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ARTICLE

WARREN COUNTY AND THE BIRTH OF A MOVEMENT: THE TROUBLED MARRIAGE BETWEEN ENVIRONMENTALISM AND CIVIL RIGHTS

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I. INTRODUCTION

David Brower, the late environmental activist and icon of the modern American environmental movement, stated in the premiere issue of *Race, Poverty & the Environment* in 1990,¹ “Toxics, pollution and pesticides especially affect poor people and people of color. We as environmentalists must build bridges to people affected by those hazards if our movement is to succeed.”² His statement was a breath of fresh air that came on the heels of letters sent several weeks earlier by environmental justice activists to a group of the major national environmental organizations, charging them with racism in their hiring

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¹ RACE, POVERTY & THE ENVIRONMENT is a journal published by Urban Habitat, a nonprofit environmental justice advocacy organization in Oakland, California. See <http://www.urbanhabitat.org>. (last visited Jun. 4, 2007).

² David Brower on the Need for New Coalitions, RACE, POVERTY & THE ENVIRONMENT, Apr. 1990, at 1, available at <http://urbanhabitat.org/files/1-1%20all.pdf>.

practices, among other things, and at its core calling into question their commitment to issues of environmental justice.³ The letter was a milestone in the environmental justice movement that finally caught the attention of the mainstream environmental movement in an especially public indictment they could no longer ignore.⁴

By contrast, civil rights organizations were already fully immersed in building the environmental justice movement by the early 1990s. Deohn Ferris, of the Lawyers Committee for Civil Rights, artfully articulated the disproportionate impact on people: “We’re all in the same sinking boat, only people of color are the closest to the hole.”⁵ Indeed, with everyone in the same boat, all hands from the environmental and civil rights communities needed to be on deck.

The protests at Warren County, North Carolina, in the early 1980s led to several critical, galvanizing events in the history of the environmental justice movement. This article suggests that the environmental justice movement — while often characterized as a marriage between the environmental and civil rights movements — has adopted key facets of both movements. The 1990 letter to the so-called “Big 10”⁶ marked an evolutionary point that has led the environmental justice movement to establish valuable alliances with some mainstream environmental groups. Additionally, the article suggests from a jurisprudential perspective that civil rights laws in that same period failed the environmental justice movement, thereby challenging the environmental justice movement’s ties to the civil rights movement.

This piece first discusses the environmental justice movement’s initial symbiotic relationship with the civil rights movement. It then touches on the history of the mainstream environmental movement, highlighting how racist and classist principles guided the early development of that movement. Finally, it considers how the environmental justice movement evolved in light of those relationships

³ Letter to Jay D. Hair from Pat Bryant, Amos Favorite Sr., Anne Braden, Sharon Lewis, Janice Dickerson, Dr. C.T. Vivian, Darryl Malek-Wiley, Rose Mary Smith, Rev. Avery C. Alexander, Richard Moore, Dr. Benjamin Chavis, Rev. Fred Shuttlesworth, Mildred Henderson, and Betty Ewing (Jan. 16, 1990) (on file with author); see also *The Letter That Shook a Movement*, 78 SIERRA MAGAZINE, May-June 1993, at 54.

⁴ The story was reported in the N.Y. TIMES. See Philip Shabecoff, *Environmental Groups Told They are Racists in Hiring*, N.Y. TIMES, Feb. 1, 1990, at A20.

⁵ MARK DOWIE, *LOSING GROUND: AMERICAN ENVIRONMENTALISM AT THE CLOSE OF THE TWENTIETH CENTURY*, 124 (MIT Press 1995).

⁶ The “Big 10” were the most vocal and powerful environmental groups at the time and included National Wildlife Federation, Sierra Club, Sierra Club Legal Defense Fund, National Audubon Society, Environmental Defense Fund, Environmental Policy Institute/Friends of the Earth, Izaak Walton League, The Wilderness Society, National Parks and Conservation Association, and the Natural Resources Defense Council.

to civil rights and the mainstream environmental movement and suggests how environmental justice might intersect with those movements in the future.

