

CASE STUDY 4: Malden Negotiated Investment Strategy

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The Malden, Massachusetts, negotiated investment strategy (NIS) case, like the Common Ground case just presented, was a proactive policy-making process. It did not evolve out of a site-specific dispute in the traditional forum. Instead, it was an attempt to bring together diverse groups within a community to discuss issues of mutual concern in order to jointly chart a course for the city's future. These groups had seldom collaborated in the past. In situations such as this one, keeping the process together is even more difficult because there is no common issue, crisis, or dispute to pull people together.

The Malden NIS tested, in a local context, innovations to the NIS process previously applied to the allocation of federal and state social service monies in major cities in Ohio, Minnesota, and Indiana. In Malden, it involved three teams representing local business, government, and citizenry to address mutually agreed-upon issues in a community coping with economic decline. The process had foundation funding and involved several individuals serving as mediators and facilitators. While it presented a tremendous commitment of time and energy for the individual citizens involved, the NIS established a citizen voice on many issues where one had not before existed. The process paid particular attention to implementation of the agreements reached and, as a result, is still a viable force in the community even though the process itself has come to a close.

Some key procedural issues that this case illustrates include:

- Mobilizing an organization and a constituency and then keeping it interested in a proactive process rather than a process reacting to an immediate crisis.
- Building effective representation among all participating groups, particularly among the citizenry.
- Use of a neutral organization to help convene and legitimize the process at the outset.
- Use of a formal mediator with a staff to provide assistance.
- Recognizing the responsibilities and options for both participants and facilitator in developing process skills and understanding for all individuals and organizations involved.

- Recognizing inevitable time constraints when developing an agenda at the outset.
- Managing the logistics of a process involving so many individuals and groups with their own schedules and activities to maintain.
- Use of smaller "tripartite committees" or working groups to generate working documents for the larger group.
- Use of "single negotiating texts" to foster decision-making and agreements between the groups.
- Importance of having one or two key spokespersons for each "team" or interest area.
- Symbolic and procedural ways for citizens to build power and influence in an EDS process, particularly in situations where they do not have an organized constituency giving them support and guidance.
- Acquiring and then managing information.
- Generating media coverage when desired.
- Taking advantage of the doors opened by the process (particularly to citizens) in order to maximize the effect of the process.
- Use of an implementation appendix and building opportunities for monitoring and renegotiation of the final agreement in order to foster compliance with the agreements reached.

Unless otherwise noted, information and quotes in this case are from the author's personal interviews with the participants.

Background

Malden, Massachusetts, seven miles north of Boston, is a "typical" northeastern, industrial city. Its declining population, now about fifty-three thousand, has become increasingly blue collar, older, and poorer. As a result, during the early 1980s, the city confronted reductions in its tax base and revenues. At a time when the city's infrastructure and housing needed almost constant maintenance and repair, and its aging residents were requesting more services, the city cut its expenditures per capita by 47 percent. Moreover, the city's already diminishing property taxes had been reduced by a statewide tax reform measure (Proposition 2^{1/2}) and it faced a loss of almost half its federal aid.

Passed throughout Massachusetts in November 1980, Proposition 2^{1/2} stipulates that a city may collect no more than 2.5 percent tax on a property's assessed value. While city officials blamed the decline in the quality and

number of city services on the belt-cinching caused by Proposition 2^{1/2}, there was citizen concern over the city's handling of the revenues and its choice of program cuts. Two reports, the most detailed one from Touche-Ross, a prominent accounting firm, commissioned by the mayor, the other prepared by the University of Massachusetts, and requested by the mediator in the negotiated investment strategy (NIS) process analyzed in this case study, had specifics about lack of services, incurred expenses, and overall waste.

This information, which was used in the NIS process, confirmed for some citizens their feeling that the government was insular and hard to access. They saw Mayor Thomas Fallon as one who liked to keep things in City Hall. As closed as City Hall may have seemed to the citizens, the public employees' unions exerted their influence there. Fred Ciavarrro, an NIS participant, warned, "If someone doesn't discuss things with them [the unions], they will take off on their own tangents." Strong union support had helped elect Mayor Fallon to his first term in 1981. As one Malden resident remarked:

There's a lot of apathy in Malden, you can win the election if you have strong organization. Two years ago, he [Fallon] had the teachers, firemen, police. No one else had the organization when the election rolled around. This time [1983 election], he lost much of that. At first, no one thought they had a chance, and then they didn't have enough time to organize a campaign.

As a result, even though his popularity had declined dramatically, Fallon won a close election soon after the Malden NIS began.

While those who participated in the NIS had a strong commitment to Malden, this overall political apathy can hardly be overexaggerated. The city has been described as having a "negative self-image" (Zimmerman 1984) and, as Barbara Tolstrup, another NIS participant, explained, "Malden doesn't support things." Her involvement in preserving the city's legacy began in 1974, when the city decided to replace the old City Hall: "If I could have gotten just 100 people to back me up, I think I could have saved it. . . . 100 out of 50,000 and I couldn't even get that."

Some of the longer-term residents shake their heads and say that this apathy persists because Malden is a working-class city with high transiency, and people just want to do their work and go home. Most read the Boston papers, missing local information in the Malden press. Many of those owning substantial businesses are not residents. There is a solid church-going public and some very tight ethnic (Jewish and Italian) neighborhoods, but they do not usually work together. They feel there is no longer a core of long-term residents. Finally, they suggest, Malden is conservative, and people are suspicious of anything new. They would rather wait and see what happens . . . or let someone else do it.

The Generic NIS

The Charles F. Kettering Foundation of Dayton, Ohio, first developed the negotiated investment strategy in 1978 as an innovative

approach to improve the use of public and private resources in local communities. . . . A central feature of the approach is that the local jurisdiction, the state, and federal governments should each develop strategies for particular places, which reflect their respective sense of priority among competing objectives and program activities to achieve them. It is expected that there will be differences of opinion about these strategies within and across jurisdictions. The major new ingredient . . . is that these differences would be the subject of a series of negotiations between local, state and federal negotiating teams, facilitated by the independent negotiator, which would—if the process works—result in agreements and commitments of all the interested parties to well-defined courses of action. . . . The Negotiated Investment Strategy then, is built on a negotiating process, involving teams representing three potentially different sets of interests. . . . It would be the purpose of the negotiation and the job of the mediator to find as much common ground as possible among the positions of the three teams. (Garn 1980, 3)

The NIS has guided the planned and coordinated investment of public and private monies in St. Paul, Minnesota, Columbus, Ohio, and Gary, Indiana (Charles F. Kettering Foundation 1979). In addition, this process has structured negotiations over the distribution of federal block grants to social service programs in Connecticut (Watts 1983).

