IOWA STATE UNIVERSITY
Digital Repository

Agricultural Education and Studies Publications | Agricultural Education and Studies

2016

The Radical Potential of Public Hearings: A Rhetorical Assessment of Resistance and Indecorous Voice in Public Participation Processes

Kathleen P. Hunt
Iowa State University, kphunt@iastate.edu

Nicholas Paliewiscz
University of Louisville

Danielle Endres
University of Utah

Follow this and additional works at: http://lib.dr.iastate.edu/ageds_pubs

Part of the Critical and Cultural Studies Commons, Other Communication Commons, Rhetoric Commons, and the Social Influence and Political Communication Commons

The complete bibliographic information for this item can be found at http://lib.dr.iastate.edu/ageds_pubs/32. For information on how to cite this item, please visit http://lib.dr.iastate.edu/howtocite.html.

This Book Chapter is brought to you for free and open access by the Agricultural Education and Studies at Iowa State University Digital Repository. It has been accepted for inclusion in Agricultural Education and Studies Publications by an authorized administrator of Iowa State University Digital Repository. For more information, please contact digirep@iastate.edu.

The Radical Potential of Public Hearings: A Rhetorical Assessment of Resistance and Indecorous Voice in Public Participation Processes

KATHLEEN P. HUNT, NICHOLAS PALIEWISCZ, & DANEILLE ENDRES

Department of Agricultural Education & Studies
Iowa State University
206D Curtiss Hall, Ames IA 50011
kphunt@iastate.edu

Department of Communication
University of Louisville
310 Stickler Hall, Louisville KY 40292
nicholas.paliewicz@louisville.edu

Department of Communication
University of Utah
Languages and Communication Bldg
225 S. Central Campus Dr., RM 2400
Salt Lake City, UT 84112
danielle.endres@utah.edu

ABSTRACT: Little scholarship in environmental communication has considered the intersections between public participation and social movement. We fill this gap by discussing how public participation process can become sites of radical politics when publics employ disruptive or improper tactics, known as indecorous voice. Indecorum can be used to sustain protest matters beyond official forums, engage multiple audiences, and forge new identities among publics. We demonstrate the utility of indecorum through two case studies: Love Canal, NY where residents combat exposure to toxic chemicals, and Salt Lake City, UT, where publics challenge industrial expansion in a fight for clean air.

KEYWORDS: environmental communication, public participation, social movement, rhetoric, decorum

> Most people who showed up never got a chance to testify. Oh, yeah, you can go in the closet with the woman that's, that's taking down the testimony. That's not a hearing. A hearing is when you get heard. A hearing is when you are heard. When you get to hear the other people. That's why they come out. We all know that we can send in comments to Carol on e-mail. By snail mail. By whatever means, fax. We can do that. We know that. But you come to a hearing in order to be heard. And most of the people that came here were not heard.
> –Judy Triechel, executive director of the Nevada Nuclear Waste Task Force (Treichel, 2001)

1. INTRODUCTION

Public hearings, or public information sessions, are a particular type of public participation process. As Judy Treichel's comment highlights, public hearings are unique in that they bring a group of people together in the same space-time who want to *be heard.* Instead of emailing or mailing in a comment, those who show up to a public hearing do so because of the unique

Hunt, Kathleen P., Paliewiscz, Nicholas, & Endres, Daneille. (2016). The Radical Potential of Public Hearings: A Rhetorical Assessment of Resistance and Indecorous Voice in Public Participation Processes. In Jean Goodwin (Ed.), *Confronting the Challenges of Public Participation: Issues in Environmental, Planning and Health Decision-Making* (pp. 65-79). Charleston, SC: CreateSpace. Copyright © 2016 the author(s).

rhetorical opportunity presented by such hearings. These rhetorical encounters involve a variety of perceived audiences and rhetors: the officials tasked with running the hearing, participants seeking to be heard, and others (including participants, but also media or other publics) there to hear the participants. Within this space we can see the polysemous nature of public hearings, the multiple audiences and complexity of rhetoric at play.

While public hearings are often dismissed as a form of Decide, Announce, Defend (DAD) decision making that limits voices of dissent (e.g., Depoe, Delicath, & Elsenbeer 2004; Hendry, 2004), we suggest that public hearings can also be seen as important moments of radical rhetorical consequence. Acts such as obstructing the flow of the meeting by yelling or clapping, or openly defying rules such as length of time for oral comments, violate normative rules of decorum; these can also contribute to solidarity and community among attendees and enact image events that garner media attention. These moments, often excluded from official transcripts, should not be dismissed as violations of decorum, but rather should be examined as *rhetorical* moments that reveal the complexity and opportunities inherent in even the most restricted DAD models of public participation.

On January 10, 2007, about one hundred people gathered at the Grand America Hotel in Salt Lake City for a "public information session" hosted by the Department of Defense's (DOD) Defense Threat Reduction Agency (DTRA) and the Department of Energy's (DOE) National Nuclear Security Administration (NNSA). This session was devoted to information about the "Divine Strake" test—a non-nuclear high-yield test of a 700 ton buried chemical explosion—that was proposed for detonation in the Nevada Test Site (NTS; now Nevada National Security Site), where over one thousand nuclear bombs had been tested from 1951-1992. The Divine Strake test would contribute to ongoing military research on bunker buster weapons. Given the wounds from decades of nuclear testing among Utah downwinders, information about this public information session quickly circulated among activists and citizens concerned that the Divine Strake test, although an underground non-nuclear test, would uproot radioactive dust from the NTS or was a sign of an impending return to nuclear testing. Although there were recorders available to take individual statements from attendees, there was no opportunity for attendees to speak to or be heard by the whole forum that had gathered that evening. Rather, participants mulled around the hotel ballroom that contained a variety of informational posters about the scientific viability and safety of the Divine Strake test. The layout of the room, the diffused posters that encouraged one-on-one interactions between the DOD/DOE employees and attendees, the conversations and questions that were not recorded, and the lack of podium and microphone signaled to attendees that they were meant to learn about the Divine Strake test but not to officially offer their comments. From one perspective, this session was a classic example of a DAD model of public participation that drew on the deficit model (Sturgis & Allum, 2004) of science communication. Yet, from another perspective, this public information session offered an opportunity for resistance, an opportunity that was taken up by several attendees.