II. EARLY LINKAGES TO THE CIVIL RIGHTS MOVEMENT

The environmental justice movement has been inextricably tied to the civil rights movement since the day of protests at Warren County, which included high-profile civil rights leaders of the time, such as the United Church of Christ's Reverend Ben Chavis and the District of Columbia's Congressional Delegate Walter Fauntroy. The very term "environmental racism" brought into the fold people oppressed because of the color of their skin. Racial segregation, institutionalized racism, expulsive zoning,⁷ and residential apartheid⁸ set the stage for the events in Warren County in 1982. The General Accounting Office's⁹ groundbreaking 1983 report¹⁰ demonstrated that in the eight southeastern states, including North Carolina, that fall within the catchment area of the U.S. Environmental Protection Agency's Atlanta office (Region 4), three of four hazardous-waste landfills were in African-American communities and twenty-six percent of the population of all four communities were below the federal poverty index. The 1987 report, *Toxic Wastes and Race*¹¹ produced by the Commission for Racial Justice of the United Church of Christ documented a similar disproportionate impact nationally.

While these reports strengthened the resolve of environmental justice activists, they concurrently touched off a wave of criticism by lawyers who asked: which came first, the community or the noxious land use? Professor Vicki Been, for example, suggested that market forces

⁷ Expulsive zoning is "the practice of superimposing incompatible zoning on communities of color [T]he net effect of the practice is a piecemeal replacement of residents with the superimposed uses and their owners." Jon C. Dubin, *From Junkyards to Gentrification: Explicating a Right to Protective Zoning in Low-Income Communities of Color*, 77 MINN. L. REV. 739, 742 (1993); see also Yale Rabin, *Expulsive Zoning: The Inequitable Legacy of Euclid*, ZONING THE AMERICAN DREAM 101 (Charles M. Haar & Jerold S. Kayden eds., 1989).

⁸ See, e.g., RESIDENTIAL APARTHEID: THE AMERICAN LEGACY (Robert D. Bullard et al. eds., Center for African American Studies, UCLA, 1994).

⁹ Subsequently renamed in July 2004 as the U.S. Government Accountability Office.

¹⁰ "Siting of Hazardous Waste Landfills and their Correlation with Racial and Economic Status of Surround Communities," GAO/RCED-83-168 (June 1, 1983), available at <http://www.gao.gov> (enter report title into "Keyword or Report #" field).

¹¹ "Toxic Wastes and Race in the United States: A National Report on the Racial and Socio-Economic Characteristics of Communities with Hazardous Waste Sites," Commission for Racial Justice, United Church of Christ (1987).

rather than racism or economic discrimination were at the root of disproportionate siting.¹² The reports and the research they spawned demonstrated that communities formed for strong social, cultural, and even legal reasons in the case of legally sanctioned segregation and exposed once and for all a pattern of clustering of sources in communities of color and poor communities nationally. Until the advent of the environmental justice movement, decisionmakers made a calculated decision to choose “the path of least resistance”¹³ — communities of color and poor communities — to site noxious land uses. The environmental justice movement became a new resistance that began to amplify voices of the targets of environmental racism, thus growing the movement.

III. EARLY FAILURES OF ENVIRONMENTAL JUSTICE IN THE CIVIL RIGHTS FRAMEWORK

Some of the earliest environmental justice cases were brought, with little success, under the equal protection clause of the Fourteenth Amendment of the U.S. Constitution, which provides that “No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.”¹⁴ These efforts usually failed. The rare successes involved the provision of municipal services such as street paving and maintenance, water distribution, and waste facilities. For example, *Dowdell v. City of Apopka* involved a small city in central Florida that had a municipal ordinance until 1968 restricting African-Americans to living only on the south side of a set of railroad tracks.¹⁵ In that south-side African-American neighborhood, forty-two percent of the street footage was unpaved, and none of those streets had curbs or gutters, impacting drainage.¹⁶ In white neighborhoods, only nine percent of the streets were unpaved, and sixty percent of the streets had curbs and gutters.¹⁷ The Eleventh Circuit inferred discriminatory intent, stating decisively that, “While voluntary acts and ‘awareness of consequences’

¹² See Vicki Been, *Locally Undesirable Land Uses in Minority Neighborhoods: Disproportionate Siting or Market Dynamics?*, 103 YALE L.J. 1383 (1994).

