

**The Phenomena of Encroaching Processes  
- Toward a Theory of Organizational Change**

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# **The Phenomena of Encroaching Processes - Toward a Theory of Organizational Change**

## **Abstract**

Abundant research exists in the areas of organizational change and the organization development. The vast majority of this literature addresses the questions of why change is necessary and how to manage change. However, it is apparent that our understanding of change, what constitutes change and how change occurs will benefit by examining their actual fundamental processes. Revealing the phenomena of encroaching processes is an attempt to contribute to this effort.

*Encroaching* is a foray by individuals or units (the encroacher) into the boundaries of another individual or unit (the encroachee). The process of encroaching occurs for many reasons and may originate from the formal organization – the organizational black space, or from outside the formal organization – the organizational white space.

Everyone has familiarity with the process of encroaching. Encroaching is ubiquitous appearing at every level of social life. The process of encroaching is ordinary – however, it is ever-present and all encompassing. It is believed that the phenomena of encroaching processes are obvious and provide a fundamental building block for a new theory of organization change.

The thesis of this dissertation is straightforward: the phenomena of encroaching provide a means for exposing basic micro-processes of organizational change. This dissertation investigates the conditions under

**which such change occurs and how such change takes place. Understanding the processes of encroaching offers new opportunities for studying organizational change processes, process development, as well as threats to organizational existence.**

**This dissertation utilizes process frameworks as a method to capture encroaching phenomena in their context. Process frameworks possess the unique characteristic of being able to depict dynamic phenomena. A process framework was developed after an initial review of the data. Thirteen hypotheses were derived from this process framework.**

**More than 300 encroaching events were studied using data collected from the Florida 2000 Presidential Election turmoil. These data were applied to the process framework. Encroachment episodes applied to the framework revealed no counterexamples to the hypothesized outcomes.**

**This work contributes to the understanding of the fundamental micro-processes of organizational change.**



## **Preface and Acknowledgements**

Sometime in November 1999, after having escaped my comprehensive exams with a semblance of dignity, Professor Ken Mackenzie had a few words and a bottle of Scotch waiting for me. Now, he told me, was the time to clear my mind and let my thoughts wander. He gave me a wonderful gift – a *tabula rasa*. I loaded my clean slate, a few books, wife and daughter on a plane and headed to the ESC – Clermont Graduate School of Management. While working as a visiting assistant professor in *La France Profonde*, we discovered a new way to live and I discovered a new way to watch the world.

Upon our return to the states I was pleased to realize that I did not leave this discovery in Europe. While talking with Professor Mackenzie about all sorts of organizational phenomena and working on doodles for how organizations exist, I developed an idea about organizational change. For more than one year I worked this idea over. During many lunches and informal talks, Professor Mackenzie helped me formalize this idea and prepare it for serious research. From these many talks, lunches, arguments, debates, and disagreements, a new way to look at organizational change has emerged.

Many people have played an important role in my development leading to this dissertation. Watching a doctoral student work his way through a Ph.D could make a good study in interdependence. Administratively, I have

benefited from the assistance of Connie Ducey and Carol Anderson. Connie helped me when I first came into the program – reminding me of the various papers needing to be completed and always looking out for my best interest. Carol is seeing me out of the program and has kept me on track.

I have greatly profited from interaction with my colleagues – past and present – in the doctoral program. Orson Orge, Benedict Kemmerer, Vivek Patil, and Anurag Pant have helped make this a memorable process. My friend and colleague Fred Guzek is always sources of interesting conversation possesses. Karyl Leggio, David Shaffer, Pol Herrmann, Elaine Hollensbe, and Sammie Robinson are former colleagues who saw fit to graduate and accept professorships elsewhere before me. Thank you for still checking in. Professor Margaret Reed has been a great friend and source of constant support and encouragement. Professor Jenny Keil, who has her personal and academic life in perfect perspective, has been my biggest supporter. Thank you for your help, your encouragement, for reading my work even when it was painful, and especially for your friendship.

My current and future colleagues at the ESC – Clermont have likewise been important in my academic growth. I appreciate the friendship and support of Mike Bryant, Alain Audenot, Mary Vigier, Lisa Fiacre, Helga Foure Joopen, and Philippe Trouvé. Laurent Hua, former director general at the ESC and now a director in Paris, remains a professional supporter and personal friend.

Access to faculty is a hallmark of the KU Ph.D. program. My professional life has been enhanced through interaction with many faculty members at the University of Kansas who are not members of my dissertation committee. Professor Melissa Birch and her associates, Carol Rose and Monica Lemmons, at the KU Center for International Business and Research (CIBER) have contributed to my growth as a researcher and as a teacher. Professor Daniel Spencer was my teaching mentor and sparked my initial interest in studying philosophy. Professors Prakash Shenoy, Ron Ash, Paul Koch and Surrendra Singh have served as directors of the doctoral program and have always had the student's best interest at heart.

Early in my career I was advised to seek out and work with the best individuals possible. I believe that my dissertation committee represents the very best faculty members in their area. I have been fortunate to work so closely with them.

Professor Mai-Dalton is an experienced researcher and professor of organizational change and development. My literature review greatly benefited from her knowledge of the area. Professor De George allowed me to sit in on his Business Ethics class and then asked me to write the instructor's manual. I have known and worked with Professor Karney since my master's program. Professor Karney has been my teacher, my research partner, my editor, and my friend. I appreciate your constant support and your recommending me to the ESC.

For the most part, my Ph.D. program has been shepherded by two individuals: Professor Joe Reitz and Professor Ken Mackenzie. Professor Reitz helped me navigate the morass that can be coursework and comprehensive examinations. He showed me how research can be fun and interesting. Before working with Professor Reitz, my idea of research was stuck in what I had learned in my courses. Professor Reitz made research come alive for me. I will always appreciate this gift, his counsel during difficult times, and the spark he provided.

Professor Mackenzie recognized the spark and flamed it into a fire. Having access to Professor Mackenzie has been one of the great experiences of my life. We have spent countless hours at the whiteboard, tossing ideas and concepts, all in the hope of finding the elusive truffle. An idea is considered plausible only if it avoids the eraser for more than one day. Professor Mackenzie has graciously endured me – reading endless drafts of this work and works leading to this has been a gift to me at his expense. Thank you for recognizing an ugly duckling and teaching me the value of unfettered curiosity.

Earning a doctorate is only a semi-solitary endeavor. Many friends have contributed to my success. Jim Farrell, Byron Fry, Tim Mize, Vernon and Brenda Jarboe, Mark Neis and Jill Michaux have made sure that my stomach as well as my intellect was well nourished.

**My family has been a source of consistency, reliability and warmth. My siblings: Jeanne and Russ, Chip and Paula, and Mark and Jen, and their families have been amazingly helpful during this process. They provided the family support to my wife and children at times when I could not. Thank you. My parents, Clinton C. Marker (1924 – 1988) and Edythe G. Marker, always believed that I could do whatever I set out to do. Thank you Mom, I appreciate your faith in me – even when I was not so confident.**

**My daughters Lesley, Emily, and Allison are my sweethearts, gifts, and always make me smile. My hope is that will always be the individual you dream you can be. Keep learning and continue growing. A special thanks is extended to Mike. Thank you for all of your help.**

**Finally, this dissertation is dedicated to my wife, Kathleen. I am a better researcher, teacher, father, husband, and person because of you. Thank you for – everything.**

***Lawrence, Kansas, September 2002***

***DCM***

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## **Chapter 1. Introduction**

**Reification is the transformation from abstract phenomena to concretized issue. It has been noted that traditional organization theories often reify complex organizational phenomena (cf., Deetz, 1996, Sidky and Kersten, 2001). The problem is that reification frequently obscures the fundamental processes of the phenomena of interest (Deetz, 1996; McKinley et al., 2000). Such has been the case with research about organization change. This dissertation takes a different approach. Concretizing organizational change phenomena unnecessarily constrains and distorts what are naturally dynamic phenomena. The approach here is to dissolve prior reification in order to illuminate fundamental processes of organizational change that have been obscured.**

**Abundant research exists in the areas of organizational change and the organization development. The vast majority of this literature addresses the questions of why change is necessary and how to manage change. However, it is apparent that our understanding of change, what constitutes change and how change occurs will benefit by examining their actual fundamental processes (for an example, see Svyantek and Brown, 2000). Revealing the phenomena of encroaching processes is an attempt to contribute to this effort.**

***Encroaching* is a foray by individuals or units (the encroacher) into the boundaries of another individual or unit (the encroachee). The process of encroaching occurs for many reasons and may originate from inside an organization or from outside the targeted entity. An example of encroaching from inside the organization is the addition or elimination of tasks or responsibilities.**

**There are many encroaching processes originating from outside the organization such as the imposition of government regulations, requests for additional documents from financial institutions, or a customer's demands for special treatment. Children negotiating their way around a playground or in a water line and adults driving on city streets have experienced this issue.**

**Everyone has familiarity with the process of encroaching. Encroaching is ubiquitous appearing at every level of social life. The process of encroaching is ordinary – however, it is ever-present and all encompassing. It is believed that the phenomena of encroaching processes are obvious and provide a fundamental building block for a new theory of organization change.**

**The goal of this work is to describe and understand the process of encroaching leading to encroachments. By doing so, it is hoped that a contribution to the understanding of a particular type of organizational change is made.**

**The thesis of this dissertation is straightforward: the phenomena of encroaching provide a means for exposing basic micro-processes of**

**organizational change. This dissertation investigates the conditions under which such change occurs and how such change takes place. Understanding the processes of encroaching offers new opportunities for studying organizational change processes, process development, as well as threats to organizational existence.**

### **Description of the Process of Encroaching**

**Not all encroaching processes result in an encroachment. There are three necessary conditions for an encroachment:**

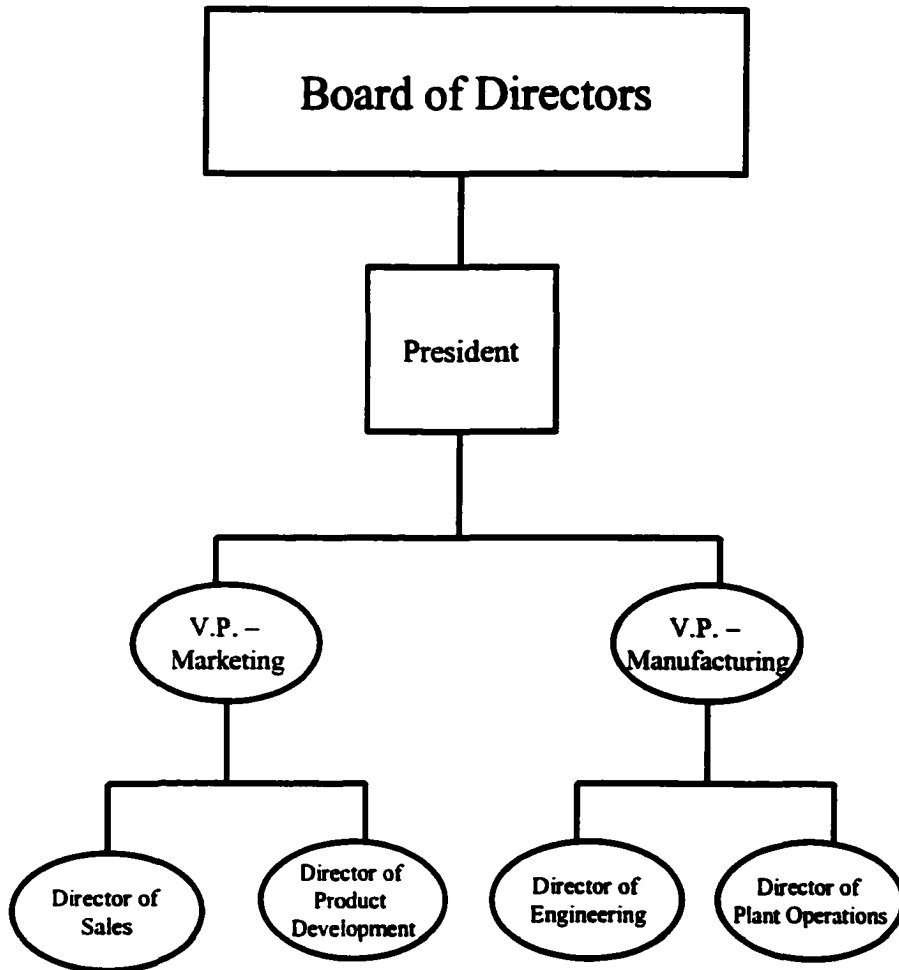
- 1) An encroaching process is initiated;**
- 2) The encroaching process produces a change; and**
- 3) The change is recognized by the encroachee.**

**These conditions stipulate that an encroachment has occurred only after the encroacher has initiated an encroaching episode that produces a change and the encroachee has recognized the change.**

**Encroaching can be purposive. An encroacher might intentionally initiate an encroachment process. Alternatively, an encroaching process may be unintended and unknown by the encroacher. There is no claim in the first condition that requires the encroacher to be aware that an encroaching process has been initiated.**

Furthermore, encroaching processes can be directed to the official organization, its people, positions, and processes, what Rummler and Brache (1991) refer to as the organizational blackspace. Alternatively, encroaching processes can target the less formal, unofficial part of the organization that surrounds the organizational blackspace, what Rummler and Brache call the organizational whitespace. To Rummler and Brache, the organizational whitespace is the ambiguous space around an organization and should be eliminated. According to Maletz and Nohria (2001), the organizational whitespace is defined as being comprised of “the large but unoccupied territory in every company where the rules are vague, authority is fuzzy, budgets are nonexistent, and strategy is unclear....” (p. 103). In this dissertation, Maletz and Nohria (2001) provide the preferred definition. This categorization is the basis for the concept of the organizational white space being different from the organizational black space. The organizational white space is described as individuals, groups, task processes, roles, positions, and/or resources that are able to affect the organization that are not part of the black space organization. Figure 1.1 is a diagram of a traditional organizational chart. In this depiction, the positions and links between the positions represent the organizational black space. The organizational white space is represented by the white paper that surrounds the organizational black space.

**Figure 1.1 - A Traditional Organizational Chart**



**The notion of organizational black and white spaces will play an integral role in the development of our understanding of encroaching processes. They also provide a background for understanding the subject of the empirical research here.**

**The organizational black space is the official organization of task processes, roles, positions, and lines of authority. It is the formal organization. The bureaucratic organizational form epitomizes the black space. Although widely conceived in this manner, it is not necessary that the organizational black space possess a hierarchical structure.**

**The concept of the organizational white space is extended to include any individual, group, or process that affects the organization that is not a part of the black space organization. These include committees, teams, cliques, forums, and many unregulated interdependencies. It is believed that lack of formalization of the processes existing in the organizational white space makes them especially vulnerable to encroachments.**

**The organizational white space can be seen as a great, vast ocean that surrounds organizational islands. Sometimes the ocean is placid, organized, and reliable – providing food, resources, and recreation. Sometimes the ocean is menacing, in turmoil, and violent – creating havoc and uncertainty. The organization (island) might be large and highly structured (i.e., General Motors and Australia), the organization (island) might be small and independent (i.e., the local diner and western Pacific island of**

**Palmyra), or the organization (island) might be part of chain of interdependent entities (i.e., virtual-like organizational arrangements and Indonesia).**

**Virtual organizations and virtual-like organizational arrangements (VLOA's) operate in the organizational white space. Virtual organizations are "organizations composed of multiple, distributed members, temporarily linked together for competitive advantage, that share common value chains and business processes supported by distributed information technology" (Grabowski and Roberts 1999, p. 704). Just as revolutionary increases in communications technology advanced bureaucracy as the foremost organizational form, even greater increases in these technologies are now permitting other types of organizations (e.g., virtual organizations and VLOA's) to reassert their prominence. Abundant literature supports the idea that virtual organizations and VLOA's are emerging as the preeminent organizational type (cf., Davidow & Malone, 1992; Ahuja & Carley, 1999; Lipnack & Stamps, 1999).**

**The data set developed deals with a subject where we all know how the story ends... but few understand the details of how it ended this way. This investigation provides one explanation for the outcome of the tumultuous events occurring in Florida during the 2000 presidential election.**

**This dissertation is presented in three sections. The first section makes the case for studying encroaching and how understanding these**

phenomena fills a void in organizational change research. It concludes by proposing a method for illuminating encroaching events and encroachments.

The second section proposes a setting for testing the existence of the phenomena and the process of data collection. In the third section the results of the study are discussed, conclusions are presented and opportunities for future research are developed.

To begin, it is important to understand why the phenomena of encroaching processes are significant. To accomplish this, it is necessary to capture the current state of two important organizational issues: organizational change and interdependence. A review of this literature is presented in the next chapter.



## **Chapter 2. Literature Informing the Phenomena of Encroaching**

The phenomena of encroaching owe their existence to the occurrence of change in interdependent organizational settings. Thus, the main sets of relevant research are found in the organizational change literature and interdependence literature. A review of these areas follows.

### **The Organizational Change Literature**

There is consensus that change is an important organizational phenomena. This point is evidenced by the extensive and diverse literature existing on the topic of change in organizations. Major journals (e.g., *Organization Science*, 1990; *Academy of Management Journal*, 2001) have devoted entire editions to the subject and several journals are devoted entirely to change management (e.g., *Organization Development Journal*, *Journal of Management Development*, *Training and Development Journal*).

The enormity of the research in organizational change has compelled the production of at least four extensive reviews. Sashkin and Burke (1987) reviewed the efforts of organizational development (OD) in the 1980's. They identified five trends in the area of organizational development: (1) an increase in integration of task and process reflected in studies exploring the implementation of new task structures; (2) the growing interest in developing

**OD theory; (3) the expanding attention in managing conflict; (4) improved OD research methods; and (5) increasing concentration on designing organization culture as a method for managing organizational change.**

**Woodman (1989) developed seven categories for analyzing the organizational change literature. Four of the categories parallel the first four categories used by Sashkin and Burke (1987). The fifth category was dedicated to the new area of high-performance – high commitment work groups. The sixth and seventh categories established by Woodman (1989) consider the importance of research in organizational change in international settings and social movements. Pasmore and Fagans (1992) took a slightly different approach and investigated the use of participation in OD in initiating organizational change. They argue, as do Sashkin and Burke (1987) and Woodman (1989) that the processes of participation aids in producing successful organizational change efforts.**

**Amenkakis and Bedeian (1999) build on these previous reviews and synthesize the categories into four research themes: (1) content issues, (2) contextual issues (3) process issues, and (4) outcome (i.e., affective and behavioral) issues. These themes are summarized by two focal questions for study in organization change proposed by Van de Ven and Huber (1990, p. 213):**

- 1) What are the antecedents or consequences of changes in organizational forms or administrative practices?**

**2) How does an organizational change emerge, develop, grow or terminate over time?**

The first question is dealt with in the planned organizational change - OD literature. The second question deals with process issues in organizational change.

**Planned Organizational Change and Organization Development**

OD is the “field of practice concerned with planned organizational change” (Lundberg, 2000, p. 189). Many, such as Delbecq and Mills (1985), emphasize the likelihood that organizational change can be planned and managed. Planned organizational change relies on the observation of environmental (external) forces and internal forces and translated into a perceived need to change (Van de Ven, Angle, & Poole, 1989). Cummings and Worley (1997) propose the definition of OD as being “a system wide application of behavioral science knowledge to the planned development and reinforcement of organizational strategies, structures, and processes for improving an organization’s effectiveness” (p. 2). The central issue that the field of OD considers is planned organizational change.

Academics and practitioners engage in Organizational Development work. The Organizational Development and Change division of the Academy of Management reported having 2,080 members in November, 2001. Many of these members are actively engaged in the practice as well as research in

**OD. In one study, success rates of OD interventions were listed at 70% (Golembiewski, Proehl, and Sink, 1982). In a review of 574 cases, Golembiewski's data (1999), reveal high success rates for OD outcomes. Of the 574 cases, 40.1 percent experienced highly positive and intended effects, 46.0 percent experienced definite balance of positive and intended effects, 5.6 percent experienced no effects, and 8.0 percent experienced marked contrary effects (p. 275). In this extensive study, more than 494 (86.1%) of the cases studied experienced positive and intended effects.**

**OD has experienced similar success in diverse settings. In a study of OD applications in "developmental settings," Golembiewski (2000) revealed that 73.3 percent of 240 cases reported "highly positive and intended effects" or "definite balance of positive and intended effects" of OD interventions. The field of OD is replete with theories and intervention models for organizational change including: action research, behavior modification, quality circles, workshops, training, conflict resolution, incubators, committee planning, TQM, team building, T-Groups (Golembiewski, 1993). It is evident is that OD practitioners have many methods and have been successful in many of their change efforts.**

## **Challenges Facing OD**

Although successes in OD interventions have been numerous, many scholars have commented on the lag of theory behind the practice (e.g., Bennis, 1969; Burke, 1982; Sashkin & Burke, 1990; Weick & Quinn, 1999; Woodman, 1989). To this point, Lundberg (2000) comments that OD remains underconceptualized in at least five ways: (1) it is seldom explicitly strategic, that is, looking beyond the near-future; (2) it is seldom explicitly adaptive, that is, focused on realigning organizations to the encompassing environment; (3) it seldom speaks to changes of betterment in decline, that is, assuming other than a growth objective; (4) it mostly deals with a gross view of planning, that is, differing degrees of intentionally (sic); and (5) it is remarkably piece-meal, that is, there are a host of unrelated models (p.190). Further, Kahn (1974) was cited in the introduction to the August, 2001 *Academy of Management Journal* special edition that, "... the change literature has been characterized as 'a few theoretical propositions... repeated without additional data or development; a few bits of homey advice... reiterated without proof or disproof; and a few sturdy empirical observations... quoted with reverence but without refinement or explication' (p. 487). Although Kahn's observation was made over a quarter of a century ago, some contemporary scholars consider that the assessment remains dismayingly accurate (Pettigrew, Woodman, & Cameron, 2001: 697).

**Golembiewski (1985, 1999, 2000) has shown how the field of OD and planned organizational change has experienced success with their interventions. Notwithstanding the successes experienced, the area of planned organization change is mostly atheoretical (Woodman, 1989; Lundberg, 2000). The common thread in each of the OD interventions is that a change is introduced and an outcome is experienced. It is believed that imposing change and measuring outcomes can be understood in the phenomena of encroaching processes.**

### **Issues of Process in Organizational Change**

**The second question identified by Van de Ven and Huber (1990) deals with the question of how change occurs. Studies in this area of organizational change require a “process theory” explanation in which a discrete set of events occurred based on a historical narrative (Abbott, 1988).**

**Many have commented that research on the process of change is seriously deficient (Pettigrew, 1990, Armenakis & Bedeian, 1999, Pettigrew, et al., 2001). Happily, there have been several notable efforts aimed at understanding the change process. Van de Ven and Poole (1985) developed a typology for describing the impact of change processes on the development of organizations across time. In this work, they utilized four types of process theories (i.e., biological, evolutionary, teleological, and dialectic) to explain**

how and why change unfolds. They describe “motors” in each process as the mechanism for change. However, they fail to describe how the motors work.

Weick and Quinn (1999) contributed to the research on the process of change. In this work they characterized the components of change. Their effort provides a distinction between continuous change and episodic change. Initial investigation into encroaching processes leads to the belief that organizational changes beget organizational changes. This suggests that while organizational change can be viewed as episodic for the short run, eventually all organizational change becomes continuous. However, Weick and Quinn (1999) contribute a classification of types of change rather than a theory or model for the process by which organizational change occurs.

### **Forces of Organizational Change**

Kurt Lewin with his field theory (1951) provided the conceptual metaphor for a great deal of research on organizational change. The emphasis of Lewin's (1951) force field analysis of change was in understanding the forces for change and the forces of resistance to change. His theory suggests that change occurs when the forces promoting change are stronger than the forces of resistance. Although the theory is more than fifty years old, researchers have yet to agree on how to define either what comprises these “forces” for change or how to measure these operationally.

Resisting change is natural for human beings and many barriers to organizational change exist (Beatty & Gordon, 1988). Common reasons forces resisting change are excessive focus on costs, failure to perceive benefits, lack of coordination and cooperation, uncertainty avoidance, and fear of loss (Daft, 2001). Although not identified as such, attempts to describe the forces for change have been made in research on creativity (Pearlman, 1983), idea champions (Galbraith, 1982), idea critics (Angle & Van de Ven, 1989), and learning organizations (Senge, 1990). Investigations in leadership represent another attempt to define the forces for change. Work in general leadership (Kotter, 1990), charismatic leadership (House and Singh, 1987), and transformational leadership (e.g., Bass, 1985; Tichy & Ulrich, 1984) have provided valuable information to researchers and managers in organizational change.

In this dissertation, the aspect of change considered is task process change. Task processes have three identified forms: planning task processes; directing, controlling, and coordinating task processes; and execution task processes (Mackenzie, 1986b). Task process change is the alteration of any part of a set of task processes, roles, or positions from time 1 to time 2 (Mackenzie, 1975b). To illustrate, let  $T$  represent a set of task processes, ( $T = t_a, t_b, \dots t_m$ ). Table 2.1 represents the change in task processes from time<sub>1</sub> to time<sub>2</sub>.



**Table 2.1 – Change in Task Processes Matrix**

	<b>t<sub>a</sub></b>	<b>t<sub>b</sub></b>	<b>t<sub>c</sub></b>	<b>t<sub>d</sub></b>
<b>time<sub>1</sub></b>	1	1	1	0
<b>time<sub>2</sub></b>	1	1	0	1

During time<sub>1</sub>, T<sub>1</sub> contains task processes t<sub>a</sub>, t<sub>b</sub>, and t<sub>c</sub>. But in time<sub>2</sub>, the set of task processes has changed to become T<sub>2</sub> with t<sub>c</sub> eliminated and t<sub>d</sub> added. There has been a change in the set of task processes.

### **Summary of the Organizational Change Literature**

This section reviewed the literature on organizational change from two perspectives. First, what are the antecedents and consequences of change?, and second, what are the processes of organizational change? With regard to the first question, it was shown that planned organizational change and OD have experienced widespread success but theories about organizational change substantially lag the practice. Researchers (i.e., Golembiewski, 1985, 1999, 2000) have been able to quantify success rates by developing outcome measures of OD interventions. These outcomes are either behavioral or affective. It remains unclear what actual organizational change occurred.

Looking at the research issues raised in the second question, it is noted that there have been successes in the research on the processes of organizational change. However, the actual fundamental micro-processes of change remain elusive. It was shown that important work has been done to capture the essence of Lewin's forces for change. While significant, they have not been able to define the forces that Lewin described as driving and

resisting change. This dissertation is based on the presumption that research in the phenomena of encroaching processes will be helpful in defining the forces for change.

Another element essential to encroaching processes is interdependence. Encroaching processes owe their existence to change in interdependent environments. The following section on interdependence reveals this issue.

### **Organizational Interdependence**

Interdependence exists between any two parts if the actions by one can affect the actions by the other (Mackenzie 1991, p. 177). The concept of interdependence is basic to the concept of organization (Cheng, 1983). The phenomena of organizational interdependence is key to the encroaching process. Interdependence is proposed as the central concept of organization theory (Mackenzie, 2001b). Since James Thompson (1967) raised the phenomena of interdependence to interest in the management literature, interdependence has been an important organizational and research issue. To Thompson, interdependence was basic. It was not only a source but also a consequence of organizational uncertainty (Mackenzie & Hollensbe, 2000).

Interdependence has not escaped the attention of organizational investigators. Research regarding interdependence has been conducted in

**the areas of interorganizational conflict (cf. Molnar & Rogers, 1975); joint ventures (cf. Pfeffer & Nowak, 1976); job design (cf. Kiggundu, 1981); international business (cf., Roth, 1995); human resource management (cf. Salancik, Staw & Pondy, 1980); management research (cf., Glick & Roberts, 1984), and coordinating to reduce interdependence (cf. Ito & Peterson, 1986; Van de Ven, Delbecq, & Koenig, 1976). In addition to these contributions, many articles mention interdependence as an important organizational issue.**

**A theory that offers insight into the relationship between interdependence and encroaching processes is resource dependence theory (Pfeffer & Salancik, 1978). Resource dependence theory argues that interdependence arises due to the fact that organizations are not self-sufficient (cf., Pfeffer & Salancik, 1978, Salancik, Staw, & Pondy, 1980). Lack of self-sufficiency requires organizational entities to become interdependent with elements in the environments in which they interact (Pfeffer, 1982). The argument in support of resource dependence consists of two elements: (1) organizations will respond more to those organizations or groups that control critical resources, and (2) managers attempt to manage these dependencies (Pfeffer, 1982).**

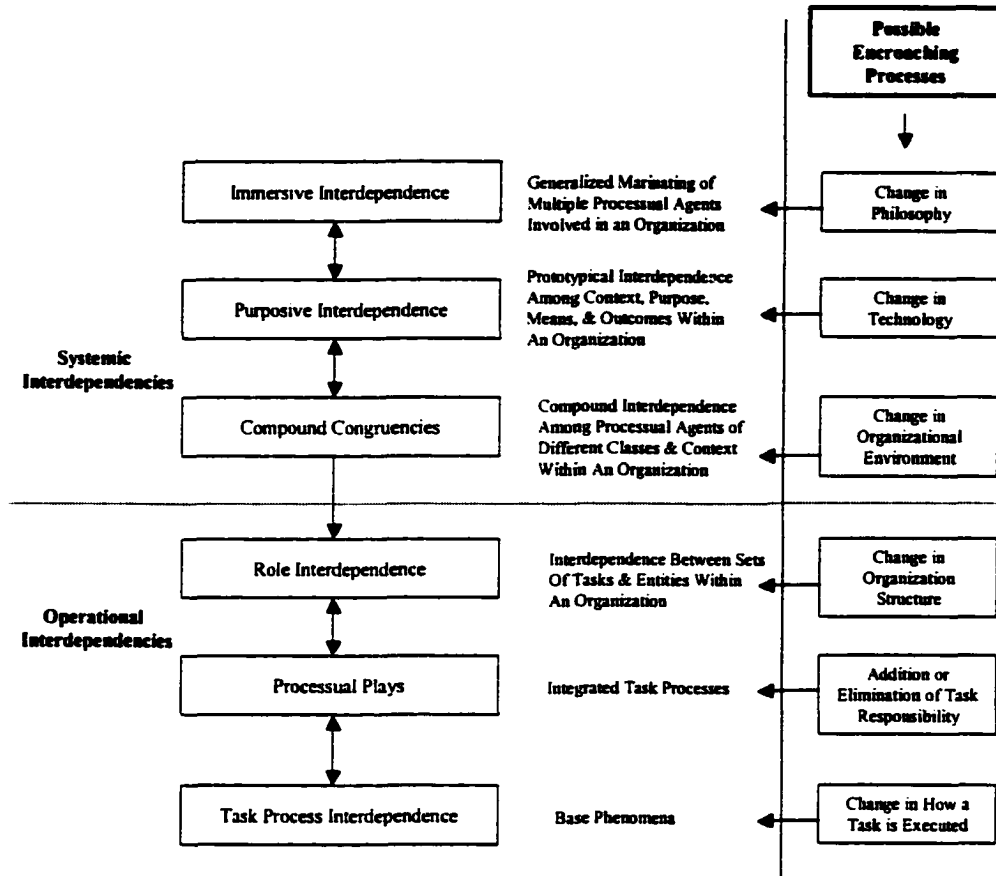
## **Forms of Interdependence**

Although Thompson (1967) described various forms of interdependence (i.e., sequential, pooled, reciprocal) he never published empirical research on these phenomena (cf., Mackenzie & Hollensbe, 1998). Mackenzie (1991) provides an analysis of the constituent parts of interdependence. He characterizes interdependence as being either intraorganizational (within the boundaries of the organization) or environmental (outside the boundaries of the organization). Intraorganizational interdependence consists of (1) interdependence of task resources and their characteristics-in-use, (2) position interdependence, and (3) task interdependence (p.177).