In the midst of the session[1] a man yelled out: "Who in this room is against Divine Strake?" followed by a resounding "We are!"(Dickson, 2007, p. n.p.). This immediately gathered everyone's attention, including the local television news crew. Plain-clothed security guards quickly began to escort the man from the room. As he was grabbed, the man called out:

[1] Note that one of the authors attended this public hearing and took notes. This section is based both on her recollection of the event and on an article (Dickson, 2007) that appeared in a local magazine about the event.

"I thought this was a public meeting," to which one of the guards replied, "This is NOT a public forum" (Dickson, 2007, p. n.p.). Escorted from the room for breaking the rules of the session, this indecorous outburst seemed to express a collective sense of frustration that had been gathering in the room by attendees. Indeed, this "disruption" was what everyone talked about for the rest of the event and beyond; it became the lead in media coverage, it was used as an example to point out the flaws in the public information session, and it rallied both supporters and dissenters of the Divine Strake test. Whether planned or not, this man's actions constituted a significant moment of disruption and resistance.

This moment should not be merely written off as just another activist making trouble, but reveals the radical potential of public participation processes. In this moment, the traditional model of a participant speaking to the official decision maker broke down in favor of an expanded notion of the public hearing session as a rhetorical interaction amongst participants—this man speaking to the other people at the event—and between these participants and wider publics through the media spectacle that ensued. Moreover, this moment calls attention to the way that activists might use public information sessions, public hearings, and other public participation processes for their own rhetorical purposes that are untethered to instrumental agendas. This chapter expands notions of public participation by shifting focus from official accounts to the complex and varied rhetorical interactions that can happen in these settings. Such a shift requires moving beyond an assumed boundary between (radical) activism and (institutional) public participation, by expanding our conception of the rhetors, audiences, purposes, and consequences of public participation processes.

We begin our investigation into the radical potential of public hearings with an examination of the scholarship on public participation in environmental decision making and its (lack of) intersection with social movement scholarship. From this we argue that violations of decorum expose the multiplicity of rhetorical encounters that take place in public hearings, offering a resistive reading of the dominant model of public participation. We develop our argument through an analysis of two cases: public meetings concerning Love Canal, and a public hearing regarding air pollution in Salt Lake City. These cases reveal moments of resistance, disruptions, and violations of decorum that demonstrate the ways that social movements use can use public hearings to cultivate identity with their cause, enact media events, and ultimately reach new audiences. The chapter concludes by highlighting the significance of these findings for advancing scholarship in public participation in environmental decision making, revealing productive intersections between public participation and social movement scholarship, and highlighting the rhetorical force of indecorous voice.

2. INDECOROUS VOICE: BINDING PUBLIC PARTICIPATION AND SOCIAL MOVEMENTS

Public participation in environmental decision-making is a significant area of study within environmental communication (e.g., Depoe, et al, 2004; Philips, Carvalho, & Doyle, 2012). As Cox (2012) defines it, public participation in the U.S. is "the ability of individual citizens and groups to influence decisions through: (a) the right to know or access relevant information, (b) the right to comment to the agency that is responsible for a decision, and (c) the right, through the courts, to hold public agencies and business accountable for their environmental decisions and behaviors" (p. 84). This definition, and much of the research in the field, assumes that

public participation in environmental decision making is an *official process* through which citizens have a voice in the environmental decisions that affect and matter to them. By official processes, we mean public hearings, public information sessions, public comment periods, and other modes designed by decision-makers to gather input from affected stakeholders and publics. Research in public participation in environmental decision making is largely focused on either exposing flaws in current models of public participation—DAD, for example—or proposing new models that would better enact the rights listed in the definition above.

In this chapter, we seek to expand our understanding of the rhetorical dynamics of public participation in environmental decision making, pushing beyond studies of the limitations of and opportunities for better public participation processes. We argue that current scholarship in this area would benefit from expanding the definition of public participation from an official and instrumental process that entails particular rights and responsibilities to a definition that recognizes the multiplicity of rhetorical interactions that can happen within these processes, many of which challenge the official, and instrumental purpose of public participation. Pezzullo (2007) and Delicath (2004) call on scholarship in public participation to expand its notion of what public participation can be to include activism and other forms of action that occur outside official processes. We agree with these important challenges, yet take up the impulse to break down barriers between activism and public participation in a different way. Instead of looking outside of official public participation processes for alternate modes of participation, we argue that alternative, resistive, and transgressive rhetorical practices happen *within* public hearings, public information sessions, and other forms of sanctioned participation. In other words, public hearings are polysemous rhetorical events that hold a variety of opportunities for resistance and activism.

Traditional public participation scholarship assumes that public hearings and other processes of public participation are an instrumental form of communication wherein participants from the public speak directly to decision makers in an attempt to influence their decisions about an impending issue of importance. While we do not deny that this is one way of understanding a public participation process, the almost exclusive focus on this understanding has limited our ability to see other rhetorical dynamics at play in public hearings. As the examples that open this chapter demonstrate, participants may *also* speak to *other* participants and not only to decision makers. Participants may come to a public hearing because they want to hear what other participants have to say, and not what decision makers have to say. Sometimes, whether planned or spontaneous, participants may violate decorum and disrupt the process, which can then become media events that disseminate to other audiences beyond the public hearing.

