From the Desk of
Robert G. Kaley, II

June 28, 1996

XCC: **T. M. Bistline - E2NP**
K. S. Cahill - C2SB
A. G. Faust/J. S. Hanson - 1060
M. R. Foresman - F2EA
D. B. Herndon - B2NG
J. P. Hyland - F2EB
M. E. Kelly/D. M. Moore, II
W. B. Lightfoot/A. K. Peck/W. S. Cox
J. S. Mayausky/R. T. Jones - 1060
M. A. Pierle - A3NA

Grover's on line at www.tsulaw.edu/environ/environ.htm.

It seems to be a brand new (May) page. See tabs for specific references to Anniston.

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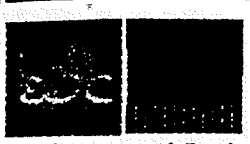

Environmental Justice Clinic
Thurgood Marshall School of Law
WELCOME

"The Supreme Reality of Our Time is .. the Vulnerability of our Planet." –John F. Kennedy

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The Thurgood Marshall School of Law, Environmental Justice Clinic is a public interest, environmental project founded in 1994 to lend the expertise and commitment of the Civil Rights and Environmental Movement to disenfranchised minority and low-income communities in Texas and neighboring states throughout the South, burdened by various environmental abuses.

The Clinic's Project Director, Staff Attorney, and participating law students provide a full range of environmental legal services, including but not limited to: research, drafting legal documents (briefs, complaints, and/or responses) and legal representation at state or federal administrative hearings and in state and/or federal court.

The Environmental Justice Clinic is committed to the idea that quality clinical education and dedicated community services to the underrepresented in our society must work together, whenever feasible, to advance the concept of equal justice under the law. The Clinic endeavors to assist minority community groups in identifying and addressing severe environmental problems within their local municipal areas.

To achieve its goals, the Clinic networks with other public interest activist groups and research facilities in an effort to expand potential resources in addressing client "problems." In this manner, clinic participants utilize legal, social, and/or medical data--a multidisciplinarian approach--to render aid to minority and low-income communities.

Brief History of the Environmental Justice Movement

Introduction to the Environmental Justice Clinic's Legal Staff

Communities represented/assisted by the Clinic

Additional Environmental Resources

"Letters From the Frontline"–Newsletter of the Environmental Justice Clinic

Environmental Justice Clinic Guestbook



Acknowledgments

This page would not have been possible without the "technical" assistance of the following: Gini Schmitz and the folks at the Software Lab; the one and only MacDaddy for his wonderful backgrounds and textures; and Eric Barnes of "Eric's Hot Icons." Additionally, a special shout-out to the unflappable Carol at Carol's Clip Art Collection and the folks at the Clip Art Collection.



Page Design and website maintenance by WWW aficionado (read, "addict"), Martina E. Cartwright. Please send any questions, comments or queries regarding this page or the Environmental Justice Clinic to Da' Webmaster.

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BRIEF HISTORY OF THE ENVIRONMENTAL JUSTICE MOVEMENT

Environmental Justice is a movement comprising Civil Rights activists and environmentalists working to ensure the rights of low-income and minority communities to clean and healthy environments. Movements, often comprised of an aggregate of issues and events, are usually defined in singular moments--catalysts for momentum towards comprehensive, cohesive action and response. The catalyst for the Environmental Justice/Equity Movement had its beginnings in a small, predominately African-American community in the South. And while there had always been an awareness of the disproportionate burden borne by minorities and low-income communities, events did not give rise to a "movement" until 1982 in Warren County, North Carolina.

In the early eighties, the State of North Carolina decided to build a toxic waste landfill in an overwhelmingly low-income and minority community in Warren County. This landfill was slated for PCB-contaminated soil removed from fourteen counties throughout the State. Civil rights and environmental activists collaborated to stage numerous demonstrations, which resulted in the arrest of more than 500 people, including Dr. Benjamin F. Chavis, Jr.--then Executive Director of the United Church of Christ Commission for Racial Justice (and formerly the Executive Director of the National Association for the Advancement of Colored People), Dr. Joseph Lowery of the Southern Christian Leadership Conference, and Congressman Walter Fauntroy (D- DC).