The key elements of the model for these first NISes were:

1. Three negotiating teams to represent the city (including the private sector), the state and the federal government;
2. An impartial mediator;
3. A series of formal negotiating sessions among participants;
4. Written agreements containing mutual commitments;
5. Public review and adoption of the agreements;
6. Monitoring of subsequent performance by each party. (Garn 1980, 1)

While the Minnesota, Ohio, and Indiana NISes involved local, state, and federal government officials, the Malden NIS was the first to incorporate citizens. The mediator, Dr. Lawrence Susskind, saw it as an experiment, an opportunity to collaboratively develop a "3-5 year action plan pinpointing public, private, and voluntary commitments aimed at resolving key problems facing the community" (Cook 1984). Susskind was then executive director of the Program on Negotiation, a Harvard-based interuniversity consortium of academics and practitioners whose objectives are to improve the theory and practice of conflict resolution through research, education

and training, public education, and improvement of dispute resolution procedures. A foremost theoretician and practitioner in the dispute resolution field, Susskind had mediated the earlier Columbus, Ohio, NIS and saw Malden as a testing ground for innovations of the NIS process in public sector disputes. The "recipe" for this NIS was:

Take a place where people are accustomed to but dissatisfied with a decision-making process based on conflict. Inject a new process of collaboration, guided by a neutral mediator, where interest groups negotiate the framing of problems and development of solutions. Let the solutions involve actions on the part of the stakeholders so that cooperation is maintained and the community members themselves become a part of the solution. (Glover 1983)

The Malden, Massachusetts, NIS

A loose string of events connected Malden with Lawrence Susskind and the NIS process he was advocating. The situation in Malden made an attempt at an NIS particularly appealing to the Program on Negotiation staff:

1. Its problems were readily apparent;
2. The city did not have the option of spending large amounts of money to make those problems go away;
3. Interest groups were in potential competition for scarce funds;
4. Malden was small enough to be "handleable";
5. It was close to Cambridge and the Program on Negotiation;
6. There seemed to be a strong sense of community;
7. The situation was not yet a crisis; there was still time for talk. (Glover 1983, Cook 1984)

Mayor Fallon had first heard about the NIS when Susskind spoke at a 1982 new mayors' conference at Harvard's Kennedy School of Government. He met with Susskind to discuss the possibility of using mediation to address Malden's problems. While the mayor's commitment is one key to potential success of such processes (Garn 1980, 20), Fallon's gains were many as well. He was running for reelection, and supporting the NIS would show his interest in helping Malden. Because Susskind had obtained \$25,000 from the Lincoln Institute of Land Policy for what he hoped would be a nine-month project (April-December 1983), the NIS would cost the city nothing. Furthermore, Governor Michael Dukakis's development policy supported local agreement before the commitment of state funds (Glover 1983) and the Office of State Planning was interested in seeing if this process could help other cities reach consensus on resource allocation.

After sounding out the Chamber of Commerce, Rotary Club, and church groups that would have a stake in such a project, Susskind decided there was adequate interest to proceed. Susskind commented, "I sensed there was some drifting mechanism for mobilizing the citizens. I went one step at a time—that's what you always do." The mayor gave his official backing, and the prenegotiation work began.

Prenegotiation: Establishing Teams

The terms "prenegotiation," "negotiation," and "postnegotiation" are those used by Susskind and Madigan (1985) to characterize the stages of the NIS process. These terms will be used here to structure the presentation and analysis of the Malden NIS.

The mediation staff suggested a division of interests for this NIS into local government, business, and citizen teams.

City Government Team

For the city government team, the mayor selected officials (both elected and appointed) as representatives. The team leader was purposely not the mayor, but was instead strategically selected to help legitimize the NIS. Susskind recalled:

Here, if the mayor didn't play, I knew it wouldn't go. If he didn't start it, I knew he wouldn't play. I suggested that he step out and appoint a replacement. I was afraid if it looked like the city had too heavy a hand [i.e., with Fallon as team leader] that people would think it was just a ploy.

Fallon appointed Ed Tarallo, the city planner, team leader. Most of the chosen senior managers or department heads willingly participated, offering input, especially as their job or knowledge related to the anticipated issue areas. Although it was politically wise to serve, there were no penalties imposed on those who could not. Members from the Malden Redevelopment Authority, school board, and the school superintendent also either directly participated or attended some of the sessions. While City Council representation was sporadic, the NIS staff kept it informed of all proceedings.

City Government Team

| | |
|----------------------|-----------------------------------|
| Tom Fallon | Mayor |
| Ed Tarallo | Planning Department (team leader) |
| Salvatore Baglio | Wire Department |
| Captain Neil Buckley | Police Department |
| Tom Callaghan | Mayor's Office |
| Morris Cocco | Code Enforcement Department |
| Neicei Degan | Council on Aging |

| | |
|-------------------|--------------------------------|
| Arthur Green | Department of Public Health |
| William T. Green | Police Department |
| Jack Kelly | Department of Public Works |
| Ed Lucey | Malden City Council |
| Paul Phaneuf | Malden Public Schools |
| Charlie Toomajian | Malden School Committee |
| Stephen Wishoski | Malden Redevelopment Authority |

Business Team

The Chamber of Commerce invited all of its members to a meeting to determine what interests would best constitute the business team. The business community in Malden is not cohesive—there are small, local merchants (“your mom-and-pop store”), bankers, developers, and large corporate offices. The group identified eight major interests (merchants from two shopping areas, real estate, legal, medical, banking, manufacturing, and utilities), each of which was to delegate a representative. The Chamber of Commerce also selected three at-large representatives, and two seats for self-delegated latecomers were left open.

Business Team

| | |
|----------------------|----------------------------------|
| Bernie Rotondo | Data Printer, Inc. (team leader) |
| Joel Adler | Lester’s Floor Covering |
| John D. Carney | Massachusetts Electric Company |
| Paul Carroll | Memory Lane Restaurant |
| Robert Chapman | Century Bank and Trust |
| Gerald Downen | Malden YMCA |
| Paul Duffy | Dentist |
| Judith Escott | JE Realty and Insurance |
| Donald Favorate | Nelson’s Bakery |
| Richard Harold | Dentist |
| George Julian | Underground Hair Salon |
| Stanley Krygowski | Malden Hospital |
| Bruce Male | Traveling Nurse Corps |
| San Reinherz | Reinherz Realtors |
| Ted Riter | Malden Trust Company |
| Geraldine Rooney | M & M Supply |
| Ed Shapiro | Bank for Savings |
| Carol Sullivan | Malden Chamber of Commerce |
| Theodore von Kamecke | Von Kamecke Corporation |

Citizen Team

At Susskind’s request, the Malden Interfaith Clergy Association hosted the first meeting of interested citizens. He had chosen the association because:

Malden is a town of churches and synagogues. To reach the community without going through city government, since there aren't neighborhood organizations in all areas, we went through the churches. They didn't smack of politics.

The association had active representation from all denominations and contacts with a large proportion of the community. John Knight, president of the association, expressed enthusiasm about the prospect: "I am sold on the idea of 'people power.' I feel the people can be involved *and* get things done." Press releases in the local newspapers, flyers sent home with all public school children, notices in church bulletins, and invitations sent to civic clubs and organizations announced the first public informational meeting.

Many of the forty who attended initially came out of curiosity. Fred Ciavarro, who later became the citizen team leader, said, "I wanted to see if this was just a title, an occupier of time, or would be a working thing. It was worth a try—no guts, no blue chips (no risking, no winning)." Others, like Barbara Tolstrup of the Historical Commission, came by invitation. Margaret Glover, the first citizen team mediator, recalled, "It was a mixed bag. A rabbi had twisted the arms of six or eight to come with him; there were people new in town; those with particular peeves they had or were fighting out with the city; a group that was habitually involved, and some with political aspirations."

After an introduction, Susskind led a general discussion identifying interests everyone felt should be represented on the citizen team. By general consensus, the group decided to work for representation by the eight wards in Malden and by including others who could speak for consumer interests. The core of twelve who volunteered to serve on the citizen team was to receive support, input, information, and when necessary reinforcements from the larger reservoir of citizens. Theoretically, this "team-building" framework would allow some participants to reduce their commitment when necessary and would be able to incorporate latecomers smoothly into the process.