Indeed, it may not always be the goal of public participation event attendee influence decision makers. Rather, participants may also engage with institutional actors via acts of resistance, enacting a form of consummatory rhetoric (see: Lake, 1983). When we move beyond a strictly instrumental definition of public participation, we can see that these events are a complex mix of rhetorical opportunities and that activism (to which we turn in the next section) is neither antithetical to, nor outside of, processes of public participation. Activism via moments of resistance and violations of decorum can happen within official processes of public participation and contribute to a movement of meaning over time (McGee, 1980) that is delinked from the specific purpose of a particular public participation event.

2.1 Articulating Public Participation and Social Movements

Environmental Communication has made invaluable contributions to both the study of social movement and public participation. Yet, we argue, these threads of scholarship are more frayed than interwoven, contributing to an unnecessary bifurcation of traditional and alternative modes of public engagement. Those largely considered founders of this field come out of the study of rhetoric and social movement (Cox, 1982; Oravec, 1984), galvanizing critical analysis of rhetorical tactics utilized in environmental movements (DeLuca, 1999; Endres & Senda-Cook, 2011; Hunt, 2014; McHendry, 2012; Pezzullo, 2007; Schutten, 2006) on one hand, with another strand examining rhetorics of institutional public participation (Schwarze, 2004). These separate threads are evident by the organization the first volume (Depoe et al, 2004), wherein case studies of environmental activism (including, for example, tactics of the environmental justice movement) are cordoned off under the heading "Emergent Participation Practices Among Activist Communities." In constituting public hearings an official process of participation, and protest events as non-official forms of participation, we argue, treats both as independent rhetorical forms with discrete purposes, audiences, and rhetors.

Such moves, though unintentional, can privilege the institutional discourses of official public hearings even while also criticizing these processes as anti-democratic (Cox, 1999). Viewing activists as a disruption, such as the man who was removed from the Divine Strake public information session, further reinforces the notion that institutional spaces of public participation exist for rational, participatory, democratic discourse and protest spaces are where we see alternate forms of discourse. Indeed, within this literature, activism that breaks decorum may be seen as breaking down the process of democratic participation. If institutional public participation processes (such as public hearings) are the norm, and activism is an alternative (and, thereby, separate) process, we risk further marginalizing, and even silencing, those who experience the effects of environmental injustice firsthand. As a corrective, we entreat environmental communication scholars to consider the ways in which public participation, social movement, and activism are entwined.

Scholarship on the rhetoric of social movement reveals the contingent boundary between public and private, values and practices, institutions and people that protests, rallies, and marches can make visible. Per Haiman (1967), social movement rhetoric "violate[s] the proposition that, in an orderly society, there must be prescribed times, places, and manners of protest" (p. 15). Indeed, this area of scholarship has catalogued an array of "non-rational" modes of discourse as tactics of protest including modes of dress (Windt Jr, 1972), sit-ins and self-immolation (Haiman, 1967), even the use of profanity and obscenity (Windt Jr, 1972). Such work has necessarily expanded our understanding of what counts as rhetoric, where protest happens, and to whom these tactics are aimed (Campbell, 1973; Lake, 1983). While the assumption that activism is primarily a type of disruption pervades this literature, it should not imply a simplistic inside/outside dichotomy in terms of official processes of democratic participation- that is, that all social movement actors, and modes of protest, exist outside of traditional discourse and ordered arenas. As Haiman (1967) suggests, "permissible time, place, and manner [of protest]" is only a "proposition," often reinforced by scholars (p. 14).

Activist tactics serve both internal and external audiences and purposes (Campbell, 1973; Cathcart, 1978; Gregg, 1971; Lake, 1983; Windt, Jr, 1972). This is significant in its recognition that social movement rhetoric is not always directed at decision makers, including those convening a public hearing. Activists attending a public meeting may be more interested in rhetoric that coalesces adherents, raises awareness among other participants in the public

hearing, creates a media event that can reach new audiences, and/or performs resistance as a consummatory act. Indeed, contemporary social movement scholarship reveals that activists seize a variety of opportunities for engagement that range from working within institutional channels to disrupting those channels (Cox & Foust, 2009).

2.2 Indecorous Voice as the Tie that Binds

Indecorous voice —rhetorical tactics that are perceived to be disruptions of proper behavior— is a useful heuristic for engaging the intersection of social movement and public participation. Indecorum performatively questions the very conditions of what counts as appropriate participation, calls attention to how instrumental models (such as DAD) of public participation can be used to stymie oppositional voices, and reveals that working within the system is not universally accepted by all participants in public participation processes. In this way, we hold that indecorum can creatively widen the scope of participation tactics and audience; transgressing rules of decorum through acts of resistance can serve consummatory functions including, engendering shared identities of protest (or what Gregg (1971) calls the 'ego function' of social activism), and "being heard" by multiple audiences.

Rooted in Ciceronian (1961) concepts of moral goodness (I.93), decorum references a form of propriety to which rhetors are held accountable when speaking in particular contexts. In the context of public hearings, decorum articulates an appropriate "discursive style," or normative rules for rational engagement between publics and institutions. As Cox (1999) suggests, decorum can be used subordinate oppositional voices in environmental public participation contexts to the effect of sustaining hegemonic institutional discourses that perpetuate environmental injustices (Cox, 1999). Public hearings can, for instance, restrict the number of testimonies, impose time limits for comments, and often exclude "non-rational" forms of discourse (such as clapping, yelling, or cheering) from official transcripts. In these moments, actors engaging in *indecorous voice* can be rejected as disqualified on the basis that their standing is "inappropriate," or not fitting for the context (Cox, 1999).

We suggest, however, that while decorum may be a strategy of institutional decision-makers, *in*decorum can be a tactic utilized by activists within official processes (such as public hearings), demonstrating the radical potential of public participation. Indecorous acts such as chanting in unity, clapping or booing, crying, or sitting in silence disrupt "proper" participation processes, transgressing the "appropriate" discursive style of rational public engagement, and, indeed, may be deployed toward other ends beyond (or instead of) the official purpose of the public hearing or meeting. Rhetorical performances that may otherwise be considered inappropriate, or improper, can thus become inventional possibilities for other rhetorical consequences.