In recent research, Mackenzie (2001b) delves deeper into describing forms of interdependence. He presents six levels of interdependence on a continuum ranging from "immersive interdependence, purposive interdependence, compound congruencies, role interdependence, processual plays, to task process interdependence.) Figure 2.1 reproduces Mackenzie's interdependence relationships and adapts the typology to include possible encroaching processes.

At the top level, immersive interdependence, interdependence is vaporous, tacit, unseen. Immersive interdependence constantly surrounds organizations and individuals. Immersive interdependence is unnoticed until an event reveals its existence. The lowest level is task process

**Figure 2.1 – The Organization of Organizational Interdependence**  
 (Adapted from Mackenzie, 2001b)



**interdependence. This form of interdependence is mostly clear, structured, and ordered. The continuum is divided between systemic interdependencies and operational interdependencies. Systemic interdependencies contain immersive interdependence, purposive interdependence, and compound interdependence. Operational interdependencies include role interdependence, processual plays, and task process interdependence.**

### **Measurement of Interdependence**

**Little research has been concerned with the measurement of interdependence. However, organizational structures represent interdependent relationships and there has been a great deal of effort to measure task and organizational structures (cf. Mackenzie, 1986b; Nadler & Tushman, 1988). In Mackenzie (1986b), task process relationships (organizational logics) are categorized as a hierarchy of aggregates from the broad, macro-logic to the specific, activity level. Relationships between organizational logics are organized by the function they perform. Organizing these task processes creates another hierarchy organized by type of process. The types of task process in this hierarchy are execution processes; directing, coordinating, and controlling task process (DCC); and planning processes. These two task hierarchies are highly interdependent.**

The efforts by Mackenzie (1986b) and Nadler & Tushman (1988) are examples of measuring interdependence by diagramming organizational structures that reveal extant interdependencies. These works are significant and thorough in their description of task process relationships. However, Mackenzie (2001b) identified levels of interdependence that transcend the lowest level of task process interdependence.

### **Managing Organizational Interdependence**

Research on the phenomena of organizational interdependence has focused on task process interdependencies. The heart of this research has been to investigate organizational operations that expose organizational interdependent relationships. Managing interdependent relationships is accomplished by developing congruence between the desired organizational behavior and the organizational structure (Nadler & Tushman, 1980, 1988; Mackenzie, 1986a, 1991). Coordinating resources, functions, and tasks to achieve congruence has been cited as a way to reduce interdependence (cf., Ito & Peterson, 1986; Van de Ven, Delbecq, & Koenig, 1976).

Congruency approaches to managing interdependence have been utilized at many levels of interdependence. Issues relating to congruency have been noted through the level of purposive interdependence (Mackenzie,



1986b). At issue is the observation that known, recognizable, and manageable interdependencies become more elusive at the upper levels of interdependence in Figure 2.1.

### **Interdependence and Encroaching Processes**

Encroaching processes commence when one entity does something that affects a change in another entity. Because of this, encroaching processes owe their existence to interdependence. Interdependence can exist at many levels. Similarly, encroaching processes can exist at many levels. Figure 2.1 illustrates possible encroaching processes that could be present at each level of interdependence. Changes in philosophy, technology, environment, structure, task responsibilities, and execution processes are only a few of the possible encroaching processes that may be initiated at any level of interdependence.

Interdependencies are often unnoticed. In the area of managerial decision-making, Simon (1960) identified human beings as having bounded rationality. This concept states that managers possess a limited amount of time and cognitive ability to process information. This provides support for the assertion that it is impossible to be aware of all the entities in one's environment. Thus, it is possible that encroaching processes provide the first evidence of interdependencies.

## **Chapter Two Summary**

**Interdependence has long been considered a basic and essential organizational issue and interdependence is key to the process of encroaching. Although many publications have acknowledged the phenomena of interdependence, other than the exceptions cited, little research has been published about the phenomena itself. Most articles that mention interdependence fail to provide a definition of interdependence – the phenomenon is accepted as a given entity. Further, research undertaken on the subject of organizational interdependence is primarily conducted at the task process interdependence level of Figure 2.1.**

### **Chapter 3. Concepts and Definitions**

**Why have the fundamental micro-processes of organizational change proven so elusive? One explanation is that we tend to view phenomena of organizational change as ordinary and normal. Additionally, it is difficult to isolate issues that are ubiquitous and ever present. Things that are normal and routine to adults often are novel to children. Consider this issue as a child. How do children experience interpersonal change? They experience it in their playroom at home and in the sandbox at a park. Now consider the issue of organizational change from the perspective of two sisters - little Georgia and Allie sitting in a sand box at a park near their home.**

#### **An Encroachment Fable**

**Imagine it is a warm day in the early summer. The grass, benefiting from an underground sprinkler system, is soft - green and lush. The sisters play in a large sandbox – their mother reads on a nearby park bench. A policeman tips his hat and smiles at the mother as he walks by. The children rearrange piles of sand separately only vaguely aware of each other's existence. Something catches Georgia's eye – it is Allie's big sand scoop. Allie's scoop is much nicer and newer (and bigger) than Georgia's. Georgia stands, walks across the sand to Allie, and grabs the big scoop out of Allie's hand. Her method for moving sand has changed. How does Allie react? Does she strike back at**

Georgia? If so, how? Does she bonk her on the head with her pail? Does she call her mom? The policeman? Perhaps she tells their older brother when she gets home. Allie experienced the phenomena of encroaching processes. It is possible for an encroacher to not realize that she is encroaching. Georgia could have been playing with her sand scoop and, unknowingly, flinging sand all over Allie. The phenomena of encroaching processes leading to encroachments addresses these issues.

### **Concepts and Definitions**

*Encroaching* is a foray by one entity into the boundary of another entity. Six components comprise the machinery of encroachments: 1) the domain – the venue where the change occurred (the sandbox); 2) the encroacher – the entity originating the change (e.g., Georgia); 3) the encroachee – the entity that is accountable for the task process being changed (e.g., Allie); 4) the target – the subject of the change (the sand scoop); 5) the preemptor – the entity with authority to quash an encroachment (e.g., the mother, policeman, or older brother); and 6) the preemptor network – the structure of preemptor authority (the authority relationship between the mother, brother, and policeman).

Encroaching describes a process that may result in an encroachment. There are three necessary conditions for an encroachment. As presented in Chapter 1, an *encroachment* has occurred when:

- 1) An encroaching process is initiated;
- 2) The process produces a change; and
- 3) The encroachee recognizes the change.

Encroaching may occur as a single event or incorporated in a series of events. In order for an encroaching episode to occur, the encroacher must change part of the set of processes of the target. That which is changed is the domain of the encroaching process. For the episode to become an encroachment, the encroaching process must be recognized by the encroachee. Thus, for an encroaching process to become an encroachment the process must result in change AND the target must recognize the change.

*Encroachees* are entities that are accountable for the targets of encroaching processes. The set of *targets* of encroachments are task processes, roles, positions, and resources. A *task process* is a time dependent series of events ruled by a process framework (Mackenzie, 2000). *Roles* are the specific set of task processes an individual or unit undertakes. A *position* is the formal arrangement of various roles. A position may possess multiple roles. Likewise, roles might traverse several positions. *Resources* are those items brought to bear to accomplish these tasks. For the purpose of this dissertation, the target of interest is focused on task processes.

In addition to encroachees, there are encroachers. *Encroachers* are entities that initiate encroaching processes. Types of encroachers that could initiate encroaching processes could be task processes, individuals, units, or organizations. This dissertation focuses on individuals as the initiators of encroaching processes and encroachments.

Encroachers often have the option of selecting the domain in which an encroaching episode takes place. Whether apparent or not, some authority presides over every domain. *Authority* is official power. Entities with authority possess legal standing to enforce decisions. *Power* is the control of interdependence uncertainty. Consequently, authority is the official ability to control interdependence uncertainty. This leads to the third set of entities in encroaching episodes: preemptors.

*Preemptors* are entities with the authority to end an encroaching episode. A preemptor could be a manager with supervisory authority or a preemptor could be a process (e.g., a state or federal regulation). Any entity with official power to quash encroaching processes is said to have *preemptive authority*. Preemptive authority does not always have to be exercised. A preemptor could decide to allow an encroaching process to proceed without interruption. Additionally, it is possible for a preemptor to be ignorant of an encroaching process or not recognize an encroaching process.

In a domain with multiple preemptors, the preemptors form a preemptor network. Not all preemptors are equal; certain preemptors have

more authority than others. Accordingly, the *preemptor network* is the structure of preemptor relationships. This is a strict authority network – those with authority to overrule another preemptor sit higher in the preemptor network.

Each set of preemptors possesses different preemptive authority. In the preemptor network, a directly related set of preemptors is called a *preemptive tree*. A preemptive tree is a hierarchical arrangement that represents the direct lines of authority. Each entity in a direct line of authority resides at a certain level. When encroachers initiate encroaching processes, they select a preemptive tree and a level. Encroachees might respond to encroaching processes by becoming an encroacher. When the response to encroachment is an appeal to a preemptive authority in the same direct line of authority but above the current preemptive authority, the encroachee (now an encroacher) is said to be *jumping levels*. If a response to an encroaching episode is to appeal to a preemptive authority in a different tree, the encroacher is said to be *jumping trees*.

The relationships in the encroaching fable are set out here. The sandbox is the domain and Allie, the encroachee, was responsible for the target (the sand scoop). The target was encroached by Georgia, the encroacher. In this fable, Allie has the option of choosing a preemptive authority – her brother, her mother, or the policeman strolling in the park. Jumping levels occurs if Allie appeals to her mother. An organizational

**example of jumping levels is when an encroaching process occurs in the jurisdiction of an area sales manager and the encroachee responds to the encroachment by initiating an encroaching process in the jurisdiction of a regional vice president of sales.**

**When an encroachee responds to an encroachment by moving to another set of preemptors, that encroachee (now the encroacher) is said to be jumping trees. When an encroacher jumps trees and begins at the lowest preemptor level available on that tree, the encroacher only jumped trees but did not jump levels. Back at the sandbox, jumping trees would happen if Allie chose to call the policeman who had just walked by. If an encroacher jumps trees and selects a preemptor that is not the lowest available on that tree, the encroacher is said to have jumped trees and jumped levels. An example in industry of jumping trees but not jumping levels is an encroachment takes place in the regional marketing department and the encroachee responds by initiating an encroaching process in the regional production department. Jumping trees and jumping levels occurs when the encroachee responds to an encroachment originating in the area marketing department by initiating an encroaching process in the regional production department. Encroachers would engage in jumping trees and jumping levels in order to take advantage of a particular preemptive authority.**

**Encroaching processes and interdependence are vitally linked: encroaching cannot exist in non-interdependent environments. The existence**



of an encroaching process exposes changes in interdependence. Recall the sandbox again. Georgia and Allie were interdependent. They didn't consider this an issue nor did they comprehend the extent of their interdependence. They are likewise unaware of the watering system that is about to come on and drench their outing. Encroachments often reveal hidden interdependencies.

*Encroaching event* is the general term used for both encroaching processes and encroachment episodes. Each encroaching event commences with the initiation of an encroaching process and ends with either a response to the encroachment or satisfaction by encroachee in an encroaching process. In order for an encroaching event to occur, the encroacher must effect a change in some part of the set of task processes of the target. Encroaching processes may be single events or repeated as a series of events. Each encroaching process that becomes an encroachment is an encroaching episode. An *encroaching episode* is the cycle of encroaching and responding. For the event to become an encroachment, the encroaching process must be perceived by the encroachee. The specific change of interest in this dissertation is encroaching processes that change task processes.

## **The Encroaching Process**

**An encroaching process commences when an encroacher initiates the process of changing a task process of an encroachee. If the encroachee recognizes that a change has occurred, the encroaching process has developed into an encroachment. Upon recognizing that an encroaching process has commenced, the encroachee has several options. A general schema for an encroachee's responses in a non-contextual, single episode encroachment is shown in Table 3.1.**

**When the encroachee recognizes an encroachment, it is possible that the encroachee could choose to accept the encroachment or resist the encroachment. This representation depicts four possible outcomes to encroachment episodes. In this table, two possible responses to an encroachment are considered: "Resist" and "Do Not Resist." To "Resist" means that an encroachee is predisposed to use those means deemed appropriate by the encroachee to avoid or counteract the change initiated in the encroaching process. "Do Not Resist" indicates that the encroachee is predisposed not to oppose the encroaching process initiated by the encroacher. Quadrant I reveals a response that has changed from "Resist" to "Do Not Resist." Reasons for such a change in response include a change in perception of the stakes involved, a change in the entity that initiates the encroaching process, or fatigue from resisting previous encroachments.**

**Table 3.1 – Encroachee’s Possible Responses to Single Encroachment Episode**

		Usual Response to Encroaching After Encroachment Episode	
		Do Not Resist	Resist
Usual Response to Encroaching Before the Encroachment Episode	Resist	I	II
	Do not resist	IV	III

**In Quadrant II, the response to a single encroaching episode is to continue to “Resist.” In this instance, there is no change in the encroachee's response. Individual traits, previous experience, and perceived stakes provide explanations for continuing to “Resist” encroachment.**

**Movement from “Do Not Resist” to “Resist” is shown in Quadrant III. While this schema illustrates a single encroaching episode, it could be envisioned that the encroachee has had previous experience with encroaching. It is possible that the encroachee's prior experience has been aggravating to the point of resisting future encroachment. Becoming active - the opposite of becoming fatigued – provides one reason an encroachee's response changes to “Resist.” Other reasons include changes in perceptions about the level of stakes involved and a change in who initiates the encroaching process.**

**The final Quadrant, IV, reflects where the encroachee's response is to remain compliant (“Do Not Resist”). This response could be due to factors that include fatigue, personal inclination, lack of available resources, lack of power, or the perceived level of stakes involved.**

**Two quadrants (I and III) reveal an encroachee's reaction to a single episode encroachment is to change response. The two remaining quadrants (II and IV) reflect responses that remain unchanged upon encroachment. This schema shows that after some encroaching episode, an encroachee's response could change to either become passive (quadrant I) or to defy**

(quadrant III). It is believed that encroaching processes occur as a series of episodes where there is encroaching and response (episode 1), encroaching and response (episode 2), encroaching and response (episode 3) and so forth.

Encroachers may exist in the organizational white space or the organizational black space. Encroaching processes originating in the organizational white space are not formally affiliated with the target's organizational black space. Units or organizations that exist in the organizational white space can possess formalized task processes, roles, resources, and/or positions, while at the same time operate in the encroachee's white space. Consider two well-known American corporations: McDonald's and Wal-Mart. These two companies operated separately, in completely different industries, with no (obvious) interaction. They existed in each other's organizational white space with no discernable interdependence. Today, in many markets, McDonald's operates inside many Wal-Mart stores. Now their relationship exists in the black space and their interdependence is more explicit.

Encroachers originating in the black space are a part of the encroachee's formal organizational structure. With regard to black space encroachers, they too can be either an individual or an organized entity. It is also possible that a black space encroacher might choose to encroach on a black space encroachee in the organizational white space. An illustration of

this type of encroaching process occurs in the following example. Refer to traditional organizational chart presented in Figure 1.1. In this organization the Director of Sales (DOS) and the Director of Product Development (DPD) share as their lowest common ancestor, the Vice President of Marketing (VPM). For several years, the DOS has staged the annual company holiday party. This is a high prestige event. There is a substantial budget involved and other corporate officers recognize the DOS. The DPD has offered to help with this event, but the DOS has rebuked these offers. In an attempt to gain status for himself, the DPD suggests to the VPM that the annual holiday party needs to include an additional set of customers (those with direct ties to the DPD). In order to enlarge and (supposedly) improve the annual event, the DPD recommends that a committee plan the holiday party. What has occurred in this case is a black space entity (DPD) had been unsuccessful in encroaching another black space entity (DOS) in the black space. So, the DPD created a white space entity (committee) as a method for initiating an encroaching process.

### **The Single Encroaching Episode Process Framework**

It was pointed out in Chapter Two that Mackenzie's (2000) process frameworks are a promising method for researching emergent phenomena in organizational change. For each episode, there exists a process framework.

**This work deals with both single episode encroachments and multiple episode encroachments. Process frameworks are fully developed in the next chapter. For the purpose of revealing encroaching processes leading to encroachments, at this juncture consider the single episode encroaching process.**

**The single episode encroaching process represents the general case. In order to show prospective outcomes in a single encroaching episode, a process framework for the general case is presented in Figure 3.1.**

**This framework represents the decision path to each of the outcomes I, II, III, and IV presented in Table 3.1. For each of the considerations ( $c_i$ ), the responses are either 0 (no) or 1 (yes). In this framework the considerations (**C**) are  $c_1$  = is an encroaching process perceived?  $c_2$  = did the encroachee's response change? and  $c_3$  = was the encroachee's usual response to encroachments before this episode to resist?**

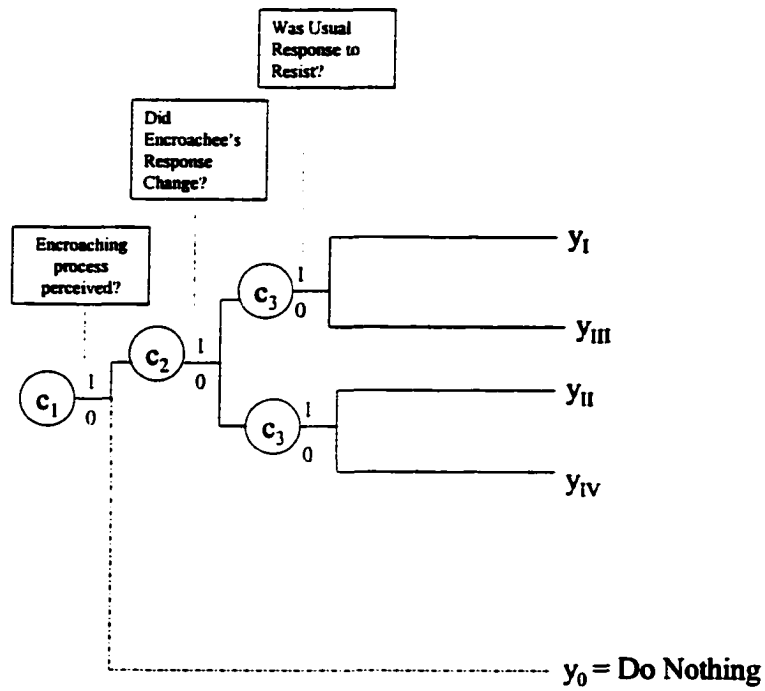
**Outcomes in a process framework are represented as  $Y$ . For this schema, there are four outcomes:  $y_1$  = I;  $y_2$  = II;  $y_3$  = III; and  $y_4$  = IV. This framework represents the basic form of the process frameworks to be developed. Everything added to this basic form enriches the framework by providing context, representing changed responses, and changing combinations of responses.**

**In the next chapter, process frameworks are defined and explained and the utility of process frameworks as a method for studying organizational**

**change phenomena is discussed. Additionally, the philosophy of strong inference is presented and the use of strong inference in developing process frameworks is explained.**



**Figure 3.1 – A Process Framework - The General Case**



## **Chapter 4. Research Method**

This chapter presents the research method used for investigating encroaching processes leading to encroachments. Owing to its episodic nature, investigating the phenomena of encroaching centers on developing a process framework. Process frameworks provide an appropriate way to study organizational encroachments. Further, the development of a process framework is consistent with the constant, testing – re-testing process required using strong inference (Platt, 1963). Process frameworks are presented first followed by a discussion of strong inference. The relationship between the research method and the research philosophy concludes the chapter.

### **Process Frameworks**

It was noted in Chapter Two that our field's passion for static, statistical research methods contributes to the inertia in studying organizational change. Pettigrew et al. (2001) suggest that investigation on the process of change holds the greatest research potential for important theory on organizational change. To this end they cite the few existing examples of research in this area that they believe are promising (cf. Pettigrew, 1985, 1987; Van de Ven, Polley, Garud, & Venkataraman, 1999; Mackenzie, 2000). In particular, they

point to process frameworks developed by Mackenzie (2000) as a promising method for investigating the process of organizational change and not merely study the variables around this process. The reason for their optimism is because process frameworks present a working representation of the phenomena. Reviewing data and fitting it in the framework provides a test of the theory that has the strongest possibility of rejecting the theory. This is a useful method for generating a new, improved theory (Mackenzie, 2000).

This dissertation is particularly interested in the change in task processes. *Task processes* are a time dependent series of events ruled by a process framework (Mackenzie, 2000). Each process has five components:

1. The entities involved in performing the process,
2. The elements or considerations used to describe the steps of the process,
3. The relationship between these elements,
4. The links to other processes, and
5. The resources and their characteristics-in-use involved with the elements or considerations.

Process frameworks are comprised of components 2, 3, and 4 of a task process.

Process frameworks have been used extensively (c.f., Lippitt, 1975; Hawley and Nichols, 1982; Mukherjee, 1992; and Mackenzie, 1976a, b, 1998, 2000). These studies identify three properties of process frameworks. These properties are: the set of considerations, **C**; the network that identifies and

defines the relationship between all pairs of considerations,  $F$ ; and the set of outcomes,  $Y$ . The resulting framework is a structure where  $Y = F(C)$ .

It is in the nature of encroaching processes that they must be contextually bound. Because a characteristic of process frameworks is that they incorporate the context of the phenomena of interest, they are natural for the study of encroaching processes. Context is represented in the considerations and the entire process framework accurately depicts the effects of the phenomena. Consequently, a prototype process framework is developed to illuminate an encroaching event.

### **A Prototype Process Framework of an Encroaching Event**

In Chapter Three, a process framework for a single episode encroachment was presented. For the purpose of clarification, a process framework that reveals the potential for single encroachment episodes to spawn additional encroachment episodes was created. Using the contextual variables involved in encroaching processes (i.e., domain, target, encroacher, encroachee, preemptor), a set of considerations ( $C$  where  $C = c_i, c_j, c_k, \dots, c_n$ ) for this example was constructed. Each consideration is responded to as either yes (1) or no (0). Bearing in mind the issues that encompass encroaching processes, the following considerations are proposed for this prototype:

- c<sub>1</sub> Is an encroaching process perceived?**
- c<sub>2</sub> Is the encroachment from the white space?**
- c<sub>3</sub> Is the encroacher an individual?**
- c<sub>4</sub> Is the encroachee in the white space?**
- c<sub>5</sub> Are the stakes high?**
- c<sub>6</sub> Is the encroachment of task processes?**
- c<sub>7</sub> Is the encroachment of roles?**
- c<sub>8</sub> Is the encroachment of positions?**
- c<sub>9</sub> Is the encroachment of resources?**

The relationship between the pairs of these considerations provides the framework - the "F" in the framework. There are three possible linkages in the process framework (Mackenzie, 2000, p. 119):

1.  $c_i$  immediately precedes  $c_j$ ; or
2.  $c_j$  immediately precedes  $c_i$ ; or
3.  $c_i$  and  $c_j$  are not directly linked.

If  $c_i$  immediately precedes  $c_j$ , then there exists only one value – one link. Other values of  $c_i$  link it to other considerations or directly to an outcome such that  $y_i$  is an element of  $Y$ . It is not necessary that each consideration be included in every possible path. For example, it is possible that  $c_3$  (Is the

encroacher an individual?) is not in the path to  $c_8$  (Is the encroachment of positions?).

The set of possible outcomes of the process framework is  $"Y" = (y_1, y_2, y_3, \dots, y_n)$ . For this prototype, refer to the outcomes discussed in the previous example presented in Table 3.1. There exist three additional outcomes that were not presented in that typology: 1)  $y_V =$  do nothing, 2)  $y_{VI} =$  withdraw, and 3)  $y_{VII} =$  encroach in a new environment. The initial consideration ( $c_1$ ) asks whether or not an encroachment is perceived. If the answer is no, then the appropriate outcome must be to "do nothing." Second, an individual might choose to withdraw from the organization. To withdraw does not necessarily mean an individual must leave the organization – although that can be one scenario. Another example of withdrawal is emotional withdrawal where an individual does only what is required. There could be significant costs to withdrawing. Individually, one may give up promotion or other advancement opportunities. Collectively, the unit or organization may lose opportunities to increase resources.

One possible outcome is that an encroachee could find that the best course of action is to meet an encroaching process with a new encroaching process. This outcome leads to a new framework with its own set of encroaching process episodes.

With these additional outcomes proposed, the set of possible outcomes for this process framework prototype are:

- y<sub>i</sub>      Become passive.**
- y<sub>ii</sub>     Remain resistant.**
- y<sub>iii</sub>    Defy.**
- y<sub>iv</sub>     Remain passive.**
- y<sub>v</sub>      Do Nothing.**
- y<sub>vi</sub>     Withdraw.**
- y<sub>vii</sub>    Encroach in a new environment.**

In this example there are 9 considerations. One of those considerations ( $c_1$ ) is the initial threshold consideration required for an encroachment to exist. Also, the framework does not include  $c_9$  regarding encroaching resources, as a consideration. If the reply to consideration  $c_8$  is zero (no), the default outcome is one (yes) for  $c_9$ . Because consideration  $c_9$  has a default outcome, there are eight considerations that define the framework. A framework with eight binary considerations and one threshold consideration has 258 ( $2^8 + 2$ ) possible paths. For illustrative purposes, four of these paths are revealed.

It is thought that there is a relationship between the white space, the black space, and the encroachments experienced. The paths selected in this prototype reflect the interplay between these issues. The paths are presented in chart form in Table 4.1, where the outcomes for these paths are designated as  $Y_\alpha$ ,  $Y_\beta$ ,  $Y_\chi$ , and  $Y_\delta$ . Recall that if the response to the

**Table 4.1 – Four Encroaching Episode Outcomes**

<b>Outcomes Considerations</b>	<b>Y<sub>α</sub></b>	<b>Y<sub>β</sub></b>	<b>Y<sub>γ</sub></b>	<b>Y<sub>δ</sub></b>
<b>c<sub>1</sub></b> Is an encroaching process perceived?	1	1	1	1
<b>c<sub>2</sub></b> Is the encroachment from the white space?	1	1	0	0
<b>c<sub>3</sub></b> Is the encroacher an individual?	1	1	1	1
<b>c<sub>4</sub></b> Is the encroachee in the white space?	1	0	0	1
<b>c<sub>5</sub></b> Are the stakes high?	1	1	1	1
<b>c<sub>6</sub></b> Is the encroachment of task processes?	1	1	1	1
<b>c<sub>7</sub></b> Is the encroachment of roles?	∅	∅	∅	∅
<b>c<sub>8</sub></b> Is the encroachment of positions?	∅	∅	∅	∅
<b>c<sub>9</sub></b> Is the encroachment of resources?	∅	∅	∅	∅



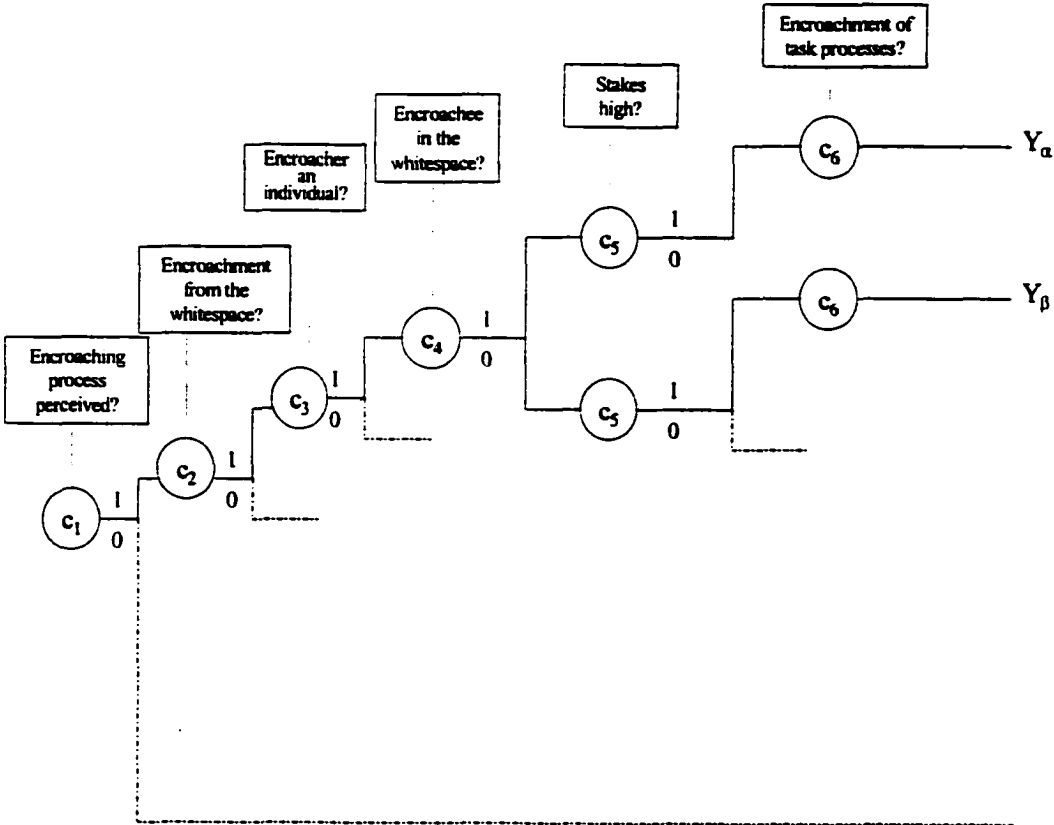
consideration is yes, the path it follows is designated by "1"; if the response to the consideration is no, the path it follows is designated by "0".