Warren County became a rallying point for those eager to see national attention focused on the inequities clearly present in the siting of unwanted land uses. At the behest of Congressman Walter Fauntroy, the U.S. General Accounting Office (GAO) conducted a study of the states comprising Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee) "to determine the correlation between the location of hazardous waste landfills and the racial and economic status of the surrounding communities." The study's conclusions, while not surprising, were disheartening. The report found that three out of every four landfills, in the EPA's Region IV, were located near predominately minority communties.

In 1987, a milestone Commission on Racial Justice report showed that the most significant factor in determining the siting of hazardous waste facilities, nationwide, was race. The CRJ study found that three out every five African-Americans or Hispanics live in a community buttressing unregulated toxic waste sites. Additionally, the study noted that African-Americans were heavily overrepresented in the populations of metropolitan areas with the greatest number of uncontrolled toxic waste sites.

Other studies support the premise of race as a significant factor in the siting of unwanted land uses; however, economic considerations also play a role in the decision to site in predominately minority communites. Oftentimes, poor communities are intentionally chosen to host undesirable land uses simply because there is no expectation of resistance from community residents and/or leaders.

Following closely on the heels of C.R.J. Report, the National Law Journal conducted a study of its own and found that the Environmental Protection Agency (EPA) took 20% longer to place abandoned sites in minority communities on the national priority action list and that polluters of those neighborhoods paid fines 54% lower than polluters of white communities.

Grassroots activists and community leaders have utilized the data developed by environmental equity

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theorists, advocates, and sociologists to confront corporate entities and inert and oftentimes ineffectual state and federal agencies over unwanted sitings. With the advent of a new administration, advocates have begun noting changes in the law, as well as the overall reception given by government officials. On February 11, 1994, President Clinton signed Executive Order 12898. This "Order" directs each federal agency to develop an Environmental Justice strategy for "identifying and addressing... disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Monies were allocated to federal agenices and state governments to assist communities in developing strategies to local environmental problems.

The advent of rising voter apathy, divisional politics, a Republican Congress, and the Contract ON America, has resulted in stemming the tide of change in American Environmental Policies. Nonetheless, grassroots organizers and local community activists have not been stymied by these recent developments. Throughout 1995 and 1996, community leaders, national advocacy groups and environmentalists across the nation worked to prevent Republicans from gutting existing environmental laws and policies. Indeed, the very nation responded with a resounding "NO" when offered the Republicans' so-called regulatory reform package--an unpalatable range of bills designed to decimate the very safeguards which afford every American clean water and clean air. If the state of affairs--as regards the environment--was bad for most minorities residing in low-income communities, it could--and would--only worsen with passage of the "regulatory reforms" proposed by Republicans.

As is often the case, ALL must be vigilant in protecting the very basic right to a clean and healthy environment. We--as individuals--cannot rely on others to protect or secure our rights. The means by which to ensure the continuation of environmental protections across the land is to VOTE. This election year we encourage EVERY American who cares about protecting their communities and their environment to VOTE.

SEE:

U.S. General Accounting Office, Report, Siting of Hazardous Waste Landfills and Their Correlation With Racial and Economic Status of Surrounding Communities, GAO/RCED-83-168, B-211461 (June 1, 1983).

Jay M. Gould, Quality of Life in American Neighborhoods, Levels of Affluence, Toxic Waste, and Cancer Mortality in Residential Zip Code Areas (1986)

United Church of Christ, Commission for Racial Justice, Toxic Wastes and Race in the United States: A National Report on the Racial and Socioeconomic Characteristics of Communities with Hazardous Waste Sites (1987).

Robert D. Bullard, Dumping in Dixie: Race, Class, and Environmental Quality (1990)

Benjamin A. Goldman, The Truth about Where You Live: An Atlas for Action on Toxins and Mortality (1991).

The National Law Journal, Special Issue: Unequal Protection: The Racial Divide in Environmental Law, Sept. 21, 1992

Race and the Incidence of Environmental Hazards: A Time for Discourse (Bunyan Bryant & Paul Mohai eds. 1992).