Intentionally or cathartically, indecorum exceeds conditions of appropriateness and seeks to "interrupt architectonic systems of decorum and bring politics into existence" (Stoneman, 2011, p. 143). Indeed, in the context of public hearings, typical activist tactics openly transgress normative rules of "order," disrupt the official purpose of the meeting, and perform a radical politics that forges new alliances with a variety of audiences. As a rhetorical strategy, indecorous voice can therefore open possibilities of participation by emphasizing the loss of voice during normal participatory procedures, thereby demonstrating the polysemous nature of public participation.

3. ENACTING INDECOROUS VOICE IN PUBLIC HEARINGS

Environmental activists can seize upon public participation processes to disrupt, resist, and make their voices heard. Using tactics typical of "alternative" modes of engagement (such as social activism), publics can defy the expectations of proper behavior in order to express communal frustration or anger, enact solidarity with a shared cause, garner attention from external audiences (such as the media), and expose injustices of the public participation process itself. Our analysis hones in on two case studies in which environmental activists enacted indecorous voice for rhetorical consequence: Love Canal and Rio Tinto Kennecott. From 1972-1981, residents of Love Canal cried, screamed and hollered, and chanted during public meetings to call attention to health impacts of chemical toxicity in their community. More than thirty years later, activists in Salt Lake City raised signs, cheered, and voiced their opposition during a Department of Environmental Quality (DEQ) public hearing on air quality. Spanning a 30-year arc, these cases demonstrate the polysemous nature of public hearings and the range of indecorous tactics activists can use to disrupt institutional norms of decorum, "be heard" by multiple audiences, and enact resistance.

3.1 Love Canal Residents Fight to be Relocated

Love Canal is one of the seminal case studies of environmental (in)justice in the United States (Blum, 2008; Fletcher, 2003; Jamieson, 2007). Through grassroots organizing, Lois Gibbs and the Love Canal Homeowners Association (LCHA) pressured for government investigations and, eventually, a federal injunction to help relocate residents affected by toxic waste. Love Canal remains an historic model of grassroots environmental organizing, illustrating the radical potential of public hearings and the consummatory function (Lake, 1983) of indecorum. Through their tactical enactments of indecorous voice, Love Canal residents come to identify as an affected group, constituting a *community* of homeowners, while also propelling their struggle to national prominence via extensive media attention.

Located in upstate New York, Love Canal is a small working class community built over a chemical plume in the early 20th century. Residents first became aware of chemical toxicity when a local newspaper published reports in 1976. Over the next 5 years[2], residents would endure innumerable public hearings and meetings with New York state legislative and health officials, promises of evacuations followed by government back-tracking as parties debated responsibility, and disturbing results of high levels of toxicity and irrevocable health impacts. Throughout the unfolding of these events, legislators and public health officials carefully managed decorum within a technocratic model of public participation that privileges science (Depoe, et al 2004; Endres, 2009; Fischer, 2000; Kinsella, 2004), marginalizing Love Canal residents' concerns for the health and safety of their community. For example, when residents presented evidence, collected through informal questionnaires, of health impacts and increased infant mortality rates, the EPA refuted it as "useless housewife data" and, when pressed, arranged the residents to be examined by a veterinarian (Gibbs, 2011; Perlmutter & Matthews, 1999). After years of public meetings, hearings, and protests, President Jimmy

[2] For a complete timeline of these historical events, see the Love Canal archives webpage: http://library.buffalo.edu/specialcollections/lovecanal/about/chronology.php

Carter declared Love Canal a national emergency on May 21, 1980, approving the final relocation of all remaining residents[3].

Participating in "hearings and more hearings" (Gibbs, 2011, p. 142), the "strong elements of confrontation," or indecorum, residents exhibited there "provided emotional catharsis" (Levine, 1982, p. 23). Challenging the formal nature of the public participation process, locals tactically deployed indecorum at public meetings to vigorously contest institutional efforts to delay investigative procedures, creating an atmosphere that has been described as "not pleasant" (Levine, p. 48) and "intense," (Gibbs), where residents would be "screaming and hollering," crying and shouting (Gibbs, 2011, p. 56).

Indeed, Gibbs explains how residents learned to tactically exploit the very emotionality typically dismissed under rules of decorum: "We used to use Patty…who was one of our best criers, who would stand up and shout…and cry," often while holding her infant child at public meetings (Perlmutter & Matthews, 1999). Gibbs further reports that such indecorous actions were a deliberate strategy: "…we thought about how people behaved and how could we use that to heat up the struggle and put pressure on those target people. And it worked extremely well" (Perlmutter & Matthews, 1999). Indeed, Gibbs' comment indicates how indecorum could performatively speak to "targets," beyond the immediate audience at any single hearing, "heating up the struggle" by garnering external attention that would eventually reach the President.

Documentary footage of one public hearing shows a middle-aged man standing up with arms outstretched in exasperation, shouting: "All I want, all I want… is my 28-5 [referring to the government payment for his home] and give it to me tonight and I'll move down that road and I'll never look back at the Love Canal *again*!" On the verge of tears, his face is flush and his voice trembles. Immediately following his statement, the crowd erupts in boisterous cheers. Community supporters clap and chant, "WE WANT OUT! WE WANT OUT!" in unison, while pump their fists above their heads or jump from their seats (Perlmutter & Matthews, 1999). In this way, indecorum allowed the affected residents to speak not only to the decision-makers, but also to other audiences (including the media, and one another).

