Governing from the Grassroots: EJ & Electoral Activism
Dr. Martin Luther King, Jr., James Meredith, Stokley Carmichael and Floyd Mokissick lead the 7,000-strong Meredith Mississippi Freedom March to the state capitol in Jackson on June 27, 1966. The civil rights march is in protest of the violence faced by black voters. Meredith is still recovering from gunshot wounds he received when he was ambushed a few weeks earlier. ©Topham / The Image Works

Cover: West Palm Beach, Florida: African American boy protesting vote count in election. 2000
©Leslie Hugh Stone / The Image Works
Background: Pro Gore demonstrators gather outside the Florida capitol building during a rally on December 2000. ©Bruce Brewer / The Image Works
Dear Friends,

As Californians recover from the tumultuous gubernatorial election in our state while also looking ahead to the 2004 presidential election, the issue of electoral politics looms large. The question is: how do activists and organizations struggling to promote equity in low-income communities and communities of color incorporate electoral politics into our work?

In recent years, the Environmental Justice Movement and its allies in the environmental, civil rights, public health, labor and faith-based movements have been assaulted on a number of fronts. It’s clear that while our tried-and-true tactics of grassroots mobilization, research and litigation have led to victories, those approaches are not enough. To realize our goals of equity and sustainability, we have to move beyond the strategies we know.

Over the last two decades, conservative activists have been strategic and deliberate as they’ve advanced ballot initiatives and used media, whether in California or Washington, D.C. Considering their successes in rolling back policy on the environment, health care, education, civil rights and voting rights, we have many lessons to learn.

For these reasons, Urban Habitat has begun to explore what an electoral strategy would entail for our organization and communities of color in the Bay Area. For one, it would mean partnering with nontraditional allies, including progressive businesses. It would also mean expending the energy, resources and time to promote an electoral agenda that favors equity—instead of always reacting to agendas that undermine it.

This issue of Race, Poverty & the Environment is dedicated to examining the intersection between environmental justice and electoral politics. With key elections on the horizon, we wanted to provide our readers and partners with tools and strategies to influence and implement electoral campaigns.

As we went to press, UH and dozens of other progressive organizations in California were organizing furiously to oppose Proposition 54, an anti-civil rights initiative that would ban collection of most racial and ethnic data in the state—data that is vital to our work. This struggle presents yet another example of how the EJ community needs to build its capacity to be more proactive in the electoral realm. We in the EJ Movement need to envision not just an EJ electoral platform but a powerful EJ lobby. It’s possible—we have to dedicate the time and resources to make it happen.

UH Update

Since our last issue, Urban Habitat has continued its efforts to achieve social and environmental justice in these ways:

- UH’s Leadership Institute is in the process of developing a series of trainings on electoral politics. The goal? To groom community activists and leaders to participate in the electoral realm and encourage civic participation.
• UH's Environmental Health and Justice Program continues to articulate the link between environmental justice and health. Two recent events that support this important work are: the recent adoption of the Precautionary Principle (a concept that promotes precaution in decisions that affect the environment and human health) by the city and county of San Francisco (see p.59); and the precedent-setting approval by the California Environmental Protection Agency (Cal/EPA)'s Advisory Committee on Environmental Justice of comprehensive recommendations addressing a broad range of community concerns. This report will guide implementation of environmental justice in the state.

• UH is working to send a delegation from the Social Equity Caucus, a regional coalition that UH convenes, to the World Social Forum in Bombay, India, in January. The Forum is an opportunity for our staff and allies to not only see that we are part of an international movement, but that there are also specific strategies and tools used abroad that we can replicate here at home.

The close of 2003 is an exciting time for Urban Habitat as we design our electoral strategy. There is a great need for leadership and vision in this arena and the EJ Movement must develop the infrastructure to be a key player in building political power over the long term. Thank you for supporting of our work and don't hesitate to give us feedback on this issue of RPE.

In peace and solidarity,

Juliet Ellis

Executive Director
In this issue, we document both the right-wing assault on America and steps that people across the United States are taking to use the electoral process to protect their communities, their laws and their lives. For 14 years, the Center for Race, Poverty & the Environment (CRPE) has worked with poor people and people of color to achieve CRPE’s complementary goals of building personal capacity and community power while fighting environmental hazards. These efforts have borne fruit in a number of electoral successes in rural California.

- In Kettleman City, after the community group El Pueblo para el Aire y Agua Limpia (People for Clean Air and Water) defeated a toxic waste incinerator proposed by Chemical Waste Management, El Pueblo leaders such as Mary Lou Mares went on to win election to the local Community Services District, which controls water policy for the town and Chem Waste’s toxic waste dump (see p. 56).
- In Del Rey, local residents who were frustrated with the approval of a huge juice factory organized to win three of the five seats on the local water board so that they could control the approval process in the future.
- In Alpaugh, CRPE advisory board president Sandra Meraz—tired of drinking contaminated water for which she was charged exorbitant prices—worked to elect a progressive slate, including herself, to the local water board. Community residents are now working with CRPE to fashion a sustainable, long-term plan to provide the community with safe and affordable water.
- In Frazier Park, long time CRPE advisory board member Linda MacKay leveraged her reputation for activism to secure a seat on the town council.

In each of these cases—and countless others—those directly affected by environmental hazards chose to step up from grassroots activism to electoral activism. As Mike Guerrero explains in his article in this issue (p.55), that step can have valuable returns for community organizations even if a candidate does not win.

The attacks on the Environmental Justice Movement came home to CRPE this July, when our San Francisco office was burglarized. Among the stolen items were our computer towers and on-site back-up disks. Because there were no visible means of entry—meaning the thief picked our locks—and because the only things stolen were our computers and backup disks (while rolls of stamps, printers, a postage machine, and a small stereo system were left untouched), we consider this an act of violence against CRPE, not a random property crime.

CRPE represents people fighting powerful enemies: the world’s largest zinc and lead mine, in Alaska; the country’s largest toxic waste dump, near Buttonwillow, CA; mega-dairies in California’s Central Valley, and more. Many of our clients have been physically threatened and intimidated; it was a matter of time before it
happened to us. The fact that the director of a California-based environmental justice organization also recently had his computer stolen forces us to wonder if certain movement organizations are being targeted.

Just as we hope you will learn from the articles in this issue of RPE how to fight back against the right-wing onslaught nationally, we hope you will learn from the break-in at CRPE. On the technological front, if you don’t regularly backup files and store them off-site, start doing it. On the security front, you should take this opportunity to review your organization's vulnerabilities; we now have a burglar alarm, our computers are physically locked down to our desks, and we have taken other security measures.

The message the thieves intended to send was clearly one of intimidation. Is CRPE intimidated? No way. Are we pissed? You bet. And we will continue in our aggressive defense of communities under toxic assault.

Aluta continua!

Luke W. Cole
Director
Critical reviews of recent elections reveal that campaigns for social and environmental justice face many challenges.
What if there was an election, and nobody won?

Thank you, Florida, for exposing as fraud the much-vaunted sanctity of the vote in this country and placing electoral reform back on the country’s agenda. Reports out of Florida show that people of color cast a disproportionate number of disqualified votes. On election day, black and Haitian voters were harassed by police, their names removed from the rolls, and their ballots left uncounted by outdated machines. Thirty-five years after passage of the Voting Rights Act, racist violations of election law are rampant and should be pursued to justice in Florida and elsewhere.

But beyond these immediate issues, this election reveals again just how central race is to U.S. politics and how racism is institutionally structured into the electoral system. The election reaffirms that people of color are the most consistent liberal/progressive voters in the country and their clout is increasing but that electoral racism effectively nullifies almost half of their votes. The Civil Rights Movement destroyed the monopoly of power by whites, but the tyranny of the white majority is still institutionalized in the winner-take-all, two-party, Electoral College system.

Unless we place fighting electoral racism at the top of the racial justice agenda, we cannot challenge the political stranglehold of conservative white voters or maximize the growing power of people of color.

By the Numbers

The idea that race and racism are central to American politics is not just a theory that harkens back to the days of slavery. It’s a current-day lived reality that is particularly evident in this country’s biggest and most sacred political event: the presidential pageant.

According to the Voter News Service exit polls for Election 2000, 90 percent of African Americans voted for Gore, as did 63 percent of Latinos, and 55 percent of Asian Americans. (No exit poll data on the Native American vote is available, but most have historically voted Democratic.) Combined, people of color accounted for almost 30 percent of Gore’s total vote, although they were only 19 percent of voters. On the other hand, whites constituted almost 95 percent of Bush’s total vote.

Latinos, the country’s fastest growing voting bloc, went heavily Democratic—even in Texas—despite extensive efforts by the Republicans to sway them. Most Asian Americans followed suit. People of color are becoming a larger portion both of the U.S. population and of the electorate, and voting largely in concert with each other in presidential elections.

Conventional electoral wisdom discounts race as a political factor, focusing instead on class, the gender gap, union membership, etc. But, the only demographic groups that had a fairly unified vote—defined as 60 percent or more for one of the candidates—were blacks, Latinos, Jews (81 percent for Gore), union members (62 percent for Gore), residents of large cities (71 percent for Gore), and white males (60 percent for Bush). All but union members and big-city residents are racial or ethnic groups.

And, the large numbers of people of color in unions (about 25 percent) and big cities largely account for the heavy Democratic vote of those demographic groups. White union members and city dwellers vote to the left of whites who live more racially isolated lives, but they barely tilt Democratic. Similarly, women voted 54-43 percent for Gore, but white women actually favored Bush by one point. Women of color create the gender gap.
Decades after the Voting Rights Act passed, racist violations of election law are rampant.

The same can be said of the poor: although 57 percent of voters with incomes under $15,000 voted for Gore, poor whites—who make up just under half of eligible voters in this category—broke slightly for Bush. The income gap in presidential politics is thoroughly racialized. As the sociologist William Form pointed out long ago, if only a bare majority of white working-class people voted consistently Democratic, we could have some kind of social democracy that would provide much more social justice than the conservative regimes we are used to.

Despite the pronounced color of politics, Ralph Nader (and his multi-hued progressive pundits) blithely dismiss the fact that he received only 1 percent of the votes of people of color and that the demographics of his supporters mirrored those of the Republicans (except younger).

Electoral College: Pillar of Racism

The good news is that the influence of liberal and progressive voters of color is increasingly being felt in certain states. They have become decisive in the most populous states, all of which went to Gore except Ohio, Texas, and (maybe?) Florida. In California an optimist might even envision a rebirth of Democratic liberalism a couple of elections down the road, based largely on votes of people of color.

The bad news is that the two-party, winner-take-all, Electoral College system of this country ensures, even requires, that voters of color be marginalized or totally ignored.

The Electoral College negates the votes of almost half of all people of color. For example, 53 percent of all blacks live in the Southern states, where this year, as usual, they voted over 90 percent Democratic. However, white Republicans out-voted them in every Southern state (and every border state except Maryland). As a result, every single Southern Electoral College vote was awarded to Bush. While nationally, whites voted 54-42 percent for Bush, Southern whites, as usual, gave over 70 percent of their votes to him. They thus completely erased the massive Southern black (and Latino and Native American) vote for Gore in that region.

Since Electoral College votes go entirely to whichever candidate wins the plurality in each state—whether that plurality be by one vote or one million votes—the result was the same as if blacks and other people of color in the South had not voted at all. Similarly negated were the votes of the millions of Native Americans and Latino voters who live in overwhelmingly white Republican states like Arizona, Nevada, Oklahoma, Utah, the Dakotas, Montana—and Texas. The tyranny of the white majority prevails.

Further, the impact of the mostly black voters of Washington, D.C., unfairly denied statehood, is undermined by its arbitrary allocation of only three electoral votes. And the peoples of Puerto Rico, the U.S. Virgin Islands, American Samoa, and Guam—which are colonies ruled by the U.S. and have greater populations than more than a quarter of the U.S. states—get no Electoral College votes at all.

Slave Power

In his New York Times op-ed, Yale law professor Akhil Amar reveals that the hitherto obscure Electoral College system was consciously set up by the Founding Fathers to be the mechanism by which slaveholders would dominate American politics.

The Constitution provided that slaves be counted as three-fifths of a person (but given no citizenship rights) for purposes of determining how many members each state would be granted in the House of Representatives. This provision vastly increased the representation of the slave states in Congress.

At the demand of James Madison and other Virginia slaveholders, this pro-slavery allocation of Congresspersons also became the basis for allocation of votes in the Electoral College. It is a dirty little secret that the Electoral College was rigged up for the express purpose of translating the disproportionate
Congressional power of the slaveholders into undue influence over the election of the presidency. Virginia slaveholders proceeded to hold the presidency for 32 of the Constitution's first 36 years.

Since slavery was abolished, the new justification for the Electoral College is that it allows smaller states to retain some impact on elections. And so it does—to the benefit of conservative white Republican states. As Harvard law professor Lani Guinier reports, in Wyoming, one Electoral College vote corresponds to 71,000 voters, while in large-population states (where the votes of people of color are more numerous) the ratio is one electoral vote to over 200,000 voters. So much for one person, one vote.

**Two-Party Racism**

The two-party system also structurally marginalizes voters of color. First of all, to win, both parties must take their most loyal voters for granted and focus their message and money to win over the so-called undecided voters who will actually decide which party wins each election. The most loyal Democrats are strong liberals and progressives, the largest bloc of whom are people of color. The most loyal Republicans are conservative whites, especially those in rural areas and small towns. The undecideds are mostly white, affluent suburbanites; and both parties try to position their politics, rhetoric and policies to woo them. The interests of people of color are ignored or even attacked by both parties as they pander to the "center."

Another consequence is that a disproportionate number of people of color see no reason to vote at all. The U.S. has by far the lowest voter participation rate of any democracy in the world. The two-party system so demobilizes voters that only about 65 percent of the eligible electorate is registered, and only 49 to 50 percent usually vote (far less in non-presidential elections).
The Electoral College Negates the Votes of Almost Half of All People of Color.

Not surprisingly, the color and income of those who actually vote is skewed to higher income, older and more conservative white people. In the 1996 presidential election, 57 percent of eligible whites voted compared to 50 percent of blacks and 44 percent of Latinos. Seventy-three percent of people with family incomes over $75,000 voted compared to 36 percent of those with incomes below $15,000.