The actual frameworks depicting the paths to outcomes  $Y_{\alpha}$  and  $Y_{\beta}$  are presented in Figure 4.1. The process framework that leads to outcome  $Y_{\alpha}$  follows a path that includes a white space encroacher and white space encroachee, while the process framework that leads to outcome  $Y_{\beta}$  follows a path that includes a white space encroacher and black space encroachee.

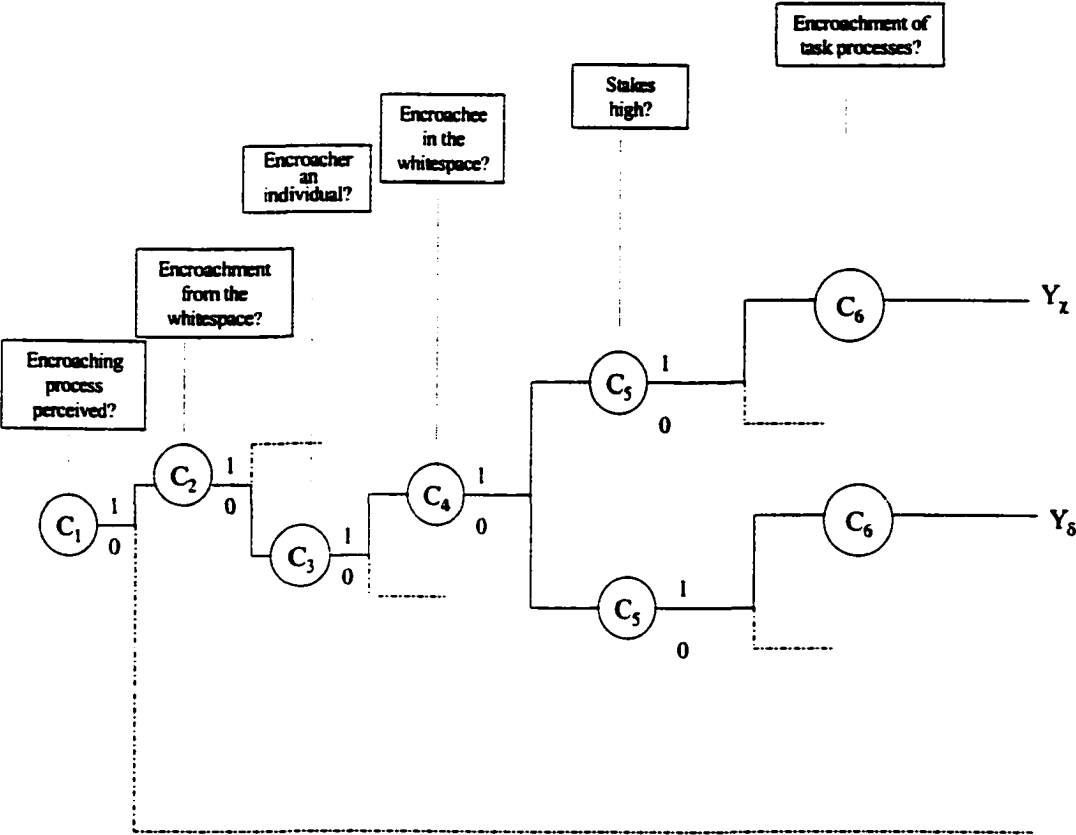
The actual frameworks for outcomes  $y_{\chi}$  and  $y_{\delta}$  are seen in Figure 4.2 below. The process framework that leads to outcome  $y_{\chi}$  follows a path that includes a black space encroacher and white space encroachee. The process framework that leads to outcome  $y_{\delta}$  follows a path that includes a black space encroacher and black space encroachee.

It is believed that the outcomes for each of the paths will be different –  $y_I$  (become passive),  $y_{II}$  (remain resistant),  $y_{III}$  (defy),  $y_{IV}$  (remain passive),  $y_V$  (do nothing),  $y_{VI}$  (withdraw), or  $y_{VII}$  (encroach in a new environment).

**Figure 4.1 – Process Framework for Outcomes  $y_\alpha$  and  $y_\beta$**



**Figure 4.2 – Process Framework for  $y_x$  and  $y_s$**



## **The Process of Processes**

Component four of a process is; “the relationship between these (other) elements (in the process framework)” (Mackenzie 2000, p. 113). The effect of this component is that no process exists alone. Since there are sequences of episodes, it is likely that encroachment episodes recur until there is some extinguishing event – it is proposed that two such extinguishing events are defiance and withdrawal from the organization. Thus, for every outcome other than  $y_{III}$  or  $y_{IV}$ , the result will be another encroaching episode. Most of the possible outcomes yield another encroaching episode. But the example just presented does not capture the reproductive nature of encroaching processes and encroachments. While most of the possible outcomes produce another encroaching episode, the only paths that avoid encroaching processes are those leading to the outcomes of defy or withdraw. Few paths lead to a concluding, extinguishing outcome. If all paths were equally probable, it is easy to see how encroaching processes leading to encroachments quickly become the norm for organizational change.

Due to the repetitive nature of encroachment episodes, it is important to expose this effect with a process of processes. Applying a process framework will reveal the multiple processes involved in encroaching episodes from origination ( $c_1$ ) to outcome ( $y_I$  or  $y_{II}$  or  $y_{IV}$ ) and repeat when a new encroachment episode arises ( $c_1$ ) until it is extinguished ( $y_{III}$  or  $y_V$ ).

## **Strong Inference and Social Science Research**

The philosophy underlying this study is steeped in the strong inference approach to research (Platt, 1964 and Mackenzie, 1976b)). Strong inference is a particular method of doing scientific research where the accumulation of inductive inference is so effective that it is given the name of "strong inference." Using this research perspective, data is collected and a logic tree (a framework) is inferentially derived. The data are then run through the framework. When rejection of any part of the framework is experienced, a branch of the tree is either added or lopped off, and the framework is revised. The cycle continues using the revised framework. It is required in strong inference to seek data that have the strongest chance of rejecting the new framework. Strong inference and the logical tree it generates offer a regular method for reaching firm inductive conclusions one after another as rapidly as possible.

The goal of a test is to repeatedly evaluate the framework, make improvements, and reevaluate the framework. The environment is one that seeks to reject the framework. This is accomplished by:

1. Selecting the site,
2. Developing the data in the test site,
3. Determining the set of considerations (C),

- 4. Constructing the initial framework (F),**
- 5. Running the data through the framework to determine the outcomes (Y),**
- 6. Finding events where the considerations, framework, or outcomes do not fit the framework,**
- 7. Revising the framework, and**
- 8. Repeating the cycle.**

In strong inference, it is presumed that no framework is ever completely correct. The cycle repeats for as long as the investigator continues to find counter-examples and make improvements. If the initial investigator loses interest or can no longer make improvements, the framework (if important and informative) will continue to be tested by others.

The main principle of strong inference is repetition of the process in an attempt to adjust and improve the framework. The critical tenet – the underlying philosophy – is the emphasis on improving the framework rather than justifying a particular framework. It is presumed that the framework produced in this work is insufficient, has flaws, and can be improved.

Mackenzie and House (1978) extended Platt's work by suggesting "Paradigm Development" as a technique used to develop theories about phenomena that is "difficult-to-define", that exist in the social sciences. This technique involves gathering generalized data and using it to identify a

**theoretical framework. The theoretical framework is defined through a process of deductive reasoning. As different hypotheses are tested, a strong inference tree is developed based on the pattern of rejections and non-rejections. Crucial tests of the theory are conducted to define the areas of a strong inference tree. The technique is advantageous because it allows research to have a cumulative effect.**

### **Strong Inference and Process Frameworks**

**The phenomenon of interest is a process – encroaching processes leading to encroachments possess each of the components of a process. Using the strong inference approach to constructing process frameworks, it is likely that the large number (258) of possible paths will be reduced. It is possible that not all paths are active – repetitive exposure to encroaching episodes leading to encroachments will reveal those paths that are active. This will produce the most robust framework possible with any particular set of data.**

**In order to conduct research on processual phenomena – and especially investigating the process of processes, a longitudinal analysis is advantageous. Longitudinal research looks at how the phenomenon of interest changes over time. Traditionally, longitudinal research is considered to be desirable, but expensive and time-consuming. The framework needs a**

**method that has the ability to capture various and multiple networks that arise during encroaching processes producing organizational change.**

**Process frameworks possess the advantageous characteristics of being able to capture sets of events, changes in players, changes of the stakes involved, changes in issues, and differences in outcomes in a dynamic milieu. The strength of traditional variance models is their ability to capture cross-sectional data. Their weakness is their inability to capture constantly changing data in a dynamic milieu. Processual data would be obscured by reducing processes to variables and would suffer from use of traditional statistical analysis.**



## **Chapter 5. Description of the Investigation**

### **The Setting for Testing**

A process framework provides a representation of the phenomena of interest in a particular context. The task then is to discern a suitable context. It is difficult to think of a setting in which encroaching processes do not exist. For instance, it is quite difficult to read the newspaper and not identify encroaching processes at work. For example, most competitive sports are completely concerned with encroaching processes. Several factors that contribute to an appropriate research setting are access to the site, access to the entities involved, numerous encroaching processes, and encroaching processes that are visible.

There are two immediate constraints that must be satisfied. Access to the site and to the entities involved in encroaching events is critical. The researcher conducting the investigation is bounded by time, location, finances, and other limited resources. Thus, a research site that is reasonably accessible to the researcher is critical. Even more important to the research than access of location, is access to the entities involved. Both of these access issues provide the initial constraints to be satisfied in the search for a research setting

Secondary factors also contribute to the desirableness of any particular research site. The site should provide numerous encroaching episodes that

are clearly identifiable. This does not mean that encroaching episodes need to be apparent as they occur. Rather, encroaching processes should at least be apparent upon reflection by the researcher. Encroaching processes that hide behind closed doors and in whispers in the hall do not aid the investigation of an emergent theoretical framework. Finally, a research setting where the beginning and ending points of these episodes are distinguishable and where the entities in each episode are readily determinable would be highly desirable.

Advice on how to select a setting for research in organizational change and organizational theory has been proffered. Pettigrew (1990) identified issues that exist for a contextualized study in organizational change. His strongest recommendation is that one should “go for extreme situations, critical incidents and social dramas” (p. 275). In this regard, one should “choose cases where the progress is transparently observable” (p. 275 – emphasis in the original). Pfeffer and Salancik (1974) advance the value of historical, archival research for organizational theory development. Historical and archival data allow researchers to address the issues traditionally constraining longitudinal research discussed in the previous chapter.

The question then is: where is a data set that is readily available, the entities involved are accessible, the initial encroaching event is determinable, and a majority of the encroaching episodes and responses are overt? A striking example of such a data set is the Florida 2000 presidential election

**decision. In this example there exists a minimum of five sets of clearly identified players: the Bush Campaign, the Gore Campaign, the Florida election officials, the Florida judiciary, and the United States judiciary. Beyond the main two players (Bush and Gore), the Florida election officials include the Florida Secretary of State and the election officials of the various counties. The Florida judiciary includes the district courts and the Florida Supreme Court. For the judiciary of the United States, players include the Appellate Court in Atlanta, Georgia, and the United States Supreme Court in Washington, D. C. Each of these sets provides an ample number of entities that are potentially involved in encroaching processes.**

**The beginning point, duration, and ending point of the encroaching processes are clear. The encroaching episodes are clear and well documented. Finally, the data are voluminous and readily available.**

### **Bush vs. Gore - Accessing The Process of Processes**

**The data available for this study possesses many desirable characteristics. It is plentiful, comprehensive, chronological, and from multiple sources.**

**Possessing multiple sources is important because of the nature of the topic. Journalists traditionally attempt to maintain impartiality to the event they are reporting. However, journalists are people and often possess underlying, unstated biases. Since each individual source is merely theoretically**

**disinterested, having access to multiple sources improves the validity of the data.**

**This data set possesses the additional benefits of having a clearly defined starting date, many visible series of encroaching events, at least two (Bush and Gore) organizations with competing goals, and a definite set of outcomes. Further, multiple episodes in multiple arenas facilitate the study of the process of processes. Lastly, the data set is historical, readily available, and archival. Each of these characteristics facilitates a longitudinal study.**

**Studying organizational phenomena requires having access to organizations that will allow such phenomena to be studied. Such access is not often given to researchers investigating sensitive issues. In this example, access to the phenomena is made available due to the public nature of the encroaching events. Here, extensive archival data exist in three forms: newspapers, magazines, and books. Newspapers are often considered the first draft of history. They present the most immediate written reports of events as they occur. Magazines and books have the benefit of time to improve their perspective. Two national newspapers – *The Washington Post* and *The New York Times* are respected sources of daily events. A newspaper close to the source is *The Miami Herald*. An initial review via the world wide web of available data reveals the enormous amount of available data on this subject. The on-line archives of each of these newspapers were explored using the Boolean search terms, “bush and gore and florida.”**

Where dates were offered to improve the search results, an appropriate time frame was selected (i.e., November 7, 2000 through December 12, 2000). In *The Miami Herald* ([www.miami.com/herald](http://www.miami.com/herald)), 1,453 documents were found in the "Special Features" section of their archives. No dates were entered at this site.

Journals and news magazines represent another source of data. A keyword search of ABI/Inform (keywords "bush and gore") returned 337 articles. A preliminary review of the titles of these articles suggested that a high percentage were appropriate for this study. Well-known news magazines are *Newsweek* and *Time*. Due to the nature of this event, it is prudent to recognize that some magazines possess the characteristic of having an overt political bend. Examples of such magazines include *The New Republic*, *The Progressive*, *The American Spectator*, *National Review*, and *The Weekly Standard*.

The third source for data collection is books. A search of the KU library and popular on-line bookstore Amazon.com ([www.amazon.com](http://www.amazon.com)) reveals many published books available for review. Approximately 25 books relevant to this study have been identified. Their titles and authors appear in Table 5.1.

Especially in this setting, using data developed by external sources presents two concerns. First, in each of these sources, reports of events must be differentiated from editorials about these events. Large amounts of

**Table 5.1 – A Partial List of Books Relevant to this Study**

<u>Title:</u>	<u>Author:</u>
36 Days: The Complete Chronicle of the 2000 Presidential Election Crisis	Brinkley, D., The New York Times
At Any Cost: How Al Gore Tried to Steal the Election	Sammon, B.
Breaking the Deadlock: The 2000 Election, the Constitution, and the Courts	Posner, R.A.
Bush v. Gore: The Court Cases and the Commentary	Dionne, E.J.
Chaotic Elections! : A Mathematician Looks at Voting	Saari, D.G.
Deadlock: The Inside Story of America's Closest Election	Nakashima, E., et al.
Democracy's Biggest Test: The 2000 Presidential Election and the Thirty-Six Days That Followed	Montrose, T.
Divided We Stand: How Al Gore Beat George Bush and Lost the Presidency	Simon, R.
Down and Dirty: The Plot to Steal the Presidency	Tapper, J.
Electing the President, 2000: The Insider's View	Jamieson, K. (ed.), P. Waldman (ed.)
Grand Theft 2000: Media Spectacle and a Stolen Election	Kellner, D.
Overtime! The Election 2000 Thriller	Sabato, L.J.
Supreme Injustice: How the High Court Hijacked Election 2000	Dershowitz, A.M.
The Accidental President: How 413 Lawyers, 9 Justices, and 5,963,110 Floridians (Give or Take a Few) Landed George W. Bush in the White House	Kaplan, D.A.
The Betrayal of America: How the Supreme Court Undermined the Constitution and Chose Our President	Bugliosi, V., et al.
The Election of 2000: Reports and Interpretations	Dionne, Jr., E.J., et al.
The Miami Herald Report: Democracy Held Hostage	Merzer, M., et al.
The Perfect Tie	Ceaser, J.W., A.E. Busch
The Unfinished Election of 2000: Leading Scholars Examine America's Strangest Election	Rakove, J.N.
The Votes That Counted: How the Court Decided the 2000 Presidential Election	Gillman, H.
The Vote: Bush, Gore, and the Supreme Court	Sunstein, C.R. (ed.), R.A. Epstein (ed.)
Too Close to Call: The 36-Day Battle to Decide the 2000 Election	Toobin, J.
Understanding the 2000 Election: A Guide to the Legal Battles That Decided the Presidency	Greene, A.
When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000	Issacharoff, S., et al.

**data are redundant – reports from various news services carried by the several sources of data for this investigation. Reading the accounts, documenting the issues, and being selective should eliminate most of the duplication. Determining a single, reliable source where the data are reported chronologically is highly desirable.**

**Although abundant material is available on this topic, the lack of an analytical study is noted. Developing a process framework will require detached deliberation of factual considerations on the part of the researcher. Some readers may have particular perspectives about the events, developing process frameworks for the encroaching episodes will provide an even-tempered look at this noteworthy event.**

**Most importantly, this set of encroaching events is non-trivial and sufficiently rich and complex to study the phenomena of interest. It is critical to remember that it is phenomena that are being studied – not a particular event. It is likewise critical to obtain access to data that satisfactorily reveals encroaching events in sufficient numbers to repeatedly test the process framework.**

## **An Initial Review of the Scenario for Examination**

Preliminary investigation into the phenomena of encroaching processes has been undertaken. In an effort to be certain that congruence exists between method, data set and phenomena, two encroaching episodes were identified and analyzed. From these encroaching episodes, a process framework has been developed that will be used to analyze the remainder of the data. It is not contemplated that the framework will remain in its current form after testing. Additional testing of the framework will provide a better, more general framework that can be used to test other data sets in future investigations.

A cursory review of several data sources was made to gather encroaching episodes. Those encroaching episodes were analyzed to find natural points of demarcation between the encroaching episodes. An initial review determined that the major breaking point in the data occurs on November 26 when Florida Secretary of State Katherine Harris certified George W. Bush as the winner of Florida's electoral ballots. Prior to this date, encroaching episodes were concerned with the process of certification of the ballots. Subsequent to this date, the encroaching processes were concerned with challenging the results of the certification process.

In order to illustrate the approach taken in this research, consider the development of two encroaching episodes: one encroaching episode that



occurred prior to November 26, and one encroaching episode that took place after November 26. In each time frame, one representative episode was developed. A discussion and description of each of these encroaching episodes follows.

### **The Pre-November 26 Encroachment Episode**

It was disclosed earlier that all processes are linked to some other process. The result is that every process has a predecessor process. The process that begins this episode had its roots earlier in the late summer of 2000. In August, ten candidates qualified to run for president and vice president in the State of Florida. Theresa LePore, the Supervisor of Elections in Palm Beach County becomes concerned that the number of candidates will complicate the ballot for elderly voters. Specifically, she is worried that fitting all the names on one page would require print too small for the elderly population to read. To address this issue, she designs a ballot known as a "Butterfly Ballot." This ballot appears as Exhibit 5.1.

On Election Day, Tuesday, November 7, 2000, complaints about the Butterfly ballots in Palm Beach County had been lodged all day. Theresa LePore, Palm Beach County election supervisor issued this instruction on Tuesday morning,

# Exhibit 5.1 – The Butterfly Ballot from Palm Beach County, Florida

<b>OFFICIAL BALLOT, 600 (PALL ELECTOR)</b> <b>PALM BEACH COUNTY, FLORIDA</b> <b>NOVEMBER 7, 2000</b>		<b>OFFICIAL BALLOT, 600 (PALL ELECTOR)</b> <b>PALM BEACH COUNTY, FLORIDA</b> <b>NOVEMBER 7, 2000</b>	
<b>INSTRUCTIONS</b> <b>FOR VOTERS</b> <b>AND</b> <b>YOUR PRESIDENT</b>  (It will be the candidate who actually has a vote for their district.)  Place for Group	<b>(REPUBLICAN)</b> <b>GEORGE W. BUSH</b> PRESIDENT 3-20 <b>MIKE CHENEY</b> VICE PRESIDENT	<b>(REFORM)</b> <b>PAT BUCHANAN</b> PRESIDENT <b>FRULA FOSTER</b> VICE PRESIDENT	<b>TURN PAGE TO CONTINUE VOTING</b>
	<b>(DEMOCRATIC)</b> <b>AL BORE</b> PRESIDENT <b>JOE LIEBERMAN</b> VICE PRESIDENT	<b>(SOCIALIST)</b> <b>DAVID McREYNOLDS</b> PRESIDENT <b>MARY ELA HOLLIS</b> VICE PRESIDENT	
	<b>(LIBERTARIAN)</b> <b>ROBERT BROWNE</b> PRESIDENT <b>ART BRUFER</b> VICE PRESIDENT	<b>(CONSTITUTION)</b> <b>WORLDWIDE PHILIPS</b> PRESIDENT <b>J. CHRISTOPHER FRAZER</b> VICE PRESIDENT	
	<b>(GREEN)</b> <b>RALPH ABRAHAM</b> PRESIDENT <b>WENDY LA BUIE</b> VICE PRESIDENT	<b>(WORKERS WORLD)</b> <b>MORRIS BROWNE/COO</b> PRESIDENT <b>CLARA LA ROSA</b> VICE PRESIDENT	
	<b>(SOCIALIST WORKERS)</b> <b>JAMES HARRIS</b> PRESIDENT <b>BONNIE ANN THORNE</b> VICE PRESIDENT	<b>WRITE-IN CANDIDATE</b> To vote for a write-in candidate, follow the directions on the top of each of your ballot card	
	<b>(NATURAL LAW)</b> <b>JOHN H. HARRIS</b> PRESIDENT <b>MAT COLEMAN</b> VICE PRESIDENT		

**"Attention all poll workers. Please remind all voters coming in that they are to vote only for one (1) presidential candidate and that they are to punch the hole next to the arrow next to the number next to the candidate they wish to vote for. Thank you."**

**(Extracted from *36 Days – The Complete Chronicle of the 2000 Presidential Election Crisis*, p. 11).**

**At seven o'clock pm, Eastern Standard Time, the broadcast networks declare Al Gore the winner of the election in Florida. One hour later, Karl Rove, Bush campaign aide, telephoned the television networks and criticizes them for calling the Florida election before the polls close in western Florida. One hour after Rove's phone call, the networks decide to categorize Florida as undecided. Throughout the night and into the wee-hours of Wednesday, November 8, the Florida election results (as well as elections in several other states, i.e., New Mexico, Oregon, and Iowa) waffled between the two major party candidates.**

**At one forty-five in the early morning, the networks announce that George Bush is the winner in Florida. With Florida called for Bush, Gore determines the presidency is lost and calls Bush to concede. As Al Gore prepares to meet his supporters, Gore aide receives a page that the Bush**

lead in Florida has "evaporated." Al Gore calls Bush and the infamous "snippy" conversation ensues.

**Bush:** "You mean to tell me, Mr. Vice President, you're retracting your concession?"

**Gore:** "You don't have to get snippy about it."

**Bush:** "My brother assures me that Florida is mine."

**Gore:** "Let me explain something. Your younger brother is not the ultimate authority on this."

**Gore and Bush:** Click.

*(Extracted from 36 Days – The Complete Chronicle of the 2000 Presidential Election Crisis, p. 7).*

Wednesday morning, the nation wakes up with George Bush leading Al Gore by 1,784 votes in Florida. The State of Florida began a statutorily mandated recount. At a press conference, Katherine Harris, Secretary of State, promises that she will declare a winner by the close of business, Thursday, November 9. William Daily and other members of the Gore campaign criticized the butterfly ballots in Palm Beach County as confusing.

**On Thursday, November 9, with the recount in Florida underway, several lawsuits were filed in the state and four Florida counties were approved for hand recounts.**

**The election in Oregon swung in favor of Gore bringing his tally to 262 – a 16-point advantage over Bush's 246 electoral votes. New Mexico is still judged "too close to call."**

**Friday, November 11, the Bush campaign filed a federal lawsuit in Florida to block the hand count of votes in four counties.**

**The encroaching process developed in this scenario reveals the encroacher as the Bush Campaign. The milieu for the encroaching episode is the Federal District Court in Miami, Florida, and the encroachee is the Gore Campaign. The Gore Campaign has requested and the State of Florida had begun, recounting ballots in four counties by hand. The Bush Campaign wanted to end that process and brought legal action to have the recounts discontinued in four Florida counties. The Gore Campaign considered these recounts critical to their success in Florida (Posner, 2001). The process that was changed was now the Gore Campaign was required to change their focus from making certain that the hand recount of ballots was continuing to focusing on battling the Bush Campaign's legal maneuvers. The process framework for this episode is fully developed later in this chapter and presented in Figure 5.4.**

## **The Post-November 26 Encroaching Episode**

Similar to the previous encroaching episode, post-November 26 encroaching episode did not arise on its own. It is the continuation of many previous encroaching processes. For the purpose of this demonstration, the episode is developed at the time where vote recounts have been commenced, blocked, recommenced, blocked again, and are the topic of heated protests, national debate, and numerous lawsuits filed in several venues. Adding to the pressure of the decisions made in this environment was the United States Code Title III, Electoral County Act, Section 5, Safe Harbor Provision. This law, enacted after the Rutherford B. Hayes – Samuel Tilden election in 1876 provides a date (December 12<sup>th</sup> in this case) as the deadline for the appointment of a state's Presidential electors. After this date any challenge of electors named by the state is barred. This framework is fully developed later in this chapter and presented in Figure 5.5.

On December 8, the Florida Supreme Court, in a 4-3 decision, overruled Judge Sauls who had earlier ruled in favor of a Bush Campaign lawsuit to end the hand counting of votes in Florida. The Florida Supreme Court ordered a recount of the disputed ballots and a statewide recount of all ballots that had not registered a vote for any candidate (under votes). This

decision was appealed to the U.S. Supreme Court. On December 9, the US Supreme Court, in a 5-4 decision, issued an order that halted the Florida recount.

December 11, the US Supreme Court heard oral arguments on the Florida statewide recount appeal and issued their decision on December 12 – the date provided by the Safe Harbor Act. In a 5-4 decision, the US Supreme Court rejected the Florida recount approved by the Florida Supreme Court. Seven justices found constitutional problems with a recount. That same day, poised to act in the event the U.S. Supreme Court did not end the controversy, the Florida legislature approved a Bush slate of electors.

The encroaching process developed in this scenario reveals the encroacher as the Bush Campaign. The setting for this encroaching episode is the U.S. Supreme Court in Washington, D.C., and the encroachee is the Gore Campaign. In this episode, the objective for the encroacher was to change the process of re-counting ballots that had been commenced at the behest of the Gore Campaign.