Rae Zimmerman, Social Equity and Environmental Risk, 13 Risk Anal. 649 (1993)

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Confronting Environmental Racism: Voices from the Grassroots (Robert D. Bullard ed. 1993)

Unequal Protection: Environmental Justice and Communities of Color (Robert D. Bullard ed. 1994)



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INTRODUCTION TO THE ENVIRONMENTAL JUSTICE CLINIC STAFF

The purpose of the Environmental Justice Clinic is to offer students the opportunity to examine legal issues involving contaminated and/or exposed populations. The Clinic works to empower underserved community groups identify and address severe environmental problems and social issues in their local municipal areas.

The Environmental Justice Clinic is operated by the Project Director, the staff attorney and third-year legal interns. Interns in the Clinic maintain the same attorney/client confidentiality and conduct themselves as attorneys. All legal representation is monitored by the staff attorney and the Project Director and no action is taken unless approved by the Project Director.

- Project Director
- Staff Attorney
- Administrative Assistant
- Images of the Clinic at Work

Quote of the Week: "Nothing great in the world has been accomplished without passion"—G.W.F. Hegel, *"Philosophy of History"*


Watch where you walk!!! This page is still under construction!!!


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Biography of the Project Director

Grover Glenn Hankins, Esq.

Career Profile

Grover Glenn Hankins' legal career spans more than twenty years, during which he practiced general civil law and criminal prosecution. He has participated in the training and education of attorneys and law students. He has initiated, motivated, and directed legal affairs and legislative activities. He has lectured extensively on the issue of environmental justice and civil rights. And he is well recognized throughout the legal, judicial, and legislative communities as an individual committed to justice. Professor Hankins is licensed in more than four jurisdictions, nine Federal Courts of Appeals, and the United States Supreme Court.

PROFESSIONAL EXPERIENCE

TitleFirm/Institution/AgencyDatesProfessorThurgood Marshall School of Law
Texas Southern University
Houston, TX June 1993 to PRESENTProject DirectorEnvironmental Justice Clinic
Thurgood Marshall School of Law
Texas Southern University
Houston, TX August 1994 to PRESENTDistinguished Visiting ProfessorThurgood Marshall School of Law
Texas Southern University
Houston, TX August 1992 to May 1993Deputy General CounselOffice of the General Counsel
U.S. Dep't of Health & Human Services
Washington, D.C. May 1989 to August 1992Adjunct ProfessorUniversity of Maryland
School of Law
Baltimore, MD Spring 1989, 1990General CounselNAACP
Baltimore, MDJune 1985 to April 1989Trial Attorney and PartnerNorth, Watson, Bryant and Hankins
Kansas City, MissouriOctober 1982 to May 1985Trial AttorneyCriminal Division
U.S. Department of Justice
Kansas City, Missouri June 1977 to April 1982Trial AttorneyCivil Rights Division
U.S. Department of Justice
Washington, D.C. August 1972 to March 1977

EDUCATION

DegreeInstitutionDatesJuris DoctorateUniversity of Illinois College of Law, Urbana-Champaign
Champaign, IL. June 1972Bachelor of Arts, BiologyAugustana College
Rock Island, IL. June 1962

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BIOGRAPHY OF THE STAFF ATTORNEY

MARTINA E. CARTWRIGHT, ESQ.

PROFESSIONAL AND EDUCATIONAL PROFILE



Martina E. Cartwright serves as the Staff Attorney for the Thurgood Marshall School of Law's Environmental Justice Clinic. In that capacity, Ms. Cartwright supervises law students in the Environmental Justice Clinic, drafts and file legal motions and pleadings in federal and state court and oversees the community/client intake process. Additionally, Ms. Cartwright assists the Project Director in developing legal strategies for cases filed and/or pending.

Ms. Cartwright received her Juris Doctorate degree from the American Univeristy, Washington College of Law where she pursued a concentration in International and Environmental Law. She received her Bachelors of Arts degree in History from the University of Baltimore, Yale Gordon College of Liberal Arts where she was actively involved with student government and the Model United Nations Club. While at the American University, Ms. Cartwright spent two summers working as a Dean's Fellow, researching Minority Protections under applicable International Treaties as well as societal biases affecting the emerging Reasonable Woman standard. In 1992, Ms. Cartwright had an opportunity to travel to South Florida and work with a local non-profit agency processing political asylum claims for Haitian refugees.