Rather than succumbing to its instrumental force of marginalization, we argue that indecorum was used to constitute the LC community. Gibbs (2011) herself consistently articulates the struggle of "ordinary citizens [gaining] power" as "our community's fight." Indeed, the formation of the LCHA was itself fomented as an effort to "transform[] an angry crowd" into an organized activist group (Blum, 2008, p. 27). In this way, public meetings and hearings "became the context in which…a *group* was forming" as Love Canal residents, who may not have previously known or interacted with one another, "began to learn that they shared common problems…[and] began to develop the deep understanding that they would have to depend on themselves and one another" (Levine, 1982, p. 50). In this way, we argue, the indecorous actions undertaken by residents at the Love Canal meetings functioned as a purpose in themselves. Regardless of the outcome of the particular public hearing and whether

---

[3] Though Love Canal residents engaged in both institutional public participation processes and alternative social protests, we limit our analysis to the indecorous tactics employed at public meetings and public hearings. This analysis is based on historical texts documenting the struggle at Love Canal. These include Levine's (1982) in-depth study of the unfolding process (which includes firsthand interviews with Gibbs and other LCHA activists), as well as Gibbs' (2011) memoir and handbook for environmental health organizing. Further, the documentary The Poisoned Dream: The Love Canal Nightmare, provides real-time footage of many of the public hearings.

they persuaded any of the decision makers, the performances of pain, anger, and solidarity were heard by more than the officials and created a sense of community. In other words, as residents shared their private plight with chemical toxicity to state legislators and public health officials- painful experiences of miscarriages and stillbirths, disabled children, sick and dying pets- cheers and applause from the crowd function to make “the people [feel] drawn together” (Levine, 1982, p. 58).

For example, at an early “chaotic” public information session at which New York State officials shared plans to evacuate pregnant women and small children, Gibbs was asked to help “calm these people down.” She implored her community: “Hi, everyone knows me, I’m Lois Gibbs…I suggest that you sit quietly and listen to the questions and listen to the answers and then boo the hell out of them,” receiving a round of applause (Levine, 1982, p. 36). Residents’ chanting and shouting, Gibbs reflects, often unfolded “like an opera or a musical, with those up front questioning the commissioners like lead singers, and…the audience would cry out just as if they were the chorus” (2011, p. 154). On her involvement in the Love Canal struggle, Lois Gibbs (2011) reflects, “although we were frustrated, I made many good friends as a result of Love Canal” (p. 98).

Love Canal residents’ indecorum was also a tactical move with rhetorical consequences reaching farther than the immediate audience of New York state officials attending the public hearings. Media attention became a weapon Gibbs and the other homeowners could use to gain exposure for their struggle and pressure their state legislators to act. Indeed, it was a probing investigation from a *Niagara Gazette* reporter, Michael Brown, who brought public attention to the chemical odors and toxic rain at Love Canal back in 1976. Early on, as Gibbs was first piecing together evidence of pervasive effects of toxicity, she received crucial advice on “the opportunity inherent in asking questions at a [public] meeting- to reach a public larger than those present” (Levine, 1982, p. 32). Gibbs soon put this advice into action when Governor Carey sent an assistant in his stead at an early meeting discussing the plan to evacuate families with pregnant women and young children. Seizing the opportunity, Gibbs challenged Carey via a news camera, shouting, “Where’s Carey? I’d be here if I was governor!” Her veracity entreats others nearby to shout with her, “Where’s the mayor?” and “Where’s Hooker [Chemical]?” (Levine, 1982, p. 37). As residents would come to witness multiple attempts to circumvent or deny their complaints, expressing their frustration at repeated public meetings, “news reporters, photographers, and television cameramen…recorded what was happening and inevitably became part of the scene themselves” (Levine, 1982, p. 37). Indeed, Gibbs (2011) would later reflect: “We had to keep the media’s interest. That was the only way we got anything done. They forced New York to answer questions. They kept Love Canal in the public consciousness” (p. 120). In this way, indecorum became a rhetorical resource for propelling the struggle of this small community into a nationally known event.

Indecorous voice, therefore, a term that was used to designate inappropriate behavior and previously understood as a construction by government officials to marginalize residents’ voices, was re-claimed as residents performatively re-invented the timeliness of decorous situations (Baumlin, 2002). Although actions like clapping and cheering, chanting and engaging the media may not necessarily be radical in their singularity, they can be ways of creating a shared identity that breaks from drabness of public participation processes that implicitly direct participants to remain silent until it is their time to make a comment. The case of Love Canal demonstrates how, through indecorous voice, activists can seize the polysemous

nature of public hearings to cathartically perform their resistance and propel a local struggle to multiple audiences.

3.2 Utah Residents Fight for Clean Air

In 2011, the issue of severe air pollution gained traction as a political lynchpin for many environmental activists concerned with the way Salt Lake City decision makers prioritize the financial interests of industry over health impacts of poor air quality. This area of Northern Utah experienced some of the worst air quality in the United States (Bennion, 2013); in 2013, Salt Lake City endured 22 consecutive days of pollution that exceeded federal standards, garnering national media attention (Frosch, 2013). Rio Tinto Kennecott (RTK), an international mining conglomerate, owns and operates The Bingham Canyon Mine, the largest open pit copper mine in the world. While RTK is one of the largest employers in the Valley, it is also recognized that mining activity contributes to nearly one-third of the area's total greenhouse gas emissions (Klaus & Mayhew, 2012).

On February 22, 2011 the Utah Department of Environmental Quality (UDEQ) convened a public hearing to evaluate plans to expand the Bingham Canyon Mine, granting RTK a 30% increase in annual mineral extraction. Permitting an expansion of this magnitude necessitates a renegotiation of Utah's State Implementation Plan (known as SIP, whereby particulate pollution is regulated); the Clean Air Act requires a public hearing for SIP amendment proposals that includes opportunity for public comment. Nearly 150 participants, including air quality activists, unaffiliated members of the public, RTK employees, and elected representatives from area municipalities, attended this event[4].