In addition, current electoral law disenfranchises millions of mainly Latino and Asian immigrants because they are not citizens. And, according to Reuters, some 4.2 million Americans, including 1.8 million black men (13 percent of all black men in America), are denied the right to vote because of incarceration or past felony convictions.

Proportional Representation

To remedy these racist, undemocratic electoral structures, Lani Guinier and many others propose an electoral system based on proportional representation. New Zealand, Australia, all of the European countries except Great Britain, and many Third World countries have proportional electoral systems. In such systems, all parties that win a certain minimum of the popular vote (usually 5 percent) win representation in the Congress (or Parliament) equal to their vote. To win the presidency, a party must either win an outright majority or form a governing coalition with other parties.

Thus, for example, the German Green Party, which gets about seven percent of the vote, is part of the ruling coalition in that country. If we had such a system, a racial and economic justice party could be quite powerful. Instead, in our current system, voting for a third-party candidate like Nader takes votes from Gore and helps Bush. And someone like Jesse Jackson, who won 30 percent of the Democratic popular vote in 1988, is not a viable candidate, and his supporters have little clout in national politics.

If we fail to place fighting electoral racism at the very top of a racial justice agenda, we will continue to be effectively disenfranchised, and white people, especially conservative white Republicans, will enjoy electoral privileges that enable them to shape the policies and institutions of this country at our expense. We must eliminate the role of big money in elections and make voting readily accessible to poor folk.

Until we win a proportional system—or unless there is some other major political shake-up—the vast majority of people of color will continue to participate in the Democratic Party. Therefore we must resist the racist, pro-corporate right wing of the Democratic Party and demand that the Democrats more strongly represent the interests of people of color. However, our ability to do this—or to build anti-racist third parties that include our peoples—depends upon our ability to form mass, independent racial justice organizations and to build alliances with other progressive forces both inside and outside the electoral realm.

Building electoral alliances—around issues, referenda, and candidates, both inside and outside the Democratic Party—is key to the maturation of a racial justice movement that functions on the scale necessary to impact national politics, social policy or ideological struggle in this country.

When this article was first published in Spring 2001, Bob Wing was executive editor of ColorLines. He’s a longtime fighter for racial and economic justice. Vanessa Daniel of the Applied Research Center provided research assistance. Reprinted with permission from ColorLines.
Tennessee is one of the jewels of the New South, glittering with new construction in its cities and suburbs, a growing population, and, of course, relentless urban sprawl and hideous traffic. Yet, like all the South, it remains a place haunted by its past. This was evident in the 2000 elections, when allegations of racist voting irregularities swept through the South, and particularly this state. Black voters were reportedly told to get behind the white voters in Murfreesboro and Memphis. In the Hadley Park district of Nashville, black voters were told to remove NAACP stickers from their cars—or leave the polling place without voting. Police standing around polling places intimidated African-American voters in several locations. In western Tennessee and the Upper Antioch and Hadley Park areas of Nashville, black voters stood in lines over a mile long to use ancient punch-card machines on the verge of falling apart.

The Department of Safety mysteriously lost and mishandled voter records and applications all over the state, turning the so-called “motor voter” process into a nightmare. Tennessee State University, a historically African-American school, was the only college in Central or Eastern Tennessee that didn’t get satellite polling place status. Polling places were moved and changed their hours of operation all over western and southern Tennessee without notifying anybody.

Tennessee’s felon purge list was possibly as problem-ridden as Florida’s. Only the quick work of Dr. Blondell Strong, a Nashville NAACP representative, kept many former inmates from being improperly barred from voting in Nashville. In some areas, such as Memphis and Bolivar, simple misdemeanors placed some people on the purge list. Clifton Polk, a NAACP worker in Bolivar, filed a complaint with the Equal Employment Opportunity Commission over the difficulties experienced in his area.

The Tennessee Voter Empowerment Team met at the Tennessee NAACP Conference of Branches on November 17, 2000, and released their findings to the state. There was massive evidence that thousands—perhaps even tens of thousands—had been disenfranchised, mostly African Americans. The evidence was serious enough to merit a lawsuit conducted by the U.S. Department of Justice.

But the vast majority of media coverage that appeared on this issue came from the black press, newspapers like the Tennessee Tribune, Nashville Pride and Urban Flavor. For several months, major news outlets such as The Tennessean (a Gannett paper), The Scene, and local network affiliates essentially ignored the entire matter. Drew Smith, a producer for NewsChannel 5 (Nashville’s CBS affiliate), received reports on election night of police intimidation and African Americans turned away from polling places in Memphis. Smith, along with
the news director and the anchor, refused to run the story, either that night or in the future. (The employee who passed this story on to me begged to remain anonymous, terrified of losing his job.)

“People want to sweep this under the rug,” says Rev. Neal Darby, head of the Greater Nashville Black Chamber of Commerce. “They don’t want to think it could have happened here.” But Tennessee, in some ways, has the dubious distinction of representing the worst of the worst in the United States voting. And now (…) we are faced with the same question as in 2000: Will we ever have justice in voting here?

Voting irregularities were reported in 23 states in 2000. Yet Tennessee may have the most strikes against it—far more than Florida, the state that received the lion’s share of the coverage. Being one of only three states sued by the Department of Justice is only the beginning. The governor of Tennessee, Don Sundquist, never signed notable election reform legislation. The flawed felon purge list was not corrected. The oldest type of voting machine has not been replaced. Tennessee is one of only six states that received a grade of F in the NAACP’s report on the voting situation nationwide.

This is not a new story, and it isn’t necessary to go back to the pre-civil rights era to find significant problems. In 1992, hundreds of people in Davidson County showed up to vote and were told they were at the wrong precincts. In 1994, election results from early voting weren’t counted until the Friday after Election Day. In 1997, faulty computer equipment at early voting sites in Nashville kept untold hundreds from voting. In 1998, sample ballots were not published before early voting, as required by state law.

Problems continued in the 2002 primaries. Twenty-one of the state’s 95 counties were still using the infamous punch-card ballots, exactly the type that caused problems in Florida. Michael McDonald, Davidson County’s administrator of elections, acknowledges that polling places were understaffed and the workers badly trained. Redistricting caused polling places to be changed throughout the state, and frequently voters were not informed. Though the state is required by law to send registration cards to voters, 20,000 Davidson County voters received their cards late and some never received them at all. Up to 500 voters in Madison, Hadley Park, Brick Church Pike and Bordeaux (the poorest areas, which had the most problems in 2000) received incorrect polling information on their cards. Phone lines that were supposed to keep voters informed on primary day were overwhelmed and out of order.

Voters in almost two dozen Davidson county precincts who asked for paper tally sheets for write-in votes had their ballots mysteriously go missing. The Tennessee—whose coverage of these issues has significantly improved since 2000—went to the Election Commission warehouse and hand-counted all the tally sheets to confirm this fact. The ballots have never been found.

On Friday, Nov. 1, three days before the general election, Tennessee’s state election coordinator, Brook Thompson, warned that Republicans had encouraged poll watchers to challenge voters who had registered under Tennessee’s “motor voter” law. Thompson presented as evidence an internal GOP email obtained by Justice Department lawyers.

“In light of the apparent suspicion and possible hostility that some poll watchers may have to (motor voter) voters,” Thompson wrote in a memo to county election officials, “we must advise the election officials that the poll watchers cannot and will not be allowed to harass and/or intimidate voters. We will not be patient with any person seeking to create a hostile and unfriendly atmosphere in the polling place.”

In a particularly surreal note, state Republicans criticized the federal government’s involvement in the matter: “With all due respect, I don’t think the Justice Department knows what it’s doing,” said John Ryder, the party’s attorney in Tennessee.

“There’s obviously room for improvements, and we’re going to make those improvements,” says McDonald. However, there is still no state law requiring a recount in close elections or setting uniform standards for recounts. Almost two dozen election bills proposed in the Tennessee legislature soon after the 2000 election went nowhere, including proposals to allow provisional voting, adopt minimum standards for nonpartisan voter education, and provide central voting locations for voters who have gone to incorrect polling places. One bill detailing what counts as a vote in counties that still use punch-card ballots did go through, but it’s largely a moot point, since recounts are not required.
Republican Senator Fred Thompson explains that the state simply doesn’t have the money to address all these problems due to seemingly perennial budget crunches, although he says, “We have taken steps to rectify some problems.” There isn’t any money left in the loan fund that counties could previously borrow from to replace outdated voting machines; it was cleaned out by the legislature while balancing the budget this year. “The NAACP wants more money spent,” Thompson adds. “I couldn’t agree more. But there’s really no money to be had.” Rep. Sherry Jones (D-Nashville) states, “The legislature was waiting for the federal government to act,” which never happened.

The question that must be asked, then, is what the proper response should be in the face of government apathy, not enough money, not enough volunteers, not enough laws, not enough equipment, and a very disturbing past. The answer, so far, lies almost entirely in grassroots community organizing. Nowhere is this more obvious than in the African-American community, where most leaders seem to feel that the only way the situation will improve is through increased voter education and awareness. “This is what happened,” the Rev. Edward Robinson of Nashville says. “Now we know how they threw away votes and took advantage of us. But you vote regardless of whether you go to the polls or not. Politicians will only respond on how or whether we vote.”

The national NAACP has assigned voter empowerment coordinators to 22 states, working with a threefold purpose: to register, to educate, and to get out the vote. They’re working with people where they live, through the organizations vital to them—labor unions, black colleges and their sororities and fraternities, local NAACP branches, the Urban League, black employee networks and community centers. They’re registering voters at neighborhood parades, festivals, tailgate parties and beauty shops.

A 36-city NAACP bus tour traveled through the South this summer to promote voter awareness. It was as grassroots as grassroots can get, with activists speaking at high schools, driving through neighborhoods with bullhorns urging people to vote, and enlisting DJs at urban radio stations to push voter registration during evening drive-time.

“We don’t know how many people might have been disheartened by the events of last year,” says Paco Havard, Tennessee state president of the United Auto Workers civil rights council. “But we’re trying to do whatever we possibly can to get folks out to vote.”

And these techniques do work. In the 2000 election, the voting population of the state of Tennessee was 18 percent African-American, as compared to 13 percent in the 1998 elections. Statistically, this is an amazing jump, and it occurred before the unprecedented efforts of this year. “Our job is to teach the importance of voting,” says state coordinator Florence Howard. “We’re empowering people to be part of the American process. All citizens who have the right to vote need to go vote.”

Organizations such as Nashville Peace and Justice Center are also leading voter registration workshops. And throughout the country, but especially in the South, the participation of churches is a crucial factor. The Missionary Baptist Church in Tennessee alone consists of 400 churches with 300 to 6,000 people per church, all coordinating with the national NAACP to register, to educate, and to get out the vote. There is strength running under the media radar, a steely determination to exercise the right to vote that so many struggled to win.

“I don’t know if the work I do on this issue will make a difference,” says Chris Lugo, a Nashville activist. “All I know is how I’d feel if I didn’t do it.”
State of our Union

Analysis of federal policies that undermine efforts to protect the environment and preserve civil rights.
Curbson Clean Air
A major environmental threat to the poor and people of color

By Richard Toshiyuki Drury and A. J. Napolis

Imagine a law that, if enforced, could save the lives of between 4,300 and 7,000 people a year. Better still, what if that law could also prevent up to 120,000 asthma attacks annually? This groundbreaking law—the Clean Air Act—already exists but is under attack by the Bush administration.

Since taking office the administration has attempted to eliminate key environmental protections that have historically benefited low-income communities and communities of color. This summer, the administration approved the single largest rollback of the Clean Air Act—a repeal of a provision known as "new source review" or NSR.

NSR: The Heart of the Clean Air Act

When the Clean Air Act was enacted in the 1970s, its drafters struck a compromise: Rather than require all existing plants to install modern pollution controls immediately, the federal government would allow old facilities to phase-in modern controls over time when they engaged in major plant modifications. New Source Review required old power plants, refineries and other major sources of pollution to install the best available control technology when they undergo major modifications.

Older facilities that do not meet modern air pollution standards continue to create an enormous pollution problem throughout the nation. Seventy to 80 percent of all power plant emissions come from facilities that were built before 1977, and virtually all refinery pollution comes from pre-1977 facilities. Compared to modern or updated power plants, old plants emit four to 10 times more pollution for every megawatt produced, creating dramatic adverse health consequences. These facilities also have an unacceptable rate of accidents and explosions that expose residents and workers to severe health and safety risks.

In the San Francisco Bay Area, communities of color and low-income communities are hosts to a disproportionately large share of these old, highly polluting facilities, some of which operate with technology that is literally 50-100 years old. Every day these facilities release thousands of pounds of toxic chemicals that residents are forced to breathe.

Technology is available to dramatically reduce pollution from facilities and improve safety as well. At the end of the Clinton administration, the United States Environmental Protection Agency (EPA) embarked on an ambitious campaign to enforce NSR at some of the worst polluting facilities in the country. The EPA investigators found that almost without exception, major power plants and refineries had modified their facilities, but failed to install the required best available pollution control technology. As a result, EPA's Office of Enforcement filed dozens of lawsuits against polluters across the country. The results were dramatic. Facilities nationwide agreed to install billions of dollars worth of modern pollution control and safety equipment. In some cases, emissions were cut by more than half.

Bush's New Rule

Rather than build on this successful campaign to modernize our nation's energy infrastructure, the Bush administration has enacted a rule that eliminates NSR altogether. Under the old rules that have existed for 30 years, a facility was required to install the best available control technology...
COMMUNITIES OF COLOR ARE HOSTS TO A LARGE SHARE OF OLD POLLUTING FACILITIES.

(BACT) if it underwent a major modification that resulted in an increase in emissions over current levels.

Bush has now created a “routine repair and maintenance” exception to the rule that allows facilities to make modifications that cost up to 20 percent of the replacement cost of the entire plant. Even if emissions will increase dramatically, no pollution control would be required. For example, a refinery worth $300 million that spends $44 million on a modification that increases emissions by 1000 tons per year could avoid installing BACT because the modification costs less than 20 percent the cost of the entire facility. This exception essentially swallows the rule since very few modifications will cost more than 20 percent of the replacement cost of the facility. Permitting such exemptions enables facilities to spend millions on factory improvements while avoiding anti-pollution measures.