### **Producing the Process Framework**

The discussion of process frameworks to this point has been to explain their use in revealing processes for the purpose of studying the phenomena of

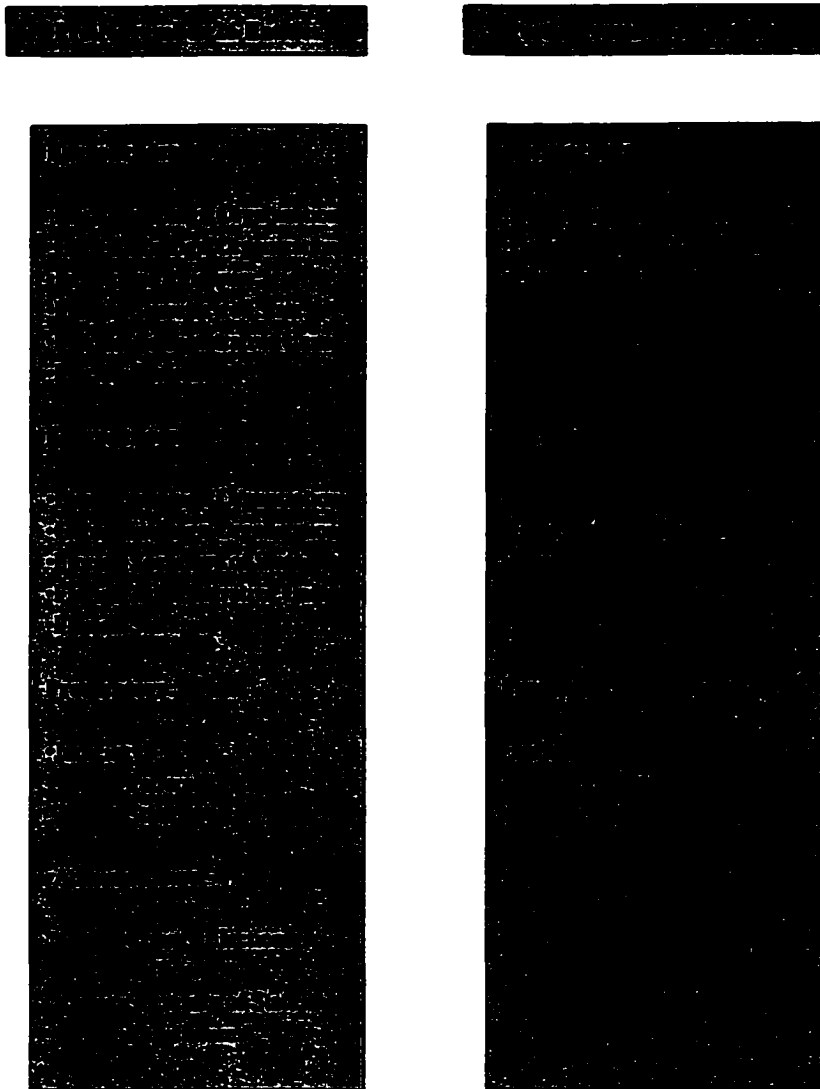
**interest. Now that the phenomena of interest and a data set have been defined, it is appropriate to develop a preliminary process framework.**

**The initial step in developing the process framework was to determine the entities that were common to both episodes. A brief review of the entire data set was done to determine any additional, readily apparent entities. The entities that were developed from that review are: the Bush Campaign, the Gore Campaign, the Federal judiciary system, the Federal legislative branch of government, the State of Florida judiciary system, the State of Florida executive branch, and the State of Florida legislative branch of government. The extent to which each of these entities will prove important remains to be determined. Several of these entities are participants in the two encroaching episodes already investigated.**

**The next task was to categorize the identified entities in their role as encroachers, encroachees, or preemptors. There are two sets of entities represented in the main two stages – the pre-November 26 time period and the post-November 26 time period. The categorization of these entities is set forth in Figure 5.1. It is interesting but not surprising to note that the list of encroachers and the list of encroachees are nearly identical. Reviewing the data and the episodes already constructed, an interesting question emerged. Why is it that the Bush Campaign preferred the federal court system while the Gore Campaign seemed to prefer the state judiciary? It appears that not all**



**Figure 5.1 – The Entities Involved**

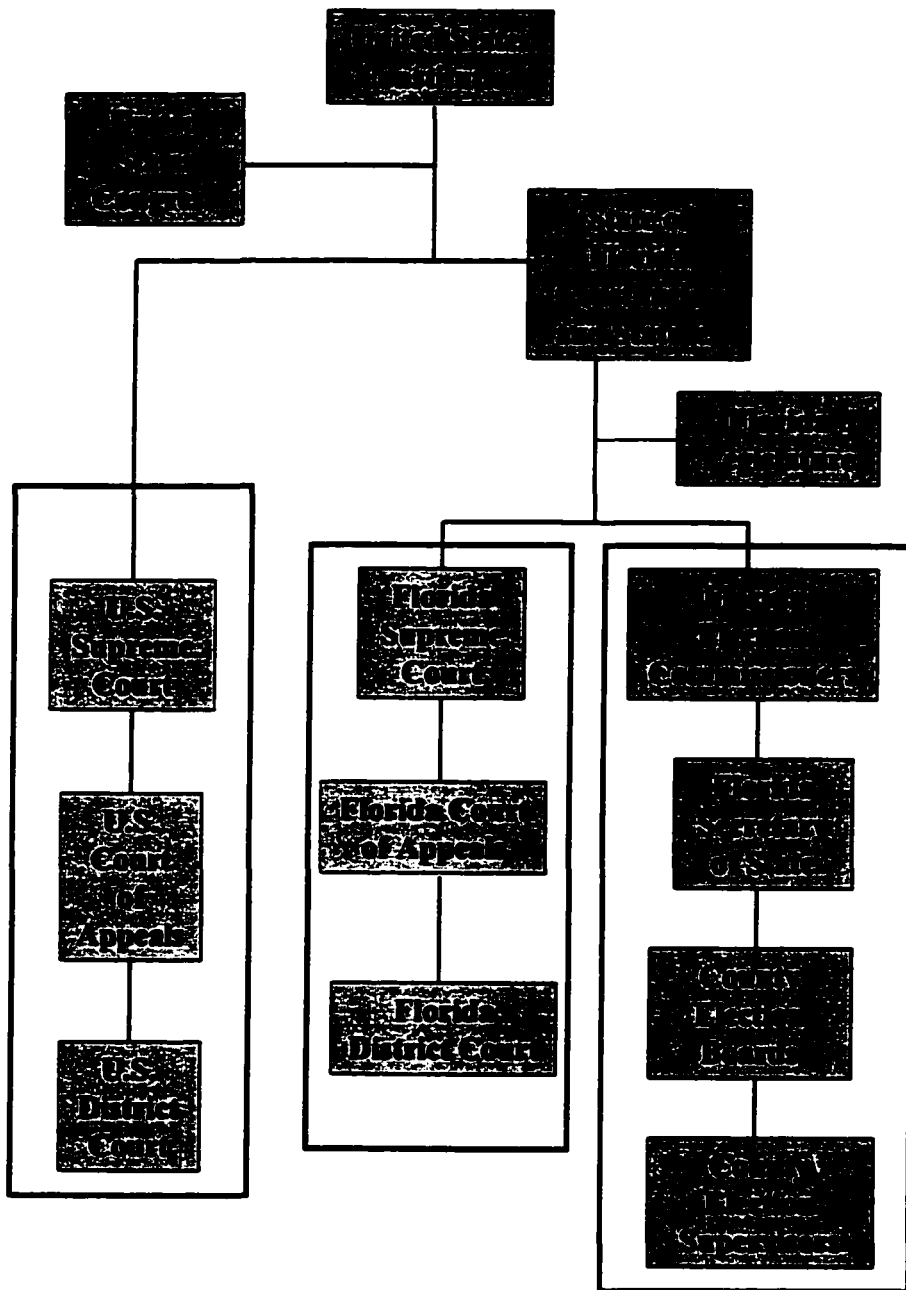


preemptors were perceived as equal. A system for classifying the preemptors appeared to be required. To that end a preemptor network – a structure of preemptor relationships – was developed. This network is presented in Figure 5.2.

This network follows the lines of preemptive authority. The ultimate preemptive authority in this context is based on the Constitution of the United States. The network naturally falls from that authority. The U.S. Supreme Court is the interpreter of last resort of the U.S. Constitution. This court is also the final arbiter of any court decision in the United States. Traditionally, the federal judiciary has been reluctant to intercede in any state election issue (Posner, 2001).

Since encroaching events in this data set took place in Florida, the Florida Supreme Court is the highest court in that jurisdiction. The Florida Supreme Court is the interpreter of state statutes and the state constitution. The district court system in Florida reports to the Florida Supreme Court. A third set of preemptors is the Florida executive branch of government. This branch is comprised of the Governor and all the entities in the government charged with enforcing the laws of the State of Florida. In the case under investigation, the relevant members of the executive branch are the Secretary of State, the Florida Election Commissioners, the county elections supervisors, and the county election boards.

**Figure 5.2 – The Preemptor Network**



Each of these sets of preemptors (U.S. judiciary, Florida judiciary, and Florida executive branch) possesses different sets of preemptive authority. In the preemptor network, each of these sets of preemptors is called a tree. The tree represents a line of authority. Each entity in a line of authority resides at a certain level. An encroachee might respond to an encroaching process by becoming an encroacher. If this happens and that entity responds by appealing to a preemptive authority in the line of authority above the preemptive authority that currently presides, the encroachee (now an encroacher) is said to be jumping levels. In the preemptor network developed in Figure 5.2, an example of jumping levels would be if an encroaching process occurs at the Federal District Court level and the encroachee responds to the encroachment by initiating an encroaching process with the U.S. Court of Appeals. This encroaching process moves the encroaching process away from the immediate preemptive authority (the Federal District Court) and to a higher preemptive authority.

When one encroachee responds to an encroachment by moving to another set of preemptors, that encroachee (now the encroacher) is said to be jumping trees. If an encroacher chooses to jump trees and the encroacher begins at the lowest preemptor level available on that tree, the encroacher has only jumped trees and has not jumped levels. However, if a preemptor jumps trees and selects a preemptor that is not the lowest available on that tree, the encroacher is said to have jumped trees and jumped levels. An

example of jumping trees but not jumping levels occurs when an encroachment takes place in the Florida State District Court, and the encroachee responds by initiating an encroaching process in the Federal District Court. Jumping trees and jumping levels would occur when the encroachee responds to an encroachment in the Florida State District Court by initiating an encroaching process in the Federal Court of Appeals.

### **Developing the Considerations in the Process Framework**

The process of working out the details of how the data are arranged, what entities exist, and how the entities interact has provided the basis for the considerations in the process framework. The considerations were initially developed acontextually. In this section, the context of the data set is used to develop a set of considerations that is meaningful to this context.

Reviewing the encroaching processes initiated by the encroachers and the responses to the encroaching episode by the encroachees provided the initial attempt at developing the considerations for the process framework. The post-November 26 encroaching episode was considered first. Many attempts followed by many edits led to many reconsiderations of the design of the framework. The considerations proposed in the process framework expanded and contracted. After a process framework was developed, the pre-November 26 encroaching episode was applied. Again, the process

framework expanded and contracted until a framework that fit both episodes was produced.

At its core, the phenomena of encroaching processes expose the dyadic relationship between the encroacher and encroachee. The outcome for each of these entities is unlikely to be identical. For this reason, the process frameworks reveal different outcomes for the encroacher and the encroachee.

### **The Considerations and Outcomes in Context**

In this section, the specific considerations and outcomes for the test are developed. The resulting process framework is presented in Figure 5.3.

The first issue confronted in an encroaching process is to determine whether or not the encroaching process rises to the level of an encroachment.

Given an encroaching event, two additional questions establish that an encroachment occurred. First, did an encroaching process result in an organizational change? If the reply to this question is no, then there is no encroachment. If yes, the second question must be asked. Did the encroachee recognize the encroaching process that produced this organizational change? If the answer to this question is yes, then an encroachment has taken place. So the first consideration ( $c_1$ ) in the process framework is to determine if an encroachment has taken place.

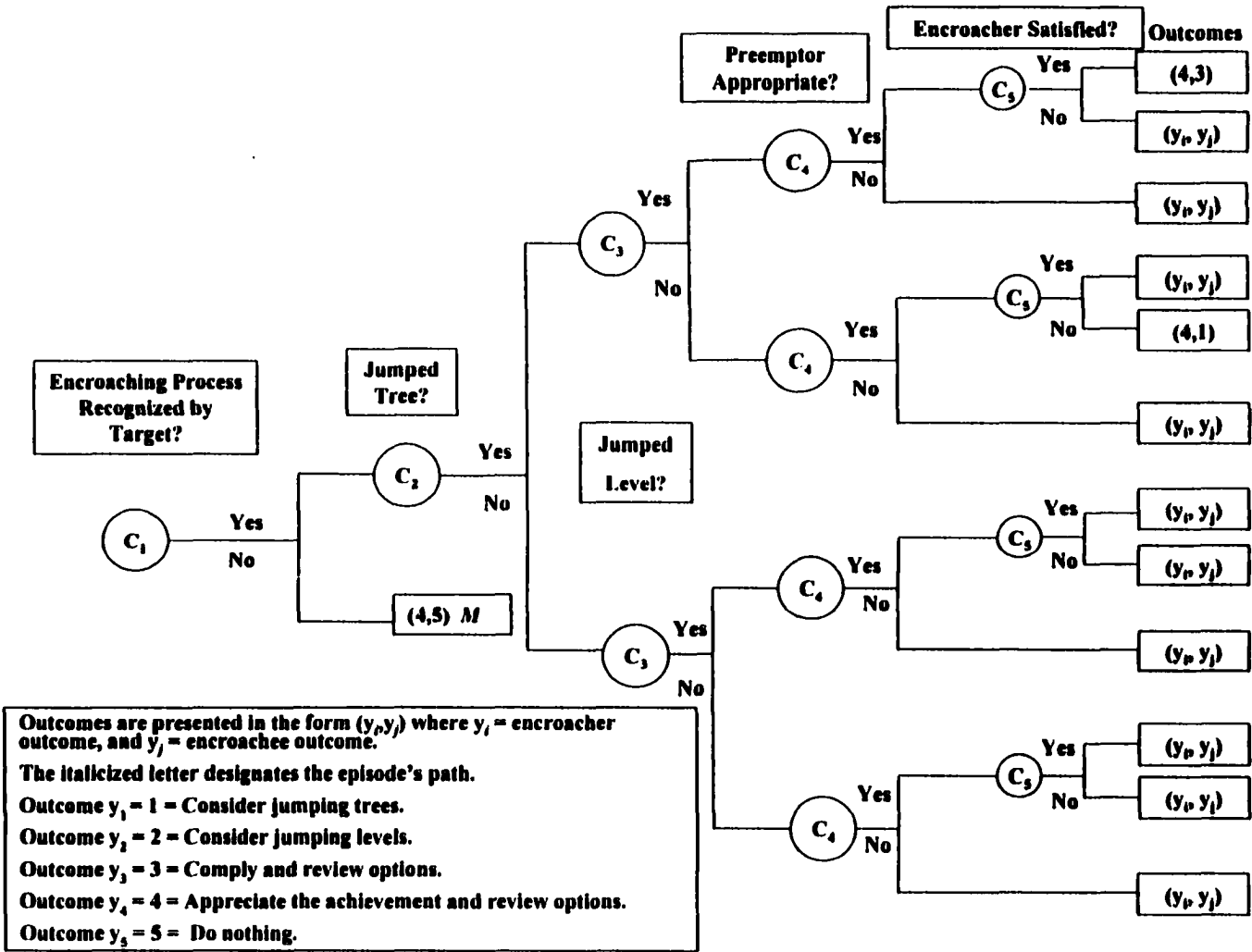


Figure 5.3 – The Process Framework for Investigating Encroachments

**Encroachers have the option of selecting the venue in which an encroaching episode takes place. The second consideration (c<sub>2</sub>) reveals an encroacher's decision about where to initiate an encroaching process. Encroachers may select to initiate an encroaching in the current environment, or the encroacher may determine the encroaching process has greater potential for success in another setting. Selecting to initiate an encroaching process outside the sphere of influence of the current preemptive authority indicates the encroacher has decided to jump trees. If the encroaching process is initiated in the environment that the target exists, the encroacher is not jumping trees. A decision to jump trees is evidence that an encroacher may believe there to be a stronger power base in a different environment. Another reason for jumping trees may be that the encroacher believes that the encroaching event might not be recognized as easily or quickly.**

**The third consideration (c<sub>3</sub>) is to determine if the encroacher jumps levels. A decision to jump levels may result from an encroachee's belief that the current preemptive authority is incapable of producing the outcome desired by the encroachee. Jumping levels is a natural next step for an encroachee that responds to an encroaching process by initiating a new encroaching process.**

**A fourth consideration (c<sub>4</sub>) was discovered to be to determine if the preemptive authority selected by the encroacher is an appropriate authority. The determination of appropriateness is laid to the preemptor. If a preemptor**



accepts the responsibility of acting as a preemptor, then that preemptor is appropriate. For example, there is much controversy regarding the decision of the U.S. Supreme Court to act as a preemptor in the second encroaching episode presented earlier in this paper (cf. Posner, 2001; 36 Days, 2001). However, in this case, it is determined that this preemptor is appropriate because they accepted preemptive authority. If a preemptive authority existed that could overrule or undermine the decision of a preemptor to preempt, another encroaching process would be initiated. The decision to include the evaluation of preemptor appropriateness is a consequence of knowledge about encroaching processes that result from or lead to the two encroaching processes developed in this paper.

The final consideration ( $c_5$ ) determines the satisfaction of the encroacher. An encroacher is said to be satisfied if the encroaching process accomplished the change sought at the initiation of the process. If the encroacher is satisfied, the encroachment episode is complete. Any response to an encroachment by an encroachee represents a new encroaching episode.

The concluding piece of the process framework is to develop a set of possible outcomes. The outcomes proffered here are initial suggestions of what might be the outcomes of encroaching processes. Only through repetitive testing will a truer set of outcomes be known. Here are the best guesses of possible outcomes after preparing two process frameworks:

**Outcome  $y_1$  = Consider jumping trees.**

**Outcome  $y_2$  = Consider jumping levels.**

**Outcome  $y_3$  = Comply and review options.**

**Outcome  $y_4$  = Appreciate the achievement and review options.**

**Outcome  $y_5$  = Do nothing.**

**We now move to discussing the considerations in the developed process framework. In this section, the fit of outcomes is also discussed.**

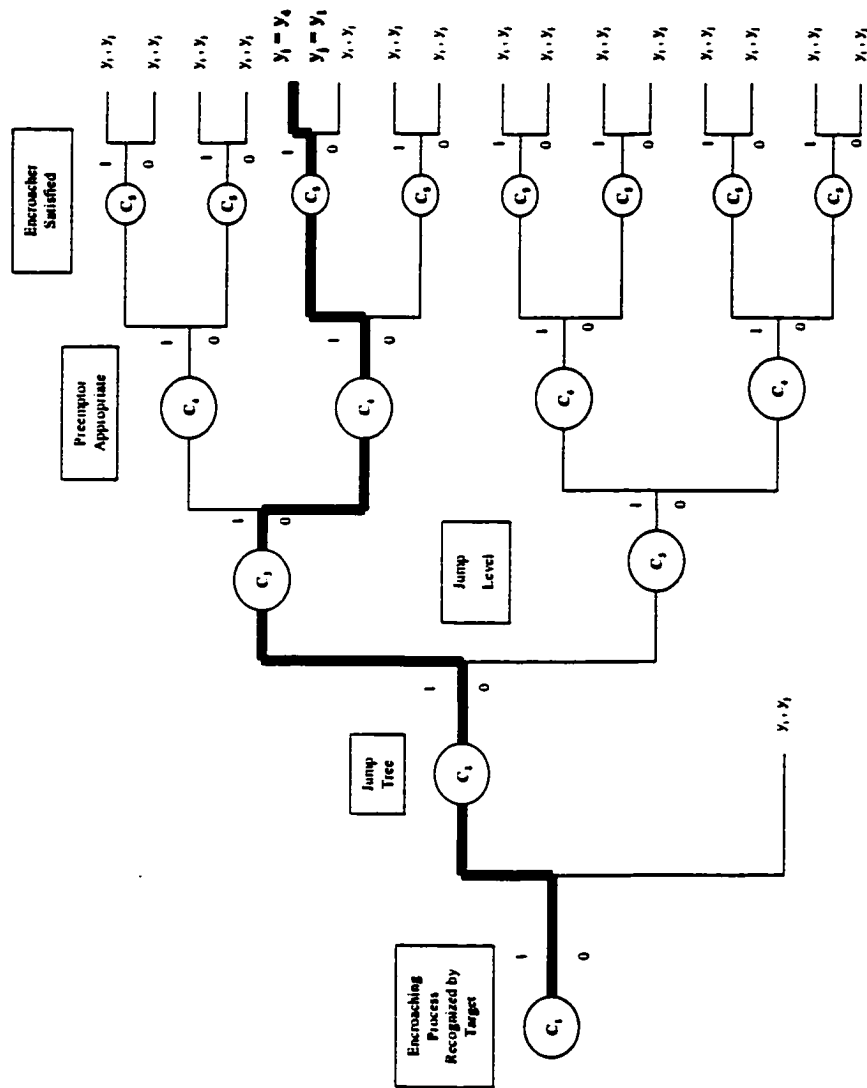
### **Discussion of the Preliminary Process Framework**

**It is now appropriate to run through the considerations referring to the pre-encroaching episodes developed earlier. First, the considerations are reviewed in the context of the pre-November 26 encroaching episode. The path in the framework in this encroachment episode is highlighted in Figure 5.4.**

**Consideration  $c_1$ , is the encroaching process recognized by the target? In this encroaching episode, the encroaching process is well known by the encroachee. It would be difficult to miss with the attention given to the events by the national news media.**

**Did the encroacher jump trees ( $c_2$ )? Yes – the Bush Campaign took the action away from the Florida executive branch where the county election**

**Figure 5.4 – The pre-November 26 Encroachment Episode Process Framework**



**boards were reviewing and determining how to count ballots, and went to the Federal District Court in Miami.**

**Did the encroacher jump levels ( $c_3$ )? No – the Bush camp initiated the encroaching process at the lowest level possible on a different tree.**

**Was the preemptor appropriate ( $c_4$ )? Yes – the Federal District Court accepted the case.**

**Was the encroacher satisfied ( $c_5$ )? No – the encroaching process did not achieve its aim. Two days after the case was filed, Federal District Court Judge Donald Middlebrooks denied the Bush Campaign's request for an injunction against the recounts.**

**Encroacher's outcome is  $y_2$  – jump levels. The reason that the outcome for this encroaching to jump levels is that the Bush camp made a decision early in the encroaching process to initiate all their encroaching processes in Federal Court away from state jurisdictions. The Bush Campaign did not trust the Florida judiciary (36 Days, 2001). Although headed by the brother of the candidate and the chairperson of their Florida operations, they did not trust most of the Florida executive branch (Posner, 2001).**

**The encroachee's outcome is  $y_4$  – enjoy the moment. The reason the encroachee can only enjoy the moment is that encroaching processes are**

pervasive and recurring. Mere moments exist until the next encroaching episode is likely to occur.

Now consider the post-November 26 encroaching episode. The path in the framework in this encroachment episode is highlighted in Figure 5.5. Again, not only was the encroachee aware of the encroaching process, but at this point, the entire world knew about the moves by both camps.

Consideration  $c_1$  confirms this encroaching process as an encroachment.

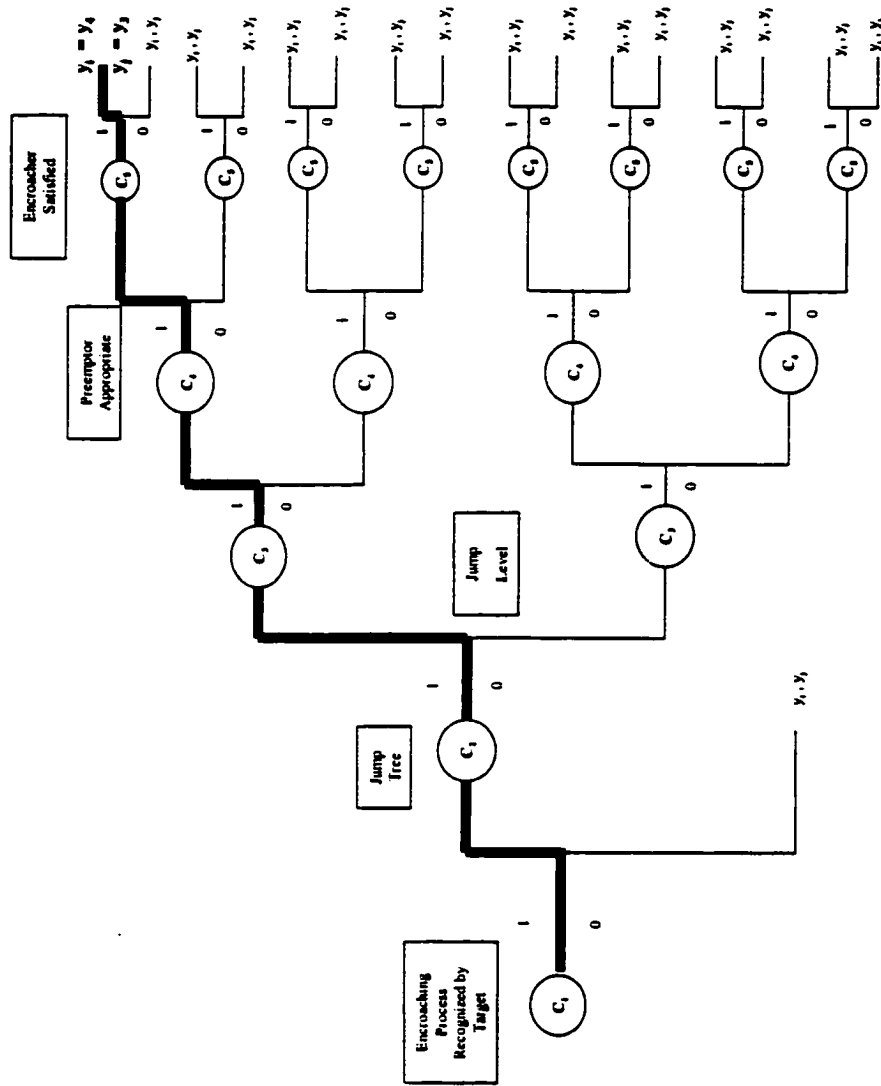
Did the encroacher jump trees ( $c_2$ )? Yes – this time the Bush Campaign took the action away from the Florida judiciary where they had suffered numerous setbacks in previous encroaching episodes that are at this point undeveloped. The Bush camp sought to receive an injunction against the recounts from the U.S. Supreme Court.

Did the encroacher jump levels ( $c_3$ )? Yes. The Bush Campaign jumped over the Federal District Court, the Federal Court of Appeals, and went directly to the highest court in the land, the U.S. Supreme Court.

Was the preemptor appropriate ( $c_4$ )? Yes – the U.S. Supreme Court accepted the case.

Was the encroacher satisfied ( $c_5$ )? Yes. With the stay on further recounts issued on Friday, December 9, the entire Florida election was essentially decided. The Supreme Court did not hear the case until Monday, December 11 and an order was not issued until Tuesday, December 12, the

**Figure 5.5 – The post-November 26 Encroachment Episode Process Framework**



order to stay the recount on December 9 ended the Gore Campaign's options. This is because of the date provided by the Safe Harbor Act (United States Code Title III, Section 5) was December 12 and the Florida legislature's decision to elect Bush's slate of electors.

Encroacher's outcome is  $y_4$  – Appreciate the achievement and review options. At this point in the encroaching process, the encroacher's objective was satisfied. In this particular case, there is no immediate option for the encroachee to initiate an encroaching process elsewhere – at least not for the moment. This is why the encroacher's outcome is to enjoy the moment. Certainly, new encroaching processes will ensue.

The encroachee's outcome is  $y_3$  – comply and review options. There is an inclination in this case to list the outcome as  $y_5$  – do nothing. For, what can the Gore Campaign actually accomplish at this date? However, there are many ways to initiate encroaching episodes. Simply because the Gore Campaign lost the election, this does not mean that they will cease to seek opportunities to encroach in the future. Therefore, the encroachee's outcome in this case is  $y_3$ , comply and review options.

The first run outcomes presented in these two preliminary process frameworks provide the hermeneutical device for hypothesizing and testing likely outcomes to other paths. The following section sets forth the

**hypothesized outcomes for each of the paths of the process framework developed for this particular context.**

### **Hypothesized Outcomes**

The data presented later in this section are used to test hypothesized outcomes. Hypothesized outcomes are developed for each path. The 13 paths are first designated by a capital, italicized letter (*A, B, C, ..., M*). These paths are illustrated in Figure 5.6. Each path is determined by the responses to the considerations. At the end of each path is a set of outcomes. Outcomes are presented in the form  $(y_i, y_j)$  where  $y_i$ , the first component, is the hypothesized outcome for the encroacher; and  $y_j$ , the second component, is the hypothesized outcome for the encroachee. This section begins with describing path *A*, the uppermost path in Figure 5.6. A table depicting the paths and their hypothesized outcomes is presented in Table 5.2.

### **The Hypotheses**

Path *A* is the case where the encroaching process is recognized by the target ( $c_1 = \text{Yes}$ ), the encroacher jumps preemptive trees ( $c_2 = \text{Yes}$ ), the encroacher jumps preemptive levels ( $c_3 = \text{Yes}$ ), the preemptive authority is appropriate ( $c_4 = \text{Yes}$ ), and the encroacher is satisfied ( $c_5 = \text{Yes}$ ). Path *A* is the path:



Table 5.2 – Table of Hypothesized Outcomes for Each Path

Path / Hypothesis	C <sub>1</sub> - Encroaching Process is Recognized	C <sub>2</sub> - Encroacher Jumps Levels	C <sub>3</sub> - Encroacher Jumps Trees	C <sub>4</sub> - Preemptive Authority was Appropriate	C <sub>5</sub> - Encroacher was Satisfied	Predicted Outcome	
						Encroacher	Encroachee
A - H <sub>A</sub>	Yes	Yes	Yes	Yes	Yes	Appreciate the achievement and review options	Comply and review options
B - H <sub>B</sub>	Yes	Yes	Yes	Yes	No	Consider jumping levels	Appreciate the achievement and review options
C - H <sub>C</sub>	Yes	Yes	Yes	No	-	Consider jumping levels	Comply and review options
D - H <sub>D</sub>	Yes	Yes	No	Yes	Yes	Appreciate the achievement and review options	Comply and review options
E - H <sub>E</sub>	Yes	Yes	No	Yes	No	Consider jumping levels	Appreciate the achievement and review options
F - H <sub>F</sub>	Yes	Yes	No	No	-	Consider jumping levels	Comply and review options
G - H <sub>G</sub>	Yes	No	Yes	Yes	Yes	Appreciate the achievement and review options	Comply and review options
H - H <sub>H</sub>	Yes	No	Yes	Yes	No	Consider jumping levels	Appreciate the achievement and review options
I - H <sub>I</sub>	Yes	No	Yes	No	-	Consider jumping trees	Comply and review options
J - H <sub>J</sub>	Yes	No	No	Yes	Yes	Appreciate the achievement and review options	Comply and review options
K - H <sub>K</sub>	Yes	No	No	Yes	No	Consider jumping trees	Appreciate the achievement and review options
L - H <sub>L</sub>	Yes	No	No	No	-	Comply and review options	Comply and review options
M - H <sub>M</sub>	No	-	-	-	-	Appreciate the achievement and review options	Do Nothing

described in the first (pre-November 26) process framework. It was determined that the outcome realized by the encroacher was  $y_4$  – appreciate the achievement and review options. The outcome realized by the encroachee was  $y_3$  – comply and review options. Thus, for the remaining encroachments:

$H_A =$  Given path A ( $c_1 = \text{Yes}$ ,  $c_2 = \text{Yes}$ ,  $c_3 = \text{Yes}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{Yes}$ ), the outcome realized by the encroacher will be  $y_4$  – to appreciate the achievement and review options; and the outcome for the encroachee will be  $y_3$  – to comply and review options.