While providing comments to the hearing's immediate audience (UEDQ), Salt Lake activists also seized indecorum to express solidarity and collective frustration, speak to other audiences in the room, galvanize different grassroots groups to a shared oppositional agenda. Challenging DEQ definitions of appropriateness, participants performatively renegotiated how politics should be done. Actions like clapping and booing, holding signs, and sitting in silence tactically draw attention to the ways that decorum - including tighter-than-usual time limits for oral comments (apparently to accommodate the overcrowded roster of slated commenters), and seating arrangements that pushed RTK employees and local officials (including Mayors and City Council members) closer to the UDEQ board- can be used to privilege industrial voices over the public interests of clean air.

Even before the hearing formally began, the various grassroots environmental groups in attendance- including the Utah Chapter of the Sierra Club, Utah Physicians for a Healthy Environment, Utah Moms for Clean Air, and WildEarth Guardians- displayed numerous signs, as if at a protest rally. One asked, "Is Utah Zion or Mordor?" Another read, "Another Dirty

[4] This analysis is based on transcripts received from the UDEQ's DAQ of received comments and field notes from two of the three authors who attended the event. This triangulation of data from *in situ* participatory research, public comments, and field notes – on top of swaths of research from newspapers and government records – provides a level of qualitative and rhetorical saturation that exceeds traditional textual analyses. For instance, actually attending this event allowed the authors to observe the micro-performances of participants through applauses, stages of protest used during comments such as signs and children, and use facial expressions, sounds, smells, and felt momentum as rhetorical data for our analysis. We defend that this rhetorical methodology is consistent with what Middleton, Senda-Cook, and Endres (2011) call Rhetorical Field Methods.

Error From DAQ." Others said, "Got Lungs?," "Protect Our Right to Breath[e]," and a 12 foot banner read, "Rio Tinto: Change We Don't Believe In." Though a clear importation of an "alternative" protest tactic into the setting of an official public participation process, they also transgress normative rules of official decorum in several important ways. First, as signs can be held up and displayed to UDEQ officials throughout the hearing, their message is not limited to the 5-minute duration of an oral comment. Second, these signs contribute to a feeling of excitement among the oppositional participants, as one group can see signs displayed by others with whom they may have had limited engagement (though share a coalitional mission) outside of the hearing. Further, signs were also used to resist comments that supported the mine's expansion. After several pro-expansion comments, activists developed a pattern of holding their signs of dissent extra high when comments favored RTK. This fluidity and rhythm illustrates how protest signs can be used within a public hearing rebuke pro-industry commenters, creating a shared sense of oppositional identity.

During the hearing, publics performed indecorous voice in ways similar to the Love Canal residents. Acts such as clapping, shooting "woo-hoo's" and cheers broke from normative behaviors of DEQ decorum. People built solidarity by collectively reacting to comments that openly opposed the expansion, RTK, and/or the decision-making process itself. For example, one female participant who discussed citizens' rights in a participatory democracy received loud applause and energetic cheers from supporters in the room. Interestingly, field notes from this event reveal a pattern as comments proceeded: oppositional comments received boisterous applause and vociferous cheers from activists (and silence from RTK employees and elected officials), while comments supporting the expansion or RTK were met with silence from activists (and mild-mannered applause from pro-industry actors).

Like Love Canal residents, Salt Lake Valley activists indecorously called on other official audiences not in attendance at the public hearing to pay attention to their struggle. For example, a participant associated with the group Utah Physicians for a Healthy Environment delivered his comment wearing a white medical lab coat, telling an emotional story about a patient of his stricken with a severe respiratory illness. Ending his story with a loud injunction, this speaker calls out state officials with stakes in this institutional process but not in attendance at the hearing: "DAQ, legislators, Governor Herbert, Rio Tinto[,] are you *listening*?!" (emphasis added). With this, he received great applause and many cheers. This comment illustrates how indecorum does not occur in a vacuum, as it can be used to transform public participation processes into spaces that address a multiplicity of audiences that extend beyond UDEQ's walls.

Salt Lake activists also mobilized indecorous voice to shame the nature of the public participation process itself. Many comments verbally lampoon the UDEQ and RTK, attacking these institutional actors for organizing a flawed system of public engagement. For example:

> …it appears that DAQ has already decided that this issue will be approved, and has produced the completed permit stating just that. Imagine our surprise…This situation then makes a mockery of this particular public comment event…Obviously these Utah voices…are not being considered as the permit is already written.

This comment was received with obstreperous cheers from the crowd; people leaped from chairs and held their protest signs up high, others clenched their fists and hollered at the top of their lungs. Importantly, comments like this illustrate that participants know that public hearings are technocratic DAD models, but they come to participate in the hearing anyway.

This suggests, we argue, that these participants see value in being present, and are purposeful with the indecorous actions they use in institutional settings.

Derisive comments against decision makers and industrial actors were acts of indecorum that departed from the logical consistency of industrial reasons and the expectation that participants must remain polite and civilized. These comments served an "ego-function" that palpably affirmed protesters' group identity through their own consummatory rhetorics. Consistent with Windt Jr's (1972) notion of the diatribe, these actions opened spaces for thinking differently about how public participation processes ought to occur by alienating RTK from the very process that typically serves their interests.

Silence was also a performative act of resistance that bolstered solidarity and spoke to audiences other than the UDEQ. Toward the end of the hearing, one individual used his comment time to performatively transgress the implicit decorum that comments should express rational, oral, arguments. First, upon arriving at the front of the room, the man physically moved the chair that, up to this point, had been facing the UDEQ, to instead face the other half of the room. He asked simple question, and sat in silence: "For the remainder of my time I invite everyone to consider in silence…what is it you love most in this world, and how can you live in integrity with that thing that you love most" (p. 44). After several minutes this participant disclosed that what he loves most is his children; the room immediately erupted with applause, cheers, and standing ovations. We see this statement is a performance of the silence experienced by many publics in the valley that critiques the very process of a public hearing.