The new rules would also allow a facility to choose any two years of the past 10 as the baseline. Permitting polluters to cherry pick emissions from the past decade will enable facilities to avoid NSR entirely by selecting an anomalous year of high emissions as the baseline, even though the facility may have had much lower emissions in other years. In this way, hundreds of facilities (up to 50 percent, by EPA estimates) may be able to avoid installing modern pollution control technology by selecting unrepresentative, anomalous emissions.

Additionally, the administration proposes an approach called "plant-wide applicability limits," or PALs, under which a source may increase emissions so long as it had decreased emissions by an equal amount in the past 10 years. In other words, a company could modify its facility today, with substantial emission increases, but avoid new source review if it decreased its emissions a decade earlier for entirely unrelated reasons. This approach has key problems. First, it increases the risk that an emissions cap will be significantly higher than emissions under normal operations. Second, it will be extremely difficult to enforce since there is no reliable way to determine the actual emissions from a facility, especially if dozens, or even hundreds of sources are involved, as with a refinery.

Voluntary Enforcement

One of the hallmarks of the 1990 Clean Air Act was the requirement of public monitoring, permit limits and enforcement. However, the administration’s proposed changes eliminate the requirement for non-utilities to obtain, through permits, enforceable pollution limits for any pollution increases resulting from modifications. Rather than having enforceable permits with operating conditions that can be monitored, reported and examined by government inspectors or the public, the administration proposes a "voluntary enforcement" approach that relies upon facilities to set their own limits, keep their own records and turn themselves in to regulators if they exceed those limits. In simple terms, this is a case of the proverbial fox guarding the henhouse.

These changes eliminate the very features of the current law that provide transparency to the public – monitoring, record keeping, and reporting. Worse, the very minimal records that would be required may be shielded from the public because facilities are only obligated to keep them on site. While records submitted to regulators are available to the public through state or federal freedom-of-information laws, records maintained on site at companies may not be available to the public.

It is now well documented that environmental laws are not sufficiently enforced by government, particularly in communities of color. In such communities, residents must often take enforcement into their own hands, as allowed by most federal environmental laws. Eliminating the public’s access to information undermines the ability of community members to fully engage in the process of protecting their own air. Preventing meaningful, workable opportunities for enforcement by the public and regulators undermines our rule of law, harms the competitive interests of companies that play by the rules, and damages public confidence that our air is getting cleaner.

The Human Toll

The EPA estimates that the proposed changes could remove 49 percent of pollution facilities from the new source review requirements. A report by the Boston-based Clean Air Task Force reveals that the proposed changes could result in thousands of deaths.
Key findings of this report include:

- Pollution from the 51 plants that are targets of NSR enforcement actions shortens the lives of between 5,500 and 9,000 people every year. Requiring the plants to meet modern pollution standards would avoid between 4,300 and 7,000 of these deaths.
- Pollution from the 51 NSR plants leads to between 107,000 and 170,000 asthma attacks each year. Between 80,000 and 120,000 of these attacks could be avoided by requiring the plants to meet modern pollution standards.

**Fighting Back**

In response to this threat several states and environmental groups, such as Communities for a Better Environment (CBE), have filed suits against the Bush administration’s repeal of the Clean Air Act. In anticipation of the number of years that it would take for this litigation to conclude, additional efforts are underway in California. Senator Byron Sher (D-Stanford) introduced the New Source Review Restoration Act (SB 288) which was adopted by the California legislature in September 2003 with strong support from environmentalists and labor unions, and which Governor Davis has promised to sign. SB 288 will protect California’s strict air quality laws in the face of the proposed rollbacks. The law essentially takes the former federal new source review law and adopts it as a matter of state law. The result will be that in California, it will be as if the Bush rollbacks never happened. Several states have announced their intention to adopt similar laws.

Clearly, more work is needed to challenge Bush’s gutting of the new source review provisions. One thing is clear: Environmental justice organizations and other allied groups including the labor community will continue to fight in the courts, in the media, and in the streets if necessary. We already suffer from too much pollution as a result of lax enforcement of environmental laws. We must stand vigilantly and not allow the Bush administration to take action that will further damage our health and environment.

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Right-wing Rollbacks and Our Courts

Emerging legal roadblocks to environmental justice

By Deeohn Ferris

Since the inception of the Environmental Justice Movement, grassroots activists, their partners and allies have engaged the legal system and employed the law to leverage greater social equity and environmental justice. There have been impressive gains: Executive Order 12898, the Presidential Executive Order on Environmental Justice, signed in 1994 during the Clinton administration; the formation of a federal National Environmental Justice Advisory Council; federal governmental policies; and staff and state programs.

In September 2001, the Congressional Black Caucus culminated the year-long National Environmental Policy Commission which assessed environmental communities through five “Listening Sessions” and evaluated policy options. Industry trade groups such as the National Association of Manufacturers and the American Chemistry Council have established committees focused on environmental justice. States are establishing environmental justice programs, convening advisory groups and issuing responsive policies.

Most important, communities around the U.S. are working on environmental impacts, land use, community health, wages and worker protection. Activists have influenced cleanups, permitting and economic development decisions. Communities have positively shaped decisions in their neighborhoods and regions and have also defeated local proposals to site or expand facilities ranging from medical waste and garbage incinerators to low-level radiation dumps and chemical plants.

Partisanship and the Public Interest

Political shifts are threatening to truncate these successes. The shifts are reflected in the election of George W. Bush as well as political successes achieved by conservatives in Congress and the state houses. The increasing influence of the corporate sector on the electoral process, and in state and federal agencies is another factor. In what has been a Republican majority Congress, environmental justice activists, civil rights advocates and environmentalists continue to battle over legislative proposals to rollback environmental and civil rights laws.

Under the guise of a domestic energy plan, President Bush is attempting to open critical wilderness areas to oil drilling. The Bush administration has also proposed weakening important environmental protection standards and shifting national environmental enforcement responsibilities from the federal government to the states, has shrunk funding in key programs, and retreated from implementing new standards that took decades to develop.

This summer, a coalition including the Alliance for Justice, the Natural Resources Defense Council and Earthjustice (among other groups) released a report entitled, “Hostile Environment: How Activist
Federal Judges Threaten Our Air, Water and Land.” The report showcases how anti-environmental activism on the federal bench is curtailing protection of America’s natural resources.

Although not noted in the report, a recent pivotal U.S. Supreme Court decision in Alexander vs. Sandoval also damages communities’ ability to deploy at least one key civil rights law to redress disparate environmental impacts. The Supreme Court held that plaintiffs do not have a private right to sue under Title VI of the 1964 Civil Rights Act, which prohibits discrimination on the basis of race, color and national origin by recipients of federal financial assistance.

For the past 20 years, civil rights activists have fought rollbacks in civil rights laws in the courts and legislatures. Courts and legislatures have rejected programs that would enable minorities denied equal opportunity the right to compete on a level playing field in government contracting, hiring and employment and access to higher education. The slow pace of judicial appointments compounded by ongoing efforts of conservatives to stymie the federal judicial selection process in the Senate and pack the courts, has had a negative impact on civil rights.

The tragic events of the September 11 terrorist attack on the U.S. compounded these trends. The prominence of domestic security concerns, the war on terrorism and economic stimulus efforts have eclipsed both the environment and civil liberties as priorities on the national agenda. The key question is whether public and Congressional attention to these issues is temporary or whether the political terrain has changed for the long term.

Overview of Key Legal Issues

Traditionally, environmental justice activists have explored and used a variety of legal tools under environmental and civil rights laws, including litigation. Impediments to broader use of these tools exist. Foremost, there is a paucity of lawyers dedicated to these fields in the public interest context. Comparatively, there is a high percentage of affected communities nationwide and, largely, they are inadequately resourced. Environmental and civil rights litigation is complex, requiring considerable expertise.

Impediments to creating partnerships among environmental justice, environmental and civil rights groups including, until now, the lack of opportunities to engage in collective thinking, have inhibited deploying this expertise to assist communities through lawsuits or pursuit of other options. Further, litigation is usually long-term, experts are required and, in a trend that is affecting even the private sector, costs can be high.

On a limited basis and with some degree of success, environmental justice activists and their lawyers have explored and filed litigation under environmental and civil rights laws. However, recent judicial and administrative decisions and actions by Congress imperil these modest achievements. Here is a brief overview of environmental and civil rights tools and litigation approaches utilized in community struggles.

Environmental Tools

With moderate success, communities have employed local, state and federal statutes and regulations as tools to redress discriminatory environmental decisions. Commonly, claims are made involving procedures, public participation or the technical or scientific bases of a governmental decision. Environmental statutes provide civil remedies in the courts and administrative remedies through administrative law judges. Some statutes authorize citizens to sue agencies to enforce environmental standards.

In general, with respect to procedure, the issue is whether government performed all legally required steps in the decision process. On public participation, broadly stated, did notice and opportunity to comment comply with legal requirements? Regarding the technical or scientific basis for the decision, the underlying concern is sufficiency of the
action or the data and analyses to support it. In environmental justice terms, discrimination can occur at each of these levels resulting in decisions adverse to communities. Moreover, accretion of hazards, and disproportionate impacts in overburdened neighborhoods must be a decisive factor.

Environmental governance is a framework of federal, state and local directives usually under statutes and regulations. One such statute, the National Environmental Policy Act (NEPA), mandates that federal agencies incorporate protection and enhancement of the environment into decisions and actions. NEPA requires preparation of Environmental Impact Statements (EIS) and public involvement on federally funded projects that will have a significant effect on the environment. If proven, unacceptable health, social and economic impacts or serious community disruptions can halt a project. Many states have enacted derivative laws and regulations that mirror NEPA.

Other federal statutes establish programs that protect public health and the environment by targeting media or regulating chemicals and wastes such as the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and the Safe Drinking Water Act. Similar to state-NEPAs, states have enacted parallel laws and the U.S. Environmental Protection Agency (EPA) issues grants to states to operate and enforce key aspects of those environmental programs (although EPA retains certain federal program and enforcement functions and the right to take action that supercedes states).

Other non-environmental statutes also impact these issues. For instance, the National Historic Preservation Act can be a means for affected communities to participate in federal decisions that impact resources in historically significant neighborhoods, buildings and traditional, cultural properties. Local governments may also have counterparts.

Other concerns worth noting include standing to sue and sovereign immunity, two areas under assault in the courts that affect the rights of plaintiffs to sue at all. Judicial decisions are imperiling the rights of parties to sue by limiting whether the litigant is the proper party to fight the issue and constraining suits against government.

Civil Rights Tools

Environmental justice activists have explored and used civil rights laws to address disproportionate impacts. Overarching both environmental and civil rights laws is the Executive Order (EO) 12898 “Federal Actions to Address Environmental Justice in Minority and Low-Income Populations.” The Order, signed by President Clinton in 1994, requires that:

Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority and low-income populations.

The EO confers no new rights but requires federal agencies to take specific actions to address environmental justice such as issuing action strategies, research priorities and community and tribal involvement. The EO’s Presidential Memorandum underscores the applicability of civil rights to environmental decisions. Principally, civil rights are claimed by communities under the Equal Protection Clause of the Constitution and Title VI of the Civil Rights Act of 1964.

The Equal Protection Clause:

Constitutional claims against discriminatory environmental decisions have proven unsuccessful. Courts have ruled that plaintiffs must prove the governmental decision is a result of intentional discrimination against the community. Although attempted by groups around the country, due to the sizable burden of proving intent in this era of institutionalized and, frequently, more subtle discrimination, the Constitutional strategy has proven ineffective.

In one important case, R.I.S.E., Inc. vs. Kay, a federal court found that the Equal Protection Clause doesn’t confer a duty to ensure equality in a government decision to site a landfill but only prohibits intentional racial discrimination. This decision was rendered despite the fact that the population near three other existing landfills was nearly totally African American.

Title VI of the 1964 Civil Rights Act:

Historically, Title VI has been considered
promising for environmental justice. Suits have been brought by private parties in the courts and, administratively, in federal agencies. For example, 121 administrative complaints have been filed at the EPA alone since 1993. While the legal success of Title VI is uncertain, there are other measures of success. As part of an overall strategy, arguably, Title VI has been effective in terms of galvanizing communities and applying pressure on decision makers.

According to Title VI:

No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

To implement Title VI, most federal agencies have issued regulations. Under these regulations, generally, instead of requiring proof of intentional discrimination, discriminatory or disparate impact is sufficient to demonstrate an unlawful act. Given the problems of proving intent, Title VI has provided putative recourse.

For example, the Labor Community Strategy Center and the NAACP Legal Defense and Education Fund filed a landmark transportation action involving Title VI on behalf of 350,000 low-income minority bus riders. In Labor Community Strategy Center vs. Los Angeles County Metropolitan Transportation Authority, bus riders amassed extensive documentation asserting intentional discrimination and disparate impact over 30 years. The Consent Decree favorably settled the class-action suit requiring the Los Angeles Metropolitan Transportation Authority to provide greater service equity for the transit dependent ridership and committed the agency to specific improvements and expenditures. The Bus Riders Union has been able to defeat repeated MTA appeals including a recent favorable decision by the Ninth Circuit.

Even under the disparate impact standard, Title VI claims have not been altogether successful. Sixty-six claims have been pending at the EPA since 1996. In that time period, 45 cases remain under review while 21 are under investigation. Since 1993, only one such claim has been reviewed on the merits. It was decided in favor of the permittee.

In 1998, Title VI was dealt a blow in Chester Residents Concerned for Quality Living vs. Seif. In this case, the complaint alleged that the Pennsylvania Department of Environmental Protection (DEP) discriminated via a decision to permit five of seven landfills in a predominantly white county in the African American (and low income) community of Chester. An incinerator was the subject of the federal complaint. The District Court rejected the claim on the ground that the community didn’t have a private right to sue in court under Title VI. On appeal to the Third Circuit, the court ruled that plaintiffs did have a right. The state appealed to the Supreme Court and it took the case but ruled it moot after the facility failed to secure local permits and the project was abandoned.