During the 1992-93 term, Ms. Cartwright served as Chairwoman of the Washington College of Law Black Law Student's Association. And at the University of Baltimore, Ms. Cartwright served as a student senator and Chairperson of the University of Baltimore's Rules Committee.

Ms. Cartwright's honors include: member of Blue Key Honorary Society; member of the History Honor Society, Phi Alpha Theta; and Best Delegate at two Harvard National Model United Nation Competitions.

Ms. Cartwright is licensed to practice law in the State of Texas.

On a cooler note....

- "De' Bahama Mama" Connection--Straight to the Islands for this true-true Bahamian Woman. Enjoy a visit to the Bahamas On-Line World Wide Web page.
- Keeping a finger on the pulse of the "Community"--Check out The Universal Black Pages, one of the better links to information on the Web regarding African-Americans.
- 1001 Recipes for the Kitchen Denizen--Enjoy a variety of different dishes, courtesy of the Internet citizenry.
- A True-True Bahamian Family Page (my own!!).

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For the intinerant world traveller--A series of language help-mates to assist you "sprechen de deutsch."

For the world traveller with an active imagination--Information regarding slang and idiom usage.


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BIOGRAPHY OF THE CLINIC'S ADMINISTRATIVE ASSISTANT



DWAN A. JACOBS

PROFESSIONAL AND EDUCATIONAL PROFILE

Dwan A. Jacobs serves as the Administrative Assistant for the Thurgood Marshall School of Law's Environmental Justice Clinic. In this capacity, she has prepared proposals to receive funding from the University and funding from governmnetal agencies. Additionally, she has planned, coordinated, and directed business management functions, including but not limited to: grant management, billings, and budget preparation and control.

Ms. Jacobs received her Legal Assistant certificate from Southwestern Paralegal Institute, an ABA-approved school. Upon completion of her coursework, she passed the national certification exam for legal assistants, sponsored by the National Association of Legal Assistants, which allows her to use the title Certified Legal Assistant (CLA). Ms. Jacobs is a graduate of the University of Houston, School of Business, where she received the Bachelors of Business Administration degree in Finance. While at the University of Houston, Ms. Jacobs was active in the Black Student Union and the National Association of Black Accountants.

Aside from her strenuous work schedule at the Environmental Justice Clinic, Ms. Jacobs is an active participant in both local and national advocacy organizations. She is a member of the Houston Chapter of the National Coalition of 100 Black Women, Treasurer for the University of Houston--Black Alumni Association and a volunteer in the Internal Revenue Service' Volunteer Income Tax Assistance Program. Most recently, Ms. Jacobs was presented the Outstanding Young Black Alumnus Award for the 1996-7 term.

On a warmer note....

Cool sands, warm waters call me towards Jamaica--Visit this site and see why I am a little darker today.

Closer ties to my roots through the wonderful medium of ART--Feel the "flow" from this exhibit shown at the University of Virginia.

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Communities Assisted/Represented by the Clinic

The Environmental Justice Clinic currently represents and/or assists fifteen (15) to twenty-five (25) communities within the states of Texas, Alabama, Arkansas, and South Carolina. The Clinic has also provided assistance to a number of community organizations in the Southeastern United States. The following compilation of communities are those available for Clinic participants to actively engage in research and drafting tasks related to environmental issues/inequities within the communities borders'.

LOCALE: Athens, TX
*CLIENTS:*Individual families
Synopsis:

LOCALE: Barrett Station, TX
*CLIENTS:*Individual families
Synopsis: Residents of this tiny community seek redress for individuals excluded from previous suits against industrial corporate entities responsible for widespread pollution within the subdivision's borders. A health survey/assessment has been planned for the 800 or more residents who did not recover compensation for their exposure to released (air, water, ground) contaminants.

LOCALE: Beaumont
CLIENTS: P.A.C.E.; Reverend R. Malveuax, Minister
Synopsis:A few months ago, a fire burned unchecked at the local CITGO refinery. Community leaders and members are attempting to challenge the refinery's permit. Additionally, concerns have been raised about the possible origin of health problems in the predominately African-American community buttressing a nearby refinery.

