

Looking Back

Our past holds important lessons for the future. In this section, critical observations about the Civil Rights Movement and environmentalism, plus milestones in environmental justice.



Photo © David Bacon

California activists raise cultural and political consciousness.

Lessons from the Civil Rights Movement

An interview with Damu Smith

Many environmental justice leaders and organizers consider the EJ Movement to be a direct descendent of civil rights struggles or the latest manifestation of the justice campaigns that peaked in the 60s and 70s. What have we learned from the successes and failures of the Civil Rights Movement? RPE asked longtime activist and EJ champion Damu Smith to offer his insights.

RPE: What are some key lessons the Environmental Justice Movement has gained from the Civil Rights Movement?

Damu Smith: The Civil Rights Movement has been defined at its core as a struggle for equal opportunity and equal treatment. The Environmental Justice Movement is fighting for equal protection, which is also a part of what defines the struggle for civil rights.

RPE: By equal protection, what do you mean?

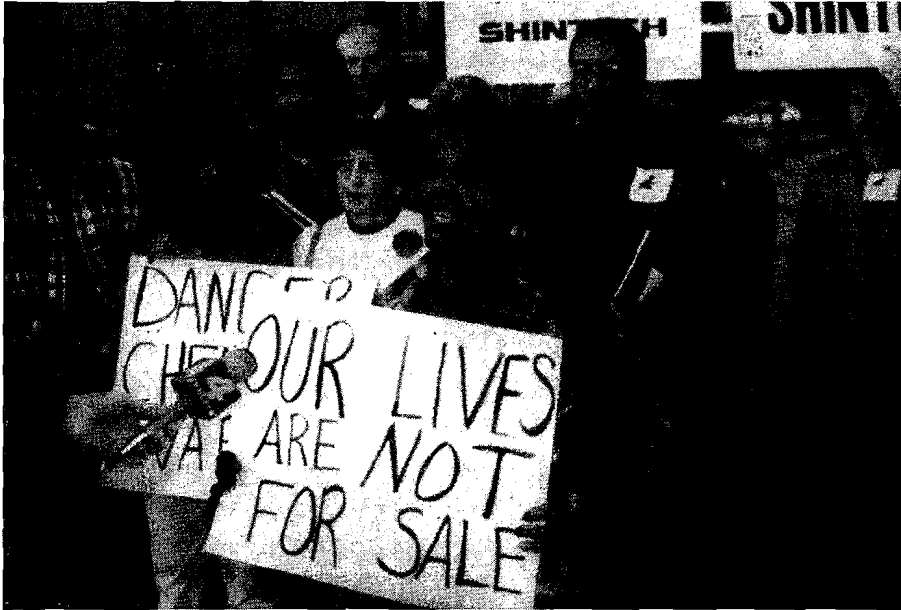
Smith: I mean that all people are equally protected—not selectively protected—by the government, that under the U.S. Constitution and system of government, all

people have a right to equal protection as well as equal opportunity. The struggle for environmental justice has been a struggle for equal protection. It's also been a fight against disproportionate exposure to sources of pollution and conditions of environmental degradation. The black community and other communities of color have been subjected to unequal protection and disproportionate exposure to toxic waste, polluting facilities and acutely deteriorated environmental conditions.

Because our struggle is indeed about equal protection and equal opportunity—the opportunity to be a part of decision-making processes that impact our environments—that links us to the other struggles that come under the framework of the Civil Rights Movement.

RPE: What struggles come under the civil rights framework?

Smith. The struggle for equal housing, equal justice, equal access to adequate transportation, and equal opportunity in the jobs sphere and in all aspects of our lives. Environmental justice is the same. Unfortunately, people often separate envi-



Rallies helped residents of Convent, Louisiana, score a victory over Shintech.