Along path B, the encroaching process is recognized by the target ( $c_1 = \text{Yes}$ ), the encroacher jumps preemptive trees ( $c_2 = \text{Yes}$ ), the encroacher jumps preemptive levels ( $c_3 = \text{Yes}$ ), the preemptive authority is appropriate ( $c_4 = \text{Yes}$ ), but the encroacher is not satisfied ( $c_5 = \text{No}$ ). The encroachment is frustrated and the hypothesized outcome is:

$H_B =$  Given path B ( $c_1 = \text{Yes}$ ,  $c_2 = \text{Yes}$ ,  $c_3 = \text{Yes}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{No}$ ), the outcome realized by the encroacher will be  $y_2$  – to consider jumping levels; and the outcome for the encroachee will be  $y_4$  – to appreciate the achievement and review options

Following path C, the encroaching process is recognized by the target ( $c_1 = \text{Yes}$ ), the encroacher jumps preemptive trees ( $c_2 = \text{Yes}$ ), the encroacher jumps preemptive levels ( $c_3 = \text{Yes}$ ), but the preemptive authority is not appropriate ( $c_4 = \text{No}$ ). Since the preemptive authority is not appropriate, it is

not relevant whether or not the encroacher was satisfied and the branch leading to  $c_5$  was trimmed. Thus, this path terminates after  $c_4$  and the hypothesized outcome is:

$H_C =$  Given path  $C$  ( $c_1 = \text{Yes}$ ,  $c_2 = \text{Yes}$ ,  $c_3 = \text{Yes}$ ,  $c_4 = \text{No}$ ), the outcome realized by the encroacher will be  $y_2$  – consider jumping levels; and the outcome for the encroachee will be  $y_3$  – to comply and review options.

The case where an encroaching process is recognized by the target ( $c_1 = \text{Yes}$ ), the encroacher jumps preemptive trees ( $c_2 = \text{Yes}$ ), the encroacher jumps preemptive levels ( $c_3 = \text{No}$ ), the preemptive authority is appropriate ( $c_4 = \text{Yes}$ ), and the encroacher is satisfied ( $c_5 = \text{Yes}$ ) is labeled path  $D$  and the hypothesized outcome is:

$H_D =$  Given path  $D$  ( $c_1 = \text{Yes}$ ,  $c_2 = \text{Yes}$ ,  $c_3 = \text{No}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{Yes}$ ), the outcome realized by the encroacher will be  $y_4$  – to appreciate the achievement and review options; and the outcome for the encroachee will be  $y_3$  – to comply and review options.

Beginning with path  $E$ , a new class of encroachments begins – those where the encroacher does not jump levels. Following this path, the encroaching process is recognized by the target ( $c_1 = \text{Yes}$ ), the encroacher jumps preemptive trees ( $c_2 = \text{Yes}$ ), the encroacher does not jump preemptive levels ( $c_3 = \text{No}$ ), however the preemptive authority is appropriate ( $c_4 = \text{Yes}$ ), and the encroacher is satisfied ( $c_5 = \text{No}$ ). The hypothesized outcomes are:

$H_E =$  Given path  $E$  ( $c_1 = \text{Yes}$ ,  $c_2 = \text{Yes}$ ,  $c_3 = \text{No}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{No}$ ), the outcome realized by the encroacher will be  $y_2$  – to consider jumping levels; and the outcome for the

encroachee will be  $y_4$  – to appreciate the achievement and review options.

Path  $F$  illustrates the instance where the encroaching process is recognized by the target ( $c_1 = \text{Yes}$ ), the encroacher jumps preemptive trees ( $c_2 = \text{Yes}$ ), the encroacher jumps preemptive levels ( $c_3 = \text{No}$ ), but the preemptive authority is not appropriate ( $c_4 = \text{No}$ ). Since the preemptive authority is not appropriate, it is not relevant whether or not the encroacher was satisfied and the branch leading to  $c_5$  was trimmed. Thus, this path terminates after  $c_4$  and the hypothesized outcome is:

$H_F =$  Given path  $F$  ( $c_1 = \text{Yes}$ ,  $c_2 = \text{Yes}$ ,  $c_3 = \text{No}$ ,  $c_4 = \text{No}$ ), the outcome realized by the encroacher will be  $y_2$  – to consider jumping levels; and the outcome for the encroachee will be  $y_3$  – to comply and review options.

Path  $G$  reveals the case where an encroaching process is recognized by the target ( $c_1 = \text{Yes}$ ). However, beginning with path  $G$ , encroachers do not jump trees ( $c_2 = \text{No}$ ). Once again, the encroacher jumps preemptive levels ( $c_3 = \text{Yes}$ ) and the preemptive authority is appropriate ( $c_4 = \text{Yes}$ ), and the encroacher is satisfied ( $c_5 = \text{Yes}$ ). This leads to a hypothesized outcome of:

$H_G =$  Given path  $G$  ( $c_1 = \text{Yes}$ ,  $c_2 = \text{No}$ ,  $c_3 = \text{Yes}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{Yes}$ ), the outcome realized by the encroacher will be  $y_4$  – to appreciate the achievement and review options; and the outcome for the encroachee will be  $y_3$  – to comply and review options.

Path  $H$  reveals the route where the encroaching process is recognized by the target ( $c_1 = \text{Yes}$ ), the encroacher jumps preemptive trees ( $c_2 = \text{No}$ ), the

encroacher jumps preemptive levels ( $c_3 = \text{Yes}$ ), the preemptive authority is appropriate ( $c_4 = \text{Yes}$ ), and the encroacher is satisfied ( $c_5 = \text{No}$ ). The encroacher not being satisfied by his foray is likely to jump levels and leads to a proposed hypothesized outcome of:

$H_H =$  Given path  $H$  ( $c_1 = \text{Yes}$ ,  $c_2 = \text{No}$ ,  $c_3 = \text{Yes}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{No}$ ), the outcome realized by the encroacher will be  $y_2$  – to consider jumping levels; and the outcome for the encroachee will be  $y_4$  – to appreciate the achievement and review options.

Path  $I$  is the case in which the encroaching process is recognized by the target ( $c_1 = \text{Yes}$ ), the encroacher does not jump preemptive trees ( $c_2 = \text{No}$ ), the encroacher does jump preemptive levels ( $c_3 = \text{Yes}$ ), but the preemptive authority is not appropriate ( $c_4 = \text{No}$ ). As in paths  $C$  and  $F$ , the preemptive authority is not appropriate and it is not relevant whether or not the encroacher was satisfied and the branch leading to  $c_5$  was trimmed.

Thus, this path terminates after  $c_4$  and the hypothesized outcome is:

$H_I =$  Given path  $I$  ( $c_1 = \text{Yes}$ ,  $c_2 = \text{No}$ ,  $c_3 = \text{Yes}$ ,  $c_4 = \text{No}$ ), the outcome realized by the encroacher will be  $y_1$  – to consider jumping trees; and the outcome for the encroachee will be  $y_3$  – to comply and review options.

Path  $J$  is the case where the target recognizes the encroaching process ( $c_1 = \text{Yes}$ ), the encroacher does not jump preemptive trees ( $c_2 = \text{No}$ ), the encroacher does not jump preemptive levels ( $c_3 = \text{No}$ ), but the preemptive authority is appropriate ( $c_4 = \text{Yes}$ ), and the encroacher is satisfied ( $c_5 = \text{Yes}$ ).

It is thought that the outcomes experienced in this path are:

$H_J =$  Given path  $J$  ( $c_1 = \text{Yes}$ ,  $c_2 = \text{No}$ ,  $c_3 = \text{No}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{Yes}$ ), the outcome realized by the encroacher will be  $y_4$  – to appreciate the achievement and review options; and the outcome for the encroachee will be  $y_3$  – to comply and review options.

Path  $K$  is the case where an encroaching process is recognized by the target ( $c_1 = \text{Yes}$ ), the encroacher jumps preemptive trees ( $c_2 = \text{No}$ ), the encroacher jumps preemptive levels ( $c_3 = \text{No}$ ), the preemptive authority is appropriate ( $c_4 = \text{Yes}$ ), and the encroacher is satisfied ( $c_5 = \text{No}$ ).

$H_K =$  Given path  $K$  ( $c_1 = \text{Yes}$ ,  $c_2 = \text{No}$ ,  $c_3 = \text{No}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{No}$ ), the outcome realized by the encroacher will be  $y_1$  – to consider jumping trees; and the outcome for the encroachee will be  $y_4$  – to appreciate the achievement and review options.

Path  $L$  is the only encroachment where the response to each consideration is no. Responses along Path  $L$  are: is an encroaching process recognized by the target ( $c_1 = \text{Yes}$ ), the encroacher jumps preemptive trees ( $c_2 = \text{No}$ ), the encroacher jumps preemptive levels ( $c_3 = \text{No}$ ), the preemptive authority is appropriate ( $c_4 = \text{No}$ ), and the final consideration – is the encroacher is satisfied – is not relevant so the branch leading to  $c_5$  was trimmed. Also, Path  $L$  is the only path where the hypothesized outcome is the same for the encroacher and the encroachee:

$H_L =$  Given path  $L$  ( $c_1 = \text{Yes}$ ,  $c_2 = \text{No}$ ,  $c_3 = \text{No}$ ,  $c_4 = \text{No}$ ), the outcome realized by the encroacher will be  $y_3$  – to comply and review options; and the outcome for the encroachee will be  $y_3$  – to comply and review options.

Finally, path *M* is the case where an encroaching process is not recognized by the target ( $c_1 = \text{No}$ ). In order for an encroachment to occur, the target must recognize the encroaching process. It is acknowledged that this path does not fit the definition of an encroachment. This path is included for the purpose of revealing a possible outcome to encroaching processes and to illustrate the difficulty that is sometimes encountered in discerning the difference between an encroachment and an encroaching process. The process framework ends after  $c_1$  and the hypothesized outcome is:

$H_M =$  Given path *M* ( $c_1 = \text{No}$ ), the outcome realized by the encroacher will be  $y_4$  – to appreciate the achievement and review options; and the outcome for the encroachee will be  $y_5$  – to do nothing.

The process framework for testing is now presented in Figure 5.6.

In Chapter 7, applying data collected as encroaching episodes will test these hypotheses. First, the episodes were gathered from the data set. In the next section, the rules developed for culling the data are presented.





## **Chapter 6. The Data**

This chapter presents the data collected from many sources. Most of the data is historical, secondary source. It was inspected and reviewed in search of encroaching processes. The first order of business was to develop a process for going through the enormous amount of data. It was necessary that the system ensured a methodical review of the data. After presenting this project, many of the books listed in Table 5.1 were perused. It was determined that the book *36 Days The Complete Chronicle of the 2000 Presidential Election Crisis* by the correspondents of The New York Times was an appropriate guide to the daily encroaching episodes. This book is a replication of the daily articles produced by the correspondents from many cities in Florida and Washington, D.C. Presented in such a manner facilitated the collection of pertinent data. More than 25 editors, journalists, and columnists contributed to this report. This source is supplemented by other sources including newspaper articles, other books, and primary data collection.

In addition to *36 Days*, another source heavily relied on was *Breaking the Deadlock – The 200 Election, the Constitution, and the Courts* by Richard Posner. The author is a Federal Judge in the Seventh Circuit Court of Appeals and a Senior Lecturer at the University of Chicago Law School. Since a great number of the encroaching processes in this dataset involved

the state and federal courts, Judge Posner's treatise provided the researcher with background critical to understanding the various legal maneuvers.

### **The Data Collection Cards**

After determining the main source of data, the manner of documenting the data was the next issue. A system was devised using cards that contained important information. A replica of the data collection cards is presented below in Figure 6.1. The cards provide space for identifying the episode number, the parental relationship, an identifier for the encroacher and encroachee, a place to identify the origin of the encroacher and the encroachee (either Black Space or White Space), space for a brief description of the encroaching episode, the result of the encroaching episode, the source from which the episode was gleaned, and the pattern (called a path in a process framework) followed. The initial review of encroaching episodes reveals five considerations. However, the cards are produced anticipating that at least two additional considerations might be developed. It happens that providing for these additional considerations was not necessary. So, the space provided for considerations  $c_6$  and  $c_7$  is used to identify the outcomes experienced by the encroacher (in space  $c_6$ ) and the encroachee (in space  $c_7$ ). The idea of identifying a particular path by name did not occur until after

**Exhibit 6.1 – Sample Data Collection Card**

<b>Episode I.D.:</b>		<b>N.B.</b>					
<b>Daughter of:</b>							
<b>Mother of:</b>							
<b>Encroachee:</b>		<b>W/S - B/S</b>					
<b>Encroacher:</b>		<b>W/S - B/S</b>					
<b>Description:</b>							
<b>Result:</b>							
<b>Source:</b>							
<b>Pattern:</b>	<b>C1 =</b>	<b>C2 =</b>	<b>C3 =</b>	<b>C4 =</b>	<b>C5 =</b>	<b>C6 =</b>	<b>C7 =</b>

<b>Episode I.D.:</b>		<b>N.B.</b>					
<b>Daughter of:</b>							
<b>Mother of:</b>							
<b>Encroachee:</b>		<b>W/S - B/S</b>					
<b>Encroacher:</b>		<b>W/S - B/S</b>					
<b>Description:</b>							
<b>Result:</b>							
<b>Source:</b>							
<b>Pattern:</b>	<b>C1 =</b>	<b>C2 =</b>	<b>C3 =</b>	<b>C4 =</b>	<b>C5 =</b>	<b>C6 =</b>	<b>C7 =</b>

<b>Episode I.D.:</b>		<b>N.B.</b>					
<b>Daughter of:</b>							
<b>Mother of:</b>							
<b>Encroachee:</b>		<b>W/S - B/S</b>					
<b>Encroacher:</b>		<b>W/S - B/S</b>					
<b>Description:</b>							
<b>Result:</b>							
<b>Source:</b>							
<b>Pattern:</b>	<b>C1 =</b>	<b>C2 =</b>	<b>C3 =</b>	<b>C4 =</b>	<b>C5 =</b>	<b>C6 =</b>	<b>C7 =</b>

the data were collected. Due to this, the path name (*A, B, C, ... M*) appears on the side of the card on the same line as the list of considerations. This last piece of information is evident on the cards reproduced in their entirety in the Appendix.

The episode number is assigned merely as a way to keep track of the various episodes. This number roughly corresponds to the chronological order of the encroaching episodes. Since not all encroaching episodes are discovered in a single text, and because the primary data source is not entirely chronological, this relationship is not perfect.

The "Daughter of" entry provides space to note any predecessor encroaching episode. Similarly the "Mother of" entry provides space to note any successor encroaching episodes. Not all relationships are determinable at the time the encroaching episode was initially documented. Frequently, these relationships reveal themselves days or weeks later. In a source that chronicles thirty-six days in 380 pages, many pages of text separate days. Many of these relationships became apparent only during the process of working with and reviewing the developed data. Often, no relationship is determinable and the space remained blank.

The entities of encroacher and encroachee are specified in the data collection card. In addition, on the right-hand side, they were classified according to whether they were organizational black space or white space encroachers or encroachees.

The box designated "Description" provides space for the investigator to make notes about the nature of the encroaching episode. In this space, the notations were minimal, but enough narrative is produced to allow the researcher to differentiate one episode from another. Below the description, space is provided to identify the result of the encroachment episode. In this box, the outcome is noted – critical for determining the response to consideration five (c<sub>5</sub>). Below the result there is space to identify the source where the encroachment episode was found. The source was abbreviated on the cards to save space and includes the page number of the encroachment. Where the same episode is observed in multiple sources, all sources are included. Next, below the space for the source of the encroachment episode, a line is provided for the pattern of the set of considerations. This line has already been discussed. The last portion of the card is a rectangular box in the upper right-hand corner of the cards. This box is labeled "N.B." and is used for making important notes such as the identity of the preemptive authority.

### **The Data Collection**

The data collection was determined by the arrangement of data in the book *36 Days*. Reports in the book commenced on "Day 1" – the day after the presidential election – November 8, 2000. When an encroaching event

presents itself, the researcher made a red line along the side of the text. The event was studied and classified with respect to the definitions. The event is categorized as either an encroaching process or an encroachment episode. Encroaching processes were marked with a "p"; and an encroachment episode was marked with an "e." Additionally, encroachment episodes are assigned an "Episode I.D."

After the Episode I.D. is assigned, a data collection card is completed. Since this research concerns encroachments, data regarding encroaching processes were aggregated and retained for future investigation. The form for collecting encroaching processes is presented in Table 6.1.

Several times an individual not affiliated with either campaign was the target of an encroachment. When that individual was readily identifiable and locatable, an attempt was made to contact that person. The researcher attempted to contact David Leahy, supervisor of elections for the Miami-Dade County elections board and Theresa LePore, the supervisor of elections for Palm Beach County. The sole successful attempt (the only individual to respond) was in episode 18.

Many encroaching processes and encroachments involve the various courts of appropriate jurisdiction. Each encroaching process and encroachment that involve the legal system is cross-checked with the Posner account, *Breaking the Deadlock*. Notes regarding this are included on the

**data collection cards. Other sources were similarly used and are discussed in the following section.**

**Table 6.1 – Encroaching Process Data Collection Form**

<u>Day</u>	<u>Initiator</u> <u>Target</u>	<u>White Space</u>	<u>Other Black Space</u>	<u>Bush</u>	<u>Gore</u>
	White Space				
	Other Black Space				
	Bush				
	Gore				
	White Space				
	Other Black Space				
	Bush				
	Gore				
	White Space				
	Other Black Space				
	Bush				
	Gore				
	White Space				
	Other Black Space				
	Bush				
	Gore				
	White Space				
	Other B/S				
	Bush				
	Gore				
	White Space				
	Other Black Space				
	Bush				
	Gore				



## **Chapter 7. Data Discussion and Results**

In this chapter, the data are presented and then discussed. The second part of this chapter discusses the results of the data after they are applied to the process framework.

### **Data Discussion**

One hundred eleven encroachments and 199 encroaching processes are documented in this research. This means that 310 encroaching events are documented. Such a set provides ample data to test the hypothesized outcome of each path in the process framework. Additionally, this data set provides an archival opportunity for future development of a theory of encroachments as an explanation for organizational change. The encroaching processes are discussed first followed by a presentation of the data gathered on encroachment episodes.

There were 199 encroaching processes collected. A table setting out all the encroaching processes – their place of origin and their target – is presented in the Appendix. Below, Table 7.1 shows the total number of encroaching processes by the initiator of the encroaching process and by the day on which the encroaching process took place. This table reveals that a slight majority of the total encroaching processes were initiated by entities in

**Table 7.1 – Encroaching Processes by Initiator**

<b>White Space Initiator</b>	<b>Other Black Space Initiator</b>	<b>Bush Initiator</b>	<b>Gore Initiator</b>	<b>Total</b>
<b>59</b>	<b>49</b>	<b>46</b>	<b>45</b>	<b>199</b>
<b>29.65%</b>	<b>24.62%</b>	<b>23.12%</b>	<b>22.61%</b>	<b>100.00%</b>

the organizational white space – the space not occupied by any formal organization. Encroaching processes initiated by the other entities identified in this study initiated encroaching processes at rates similar to each other. The organizational black space initiated 24.62% of the identified encroaching processes followed by the Bush organization at 23.12% and the Gore organization at 22.61% of the identified encroaching processes. Encroaching processes initiated by entities formally linked to some organization (OBS, Bush, or Gore) accounted for 70.35% of the total encroaching processes.

Although the initiators of encroaching processes were fairly evenly distributed, the targets of encroaching processes were not (Table 7.2). More than 50% of the encroaching processes were targeted at white space entities. Other black space entities accounted for 28.64% of the targets. Only 21.1% of the encroaching processes were targeted specifically at one of the main organizations involved. The characteristics of this data set explain the preponderance of encroaching processes targeted at the organizational white space.

Encroaching events remain encroaching processes rather than develop into encroachments because either the target did not recognize them or they did not result in a change. Due to the very public nature of the encroaching events, it would be unlikely that the target did not recognize the attempt to change something in their organization. Thus, all the

**Table 7.2 – Encroaching Processes by Target**

<b>White Space Target</b>	<b>Other Black Space Target</b>	<b>Bush Target</b>	<b>Gore Target</b>	<b>Total</b>
<b>100</b>	<b>57</b>	<b>13</b>	<b>29</b>	<b>199</b>
<b>50.25%</b>	<b>28.64%</b>	<b>6.53%</b>	<b>14.57%</b>	<b>100.00%</b>

encroaching processes documented in this study failed to rise to the level of an encroachment because encroaching foray failed to effect a change. Typical encroaching processes were demonstrations by citizens outside buildings where recounts were being conducted and motions filed in the many court cases that were not successful.

Distinguishing between an encroachment episode and an encroaching process was not obvious in every event. An example of an encroaching process that was contemplated to be an encroachment episode occurred on day six – November 13, 2000. Six cases regarding the butterfly ballot in Palm Beach County had been combined. Judge Stephen Rapp was assigned to hear the combined case. However a lawyer claimed that the judge was overheard making derogatory comments in the courthouse elevator about the Democrats and Palm Beach County voters. The lawyer testified in an affidavit that the judge said he was doing his part to “make sure the Democrats are run out of the White House” (*36 Days*, 2001, p. 64). At the same time, another affidavit was presented stating that Judge Rapp had said from the bench that any voter who mistakenly voted for the wrong presidential candidate was “stupid” and did not deserve the right to vote (*36 Days*, 2001, p. 64). When presented with the affidavit, Judge Rapp recused himself from hearing the case.

The initial review of this event was to classify the statements by Judge Rapp as one encroachment episode, and the filing of an affidavit forcing the

recusal of Judge Rapp as another encroachment episode. Upon closer review, it was determined that Judge Rapp's statements did not effect a change. However, the filing of an affidavit by those who heard the statements did effect a change and Judge Rapp was aware of the change. This encroachment is captured as Episode 36.

The focus of this investigation is dedicated to encroaching events leading to encroachments. One hundred fifteen encroachment episodes were documented. The difference between the number of documented episodes (115) and the number of episodes utilized in the study (111) is due to two factors. First, the encroaching episodes began with Episode -1, and encroachment that occurred prior to Day 1 and ended with Episode 114. Second, in reviewing the episodes, four episodes were determined to be duplicates of other encroachment episodes previously documented and were eliminated.

In contrast with encroaching processes, the "Other Black Space" was by far the most prominent initiator of encroaching events that became encroachment episodes (see Table 7.3). More than 44% of all encroachment episodes originated in the other black space. Combining data from the Bush organization (15.32%) and the Gore organization (11.71%), it is noted that someone with a determinable organizational affiliation initiated 71.17% of all encroachments.

**Table 7.3 – Encroachment Episodes by Initiator**

<b>White Space Initiator</b>	<b>Other Black Space Initiator</b>	<b>Bush Initiator</b>	<b>Gore Initiator</b>	<b>Total</b>
<b>32</b>	<b>49</b>	<b>17</b>	<b>13</b>	<b>111</b>
<b>28.83%</b>	<b>44.14%</b>	<b>15.32%</b>	<b>11.71%</b>	<b>100.00%</b>

Similarly, Table 7.4 reveals that the organizational white space accounted for only 10.81% of the targets of documented encroaching events leading to encroachment episodes. Nearly 90% of all encroachment episodes were targeted at determinable organizations. The Bush organization was the target of only 12.61% of the total encroachment episodes while the Gore organization recognized 21.62% of the encroachment episodes.

Looking solely at the primary organizational entities, the Bush organization was slightly more active as an encroacher than the Gore organization. However, the Gore organization experienced encroachments at nearly twice the rate of the Bush organization.

In this section, the data are presented in tabulated form. The massive amount of data collected and some of the difficulties encountered are described. Next, the results for the 13 hypotheses are presented.



**Table 7.4 – Encroachment Episodes by Target**

<b>White Space Target</b>	<b>Other Black Space Target</b>	<b>Bush Target</b>	<b>Gore Target</b>	<b>Total</b>
<b>12</b>	<b>61</b>	<b>14</b>	<b>24</b>	<b>111</b>
<b>10.81%</b>	<b>54.95%</b>	<b>12.61%</b>	<b>21.62%</b>	<b>100.00%</b>

## **Results for the 13 Hypotheses**

The point of this research is to test a process framework about organizational phenomena: encroaching events leading to encroachment episodes. To accomplish this, the data set is initially reviewed and a process framework (cf., Figure 5.6) is developed. In the process framework developed for testing this data, 13 paths were identified and labeled from *A* to *M*. Each path of the process framework leads to an outcome. The outcomes for each path were hypothesized and data was collected to test these 13 hypotheses, summarized in Table 5.2. Testing a process framework requires testing every branch on the proposed process framework. There is at least one encroachment episode for every path. The number of encroachment episodes collected for each outcome is presented in Table 7.5.

The most frequent path is path *J*. Thirty-seven encroachment episodes followed path *J* to outcome  $y_4$  (appreciate the achievement and review options) for the encroacher and  $y_3$  (comply and review options) for the encroachee. Five paths: *C*, *H*, *I*, *L*, and *M*, had only one encroachment episode.

Paths are the result of responses to the considerations. The frequency of Yes and No responses for all considerations are presented in Table 7.6. There were five responses for 110 encroachment episodes and one response for one encroaching process. This leads to a total of 551  $((5 \times 110) + 1)$

**Table 7.5 – Frequency of Path Utilization**

<b><u>Path</u></b>	<b><u>Frequency</u></b>
<b>A</b>	<b>13</b>
<b>B</b>	<b>10</b>
<b>C</b>	<b>1</b>
<b>D</b>	<b>21</b>
<b>E</b>	<b>7</b>
<b>F</b>	<b>2</b>
<b>G</b>	<b>13</b>
<b>H</b>	<b>1</b>
<b>I</b>	<b>1</b>
<b>J</b>	<b>37</b>
<b>K</b>	<b>3</b>
<b>L</b>	<b>1</b>
<b>M</b>	<b>1</b>

**Table 7.6 – Frequency of Consideration Responses**

<b><u>Consideration</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>
<b>C<sub>1</sub></b>	<b>110</b>	<b>1</b>
<b>C<sub>2</sub></b>	<b>54</b>	<b>56</b>
<b>C<sub>3</sub></b>	<b>38</b>	<b>72</b>
<b>C<sub>4</sub></b>	<b>105</b>	<b>5</b>
<b>C<sub>5</sub></b>	<b>84</b>	<b>26</b>
<b>Total</b>	<b>390</b>	<b>161</b>

responses. Approximately 71% of the responses were "Yes"; and 29% of the responses were "No."

Of the individual considerations,  $c_1$  (was the encroaching process recognized by the target?) had the greatest number of affirmative responses. Only one episode (Episode 89) is included in this data set. It is included to illustrate the process of determining whether an encroaching event rises to the level of encroachment. That presentation will be made in the discussion about path *M*.

Consideration  $c_1$  is followed in frequency by  $c_4$  (was the preemptor appropriate) with 105 episodes having affirmative responses. This result is not surprising since the encroacher chooses a particular preemptor. Encroachers would naturally select a preemptor that they believed had authority and would view their encroachment favorably.

Hypothesized outcomes for each of the paths are developed in Chapter 5. Now the results of the data collection are applied to the process framework. Presented with each path is a representative episode of the collected data.

Path *A* is represented as:

$(c_1 = \text{Yes}, c_2 = \text{Yes}, c_3 = \text{Yes}, c_4 = \text{Yes}, c_5 = \text{Yes})$

It was hypothesized that encroachment episodes following this path would lead the encroacher to an outcome of  $y_4$ , appreciate the achievement and

review options. The hypothesized outcome for the encroachee was  $y_3$ , comply and review options. Thirteen encroachment episodes were documented that followed this path. Each of the episodes following this path realized these outcomes. One representative encroachment is Episode 49. The data collection card for Episode 49 is reproduced in Exhibit 7.1. Episode 49 is the daughter of Episodes 40 and 48. In Episode 40, L. Clayton Roberts, the State of Florida Director of Elections issued a guideline for counting votes to the Palm Beach County Election Board. In Episode 48 Robert Butterworth, the State of Florida Attorney General issued a conflicting opinion. In Episode 49, the Palm Beach County Election Board sought guidance from the Florida Supreme Court. The Florida court ordered that recounts continue (contrary to the Roberts directive) – but refused to enforce the Butterworth directive (36 Days, 2001, p. 73 and 90).

In accordance with the predicted outcome, the successful encroacher was able to appreciate the achievement and review future options; and the encroachee was forced to comply with the outcome and review future options.