LOCALE: Brenham
CLIENTS: Individual families
Synopsis:Minorities residing in an unincorporated residential area have been forced to endure various unwanted land uses placed in the community. The area has been subjected to extraterritorial jurisdiction by the Brenham City council--with all the burdens and none of the benefits.

LOCALE: Brushy Creek/College Station
CLIENTS: Residents Opposing Pigs and Livestock
Synopsis: Originally, Texas A&M University sought to relocate hundreds of heads of swine from its Swine Center to its Animal Science Teaching and Research Center facility, located in nearby Brushy Creek. Brushy Creek, a predominately African-American neighborhood, is home to hundreds of Texas A&M employees. Residents of the town/unincorporated village range from distinguished tenured university professors (mostly non-minority) to individuals employed in the service and custodial field(s) (mostly African-American).

The University now seeks to site the swine elsewhere, but is desirous of further developing the facility--which currently sits on alluvial soil, several feet above groundwater, and adding several hundred heads of cattle, sheep and goats. The Community is concerned, not only with possible groundwater contamination, but with the effect that odors from the Center will have on nearby residents--in particular those residents who do not have air conditioning and generally dry their laundry on clothes lines.

An injunction was filed against the school on August 15, 1995. Mediation was ordered for the Community and the University. A settlement has been tentatively reached between the University and the Community residents.

LOCALE: Bryan

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CLIENTS: Individual Family
Synopsis: In 1994, a class action suit was filed on behalf of the Bryan community for widespread environmental contamination caused by Elf Atochem--a manufacturer of pesticides and herbicides. The class was re-certified as a mandatory, non-opt class (part of a tentative settlement agreement between class counsel and the Defendants)--prevented families and/or individuals with claims not covered by the personal and/or property injury cap(s) to recover fully. Further, the mandatory, non-opt class settlement prevents individuals with claims not yet ripe from bringing their claims after the seven year pay-out term--if illness develops.

LOCALE: Channelview
CLIENTS: LaNell Anderson
Synopsis:The Channelview community borders the industrial-rich Ship Channel area of Houston.

LOCALE: Corpus Christi
CLIENTS: P.A.C.E.; Bill Green
Synopsis: Emissions from "Refinery Row"--a nearly twelve mile long district containing various refineries, smelters, storage tanks, a sewage plant and other undesirable land uses--has caused widespread health-related problems in the nearby predominately minority and low-income neighborhoods. In November 1994, a Title VI administrative complaint, charging the City of Corpus Christi and the TNRCC with discrimination, was filed with the EPA. Almost two years after the initial filing, the EPA has agreed to investigate the claims and determine if the charges of "environmental racism" can be sustained. Visit this site to read more about Corpus Christi's "Refinery Row."

LOCALE: Ferris
CLIENTS: Individual families
Synopsis: A fairly well documented case! Predominately minority residents in Ferris, Texas "Flats" community have been forced to endure the creation--and further expansion of a massive landfill within the community's borders. Nearby residents--not subject to threats, intimidation or buy-outs--are at the mercy of widespread vector infestation, odiferous smells, the unsightly mountains of garbage, and lechate (run-off) from the site.

LOCALE: Kerrville
CLIENTS: Community organization; local churches
Synopsis: Kerrville is a modest-sized minority community that is suffering from cancer, lupus, and a variety of auto-immune problems. There is no idea as to the origin of the contamination. However, there are a number of unwanted uses which potentially affect the community, including: high voltage wires, a closed landfill, and oil storage tanks located above the community. Additionally, there is some concern regarding possible contamination of City water supply.

LOCALE: Kilgore
CLIENTS: Individual families
Synopsis:

LOCALE: Lubbock
CLIENTS: Jackson/Mahon Neighborhood Association
Synopsis: A predominately Hispanic community has tried, unsuccessfully, to fight the permitting of a manufacturing plant less than 3000 feet from a local elementary school. Health concerns raised include: increased respiratory problems and impaired lung function due to elevated levels of particulate matter pollution expected to be emitted from the plant. A Title VI administrative claim has been filed with the EPA. The Community is concerned about "discriminatory" zoning by the City in the creation of an industrial park and the siting of undesirable land uses close to predominately minority communities.