According to Susskind and Madigan:

Ongoing recruitment was especially important, because many key parties initially refrained from participating because they were skeptical of the process. . . . Ongoing team building efforts allowed the NIS process to continually absorb new important parties as the process gained credibility. In the end, negotiations were able to focus on team concerns (and not just on the concerns raised by individuals). (1985, 179-203)

Although the group was excited about the prospect, it was these original twelve who continued with the process. Gail Jackson, one of the citizen members, speculated that the creation of the core team made some others feel their input was no longer important, and they dropped out. The core

team represented a diversity of interests, including the YWCA, Alcoholics Anonymous, Loyal Order of the Moose, B'nai Brith Girls, and the League of Women Voters.

Citizen Team

| | |
|----------------------|---|
| Fred Ciavarro | Ward 7 (Boy Scouts) (team leader) |
| Helen Brock | Ward 3 |
| Celia Brown | Ward 7 (Malden Public Library) |
| Joe Churchill | Project Triangle |
| Gail Jackson | Ward 5 (Human Rights Commission) |
| Rita Hashem | Ward 2 |
| Reverend John Knight | Ward 3 (Malden Clergy Association) |
| Ed Lemberg | Ward 7 |
| Dorothy McNeil | Disabilities Issues Commission |
| Sarah Plummer | Tri-City Community Action Program |
| Steve Schnapp | Tri-City Community Action Program (TRICAP) |
| Joseph Shepard | Ward 7 |
| Harold Sparrow | Ward 7 |
| Barbara Tolstrup | Ward 8 (Historic Commission) |
| Deborah Wayne | Ward 6 |

Facilitation Staff/Mediators

Susskind brought with him several assistant mediators, most of them graduate students from the various universities associated with the Program on Negotiation. Because the NIS was a learning experience for all, the duration of these mediators' involvement was tied to the academic calendar. The first group (until December) included Mark Sarkady, an organizational development consultant, Brad Rendle, a Malden resident who had contact with the business community in Malden and some experience in group process, and Margaret Glover, a Harvard Business School graduate student interested in dispute resolution. Ann Cook, a graduate student in urban planning at MIT, joined the group in September. Each mediator was to oversee one of the larger teams (citizen, business, or government), as well as work with one or two of the committees that were addressing the chosen issues (see next section). Susskind chaired most of the full negotiating sessions when all the teams met together. The mediator staff turned over at the end of the school semester, November and December 1983. At this time, four new mediators, Sebastian Persico, Karita Zimmerman, Larry Dieringer, and Denise Madigan came onto the scene. Except for Madigan, who also served as administrative coordinator, all were graduate students at Harvard or MIT. Observers from the offices of Senator Paul Tsongas, Congressman Edward Markey, and the governor also monitored the experiment.

Facilitation Staff/Mediators

| | |
|-------------------|---|
| Larry Susskind | Chief mediator |
| Margaret Glover | Citizen team (education/crime and safety) |
| Brad Rendle | Business team |
| Mark Sarkady | Government team (pride/beautification) |
| Ann Cook | Government team (development) |
| Larry Dieringer | Citizen team |
| Denise Madigan | Staff coordinator (government team) |
| Sebastian Persico | Human services |
| Karita Zimmerman | Business team (revenue and finance) |
| Wendy Fishbeck | Staff assistant |
| Martha Hoffheimer | Special projects |

Negotiation: "Team Building"

The citizen, business, and government teams convened in their first full negotiating session on June 30, 1983. Susskind explained the fundamentals and experimental nature of the process. The NIS staff outlined two goals: (1) to engage in a process in which participants would shift from typical competitive/adversarial stances to a more collaborative, common-interest-based focus; and (2) to address Malden's problems. The teams would develop and detail policies, programs, and action projects to address these goals. Their commitment to these recommendations through ratification of the final agreement, while not legally binding, would be a powerful statement of intent. Susskind and Madigan wrote:

The mayor, council, and key city departments might have to draft and vote on ordinances or alternate budgets; private investors would have to seek the financing necessary to proceed with expansion plans; neighborhood meetings would have to be held to market site specific development plans in particular areas of the city. (1985)

First, the group established basic ground rules about team membership, media access, keeping records of agreements and minutes, communication amongst teams, relationship of the NIS to other ongoing negotiations, role of the NIS facilitation staff, and the final agreements. Each team then submitted prepared Statements of Concern, prioritized lists of the issues they felt most important to address. There was substantial overlap in the issues presented: providing more human services for the elderly, enhancing Malden's self-image, increasing revenue, maintaining the population at fifty thousand (to qualify for certain federal aid programs), upgrading the city's aging infrastructure, improving education, dealing with Proposition 2^{1/2}, and reformulating the city's master plan. Four issue headings (Community Development; Education; Crime, Safety and Policy; and Pride, Image, and

Beautification) encompassed primary concerns of at least two of the teams. An addition of four more topics (Revenue and Finance, Youth, Business Commitment to City, and Housing) completed coverage of all teams' top five issues. Susskind led the group through a pulse-taking exercise (show of hands) to attach priorities to the issues. The group settled on five agenda items: Education, Community Development, Crime and Safety, Revenue and Finance, and Pride, Image, and Beautification. They hoped to negotiate these items in that order, through September and October, and then to study the remaining issues in the late fall. The first full negotiation was scheduled for September 19, 1983. A few months later, when it became apparent that the timetable had been too optimistic, the last three topics (Youth, Business Commitment to City, and Housing) were coalesced into a sixth, Human Services agenda issue.

Generating Documents: Tripartite Committees

With the above topics in mind, and using information about the expertise and interests of various members, team leaders worked with their mediator to choose tripartite committee members. These committees, made up of representatives from each of the three teams, were to do what mediator Persico called "the brainstorming" and come up with a "single negotiating text" for addressing their specific issue. Each committee articulated statements of concern, gathered information, identified problem areas within that concern, and developed recommendations for dealing with that problem area.

Generating single negotiating texts in committee was a departure from other NIS processes. Zimmerman explained their use: "Single-text negotiation simplifies multi-lateral decision-making by providing one set of solutions that can be agreed or disagreed upon—as opposed to negotiators generating all proposals at the negotiating table" (Zimmerman 1984).

The committees used information provided by the NIS facilitator staff, outside experts, and their own personal knowledge and networks to write the texts. These members were responsible for briefing their respective teams on the committee draft. The teams, after often extensive discussion, took a revised version to the full negotiation session. The drafts were also reviewed by outside boards, organizations, and interested people.

In the full negotiating session, all the teams together worked toward a revised text describing the issue and recommendations for addressing it. The public was welcome to attend and comment at the large negotiation sessions. (On the average, it took four to six tripartite meetings and two four-hour large negotiating sessions to reach a consensus on each issue.)

Although the other teams did not, the citizen team reconvened twice to discuss each issue so that the citizen member entered the tripartite process with a clear understanding of the team position. In July, the committees

Tripartite Committees

| | <i>Education</i> | <i>Community Development</i> | <i>Crime</i> | <i>Pride</i> | <i>Revenue/ Finance</i> | <i>Human Services</i> |
|------------------------|---------------------------------|----------------------------------|-----------------------------|-----------------|-----------------------------|---------------------------|
| Citizen | Brown | Ciavarro | Jackson | Tolstrup | Ciavarro | Hashem Schnapp |
| Business Government | Rotondo Phaneuf Toomajian | Escott Wishoski | Shapiro Buckley Green | Julian Kelly | Krygowski Tarallo | Harold Degan |

began drafting preliminary documents, and by October were prepared for the first full negotiating session.

The Turning Point

The first tripartite committee to finish was Education. The whole NIS had moved more slowly than expected. Problems coordinating meeting times, gathering and locating information, and just working with a concept and process about which many participants were still unclear had delayed by one month the first session of the full group. This meeting, however, marked a turning point as the group finally *saw* the process work.