Path *B* is described as:

( $c_1 = \text{Yes}$ ,  $c_2 = \text{Yes}$ ,  $c_3 = \text{Yes}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{No}$ )

The hypothesized outcome was:  $y_2$ , jump levels for the encroacher; and for the encroachee:  $y_4$ , appreciate the achievement and review options. Ten encroachment episodes follow Path *B*. Each of the entities in these episodes experienced the predicted outcomes. A representative encroachment

**Exhibit 7.1 - Sample of Path A Data Collection Card**

Episode I.D.:	45	N.B.					
Daughter of:	40, 48	PA = Fla Supreme Ct					
Mother of:							
Encroachee:	Dir of Election (Roberts) & Atty Gen (Butterworth)						WS-25
Encroacher:	P.B. Co. Elect. Bd.						WS-25
Description:	Ask Supreme Ct. to resolve these conflicting opinions.						
Result:	- Ruled - recounts could continue - 360 - 11 - 90						
Source:	360 - p. 73						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

7

A

**episode for Path B is Episode 59. The data collection card for Episode 59 is reproduced in Exhibit 7.2. All episodes are the result of perceived voting irregularities – most are the offspring of Episode -1. Episode 59 has no documented parental relationship, but it is the mother of Episode 87. In Episode 59, the encroacher (the Bush organization) appeals to the Federal Court of Appeals in Atlanta – a different tree, higher-level preemptor in an effort to get the State Election Commission to order recounts to cease. The election commission denies this request and the encroachment fails. But as shown by Episode 87, the encroacher decides to jump levels and appeals to the U.S. Supreme Court. The predicted outcome was realized.**

**For Path C, the mapping function is:**

**(c<sub>1</sub> = Yes, c<sub>2</sub> = Yes, c<sub>3</sub> = Yes, c<sub>4</sub> = No).**

**This path terminates after c<sub>4</sub> and the hypothesized outcome was y<sub>2</sub>, jump levels – for the encroacher; and y<sub>3</sub>, comply and review options for the encroachee. The only episode that follows this path is Episode 24. A reproduction of the data collection card for this episode is found in Exhibit 7.3. In Episode 24, the Bush organization demanded that the Palm Beach County Election Board conduct only a machine recount of the ballots cast in that county. The effect was that Bush was successful but lost votes. Therefore, their future course of action is to jump levels to a higher preemptive authority**



**Exhibit 7.2 - Sample of Path B Data Collection Card**

Episode I.D.:	59	N.B.					
Daughter of:		P.A. Fed Ct. of Appeals - Atlanta					
Mother of:	87						
Encroacher:	State of Florida - Election Comm.	WS-85					
Encroacher:	Bush Campaign	WS-85					
Description:	Petition argues that recounts would treat some votes different from other votes - then they should stop.						
Result:	Pet. denied - had re-count to election. - A state issue						
Source:	36 D.J. 86						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = N	C6 = 2	C7 = 4

9



B

20

**Exhibit 7.3 - Sample of Path C Data Collection Card**

Episode I.D.:	29	N.B.					
Daughter of:							
Mother of:							
Encroachee:	Palm Beach County Election Bd						WS (B)
Encroacher:	Bark Campaign						WS (B)
Description:	Bark demands Machine recount of ballots						
Result:	Bark lost 3 votes.						
Source:	36D - p. 95						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = -	C6 = 2	C7 = 3

5

C

and the outcome for the election board is to comply with the outcome of the episode and review options. The predicted outcome was appropriate.

Path *D* follows the course described as:

( $c_1 = \text{Yes}$ ,  $c_2 = \text{Yes}$ ,  $c_3 = \text{Yes}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{Yes}$ )

The hypothesized outcome was: for the encroacher – appreciate the achievement and review options ( $y_4$ ), and for the encroachee – comply and review options ( $y_3$ ). There were 21 episodes catalogued that followed this path. An interesting episode that represents this path is Episode 28. The data collection card for Episode 28 is reproduced in Exhibit 7.4. In Episode 28, the Republican Party is encroached by one of its vendors. They hired the vendor to complete absentee voter applications that were sent to Republican voters who were living overseas. The vendor did not properly complete the ballots and caused party officials to complete the applications by hand after the votes were cast (leading to Episode 29). Although the encroachment might have been unintentional, it was an encroachment. The outcome for this episode caused the encroachee (the Republican Party) to comply and review their future options; and the encroacher was able to appreciate the moment and review their future options. The expected outcome occurred.

**Exhibit 7.4 - Sample of Path D Data Collection Card**

Episode I.D.:	28	N.B.					
Daughter of:							
Mother of:	23						
Encroacher:	Republican Party	WS BS					
Encroacher:	Vendor hired by Republicans in Seaside Co.	WS BS					
Description:	Republican hired a vendor to prepare <sup>application for</sup> absentee ballots for Republicans living overseas. Nearly most info is filled in by vendor - vendor neglected to complete some of the info.						
Result:	Thousands of applications were completed & then were submitted to voters <i>center.</i>						
Source:	? b D p 1 54						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

D-

10

**Path E is described as:**

**(c<sub>1</sub> = Yes, c<sub>2</sub> = Yes, c<sub>3</sub> = No, c<sub>4</sub> = Yes, c<sub>5</sub> = Yes)**

**The hypothesized outcomes were: y<sub>2</sub> – jump levels, for the encroacher and y<sub>4</sub> – appreciate the achievement and review options for the encroachee. There were seven episodes that utilized this path. A representative episode is Episode 67. The data collection card for this episode is reproduced in Exhibit 7.5. Episode 67 is the daughter of Episode 56, and the mother of Episode 68. In Episode 67, lawyers loyal to the democrats file suit in Leon County District Court to prevent Katherine Harris, Florida Secretary of State, from declaring a winner without the recounted ballots. Judge Terry Lewis ruled in favor of Harris. In this case the encroachment was not successful in achieving its purpose – although it did achieve a change. The encroacher appealed to the State Supreme Court – jumping levels; and the encroachee was able to appreciate the achievement of warding off an encroachment and review options with the knowledge that future encroaching processes were sure to come.**

**Exhibit 7.5 - Sample of Path E Data Collection Card**

10

Episode I.D.:	67	N.B.					
Daughter of:	56	St. Dist. Ct - Leon Co - Judge Terry Lewis					
Mother of:	68						
Encroacher:	K. Harris						WS-68
Encroacher:	Demo cast						WS-68
Description:	Seek to prevent Harris from declaring winner 5 record ballots.						
Result:	Lewis ruled for Harris - confidence can go on.						
Source:	36 D p. 94						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = N	C6 = 2	C7 = 9

E

**Path F is described as:**

**(c<sub>1</sub> = Yes, c<sub>2</sub> = Yes, c<sub>3</sub> = Yes, c<sub>4</sub> = No)**

**This path terminates after c<sub>4</sub> and the hypothesized outcome was: for the encroacher to jump levels - y<sub>2</sub>; and for the encroachee to comply and review options - y<sub>3</sub>. There were two episodes that followed this path. A representative episode is Episode 50. Episode 50 is the daughter of Episode 1 and the mother of Episode 51. Episode 50 is reproduced in Exhibit 7.6. In this episode, litigants attempted to have their cases heard about the legality of the butterfly ballot. However, judge after judge (including Judge Rapp) was forced to recuse themselves due to perceived conflicts of interest. The encroachers had to jump levels to an appellate court and the encroachees could do nothing but comply and review their options. The predicted outcome for this path was correct.**

**Path G is described as:**

**(c<sub>1</sub> = Yes, c<sub>2</sub> = No, c<sub>3</sub> = Yes, c<sub>4</sub> = Yes, c<sub>5</sub> = Yes)**

**The hypothesized outcome was: y<sub>4</sub>, appreciate the achievement and review options (for the encroacher); and y<sub>3</sub>, comply and review options (for the encroachee). There were 12 episodes that followed this path. A representative episode for path G is Episode 41. The data collection card for Episode 41 is reproduced in Exhibit 7.7. Episode 41 has no documented**

**Exhibit 7.6 - Sample of Path F Data Collection Card**

Episode I.D.:	50	N.B.					
Daughter of:	1						
Mother of:	51						
Encroachee:	Multiple P.B. Co. Judges						WS (BS)
Encroacher:	Nine Separate litigants - Pooled - P.B. Co.						WS (BS)
Description:	Litigants sought to have their objection to the butterfly ballot heard. Judge 7 judge recused themselves.						
Result:	Attempts to get heard were resisted						
Source:	367 - 24						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = N	C5 = N	C6 = 2	C7 = 3

7

F

17



**Exhibit 7.7 - Sample of Path G Data Collection Card**

Episode I.D.:	41	N.B.					
Daughter of:							
Mother of:							
Encroachee:	Grove					WFS	(23)
Encroacher:	Volusia Co. voting machine					WFS	(23)
Description:	Voting machine in one precinct in DeBary in Vol. Co. did not count the first 320 ballots cast. This cost Grove a net gain difference of 24 votes						
Result:	Recount gave Grove 26 net votes						
Source:	36 D- 1-68						
Pattern:	C1 = Y	C2 = N	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

6

G

14

predecessor episode, and it was a terminal episode – it did not produce any other episodes. In this episode, there was a problem with the voting machines in Volusia County. Three hundred twenty ballots did not get included in the certification. This cost the Gore organization 24 votes. Since there was nothing to do about these votes, the encroachee (Gore organization) had to comply with the encroachment and review their options while the encroacher (Volusia County Election Board) appreciated the achievement and had the option of reviewing future options. The hypothesized outcome was correct.

Path *H* is described as:

( $c_1 = \text{Yes}$ ,  $c_2 = \text{No}$ ,  $c_3 = \text{Yes}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{No}$ )

The hypothesized outcome was:  $y_2$ , jump levels for the encroacher; and  $y_4$ , appreciate the achievement and review options for the encroachee. Episode 18 is the only episode documented that followed this path. A reproduction of the data collection card for this episode is presented in Exhibit 7.8. Episode 18, daughter of Episode 19, occurred when the Volusia County Sheriff's office was called by an individual reporting that a woman was seen leaving the site where recounts were taking place with a large gym bag. The caller believed that the bag contained disputed ballots. A deputy was dispatched who – at

**Exhibit 7.8 - Sample of Path H Data Collection Card**

Episode ID:	18	N.E.					
Daughter of:	17	See e-mail.					
Mother of:							
Encroacher:	Dedric Allen - Volusia Co. Election worker						WIS (89)
Encroacher:	Volusia Co. Sheriff's Dept.						WIS (89)
Description:	About 4:00 AM. - 2 car driven by Allen was stopped & searched. Two black bags were found. The deputies escorted Allen back to the election office where they searched the bags. They found personal clothing and a sample ballot.						
Result:							
Source:	36 D - p. 18-19						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = N	C6 = Z	C7 = A

2

H

about 4:00 A.M. – stopped a car driven by county election worker, Debbie Allen. The car was searched and two black bags were found. The bags contained clothing and a sample ballot used for comparison purposes.

No data was found to determine the outcome of this episode. An e-mail was sent to Ms. Allen and a reply received. Ms. Allen requested that the text of the reply not be published. The gist of the e-mail stated that Ms. Allen had been delayed until 7:00 A.M. and had to return to work at 9:00 A.M. for another day of recounting ballots. She also wrote that she didn't want to write more – but that much that had been written was misleading and that she was "reluctant to discuss this further with anyone at this time." The encroacher was not satisfied and considered jumping trees. The encroachee was relieved and able to appreciate the achievement of repelling the encroachment and – according to her statement – is likely reviewing her options. The predicted outcomes for this path were correct.

Path / is described as:

( $c_1 = \text{Yes}$ ,  $c_2 = \text{No}$ ,  $c_3 = \text{Yes}$ ,  $c_4 = \text{No}$ )

This path terminates after  $c_4$  and the hypothesized outcome was  $y_2$ , jump levels – for the encroacher; and  $y_3$ , comply and review options for the encroachee. The only episode that follows this path is Episode 87. A reproduction of the data collection card for this episode is found in Exhibit 7.9. In Episode 87, the Gore organization appealed to the U.S. Supreme Court to

reject previous appeals made to them by the Bush organization (Episodes 59 and 84). The U.S. Supreme Court sent the case back to the Florida Supreme Court for clarification. The outcome for the encroacher was to jump trees – there was nowhere for the encroacher to go on the federal judiciary tree. The outcome for the encroachee was to comply and review options. The encroachee was handed neither a victory nor a loss. Their outcome was to comply with the result and review options. In this episode, the predicted outcomes were correct.

Path *J* is described as:

( $c_1 = \text{Yes}$ ,  $c_2 = \text{No}$ ,  $c_3 = \text{No}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{Yes}$ )

The predicted outcomes for this path were:  $y_4$ , for the encroacher – appreciate the achievement and review options; and  $y_3$ , for the encroachee – comply and review options. With 37 episodes, path *J* was the most active path in this investigation. An interesting example of an episode following the mapping function for Path *J* is Episode 35. The data collection card for Episode 35 is reproduced in Exhibit 7.10. This episode actually precedes any other documented episode, but the effects of the encroachment were not discovered until after the election. According to an investigation conducted by Gregory Palast writing November 26, 2000 in *The London Observer*, Florida

**Exhibit 7.9 - Sample of Path / Data Collection Card**

Episode I.D.:	87	N.B.					
Daughter of:	84 55	U.S. Supreme					
Mother of:	105, 107						
Encroachee:	BUSH						WS (S)
Encroacher:	GORE						WS (S)
Description:	Asks U.S. Supreme to reject Bush's (2) Appeals. 1- Appeal by Bush to own term Fla. Sup. ruling allows recall (89) 2- Appeal by Gore to entire U.S. 1-9-99. ruling not to interfere in Fla. (SS)						
Result:	Sent back to Fla. Supreme for clarification 360-240						
Source:	76 D p 144						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = N	C5 = —	C6 = 1	C7 = 3

16

I

**Exhibit 7.10 - Sample of Path J Data Collection Card**

Before Day 0

Episode I.D.:	35	N.B.					
Daughter of:							
Mother of:	38						
Encroaches:	Voting Public of Florida	WS BS					
Encroacher:	Katherine Harris	WS BS					
Description:	Harris with DBT (CharuPoint) to provide names of ex-felons to be "scrubbed" from the voter roll. DBT provided a list of 173,000 ex-felons. This list was reduced to a list of ~57,100. This list was agreed (by Fla. Civil Rights (now ? DBT) to be 65% removal eliminating						
Result:	Approx. 8,000 voter were denied this right to vote. ~2000 voters.						
Source:	Harper's Magazine - March, 2001 n 304(1822) pp. 48-43.						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 9	C7 = 3

J

12

Secretary of State Katherine Harris hired Database Technologies to “cleanse” the voter rolls of Florida from all convicted felons. Although informed by Database Technology officials of likely inconsistencies, Harris decided not to match the Social Security Numbers of ex-felons with those on the voter rolls. The result in one county, Leon County, Florida, was that 95% of the names scrubbed were scrubbed in error. In one county, the name of the county election commissioner was included on the voter roll scrub list. Up to 58,000 individuals named on the list were wrongly identified as felons. Eight thousand individuals from Texas (the only other state that provided information for the Florida voter roll scrub) were erroneously identified as felons (Palast, 2001). A replica of one page of the voter scrub roll is presented in Exhibit 7.11. The number next to the name represents individuals whose name was wrongly eliminated. For example, David Butler’s name (number 1) was eliminated because his name and date of birth nearly matched another David Butler. The roll scrub did not cross-check names with birth dates, social security numbers, or other salient identifiers. Thomas Cooper (number 2) is an interesting example because his name was scrubbed for a crime he would be convicted of in 2007.

The result of this encroachment by Secretary of State Harris was that valid voters were denied their right to vote. This case is currently being litigated. The outcome for the encroacher (Harris) was to appreciate the



Exhibit 7.11 - Reproduction of Florida Felon Scrub (Harper's Magazine)

Microsoft Excel - felons May Scrub

File Edit View Insert Format Tools Data Window Help

Microsoft Excel 97 - 11

Felons

			Voter	Voter	Felon	Felon	Felon				
	Source	Method	Full Name	DOB	Race	State	Full Name	DOB	Corrected		
246	DOE	NAM	SMITH, JC	5/25/1978	M	FL	SMITH, JC	5/25/1978	M	8/12/1987	BLA
247	DOE	SSB	NETTLES, MARY ANN	11/14/1959	F	FL	DOE, JANE	11/14/1959	F	7/11/1988	WH
248	DOE	NAM	STEWART, ROBERT N	8/19/1948	M	WH	STEWART, ROBERT NORMAN	8/19/1948	M	3/5/1987	WH
249	DOE	NAM	SEWELL, IMOGENE	8/14/1951	F	FL	SEWELL, IMOGENE BREMONT	8/14/1951	F	7/12/1988	BLA
250	DOE	NAM	WOODSERRY, MARIE	4/8/1968	F	FL	WOODSERRY, MARIE	4/8/1968	F		BLA
251	DET	NAM	REEDER, WILLIAM T	9/18/1927	M	WH	REEDER, WILLIAM THOMAS	9/18/1927	M		WH
252	DOE	NAM	FAULK, JOSEPH CURTIS	9/29/1938	M	WH	FAULK, JOSEPH CURTIS	9/29/1938	M		WH
253	DOE	SDL	HIGGINSBOTHAM, RANDALL J	8/28/1969	M	WH	HIGGINSBOTHAM, SEAN DAVID	8/18/1971	M	12/22/1994	WH
254	DET	NAM	JACKSON JR, JOHNNY 4	3/8/1969	M	BLA	JACKSON, JOHN FITZGERALD	8/8/1969	M		BLA
255	DOE	NSD	WOODS, LAWRENCE LAMAR	3/31/1949	M	WH	WOODS, CLARENCE L	3/31/1949	M	3/3/1982	WH
256	DOE	NAM	ROBERTS, DUSTY EDWARD	11/21/1954	M	WH	ROBERTS, DUSTY EDWARD	11/21/1954	M	10/12/1987	WH
257	DET	NAM	BUTLER JR, DAVID RUSSELL	9/17/1959	M	WH	BUTLER, DAVID	9/17/1959			
258	DET	NAM	DIXON JR, WILLIE O 3	10/3/1931	M	BLA	DIXON, WILLIAM O	10/3/1931	M	11/28/1981	WH
259	DOE	NAM	THOMPSON, DOYLE TRAVIS	3/23/1962	M	WH	THOMPSON, DOYLE TRAVIS	3/23/1962	M	8/8/1983	WH
260	DOE	NAM	ALDRIDGE, LOYAL EDOIE	4/26/1952	M	FL	ALDRIDGE, LOYAL EDOIE	4/26/1952	M	7/12/1988	BLA
261	DET	NAM	COOPER, THOMAS ALVIN	9/5/1973	M	WH	COOPER, THOMAS	9/5/1973	M	1/30/2007	BLA
262	DOE	NAM	RAMOS, MIGUEL ANGEL	12/19/1956	M	WH	RAMOS, MIGUEL	12/19/1956	M	1/30/1987	WH
263	DOE	NAM	HALL, ARTHUR LEE	8/3/1943	M	FL	HALL, ARTHUR LEE	8/3/1943	M	5/7/1978	BLA
264	DOE	NAM	BARNES, SHANDA L	12/26/1973	F	BLA	BARNES, SHANDA LATAN	12/26/1973	F	8/3/1987	BLA
265	DOE	NAM	MCDONALD, WALLACE 5	2/11/1937	M	BLA	MCDONALD, WALLACE	2/11/1937	M	6/12/1959	BLA
266	DOE	NAM	MARTIN, MARY A	2/17/1971	F	WH	MARTIN, MARY A	2/17/1971	F	11/2/1983	WH
267	DOE	NAM	WILLIAMS JR, FRANK DEE	5/13/1975	M	BLA	WILLIAMS, FRANK DEE	5/13/1975	M	7/24/1988	BLA
268	DET	NAM	RODRIGUEZ, MICHAEL A	6/23/1976	M	UNK	RODRIGUEZ, MICHAEL	6/23/1976	M	6/29/1988	

Ready

Start: 10:55 AM 7/31/97 73 Amric... 16 Microe... 1 Search... 11 Docum... 980h... 5/15/97 8:55 AM 7/31/97 4:44 PM

achievement and review options. The outcome for the encroachee was to comply and review options. These are the outcomes predicted for this path.

Path *K* is described as:

( $c_1 = \text{Yes}$ ,  $c_2 = \text{Yes}$ ,  $c_3 = \text{Yes}$ ,  $c_4 = \text{Yes}$ ,  $c_5 = \text{Yes}$ )

The hypothesized outcome for this path was:  $y_1$  for the encroacher – jump trees; and  $y_4$  for the encroachee – appreciate the achievement and review options. Episode 62 is an example of an encroachment that follows path *K*. Episode 62 is the daughter of Episode 63 and the mother of Episode 64. The data collection card for Episode 62 is reproduced in Exhibit 7.12. In Episode 62, the Democratic Party in Duval County conducted a get-out-the-vote campaign. As part of their campaign, they produced a flyer with the instructions to “be sure to punch a hole on every page” (*36 Days*, 2000, p. 92). These instructions led many democrat voters to punch a hole on every page – even though this meant that in some instances they were casting multiple votes for the same office. The result was that many ballots were discarded for over-voting (*36 Days*, 2001, p. 92). The outcome of this episode was that the Democratic Party achieved their stated goal of getting out the vote, but that many voters had their ballots rejected. The predicted outcomes for this episode were correct.

**Exhibit 7.12 - Sample of Path K Data Collection Card**

Episode I.D.:	62	N.B.					
Daughter of:	63						
Mother of:	64						
Encroachee:	Democrat Voters in Dead/empty	(WS) WS					
Encroacher:	Democrat Pub - Get-out-the-Vote	(WS) WS					
Description:	Democrats instruct their voters to "be sure to punch a hole on every page."						
Result:	E = 67 - voters punch a hole in 3 pages.						
Source:	36 D - 72						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = N	C6 = 1	C7 = 4



K

21

**Exhibit 7.13 - Sample of Path L Data Collection Card**

Episode I.D.:	71	N.B.					
Daughter of:	70						
Mother of:	72						
Encroacher:	6012						WVS <input checked="" type="checkbox"/>
Encroacher:	Harold						WVS <input checked="" type="checkbox"/>
Description:	Hand issues order that any ballot signed and dated by Election Day would be counted. Previous elections req'd Postmark by election day.						
Result:	Additional ballots included (Presently facing Book)						
Source:	36 D p. 97						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = N	C5 = —	C6 = 3	C7 = 3

10



L

24

**Path L is described as:**

**(c<sub>1</sub> = Yes, c<sub>2</sub> = No, c<sub>3</sub> = No, c<sub>4</sub> = No)**

**The hypothesized outcome was the same for the encroacher and the encroachee: y<sub>3</sub>, y<sub>3</sub> – comply and review options. There was only one encroachment episode that followed this path, Episode 71. Episode 71 is the daughter of Episode 70 and the mother of Episode 72. The data collection card is reproduced in Exhibit 7.13. In Episode 71 there was confusion about accepting overseas absentee ballots. The election officials of several counties understood the law and prior practice to require discarding overseas ballots that were not postmarked by Election Day. Harris however issued a ruling stating that the ballots merely needed to be signed and dated by Election Day. Because of the confusion between prior practice and current proclamation, many legal ballots were destroyed. The outcomes for this encroachment were that neither the encroachee nor the encroacher was satisfied with the outcome. Rather, both had to comply and review options. The predicted outcomes for this path were correct.**

**The final path is path M. This path is described as**

**(c<sub>1</sub> = No)**

**In order for an encroachment to occur, the target must recognize the encroaching process. It is acknowledged that this path does not fit the**

Exhibit 7.14 - Sample of Path M Data Collection Card

16

Episode I.D.:	89	N.B.					
Daughter of:	88						
Mother of:							
Encroachee:	Fla Absentee Votes - bad handwriting	WS BS					
Encroacher:	County Boards of Fla.	WS BS					
Description:	Unable to determine eligibility, thousands of absentee ballots were tossed out due to bad handwriting						
Result:	Thousands of votes not counted						
Source:	368 - p. 146						
Pattern:	C1 = N	C2 = -	C3 = -	C4 = -	C5 = -	C6 = 4	C7 = 5

M

definition of an encroachment but has been included for the purpose of revealing the decision making process for a tricky encroaching event. The hypothesized outcome for this path was:  $y_4$  – appreciate the achievement and review options, for the encroacher, and  $y_5$  – do nothing, for the encroachee.

Episode 89 is a documented example of an encroaching event that – when applied to the process framework, failed to rise to the level of an encroachment. The data collection card for Episode 89 is reproduced in Exhibit 7.14. Episode 89 takes place in election boards across the State of Florida where absentee ballots were opened to determine the voter's eligibility. However, due to poor handwriting, thousands of absentee ballots were discarded (36 Days, 2001, p. 146). The number of eligible voters whose votes were not counted was not determined.

Upon initial review, this event was categorized as an encroachment episode. However, when the first consideration was met in the process framework, the response had to be "No." The voters whose ballots were discarded were never notified of this occurrence. Since the target did not recognize an encroaching process, the process framework ends after  $c_1$ . Since the encroacher conformed to normal practice, their outcome was to appreciate the achievement and review options. Since the encroachees did not know they were being encroached, they had nothing to do. Their outcome was to do nothing. The predicted outcomes were correct. Table 7.7

reproduces the table of hypothesized outcomes with discovered counterexamples.

### **Summary of Chapter 7**

In this chapter, 310 encroaching events were presented. This dissertation is specifically concerned with revealing the phenomena of encroachments. One hundred eleven encroachments were utilized in this study. The encroachment episodes were applied to a process framework. This framework had thirteen paths. Path *J* was the most active path with 37 episodes terminating there and paths *C*, *H*, *I*, *L*, and *M* were the least active paths with only 1 episode each. In this chapter, an encroachment episode was demonstrated for each path. At this time, there are no counter examples to the hypothesized outcomes. The implications and conclusions for this study are presented in the next chapter.



**Table 7.7 – Hypothesized Outcomes with Counterexamples**

Path / Hypothesis	C <sub>1</sub> - Encroaching Process is Recognized	C <sub>2</sub> - Encroacher Jumps Levels	C <sub>3</sub> - Encroacher Jumps Trees	C <sub>4</sub> - Presumptive Authority was Appropriate	C <sub>5</sub> - Encroacher was Satisfied	Predicted Outcome		Number of Discover Counterexamples
						Encroacher	Encroachee	
A - H <sub>A</sub>	Yes	Yes	Yes	Yes	Yes	Appreciate the achievement and review options	Comply and review options	0
B - H <sub>B</sub>	Yes	Yes	Yes	Yes	No	Consider jumping levels	Appreciate the achievement and review options	0
C - H <sub>C</sub>	Yes	Yes	Yes	No	-	Consider jumping levels	Comply and review options	0
D - H <sub>D</sub>	Yes	Yes	No	Yes	Yes	Appreciate the achievement and review options	Comply and review options	0
E - H <sub>E</sub>	Yes	Yes	No	Yes	No	Consider jumping levels	Appreciate the achievement and review options	0
F - H <sub>F</sub>	Yes	Yes	No	No	-	Consider jumping levels	Comply and review options	0
G - H <sub>G</sub>	Yes	No	Yes	Yes	Yes	Appreciate the achievement and review options	Comply and review options	0
H - H <sub>H</sub>	Yes	No	Yes	Yes	No	Consider jumping levels	Appreciate the achievement and review options	0
I - H <sub>I</sub>	Yes	No	Yes	No	-	Consider jumping trees	Comply and review options	0
J - H <sub>J</sub>	Yes	No	No	Yes	Yes	Appreciate the achievement and review options	Comply and review options	0
K - H <sub>K</sub>	Yes	No	No	Yes	No	Consider jumping trees	Appreciate the achievement and review options	0
L - H <sub>L</sub>	Yes	No	No	No	-	Comply and review options	Comply and review options	0
M - H <sub>M</sub>	No	-	-	-	-	Appreciate the achievement and review options	Do Nothing	0

## **Chapter 8. Contributions, Limitations, and Research Opportunities**

By presenting a new view of old phenomena, this dissertation is itself an encroaching process hoping to rise to the level of being an encroachment. A few chapters earlier, this dissertation began by setting out the issue at hand. Simply stated, the problem is that a great deal of research has been done to understand the antecedents and consequences of organizational change and a dearth of research in the fundamental micro-processes - the "how" - of organizational change. At this point, it is apparent that encroaching processes represent a novel way to understand the micro-processes of organizational change. It was proposed that among the possible processes of organizational change were encroaching processes leading to encroachments.

The recent article by Pettigrew, Woodman, and Cameron (2001) suggested that process frameworks possessed potential for revealing how change occurs. A study was undertaken using the contentious 2000 Florida Presidential Election ballot. This data set proved to be valuable and rich. From 310 recognized encroaching events, 111 encroachment episodes were applied to the process framework. All of the encroachment episodes realized their hypothesized outcomes. However, more testing, more study, more work is required. In this concluding chapter, some of the implications, limitations, and opportunities for future research will be presented.

## **Contributions**

There are four contributions made by this study. Three of these are primarily interesting to researchers in the area of organizational change, although it is believed that managers could also benefit. The first contribution is that encroaching processes leading to encroachments provide a plausible explanation for how at least some organizational change occurs. The data set shows that an encroachment by one entity often leads to a subsequent encroaching event. Change occurs through this constant undulation back and forth of encroachment followed by encroachment. For investigators, the study of encroaching events provides a basic building block for research in organizational change. For managers, revealing encroaching events provides a new lens for understanding how changes occur and how changes can be initiated in their organization. Managers are often action oriented – they see a problem and devise a solution. Frequently what managers do not consider is how the individuals impinge on will respond. Understanding encroaching phenomena illustrates that encroachees have many options in how they respond to an encroachment. Managers need to think ahead and bear in mind the possible responses to an imposed solution.

The second implication of this dissertation is to illustrate that process frameworks are an appropriate way to study organizational change. Most organizational research attempts to freeze contextual issues while the

phenomena of interest are extracted. This research demonstrates how process frameworks allow phenomena to be investigated in the context where they exist. There is no longer a requirement to eliminate context from consideration. To the contrary, contexts and situations are recognized as critical factors in how various phenomena perform and exist.

The third contribution is it demonstrates that process frameworks are useful for investigations of organizational change. Previous use of process frameworks had been limited to decision-making and risk assessment. Process frameworks allow phenomena to be revealed in their natural state as they develop. Thus, process frameworks can be deployed in order to capture moving, developing, evolving, phenomena.

The final contribution of this study is to provide a new analysis of a contentious, political event. There have been many books and articles written about this event. Others have undertaken to explain this event (i.e. Alan Dershowitz, Jeffrey Toobin, Kenneth Timmerman, and Katherine Harris) each with an acknowledged political bend. Authors from the left have written that the election was stolen or lacking in procedural justice. Authors on the right have written that Gore attempted to subvert the election process and change rules after the election occurred. This dissertation is the first known attempt to explain the outcome of this particular event in a cold, fact-based, rational method.

## **Limitations**

As expected in a pioneering study, there are limitations that must be discussed. These limitations take two forms: 1) limitations due to data and data collection, and 2) and research methodology limitations.