More recent cases are causing activists to consider a legislative strategy urging Congress to shore up Title VI by confirming the private right to sue and applicability of the disparate impact standard. In South Camden Citizens in Action vs. New Jersey Department of Environmental Protection, the community, through Camden Regional Legal Services (with the advice of a supporting cast of attorneys), charged the state agency with intentional discrimination,
disparate impacts and a Fair Housing Act violation.

The cause is a decision to allow St. Lawrence Cement Co. to site a $55 million plant that would grind and process granulated slag in an area already inundated with hazards. These assaults include a sewage treatment plant that serves 35 towns, a cogeneration plant, a trash-to-steam plant, two Superfund sites, and 15 other known contaminated sites.9

In a detailed decision, the district court judge ruled in favor of the Title VI claim and the private right to sue and issued a preliminary injunction against construction of the new facility. Within a week, the U.S. Supreme Court issued a ruling in a separate case, Alexander vs. Sandoval,10 a decision that undermined the remarkable decision in Camden, and held that private suits are not available under Title VI. Sandoval involved the issue of whether Spanish-speaking individuals could sue the State of Alabama for discrimination under Title VI for requiring English-only drivers licensing.

Shortly after Sandoval, the District Court Judge in Camden issued a supplementary opinion skirting the Supreme Court decision by holding for the first time that plaintiffs could sue under Section 1983 to redress discriminatory impacts. The DEP conducted a disparate impact analysis on the cement plant and found none. In September 2001, an appeal was filed in the Third Circuit.11

However, in December 2001, the Third Circuit decided the case against the community holding that Title VI regulations alone do not create an enforceable right under Section 1983 if that right is not found in the enforcing statute. The Court held that in the light of Sandoval, Congress did not intend to create a federal right under Title VI to be free from disparate impact discrimination and that while federal EPA regulations on the point may be valid, they do not create rights enforceable under Section 1983.

Currently, Title VI is a tenuous tool for addressing environmental justice due to these developments. Communities and their allies are participating in a process that enables them to examine Title VI, refocus on strengthening existing civil rights and environmental laws and expand collective work on legal strategies including regulatory and policy approaches and litigation.

Footnotes

1 And criminal penalties.
2 EO 12898 remains in effect. Although issued by President Clinton, the Bush administration has not rescinded it.
3 768 F. Supp. 1144 (E.D. VA 1991), aff’d., 977 F.2d 573 (4th Cir. 1992)
4 263 F.3d 1041 (9th Cir. 2001) (referring to the most recent Ninth Circuit decision)
6 132 F.2d 925 (3rd Cir. 1997), cert. granted, 524 U.S. 915 (1998)
10 532 U.S. 275 (2001)
11 “Environmental Justice Rises from the Ashes of Title VI,” Taterka, B., Natural Resources and Environment, American Bar Association (Summer 2001)
We highlight misguided policies that have led to the destruction of our environment and ill health of surrounding populations. These policies cater to large corporate campaign contributors, leaving less affluent citizens to suffer. Finally, we propose that cross-movement alliances promote projects that sustain and optimize current infrastructures and future proactive strategies—such as full public financing of elections—that benefit all organizational missions.

Environmental Injustice

In March 2001, the Bush administration lowered standards for drinking water and lifted regulations requiring mining industries to post clean-up bonds. Mining runoff has been identified as a major source of water contamination, leading to increases in cancer-causing arsenic in drinking water. A year later, the administration gave coal-mining companies the permission to dump tons of waste into valleys and streams without penalty. In response, low-income white residents sought the intervention of the courts. The mining companies, in turn, sought protection from the Bush administration, which weakened regulations according to the mining industries’ demands. Not coincidentally, the mining industry contributed more than $3 million to Bush’s campaign and the Republican National Committee, demonstrating the influence of large corporate campaign donations on the administration’s environmental policy.

Similarly, the Bush administration’s attack on the Clean Air Act disproportionately affects low-income people of color because refineries and power plants are often located in or near those communities. According to Communities for a Better Environment (CBE),
More Anti-Poor Policies

**Housing:** Last fall Congress voted to drastically cut the Federal Housing Choice Voucher program (section 8), putting more than 100,000 low-income families at risk of losing their rent subsidies, according to the Congressional Budget Office. Other cuts include cuts in the HOPE VI program and the public housing capital fund.

**Transportation:** The Bush administration recently proposed cuts in the federal match for new mass transit projects and to eliminate guarantees of transit money from the general fund, while speeding environmental reviews of transportation projects in part by reducing the opportunities for the public to provide input.

**Education:** Funding for the No Child Left Behind Act, signed by President Bush in 2002, was cut by $90 million, freezing funds for the hiring and training of teachers as well as after-school programs.

**Health care:** More than a dozen state Medicaid waivers (exemptions) approved by the Bush administration have resulted in failures to provide services to thousands of qualified recipients and diminished quality of care, according to a recent General Accounting Office investigation.

**Welfare:** The Bush administration’s welfare reform plan increased work requirements for recipients from 30 hours to 40 hours per week. At the same time, it provided no new funds for childcare or the Temporary Assistance for Needy Families (TANF) block grants over the next five years.

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Southwest Network for Environmental and Economic Justice, and the Center for Race, Poverty and the Environment, the gutting of the Clean Air Act could result in more than 7,000 deaths and more than 100,000 additional asthma attacks among low-income people of color. The New Source Review program under the Clean Air Act required older power facilities, which account for 70-80 percent of refinery and power plant pollution, to install and upgrade their equipment to reduce emissions when these facilities undergo major modifications. Under the new Bush administration plan, facilities could avoid installing upgraded pollution-control equipment altogether.

**Judicial Nominees**

President Bush also has the power, with Senate confirmation, to appoint judges who make monumental decisions that affect our environment and civil rights. Judges play an important role not only in interpreting environmental laws, but also in enforcing laws that protect our water and air. Therefore, judges, like elected officials, are key players in protecting—or not protecting—our environment.

For example, Bush nominated Judge Victor Wolski to the Court of Federal Claims, a court that decides whether the government must pay companies and developers to comply with environmental and safety standards. The Senate confirmed Judge Wolski on July 9, 2003 with a narrow vote of 54-43. A libertarian on issues of government power and property rights, Wolski is known for supporting property rights of corporations at the expense of environmental and public health safeguards. As a lawyer, Wolski unsuccessfully argued that a regional plan established to save Lake Tahoe from pollution constituted a taking of private land by the government. The Bush administration’s choice of Wolski and other ultra-conservative ideologues to the Court of Federal Claims will have detrimental effects on our environment.

Justice Priscilla Owen, another Bush judicial nominee—thus far stymied by filibuster—has an equally unfavorable reputation among environmental groups. Justice Owen is known for defending the property rights of major landowners at the expense of clean water safeguards. Her appointment to the bench, as well as other similar appointments, would undo the protections that have been achieved by environmental groups through the years.

**Call for a United Social Justice Voice**

We should expect more of this type of anti-environment, anti-civil rights leadership as long as we participate in a donation-driven political system. This system has severe consequences in terms of systemic disenfranchisement of minorities and the poor. Voters of color believe that there is no equality under the current system of campaign finance because they often lack the funds to have an influential voice. Publicly financed campaigns would provide communities of
color greater access to the political process and they would replenish the country’s dire need for community-committed leaders.

Achieving this representative elected body will require social justice groups to make replenishing our state and national leadership a strategic organizational priority. We can do this proactively and reactively. Proactively, we can allocate staff time toward promoting local and statewide public financing of election campaigns in our respective communities. Civil rights advocates can work with campaign finance reform activists to translate the direct benefits of full public financing of elections to their individual organizational missions and identify how those organizations can mobilize their constituencies toward reclaiming a diverse and accountable leadership. The Greenlining Institute’s Claiming Our Democracy program has formulated clear recommendations that groups might begin incorporating into their public education priorities.

We can also become more united even when reacting to detrimental initiatives. Take, for example, the Coalition for an Informed California, the largest statewide alliance formed to defeat the Race Information Ban (Proposition 54), which lost at the polls on October 7, 2003, as this article went to press. This broad and diverse coalition of civil rights groups, public health providers, medical associations, academics, think tanks, journalists, bar associations, youth leaders and businesses is intensely committed to educating voters about the harms of prohibiting the collection of racial data. The question that follows is: What will remain of this powerful health and justice infrastructure after the votes come in? Will it dissolve, with individual coalition members returning to their core missions? Or will we view the statewide infrastructure as an asset that can be used for the next proactive social justice issue, such as full public financing of elections?

The answer is for multi-issue organizations to reexamine the ways they fulfill their missions, particularly by extending stronger support to other social justice organizations’ goals. A united social justice voice requires an agile infrastructure that communicates and decides effectively as issues and priorities are conceived. This entails developing trusting relationships among organizations, along with organizational missions that fit within a broader vision for civil rights and social justice in the United States. Social justice leaders might consider integrating alliance-building systems into their own organizational value chain.

The true test of our democracy will be whether the underrepresented, minorities and the poor are provided an influential voice. Social justice groups need to assume leadership to ensure that elected officials become truly representative of the public’s needs. Money talks, but it is the public’s money, through publicly financed campaigns and diverse super-alliances represented by the people, that should be doing the talking.

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Building Power: The Case for EJ Electoral Politics

Perspectives on why environmental and social justice advocates must engage in electoral activism
As media coverage of progressive issues tapered off in the early 70s, no doubt due to a growing awareness among the ruling class of its effect, so too did the movement. This was also due to burnout and other common issues that face grassroots movements with limited resources. Because it had only gained concessions, rather than control of power itself, the movement did not have the resources at its command to self-perpetuate—not to mention the resources the government had at its command, i.e. COINTELPRO, to destroy the movement.

Over the past 30 years we've seen major rollbacks: Wages for the bottom 60 percent of the population have either declined or stagnated while Americans are working about 160 more hours per year (we recently edged out Japan as the hardest-working country in the world); the prison population has grown to almost 1 out of 100 people in the U.S.; our educational standards have drastically declined; roads and strip malls invade even the most remote reaches of the countryside; rampant development is causing the temperature of our planet to rise; and war and coups continue to be a staple of American foreign policy. All of this lies against a backdrop of incredible technological advances that have more than doubled our productivity, begging the question of why society itself, and our quality of life, hasn't advanced along this same trajectory.

Power in any society is determined at its base by the psychology of the population. Sometimes this power is determined by fear, sometimes consent, and sometimes both. In our society both factors are at play, but the factor of consent is by far dominant among the overwhelming majority of the population today. This vast majority believes in the validity and fairness of democracy—of which the essential element is elections—as the primary way of determining power. This does not mean that they necessarily believe in the particular policies of any administration or elected official, but merely that they accept the outcome of the elections as at least marginally fair. What this means in practice is that no one can ascend to an elected position in government without winning an election. Of course, as we've seen recently and throughout history, there is election fraud that can skew the election in favor of candidates who would not have won. Although in these cases whatever fairness there is in elections is eliminated, in the vast majority of elections fraud does not determine the outcome.

Fraud tends to be an effective tactic for the eventual victor only when the margin is extremely
close. Otherwise the scale of the operation becomes too large to avoid public scrutiny. In this way candidates who challenge the dominance of the ruling class can and have laid claim to real power through the electoral process. Even when they do, they can be assassinated, but as with fraud, this can only occur in an extremely limited number of cases before the public scrutiny and awareness would undermine most of the legitimacy the government now enjoys.

The result of winning elections is the acquisition of positions of power in government from which the rules and structure of society are determined. We need only look briefly at the power the government wields to see how vast it is: the power to imprison, to tax, to spend taxes, to control all military and police forces, to regulate media, to serve as a respected, trusted leader even if that trust and respect is not deserved, to permit the right to assemble, and to make laws regulating all facets of human life and society including corporations. While corporate interests control the government we will continue to live in a corporate society even if our movements are able to gain concessions, often temporarily, on particular issues. However, if progressives can gain control of the government we will move much more quickly toward a progressive society.

Single-issue activism today is a one-step forward, two-steps back struggle. While expending great amounts of energy in order to gain even the most minor of victories, the ruling class simultaneously advances on several fronts at once. This is due in large part to a media that refuses to adequately cover progressive issues and a population that is too busy, too distracted, too isolated, too uninformed and feels too powerless to do anything. A continued focus on single-issue activism may fend off some of the worst abuses at times, but if this is the primary focus of activism we will see ourselves eventually beaten on all the issues.

While tens, if not hundreds, of millions of dollars are spent each year on progressive nonprofit organizations that tend to focus on single issues or a small range of issues, most of these organizations lose on the major issues, especially without allies in elected office. Then there are the tens of thousands of committed grassroots activists who also use their energy in this fashion, and the millions of occasional
activists who do the same, for example, by attending a protest on a single issue. Savvy media activities, combined with numerous huge protests are the minimum for any hope of success on a single issue, and often still are not enough.

Imagine if those millions of activists could be mobilized to put up posters, drop literature, make phone calls, go door-to-door and speak to people face-to-face for electoral campaigns. With this kind of mobilization, grassroots activists can make a huge impact on campaigns. Those who don’t believe that such efforts can have a huge effect on the outcome of an election have not witnessed first hand the effect of a major grassroots campaign. Their opinion is based on a situation in which people decide who to vote for using the only information that’s widely available—what is being disseminated by corporate media—and where a grassroots campaign is the rare exception rather than another regular source of information. The definition of a “major” grassroots campaign varies depending on the size of the race, but in San Francisco, with 800,000 residents (but less than 250,000 regular voters), a citywide campaign with 100-150 volunteers qualifies as a major grassroots effort, which can swing tens of thousands of votes in either direction.

The only thing a self-serving politician cares about is votes. If your organization has a demonstrated ability to bring in votes, your clout will be much greater than if you simply make the public aware of an issue but don’t tie it to a particular politician.