A 52 percent cut in education monies from 1977 to 1982, and a feeling that the general quality of education had declined, most concerned the committee. Its recommendations included ways: to involve parents; to make the schools more responsive to community needs, and in turn to encourage community support and use of community resources for the schools; to motivate students to perform and act responsively; and to increase teacher awareness of students' needs.

The session ran into trouble when the school superintendent, Paul Phaneuf, who had exercised considerable power in that position for almost thirty years, as Glover put it, "tried to gum up the works." The superintendent corrected what he saw as misinformation in some of the recommendations, was negative about their implementation, and vehemently objected to the suggested inclusion of citizens in the budgeting process. His statement to the *Harvard Crimson* (the Harvard College student paper) later reechoed the substance of his earlier tirade. He cites as an example the NIS recommendation that:

There should be greater publicity given to the ways in which the schools make financial decisions. Citizens should be encouraged to use this information and increase their understanding of the school's budget process.

Phaneuf says all of the School Committee's budget meetings are open to the public and advertised in the local papers but that few citizens ever attend. "Hell, they just don't attend the budget meetings. The people who are saying this are the ones we never see." (*Harvard Crimson*, July 9, 1984)

His belligerence startled everyone. However, according to Fred Ciavarro, the group heard him out and continued negotiating: "I took the hands of the people [citizen team] to hold them back. We let him commit himself and then we lowered the boom [rebutted him]. Once someone's upset, they'll say things to hang themselves." Celia Brown recalled, "It was mainly Larry [Susskind] and Mr. Phaneuf. Larry was doing beautifully; he didn't need any intercession. It ended, the Superintendent retired, and that was that."

This challenge, a replay of the more typical adversarial confrontations, had the potential of destroying the infant process, especially because so many participants either did not yet believe in or could not envision the negotiations working. Instead, the experience solidified the group's understanding of how a mediator could handle conflict. The citizens, seeing that their suggestions did matter and carried some clout, also realized that they must be more cautious in their work.

The Final Document

With familiarity of the NIS mechanics in hand, the group produced, over the next nine months, six single-negotiating texts that included almost 150 recommendations for improving life in Malden. The local newspaper, the *Malden Evening News*, published the draft recommendations and announced four public hearings that would be held in late May and co-chaired by NIS team members. A total of thirty-five individuals attended the four meetings to offer feedback and suggest revisions to the recommendations. The response, according to Madigan, was "universally positive." Some of the changes emerging from these meetings touched on the use of abandoned public buildings, reinstituting summer school, and availability of specialized education possibilities for both special and average students. After reconvening to negotiate revisions based on these comments, the group ratified the document on June 15, 1984. A public service announcement released by the program highlighted some of the recommendations:

1. To override Proposition 2^{1/2} for one year with specified uses for the money generated;
2. To offer tax incentives for early tax payment;
3. To add performance-based incentives to city salary guidelines;
4. To create a coalition of public and private service providers and consumer representatives to monitor the delivery of human services;
5. To begin biannual citywide cleanup with city equipment and volunteer labor;
6. To design a process allowing citizen and business groups to review, comment on, and reshape the city master plan.

Postnegotiation

At the teams' request, the NIS staff also prepared an Implementation Appendix outlining specific steps for carrying out each recommendation. The technical document offers "suggestions" and is not part of the ratified agreement, but the staff hoped it would help to "minimize claims that the recommendations coming out of a mediated negotiation are infeasible." Susskind hoped a monitoring plan with a "who would have to do what when" checklist will "promote an efficient division of labor . . . serve as a useful tool for monitoring implementation. With specific action proposals and timelines in print (including regular six month reviews of the implementation progress), the document adds to the pressure on public officials and others responsible for implementation to live up to their commitments" (Susskind and Madigan 1984). The third pressure the NIS staff hoped to institute was commitment from organizations with representatives on the teams to lobby for implementation of specific recommendations. "If every recommendation becomes the responsibility of at least one organization, the necessary pressure will be brought to bear on the key boards, agencies and groups that have to act" (Susskind and Madigan 1984).

Some of the identified problems were remedied even during the process: the synchronization and adjustment of traffic lights occurred soon after discussion in committee. In an effort to alleviate some of the tension between the mayor's office, union, and police force (with subsequent apathy and poor performance), the force has instituted in-house training. The Little Leagues and Boy Scouts are maintaining some of the parks; and citizens can participate in neighborhood cleanups with city trucks hauling the trash.

Officially, the NIS staff projected the NIS as an ongoing three- to five-year plan. Susskind knew that:

there was no way that [implementation without continued input from the third party] could have worked. When we entered the process, we knew that the post-negotiation stage would be critical. The implementation has to be designed into the process and that includes continuing involvement of the third party. There is no way that can be self-executing. I am still in touch with cities I worked with ten to twelve years ago.

While the mediators' roles would be reduced and it was up to the community to follow through, the Program on Negotiation agreed in late September 1984 to help disseminate information and speak on the NIS, convene the group for the six-month review session, and, as a special effort, to help with the formation of the human services coalition.

Susskind and Madigan returned to Malden at the beginning of 1985 for the first organizational meeting of a human services task force that was to conduct feasibility studies on the NIS human services recommendations and then to establish its goals. Most of the citizen team and a number of the business and government team members attended. While emphasis of this

group will center around representatives from human services organizations, Tolstrup noted, "each organization will have its own priorities to push and we [citizens] will keep them in line."

At the six-month follow-up meeting in 1985, Susskind discussed implementation with the team leaders and the mayor. He agreed to hire staff to work with the city, do a "box score" analysis on the progress of each of the recommendations, and see that the results were distributed to the participants and press. By May 1985, Sandra Lambert had completed "Malden's NIS: One Year Later." The report was based on interviews with thirty NIS team members and individuals who had been named in the original agreement as central to implementation of specific recommendations.

Lambert reported that thirteen of the recommendations had been implemented as stated. She wrote:

Not surprisingly, fiscal constraints have been the most significant barriers to implementation. The lack of increased revenues and the anticipation of further cutbacks have restrained action on certain issues. What is notable, though, even in the face of such restraints, is the mobilization of resources through local partnerships. Moreover, the failure to form certain partnerships that were thought to be necessary has not, in fact, impeded implementation. The initiative taken by just one or two parties has been sufficient.

Community commitment to the NIS Agreement remains strong. In most instances, the individuals named as lead actors responsible for implementation remain committed. Even where the leadership of an organization or agency has changed, the newly elected or appointed individuals seem to have been made aware of the NIS agreement and continue to work toward its implementation.

Susskind also met with various governing boards—the city council, school board, Malden Redevelopment Authority (MRA), and some informal groups. Because the city has elections every two years, Susskind sees an important link between the ongoing success of the NIS and whether those elected will embrace the NIS recommendations as their agenda.

Dynamics of the NIS: The Teams

Government Team

Ed Tarallo had served under four mayors and held the respect of almost everyone in City Hall. He interpreted his role as a team leader as working with the team, keeping it as cohesive as possible, accomplishing the agenda, and minimizing personal interaction problems. Initially, he was not very clear about what was happening, nor on the NIS goals, but after several meetings, he saw them as "trying to come out with something that could be implemented, that could be accomplished." Other city team members

entered the process feeling shackled by the city's limited financial resources, skeptical about the process, the media coverage, and the prospect of interaction with business and citizens. Some members of the other teams started by feeling the city government was not so much corrupt as inept. They assumed it also had the upper hand, and in the end would do whatever it wanted. Much to their surprise, the other teams found the government representatives "seemingly forthright and sincere"; their comments constructive, and their knowledge of the city mechanics a great advantage.