¹³ 1984 report by Cerrell and Associates commissioned by the California Waste Management Board, entitled “Political Difficulties Facing Waste-to-Energy Conversion Plant Siting.” See ROBERT D. BULLARD, *Anatomy of Environmental Racism and the Environmental Justice Movement*, CONFRONTING ENVIRONMENTAL RACISM: VOICES FROM THE GRASSROOTS 18 (Robert D. Bullard ed., South End Press 1993).

¹⁴ U.S. Const. amend. XIV, § 1.

¹⁵ *Dowdell v. City of Apopka*, 698 F.2d 1181 (11th Cir. 1983)

¹⁶ *Dowdell v. City of Apopka*, 511 F. Supp. 1375, 1379 (M.D. Fla. 1981).

¹⁷ *Id.* at 1380.

alone do not necessitate a finding of discriminatory intent, 'actions having foreseeable and anticipated disparate impact are relevant evidence to prove the ultimate fact, forbidden purpose.'"¹⁸ That court held that the City of Apopka engaged in a "systematic pattern of cognitive acts and omissions . . . that inescapably evidences discriminatory intent."¹⁹

Unfortunately, courts deciding other early environmental justice cases were not willing to go as far as the Eleventh Circuit in *Apopka*. In *Bean v. Southwestern Waste Management Corp.*, the Fifth Circuit affirmed without opinion the district court's denial of the equal-protection claims of an African-American community in Houston, refusing to find a pattern or practice of discrimination in the placement of solid-waste facilities, because the facilities in question had been permitted by two different state agencies.²⁰ *Bean* and several contemporary cases stopped environmental justice actions under equal-protection theories dead in their tracks.²¹

More recently, the Supreme Court holding in *Alexander v. Sandoval*²² effectively shut the doors to civil rights cases under Title VI of the federal Civil Rights Act of 1964²³ absent proof of intent. The ruling stopped short of invalidating the disparate-impact regulations promulgated by federal agencies pursuant to Title VI, leaving open merely the option of filing an administrative complaint alleging a disparate impact by an agency receiving federal funding, such as a state environmental regulatory agency receiving funding from the U.S. Environmental Protection Agency ("EPA"). Since the EPA began accepting Title VI complaints in the early 1990s, there has never been a successful challenge.

IV. ENVIRONMENTAL JUSTICE THROUGH ENVIRONMENTAL LAW STRATEGIES

Over the years, environmental laws have provided some successes for environmental justice lawyers on a case-by-case basis. The citizens' suits provisions of environmental laws and environmental permitting

¹⁸ Dowdell, 698 F.2d at 1186 (quoting *Personnel Administrator v. Feeney*, 442 U.S. 256, 276 (1979)).

¹⁹ *Id.* (quoting *Columbus Bd. of Educ. v. Pennick*, 443 U.S. 449, 464 (1979)).

²⁰ *Bean v. Sw. Waste Mgmt. Co.*, 482 F. Supp. 673 (S.D. Tex. 1979), *aff'd without opinion*, 780 F.2d 1038 (5th Cir. 1986).

²¹ See *Rise v. Kay*, 768 F. Supp. 1144 (E.D. Va. 1991); *East Bibb Twigs Neighborhood Ass'n v. Macon-Bibb County Planning & Zoning Comm'n*, 706 F. Supp. 880 (M.D. Ga. 1989).

²² *Alexander v. Sandoval*, 532 U.S. 275 (2001).