Of course, some will claim that all politicians are corrupt or there for personal power or gain. Although this is demonstrably true of many politicians, it is not true of many others who enter politics out of a sense of civic duty and a wish to improve social conditions. The latter are potential allies in a campaign for electoral reform and progressive legislation. Because of corporate media ownership, the precipitous expense required to buy advertising, and the lack of activist volunteers, it is extremely difficult if not impossible for progressives to get out their message in the electoral arena. This means that candidates who appear progressive in corporate media coverage often are not upon closer scrutiny, but voters who only find this out after the fact give up in frustration, deciding that all politicians are the same. But grassroots campaigns on a local level running true progressives, if effectively organized, can often do extremely well, if not win. And this is in spite of a populace generally unconcerned with elections, and an activist base generally uninspired and therefore uninvolved.

In the past couple of years similar ballot initiatives have passed in four states: Maine, Arizona, Vermont and Massachusetts. These initiatives have introduced public financing of statewide campaigns, including
CANDIDATES WHO CHALLENGE THE RULING CLASS CAN CLAIM POWER THROUGH THE ELECTORAL PROCESS.

for governor and state legislators. Since state law always trumps local law you don’t immediately need to have public financing rules apply to local races to create a huge change in state governance.

In Maine right now there is a Green running with $1 million in public financing. All he had to do to get it was collect 2000 $5 donations. With this money he can now run a serious campaign. Although it won’t buy a whole lot of television advertising it can buy tons of grassroots organizers, literature, signs and mailers. It’s enough to force the corporate media to take him seriously.

Although savvy campaigning can be done without that kind of government funding, it helps significantly to level the playing field. Candidates who take the money are designated as “Clean Money” candidates on the ballot and are not allowed to accept "special interest" contributions. Fifty-four percent of the candidates who recently won statewide races in Arizona were “Clean Money” candidates. Savvy campaigning may be adequate to win local grassroots campaigns, but public financing is probably necessary in races that take place over large geographic areas. We currently have some public financing for supervisorial races in San Francisco that passed by ballot initiative several years ago. This, combined with district elections and instant runoff voting, will yield a much easier terrain for progressives in upcoming elections. These progressives may then move on to a higher office that isn’t currently governed by these rules. And there is a major campaign underway to introduce public financing in California through a ballot initiative that will be placed on the November 2004 ballot through signature gathering.

If you are working on a single-issue campaign right now, consider instead working on something that will continuously pay dividends to the entire system over the long run. Public financing, instant runoff voting and proportional representation are a few electoral reforms that will completely change the political structure. If you are not interested in these reforms, then form coalitions with other progressive groups based on getting candidates that share all of your ideals elected. Then you will win on every issue, not just one.

An anti-war movement will not stop the war machine in the long run. Traditional protest techniques are important and effective, but they need to go hand in hand with electoral reform to maintain an effective movement. It’s simply inefficient to expend so much of our activist energy again and again on one issue after another when we can change the system in a way that gives us the power to have our voice heard and our demands met. Democracy is an extremely important and powerful tool for social change and should be respected as such.

We live in a much more progressive country than our voting records now indicate, but the voting population does not reflect that for several reasons. People 65-75 vote in percentages twice as high as those 18-24. Many progressives forsake the electoral process because they see it is as corrupt (only 45 percent of the eligible population votes at all). Corporate media ignore genuine progressive candidates and portrays corporate candidates as progressive. You need only look briefly at the progressive themes—democracy, peace, justice, better education, healthcare, environmental protection, equality, respect for diversity—that the corporate media uses to manipulate people to see what the population actually responds to. If we can generate enough grassroots electoral activity we can get our message out and win elections. It doesn’t need to be the Green Party, but any party or organization that wants to use democracy for the benefit of the people.

And if the government does decide to go down the road of fascism and doesn’t honor the outcome of elections or overwhelmingly uses fraud to fix the outcomes, it will be forced to rule increasingly through fear and force, a situation that is inherently unstable and unsustainable. If it came down to that, the American people would overwhelmingly be willing to get out into the streets to retake democracy.

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RPE: Could you talk a bit about the history of SCOPE and AGENDA and why you decided to move into the area of electoral politics?

Anthony Thigpenn: AGENDA, which just had a 10-year anniversary, was formed in the context of the 1992 civil unrest here in Los Angeles and in recognition on the part of a number of activists that there weren’t enough organizations doing grassroots organizing. There seemed to be a disconnect between poor, working people and people of color and the public policies that were shaping their communities in adverse ways. That’s when we started as an experiment trying to do several things. One was to build vehicles so that poor people and people of color could have an effective way of connecting with public policies shaping their communities. Second, was to develop a proactive agenda. Third, we understood that we needed to do more grassroots organizing because no one organization could develop the power necessary to shape public policy, particularly in the 90s.

In 1996, in response to California’s Proposition 209, the anti-affirmative action initiative, we put out a call to form a countywide coalition to oppose the initiative. Prop. 209 was one in a series of struggles, including Proposition 187, [which threatened to deny public services to undocumented immigrants] and Three Strikes. [So the question was]: Can we fight Prop. 209 but also agree that we need to build a more long-term alliance?

After the anti-Prop. 209 campaign, we were involved in similar efforts over the next several years. Last year we decided to form a 501(c)(4)—an IRS code that allows certain lobbying activities for nonprofits—with our core allies so that we could institutionalize the work we’d done in the electoral arena in a more effective way. The collaboration, known as the Los Angeles Metropolitan Alliance, included AGENDA, the Community Coalition, which is a group here in South L.A., and three unions that we have been working with for many years. We made a map of the members of the different organizations throughout the greater South L.A. area and found that there were about 35,000 members. The idea was to build neighborhood-based precinct teams starting here in South L.A., and then expand to other areas of the city to build institutional political power. The goal is to eventually have a team of three to five people in all the precincts in our target areas. We do training and leadership development; they do registration, voter education and voter turnout during elections.

The reasons we felt [electoral politics] was an arena we had to engage in were multiple. One, there were...
all these assaults against us and they were primarily in the electoral arena. That’s not accidental because of the power of money in the electoral arena. Also, it is an arena where public policy is made and if we were serious about trying to shape regional public policy, we had to have the ability to operate in that arena. Finally, quite frankly, if you do not have some ability to reward or punish officials and public policy makers once they get elected, then [your influence] is going to be marginal.

RPE: So the separate 501(c)(4)’s are made up of AGENDA and its core partners?

Thigpenn: Yes. The representatives of various organizations are on the steering committee for the C4.

RPE: What’s the status of this electoral effort right now?

Thigpenn: Last year we trained close to 700 individuals operating in 100 to 120 precincts and so we have that as our initial base. We did a lot of education and voter turnout work around last year’s election in which the big thing in L.A. was secession—a part of L.A. trying to break off—and a bunch of other issues. We also did some work this past spring in two election cycles around city council races and some initiatives on the ballot there.

RPE: How are you able to approach your own electoral strategy in a comprehensive way? For example, how do you respond to ballot issues and also groom candidates and support them after they get in office?

Thigpenn: [That question] connects very much to both the grassroots organizing and the alliance building we do. Part of the training we do with grassroots members, our leaders and our alliance partners is understanding the political landscaping—public policy, decisions being made, the planning bodies so that people are educated about who’s making decisions that are shaping their neighborhoods, their communities, and their regions. That’s fundamental. And then we engage with people in strategy sessions where we ask questions like: How do we become a voice and a power in that context? That’s our long-term strategy of which the electoral piece is part and the public policy campaign and organizing is another part.

When we first formed the C4 last spring it took four or five months to recruit people, to talk about our five-year vision and to do a power analysis—these are the institutions, the public policy bodies, and these are the issues. So we developed that context long before we discussed talking to voters. One of the fundamental trends that we use to recruit people is the fact that civic registration is decreasing in our community. We can see that over the last 10 years there has been the decline in voter registration in our grassroots neighborhoods. That makes it clear why we have to educate our neighbors, register people, and make sure they’re educated not just during electoral times but also in times leading up to that. Part of our goal here is to both create the precinct team and also create a more educated and informed activist neighborhood.

In some sense that’s the first level of democracy—educating neighborhood residents. Then the other dimension is knowing what’s on the ballot and what our positions are, what things we want to put forward, and/or grooming candidates.

RPE: What’s the connection between where you are and where you plan to be in five years? Do you start off by saying, “We need to really change the tides here, we need to put forward this proactive vision? This is where we are and this is what we need for a healthy L.A. region or state?”
**Thigpenn:** We sat down—both individually and collectively—with the five partners of the Los Angeles Metropolitan Alliance and then others and talked about the current landscape and what our thoughts were in terms of a five-year vision, both from a policy point of view and from a political power point of view. We shared that, gathered additional input and created a shared agenda over the next five years that includes issues we know we need to work on. We developed a vision of political power at the grassroots level—how many precincts, how many people, how many voters. We also discussed how we wanted to impact things like the L.A. city council, electing some number of people from the inner city. Next we shared that vision with as many community members as we could through a series of education sessions. This allowed us to gather people’s input, incorporate it, which resulted in them having greater understanding and ownership of the vision.

**RPE:** What’s it going to take for social and environmental justice groups to actually engage at the electoral level and be effective?

**Thigpenn:** Well I think there are probably a couple of issues from a capacity point of view. Our movement has tended to shy away from the electoral arena and for some good reasons. [Electoral work] tends to be a passive process because people vote and then go back to whatever they were doing before. The power relations are not to our benefit because of the power of money in elections. So there’s a cultural resistance in our movement to electoral politics based on [the idea that the] electoral arena is “mainstream,” right? So part of [the solution] is just engaging people and bringing them to some agreement that, yes, all these are valid critiques of the electoral arena but we simply cannot ignore it or we’re going to get killed. What are the capacities
that we as a movement—and therefore we as individual organizations—need to bring to the table to efficiently engage in building political power? Different people will bring different pieces to the puzzle.

RPE: The Environmental Justice Movement and the broader social justice movement seem to articulate the capacity issue in different ways.

Thigpenn: That’s a very good point. How broad do you draw the circle? It’s a question of debate. So navigating that dynamic is very important. Once we say, Well, here are capacities we ought to have, here’s what we do have, then [we need] some sense of the program and the strategy to close the gap between where we are and where we ought to be. For us part of what that means is the trainings we did with our grassroots leaders. When we got to the November 2002 election, lots of organizations wanted to participate. Their members would come to training sessions that we did on how to read a precinct map, how to do educational material that’s not so abstract that people don’t get it. And then it was somewhat surprising that even when groups have membership, asking the membership to do something in their neighborhood is a big leap for some organizations. So you could have an organization that has 500 members but they never thought about trying to translate that into some kind of geographic strategy.

RPE: Within the Alliance did you all identify which role each organization would play?

Thigpenn: In forming this C4, we came up with bottom-line criteria, i.e. what any organization that’s going to be a part of the core, and then this outer ring, needs to bring to the table. One example is a good membership base. That doesn’t mean they’ve got to be big, but they’ve got to have a core to build from. We also decided that organizations have to have staff so they could give some portion of staff time to the effort.

RPE: As you know, in the EJ Movement there are at times struggles between organizations that operate with a membership structure and those that do not. Within an electoral strategy, what role do you see nonmembership organizations playing?

Thigpenn: It’s constant tension. However, it seems to me that one way to address the tension is to be clear about what the ingredients [for building power] are. One ingredient is membership but it’s not the only ingredient. For example, even the time and capacity to coordinate and manage is an ingredient. [Others include] the ability to do research and analysis so that we’re being more strategic and accurate, the ability to develop good communication strategies—everything from just literature, grassroots literature to media, etc—the ability to bring other institutions to the table. So it’s a whole set of things that are necessary to build political power. Different partners have different strengths. Even inside of our institution, it’s a constant struggle to understand why we need a research department or why all our resources don’t go to organizing. The way we try to solve that is to say organizing is essential but organizing by itself will not achieve what we need to achieve.

RPE: Are you feeling hopeful that people are coming to grips with that understanding?

Thigpenn: It won’t be done in one fell swoop. There is a core [group] that we can come to agreement with. We can demonstrate more effectiveness by having a more multidimensional approach than just organizing or research or policy advocacy. We’d love to say, “Let’s convene a convention of all the L.A. movement and come to agreement,” but that’s not practical.

RPE: As AGENDA and the Alliance are developing a track record in the electoral arena, what have you learned along the way? What are some of the lessons and key challenges?

Thigpenn: I think the first lesson is that it took time. All of this builds on to what we’ve [been doing] at least since 1996 in the electoral arena, so there’s a context. We probably started in the fall of 2001, with
conceptualizing and having some initial conversations. During the first six months of 2002 we had both individual and collective conversations. It was really after six months of conversations that we came to agreement. And then we spent June through September putting the initial apparatus together. Organizations had to give us their membership lists. Just building the trust was huge. I mean in some sense it’s unprecedented, particularly for unions to give their membership lists like that. We spent June through September putting together the analysis and recruiting the initial precinct teams. We did this over the summer intentionally when there wasn’t an election. It was non-electoral, but we actually built precinct teams that went out into neighborhoods to conduct issue surveys. That allowed them to get used to the neighborhoods and their membership lists. It was a trial run for November when we actually were doing something in the election itself. So that investment of time, of building relationships and trust, is probably the most important lesson I think we’ve learned.

Another lesson was to be specific and concrete about outcomes so we could measure our success. We said for this first round we will build teams of three to five people in a hundred precincts and we did better than that. But it was measurable over time and so it was motivating.

The challenges are several. And one is the one we all face—that we’re all really busy with our own thing. So keeping focus on the collective agreement and the collective work was a big challenge and continues to be.

Another challenge: we’ve run into some turf issues. As we begin to develop a new entity it makes other organizations nervous. It makes elected officials nervous. It makes other people who normally do this work nervous—and these are our allies, not the opposition. So navigating that terrain and holding together the unity has been a challenge.

RPE: Can you do electoral work through a C3 rather than creating a C4?

Thigpenn: We have a line item in our C3 budget called civic participation. In non-electoral times, we call our precinct teams neighborhood education teams. But it’s the same three to five people, on the same neighborhood, building a base of informed people.

You’ve got to be exceedingly careful about your language and progressive lawyers now have a whole manual about that. And it’s pretty restricted. You’ve got to be careful about that spin because if it sounds like you are leading people toward a conclusion as opposed to objectively educating, then you could get yourselves into trouble.

RPE: What’s the connection to state politics or even national electoral strategies? What are your thoughts about the need for a state-level lobby?