These indecorous acts serve the purpose of exposing the flaws of public participation processes in a way that may never persuade the decision makers to change their mind, but open the possibilities of a multiplicity of audiences and purposes. This case demonstrates that indecorous voice can be used to create a shared identity that politicizes the mundane instrumentalization of public participation processes. Publics disrupted DEQ decorum by intervening with outcry, embodied gestures, and silence to build collective identity against decision makers for narrowly interpreting how deliberative democracy ought to occur. As a rhetoric of social protest, indecorum breaks from what is decorous, or proper, to renegotiate the very conditions of public participation. It is in this way that indecorum lends itself to radical potentials and bridges public participation with social movement.

4. CONCLUSION

In both of these cases, we see how the strict line between public participation and activism breaks down. We see situations where activists, in recognition of the hopelessness of making a difference within these technocratic DAD models of public participation, use public hearings as a way to be heard, access different audiences, create media events, and constitute community through disruptive acts that not only highlight the unjust models of participation but also expand beyond the instrumental purpose of the public hearing. The performances of indecorous voice are the purpose in themselves, enacting a form of consummatory rhetoric (Lake, 1983) that recognizes the rhetorical consequence of these performances regardless of whether they fit within the expectations of public hearings as a forum for publics to talk to and potentially influence decision-makers.

We have provided two cases that reveal that the social movement tactic of using public hearings has been used within a time span of over forty years. Indeed, there are surely many

more cases we could have incorporated. Despite this being a long-standing tactic of social movements to use indecorous voice to disrupt and open the radical potential of public hearings, we argue that scholarship in public participation in environmental decision making has been slow to focus critical attention on this phenomenon. Amidst important research showing the flaws in current models of public participation and proposing more just models of participation, rhetorical investigation that reveals the resistive possibilities within current models reveals how social movements are making do in an imperfect system and finding tactical modes of resistance that may not fit within the instrumental notion of the audience and purpose of the public hearing, but do allow for social movement.

Our analysis has important implications for future research in public participation and processes of environmental decision-making. First, we have revealed the ways in which public participation in environmental decision making research is too narrowly focused on public participation processes as official lines of participation, thus creating a bifurcation between official processes of participation and alternate processes of participation (protest events, etc.) wherein social movement activism is seen as outside the realm of public participation processes. In addition to highlighting how public hearings involve a range of rhetorical opportunities, audiences, and purposes, this study highlights the productivity of putting public participation and social movement literatures in conversation more. With notable exceptions (Delicath, 2004; Pezzullo, 2007), there is a lack of scholarship that wok as this productive intersection. Building from our analysis of (in)decorum as one mode of activist engagement with public participation processes, we call for more research that examines different modes of engagement.

Finally, our analysis of the use of indecorous voice in public hearings expands upon the concept as first introduced by Cox (1999). While he focused on highlighting how indecorous voice could be a strategy of control wherein decision makers would call out and exclude participants that violate decorum, our focus reveals how indecorous voice can also be a tactic of resistance that can successfully raise awareness about a movement, reach new audiences, and create media events. Taken together, we have a more complex and robust understanding of the role of decorum in the intersection between social movements and public participation processes.

REFERENCES

Baumlin, J. S. (2002). Ciceronian decorum and the temporalities of renaissance rhetoric. In P. Sipiora & J. S. Baumlin (Eds.), *Rhetoric and kairos: Essays in history, theory, and praxis* (pp. 138-164). Albany, NY: State University of New York Press.

Bennion, K. (January 21, 2013). Utah cities atop EPA's worst-air-quality list. The Salt Lake Tribune. Retrieved from http://archive.sltrib.com/story.php?ref=/sltrib/news/55670441-78/utah-quality-logan-degrees.html.csp

Blum, E. D. (2008). *Love Canal revisited: Race, class, and gender in environmental activism.* Lawrence, KS: University Press of Kansas.

Campbell, K. K. (1973). The rhetoric of women's liberation: An oxymoron. *Quarterly Journal of Speech 59*(1), 74–86. doi:10.1080/00335637309383155.

Cathcart, R. S. 1978. Movements: Confrontation as rhetorical form. *Southern Speech Communication Journal, 43*(3), 233–47. doi:10.1080/10417947809372383.

Cicero (1961). *De officiis* (W. Miller, trans.). Cambridge, MA: Harvard University Press.

Cox, R. J. (1999). Reclaiming the "indecorous" voice: Public participation by low-income communities in environmental decision-making. In C. B. Short & D. Hardy-Short (Eds.), *Proceedings of the Fifth Biennial*

Conference on Communication and the Environment (pp. 21-31). Flagstaff, AZ: Northern Arizona University School of Communication.

Cox, J. R. (1982). The die is cast: Topical and ontological dimensions of the locus of the irreparable. *Quarterly Journal of Speech, 68*(3), 227–239.

Cox, J. R. (2012). *Environmental communication and the public sphere* (3rd ed.). Thousand Oaks, CA: SAGE Publications, Inc.

Cox, J. R. & Foust, C. R. (2009). Social movement rhetoric. In A. A. Lunsford, K. H. Wilson, and R. A. Eberly (Eds). *The Sage handbook of rhetorical studies* (pp. 605-627). Thousand Oak, CAs: Sage.

Delicath, J. W. (2004). Art and advocacy: Citizen participation through cultural activism. In S. P. Depoe, J. W. Delicath, & M.-F. A. Elsenbeer (Eds.), *Communication and public participation in environmental decision making* (pp. 255–266). Albany, NY: SUNY Press.

DeLuca, K. M. (1999). Unruly arguments: The body rhetoric of Earth First!, Act Up, and Queer Nation. *Argumentation & Advocacy*, *36*(1), 9–21.

Depoe, S. P., Delicath, J. W., & Elsenbeer, M. A. (2004). *Communication and public participation in environmental decision making*. Albany, NY: State University of New York Press.