²³ Pub. L. No. 88-353, 78 Stat. 241 (1964), 42 U.S.C. §§ 2000-2000d-1 (2000).

processes continue to bring local victories in some cases. However, it is worth noting that some environmental justice lawyers distrust the regulatory system, with good reason. Luke Cole (a contributing author to this inaugural edition of the Golden Gate Environmental Law Journal) notes:

Environmental laws are not designed by or for poor people. The theory and ideology behind environmental laws ignores the systemic genesis of pollution. Environmental statutes actually legitimate the pollution of low-income neighborhoods.²⁴

Some have argued that voter disenfranchisement in its various forms has prevented overburdened communities from even having a role in electing the people who create environmental laws. In essence, these laws do not protect people of color or poor people because they have no voice in shaping them. Such criticisms aside, environmental laws are one of the few legal tools that environmental justice lawyers have in their arsenal to fight on behalf of overburdened communities.

In the last twenty-five years, this fact has tightened the bond between the environmental movement and the environmental justice movement. It has also sensitized both environmental regulators and regulated industries to issues that are relevant to the environmental justice movement. As a result, law students are likely to be exposed to environmental justice issues as an essential part of any general environmental law course. These factors, along with the 1990 letter from environmental justice leaders excoriating the Big 10 environmental groups, have tightened linkages between the environmental justice movement and the mainstream environmental movement.²⁵ The growing bond between the two movements has been long in coming.

V. HISTORIC RACISM WITHIN THE MAINSTREAM ENVIRONMENTAL MOVEMENT

Today, the environmental movement can boast the leadership of celebrity activists like Al Gore, who, through political liberals in Hollywood and his successful documentary, *An Inconvenient Truth*, has helped the country to finally awaken to the reality of climate change. For the price of a movie rental, the environmental movement is open to anyone regardless of race, gender, or religion. This was not the case 100

²⁴ Luke Cole, *Empowerment as the Key to Environmental Protection: The Need for Environmental Poverty Law*, 19 *ECOLOGY L.Q.* 619, 642 (1992).

²⁵ See *supra* note 6.

years ago.

Journalist Mark Dowie, in his insightful 1995 book, *Losing Ground: American Environmentalism at the Close of the Twentieth Century*,²⁶ exposed the ugly underbelly of the environmental movement that few care to remember. As regrettable as it is, the development of environmentalism in the early twentieth century helps to explain how relationships with people of color devolved to the state that prompted that 1990 letter.

Early environmental organizations were exclusive hunting and mountaineering clubs that were reserved for wealthy white men who hunted and fished for pleasure and not for food. Early national parks posted “whites only” signs. In fact, Dowie claims that some clubs openly excluded Jews and people of color, considering them inherently inferior.²⁷

Some of these early environmental activists believed in preserving entire ecosystems to remain untouched wilderness. “Preservationists” such as John Muir, who founded the Sierra Club, believed that areas needed to be preserved forever as virgin and accessible to humans traveling only on foot and carrying out everything carried in. Others, like Gifford Pinchot, believed it permissible to use resources wisely, while conserving them for future generations. People who shared this vision were known as conservationists. Although we identify both of these groups as environmentalists today, this schism and difference in vision persists.

During the second half of the twentieth century, Rachel Carson introduced the notion of toxins in our environment in her groundbreaking book, *Silent Spring*.²⁸ Her book followed recurring and devastating killer smog events in London in 1952, which were responsible for the deaths of 4,000 people, and similar events in Donora, Pennsylvania, and New York City around the same time.²⁹ These events, bolstered by the impact of Rachel Carson’s book, ultimately led to the first versions of the Clean Air Act and the battery of environmental laws that we have today.³⁰

²⁶ MARK DOWIE, *LOSING GROUND: AMERICAN ENVIRONMENTALISM AT THE CLOSE OF THE TWENTIETH CENTURY* (MIT Press 1995).

²⁷ *Id.* at 2.

²⁸ RACHEL CARSON, *SILENT SPRING* (Houghton Mifflin 1962).