LOCALE: Odessa
CLIENTS: N.A.A.C.P.; Individual families

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Synopsis:

LOCALE: Pleasantville
CLIENTS: Pleasantville Civic Association; Individuals
Synopsis:Fire at local warehouse, sited near a predominately African-American community, forced residents to endure days of smoke, soot, and strong toxic smells. Community is currently engaged in litigating numerous claims against the owners of the distribution center and others.

LOCALE: Port Arthur's Westside
CLIENTS: MODEL (Mentors Outlining Definitives for Earthly Living)
Synopsis: The predominately African-American community of Port Arthur, Texas has been inundated with toxic contamination from the old Port Drum facility. The facility, once a thriving oil drum washing business, is now a rusted, dirty abandoned site exposing nearby residents to countless hazardous compounds and elements. The site itself was one "opened" to the general public--gaping holes in the fence surrounding the acreage "allowed" animals and small children access to the polluted land. Presently, the Community seeks some form of monitoring and/or compensation for their existing and/or developing medical maladies.

LOCALE: Rosenburg--"Colonias"
CLIENTS: Individual families
Synopsis:

LOCALE: Temple
CLIENT: Individual families
Synopsis: A community of color built during the 1950's to house African-American military personnel because the City of Killeen did not want them to live there. One of the young residents conducted a self-styled study and found that a disproportionate number of people in her neighborhood have died of cancer. The community is believed to have been built atop a hazardous waste landfill.

LOCALE: Winona
CLIENT: MOSES (Mothers Organized to Stop Environmental Sins)
Synopsis: Winona is a community presently in the throes of challenging a deep well injection company (formerly known as Gibraltar) named American Ecology. This company reconstitutes fuels and injects hazardous waste received from a variety of corporations several miles into the earth.

The company has committed numerous emissions violations during transportation of hazardous waste from a rail spur to the facility and during the fuel blending process. Additionally, it is believed by some experts that the injection process is affecting the aquifer beneath the town.

Several challenges are being made. One deals with violations of environmental laws. Another challenge is being mounted by attorneys who are seeking redress for citizens in the area suffering from the affects of exposure to toxins emitted from the facility. The latter challenge is based on a toxic tort theory.

A number of other claims need to be addressed including the desecration of a slave cemetery by the company a number of years ago. The ignoring of archaeological discoveries by the state Department of Archaeology and the disparate treatment of the citizens of color by the TNRCC.

ALABAMA

LOCALE: Anniston

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CLIENT: Individual families
Synopsis: Monsanto, a manufacturer of PCB's and other toxic and hazardous chemicals, improperly disposed of various by-products from its manufacturing processes in local landfills and on-site facilities. These chemicals have leached from the sites into local riverways and lakes. Additional toxic and hazardous chemicals were emitted into the air, settling on the property of numerous families residing in the Anniston community of Sweet Valley/Cobbtown.

A study conducted by the Alabama Department of Health found extremely high levels of PCB's in residents' blood. Further, soil samples taken by the Alabama Department of Environmental Management also revealed elevated levels of PCB's.

A class action suit has been filed on behalf of local residents.

ARKANSAS

LOCALE: Warren
CLIENTS: Individual Family
Synopsis:Family subjected to various "midnight dumping" and trafficking of hazardous waste across their property.

GEORGIA

LOCALE: Brunswick
CLIENTS: S.O.C. (Southern Organizing Committee)
Synopsis:

LOUISIANA

LOCALE: Sulphur
CLIENTS: Individual families
Synopsis:

SOUTH CAROLINA

LOCALE: Sandy Islands
CLIENTS: Individual family
Synopsis:Realtors, seeking to develop the local islands, are attempting to displace various families residing on the Islands.


Watch where you walk!!! This page is still under construction!!!


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LETTERS FROM THE FRONTLINE

"Official Newsletter of the Environmental Justice Clinic"

MAY/JUNE 1996



MESSAGE FROM THE PROJECT DIRECTOR

People of Color and impoverished communities are attempting to address the disproportionate amount of risk inflicted by nearby industrial, hazardous waste, and other noxious facilities. The Environmental Justice movement is directly confronting environmental inequities experienced by any population deemed politically powerless, whether its composition is based on race, gender, age or socioeconomic status. The quest for Environmental Justice requires us, as activists, to focus our attacks on those gaps in the environmental regulatory framework which leave certain populations vulnerable to inordinate levels of risk. These "glitches" may be found at any or all levels of government, whether state, local, and/or federal. Additionally, the implementation of regulatory program such as enforcement and remediation efforts, must be scrutinized for uniformity of action. At times these efforts require us to question the laws and regulations themselves.