Business Team

Bernie Rotondo, human relations manager for Data Printer, Inc., became leader because those present at the first business meeting felt the city's largest employer should head it. He tried to provide a logistic (physical meeting place) and symbolic focus for the group and saw his actions exemplifying Data Printer's support—he tried to show that he had no axes to grind. Personally, Rotondo was interested in seeing if the process could work. When he could not attend, Judith Escott, a prominent businesswoman and real estate agent, chaired the team meetings.

Rotondo tried to create a cohesiveness within the many business interests and also to overcome the hesitation many had about entering a process they (1) did not fully understand, and (2) that involved dealing with the government. Over time, however, the issue shifted from "Who are these NIS people? What do they want to do? Can it be done?" to the real concern, Malden.

Rotondo felt his success was limited. Given the diversity, skepticism, and antipathy, he was left with only a small core, mostly those who had committed themselves to the process from the beginning. The stability of the team representation centered around these people, who were primarily small business owners and Malden residents.

Gradually, the business team became more dominant, recognizing its role as a supporter with money, training, and people. On issues such as involving parents in the schools, cleaning up the central business district, and the quality of city services, the citizens felt more allied with business than government. Business members proved helpful for citizen understanding of development and even for explaining the ever-baffling city finances. Regardless, citizens felt that few business (or government) representatives ever put on their "citizen hats," and that their monetary interests predominated. Persico felt the business team was the weakest, and that their "civic responsibility" was not as strong (Zimmerman 1984).

Citizen Team

The concern uniting the citizen team was Malden, which embodied not only financial and political concerns, but the quality of life in their neigh-

neighborhoods. This sense of community persisted, in part, because many of the members (Tolstrup, Sparrow, Jackson, Hashem, and a "latecomer" of only twenty-three years, Ciavarro) were long-term residents and homeowners, who knew or were at least acquainted with one another and with some members of the business and government teams. Barbara Tolstrup, for example, brought to the process several women she felt would contribute; another citizen team member had been an old high school mate of Tolstrup's. The team was predominantly white (three were black), over thirty-five, and lower-middle class. They came to the process with what Margaret Glover characterized as a "healthy level of suspicion" that the city was corrupt or at least inept, and with an acceptance of the business team's financial focus. They adopted a we-versus-them attitude, expecting little from the process, because the government "always got what it wanted."

Glover noted that they were also astutely aware of potential power plays and strategized against them. She viewed the citizens' selection of Fred Ciavarro as team leader as a part of that strategy. A big man physically, he was fluent and unintimidated, "a good bulwark against the onslaughts." As a local contractor, Ciavarro could have served on the business team as well, but chose the citizen team instead. He felt the team needed the balance of strength he could bring to it. He did not want the business or government teams to think of citizens as "rangers and maniacs," the "lunatic fringe," who become too emotional to negotiate: "I would listen and absorb, then try and sort people and their personal grinds from gripes for the neighborhood." His view of the team was almost paternalistic—citizens have skills they don't use, and they must be taught to balance their abilities with their knowledge in order to gain credibility. Business/citizens, such as himself, could especially help offset the vision of the "public protagonist" as belligerent and ignorant. A number of participants echoed mediator Dieringer: "He made a critical difference. Without him, I can't imagine how the citizens would have fared."

The team rallied around Ciavarro, finding invaluable his intelligence, humor, and ability to pull out points of utility as a balance to his interests as businessman, citizen, homeowner, and parent. Initially hesitant, the team relaxed after the first two negotiation sessions. Ciavarro noted, "They began to see their strengths and abilities; that their people were equal to business and government. Distrust didn't matter anymore because no matter what, they knew they could hammer it out tongue, tooth, and nail. They weren't intimidated." In fact, as Glover observed, the citizen team became "pretty feisty."

The team's inner dynamics provided an opportunity for acquiring speaking and listening skills, and for working through disagreements. Ciavarro commented, "We had many [inner controversies], but the beauty of it was we could use ourselves as the three teams and see the diversity and differences so we could anticipate what might happen in the full session, and see that

[even if] we all differ [we can come to some agreements]." In general, business and government representatives seconded the citizens' evaluation of themselves as sharp, committed, hardworking, and not afraid to speak out. Rotondo watched them pull together and come up with "some good stuff. . . . Their positivism was refreshing; their pride and concern helped me understand the city better."

NIS Staff/Mediators

The NIS staff worked with both the tripartite committees and the larger citizen, business, and government teams. Initially, the mediators' role involved educating the teams about the process itself, what Glover phrased, "getting everyone lined up and marching in the right direction." Faced with some skepticism, the mediators, according to Glover, "had to go on faith and intercede a lot to get people to listen." Once the tripartite process began, the staff duties concentrated more on helping the group focus on political realities, generating solutions, synthesizing the results of team meetings, and working toward consensus. While the mediators might guide, or refocus, discussion, they did not decide on content. Glover continued, "They can only frame the problems and only endorse the outcome." The bottom line was their responsibility to the process. They "seek to promote an agreement that will be viewed fair and efficient by the community at large" (Susskind and Madigan 1984).

The project coordinator was responsible for managing the flow of information, scheduling meetings, and compiling the overall documentation of the entire process and, in what little time she had left, also try to do public relations and marketing of the process. Assistant mediators received nominal payment or subsidy through university research assistantships, or class credit. Susskind was not paid.

Sponsorship by what citizens perceived as "Harvard" generated mixed reactions. Gail Jackson, a citizen team member, felt reassured: "We knew at least they'd be intelligent"; while Rotondo sensed that some of the business community was skeptical about the academic affiliation and "having to jump through hoops." Over time, reactions to the mediators differentiated between a recognition of their "role" and the evaluations of their actual performance. As information providers and administrators at the tripartite and team level, the NIS people were a "godsend." As mediators, citizen members recognized that they, like everyone else, were learning. Rotondo theorized that the NIS model of identifying concerns, problem-stating, diagnosing, and making recommendations works well if one has a skilled mediator and participants. Here, "it sometimes bogged down; thoughts were unclear and too generalized. Over time, though, we all got better at it."

By Barbara Tolstrup's account, the Pride, Image, and Beautification Committee could have profited from a stronger mediator. A little unhappy

about her appointment to this committee, Tolstrup felt her historic preservation background made her vision of "pride and beauty" broader than those of the government member, the city engineer, and a business representative from the Mercantile Merchants Association who was most interested in cleanup: "Needless to say, it wasn't much of a meeting of the minds." The mediator seemed to "have dropped the ball," and the resulting statement was a "disaster." Although the citizen team, on her recommendation, dramatically revised the document so that it emphasized pride, Tolstrup felt the problem could have been avoided: "Our mediator, while good and sharp, wasn't interested, and seemed caught up in other things." (This mediator subsequently left the process.)

Different individuals resonated to different mediator styles as well. A response to Margaret Glover as "an iron fist in a velvet glove" contrasted with the perception that she didn't "seem to be all there all the time" and oversimplified too much. A gentle laugh at how much trouble Larry Dieringer had controlling the group's "rambunctiousness" countered a review of his excellent, sensitive performance. All the participants seemed willing to overlook the failings—irritation over information which didn't arrive on time, frustration that the mediator did not really understand what someone was trying to say—because most of the assistant mediators were "students" (and unpaid), who had their own schedules and lives. Madigan felt that few understood the mediators' motives for being involved. Perhaps it was because the citizens had such personal stakes in Malden and such a strong sense of what they wanted for it that they could absolve the staff and not be affected by the staff changeover in December.

