in public to their enemies for what was achieved, and then holding back their signatures as a symbolic repudiation of the rest."

In terms of people's interests—I don't know that they came out of this process any different than when they went into it. In this case, well—I think some people did come out differently. I think there were some people who found it very hard to imagine that they would ever wind up accepting an agreement that also had the blessing of the Chamber—and many people in the Chamber sure as hell wouldn't have imagined that they would get that close to a general agreement.

Did people think about their interests any differently because of this process? I observed a bit of changing thinking about interests on the part of the new generation of business people—because I couldn't have had a more graphic or dramatic example than having the old guard telling me, "Now, this is the only community you have to worry about. We're the employers. We run the place. That's it," and then having the younger people saying, "That's crazy—they're shooting themselves in the foot the way the Smiths are shooting themselves in the foot. They say these outrageous things, and make these outrageous claims, and they alienate everybody, and you can't get away with that."

So there are really interesting internal differences within the parties. The parties themselves have varieties or kinds of interests that are sometimes hidden by some of the more vociferous members—absolutely.

Do I now have any criteria that would be different in terms of whom I would have selected for this committee? The vociferous Chamber of Commerce people de-selected themselves. I would have put them on there. In fact, I would have picked one of the real heavyweights from the business community, but he chose not to participate. I was never 100% sure why that was, but I was told that he was offended by the presence on the committee of someone who had led the battle against his big mall in 1973.

You often run into organizations that are used to litigating or running campaigns. Their "element" is propaganda or legal argument, and the organization—maybe because of their efforts—has put itself in a position of being invited to the table [then] to negotiate for something.

Often I had to argue with the organization on the side: “Well, these are really great people for the court room or in front of the TV cameras, but are they the right people to have for negotiating? It’s a different kind of skill set, you know?”

So sometimes I can succeed in getting a group to make a different choice, but sometimes I can’t. In the case of the Smiths, I might have found someone more suitable.

Something I didn’t expect at all was fighting with a co-facilitator. I wasn’t expecting that. But I just saw it coming the first time we were negotiating the contract: I heard how he talked to the city attorney on the contract, and I thought, “Oh my God! He’s just arguing”—it was his instinct. I just knew I was going to have trouble.