First, a discussion of the limitations presented due to data related issues. The data in this study are collected from published records. This means that the researcher did not directly observe the behavior that was recorded. There are certainly biases in reporting – no one could suggest otherwise. Care was taken to use reports from sources that value objectivity and attach importance to their reputations. More than 25 individuals contributed to the book *36 Days*. Nonetheless, individuals "see" events differently, and reasonable individuals could have seen the recorded events differently and this is a limitation.

As the data are culled from published sources, it is likely that not all of the encroaching processes and encroachment episodes are represented. The researcher relied heavily on one source. Although other sources might have reported additional encroaching events, one reason that a single source (*36 Days – The Complete Chronicle of the 2000 Presidential Election Crisis*) was selected was to eliminate duplicate collection of the same event. Care was taken to cross-check with other available sources wherever possible.

Another issue with regard to this data set is that it would be highly unlikely for two investigators to review the same material and develop exactly the same data set. It is probable that a different investigator would have collected different events and would have catalogued those events differently. However, if both investigators follow the rules set out in Chapters 3 and 6, a large majority of the events would have been similarly categorized.

Another data related issue was the limited amount of data. All of the paths need to be tested again and again. The search for a contradictory result is the only way to improve the framework and add to our understanding of the phenomena. In this case, five paths with only one episode and two other paths with three or fewer paths were tested. This is not a good test of those particular paths. This is a limitation to the work and an opportunity for future research.

Some researchers might raise the issue of generalizability as a limitation to this investigation. The data set is taken from one incident, in one political contest, in one state, over a little more than one month. The process framework incorporates this specific context. It is an empirical issue whether or not the same process framework will be useful in another context. However, the point of the investigation was to reveal the phenomena of encroaching processes as a fundamental micro-process of organizational change. Second, it is believed that encroaching processes are ubiquitous and this study provides insight into how future studies might commence.

Finally, there may be other fundamental micro-processes that are necessary for a full theory of organizational change. Understanding encroaching processes may not explain how all organizational change occurs. Clearly, more work is needed. It is likely that the issue of power and authority will play a major role in any future theory. It is also plausible that the exercise of power and authority can be viewed as a class of encroaching processes.

### **Future Research Opportunities**

This work is the first step in developing a theory of organizational change based on the micro-processes of encroaching. More research is needed to develop a processual theory of organizational change. The next steps are reasonably clear and straightforward. Before addressing those steps, a short presentation of what can be done with the present work is in order.

The data developed in this dissertation is rich and the extent to which it can be fully developed has only begun to be explored. Data were collected for encroaching processes and encroachment episodes by date of the event, by origin of the event, and by targeted process of the event. The data could be split, matrixes devised to test the independence of the events utilizing chi-squared analysis.

Further analysis might lead to additional understanding about the relationship between encroaching processes and encroachment episodes. For example, it is contemplated that there might be some relationship between the origin of an encroaching process and the success realized in an encroachment episode.

Since context is such an important matter in process frameworks – and context plays heavily in this dissertation – there may be some relationship between when the events occurred and the outcome of the encroachment episodes. Future theory development would be enhanced by reviewing the data from every possible perspective.

The next step in theory development would be to take what has been learned in this endeavor and apply it to an organizational setting. It has long been thought that firms begin as being highly adaptive to their environments. As firms age and develop their particular niche, they become more efficient. Often this efficiency is achieved at the cost of adaptability. A goal for firms should be to not only be efficient and not only adaptable, but also to be efficiently adaptable. Recently, a large firm in a neighboring community called a local consultant for assistance. A subsequent investigation revealed an organization that was highly efficient and not at all adaptable. The concern was that the company – which had operated successfully for more than 50 years – might be doomed as an ongoing concern and be parceled out as a book of business. Initial investigation suggests that there is little or no



encroaching taking place in this organization. It is thought that encroaching might be a necessary but not sufficient component of organizational adaptability. In this setting, it may be possible to develop a process framework for encroaching processes as well as study the question of encroaching and adaptability. After completing this study, another study will need to be done in different setting, and then again in different setting, each time refining the process framework, looking for recurring themes, counterexamples and improvements.

At this time, the investigation has centered on encroachments. Not all change that is due to encroaching events results in an encroachment. Sometime in the near future, it will be necessary to study encroaching processes that do not meet the definition of an encroachment.

The issue of power has not been adequately addressed in this research, although a particular type of power was exercised in certain circumstances to affect the outcome of encroaching processes. Power in this study is limited to authority. The precise role that power – the control of interdependence uncertainty – plays in encroaching events is not known. In this dissertation, the entities were competitors. This is not always the case in other organizations. Some questions about the relationship between power and encroaching are: who can initiate?, who can impose?, who has the power to repel an encroaching event? How can one use encroaching to increase one's own power or to decrease the power of another?

Another research opportunity that exists is to study encroaching processes as a means of eliminating existing barriers to change. Most barriers are processual. Rather than it being the case that a supervisor imposes change through a change in policy or edict, it is possible that an attack by another process might increase the likelihood of success for desired organizational change.

Finally, encroachments and encroaching processes are a good way for organizations to keep in touch with what is going on outside the organization. Many interdependencies are not recognized. Encroachments may be the first indication of interdependency. It is thought that encroaching events will prove invaluable in the study of boundary spanning events (BSE's). A tangential issue is that of structural holes (Burt, 1992). To date, BSE's and structural holes have been identified as important strategic issues, but what they are and how to manage them has been overlooked.

The 2000 Florida election is over – although the disputes around the process and the outcome are not. Weekly I read another story about a lawsuit settled or filed in Florida. There are individuals who will never forget – or forgive – the outcome of that election. That is the nature of close contests. This work will not settle these issues nor resolve the partisan's dispute. However, it may provide the savvy politico a sense for how to approach future disputes. This dissertation did manage to flush out the phenomena of

**encroaching. For those engaged in understanding organizations, this work may become the basis for a great deal of future research.**

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## **Appendix**

### **Data Collection Cards for All Episodes**

Episode I.D.:	-1	N.B.
Daughter of:		
Mother of:	1	
Encroachee:	Theresa La Porte, Elect Comm Palm Beach Co., Fla	WS (85)
Encroacher:	Fla. Election Laws	WS (85)
Description:	10 Candidates qualify for President / direct ballot	
Result:	Concern about how to make ballot readable for elderly.	
Source:	36 D - p 10-11, Pas. p 82-88	
Pattern:	C1 = Y	C2 = N C3 = N C4 = Y C5 = Y C6 = 4 C7 = 3

J

Episode I.D.:	1	N.B.
Daughter of:	-1	
Mother of:	2...	
Encroachee:	Theresa La Porte, Elect Comm 3 <sup>rd</sup> Co Fla.	WS (85)
Encroacher:	Elderly Population of P.B. Co., Fla.	(WS-85)
Description:	La Porte developed "Butterfly Ballot" to address concerns of readability by elderly.	
Result:	Politics and litigation.	
Source:	36 D - p 11-12, Pas 82-88	
Pattern:	C1 = Y	C2 = N C3 = N C4 = Y C5 = v C6 = 4 C7 = 3

J

Episode I.D.:	2	N.B.
Daughter of:	1	
Mother of:	7 36	
Encroachee:	Elect Comm 1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup> Co Fla	WS (85)
Encroacher:	Democrats - 2 <sup>nd</sup> 6 <sup>th</sup> March - 1981	(WS-85)
Description:	Filed lawsuits on behalf of 200000 disenfranchised voters (36D) Remedy sought - new vote in 2.8.10	
Result:	Set-off series of lawsuits -	Motion for re-vote denied
Source:	36 D - p 11-12	36 D - p 118
Pattern:	C1 = Y	C2 = Y C3 = N C4 = Y C5 = Y C6 = 4 C7 = 3

D

Episode I.D.:	3	N.B.					
Daughter of:							
Mother of:							
Encroachee:	Gore	WS BS					
Encroacher:	Bush	WS BS					
Description:	Two days after election (Thurs. 11/9) Bush announces the planning of a transition team.						
Result:	Gore (by Daley) complains that he is being portrayed as the loser.						
Source:	360 - p. 15						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	4	N.B.					
Daughter of:							
Mother of:	5						
Encroachee:	Voters of Western Fla., Voting Public of U.S.	WS BS					
Encroacher:	Television Networks	WS BS					
Description:	~ 7:00 PM EST - Major TV Network declare Gore winner of Fla. - before polls in western Florida closed.						
Result:	Response by Karl Rove						
Source:	360 p. 5						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	5	N.B.					
Daughter of:	4						
Mother of:	6						
Encroachee:	TV Networks	WS BS					
Encroacher:	Bush - by Karl Rove	WS BS					
Description:	Rove called networks and told them their call was premature - and that polls in western Florida had not closed.						
Result:	At 9:00 PM EST - Networks called Fla. Undecided.						
Source:	360 5-6						
Pattern:	C1 = Y	C2 = N	C3 = Y	C4 = Y	C5 = N	C6 = 2	C7 = 4

Episode I.D.:	6	N.B.					
Daughter of:	5						
Mother of:							
Encroacher:	Gore						WS - (S)
Encroacher:	TV Networks						(S) - WS
Description:	Network call Fla. Undecided						
Result:	Gore is unable to claim victory as candidate. , 3						
Source:	36D - p 5-6						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	7	N.B.					
Daughter of:							
Mother of:	2						
Encroacher:	Gore						WS - (S)
Encroacher:	Katharine Harris, Fla Sec. of State						WS (S)
Description:	K. H. said she would declare a winner by "close of business" - Times #19.						
Result:	Litigation filed to prevent cert. Action						
Source:	36D, p 8						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	8	N.B.					
Daughter of:	3						
Mother of:	12						
Encroacher:	Gore						WS - (S)
Encroacher:	Bush						WS (S)
Description:	Bain chapters recorded in Iowa, Wisconsin, New Mexico - States Gore won						
Result:	Keeps Gore - esp. Deloy - from escalating war of words.						
Source:	36D - p 15						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	9	N.B.					
Daughter of:	2,	Torracelli is part of Ed's insulation - 2.					
Mother of:							
Encroachee:	Gore						WS-BS
Encroacher:	Sen R Torricelli (D, N.J.)						WS-BS
Description:	Warns Gore not to get mixed in courts - not to "win at any cost" Context - Republicans control both Senate and House of Rep.						
Result:	Gore is concerned about "How" to win						
Source:	36 D - 15						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = N	C6 = 2	C7 = 4

2

E

Episode I.D.:	10	N.B.					
Daughter of:	1						
Mother of:							
Encroachee:	K Harris - Sec of State						WS-BS
Encroacher:	Gore						WS-BS
Description:	Gore pushes for Hand re-counting ballots in 4 Florida Counties: Volusia, Broward, Miami-Dade, & Palm Beach.						
Result:	Hand recounts begin - Harris is delayed in certifying winner						
Source:	36 D p 16						
Pattern:	C1 = Y	C2 = N	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

2

G

Episode I.D.:	11	N.B.					
Daughter of:	10						
Mother of:							
Encroachee:	Co. Elects. Comm of Volusia, Broward, Miami-Dade, PB						WS-BS
Encroacher:	K Harris						WS-BS
Description:	Harris sets deadline of Tues 11/14 for certifying re-counts.						
Result:	2 counties unable to complete re-count - 2 decide not to re-count						
Source:	36 - p 16						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

2

J

4



Episode I.D.:	12	N.B.					
Daughter of:	8						
Mother of:	17						
Encroachee:	Gore	WS	BS				
Encroacher:	Bush	WS	BS				
Description:	Bush wins transition team.						
Result:	Daly replies - e-17						
Source:	36D - p 15						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	13	N.B.					
Daughter of:	17						
Mother of:							
Encroachee:	Gore	WS	BS				
Encroacher:	Best - by Hughes	WS	BS				
Description:	Hughes describes Gore as politicizing to the extent of "risking our democracy."						
Result:	Gore P R camp on its heels						
Source:	36D p 15						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	14	N.B.					
Daughter of:		PA - July sec - Broward Co Circuit Court					
Mother of:	15						
Encroachee:	Broward Co Bd of Elections	WS	BS				
Encroacher:	Broward Co Demo Committee	WS	BS				
Description:	Request for manual recount of 6,686 ballots - under count -						
Result:	Call by Gore Campaign (Daly) for Hand recount of 7 ballots						
Source:	36D, p. 17						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	15	N.B.				
Daughter of:	14	Jumped head to station				
Mother of:	14					
Encroachee:	Election Comm. of P. B., M-D, Valencia, & Braundin					WS (BS)
Encroacher:	Gore Campaign - Delay					WS (BS)
Description:	Call for final re-count					
Result:	Extra votes counted					
Source:	36 D p 18					
Pattern:	C1 = Y	C2 = N	C3 = Y	C4 = Y	C5 = Y	C6 = 4 C7 = 3

Episode I.D.:	16	N.B.				
Daughter of:	15					
Mother of:						
Encroachee:	Bush					WS (BS)
Encroacher:	P. B. Co Election Comm					WS (BS)
Description:	Hurl Report blamed Gore 751 votes to 108 for Bush 368 Gore to 23 Bush were discarded in one uncounted precinct.					
Result:	Reduced Bush's lead in Florida.					
Source:	36 D p 18					
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4 C7 = 3

Episode I.D.:	17	N.B.				
Daughter of:	12					
Mother of:	13					
Encroachee:	Bush					WS (BS)
Encroacher:	Gore - in Delay					WS (BS)
Description:	Daly complains that the Bush team is "crowning themselves victors" by naming the transition team					
Result:	Hughes Responds.					
Source:	36 D p 15					
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = 1/	C6 = 1 C7 = 4

Episode I.D.:	18	N.B.					
Daughter of:	17	See e-mail.					
Mother of:							
Encroachee:	Debbie Allen - Volusia Co. Election worker	WS	BS				
Encroacher:	Volusia Co. Sheriff's Dept.	WS	BS				
Description:	About 4:00 AM. 2 cars driven by Allen were stopped & searched. Two black bags were found. The deputies escorted Allen back to the election office where they searched the bags. They found several clipboards and a sample ballot.						
Result:							
Source:	36 D - p 18-19						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = N	C6 = 2	C7 = 4

Episode I.D.:	19	N.B.					
Daughter of:	15						
Mother of:							
Encroachee:	Volusia Co. Election Board	WS	BS				
Encroacher:	Gore and Bush	WS	BS				
Description:	Asceded to request for manual recounts by both Gore and Bush.						
Result:	Gore gets 38 more votes. 36 D p 72						
Source:	36 D - p 19						
Pattern:	C1 = Y	C2 = N	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	20	N.B.					
Daughter of:	1						
Mother of:							
Encroachee:	Voting Public of P.B. Co	WS	BS				
Encroacher:	Poll Workers of P.B. Co, Fla	WS	BS				
Description:	Poll workers - "under strict instructions to turn away people asking for voting assistance out of fear that it would slow down the voting."						
Result:	People left the polling place & voting.						
Source:	36 D - p. 33						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

3

Episode I.D.:	21	N.B.
Daughter of:		
Mother of:		
Encroachee:	Gore	WS BS
Encroacher:	Democrat Officials	WS BS
Description:	Many Democrats urge Gore to accept results of re-count and not challenge ballots in court.	
Result:	Gore spends time trying to rally support in Dem Party.	
Source:	36D - p. 35	
Pattern:	C1 = Y	C2 = N C3 = N C4 = Y C5 = N C6 = 1 C7 = 4

K

4

Episode I.D.:	22	N.B.
Daughter of:	2	PA = W.S. - A-61-
Mother of:	23	
Encroachee:	BUSH	WS BS
Encroacher:	Gore	WS BS
Description:	Gore threatens to take the issue of manual re-counts to court. Wants to stall the deadline set by Harris.	
Result:	Bark files action in Fed Dist. Ct.	
Source:	36D - p. 40	
Pattern:	C1 = Y	C2 = Y C3 = N C4 = Y C5 = N C6 = 2 C7 = 4

E

4

Episode I.D.:	23	N.B.
Daughter of:	22, 2	PA Fed Dist. Ct. - E. and Judge nullification
Mother of:	32, 109	
Encroachee:	Gore	WS BS
Encroacher:	BUSH	WS BS
Description:	Files suit in Fed Dist. Ct. to stop manual recounts. Brought in Fed Ct to preempt a right state dist court.	
Result:	Change field of conflict from state Ct → Fed. Ct. / Riser J. 12/12	
Source:	36 D p. 40-41 Appellate → Article P. 24	
Pattern:	C1 = Y	C2 = Y C3 = N C4 = Y C5 = N C6 = 2 C7 = 4

E

Episode I.D.:	29	N.B.					
Daughter of:							
Mother of:							
Encroachee:	Palm Beach County Election 3d	WS (63)					
Encroacher:	Bush Campaign	WS (63)					
Description:	Bush demands Machine recount of ballots. Wants to throw out if stay manual recount						
Result:	Bush lost 3 votes.						
Source:	36D - p 95						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = -	C6 = 2	C7 = 3

Episode I.D.:	25	N.B.					
Daughter of:							
Mother of:							
Encroachee:	Palm Beach Co. Ele. 1. 3d	WS (63)					
Encroacher:	Republican Party	WS (63)					
Description:	During hand recount of ballots, Republicans challenged the standard of what constituted a vote						
Result:	P B Co. Off Δ'd the standard						
Source:	36D - 50						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	26	N.B.					
Daughter of:							
Mother of:							
Encroachee:	P B Co Election Vote Counting	WS (63)					
Encroacher:	Democrat + Republican Observers	WS (63)					
Description:	Observers (on both sides) regularly challenged the the decision by the counters.						
Result:	(Additional) uncertainty & inconsistency introduced in process i votes Δ'd						
Source:	36D - 50						
Pattern:	C1 = Y	C2 = N	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	27	N.B.					
Daughter of:	25 - 26						
Mother of:	(Laird)						
Encroacher:	BUSH	WS - BS					
Encroacher:	P. B. Co Elec. Bd.	WS BS					
Description:	2-1 vote (2 dem → 1 Rep.) to recount all ballots & receiving results from 1 precinct.						
Result:	Complete Recount by Hand of P B Co ballots Bush has to control						
Source:	367 - p. 51						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

5

J

Episode I.D.:	29	N.B.					
Daughter of:	28						
Mother of:	30						
Encroacher:	Case	WS - BS					
Encroacher:	Election Official in Seminole Co & Martin Co.	WS BS					
Description:	The official allowed a Repub official to correct errors on applications for absentee ballots. Republican went up to 10 days in office counting apps - p. 55 Appended? denied p. 308						
Result:	Thousands of Republican ballots wrongly eliminated not included.						
Source:	367 p. 54 / Account → Bush p. 281						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

5

J

Episode I.D.:	28	N.B.					
Daughter of:							
Mother of:	23						
Encroacher:	Republican Party	WS - BS					
Encroacher:	Voter Fraud by Republicans in Seminole Co	WS BS					
Description:	Republicans hired a vendor to prepare <sup>absentee</sup> absentee ballots for Republicans living overseas. Normally most info is filled in by vendors - vendors neglected to complete some of the info.						
Result:	Thousands of applications were canceled & then were submitted votes control.						
Source:	367 p. 54						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

5

D

5

Episode I.D.:	30	N.B.					
Daughter of:	29	See Co. Dist Ct 36A-2118					
Mother of:	A3						
Encroachee:	Seminole Co Elect Supervisor	WS BS					
Encroacher:	Democrat Lawyer	WS BS					
Description:	Democrat lawsuit filed suit to eliminate disputed ballots obtained Jacobs v. Seminole County Commission 88						
Result:	Denial by Co. 1271 - Appellate denied 36A2308						
Source:	36D p 55 - Pos. 28						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = N	C6 = 2	C7 = 4

E

6

Episode I.D.:	31	N.B.					
Daughter of:		Judge Terry B. ... (PA. State Dist Ct.)					
Mother of:	42						
Encroachee:	Kaplan-Harris - S. of J.	WS BS					
Encroacher:	Dem. ...	WS BS					
Description:	Documents go to court to get an extension of the deadline (11/14) for certifying votes.						
Result:	Co. rules she must consider requests - 36D-p 55						
Source:	36D - p 56						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

D

6

Episode I.D.:	32	N.B.					
Daughter of:	23	→ Ct 1 Supreme → U.S. Supreme					
Mother of:							
Encroachee:	Dale Bush Co - LaPre -	WS BS					
Encroacher:	Bush H	WS BS					
Description:	Court returns Bush request for an injunction against voting records						
Result:	Bush appeals to 11th Circuit - - Denial 36B-150						
Source:	36D - p 56						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = N	C6 = 2	C7 = 4

B

Episode I.D.:	33	N.B.					
Daughter of:							
Mother of:							
Encroacher:	Gore						WS-BS
Encroacher:	Broward Co Election Comm.						WS-BS
Description:	Commission votes against manual recounts in "heavily Democratic" Broward Co.						
Result:	Gore estimates many votes lost - gain to count						
Source:	36 D p. 59						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

6

J

Episode I.D.:	34	N.B.					
Daughter of:							
Mother of:							
Encroacher:	Job Bush						WS-BS
Encroacher:	Public Opinion / Media						WS-BS
Description:	Bush Rescues himself from state Election Commission Board.						
Result:	J. Bush had planned to chair the committee - as governor -						
Source:	36 D p. 60						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

6

D

Episode I.D.:	35	N.B.					
Daughter of:							
Mother of:	38						
Encroacher:	Various Publics of Florida						WS-BS
Encroacher:	Katherine Harris						WS-BS
Description:	Harris hired DBT (Charu Point) to provide names of ac-folios to be "scrubbed" from the voter roll. DBT provided a list of 171,000 ac-folios. This list was reduced to a list of 57,100. This list was agreed (by Fla. Civil Rights Comm. + DBT) to be 65% accurate eliminating						
Result:	Approx 8,000 voter were denied this right to vote. - 2000 voters.						
Source:	Harpard's Magazine - March, 2001 in 304 (1922) pp 49-55.						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Before  
Day 0

J

12



Episode I.D.:	56	N.B.
Daughter of:	2	
Mother of:	37	
Encroachee:	P.O. Co. - Judge - Steve Ruff	WS (5)
Encroacher:	Democrat - Louie	WS (5)
Description:	Large board (Ruff) set from the bank on 11/6 (11/6) was filed but was not submitted to the court. Judge Ruff returned board on the day of the hearing.	
Result:	Judge removed from case	
Source:	36 D - p. 64	
Pattern:	C1 = Y	C2 = N

Good example of non-credibility case - Judge might off - 1/5 mostly off in case. No, any kind of incident.

Episode I.D.:	37	N.B.
Daughter of:	40	
Mother of:		
Encroachee:	Gore	WS (5)
Encroacher:	Broward Co. - Justice Board	WS (5)
Description:	After a recount of 7,000 votes yielded an additional 4 votes to Gore, the board (2-1) - Ruff (1) - Justice Board ruled against a county-wide recount.	
Result:	No Recount in Broward Co.	
Source:	76 D p. 65	
Pattern:	C1 = Y	C2 = N

Episode I.D.:	32	N.B.
Daughter of:	35	
Mother of:		
Encroachee:	voter (logistics)	WS (5)
Encroacher:	Estheria Harris, State of Florida	WS (5)
Description:	Many accounts of voters being similar to vote because their names did not appear on the voting rolls - due to Division of Administration at - other -	
Result:	People who tried to vote were not allowed.	
Source:	36 D p. 64	
Pattern:	C1 = Y	C2 = Y

Episode I.D.:	39	N.B.					
Daughter of:	40						
Mother of:	37						
Encroachee:	Gore						WS (85)
Encroacher:	Broward Co. Election Board						WS (85)
Description:	After receiving affidavits from Roberts (Ep 40), Election board voted 2-1 (2: 1:1:1:1-Dem) (1: 1: 1:1) Not to count mail returns						
Result:	Broward Co. discarded mail return process						
Source:	36 D p 65						
Pattern:	C1 =	C2 =	C3 =	C4 =	C5 =	C6 =	C7 =

Episode I.D.:	40	N.B.					
Daughter of:							
Mother of:	37, 48, 49						
Encroachee:	County Election Boards (Ep Broward Co.)						WS (85)
Encroacher:	L. Clayton Roberts - Fla Director of Elections						WS (85)
Description:	Roberts issued a directive that said manual recounts were warranted only in the event that "vote tabulation system fail to count properly mailed ballots."						
Result:	Inhibits Elect Bd. Authority to order recounts.						
Source:	36 D p 65						
Pattern:	C1 = Y	C2 = N	C3 = 4	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	41	N.B.					
Daughter of:							
Mother of:							
Encroachee:	Gore						WS (85)
Encroacher:	Volusia Co. Voting Machine						WS (85)
Description:	Voting machine in one precinct in Volusia Co. did not count the first 320 ballots cast. This cost Gore a net gain of 24 votes.						
Result:	Gore gains 24 votes						
Source:	36 D p 66						
Pattern:	C1 = Y	C2 = N	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	42	N.B.					
Daughter of:	31						
Mother of:							
Encroachee:	P.B. Co. + Broward Co						WS BS
Encroacher:	Katherine Harris						WS BS
Description:	Request a written explanation of the reasons for conducting a hand recount. Explanation due in < 24 hours						
Result:	to Elect PD shifts from the county to jacking county						
Source:	36 D - p 63						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	43	N.B.					
Daughter of:	30, held legal battle in state	Fl. State Dist Ct.					
Mother of:							
Encroachee:	P B Co Election officials						WS BS
Encroacher:	Gore Campaign						WS BS
Description:	Agree to full recount - Due to human recount, conflicting legal opinions.						
Result:	Recounts in contention						
Source:	36 D - p 72						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	44	N.B.					
Daughter of:		2A = St Circuit Court					
Mother of:							
Encroachee:	Broward Co. Elect Bd						WS BS
Encroacher:	Democrat Party						WS BS
Description:	Seeks order for full hand count of 588,000 ballots						
Result:	Court orders Manual Recount						
Source:	30 D - p 72						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	45	N.B.					
Daughter of:							
Mother of:							
Encroacher:	Bush						WS-BS
Encroacher:	P. 8 12 Election 31.						WS-BS
Description:	Decides to manually recount all ballots - even though the tally would not be completed until after the deadline set by Harris						
Result:	Bush pressures Harris to stick to decision						
Source:	361 p 73						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	46	N.B.					
Daughter of:							
Mother of:							
Encroacher:	Harris						WS-BS
Encroacher:	P. 8 Election 31.						WS-BS
Description:	Decides to manually recount all ballots - even though the count will not be completed before the deadline set by Harris						
Result:	Harris has to react to elector's decision						
Source:	361 p 73						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	47	N.B.					
Daughter of:							
Mother of:							
Encroacher:	crowd wanting to count						WS-BS
Encroacher:	P. 8 12 Judge Elias E. Burton						WS-BS
Description:	Judge tells crowd to be quiet or they will be forced to watch the proceedings on closed circuit TV						
Result:	Crowd quiet - eventually - claim right to protest						
Source:	362 p 73						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	48	N.B.					
Daughter of:	40						
Mother of:	46 49						
Encroacher:	Dir. Div. of Elections - L. Clayton Roberts	WS	BS				
Encroacher:	Fla. Att. Gen. - Rbt. Butterworth	WS	BS				
Description:	Butterworth issued an opinion overruling Roberts' opinion. Roberts opined that manual recounts could not occur unless						
Result:	P.R. Co. conducts manual recount						
Source:	367 p 73						
Pattern:	C1 = Y	C2 = N	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	49	N.B.					
Daughter of:	40, 48	PA = Fla Supreme Ct.					
Mother of:							
Encroacher:	Dir. of Election (Roberts) & Att. Gen (Butterworth)	WS	BS				
Encroacher:	P.R. Co. Elect Bd	WS	BS				
Description:	Ask Supreme Ct. to resolve these conflicting opinions.						
Result:	- ruled - recounts could continue 367 p. 90						
Source:	367 - p 73						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	50	N.B.					
Daughter of:	1						
Mother of:	51						
Encroacher:	Mar. vs. P.B. Co. Judges	WS	BS				
Encroacher:	Nine Supreme Justices - divided - P.B. Co.	WS	BS				
Description:	Litigants sought to have their objection to the ballotly-billist heard. Judge F judge recessed themselves.						
Result:	down - so at least were resisted						
Source:	367 - 24						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = N	C5 = N	C6 = 2	C7 = 3

Episode I.D.:	51	N.B.					
Daughter of:	1. <del>52</del>	9A - PB 10 Judge					
Mother of:	52	Jorge Kurgis					
Encroacher:	Harris - Sec 1 Stat.					WS BS	
Encroacher:	9 Litigants - Questioning Legality of 9th Cir. Ruler					WS BS	
Description:	Litigants found a judge who would hear the case.						
Result:	Allows Mandate Recount to Proceed						
Source:	36 D - p 74						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	52	N.B.					
Daughter of:	51	Judge Loggins					
Mother of:							
Encroacher:	Bush Campaign					WS BS	
Encroacher:	Litigants in PB Co.					WS BS	
Description:	Denied Bush's motion to have the case moved to Tallahassee.						
Result:	Case stayed in PB Co.						
Source:	76 D - p 74						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	53	N.B.					
Daughter of:	40						
Mother of:	54						
Encroacher:	Ground to Elect B1.					WS BS	
Encroacher:	Roberts' Elect Dist. in					WS BS	
Description:	Decided not to normally recount ballots due to Roberts' opinion that manual recounts could only be conducted if machines were faulty.						
Result:	Cancelled plan for manual recount						
Source:	36 D - p 74						
Pattern:	C1 = Y	C2 = N	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	54	N.B.					
Daughter of:	53						
Mother of:							
Encroacher:	Bush Comm	WS BS					
Encroacher:	Brown CO.	WS BS					
Description:	Voted 2-1 to reconsider revised report of entire county.						
Result:	Park was in re. detail this CO against recount						
Source:	36 D p 74						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	55	N.B.					
Daughter of:		PA - State Dist CT					
Mother of:	60						
Encroacher:	Harris	WS BS					
Encroacher:	Democrat	WS BS					
Description:	Overturned Harris decision that ballots had to be turned in by Tues. 11/4 @ 5:00.						
Result:	Harris had to consider reform in deadline						
Source:	36 D - p 74						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	56	N.B.					
Daughter of:	55						
Mother of:	67						
Encroacher:	P.B. Co + Brown CO + Comm - 3/2	WS BS					
Encroacher:	Harris	WS BS					
Description:	Harris enforced Tue 11/4 @ 5:00 pm deadline						
Result:	- Reconsidered votes not included						
Source:	36 D p 78						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	57	N.B.
Daughter of:		
Mother of:		
Encroacher:	Gore	WS-85
Encroacher:	Harris <del>DUP.</del>	WS-85
Description:	Harris enters but <del>TE</del> 11/14 @ 5:PM 2nd flr.	
Result:	Recorded w/td. ∴ PB! Bud Co not included	
Source:	367, 78	
Pattern:	C1 =	C2 = C3 = C4 = C5 = C6 = C7 =