Thigpenn: There needs to be an ability in the progressive movement in general, and in the EJ movement in particular, to intervene at the state level. Currently, it’s spotty at best. Some attention to building that capacity needs to happen.

It’s pretty obvious that there are very huge lobbies on the conservative side. They operate constantly at the state level. We sometimes operate at the state level. It’s almost always reactive and if we’re not watching, even when we win the temporary victory, as soon as go back to our local regional work, it’s undone in administrative or bureaucratic ways. The ability to be proactive around EJ issues means doing something statewide that’s sustained. Whether it’s the legislative arena, or the broader electoral arena in terms of actual moving the population and having actual voting blocs in different parts of the state, that needs to happen.

RPE: What are you doing at the federal level?

Thigpenn: Mainly mobilizing to try to influence our particular congressional representative or organizing a collective day of action around [an issue]. It’s our perspective at this point that that’s important and we’ll continue to do it. Our movement is nearly at the level where we can be more strategic at the national level if we can in the next five years have a more strategic impact at the state level.
The reality is that the ongoing relevance of community organizing will depend upon a commitment to electoral strategies that link constituent groups to larger political efforts. Organizers across the country are finding that their usual approach is simply not enough in a time when laws and regulations designed to protect workers, the environment and civil liberties are under daily assault. At this perilous moment in our nation’s history we must put in place electoral organizing strategies that will become the foundation for the next generation of activism. For donors and activists alike, this will require expanding our ambition and sharpening our focus.

Toward this end, we must first break down significant barriers that continue to limit the ability of many groups to realize their objectives in the political realm. The most obvious barrier is resource allocation. The funding community has not yet fully embraced politics as a critical aspect of achieving substantive social change. Even within the limits on charitable giving, the philanthropic sector remains overly cautious about how to proceed in this arena.

We can and should use our dollars for leadership development, issue advocacy and public pressure in ways that many of us have been reluctant to do. Furthermore, donors need to consider special grant-making programs that provide community organizations with the technical resources that are unique to political base-building. We must consider supporting entities that are not limited by charitable tax law. This will require funders to think more creatively about the vehicles that we employ to support this type of work. We will also need to urge more individual donors to make hard money contributions as part of a broader commitment to changing our world. Fortunately, many funders are now adopting this view. The challenge will be to mobilize these resources in the next few months if there is to be any impact on the 2004 election cycle.

Most of our political battles to date have been defensive efforts to fend off attacks on affirmative action and immigrants, and to limit further expansion of the criminal justice system. The political right wing’s ability to keep the pressure on their adversaries (i.e. all true democrats) is one of their most important tactics and provides a critical lesson for us. Setting the terms of the debate on an issue, forcing opponents to spend time and money fighting against an idea, and putting forward one heinous proposal after another all serve to divert us from refining and effectively advancing our own agenda. To be sure, we should not stop defending against these attacks, but we must also commit ourselves to fighting proactively for a more just and equitable society. This will mean promoting ideas and candidates who will take on issues that are of clear relevance to our base. Vision without tangible results may help us feel righteous, but only by delivering real change—such as wage increases, cleaner air and better schools—will we earn the support of the broader electorate.
WE CAN AND SHOULD USE OUR DOLLARS FOR LEADERSHIP DEVELOPMENT,
ISSUE ADVOCACY AND PUBLIC PRESSURE.

Probably the most critical point at which community organizing, philanthropy and electoral politics converge—and the first step in engaging many people predisposed to share our politics—is voter registration. Philanthropic dollars should be used to promote more sophisticated and ambitious voter registration campaigns. These programs do not simply sign up the new voter. In addition, they identify registrants’ individual interest areas and make regular contact right up to election day. Coordination with other advocacy organizations that can speak most effectively to each voter’s particular interests would naturally enhance the success of these campaigns. Due to their history and credibility with local community members, many nonprofits have the potential to develop the deeper relationships with residents that can turn the new registrant into a highly motivated voter. Because so many local and municipal elections can be decided by a small number of votes, a meaningful voter registration and identification program can make a community organization a significant player in local politics.

Though it would be no small accomplishment to limit George W. Bush to one term, the ultimate measure of success for electoral activity in 2004 will be the creation of infrastructure that supports political efforts into the next decade. Every strategy undertaken, from voter registration to campaign operations, should include a determination to build a base that will last for years to come. For funders this will mean supporting work during off years as well as in campaign season. Organizers will have to choose their battles carefully, bearing in mind both what is possible now and which longer-term struggles are most likely to bring about systemic change. We are faced with a historic challenge and we must commit ourselves to doing more than “fighting the good fight.” We must plan to win it.

Robert McKay is executive director of the McKay Foundation, which provides grants and support to community-based activists working for long-term social and economic change.
Key ways to win in the electoral realm: lobbying, supporting reforms, running for office and much more.
Learning to Lobby

Steps to successful legislative advocacy

By Judith Bell

In recent years, environmental justice advocates have worked successfully to educate the public about environmental racism and to push policymakers to do something about it. As some of the nation’s premier grassroots organizers, EJ advocates have partnered with residents in communities of color to eliminate environmental hazards. They have won an impressive array of lawsuits to extend environmental protections and mitigate harms.

EJ advocates have also lobbied for and against public policy proposals. They have successfully pushed for changes in laws and regulations associated with exposure to lead (and the responsibility to test for it), monitoring cancer incidence, rules for cleaning up brownfields, and a host of other issues. But in the toolkit of advocacy strategies, including organizing, protesting, litigating, and lobbying/legislative advocacy, it is lobbying and legislative advocacy that are perhaps the least used and, for some, continue to present strategic and legal issues.

What is Lobbying?

While grassroots organizing and protesting are part of the “outside game,” lobbying is the “inside game” in the halls of government and in legislators’ offices. Lobbying seeks to influence legislative decisions in local, state or federal government. When a change in law or regulation is proposed, lobbying works within the structure of the legislative process to impact a pending measure—to defeat it, amend it, or push it through. Lobbying helps frame issues and choices for policymakers by presenting the facts and bringing the people who care and who will be affected by a proposal to lawmakers’ attention. It also creates public and political pressure to urge lawmakers to take a stand.

Lobbying can be a proactive or a defensive strategy. Sometimes lobbying is necessary to ensure that a victory is not lost. Too often once referendums, initiatives, or litigation are successful, there is a move to overturn or weaken them with follow-up legislation or regulations. When litigation forced the state of California in May 2002 to regulate agriculture under the federal Clean Air Act, agricultural interests floated the idea of amending the Act. EJ advocates successfully lobbied to beat back that effort, even before it was officially proposed. In other instances, when EJ advocates successfully lobby for new laws at the local level, legislative proposals to weaken them emerge at the state or federal level.

Lobbying as a proactive strategy strives to advance needed public policy changes. This year EJ advocates have also sought to codify their courtroom victory into state law to regulate agriculture under the Clean Air Act.

Whether aimed at supporting or opposing a proposal, lobbying requires knowing the political terrain or partnering with organizations or individuals that do. A successful public policy campaign requires lobbying in the halls of the legislature and in the districts of elected officials, as well as seeking to sway the hearts and minds of the public. Understanding both the political landscape, (who really makes or influences decisions) and the rules governing the political process (when and where decisions will happen) is the formula for success.

Bringing on Partners

Money is a very powerful force in the political arena. Powerful corporate interests, with their campaign contributions and their access to legislators, often succeed independent of coalitions or a broad base of public support. But for environmental justice advocates to succeed, they need the support of strong
Lobbying is perhaps the least used advocacy strategy.

Coalitions with large constituencies that are racially, ethnically, geographically, and organizationally diverse, and willing and able to be mobilized. Coalitions should also include diversity in experience, skills, available resources and expertise.

Unusual alliances can bring unexpected power and attention. For instance, this year asthma advocates joined EJ advocates to press for legislation that would prohibit the use of five dangerous pesticides on school grounds, a potential trigger for children with asthma. Legislators were lobbied by EJ advocates, by PTA officials, and by parents of kids with asthma. This new collective voice created additional pressure to support the legislation.

Building coalitions, particularly ones that endeavor to create and strengthen new alliances, takes time: Trust must be built; coalition partners must understand and appreciate the types of strategies and approaches each employs to maximize those skills and power effectively and strategically. From the outset you should decide:

- What are the goals of the partnership (is it a long-term or a one-time, campaign-focused entity)?
- What role(s) will each member assume?
- Who will lead the coalition?
- Who will make key decisions?
- From where will resources come?

The coalition can be the foundation for a viable legislative network of organizations and individuals prepared to take action when asked. To keep coalition members up-to-date and engaged, everyone in the network needs to be kept informed of regular requests for phone calls, letters, e-mails, attendance at events and meetings with legislators. Requests for mobilization should include drafts of letters, scripts for phone conversations, or key messages that coalition leaders can incorporate in testimony or in galvanizing their membership. Developing and nurturing a legislative network is a “must do” to grow a broad base of constituents and interest groups.

Assessing the Political Terrain

Assessing the political viability of any proposal is a priority: it will shape strategies, timelines, and decisions. Part of this process is understanding policymakers—who they are and how they view your efforts and your proposal. The Democracy Center has developed four useful categories for compartmentalizing legislators.

- Champions: Your most prominent and reliable allies who are willing to take public stands, reach out to others, urge them to take action, and help you with strategy development and implementation.
- Supporters: Can be depended on for votes and statements of support.
- Fence Sitters: Key targets for lobbying; persuading them into your camp requires knowing their views as well as their personal stories and history. Some wait to determine momentum of an issue before taking a stand; others like to be power brokers, withholding support so they can participate in key negotiations.
- Opponents: Need to be constrained by demonstrations of support for your views in their districts and among their constituents, or from other politically powerful interests, to minimize their visibility and willingness to act aggressively to defeat your efforts.

Lobbying Strategies

The typical legislator is constantly running a political calculus, assessing the views and needs of constituents, vested interests, and political leaders. Above all, most legislators want to keep their jobs—they want to get reelected. The goal of lobbying is to convince legislators that your proposal is a needed change and that supporting your position will be far better for the public good (particularly the legislators’ constituents) than backing your opponents’ position.

Keep in mind that most nonprofits (those incorpo-
Can We Lobby?

Nonprofit groups deemed charitable organizations under Section 501(c)(3) of the Internal Revenue Code (the “Code”) may lobby within certain limits but are absolutely prohibited from endorsing or opposing candidates. The Code defines lobbying expenditures as those associated with legislation. It’s important to note that regulatory action is not covered by the Code’s definition of legislation; therefore, attempts to influence regulatory action (that do not involve specific legislation) are not considered lobbying.

A 501(c)(3) public charity may engage in “substantial” lobbying activities. To clarify the meaning of “substantial,” most public charities (not including churches or private foundations) choose to be governed by another section of the Code that defines permitted lobbying expenditures based on a percentage of the organization’s annual expenditures. (Private foundations are effectively banned from engaging in legislative lobbying entirely.)

For organizations choosing this route, lobbying activities are divided into two types with different limits. Direct lobbying is defined as having four elements: (i) communication with (ii) any member or employee of a legislative body, that (iii) refers to specific legislation, and (iv) reflects a view on that legislation. Grassroots lobbying has five elements: It is defined as (i) a communication with (ii) the general public that (iii) refers to specific legislation, (iv) reflects a view on that legislation, and (v) encourages the recipient to take action on that legislation. This is known as a “call to action” (i.e. “Call Senator X at this number and ask him to vote for SB 10.”) Note that all of these elements must be part of an activity for it to be considered either direct or grassroots lobbying.

Many activities are not considered lobbying. For instance, communicating with legislators about a specific piece of legislation but without expressing a specific point of view on the measure is not considered lobbying. In addition, communicating with the public and expressing a point of view on specific legislation, but not including a call to action, is not considered lobbying.

For charities operating under the direct and grassroots lobbying definitions, there are other activities that are not considered lobbying and are therefore not constrained by the lobbying expenditure limits. These include:

- Conducting and disseminating an unbiased nonpartisan analysis, study or research, even if a particular position or viewpoint is advocated (provided there is no direct call to action);
- Providing technical advice to a governmental body or committee in response to a written request from that body; and
- Communicating with government officials and employees when the charity is not primarily attempting to influence legislation. (For example, talking about issues or organizational priorities.)

In addition to the IRS rules, federal, state, and local jurisdictions may impose registration and/or reporting requirements that use different definitions of lobbying. Both paid and pro bono nonprofit and legal resources are available in most areas to help you follow the rules. (See the list of resources on p. 69 for some starting points.)

Source: Silk, Adler & Colvin, San Francisco

Finding and Assigning Lobbyists

A vital step is determining who will be the lead lobbyist and the group of primary lobbyists to help steer your measure through the policy process. Among the candidates: the staff lobbyists for EJ groups, a hired contract lobbyist working for one or more organizations, and a cadre of lobbyists working for supportive organizations. Pulling the lobbying team together requires committed partners willing to designate organizational resources and staff to your efforts. However, lobbyists, particularly contract lobbyists, should not be the sole lead strategic
decision makers for your legislative campaign, since contract lobbyists typically want to be considered inside players over the long haul and may be representing multiple clients’ interests. The lobbyists’ need to be accepted as insiders may run counter to aggressive positions and actions that you may want to choose for your campaign. As previously discussed, lobbyists may be subject to federal, state, and local registration and reporting requirements.

Letter Writing
Each letter sent to a legislator’s office is read and catalogued. Legislators pay attention to their mail and presume that each letter reflects the views of many voters. Sometimes staff give legislators folders or binders full of letters with major points or authors highlighted. The most effective letters tell a personal story: Individuals can tell their own stories, while letters from organizations can recount their members’ stories.

Key points to remember when writing a letter are: be clear and concise; include your personal connection or perspective; and state the action you desire the legislator to take. (You can also ask for the legislator’s views and suggested actions.) Data can also add weight to arguments, pointing to the results of research or analysis to influence policymakers’ views.