²⁹ *See, e.g.*, WILLIAM WISE, *KILLER SMOG: THE WORLD’S WORST AIR POLLUTION DISASTER* (Rand, McNally 1968); DEVRA DAVIS, *WHEN SMOKE RAN LIKE WATER: TALES OF ENVIRONMENTAL DECEPTION AND THE BATTLE AGAINST POLLUTION* (Basic Books 2002).

³⁰ For further history of the federal Clean Air Act, *see* ROY S. BELDEN, *CLEAN AIR ACT: BASIC PRACTICE SERIES* (American Bar Association 2001).

Indeed, less than a decade after *Silent Spring*, the nation had a Clean Air Act, a National Environmental Policy Act, and an Environmental Protection Agency. This regulatory reform led some visionary law students from Harvard and Yale, who recognized that there were finally tools to protect the environment, to create organizations – the Environmental Defense Fund (now Environmental Defense) and the Natural Resources Defense Council (“NRDC”) – to use these new tools to protect the environment. Shortly afterward, the Sierra Club spun off the Sierra Club Legal Defense Fund (now Earthjustice) as a separate nonprofit environmental law firm to protect the environment. Notwithstanding the very noble mission of these organizations, the environmental movement remained dominated by elite white men who peopled these organizations. This culture persisted into the 1990s. Earthjustice was the first to hire staff in a formal environmental justice position. Earthjustice had several offices, including its former New Orleans office, that took environmental justice clients. Although these organizations hired skilled staff — many of them people of color and women — to work on these environmental justice issues, the privileged culture of the organizations remained a challenge to both the staff and the legal work.

Further complicating matters, these larger organizations sought funding to do environmental justice work that often competed with the work of grassroots groups. Environmental justice groups that were barely established and not well known by the donor community struggled to raise funds for work in their own neighborhoods and to protect their own families, while wealthy, established groups like NRDC, which were perceived to employ “trust fund” staff and wealthy boards, were grabbing up the few dollars available to do environmental justice work.³¹

Tensions lessened somewhat around the year 2000 when the Ford Foundation created a funding portfolio exclusively for domestic environmental justice causes. The first program officer, Vernice Miller-Travis, was an activist from Harlem who helped build the movement in the late 1980s and served as the first environmental justice staff member at NRDC in the 1990s. Environmental justice activists also began to serve on the boards of mainstream groups, such as Environmental Defense, whose board of directors includes Peggy Shepard, another prominent New York environmental justice activist. The National

³¹ For further insights into funding issues, see Daniel Faber & Deborah McCarthy, *A Different Shade of Green: A Report on Philanthropy and the Environmental Justice Movement in the United States* (THE ASPEN INSTITUTE 2000), and FOUNDATIONS FOR SOCIAL CHANGE: CRITICAL PERSPECTIVES ON PHILANTHROPY AND POPULAR MOVEMENTS (Daniel Faber & Deborah McCarthy eds., 2005).

Wildlife Federation is headed by an African-American man, Jerome Ringo.

VI. WHERE ARE WE NOW?

Environmental justice scholar Dorceta Taylor aptly identified a key failure of the mainstream environmental movement in her reflections at a 1990 conference on race and the environment. She suggested that protection of human habitats and the human species had been ignored by environmentalists in favor of protection of animals and animal habitats:

If it is discovered that birds have lost their nesting sites, environmentalists go to great expenses and find alternative breeding sites for them. When whales are stranded, enormous sums are spent to provide them food . . . when forests are threatened, large numbers of people are mobilized to prevent damage. But we have yet to see an environmental group champion human homelessness or joblessness as issues on which they will spend vast resources. It is a strange paradox that a movement that exhorts the harmonious coexistence of people and nature, and worries about the continued survival of nature (particularly loss of habitat problems) somehow forgets about the survival of humans, *especially* those who have lost their habitats or food sources. If this trend continues a vital piece of the web of survival will be missing.³²

