

# A Wake up Call

## to the Environmental Justice Communities in America

By Rev. Charles Utley, BREDL Environmental Justice Coordinator

On June 25, 2013, the US Supreme Court's decision in *Shelby County v. Holder* revolved around Section 4 of the 1965 Voting Rights Act. This act establishes a "coverage formula" to determine which states and local governments fall under Section 5, and therefore, need to get approval before changing their voting laws. The justices ruled that Section 4 is unconstitutional, and that the formula used for decades — revised and extended several times by Congress — can no longer be used to establish those preclearance requirements, saying: "The conditions that originally justified these measures no longer characterize voting in the covered jurisdictions."

Chief Justice John G. Roberts, who has previously expressed skepticism about the continued need for parts of the Voting Rights Act, delivered the majority opinion. In the 5-to-4 ruling, he was joined by Justices Antonin Scalia, Anthony M. Kennedy, Clarence Thomas and Samuel A. Alito. Justice Thomas wrote a concurring opinion, and Justice Ruth Bader Ginsburg wrote a dissent, joined by Justices Stephen G. Breyer, Sonia Sotomayor and Elena Kagan.

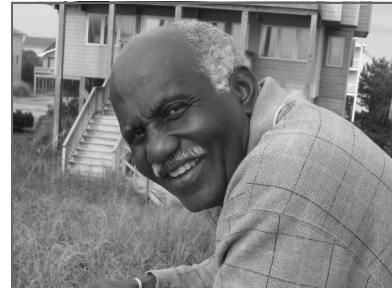
Environmental Justice is inter-woven into the Civil Right Act of 1964. And the Voting Rights Act was predicated on the Civil Rights Act. One cannot be separated from the other because of their sufficiency in importance to attempt to fix a wrong imposed against a people.

In February 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address

Environmental Justice in Minority Populations and Low-Income Populations." In a separate memorandum, President Clinton identified Title VI as one of several federal laws already in existence that can help "to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects."

For example, Clara E. Jenkins Elementary School is located in Augusta, Georgia, Hyde Park Community, a blighted community with poverty above the national level. In 1974, it was discovered to be contaminated by floodwaters from Creosols Wood Treatment Plant owned by Southern Wood Piedmont. It was this Environmental Justice Community that stood up to the Richmond County Board of Education when it was proposed to close this school. The community responded with a resounding "NO" being backed by the Civil Rights Act. The court upheld their request. When it was proposed to have the school closed it was this Environmental Justice Community that insisted that this one entity be left because of the Civil Rights Act of 1964. Where there is no or little transportation provided to these blighted community and their right to vote has obstacles stacked against them, this is truly an injustice that needs a continuous watchful eye, for the sake of justice.

When we have the power of courts to implement the true meaning of justice and equality for all, the system works for our citizens. With the heart of the Voting Rights Act taken out, it removes a thread which links Environmental Justice and Civil Rights together. We



must understand that our social issues, equity and equality, will be challenged with this change. There is reason to believe that the Law of the Land will indeed become blind to those who depend on it.

When the Justices gutted the power to have Voting Rights concerns addressed by the Justice Department, it diminished the power of Environmental Justice Communities. It will have a ripple effect across the nation, and an influx of changes putting these communities in jeopardy of receiving equal and equitable justice.

As this new decision comes into effect, it is more important that the Blue Ridge Environmental Defense League continue to support these Environmental Justice communities. Blue Ridge Environmental Defense League has a long history of standing for the rights of the oppressed. Therefore, this organization will not abandon the work that is so vital for the existence of these communities. ■