Meeting with Legislators
Every meeting with a legislator is a prime opportunity to seek support; it should also be seen as an opportunity to develop a long-term relationship. Because legislators deal with an incredible array of issues and measures (for example, over 2,000 bills are introduced in a typical year in the California legislature), assume that legislators and their staff are not familiar with your issue but would like to be informed and to understand why they should be concerned. You can meet with legislators or their staff in their capitol or district offices; use contacts among coalition partners or lobbyists to schedule such a meeting with a legislator or his or her senior staff person. (See the sidebar, “Lobbying Your Legislator Face to Face,” this page.)

Public Hearings
Open forums usually occur in legislative commit-
tees before a vote is taken on a specific bill. Hearings provide another opportunity to expound your ideas and to ensure that they are part of the public record. Remember: your opponents will also testify, so be prepared to answer any of their anticipated arguments.

You should have a good sense of where each committee member stands before the hearing begins. Having a preliminary vote count and a sense of continuing issues and concerns will inform key decisions about who should testify, which critical points should be covered, and what amendments you may need to offer or agree to insert into a bill. Invite the media to attend the hearing then make sure your supporters attend as well, wearing colorful hats or T-shirts as a show of strength to legislators.

Consider your witnesses: A member of your coalition or a partner well versed in the bill and the issues and someone else directly affected by the problem the legislation seeks to address often present the most effective testimony. Experts oftentimes contribute a useful perspective, bringing the credibility of academic credentials, research expertise, and intellectual rigor to the issue. All speakers should be rehearsed and should understand the typical legislative hearing scenario. Lengthy testimony may be unproductive (sometimes not even allowed), and comments may be frequently interrupted with questions.

Know the rules for testifying before preparing your team of witnesses. Remarks should be clear and concise. Speakers should be familiar with their major points and engage their audience without just reading prepared comments. Each speaker should be prepared to speak for as little as one minute and for no more than three, in case commentary is governed by rules or time constraints. Anticipate questions both to prepare effective responses and to help speakers to deal with uncomfortable moments or hostile legislators. Make sure friendly legislators will be present to help you in contentious moments by supporting your position and by asking your opponents hard questions.

Additional Steps
Actions outside the halls of the legislature can have a huge impact on what happens inside. Protests, marches, local endorsements, and other steps to show widespread public support reinforce a sense that the public is holding elected officials responsible and accountable for resolving an important matter.

Keys to Success
Developing the knowledge, skills, and power to make change takes time. Learning to lobby, as a participant or as a leader of an advocacy campaign, can determine the outcome of an environmental or a social justice issue. As you and your coalition master the lobbying game, reach out to kindred organizations with specific expertise or more lobbying experience. Consider providing lobbying training to coalition members and their staffs. Anticipate that you and your partners will need to pace yourselves more as if you are running a marathon than a sprint. Celebrate every success, large or small, to keep everyone energized. Opponents will never disappear, but organizing, litigating, educating, and lobbying can pave the path to success, over and over again.

References
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A major impediment to progress on social justice and sustainable development issues is the corrupting influence of money on the political process. Real comprehensive campaign finance reform is needed to lessen the impact of corporate contributions that often work in direct contrast to environmental justice goals. Like many mainstream reform movements, the campaign finance reform community needs to be more ethnically diverse and inclusive of other movements. Yet the reform movement has largely been a white, middle-class affair that does not encourage or include the voices of people most impacted by the “pay-to-play” campaign finance system—namely low-income and people of color who lack the relative wealth and income to compete in the political process.

After the 2000 Florida election debacle, a number of traditional civil rights and minority advocacy organizations entered the debate for campaign finance reform to focus attention on civil rights implications. Their efforts modified the discourse to reflect a need for “equality” as a standard of reform, not just the “appearance of corruption.” In response to the meteoric rise and influence of money in politics, several organizations, including the Greenlining Institute, Lawyers Committee for Civil Rights, the Fannie Lou Hamer Project and the National Voting Rights Institute, collaborated on a groundbreaking study of minority attitudes about money and politics. That study, which revealed voters believe that special interests call the shots in American politics, was instrumental in building support among minority members of Congress for bipartisan legislation banning unlimited and unregulated campaign contributions (known as “soft money”) from unions, corporations and wealthy individuals.

Less than one percent of Americans write checks of $200 or more to candidates. Yet the preoccupation with fundraising by candidates and the media fosters the impression that money is more valuable than votes, which explains why fewer people vote today. The enormous cost of running for office prevents low-income citizens from mounting viable campaigns, meaning that only the rich, or people with rich friends, are able to run. Like poll taxes in the Old South, this “wealth primary” systematically excludes community-based environmental justice groups from participating and obtaining the representation necessary to protect communities.

The addition of environmental justice groups to the cause of campaign finance reform is logical and strategic given that opponents of an environmental justice agenda are usually wealthy contributors who buy access to legislators. This access affords them the opportunity to obstruct legislation dealing with air and water quality, land use and zoning, pollution control and prevention. Environmental justice groups’ involvement in campaign finance reform will help assure active and balanced participation by community stakeholders in the democratic process.

Reforms to Watch

To promote civic participation and democracy, environmental justice advocates should monitor and consider lending support to the following three key reforms.

The Bipartisan Campaign Reform Act of 2002

Political parties play an important role in our democracy by educating citizens about issues and conducting voter registration and get-out-the-vote drives. Yet parties have used soft money largely for
television advertising. The two major parties are so reliant on large contributions and television advertising they have all but ignored the need to galvanize grassroots support. This may explain why in the last 10 years there’s been no significant increase in Americans who identify themselves as belonging to either party.

The Bipartisan Campaign Reform Act (BCRA), formerly McCain-Feingold, set out to ban soft-money contributions and regulate sham issue advertisements. President Bush reluctantly signed BCRA into law on March 27, 2002. The law bans federal officeholders, candidates and national parties from raising and spending soft money, and prohibits the spending of corporate and union treasury funds on any broadcast advertisements that refer to a federal candidate within 30 days of a primary and 60 days before a general election. To the dismay of many reform advocates, BCRA also raised regulated individual contribution limits (hard money) from $1,000 to $2,000.

However, before the ink was dry on BRCA, 84 plaintiffs filed suit against certain parts or aspects of the new law. The lead plaintiff is Senator Mitch McConnell. Joining McConnell vs. FEC (Federal Elections Commission) was an odd mixture of such groups as the NRA, NAACP, National-Right-To-Life and the ACLU. In May 2003, a federal three-judge district panel rendered a split decision, striking down some provisions and upholding others. The ultimate decision on BCRA rests with the Supreme Court, which heard oral arguments on September 8, 2003 and will rule by early 2004 in time for the presidential primaries.

Environmental justice groups can devise strategies to hold political parties accountable to the law, including a provision known as the Levin Amendment, which allows limited political party fundraising for soft money up to $10,000 per donor solely for party building activities. Since the amount and sources of these funds must be disclosed, party officials can be judged by how the money is allocated. Using the law, environmental justice organizers can advocate for political party support for nonprofits that mobilize communities concerned with environmental racism.

Public Funding of Election Campaigns

A consensus is emerging among political reformers that the best alternative to runaway fundraising is full public funding of elections. However, Supreme Court decisions on campaign finance and free speech dictate that public funding cannot be mandated—it must be voluntary. Only through voluntary programs involving public funds can candidates agree to limits on contributions and spending.

Most public funding programs are at the municipal level and entail partial public funding, usually in the form of matching programs. In Los Angeles, candidates receive a one-to-one match for contributions. All but one of the Los Angeles city council members who ran for office in the last election received public matching funds. New York City provides a four-to-one matching program for city council elections, which means a $25 contribution can result in a $125 contribution. This system has increased civic participation and produced the most diverse New York city council in history. Several cities in California, including Sacramento, are attempting to adopt public funding programs.

At the state level, the most successful voluntary program for public funding is a system called Clean Money, Clean Elections advocated by Public Campaign. Under a Clean Money system, candidates have to raise a qualifying amount of $5 contributions to receive public funds to mount a campaign. For example, to be a Clean Money candidate for the
Arizona legislature, a candidate has to raise $5 contributions from 210 people from their district. Clean Money candidates agree to limit their spending and not take any private or corporate contributions.

Maine and Arizona have also increased civic participation since adopting Clean Money. In Arizona more women and minority candidates participated in the 2002 elections and more than half of the Clean Money candidates won their races. Voter participation increased as well. A study on public funding systems and minority participation conducted by the Greenlining Institute found that, in Arizona, counties with significant minority populations, turnout increased between 18 and 140 percent.

To promote public campaign financing, environmental justice advocates could incorporate grassroots campaigns into existing community organizing efforts. If more cities enact public funding for elections, the more viable it becomes at the state level. An effort to institute a Clean Money system in California is already underway. The California Clean Money Campaign (CCMC, www.californiacleanmoney.org) is leading pro-democracy reform groups, community-based organizations, advocacy and civil rights groups in an effort to institute Clean Money elections for all constitutional statewide offices and the legislature.

**Instant Runoff Voting**

In March 2002, San Francisco voters approved instant runoff voting (IRV) for upcoming elections. IRV is a method of voting that determines a majority winner in a single election. Each voter ranks his or her favorite candidates in order of preference (1, 2, 3, etc.). If the first choice candidate is eliminated, the votes count for the second choice. If a candidate receives a majority of first choices, she or he wins. This type of election can help low-income and people of color because election outcomes will be less susceptible to big money influence and candidates can ill-afford to take votes for granted. This process also assures that the winning candidate has the support of the majority of voters, rather than a mere plurality.

Since more than 60 percent of African Americans, Latinos and Asians in San Francisco voted to adopt IRV, some political cronies filed a 100-page legal opinion with the Secretary of State’s office to question state certification of an IRV election. In response, the Center for Voting & Democracy (www.fairvote.org), the primary proponents of IRV, filed suit. The suit lost and will not be appealed. But as this article went to press, advocates for IRV were still fighting for its adoption in 2004.

Also in California, the City of Oakland adopted IRV for special elections to fill city council vacancies. San Leandro voters decided to adopt a city charter amendment to use majority runoff (two-round runoff) elections, with the option of using an instant runoff. The Utah Republican primary is an IRV election and several countries, such as Australia, Ireland and Great Britain, also conduct IRV elections.

IRV is an election reform that is cost-effective because it requires one election rather than costly general elections and low-turnout runoffs. It is a proven constitutional voting system that upholds the principles of “one person, one vote” and majority rule—democratic concepts long championed by the environmental justice community.

**Conclusion**

Environmental and social justice groups can be powerful initiators, allies and practitioners of campaign finance and other electoral reforms that advance civil rights, civic participation, and policies that protect community health and environment. In California and other states, we can take our government back by making it less responsive to money. To do so, the campaign finance playing field must be leveled. Only then can public investment be directed to areas that will improve lives and protect our environment.

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**One Person, No Vote**

Felony disenfranchisement strips people of color of political power

By Ludovic Blain III

Anti-racist organizations, such as environmental justice and welfare reform groups, are often puzzled by low voter participation in their communities. Why don’t all the town hall meetings, door knocking and leafleting that’s done one week increase voter turnout the next? And why are local and state politicians so often cavalier about the demands of organized community members?

Felony disenfranchisement laws—state-level rules that strip voting rights from citizens who have been convicted of certain crimes—provide part of the answer to those common organizing questions. These laws disproportionately impact people of color. In 1998, 1.4 million black adult males, or 13 percent nationally, were denied the right to vote, a rate seven times higher than the national average. While no national studies track Latino, Asian or Native American disenfranchisement rates, an upcoming report by the Mexican American Legal Defense and Educational Fund (MALDEF) finds that Latinos in 10 states are disenfranchised at higher rates than the white population.

In other words, many of the people in communities most affected by social inequities may want to vote, but can’t, or believe they can’t, because of confusing laws and lack of notification. Since politicians can afford to ignore nonvoters, the end result is a democracy that is incapable of representing the interests of all of its citizens.

**The Facts on Disenfranchisement**

Felony disenfranchisement laws strip the vote from more than 4.65 million U.S. citizens, a disproportionate number of whom are people of color. Blacks are five times more likely than whites to lose their voting rights due to a felony conviction in their past. Today, 16 states disenfranchise more than 10 percent of their African-American population.

A few states disenfranchise more than a third of their black male population through "permanent" or "lifetime" disenfranchisement laws. Other states disenfranchise convicted offenders for various intervals: while incarcerated, on parole or probation, or for some period after the completion of the terms of their sentence. Only Maine, Vermont and Puerto Rico allow citizens who are incarcerated due to felony convictions to vote. (Of course, all of Puerto Rico’s citizens are disenfranchised in another way—while they can vote in U.S. presidential primaries, they can’t send electors to the Electoral College to select the president.)

States that don’t automatically restore the vote to ex-offenders often have a confusing, expensive and long process for regaining those rights. For example, Alabama requires ex-offenders to submit DNA samples, an intrusive process which entails getting an analysis of tissue samples. Other states have created various hurdles for voting rights restoration, such as requiring ex-offenders to get a two-thirds supermajority of the state legislature to pardon them. Even when ex-offenders complete such requirements, there is no guarantee of a speedy result. In 2002, Florida’s Board of Clemency estimated that they had a backlog of at least 35,000 ex-offenders who had applied for restoration of their voting rights.

In some cases, disenfranchisement laws are used to target citizens—often poor, people of color—who have never been involved with the criminal justice
system. Attempts to purge felons and ex-felons from the voter rolls prior to the 2000 election in Florida resulted in many eligible Floridians being stricken from the rolls because their names were similar to ex-offenders. Many advocates are concerned that this over-purging is a common practice nationally.

Some states do restore voting rights to ex-felons immediately after they leave prison. But once the ex-offenders are released and have technically regained the right to vote, in many cases no one tells them. That’s why activists compare disenfranchisement to Juneteenth, the celebration of June 19, 1865, or the day that enslaved blacks in Galveston, Texas, were told by General Gordon Granger that President Lincoln’s Emancipation Proclamation had freed them two and a half years before, on January 1, 1863. Similarly, the lack of notification about re-enfranchisement today keeps many Americans from voting. Only about a half dozen states have laws that require the state to notify an ex-offender when he or she becomes eligible to vote again.

Due to their racist impact, disenfranchisement laws reduce the power that low-income communities of color have to elect their own candidates. And since elected officials feel little pressure from constituencies that don’t vote, ex-offenders and their communities have less influence in shaping the policies—on education, health, the environment, housing, transportation—that affect them.