Success occurred in the Civil Rights Movement when the passage of legislation or enforcement of law was linked to mass movement in the streets.

ronmental justice from civil rights. They don't view it as a civil rights struggle. They view it more as something regarding only the environment. But indeed it is a struggle for civil rights, and in the international arena, it's a struggle for our human rights, which also applies for protections in the United States under international law.

RPE: When you say that people don't see it as a civil rights struggle, do you mean people within the EJ Movement or outside of it?

Smith: Some people outside of the Environmental Justice Movement don't look at this as a struggle for civil rights. For example, it has only been recently that groups like the National Association for the Advancement of Colored People (NAACP)—the country's premiere civil rights organization—have come to see environmental justice as an important part of the civil rights movement. But historically while the NAACP has passed resolutions in favor of environmental justice, up until recently they haven't

really been that active. But now under Kweisi Mfume's leadership, they have really stepped up to the plate in recent months to take on the challenge of working for environmental justice.

RPE: What do you think ultimately convinced the NAACP and other organizations that are beginning to see the connections between environmental justice and other issues?

Smith: Pressure from the Environmental Justice Movement, particularly the black wing of the Environmental Justice Movement. We've been in communication with the NAACP over the past several months. I cannot tell you what a profound change this has brought about. Because up until this point, we were not feeling that the NAACP was on our side. But now we do. There have been strategy meetings held at the national level around developing steps to strengthen and enforce Title VI.

RPE: Could you define Title VI of the Civil Rights Act of 1964?

Smith: Title VI of the Civil Rights Act of 1964 says that recipients of federal financial assistance cannot discriminate based on race, color or national origin. In simple terms it means that federal dollars cannot be used in a discriminatory manner. And under the law that means specifically that state regulatory agencies that receive federal funds under the Clean Air Act cannot use the money in a discriminatory fashion.

States have been delegated authority by the federal government to carry out what's called the permitting provision, Title V, of the Clean Air Act. Title V allows permits to be issued to companies to do business in states. So the federal government has delegated authority in many instances to the states to issue permits for companies to do business. When a state regulatory agency issues permits, they are doing that with the use of paid staff who do research and review permits. Their salaries are often paid with federal money. The Environmental Justice Movement argues that when state regulatory agencies issue permits to companies who do business in communities of color, and they continue to issue permits disproportionately in communities of color, that is a violation of Title VI because they are discriminating by putting dirty industries more often in our communities than in white communities.

RPE: You just touched on another question in terms of tactics from the Civil Rights Movement, focusing on specific laws and policies, and using that to gain equal protection. How, as an activist, organizer and leader in EJ, have you applied that lesson from the way the Civil Rights Movement affected change?

Smith: Well the successes of the Civil Rights Movement occurred when the passage of a piece of legislation or the enforcement of a law was linked to mass movement and protests in the streets. In other words, the way the Voting Rights bill was passed was not just through a law being proposed in Congress. It came about as a result of people going to jail, marching in the streets, protesting, picketing, boycotting and engaging in mass social protest. It was that pressure from

the streets that brought about success in the suites.

In order for us to have equal protection in the area of environmental justice, we have to employ tactics similar to those of the Civil Rights Movement. We have to protest, we have to boycott, we have to go to jail. We have to engage in agitation so that political pressure comes to bear on our courts, on our state legislatures, on our city councils and members of Congress so that they will do the right thing, pass rules and regulations aimed at equal protection, and force companies that are polluting our communities to cease and desist from doing that.

But we are a long way from the kind of success that we need to have because in many ways the struggle for environmental justice is breaking new ground. The struggle for environmental justice is among the last manifestations of civil rights struggles that really is getting attention now.

At the beginning of the Civil Rights Movement we were having to fight against Jim Crow segregation laws, for having equal access to public accommodations, and that defined our struggle. So naturally, we couldn't deal with environmental justice at the beginning of the Civil Rights Movement. We had to deal with those more essential things involving not only civil rights but human rights. But now that major aspects of that struggle have been achieved successfully, we've been able to turn our attention to other areas of civil rights over the last 20 years, and among those are the fight for equality and equal protection in the area of environmental justice.