Duplicate  
756

8

Episode I.D.:	58	N.B.
Daughter of:		PA - <u>W.S.</u> or None?
Mother of:		
Encroacher:	Bush	WS-85
Encroacher:	Gore	WS-85
Description:	Gore calls for complete recount in Fla in exchange for dropping all future lawsuits	
Result:	Bush has to respond - leaving Crawford TE → Justice	
Source:	367 p. 78-79	
Pattern:	C1 = Y	C2 = Y C3 = N C4 = Y C5 = N C6 = Z C7 = 3

8

F

Episode I.D.:	59	N.B.
Daughter of:		PA FL CI; Appeals - Atlanta
Mother of:	87	
Encroacher:	State of Florida - Election Commission	WS-85
Encroacher:	Bush Commission	WS-85
Description:	Dutton argues that recounts w/td that some votes different from other votes - then they should stop!	
Result:	Pet denied - had recounts to question. - A state issue	
Source:	367, 96	
Pattern:	C1 = Y	C2 = Y C3 = Y C4 = Y C5 = N C6 = Z C7 = 4

9

B

20



Episode I.D.:	60	N.B.					
Daughter of:	55	PA = Fla. Sup Ct.					
Mother of:	61						
Encroacher:	Fla Democrats	WS BS					
Encroacher:	Harris	WS BS					
Description:	Harris appeals req't to receive records re Doubline						
Result:	Denial Harris' appeal.						
Source:	36 D - p 85-86						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = N	C6 = 2	C7 = 4

Episode I.D.:	61	N.B.					
Daughter of:		P.A. - Fla. S. Supreme					
Mother of:							
Encroacher:	Fleet Comm / P.B., Broward	WS BS					
Encroacher:	Harris	WS BS					
Description:	Harris seeks to stop all records.						
Result:	Records not continue -						
Source:	36 D - p 86						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = N	C6 = 2	C7 = 4

Episode I.D.:	62	N.B.					
Daughter of:	63						
Mother of:	64						
Encroacher:	Democrat voters in Dard/out	WS BS					
Encroacher:	Democrat 2nd - Get out the vote	WS BS					
Description:	Democrats worried their voters to "be sure to punch a hole on every page."						
Result:	E - 67 - voters punch a hole in 2 page						
Source:	36 D - p 92						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = N	C6 = 1	C7 = 1

Episode I.D.:	63	N.B.					
Daughter of:	-1						
Mother of:	64						
Encroacher:	David Co. Voters	WS BS					
Encroacher:	David Co. Election Comm.	WS BS					
Description:	Elect. Comm. prepares ballot that has presidential candidates on multiple (2) pages						
Result:	- E 6+						
Source:	36 D 32						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	64	N.B.					
Daughter of:	63, 62						
Mother of:							
Encroacher:	David Co. Voters	WS BS					
Encroacher:	David Co. Elect. Comm.	WS BS					
Description:	26,000 ballots were invalidated mostly because they contained votes for more than 1 person. 5,000 votes were in Jacksonville - 10:1 A Gore.						
Result:	26,000 Ballots Thrown out						
Source:	76 D - 91						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	65	N.B.					
Daughter of:	64						
Mother of:							
Encroacher:	David Co. Elect. Comm.	WS BS					
Encroacher:	David Co. Elect. Comm.	WS BS					
Description:	Due to large # of invalidated ballots (4x normal #) to Elect Bd will no longer prepare ballots. ∴ this meant						
Result:	A'd process of preparing ballots						
Source:	76 D 92						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Election 1992  
 Learning

22

Episode I.D.:	66	N.B.
Daughter of:	60	
Mother of:		
Encroachee:	Bush	WS-BS
Encroacher:	Nixon - Duke Co. Bd of Elect Comm	WS-BS
Description:	Because of Sup Ct ruling, Elect. Comm. decides to begin records of \$500,000 by hand. → short extending certification date	
Result:	bring to H to 15M after in down standards in S. Fla	
Source:	36 D p. 94	
Pattern:	C1 = Y C2 = N C3 = N C4 = Y C5 = Y C6 = 4 C7 = 3	

10

J

Episode I.D.:	67	N.B.
Daughter of:	56	
Mother of:	68	St. Dist. Ct - Leon Co - Judge Terry Lewis
Encroachee:	K Harris	WS-BS
Encroacher:	Democrats	WS-BS
Description:	Seek to prevent Harris from declaring winner 5 record ballots.	
Result:	Lewis ruled for Harris - certified can go on.	
Source:	36 D p. 94	
Pattern:	C1 = Y C2 = Y C3 = N C4 = Y C5 = N C6 = 2 C7 = 4	

10

E

Episode I.D.:	68	N.B.
Daughter of:	67	
Mother of:		P.A. = Fla. Sup Ct.
Encroachee:	Harris	WS-BS
Encroacher:	Democrats	WS-BS
Description:	Demos spread Lewis's ruling to St. Supreme Ct	
Result:	Supreme Ct. Reverses Lewis's ruling, inserted Harris's flawed certification	
Source:	36 D p. 94	
Pattern:	C1 = Y C2 = Y C3 = Y C4 = Y C5 = Y C6 = 4 C7 = 3	

10

A

23

Episode I.D.:	69	N.B.
Daughter of:		PA. Circuit Ct.
Mother of:		
Encroacher:	Broward Co. Elect. Officrs.	WS-BS
Encroacher:	Democrats	BS-BS
Description:	Democratic effort seek rule about checks - Judge approves counting non-perforated punch cards. Allows "dimpled, program checks"	
Result:	Harris Demo Co. - Broward Co. - pass 1 vote for Gore.	
Source:	36 D 95	
Pattern:	C1 = Y C2 = Y C3 = N C4 = Y C5 = Y C6 = N C7 = 3	

10

Episode I.D.:	70	N.B.
Daughter of:		
Mother of:	71	
Encroacher:	Elect. Bd. of Davis Center	WS-BS
Encroacher:	K Harris & Deputis	WS-BS
Description:	Harris & Deputis give conflicting and contradictory instructions for counting absentee ballots	
Result:	Delayed counting of absentee ballots	
Source:	36 D 92	
Pattern:	C1 = Y C2 = N C3 = N C4 = Y C5 = Y C6 = 4 C7 = 3	

10

Episode I.D.:	71	N.B.
Daughter of:	70	
Mother of:	72	
Encroacher:	Election Com. of various counties	WS-BS
Encroacher:	Harris	WS-BS
Description:	Harris issues order that any ballot signed and dated by Election Day would be counted. Previous elections req'd Postmark by elect. day	
Result:	Additional ballots included.	
Source:	36 D p 97	
Pattern:	C1 = Y C2 = N C3 = N C4 = N C5 = — C6 = 3 C7 = 3	

10

24

Episode I.D.:	72	N.B.					
Daughter of:	21						
Mother of:							
Encroachee:	Harris	WS (NS)					
Encroacher:	Election Comm of Sound County	WS (NS)					
Description:	Sound county elect. comm. decided not to accept absentee ballots postmarked 5 Election Day or 5 previous.						
Result:	Ballots discarded contrary to direction of Harris.						
Source:	36 D - 1 77						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	73	N.B.					
Daughter of:							
Mother of:							
Encroachee:	Elect Comm of Sound Co	WS (NS)					
Encroacher:	Harris	WS (NS)					
Description:	Harris directed elect. comm. to accept absentee ballots - even those 5 a post-mark. Elect. Comm's said they had never done this before.						
Result:	Elect Comm. accepted absentee ballots 7 previous.						
Source:	26 D - 38						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	74	N.B.					
Daughter of:							
Mother of:	103, 110						
Encroachee:	Greene	WS (NS)					
Encroacher:	Republican lawmakers	WS (NS)					
Description:	Republican lawmakers meet to review a federal law they believe gives them the right to name the electors in the event the case remains undecided.						
Result:	Greene has to keep his eye on the issue.						
Source:	76 C - p 100						
Pattern:	C1 = Y	C2 = N	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	25	N.B.					
Daughter of:							
Mother of:							
Encroacher:	Mailed vote centers	WS BS					
Encroacher:	Elect. team of Broward Co.	WS BS					
Description:	Voted to consider delayed or 10-10am hanging checks is votes for Gore or Bush.						
Result:	Hand centers changed their definition of what constituted a vote.						
Source:	76 D p. 107						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	70	N.B.					
Daughter of:							
Mother of:							
Encroacher:	Vote counters (Democrat)	WS BS					
Encroacher:	Republican monitors	WS BS					
Description:	Republican monitors challenge 195 ballots in order to delay the certification of the record.						
Result:	Vote recount is slowed						
Source:	76 D p. 109						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	72	N.B.					
Daughter of:		St. Sup Ct.					
Mother of:	78 . 108	Major divid - p 125					
Encroacher:	Elect. team of Broward Co.	WS BS					
Encroacher:	Bush	WS BS					
Description:	Asks that the recent cases and that votes counted 5 Nov 14 be discarded. Republicans include a 2nd argument (read resolution) to secure their						
Result:	Democrats rally to 279 right is applied to 500						
Source:	76 D 110 e. 108						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = N	C6 = 2	C7 = 4

12

Episode I.D.:	78	N.B.
Daughter of:	77	
Mother of:		
Encroachee:	Elect. Bonds	WS BS
Encroacher:	Democrats	WS BS
Description:	Asks Com. to draw out high school students from the program. NAD to determine whether particular voters should be expelled.	
Result:	Co. upholds inclusion of recant - article deadline <sup>on not</sup> <sub>not needed</sub>	
Source:	36 D / 110	
Pattern:	C1 = Y C2 = Y C3 = Y C4 = Y C5 = N C6 = 2 C7 = 4	

13

Episode I.D.:	79	N.B.
Daughter of:	71	
Mother of:		
Encroachee:	Tom Carroll, Bristol Co. Elect. Bd. Chair	WS BS
Encroacher:	The Rent Process	WS BS
Description:	Carroll resigned unexpectedly. City health concern due to 15 hr work day.	
Result:	Co. Elect. Bd. delay recount program	
Source:	36 D / 120	
Pattern:	C1 = Y C2 = N C3 = N C4 = Y C5 = Y C6 = 4 C7 = 3	

13

Episode I.D.:	80	N.B.
Daughter of:		
Mother of:		
Encroachee:	F.H. Ath - Gen. Rpt. Bitterworth	WS BS
Encroacher:	Republicans	WS BS
Description:	Republicans push A.C. (Geni Campaign w/ i-Fin.) to order review of military ballots. (collected 2 weeks / info)	
Result:	Bitterworth issues letter to Co. El. officials to revisit / review vote rolls if appropriate.	
Source:	36 D / 123	
Pattern:	C1 = Y C2 = N C3 = N C4 = Y C5 = Y C6 = 4 C7 = 3	

Process as encroacher

Episode I.D.:	81	N.B.					
Daughter of:	79 (Harris' deadline)	see 84 - LSC - 36 D - 142 6 am App. filed to St Sup Ct					
Mother of:	86						
Encroachee:	Miami-Dade assessing officials	WS BS					
Encroacher:	Harris	WS BS					
Description:	Determined we could not meet the deadline set by Harris and official by Supreme Ct.						
Result:	Quit doing and of the records in Miami-Dade Co.						
Source:	36 D p. 134						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

15

A

Episode I.D.:	82	N.B.					
Daughter of:	81						
Mother of:	83						
Encroachee:	Miami-Dade County Board	WS BS					
Encroacher:	Republican Party	WS BS					
Description:	Republicans called Republican voters to go to the recount center to protest the recount.						
Result:	One Comm charged his mail about the recount.						
Source:	36 D p. 134						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

15

D

Episode I.D.:	83	N.B.					
Daughter of:	82	Miami Police					
Mother of:							
Encroachee:	Joe Gade, Miami-Dade Co. Democrat Chair	WS BS					
Encroacher:	Protesters urged on by Radio Miami	WS BS					
Description:	Crowd chased him and accused him of stealing a ballot had to be escorted to safety by police. People were trampled, punched, & kicked.						
Result:	Escorted to safety - escorted home by circuit court						
Source:	36 D p. 135						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

15

D

Encroaching Party:  
Republican Party

28



15

Episode I.D.:	84	N.B.					
Daughter of:	78	U.S. Supreme Ct.					
Mother of:	87, 91, 105, 106	00-836					
Encroacher:	Delm Beach Co. Commission Bd	WS-85					
Encroacher:	BUS+	WS-85					
Description:	Atk U.S. Supm Ct to overturn Fla. Supm Ct. ruling allowing manual recounts and 1st recount.						
Result:	Suit held by Fla. Sup. Court - 76A-240						
Source:	36 D, 137						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = N	C6 = 2	C7 = 4

B

15

Episode I.D.:	85	N.B.					
Daughter of:		Fla. Dist Ct - Tallahassee					
Mother of:	52						
Encroacher:	Elect. Comm in 13 Fla Co	WS-85					
Encroacher:	BUSM	WS-85					
Description:	Filed suit to require counting of 1003 previously disqualified overseas ballots.						
Result:	Beck dropped the suit (36 D 164) - he was told he would prob. lose - and filed 7. new suit						
Source:	36 D, 137						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = N	C6 = 2	C7 = 4

E

16

Episode I.D.:	86	N.B.					
Daughter of:	81	Fla. Sup Ct.					
Mother of:							
Encroacher:	Miami-Dade Co. Commission Bd.	WS-85					
Encroacher:	Gore	WS-85					
Description:	Suit for to force re-count to continue ~ 700,000						
Result:	Denial by Sup Ct. Gore lost app @ Sup Ct Fla 2am tiller						
Source:	76 A - 1 192						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = N	C6 = 2	C7 = 4

B

29

Episode I.D.:	87	N.B.					
Daughter of:	94 55	U.S. Supreme					
Mother of:	105, 107						
Encroachee:	BUSH	WS (85)					
Encroacher:	GORE	WS (85)					
Description:	Asks U.S. Supreme to reject Bush's (2) Appeals. 1- Appeal by Bush to overturn Fla. Sup. ruling allowing recount (84) 2- Appeal by Bush to overturn U.S. Sup. ruling not to interfere in Fla. (85)						
Result:	Sent back to Fla. Supreme for clarification - 561-240						
Source:	36 D p 144						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = N	C5 = -	C6 = 1	C7 = 3

16

I

Episode I.D.:	88	N.B.					
Daughter of:							
Mother of:	89						
Encroachee:	Constitutional Boards of Fla (82)	WS (85)					
Encroacher:	Florida Absentee voters & bad handwriting	WS (85)					
Description:	Absentee voters & bad handwriting make it difficult for the counting boards to determine their eligibility.						
Result:	Many hours spent trying to determine eligibility						
Source:	36 D - p 146						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = 1	C5 = Y	C6 = 4	C7 = 3

16

J

Episode I.D.:	89	N.B.					
Daughter of:	88						
Mother of:							
Encroachee:	Fla Absentee Voters & bad handwriting	WS (85)					
Encroacher:	Constitutional Boards of Fla	WS (85)					
Description:	Unable to determine eligibility, thousands of absentee ballots were tossed out due to bad handwriting						
Result:	Thousands of votes not counted						
Source:	36 D - p 146						
Pattern:	C1 = N	C2 = -	C3 = -	C4 = -	C5 = -	C6 = 4	C7 = 5

16

K

L

M

N

O

P

Q

R

S

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V

W

X

Episode I.D.:	90	N.B.					
Daughter of:		Nassau Co. Dist. Ct.					
Mother of:							
Encroacher:	GORE						WS-83
Encroacher:	Shirley King, Nassau County Director of Elections						WS-83
Description:	King certified initial returns instead of recount returns based on advice from K. Harris after she had certified the recount votes.						
Result:	This rat Gore 52 votes.						
Source:	36 D p. 154						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = C	C7 = 3

17

Episode I.D.:	91	N.B.					
Daughter of:	78, 84	U.S. Sup. Ct.					
Mother of:							
Encroacher:	Fla. Supreme Ct.						WS-83
Encroacher:	Fla. Legislature						WS-83
Description:	Join's Bush's lawsuit to overturn <sup>fl</sup> Supreme's decision to count recounts. Seeks to have fl Supreme issue new opinion.						
Result:	Sent back to Fla. Sup Ct.						
Source:	36 D. p. 154						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = A	C7 = 3

17

Episode I.D.:	92	N.B.					
Daughter of:	85						
Mother of:							
Encroacher:	Channing Bowers of 7-county						WS-83
Encroacher:	BUSH						WS-83
Description:	Bush dropped suits for reviewing all absentee ballots (etc) and filed new ones for military ballots only.						
Result:	Changed how the ballots were to be counted						
Source:	36 D p. 162						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = A	C7 = 3

18

19

Episode I.D.:	93	N.B.					
Daughter of:							
Mother of:	95						
Encroachee:	GORE						WS-83
Encroacher:	Kathleen Harris - 5 1 50						WS-83
Description:	Harris declared B65H the winner - - Certification -						
Result:	Gore changes from Defeating certification to Cont-M. Declaration						
Source:	76 D - 165						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

A

19

Episode I.D.:	94	N.B.					
Daughter of:							
Mother of:							
Encroachee:	P.B Co. Covering Bd						WS-83
Encroacher:	Kathleen Harris						WS-83
Description:	Harris return to accept <u>incomplete</u> results of insured report						
Result:	P.B Co has to turn in old cont to be included						
Source:	26 D - p 170						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 1	C7 = 3

J

19

Episode I.D.:	95	N.B.					
Daughter of:	93	Leon Co. Dist. Ct.					
Mother of:	96, 97, 98, 102, 111						
Encroachee:	K Harris						WS-83
Encroacher:	GORE						WS-83
Description:	Gore files suit to d certification saying Harris made wrong results And asking for an immediate trial.						
Result:	Re: suit re. certification with down - Appaled - 28 Sep p 192-93 E# 10						
Source:	96 D - p 170 ! Court Demand - 76 D - 285.						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = N	C6 = 2	C7 = 4

E

20

Episode I.D.:	96	N.B.					
Daughter of:	(Bush → Clinton Transition) 1/20						
Mother of:							
Encroacher:	BUSH	WS-BS					
Encroacher:	Clinton Administration	WS-BS					
Description:	Refusal to authorize public money for transition						
Result:	BUSH raised money privately						
Source:	76 A. 175 - 180						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

20

Episode I.D.:	97	N.B.					
Daughter of:	78	U.S. Supreme Ct.					
Mother of:							
Encroacher:	Fla. Supreme Ct.	WS-BS					
Encroacher:	Fla. Legislature	WS-BS					
Description:	In a brief of the Court brief, legislators argued that the Fla. Supreme Ct. usurped its authority and should be held to a						
Result:	Ench. Fla. Supreme Ct. to justify its actions.						
Source:	36 D. 182.						
Pattern:	C1 =	C2 =	C3 =	C4 =	C5 =	C6 =	C7 =

DUPLICATE

21

Episode I.D.:	98	N.B.					
Daughter of:	65						
Mother of:							
Encroacher:	Democrat Legislators of Fla.	WS-BS					
Encroacher:	Republican Legislators of Fla.	WS-BS					
Description:	Republicans organize a hearing about the legitimacy + necessity to hold a special session to appoint Presidential Electors. Republican brought in local scholars from across the country. Dem's were told that hearing was to investigate RGA + irregularities.						
Result:	Dem's did not have any opposition local scholars						
Source:	36 D. p. 185						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

33

21

Episode I.D.:	99	N.B.					
Daughter of:	95						
Mother of:							
Encroacher:	Electra Bonds of P.D. Minn - Dulak Co.	WS	BS				
Encroacher:	Samling Sank, Leon Co Dist. C. Judge.	WS	BS				
Description:	Orders them to send their ballots to Leon Co. via Police car for safe-keeping						
Result:	Elect Bds: how to make arrangements for getting ballots -> Leon Co.						
Source:	76 D. p. 192						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Episode I.D.:	100	N.B.					
Daughter of:		345655					
Mother of:							
Encroacher:	GORE	WS	BS				
Encroacher:	Title III, Section 5, United States Code - Safe Harbor Provision	WS	BS				
Description:	Provides a date (in this case - December 12, 2000) as the deadline for appointment of 3 states' presidential electors. After this date, all challenges are barred.						
Result:	Gore cannot allow normal judicial process.						
Source:	Poisson						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

Encroacher Process Provision

24

Episode I.D.:	101	N.B.					
Daughter of:	28, 29						
Mother of:	43						
Encroacher:	GORE	WS	BS				
Encroacher:	Maine County Supervisor of Elections (Amy Poole)	WS	BS				
Description:	Maine Co. Sup. of Elect allowed Republican Party members to place empty incomplete absentee ballots to count (except Don't Know votes were not included in issue).						
Result:	IEE Assesses Poole's unethical after return, the cost GORE = 1663 votes						
Source:	76 D. p. 188						
Pattern:	C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

J

34

22

Episode I.D.:	102	N.B.					
Daughter of:	95	Fla. Sup Ct					
Mother of:		4p = 111					
Encroachee:	Judge Simeon Seals						WS-BS
Encroacher:	GORE						WS-BS
Description:	Asks Sup Ct. to take care out of Seals's hands.						
Result:	Denial - 260 - 215						
Source:	76 J, p 152						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = N	C6 = 2	C7 = 4

22

Episode I.D.:	103	N.B.					
Daughter of:	102	S. Seals - Leon Co Dist Ct.					
Mother of:							
Encroachee:	GORE						WS-BS
Encroacher:	BUSH						WS-BS
Description:	Bush asked Fla. Sup Ct. to order ALL 1 million ballots from Miami-Dade (P.B. Co.) to be held in Leon Co. - Merged disputed ballots & non-disputed ballots.						
Result:	An overwhelming display of redundancy! impossible asking to be recast in a few days.						
Source:	76 J, p 153						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

23

Episode I.D.:	104	N.B.					
Daughter of:	95						
Mother of:							
Encroachee:	GORE						WS-BS
Encroacher:	BUSH						WS-BS
Description:	Bush files wide-spread, unanticipated broad response to Gore's petition to Judge Seals.						
Result:	Gore from anti-rep. to Bush points - instead of purpose to Supreme Ct						
Source:	36 J, p 121 - or instead of counting ballots.						
Pattern:	C1 = Y	C2 = Y	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

27

Episode I.D.:	105	N.B.					
Daughter of:	89, 87	Sib of 106, 107					
Mother of:							
Encroacher:	Fla. Supreme Ct.	WS-85					
Encroacher:	U.S. Supreme Ct.	WS-85					
Description:	Sends appeal by Bush (c 89.) back to Fla. Supreme Ct. in clarification - } memo by Gore.						
Result:	Clarification issued on 6-1 vote						360, 1 299
Source:	360 - 240						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

A

27

Episode I.D.:	106	N.B.					
Daughter of:	89	Sib = 105, 107					
Mother of:							
Encroacher:	Bush	WS-85					
Encroacher:	U.S. Supreme Ct.	WS-85					
Description:	Sends Bush appeal to Fla. in clarification						
Result:	Clarification issued on 6-1 vote						360, 1 299
Source:	360 - 240						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

A

27

Episode I.D.:	107	N.B.					
Daughter of:	87, 87	Sib = 105, 106					
Mother of:							
Encroacher:	Gore	WS-85					
Encroacher:	U.S. Supreme Ct.	WS-85					
Description:	Sends Bush appeal to Fla. in clarification						
Result:	Clarification issued on 5-1 vote						360, 290
Source:	360 - 240						
Pattern:	C1 = 1	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

A



28

Episode I.D.:	108	N.B.
Daughter of:	23	U.S. Ct. of Appeals. Atlanta
Mother of:		
Encroachee:	Fla. Elect Commission Bd	WS-BS
Encroacher:	BUSH	WS-BS
Description:	Asks US Ct of Appeals to throw out unamly re-counted ballots! Overturn Judge middlebrook's (US Dist Ct - Miami) decision that this is a state issue - not a Fed issue.	
Result:	Appeal Denied - 36 D. P. 255	
Source:	36 D - 247	
Pattern:	C1 = Y C2 = Y C3 = Y C4 = Y C5 = N C6 = 2 C7 = 4	B

29

Episode I.D.:	109	N.B.
Daughter of:	74	Sib = 110
Mother of:		
Encroachee:	GORE	WS-BS
Encroacher:	Florida Legislature	WS-BS
Description:	Fla. legislature decides to hold a special session to appoint a slate of electors. Republicans have a large majority and will appoint GWB electors	
Result:	Gore must battle this issue as well as re-count.	
Source:	36 D p. 249	
Pattern:	C1 = Y C2 = N C3 = Y C4 = Y C5 = Y C6 = 4 C7 = 3	G

29

Episode I.D.:	110	N.B.
Daughter of:	74	Sib = 105
Mother of:		
Encroachee:	U.S. Supreme	WS-BS
Encroacher:	Florida Legislature	WS-BS
Description:	Fla. legislators vow to appoint a GWB slate of electors in a special session. The use of this power is not completely agreed - The U.S. Supreme did not want to hear this case.	
Result:	U.S. Supreme decide to hear the case	
Source:	Posner - p 158. / 36 D - 249	
Pattern:	C1 = Y C2 = Y C3 = Y C4 = Y C5 = Y C6 = 4 C7 = 3	A

37

30

Episode I.D.:	111	N.B.					
Daughter of:	95	Fla. Supreme					
Mother of:	113	Sis. 102					
Encroachee:	Bush						WS-85
Encroacher:	Gore						WS-85
Description:	Gore asks Fla Supreme Ct. to overrule Saults and order manual recounts.						
Result:	Supreme order invalid recall. 36 D, p 264						
Source:	36 D, p 256						
Pattern:	C1 = Y	C2 = N	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

G

31

Episode I.D.:	112	N.B.					
Daughter of:	111	U.S. Supreme					
Mother of:							
Encroachee:	GORE						WS-85
Encroacher:	BUSH						WS-85
Description:	Saults asks to stay the recall order - Delay the recall until a hearing with US Sup.						
Result:	Hick Ct. stopped the recall order & Fla. Sup. Ct. ...						
Source:	36 D, p 265						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

A

31

Episode I.D.:	113	N.B.					
Daughter of:	111						
Mother of:							
Encroachee:	4 Saults	Lewis					WS-85
Encroacher:	Fla Sup	Saults					WS-85
Description:	<p>a) Fla. Sup. Ct. ordered manual recounts to common standard to be set by lower Ct. (Saults)</p> <p>b) Saults requests himself - Case given to Judge Lewis to determine</p>						
Result:	Saults to review how to count - 94% - encroacher on Lewis						
Source:	33 D, p 267						
Pattern:	a) C1 = Y	C2 = N	C3 = N	C4 = Y	C5 = Y	C6 = 4	C7 = 3

J

b) Y N N Y Y 4 3 J

38

54

Episode I.D.:	114	N.B.					
Daughter of:	111	U S Sup.					
Mother of:		Sib of 112					
Encroacher:	GORE						WS BS
Encroacher:	BUSH						WS BS
Description:	Bush appeals to U. S. Supreme Ct to stay Fla Sup. Ct. order for recant - stay of Fla order issued in 112. S-4 Decision for BUSH.						
Result:	No more recants in Florida: BGD - p 304						
Source:	360, p 259						
Pattern:	C1 = Y	C2 = Y	C3 = Y	C4 = Y	C5 = Y	C6 = 4	C7 = 3

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Episode I.D.:		N.B.					
Daughter of:							
Mother of:							
Encroacher:							WS - BS
Encroacher:							WS - BS
Description:							
Result:							
Source:							
Pattern:	C1 =	C2 =	C3 =	C4 =	C5 =	C6 =	C7 =

Episode I.D.:		N.B.					
Daughter of:							
Mother of:							
Encroacher:							WS - BS
Encroacher:							WS - BS
Description:							
Result:							
Source:							
Pattern:	C1 =	C2 =	C3 =	C4 =	C5 =	C6 =	C7 =

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**E-mail from David Marker to Debbie Allen, Volusia County, Florida**

>>> "David Marker" <david.marker@sunflower.com> 02/21/02 12:28PM >>>

Dear Ms. Allen,

I am a doctoral candidate in business studying organizational change. In my dissertation, I review the 2000 Florida election process as an example of how actions by one party affect another. I believe that these actions - sometimes small, sometimes enormous - produce organizational change.

For my data, I am reading the account of the election by the correspondents of "The New York Times", 36 Days. In this book, you are mentioned as having been stopped in your car, had your car searched, returned to the election office where two black bags were searched. They stated that they did not find anything "inappropriate" in your bags. I cannot find you or this incident mentioned again.

Because of my belief that actions by one leads to actions by another, I am interested in knowing how this issue actually resolved. Did anything else ever happen?

I realize this question may seem odd to you - and I apologize if I seem to pry in your personal matters. I assure you I have only an academic interest in knowing what occurred as a result of this event. Should you be interested, my University of Kansas website is:  
[http://www.business.ku.edu/pages/generated/page\\_411.html](http://www.business.ku.edu/pages/generated/page_411.html) .

Thank you for your consideration,

I hope to hear from you soon,

David Marker

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