The major factor that eased this transition was the continuity and leadership provided by Larry Susskind. He took on a slightly different role in the large negotiating sessions, one that the group acknowledged and did not expect of the other mediators. Steve Schnapp, another citizen representative, found him extremely knowledgeable, charismatic, and a great talker: "He could coalesce, synthesize, and make it palatable." In the sessions, Schnapp also observed, when the group fell into business and citizen accusing the city of not doing enough and the city rebutting it was doing all it could, Susskind's tactful manipulation and "sheer force of will," supported by some of the "level-headed" people, kept the meeting moving. Another citizen marveled, "You know, I don't know [how they kept the bickering out]. It's really strange. Everything was handled very well. There was conflict, but never the hollering!" Tarallo was a little more matter-of-fact: "Well, we didn't come to blows, or disband, and we got a lot done." From Susskind's example, the group recognized the imperative requirement for a strong professional mediator, who is respected and can "interject in an unbiased tone." They also realized that the mediator can only work at the level commensurate with the sophistication and dedication of those involved in the process.

Susskind perceived that while the team members were satisfied with his "activist" role, his persuasive personality made them a "little skittish." (No citizen interviewed made mention of this discomfort.) To set a limit on his activism, he suggested the group request substantive information and advice from other consultants (Susskind and Madigan 1984). Persico remarked on Susskind's approach: "He was very proactive. Sometimes being that way works, sometimes it doesn't; here it worked. In fact, I think they wanted Larry to be that way. They looked to him for help."

Power Dynamics

Ideally, the very structure of the NIS equalizes the power of the parties by using shared information and access to expertise, and a nonpartisan facilitator. The tiered team structure of the tripartite committee (members of different teams becoming a "team" on the tripartite level) also helps achieve parity. Participants, in addition to their own team identification, develop commitment to their tripartite agreement—one reached through cooperation with members of the "opposing" teams. The face-to-face, one-on-one interaction breaks down stereotypes, and, along with the presence of the mediator, can make domination by one "group" more difficult. Furthermore, the tiered representation set up a network of interrelations that stabilized the process and helped blur the citizen/business/government categories. Because so few core members dropped out, this web remained strong throughout the NIS.

Of course, each team played to its advantage when possible and some of the antagonisms persisted. The Malden Redevelopment Authority (MRA), for example, had representatives on the NIS; Ed Tarallo was their chief staff person. Some NIS participants continued to see its aims as inconsistent with theirs and those of the NIS. Virtually an autonomous entity, the MRA consists of citizens appointed by the mayor, some of whom have served for twenty years. One citizen member commented, "They come to you and tell you what's going to happen, and it doesn't work out that way." While it is slowly recognizing the possibilities of revitalization, the MRA's urban renewal to date has torn up much of the downtown area. Knight remarked, "They've left a lot of parking lots." The failure of previous efforts to affect the MRA and City Hall in general had left citizens feeling impotent and wary. Nevertheless, the citizens recognized over time that the government members were people, that they were elected, and that with the use of supportive media, and some organizing, citizens could make a difference.

Fred Ciavarro was especially attuned to power plays and worked with his team to diffuse them. The city government representative on Revenue and Finance, for example, blamed Proposition 2 $\frac{1}{2}$ for Malden's monetary problems. Ciavarro felt, "They were trying to brainwash us, work the NIS group to the point it would say 2 $\frac{1}{2}$ could be overridden." The citizen team

asked for more information on the feasibility of an alternative solution in which the city would have to prove the need to override 2 $\frac{1}{2}$ for each *specific* instance, thereby retaining the integrity of the proposition.

The interactions in the tripartite committees for the most part went very smoothly. They would meet three or four times with the required information, communication, and scheduling done by the NIS staff. As they worked together, the participants found that they all "wore many hats," which, if barriers were down, could be valuable sources of information. With improving Malden as their common goal, they could arrive at some agreements, and even develop sympathy and understanding for the other parties' roles and interests. Having one information base eliminated controversy over the "what" of the issues, and settling disagreements over the "how" became an exciting, though often frustrating, process.

The full negotiation sessions were dominated by the team leaders, all men. According to Persico:

We had a lot of players and it's hard to be sensitive to all of them. The team leaders did most of the talking (they might get notes from others or a few would raise their hands), and just taking care of them was a job. Look at it this way: we were dealing with power disparities in that the government team had most of the information. They had the experts there on their team. The citizen team had knowledge in that they were the emotion, the soul of the process. Business had their quiet vested interest. Well, that was very hard to orchestrate. The citizens wouldn't understand or would be too emotional, but we still had to come up with a recommendation.

Conclusion

The NIS was a *proactive* policy-making proceeding, very different from most "dispute resolution" processes that are reactions to specific conflicts. Hence, it had its own set of problems and potentials. Keeping the process together can be more difficult when there is no common issue, crisis, or dispute to pull people together. Susskind had worked extensively in dispute resolution and collaborative problem-solving and policy-making (Susskind and Keefe 1980) and was acutely aware of the problems participants (especially citizens) might encounter in these processes. The major elements he considers necessary for successful negotiation are:

1. Team building and representation;
2. Mediation/facilitation;
3. Negotiation skills;
4. Access to information and joint fact-finding;
5. Adequate time for negotiations;
6. Perception of alternatives to a negotiated agreement. (Cook 1984)

Susskind designed this NIS to specifically address barriers to achieving these elements by incorporating six new "innovations":

1. Ongoing efforts at team-building (to deal with the representation problem).
2. Tripartite committees (to generate negotiating texts).
3. Public hearings on the draft agreement (to deal with the representation problem).
4. A detailed implementation appendix (to promote implementation).
5. The specification of monitoring/renegotiation/remediation roles for team leaders (to promote implementation).
6. Greater activism on the part of the mediation team (to deal with representation problems and to educate parties with limited substantive knowledge or negotiation skills).

The resulting process was an opportunity to participate in city government decision-making that few citizens in Malden had ever had.

Guided by the tight structure of the process and an "activist" mediator, and with moral support of the citizen team, citizens felt their input was important. Tolstrup explained, "The process needed resource information, and we provided the community knowledge. In this case, we didn't have all the power plays. For the first time, we were on equal ground and had some backup."

Over time, citizens had matured in their abilities to work together and to express themselves. Glover observed, "They realized they were formidable people, and this was an ongoing avenue that they could be good at." Others saw themselves as better listeners, more aware of compromising and looking at alternatives.

For Celia Brown, it was a political education, "like the League of Women Voters . . . something you need to learn *in* the process. We had the interest, had the facilities and the information gathering. We just needed the know-how and bravery to speak out." In her view, however, the increased power "we gained as a team, not as individuals per se." The team balanced out individual weaknesses.

In evaluating the process, Susskind remarked, "I never had high expectations. I never do. I hoped to get people together, have them explore their differences and see what we could learn. I feel we succeeded very well. The fact that we had agreement at all is a measure of success. I see success on three levels: (1) we had action on the content; (2) a consensus process people felt good about; (3) its success has generated interest in other cities."

Virtually every citizen member voiced Glover's sentiments: "If that [an experience in consensus and group process] is the only thing that happens, it's worthwhile." Other remarks in the same vein included: "It was a good

opportunity to meet government people and hear what they had to say." . . . "Even if nothing comes to pass, I feel good about being able to talk about the issues. It's working slowly, but it's [the mechanism] there." Tarallo agreed: "As we got to know each other, suspicion diminished, the trust factor built up. At least, I hope, we have security in that trust."

The Realities of Collaborative Policy-making

The Malden process was the first use of a community-level NIS, and proved complicated and very demanding. While the NIS offers a potential *proactive* mechanism by which citizens can participate in decision-making, the citizen experience in this NIS highlights a number of issues for citizen groups to be aware of in future, similar processes. The following section discusses some of the issues encountered by citizen groups; how they were dealt with in the NIS; and what other groups potentially involved in such processes can learn from this experience.