RPE: You mention protesting, mass action. What else, in terms of lessons from the Civil Rights Movement, have been employed in EJ?

Smith: In terms of lessons we have to evaluate what the Civil Rights Movement was able to achieve and what it was not able to achieve. Now that's important because as we enter this new millennium, those of us leading the Environmental Justice Movement have to figure out what it really means to have long-term success in the area of civil rights.

We have to look very carefully at what it means to have civil rights laws pertaining to environmental justice effectively enforced in the long-term. Because oftentimes civil rights laws are passed and they aren't adequately enforced. In my view, what we have to do in the Environmental Justice Movement is a careful review of traditional civil rights jurisprudence. In other words, we have to look at how civil rights laws have been applied and enforced, and look very carefully at what the implications of that history have been for other areas of civil rights law for equal environmental protection. And that means that we have to have legal, political and organizational strategy sessions that will help guide our movement over the next several years so

environmental justice. There are sinister forces in the nation, in and out of government, both within the Democratic party and the Republican party, who are working diligently day and night to undermine Title VI of the Civil Rights Act and render it meaningless. And tactics have already been employed by people in Congress to deny the Environmental Protection Agency (EPA) funding in the appropriations process so that the law cannot be enforced. The EPA has developed very weak guidelines for enforcement of the law. Some of these guidelines would subject communities to unrealistic and impossible tests to prove that they were discriminated against. For example, communities would have to prove that any exposure that they've had

Even when you win a legal victory, you have to maintain strong political, cultural and spiritual consciousness in the community.

that if laws are passed, we have the most effective mechanisms in place to ensure that the laws are comprehensive and enforced—minus any loopholes that people can find in the law to abuse it. People—racist—are always trying to find ways to break the law or not have the law effectively enforced. That has happened in the area of voting rights; that has happened in housing discrimination law.

So part of our job is to really study very carefully both the successes and failures of the Civil Rights Movement, in terms of the legal struggle and the mass protest aspect of the struggle. In regards to the latter, I believe that we must maintain constant pressure on corporations. At the national, state and local level, we must maintain pressure on the government so that they don't relax in terms of their enforcement of the law. One of the reasons why that's so important is because we are seeing right now this incredible backlash against civil rights protections in general, but especially civil rights protections as it pertains to envi-

to chemicals coming from facilities has actually caused a particular illness. That is a burden of proof that would be very difficult to document.

We think the better test for whether or not our civil rights are being violated is to say that if a community has a disproportionate number of polluting facilities that are emitting toxins or creating conditions that we know are threats to human health, then that is a prima facie case for discrimination. And that should be the extent to which we have to prove or document discrimination. That is consistent with traditional civil rights jurisprudence.

But what companies and what politicians are doing is trying to develop impossible tests so that when people of color bring lawsuits or file administrative complaints to agencies like the EPA, it becomes difficult to prove discrimination. That's an example of what I mean about how government agencies do everything to undermine the law by coming up with tricks and mechanisms

that make it difficult or impossible for communities to achieve justice.

RPE: *You have largely talked about the legal aspect of the struggle. What other lessons in terms of organizing on the ground has the EJ Movement learned from how the Civil Rights Movement was organized?*

Smith: We cannot separate developing good legal strategies from developing excellent organizing strategies and political strategies. The key to successful civil rights enforcement is a mass political movement in the streets and in the communities. That is the lesson of the Civil Rights Movement. So my point is that in order to bring about new civil rights laws and regulations to ensure environmental justice, we have to have a mass movement. Secondly, we have to monitor the enforcement of the law. But it's only through that political heat from the streets that that will occur. If we don't maintain the pressure, if we relax, the forces that oppose civil rights in the area of environmental protection who are working day and night to undermine the law will succeed.