Dickson, M. (2007, January 31). The people speak: When the public is not welcome. *Catalyst*. Retrieved from http://166-70-249-138.ip.xmission.com/component/k2/item/144-the-people-speak-when-the-public-is-not-welcome

Endres, D. (2009). Science and public participation: An analysis of public scientific argument in the Yucca Mountain controversy. *Environmental Communication: A Journal of Nature and Culture*, *3*(1), 49–75.

Endres, D., & Senda-Cook, S. (2011). Location matters: The rhetoric of place in protest. *Quarterly Journal of Speech*, *97*(3), 257–282. doi: 10.1080/00335630.2011.585167

Fletcher, T. H. (2003). *From Love Canal to environmental justice: The politics of hazardous waste on the Canada-U.S. border.* Toronto: University of Toronto Press.

Fischer, F. (2000). *Citizens, experts, and the environment: The politics of local knowledge*. Durham, NC: Duke University Press.

Frosch, D. (2013, February 23). Seen as nature lovers' paradise, Utah struggles with air quality. *The New York Times, pp. A15.*

Gibbs, L. M. (2011). *Love Canal: and the birth of the environmental health movement*. Washington, DC: Island Press.

Gregg, R. B. (1971). The ego-function of the rhetoric of protest. *Philosophy & Rhetoric*, *4*(2), 71–91.

Haiman, F. S. (1967). The rhetoric of the streets: Some legal and ethical considerations. *Quarterly Journal of Speech*, *53*(2), 99–114.

Hendry, J. (2004). Decide, announce, defend: Turning the NEPA process into an advocacy tool rather than a decision-making tool. In S. P. Depoe, J. W. Delicath, & M.-F. A. Elsenbeer (Eds.), *Communication and public participation in environmental decision making* (pp. 99–112). Albany, NY: SUNY Press.

Hunt, K. (2014). "It's more than planting trees, it's planting ideas": Ecofeminist praxis in the Greenbelt Movement. *Southern Communication Journal, 79,* 235-249.

Hunt, K., & Paliewiscz, N. P. (2013). ""Are you *listening*?!": Indecorous voice as rhetorical strategy in environmental public participation. *Communication for the Commons*: 407.

Jamieson, D. (2007). Justice: The heart of environmentalism. In R. Sandler & P. C. Pezzullo (Eds.), Environmental justice and environmental activism (pp. 85–101). Cambridge, MA: MIT Press.

Kinsella, W. J. (2004). Public expertise: A foundation for citizen participation in energy and environmental decisions. In S. P. Depoe, J. W. Delicath, & M.-F. A. Elsenbeer (Eds.), *Communication and public participation in environmental decision making* (pp. 83–98). Albany, NY: SUNY Press.

Klaus, M. & Mayhew, D. (2012, February 29). Kennecott causes one-third of air pollution. *The Salt Lake Tribune.* Retrieved from: http://archive.sltrib.com/story.php?ref=/sltrib/opinion/53600999-82/rtk-pollution-utah-mining.html.csp

Lake, R. A. (1983). Enacting red power: The consummatory function in Native American protest rhetoric. *Quarterly Journal of Speech*, *69*(2), 127–142. http://doi.org/10.1080/00335638309383642

Levine, A. G. (1982). *Love Canal: Science, politics, and people*. Lanham, MD: Lexington Books.

McGee, M. C. (1980). “Social movement”: Phenomenon or meaning? *Central States Speech Journal*, *31*(4), 233–244. http://doi.org/10.1080/10510978009368063

McHendry, G. F. (2012). Whale wars and the axiomatization of image events on the public screen. *Environmental Communication: A Journal of Nature and Culture*, *6*(2), 139–155. http://doi.org/10.1080/17524032.2012.662163

Middleton, M. K., Senda-Cook, S., & Endres, D. (2011). Articulating rhetorical field methods: Challenges and tensions. *Western Journal of Communication*, *75*(4), 386-406.

Oravec, C. (1984). Conservationism vs. preservationism: The “public interest” in the Hetch Hetchy controversy. *Quarterly Journal of Speech*, *70*, 444–458. http://doi.org/10.1080/00335638409383709

Perlmutter, T. (Producer), & Matthews, K. W. (Director). (1997). *The poisoned dream: The Love Canal nightmare [documentary]*. United States: Barna-Alper Productions, Inc.

Pezzullo, P. C. (2007). *Toxic tourism: Rhetorics of pollution, travel, and environmental justice* (1st ed.). Birmingham, AL: University of Alabama Press.

Philips, L. J., Carvalho, A., & Doyle, J. (2012). *Citizen voices performing public participation in science and environment communication*. Bristol, UK; Chicago: Intellect.

Schutten, J. K. (2006). Invoking practical magic: New social movements, hidden populations, and the public screen. *Western Journal of Communication*, *70*(4), 331–354.

Schwarze, S. (2004). Public participation and (failed) communication: The case of Forest Service rhetorics in the Boundary Waters Canoe Area. In S. P. Depoe, J. W. Delicath, & M.-F. A. Elsenbeer (Eds.), *Communication and public participation in environmental decision making* (pp. 83–98). Albany, NY: SUNY Press.

Stoneman, E. (2011). Appropriate indecorum rhetoric and aesthetics in the political theory of Jacques Ranciere. *Philosophy and Rhetoric*, *44*(2), 129-149.

Sturgis, P., & Allum, N. (2004). Science in society: Re-evaluating the deficit model of public attitudes. *Public Understanding of Science*, *13*(1), 55–74. doi: 10.1177/0963662504042690

Treichel, J. U.S. Department of Energy Public Hearing on the Possible Site Recommendation of Yucca Mountain (2001). 232 Energy Way North Las Vegas, Nevada: U.S. Department of Energy.

Windt, Jr, T. O. (1972). The diatribe: Last resort for protest. *Quarterly Journal of Speech*, *58*(1), 1–14. http://doi.org/10.1080/00335637209383096