Time Commitment

The success of the NIS hinged on the time and energy its participants were willing to give to it. As a result, the NIS experience is both encouraging and cautionary. Those involved knew that there would be a substantial commitment of time and effort, but none expected it to be so much. While they understood the exploratory nature of this particular NIS and the fact that everyone was learning, they still felt time commitment should be decreased in subsequent NISes. Participants spent twenty to thirty hours over a four- to six-week period drafting tripartite proposals, and then had citizen team and biweekly large negotiation sessions to attend. In addition, there were the unavoidable difficulties in scheduling meetings amongst so many individuals. Although most government representatives allocated work hours, many of the business and most of the citizen team members met during their free time. The citizens, though, Jackson noted, "were used to it." None of the citizens begrudged the time demand. As one of them observed, "It was a worthwhile cause for myself and my community." What did bother them, however, was that the time commitment may have discouraged the involvement of others, and thus potentially affected the adequacy of citizen representation.

Building Representation

Representation, especially of such nondefined groups as "citizenry," poses a problem in most dispute resolution processes. Susskind has written:

In a public resource allocation dispute, the mediator must do far more than simply "facilitate" discussion. . . . The mediator must constantly raise

questions about the adequacy of the groups' representation—if only to ensure the credibility of the entire process in the eyes of the public . . . the public sector mediator seeks to promote an agreement that will be viewed as fair and efficient by the community-at-large. Thus the public sector mediator must work hard to ensure community representation in the negotiation of the agreement. (Susskind and Ozawa 1980, 263–64)

The structure of this NIS with its team-building strategies that could incorporate latecomers, open meetings and public hearings for revisions, and the “activist” role of the mediator consciously attempted to ensure adequate representation. The NIS used networking in a two-step process. Susskind explains:

We had one network to get the people together and talking about what representation in their community meant—the criteria—and then relied on networks to fill in the gaps. We kept some open slots for those who felt they were unrepresented, but not one person ever approached us. . . . We were very careful about it. Representation here was not necessarily one of commitment [to having everyone represented], but one of sensitivity to needs. We got around the commitment by having them [the NIS teams] devise a draft which tried to represent citizen concerns, but which was also distributed for comment, with public hearings, etc. I saw it as an improvement on representative democracy.

While most participants echo Susskind's sentiment that the NIS was an improvement upon representative democracy, at least as traditionally exercised in Malden, the Malden setting proved a rigorous testing ground for Susskind's theories.

An issue that worried the citizen team (and concerned the NIS staff) throughout the NIS was overcoming the citizenry's apathy and having broad enough participation to ensure that the concerns and needs of all parties could be heard. The citizen team unilaterally felt as Jackson did, that while they had done as good a job as possible, and “even though it [the NIS] is a good idea, if no more citizens are involved, it can't be effective. They'll feel like they [the city] are putting something over on us again.”

This concern emerged at the first meeting, when what enthusiasm there was (most were disappointed by the small turnout, albeit a turnout mirroring most such meetings in Malden) seemed to dissipate once the core team was chosen. The NIS staff tried to enlist participants through publicity and follow-up. Larry Dieringer, for example, spent hours calling those who had signed the attendance sheet at the first meeting. While some said they would like to participate, not one of them ever showed up. Most citizens saw themselves as individuals representing their “city” to the best of their abilities. Many of them belonged to and networked with their contacts in various social organizations. They did not feel obligated to speak for those constituencies, however, and signed the final agreements as individuals.

Some participants suggested that future NISes include two members from each team per tripartite committee and more researchers to back them up. Ciavarrro thought that if the government and business teams had seen more of the community, they would have given more credence to citizen input. Furthermore, the citizen team would have felt more secure with the broader reserve of information and expertise.

While theoretically sound, in order to succeed, these suggestions must confront the reality of the process, which, in Malden at least, included an apathetic, uninvolved community and a burdensome time commitment on those citizens that did choose to participate. The NIS staff had tried on several occasions to enlist the participation of additional citizens without much success. In future processes, the citizens involved should realize that they are likely in a much better position of influence in the community to maximize participation and ensure representation than are the third party facilitators of the process. In order to allow broader involvement of citizens in future processes, as many citizens advocated, each team should also accept more responsibility for rounding out their teams and keeping their issues alive. If a citizen (or other group) feels it needs reinforcements to bolster its position or expertise, it is incumbent upon the group to see that it happens. This integral involvement is the essence of alternative processes.

Generating Media Coverage

Zimmerman's explanation of why processes such as the NIS may have so much difficulty getting people to participate touches on the tremendous impact good or bad media can have on a group's ability to drum up support and involvement:

Unless the topic is viewed as controversial or relevant to their immediate lives, people are not always willing to devote the amount of attention a policy partnership requires. This realization does not invalidate the process . . . it simply requires proper planning of the structure and clear marketing of the process. Extensive publicity also serves as political leverage when implementing the agreement as well as restimulating interest in the proceedings. An informed public becomes the watchdog in a controversial negotiation. (Zimmerman 1984)

Garnering publicity and media coverage proved an uphill battle for the NIS staff. Although a smaller paper, *Prime Time*, once it heard about the NIS, reported on all the meetings, the larger local newspaper, the *Malden Evening News*, was not supportive. According to Madigan, the daily was never "very public spirited." It claimed to be financially strapped and could not afford to send reporters to meetings. It printed the short, "not very flashy" PSAs sent out by the NIS staff, but did not follow up with any human-interest stories nor more in-depth examination of the process. The

crowning example of the media's antipathy was the *News's* refusal to print the final agreement because it needed revenue and the request was too rushed. The paper offered to print highlights, but wanted to charge commercial advertising rates to print the document in full. Feeling the program had no choice (the daily had the largest readership in Malden), it paid what Madigan termed an "exorbitant" price and then the paper published only a reduced Xeroxed version of the mock-up.

A more general "media" difficulty involves what makes "news." A slow consensus process does not make catchy, exciting reading, and, in that sense, is not particularly "newsworthy." The more engaging human-interest slant was never adopted by the media. It would have been in the best interest of the process and *all* the participants to have pushed for more comprehensive and sympathetic coverage of their efforts. Recognizing the critical role of the media, future NIS participants should make an effort to tap into their contacts and influence with both the mayor's office and the local newspaper to promote news coverage and specific human-interest features on the process.

Developing Process Skills and Understanding

In undertaking a long-term policy-making process such as the NIS, the facilitator involved must make decisions about how best to convey an understanding of the process to the participants and help them to acquire the skills necessary for effective involvement. In so doing, the facilitator must juggle carefully the tasks of bringing people together in the process, educating them about it, keeping their interest and enthusiasm high, and making substantive progress. Time, budget, and staffing constraints, combined with the specifics of the issue history and context, clearly will influence how a facilitator chooses to proceed.

Susskind anticipated that the major difficulties with the NIS experiment itself would revolve around participants not understanding the *process*. He wanted that understanding to evolve, and chose to have the group learn by doing rather than with training workshops:

My experience has been that they [pretraining workshops] don't take. What you need is on-line capacity, so that if there is need for information or training by the whole group, a team or individuals, you can work on it . . . like we did with the finance question [when they brought in experts to explain Proposition 2 $\frac{1}{2}$].

Susskind also "trained" in more informal ways, "in private conversations during caucuses, over a cup of coffee, or by setting an example."