We can't allow that to happen. That means we've got to organize. That means all the traditional tactics that we've used over the years: protest in the streets, lobbying in Congress, sending letters to members of Congress and other elected officials, boycotting corporations that don't do the right thing, and putting all kinds of public relations pressure on companies so that they will do the right thing. That's what we did most recently in Norco, Louisiana where we forced Shell Chemical Refinery to pay for the relocation of the entire black community. That is a recent victory. But it came about as a direct result of mass political pressure where we actually shamed Shell into doing the right thing.

We employed similar tactics in the Shintech case in Convent, Louisiana. Different story, same basic tactics. That's how we were able to win in northern Louisiana, in Forest Groves and Center Springs, two small semi-rural black communities facing the threat of yet another toxic facility being placed in the middle of their community. We combined all these tactics — getting members of Con-

gress, celebrities, church leaders, civil rights leaders, and anybody we could to help shed light on the situation and expose the injustice that was going on. That is what helped to bring about these victories and other communities fighting for environmental justice can learn from those lessons.

RPE: *What do you think the EJ Movement could still learn from the Civil Rights Movement that hasn't quite been realized or completely understood by people who are in the movement now? Are there steps that you wish the EJ Movement had taken to achieve victories?*

Smith: On the one hand we are learning from the successes of the Civil Rights Movement. We've also learned from its failures.

It's very important to spend a lot of time raising people's level of political, spiritual and cultural consciousness in terms of the nature of the society in which we live and the communities from which we come. One of the big struggles that we have had in the Environmental Justice Movement is the fight to maintain unity in the community, the fight to maintain people's interest, determination and will to fight.

Now certainly the Civil Rights Movement was involved in that part of the struggle as well. The Reverend Dr. Martin Luther King, Jr. talked long and hard about the importance of black people developing the kind of consciousness to say that they had to stand up and be a man and a woman and be strong and fight the battle over the long haul. But that kind of work waned in the face of winning legal victories. So the lesson is that even when you win a legal victory, you have to maintain strong political, cultural and spiritual consciousness in the community, so that the community is aware of the need to maintain a fighting spirit and be involved in civic activity in society. Oftentimes communities have gotten complacent and people's minds diverted. That means that a community's capacity to fight is weakened. This is something that we have seen in many communities. If a large segment of the community is not willing to fight, it really makes the rest of the community weak and it makes the community suffer longer.

The level of consciousness and understanding has to be sustained for a long time. The Civil Rights Movement did not spend enough time focusing on that aspect of our struggle. That is something that we must do as we enter the new millennium in the face of new challenges.

RPE: *So maintaining a high level of awareness and consciousness is critical?*

Smith: Yes. And cultural identity. You know the whole issue of self-hate is a deep issue, a very painful issue in our community. When our community feels self-hate, which also brings about a sense of low self-worth, that often renders people so weak in the face of the attacks against our community. I spent more than half of my time in Louisiana and Mississippi and many of the other states that I've worked in trying to inspire people, trying to maintain their strength in the face of adversity.

That's not to say that people were not being strong. But we had to contend with a lot of people in those communities who were very weak in terms of their political consciousness — people who just didn't come to meetings, didn't feel it was worth their time to do anything, people who spent so much time downing themselves.

When we were able to pierce through that, it strengthened our movement. But what we tried to tell people was that you have to maintain this level of awareness to protect your community forever because there are always going to be threats to undermine the health and safety of your community. If there's any lesson we've learned, we have to maintain that kind of strong level of consciousness so that people have the will to fight and to protect their communities against environmental threats for many years to come. ■

Damu Smith is a longtime human rights, environmental justice and peace activist. He is former executive director of the Washington Office on Africa, former national associate director of Greenpeace USA and associate director of the American Friends Service Committee's Washington Bureau. Smith is executive director of the National Black Environmental Justice Network (NBEJN) and founder of Black Voices for Peace (BVFP).