Environmentalists have come a long way since Dorceta Taylor's 1990 observations. Environmental justice groups and mainstream environmental groups are now on an upswing, but not without some bumps along the way. One significant bump has been the closure of the New Orleans office of Earthjustice. Known for its respect for environmental justice values and communities ahead of most mainstream lawyers doing environmental justice work, the office shut its doors in the early part of the new century.³³ This came as a blow to the New Orleans environmental justice groups that had lost much of their access to the Tulane Environmental Law Clinic through changes to the Louisiana student practice rules.³⁴ Another test within the mainstream movement is

³² DOWIE, *supra* note 5, at 126, quoting Dorceta Taylor, *Proceedings of the Michigan Conference on Race and the Incidence of Environmental Hazards* (July 1990).

³³ Two lawyers from the New Orleans office of Earthjustice, Monique Harden and Nathalie Walker, founded Advocates for Environmental Human Rights, a not-for-profit environmental justice law firm that is pursuing environmental justice claims through human-rights legal avenues.

³⁴ The changes were made as a backlash to students representing clients in a challenge to an

the Sierra Club's ongoing internal debate over policy positions on immigration and population control, incendiary issues that have eroded the confidence of the environmental justice movement in that institution.

Environmental Defense and NRDC appear to be leading the pack of mainstream environmental organizations on environmental justice issues. Headed by Jerilyn Lopez-Mendoza, a woman of color, the Environmental Justice Project of Environmental Defense has pioneered a fairly new instrument that environmental justice activists are now using to ensure that new development projects with public subsidies meet the needs of local residents, including the need for jobs and open space. The "community benefits agreement" was first used in Los Angeles with the Staples Center development and the Los Angeles International Airport expansion. Environmental Defense brokered those agreements on behalf of coalitions of groups that defined the terms of the agreements and led the processes.³⁵ Those successes have been clearly attributed to the astute legal representation of Environmental Defense.

NRDC has similarly hit its stride in environmental justice contexts. Since Hurricane Katrina struck the Gulf Coast region, NRDC has devoted lawyers and scientists to review environmental data and assist communities and on-the-ground organizations in advocating for the cleanup of toxic hotspots to facilitate the return of displaced residents to a safe environment.³⁶ Albert Huang, a person of color, is its lead environmental justice attorney, playing a pivotal role in building successful partnerships in Louisiana, New York City, and northern New Jersey, among other places.

Indeed, seventeen years after Dorceta Taylor's observations, the environmental movement is finally protecting and preserving critical habitat for human beings and fighting both joblessness and homelessness. In 1990, many doubted the environmental movement was capable of these feats.

In the last ten years, legal services organizations have stepped up

air permit that led to the filing of a Title VI complaint before the EPA. The changes kept students from representing groups whose membership was not at least fifty-one-percent indigent. For further discussion of these events, see Robert Kuehn, *Denying Access to Legal Representation: The Attack on the Tulane Environmental Law Clinic*, 4 WASH. U.J.L & POL'Y 33 (2000).

³⁵ Signed in 2001 and 2004 respectively by the developers and coalitions of community and union activists, these community benefits agreements created a national model for groups seeking to have meaningful input in major economic developments that have significant potential environmental and economic impacts. The Los Angeles agreements are enforceable by the City of Los Angeles and hinge the grant of public subsidies on the provision of community benefits like increased green spaces, use of green building standards, reduced air and noise pollution, and job training programs.

³⁶ See <http://www.nrdc.org/ej/partnerships/katrina.asp> (last visited June 5, 2007).

their role in the environmental justice movement. Notably, Rhode Island Legal Services attorney Steven Fischbach has fought two successful battles in local courts concerning the siting of schools on contaminated brownfield sites.³⁷ In the Reservoir Triangle Neighborhood, a predominantly minority neighborhood with fifty-six percent of school children speaking a primary language other than English, residents fought the siting of a 450-student high school on the site of a former silver-processing plant, formerly owned by Gorham Manufacturing Company.³⁸ The City of Providence began preparing for construction of a new public school — including digging into soils contaminated with volatile organic compounds, cyanide, and polychlorinated biphenyls (“PCBs”) — without an approved cleanup plan in place.³⁹ Residents pressured the Rhode Island Department of Environmental Management to undertake enforcement proceedings and to seek a binding consent order with the City of Providence.⁴⁰