Mediators worked through the team leaders to convey the process mechanics and group dynamic skills. Since the tripartite committees' job was to provide the full session with directed foci for negotiation, the process of

generating the single negotiating texts called on not only the participants' abilities to negotiate and work toward an agreement, but also on skills in problem definition, fact-finding, and translating concerns into strategies. Although they did communicate with the leaders, the mediators wished they could have had more time to concentrate on training. Ciavarro readily assumed this role with the citizen team. When some of the citizens initially expressed uneasiness about their performance on tripartite committees, Ciavarro realized that they had not yet recognized their real strengths. In working with the citizen team, he focused on those individuals, showing by example how to talk and when to listen. He also assigned projects, made sure everyone participated, and tried to appoint members to the tripartite committee they requested.

Nevertheless, many would have liked more of an initiation. Rotondo remarked on the need for educating the business team. Both mediators and participants agreed with Dieringer: "I'm not sure of the mechanics given the real world [time and money constraints] but it [more structured training] would have helped. . . . The learning by doing probably made me learn more, but I think it hurt in terms of the process." Yet, while he could see potential advantages in earlier, more structured training, Dieringer acknowledged the enormous amount of time, energy, and logistics an ongoing training agenda would require. In the end, after the first go-round (Education), the process did become easier, more iterative, and, Glover observed, the quality of documents probably improved. In fact, when Dieringer joined the NIS staff, he found the citizen team well into the process, and "they got better and better."

Acquiring Information

Access to a shared information base is, theoretically, a way to equalize power in a negotiation setting. As is characteristic of any effort to comprehensively address complex issues—whether they be in the context of an alternative dispute resolution process or within the traditional administrative or planning setting—timely and complete information is hard to come by. This NIS process was no exception. With persistence, though, the NIS participants did receive all information requested.

The printed material conscientiously distributed to them was in Tolstrup's words "copious." The search for resource material occurred primarily at the tripartite committee level, as committees identified problems and formulated recommendations, be it requesting copies of city blueprints or asking state financial experts to explain the intricacies of Proposition 2 $\frac{1}{2}$. Members also found expertise within their own committees: the government representative could illuminate the ins-and-outs of City Hall, the citizen could verbalize the needs of a neighborhood. Madigan observed that often the person most knowledgeable about an issue would become less an ad-

vocate of a viewpoint and more a resource for the joint exploration of alternative solutions. How long this data-gathering took depended largely on the topic and type of information requested. The Revenue and Finance Committee, for example, had much more to digest than Pride, Image, and Beautification.

At times, the citizens did feel information was relinquished somewhat reluctantly and that they needed to approach different sources. Celia Brown saw the difficulty the Education group had in finding "cherry sheets" as partly a "cover-up." Cherry sheets are documents listing state funds given to the city annually, including its share of lottery revenues, obligations to pay for transportation, and so forth. They provide valuable budget information, and yet they "never seemed available" from the city and finally had to be sent by the state. Obtaining financial information for the Revenue and Finance Committee was especially difficult, but critical. The logistics of finance in Malden were such that as one citizen observed, "Everyone, even City Council, was confused." In the Crime and Safety Committee, changes in police representation left unanswered many questions brought up at prior meetings. Finally, the city assigned two permanent committee members. While the citizens knew the inconsistency was due in part to the inner turmoil between the union, police department, and city government, they also felt the erratic attendance of the police was a way to avoid providing information.

Participants' Recommendations

NIS participants and staff members had several recommendations for others entering a collaborative process like the NIS. In addition to those suggestions integrated into the case and analysis, other specific comments are listed below.

One of the strengths of the NIS was its marriage of a structured process and the "activist" mediator. As Zimmerman pointed out, though, this process is not appropriate for every situation. A conflict situation, for example, demands a process different from joint problem-solving. She also pointed out that in the brainstorming, noncrisis format of the NIS, consistent attendance by members at every joint session is less important if views are adequately represented by other team members. She stressed, "Consider your desired outcome before structuring the process" (Zimmerman 1984).

For groups wanting to initiate an NIS, Susskind made the following recommendations:

- Try to draft a statement of what you want to do. Check it out with the core of the other teams for any revisions they might have. Get a possible core team to work up a description of the process aims before you begin.

- Get yourselves a mediator/negotiator for the *prenegotiation* stage. Don't wait until you are in the process.

Others suggested:

- Limit the focus of the negotiating texts, not only to facilitate fact-finding, but also to keep the process from being so long that it exhausts the energy and commitment of those involved (Zimmerman).
- Work implementation and *monitoring* into the agreement. It must incorporate not just the content, but also the process possibilities for implementation (Dieringer).
- Always have a written agreement. "At least that way you have a fighting chance [to get something done]" (Schnapp).
- Formalize the exchange of information. Have documentation so that latecomers can catch up (Dieringer). (This was the role of the administrative assistant—it turned out to be a full-time job.)

Those interviewed had several suggestions for ways of encouraging participation in a process such as the NIS:

- Be aware and realistic about how difficult it is to enlist participation (Zimmerman).
- Have all the council members talk to their constituency and election commissions to draw people in (Ciavarro).
- At least *two months* before the process begins, before the establishment of business and government teams, pull out participants by having civic groups, tenant associations, PTAs, conduct meetings where they work out issues and help people understand how they can be involved (Schnapp).
- Emphasize action. Turn interest into active involvement (which would both engage people and make for some newsworthy events) (Sarkady).
- Involve the papers in doing human-interest stories (Madigan).
- Start early, in the high schools, teaching negotiation skills and discussing the process (Ciavarro).
- Involve students in the actual process (Sarkady).
- Obtain the support of those who must implement the potential agreements. Involve those directly interested, for the information they can share, if not their total participation (Dieringer).

In addition to wanting more substantive knowledge about city mechanics, finance, and the time to learn about them, citizens stressed the importance of knowing how to run meetings, to be an effective chair, and have good team and dialoguing skills. Some of the specific skills citizens wished or were glad they had during the process are mentioned below:

- "Keep good notes of your own. That way if the idea belongs in another place (e.g., Beautification instead of Development) it won't get lost in the crossover. Be aware and on top of the issues" (Jackson).
- "Cultivate negotiating skills—learning to listen, speak productively, to analyze and turn thoughts into proposals; how to work with a facilitator; how not to be quick triggered" (that is, how to vent emotions and move onto ideas).

These are skills needed not only by citizens but also by all participants. As Susskind commented, "Nobody's up to speed on negotiating, but everyone knows what they want. It's a process of educating everyone." In concluding, Persico suggested, "Little things could have improved our effectiveness—like having enough money to feed people. It was all volunteer, at night, and very time consuming. We'd all come straight from work for a 7:30 meeting, no food, and you start vegging out and can't concentrate."

Interviews

Citizen Team

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|------------------|-----------------------------------|
| Celia Brown | July 3, 1984 and January 10, 1985 |
| Fred Ciavarro | July 4, 1984 |
| Rita Hashem | July 10, 1984 |
| Gail Jackson | July 6, 1984 |
| John Knight | July 2, 1984 |
| Dorothy McNeil | June 29, 1984 |
| Steve Schnapp | July 6, 1984 and January 1985 |
| Barbara Tolstrup | July 10, 1984 and January 1985 |

Business Team

| | |
|----------------|------------------|
| Judith Escott | January 24, 1985 |
| Bernie Rotondo | July 3, 1984 |

City Team

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| Ed Tarallo | July 10, 1984 |
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Mediators/NIS Staff

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|-------------------|--------------------|
| Larry Dieringer | February 16, 1985 |
| Margaret Glover | June 13, 1984 |
| Denise Madigan | October 12, 1984 |
| Sebastian Persico | February 1985 |
| Mark Sarkady | September 12, 1984 |
| Lawrence Susskind | March 21, 1985 |

Draft Case Study Readers

| |
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| Denise Madigan |
| Lawrence Susskind |

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