The Thurgood Marshall School of Law (TMSL) commenced operation of its Environmental Justice Clinic two years ago. We began by assisting environmentally at-risk communities in their efforts to achieve equity. Members of the clinic have represented affected communities before state agencies, protesting permit modification and enhancement in several states. Clinicians have also assisted impacted communities prepare and file administrative complaints, pursuant to Title VI of the Civil Rights Act of 1964 and Title VIII of the Equal Housing Act of 1968, with the U.S. Environmental Protection Agency and other pertinent federal departments.

COLLABORATIVE EFFORTS WITHIN THE INSTITUTION

The Clinic has joined with other departments on the Texas Southern University campus to analyze the magnitude of contamination in client' communities. The School of Environmental Health Science has conducted health surveys in Port Arthur, Texas--a community contaminated with PCBs and ambient toxins. The School of Technology has collected and analyzed soil samples for contamination in Kilgore and Port Arthur. The Department of Chemistry has assisted greatly in analyzing water samples from "colonnias" communities to determine possible water contamination. The Clinic has been fortunate to have the asssitance of Chander Mehta, a professor at the School of Pharmacy and a board certified toxicologist, who has worked closely with Clinicians in educating various community residents and leaders on the dangers of specific toxins.

COLLABORATIVE EFFORTS--OTHER ORGANIZATIONS AND INSTITUTIONS

The Clinic has also worked with other institutions and organizations in an effort to educate and analyze the problems of client' communities. Dr. Marvin Legator, a noted environmental toxicologist and professor at University of Texas Medical Branch, Galveston has trained students from the Texas Southern University, School of Environmental Health Sciences in the methods for performing health surveys. Students of Dr. Legator's have worked with third year students from the Environmental Justice Clinic in investigating the health problems of several communities. Dr. Neil Carmen and Leslie Fields of the Sierra Club, Lone Star Chapter have assisted our Clinicians in educating client communities on their rights and the potential for organizing at the grassroot level.

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LEGAL ACTION ON THE PART OF THE CLINIC

When the occasion warrants judicial intervention, our student advocates have prepared appropriate pleadings and legal documents under the close supervision of myself and the staff attorney. Oftentimes, legal actions have been initiated seeking injunctive relief.

Residents Opposing Pigs and Livestocks vs. TAMU

The first such case involved a community of color located on the banks of the Brazos River by Texas A&M University challenging the placement of an Animal Science Teaching and Research Facility. The facility was sited across the highway and upwind from the community. Scientific reports conducted by TAMU and the Texas Natural Resource Conservation Commission clearly noed that placement of this facility on porous soil and in close proximity to the community posed a threat to the water supply of many resident well owners. TAMU sited its facility at this location despite there being other sites with denser populations and better soil conditions. Moreover, the site challenged by the community was already surrounded by a cavernous sand mining operation and a hazardous waste deep well injection facility. Relief was sought pursuant to Title VI, Title VIII, 42 U.S.C. 1983, unconstitutional taking based on the 5th Amendment of the US Constitution, several common law torts, the Texas Constitution's Public Trust Doctrine, and Federal Environment violations. The case settled on the eve of trial.

Other cases are being prepared on behalf of affected communities and will be filed in the coming months.

COLLABORATIVE EFFORTS WITH SOUTHERN ORGANIZING COMMITTEE

We have been assisting the Southern Organizing Committee, a grassroots organization in helping communities of color seek justice. Presently, we are assisting a community--oganized and educated by S.O.C.-- address the high levels of PCBs and other contaminants in their homes and bodies. We have worked with the community in retaining counsel, ready and able to litigate the matter. Analysis conducted by the Alabama Department of Environmental Management found extremely high levels of PCBs in the yards of the residents in dust samples taken from inside their homes, and in their blood. Because of the contamination of the community, relocation has been our primary focus.