Similarly, in *Hartford Park Tenants Ass'n v. Rhode Island Department of Environmental Management*, residents of a neighborhood where more than forty percent of residents live below the poverty line and sixty-four percent of students use a primary language other than English, fought the siting of a school on a former dump.⁴¹ The site had excessive levels of lead, arsenic, and total petroleum hydrocarbons, among other pollutants.⁴² The court found that the Rhode Island Department of Environmental Management had failed to follow proper environmental review procedures and had failed to engage the community.⁴³

Many communities lacking local environmental justice attorneys turn to traditional legal services organizations for help. Many legal services attorneys are unprepared to undertake environmental justice cases because they lack necessary environmental expertise. This is a key area where partnerships with mainstream environmental groups may prove particularly effective. Working with NRDC, Environmental

³⁷ See *Hartford Park Tenants Ass'n v. R.I. Dep't of Env'tl. Mgmt.*, C.A. No. 99-3748, 2005 R.I. Super. LEXIS 148 (R.I. Super. Ct. Oct. 3, 2005); Consent Order, *R.I. Dep't of Env'tl. Mgmt. v. City of Providence*, C.A. 05-2553 (R.I. Super. Ct. Mar. 29, 2006).

³⁸ Consent Order, *R.I. Dep't of Env'tl. Mgmt. v. City of Providence*, C.A. 05-2553 (R.I. Super. Ct. Mar. 29, 2006).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Hartford Park Tenants Ass'n v. R.I. Dep't of Env'tl. Mgmt.*, C.A. No. 99-3748, 2005 R.I. Super. LEXIS 148, at 155-156 (R.I. Super. Ct. Oct. 3, 2005).

⁴² *Id.* at 32.

⁴³ *Id.* at 72-74.

Defense, and others, attorney Fischbach, of Rhode Island Legal Services, has begun to develop training programs and facilitate networking between environmental groups and legal services attorneys by attending conferences sponsored by the National Legal Aid and Defenders Association.

VII. CONCLUSION: OUR COMMON DESTINY

Climate change has begun to map out our common destiny. Fifteen years ago, scientists warned us that islands in the South Pacific would be flooded in twenty-five years. Finally, with ten years or less to go, the world is paying attention to small island nations of color around the world that may lose their land, their culture, and their identity. Environmental justice has taken the same path. As the impacts of our environmental decisions spread beyond communities of color and poor communities that for so long were invisible to the world, larger society is now thinking about the sacredness of Mother Earth that the environmental justice movement affirmed as its first principle at the 1991 First National People of Color Environmental Leadership Summit.⁴⁴ Finally, twenty-five years after the protests at Warren County, we all stand at attention.

Adam Werbach, the former Sierra Club president and its youngest president of record, at 24, said,

The struggle to protect community is a battle for quality of life. If the environmental movement hopes to succeed in the 21st century, it must build a movement of neighbors, from every neighborhood, one neighborhood at a time. Sue Morse, John McCown, and the teachings of Gandhi lead the way. Will we follow?⁴⁵

Bumpy as the road may be, as our state of crisis grows and our legal avenues dwindle, the answer must be yes.

⁴⁴ "Environmental justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction." Principles of Environmental Justice, adopted at the First National People of Color Environmental Leadership Summit, October 24-27, 1991, Washington, D.C., available at <http://www.ejrc.cau.edu/princej.html>.

⁴⁵ ADAM WERBACH, ACT NOW, APOLOGIZE LATER (Cliff Street Books 1997). Susan Morse is a naturalist and habitat specialist experienced in tracking and interpreting wildlife uses of habitat. John McCown is a former Sierra Club organizer working on environmental justice issues in the southeastern U.S.