I have has visited Sulphur, Louisiana with the Executive Director of Southern Organizing Committee, Ms. Connie Tucker, to investigate a contaminated community. We are in the process of getting the soil tested and finding experts to conduct physiological and hydrologic tests.

"SummahTiiiime" at the CLINIC

Martina E. Cartwright

Currently, the Clinic is operating without students--as is often the case during the summer months. However, the Project Director and the Staff Attorney will continue, albeit slowly, to develop strategies as the months progress. This summer, the Clinic will employ two law clerks to conduct most of the intake interviews and research and investigations. We look forward to our new additions and hope that their experiences this summer will encourage them to consider careers in Environmental Justice.

Project Director nominated for TPLJ Award

Project Director, Grover Hankins, was recently nominated for the Trial Lawyers for Public Justice 1996 Trial Lawyer of the Year Award. Each year, the award is presented to the attorney or attorneys who have made the most outstanding contribution to the public interest through precedent-setting litigation. Professor Hankins was nominated for his work on the Residents Opposing Pigs and Livestock (ROPL) vs. Texas A&M University case. In that

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instance, Professor Hankins utilized various civil rights and environmental laws to prevent the siting of a swine center at the Texas A&M Animal Science Teaching and Research Extension facility. Professor Hankins was successful in negotiating to a tentative settlement, which included: $600,000 for the residents, a substantial reduction in the number of animals on site, and a voluntary adherence to environmental laws regulating concentrated animal feedlots.

We wish Professor Hankins the best.

SPECIAL ARTICLE: Please Oppose Texas Radioacttive Waste Dump Compact

By Page Williams

PLEASE OPPOSE TEXAS RADIOACTIVE WASTE DUMP COMPACT

The Compact bill, HR 558, would allow radioactive waste from Vermont and Maine, and ultimately other states, to be brought to Texas for disposal. It failed in the US House last year, thanks to impassioned pleas from Reps. Bonilla, Bryant, Coleman and Doggett, and is up again for vote VERY SOON. Ken Bentsen voted FOR it last year, but calls to him might be especially effective to ask for a NO vote. WHOEVER YOUR CONGRESSPERSON IS, CALL NOW TO SAY YOU DON'T WANT OUT-OF-STATE RADWASTE TRUCKED INTO, AND ACROSS, TEXAS!

If HR 558 fails again, it will make it more expensive for the TNRCC to open a radioactive waste treatment and disposal facility in Sierra Blanca, a small Hudspeth County town between Big Bend and El Paso, with radwaste buried in unlined trenches, in 10-inch thick concrete cannisters projected to last 500 years, 1 6 miles from the Rio Grande, in the Alpine earthquake zone. This proposed facility is opposed by the majority of Sierra Blanca residents, the City Council of El Paso (they voted $10,000 for legal aid to oppose it!), the mayors of Del Rio and Ciudad Acuna (they blocked the international bridge on Earth Day to oppose it!), and others. Houston Audubon Society and the Audubon Council of Texas have requested a public hearing from TNRCC as we are concerned about the threat to our highest conservation priority, the completion of the Lower Rio Grande Valley Wildlife Corridor, and we are concerned about Audubon's Sabal Palm Grove Sanctuary on the Rio Grande, home to endangered ocelot and jaguarundi. A facility in Sierra Blanca could threaten the entire Rio Grande aquifer, encourages the transport of nuclear waste across our state, violates the 1983 La Paz agreement with Mexico in which both countries agreed to "prevent, reduce and eliminate sources of pollution" in border areas, and violates the 1964 Civil Rights Act by placing a potentially dangerous facility in an unwilling community which is 67% Mexican American with an average per capita income of less than $8,000 annually.

Sierra Blanca has already had the Merco Sludge Dump, for NYC sewage, inflicted upon them. Even if HR 558 fails, the state of Texas wants to open a facility there for radwaste from Glen Rose and the South Texas Plant. PLEASE CALL GOV. BUSH AND YOUR TEXAS LEGISLATORS TO TELL THEM THAT THIS IS ENVIRONMENTAL RACISM AND AN UNFAIR LEGACY TO OUR DESCENDANTS.

Call Page Williams, (713)622-8533, for more information.


Watch where you walk!!! This page is still under construction!!!


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