A Historically White Supremacist Policy

The disproportionate racial impact of felony disenfranchisement laws is no accident. But just like Jim Crow-era poll taxes and literacy tests, disenfranchisement laws were crafted during Reconstruction to keep blacks from voting. In 1896, for example, Mississippi lawmakers ruled that only a narrow range of offenses—bribery, burglary, theft, arson, perjury, forgery, embezzlement, bigamy and "obtaining money or goods under false pretenses"—could result in disenfranchisement. Why not murder or rape? Because ex-slaves were far more likely to commit petty property crimes than more serious offenses.

Southern lawmakers were not shy about their intentions. "This [disenfranchisement] plan," said one Virginia lawmaker in 1906, "will eliminate the darkey as a political factor in this State in less than five years (...) so that in no county of the Commonwealth will there be the least concern for the complete supremacy of the white race in the affairs of government." More than 100 years later, the sole remaining Jim Crow law, felony disenfranchisement, is still effective in barring many blacks and other people of color from participating in "the affairs of government."

The Growing Movement for Justice

Coalitions of ex-offenders and racial justice and
government reform groups have conducted many successful campaigns to reform their states’ disenfranchisement laws. In 2001, Connecticut advocates convinced the Democratic-controlled legislature and Republican governor to restore the vote to 36,000 citizens on probation, and a coalition led by ex-offenders and drug treatment centers in Maryland won the re-enfranchisement of roughly 46,000 citizens. Laws lowering barriers to voting for ex-felons or providing notification of eligibility requirements have also been approved in Delaware, Missouri, Nevada, New Mexico, Pennsylvania, Texas, Washington and Wyoming, restoring the vote to more than 500,000 citizens. Many of these victories have resulted from strong multiracial, multi-issue and multi-constituency coalitions.

There have been defeats as well. Ominously, in the last five years voters in several states have approved ballot measures that stripped various offenders of their voting rights. Voters in Utah and Massachusetts disenfranchised incarcerated citizens, and in Louisiana voters reduced the number of first-time offenders who could have their voting rights automatically restored. The Oregon and Kansas legislatures also took actions to exclude some offenders from the vote. Recently, Republican Alabama Governor Bob Riley vetoed a bipartisan bill that would have restored voting rights to a large part of the ex-offender population.

But, on the whole, there have been many more victories than defeats. In order to win environmental justice, real welfare reform, and to improve urban schools, health care, housing and mass transit, activists will have to break down the barriers that prevent communities of color from wielding political power. Felony disenfranchisement laws are among the biggest obstacles to a fully inclusive American democracy. Though it may take a long, heroic struggle to succeed, this fight is a necessary component to any progressive’s freedom dream.

Footnotes

1 Marc Mauaer and Jamie Fellner, “Losing the Vote,” 1998
2 As-yet unpublished MALDEF study.
7 Dara Kam, “Blacks up in arms at Fla. backlog in restoring voting rights” (Feb. 14, 2002), Gannett News Service.

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Taking Over City Council

Lessons from labor’s grassroots campaign

By Amy Dean

November 2002, a decade of political work and strategizing by the South Bay Labor Council of California culminated in the election of candidate Terry Gregory to the San Jose city council. Gregory became the sixth member of the 11-seat council elected on the basis of their support for the Labor Council’s progressive, working class agenda. For the first time the nation’s eleventh largest city would be governed by a council committed to working family issues.

So how did labor manage to build a grassroots electoral campaign powerful enough to take over the city council? The story begins in the early 1990s, at a time when labor’s political power was dwindling nationwide. The Labor Council realized that if working people were to make and maintain substantive gains in Silicon Valley, running effective unionization and contract campaigns, while necessary, was not enough. As the old labor adage goes, “What we win at the bargaining table, we can lose at the ballot box.” We needed to break through the “old boys network” that ran the city of San Jose.

Our goal was to transform city politics so that working people would have the power to bring about concrete, structural change on the issues that mattered most to them. But first, labor needed to develop an effective campaign strategy.

Building Blocks: Turning Grassroots Power into an Electoral Strategy

In the first few years, the Labor Council focused on the mechanics of a grassroots electoral campaign—figuring out how to turn out our base (plus other working-class and progressive communities) and get candidates elected. We built a core of dedicated activists and created the infrastructure that allowed us to efficiently and effectively contact voters. We pored over every detail to perfect our three basic tactics: phone banking, precinct walking and distributing printed materials.

Although developing our fundraising ability was a goal, we knew we could never equal business’s ability to raise money. Instead, our electoral strategy hinged on emphasizing issues that resonated with voters and on mobilizing large portions of our base to be volunteers. Most of our volunteers don’t sort papers and stuff envelopes; they make direct phone or face-to-face contact with members of their community, communicating why they are so excited about the candidate and the campaign.

While increasing our capacity, we also worked to democratize our endorsement process. Endorsements are made through the Committee on Political Education (COPE), with representation from the 100-odd local unions affiliated with the South Bay Labor Council. COPE develops a candidate questionnaire that includes issues of importance to local unions and then interviews the candidates. Based on the questionnaire and interviews, COPE makes a recommendation to the Labor Council, where the elected representatives of the affiliated unions vote on whom, if anyone, to endorse. If a candidate wins our endorsement for a race, he or she receives the benefit of our electoral campaigning.

As our capacity grew we began to link our endorsement process more closely to our issue agenda and our long-term strategic goals. Beginning in 1997, we undertook an extensive collaborative process including both union members and the broader community, which resulted in a “Community Economic Blueprint.” The Blueprint outlines the issue areas of greatest concern to San Jose communi-
ties, including jobs, housing, health care, transportation and accountable government. This agenda became the basis of our endorsements. We started to demand more of candidates, pushing for those who were not just generally supportive of our principles, but for those who would also work hard to move a working families agenda, introduce and support good policy based on our core issues, and march in a picket line side by side with workers standing up to anti-union employers.

**Winning Together: Putting Our Strategy into Practice**

Our first big win with a local candidate was the election of Cindy Chavez to the city council in 1998. Before deciding to run for office, Chavez had been the Labor Council's political director. She was running to represent the downtown area, a crucial district for us since it is where the bulk of development and redevelopment takes place, and where living wage and affordable housing requirements for new construction were most needed. However, the chamber of commerce also regarded downtown as a key district and saw a working-families-backed candidate as a threat. They backed Chavez's opponent, turning the election into a fight between business interests and labor. But we won because we walked precincts and talked to voters about issues, including our living wage ordinance, which was subsequently passed by the city council.

In 2000, we were able to capitalize on that victory by supporting Manny Diaz, a city council member and key living wage supporter, in his run for the State Assembly. Again we campaigned on the issues and focused on getting volunteers out on the street. We also ran a completely bilingual Spanish/English campaign. Literature, phone banking and precinct walking were all done in both languages and all fully integrated with the campaign strategy. This outreach was wildly successful and the campaign made history when Diaz became the first Latino elected to statewide office representing San Jose. In 2001, we continued to organize for working-class power on the city council by throwing our energy behind Nora Campos, a young Latina from the East Side (the low-income district of San Jose) who won a three-candidate race outright with over 50 percent of the vote.

On the heels of this string of victories came our most important race, Terry Gregory's campaign for city council. Nora Campos’ election meant that the city council was evenly split, with five members who
A GRASSROOTS MOVEMENT CANNOT WIELD POWER WITHOUT BEING INVOLVED IN THE ELECTORAL PROCESS

could usually be relied on to support working-class issues and five who could not. But the mayor, who also has a vote, often opposed initiatives by labor and other progressive groups, making the count six to five against us. When one of the opposing council members left office, we saw a chance to shift the balance in our favor.

Terry Gregory was in some ways a more difficult candidate to campaign for than those we had backed earlier. Though supportive, he knew less about labor’s issues and the Community Economic Blueprint agenda. And as a small business owner, he had been through a bankruptcy, which his opponent dredged up at every opportunity to try to prove he couldn’t be trusted with public money.

Worst of all, the chamber of commerce threw everything they had into defeating Gregory. The Mayor joined them, putting out the word that anyone who supported Gregory shouldn’t bother trying to bring their business to City Hall. Dirty campaigners attacked Gregory’s character and painted a picture of “Big Labor” taking over San Jose and driving away all business.

But after almost a decade of building our agenda, getting wins on key policy issues, and perfecting our electoral strategy, we were ready. We used grassroots fundraising and an army of volunteers to engage every voter on the issues: accountable government, affordable housing, living wage and children’s health care. (The chamber of commerce tried to mimic our success with precinct walking but only managed to get 20 businesspeople in suits going door-to-door, which didn’t have quite the same effect!) This time, we ran a completely integrated trilingual campaign, with all of our materials, calls and precinct walking done in English, Spanish and Vietnamese. In short, we got out there and talked to people in their own language about issues that resonated with them. Terry Gregory won the election by an astounding 22 percent margin.

Lessons for Grassroots Movements

Key building blocks of our electoral campaigns include:

- Talented staff and volunteers. Running a grassroots electoral campaign isn’t something that comes naturally. Staff and volunteers need experience and training.
- Polling of our base and of voters. The purpose of our polling is to figure out how to take our progressive messages and talk about them in a way that engages voters. You can’t assume you know what “the people” think and feel—you’ve got to ask.
- Integration of phone banking, mail and door-to-door outreach. To stay on message and make the best use of resources, these tactics must be well coordinated and not run independently of each other.
- A strong activist base. None of this works without volunteers who are excited, engaged and feel ownership of the campaign. Make sure volunteers and activists understand where they fit into the strategy and why their work is so crucial.

The message for progressives everywhere is that a grassroots movement cannot wield power without being involved in the electoral process. If you’re not building political power and a grassroots constituency that votes, any changes you win will not be structural—and might disappear with the next election. But if you can develop a strong, grassroots base that is engaged in the electoral process, and that realizes its own power, you’re heading towards social change that goes far beyond one issue or one organization.

Amy Dean is former executive officer of the South Bay Labor Council. She now serves as chairperson and founding president of Working Partnerships USA.
Supporting candidates had been a discussion among progressives in Albuquerque for several years, but we never developed the plans or took steps to make this goal a reality. But in 1999, community organizing in Albuquerque had hit a political ceiling. We were often outvoted 9-0, mainly on issues of corporate tax subsidies and growth and development, despite strong organizing efforts. A livable wage campaign initiated by local labor and community organizations had recently been rejected.

I had worked at the SouthWest Organizing Project (SWOP) for about 13 years. SWOP is a grassroots, community-based organization that had initiated several environmental justice and community development campaigns over the years in Albuquerque’s North Valley. At the time I was trying to encourage one of the community leaders in the North Valley to run for that district’s city council seat. He said he could not do it because of other commitments. At one point I mentioned to Jeanne Gauna, one of my co-workers, that I might be interested in running. The idea snowballed into a plan and I declared my candidacy in the spring of 1999.

The North Valley of Albuquerque is home to one of the most progressive constituencies in the metropolitan area. The demographics are a mix of Chicano families who make up the foundation of the community and a primarily professional, white middle class that has grown in many areas of the valley over the past few decades. Geographically and culturally the area reflects the character of the city of Albuquerque. It stretches along the banks of the Rio Grande River, and age-old irrigation ditches called acequias weave their way throughout the community, serving the traditional Chicano farmers, white elite landowners and many residents who use them as walking trails. The valley is a diverse mix of urban and rural, rich and poor, political right and left.

The district also houses the city’s largest industrial park, which had become a battleground because of the enormous tax breaks and other incentives that the city had been granting to multinational corporations through the Industrial Revenue Bond (IRB) program. The incumbent Councilor, Vince Griego, had sponsored every one of the IRBs during the course of two decades.

SWOP had begun to question the IRBs, which translate into millions of dollars in tax breaks for some of the world’s largest corporations. Companies such as Intel, Royal Philips Corporation, and Sumitomo were granted the IRBs with the understanding that they would create jobs. However, some did not come through with their job promises. Royal Philips actually cut jobs and has recently announced that it will shut down this year. Intel’s case, half of the workforce is imported from other states, creating the need for additional infrastructure and services for thousands of new families.

Rallying support for progressive local candidate Michael Guerrero. Source: Guerrero campaign
**Maria Alegria** is mayor of Pinole, CA. She started her political career as parks and recreations commissioner working to protect open space, quality of life and the environment. Alegria later ran for Pinole city council, where she’s served now for over a decade.

**Q. What lessons did you learn running for office?**

**A.** [city council] is a nonpartisan race, so you really campaign on issues. I would take my children with me door to door. My daughter, [who] was 10, asked, “Why do you go to Republicans?” They’re voters, I said. You think of community values and speak to them.

**Q. Why don’t more progressive, environmental justice organizers run?**

**A.** I think what happens [is they] get labeled—a woman, a liberal or special interest. Yes, [I say], my community is a special interest—they’re interested in having clean air. You have to define yourself. Once they start defining you as a radical lefty, you lose your message.

It’s always worth it to go to a campaign class. It helps you develop your alligator skin. You can’t personalize this stuff. You have to stay focused on the work. If you allow somebody to attack you personally, you become ineffective.

**Peggy Shepard**, co-founder and executive director of West Harlem Environmental Action, held the position of democratic district leader for six years. As leader, she was responsible for nominating poll inspectors, circulating candidate petitions and supervising elections. She also ran for city council and state assembly in New York.

**Q. What lessons did you learn running for office?**

**A.** In New York City, you’ve got to raise a lot of money and have endorsements as well. A lot of activists haven’t developed the networks it takes to run for office. Once you decide to run, you’ve got to get endorsements from newspapers, labor unions. If you haven’t already done that work and created some kind of record, that’s going to hurt you.

**Q. Why don’t more progressive, environmental justice organizers run?**

**A.** I think that activists in general tend to be anti-electoral politics because they’re people who question the system and they don’t think of joining the system that they are criticizing. There are some activists who believe, “Let’s join that system and fix it.” [But] for the most part, activists are not involved. Some of them really didn’t even know who their own elected officials were. [But] EJ struggles are political struggles. If you don’t know who the officials are, it’s going to be harder to create change.

In the early 90s, **Mary Lou Mares**, ran for her local water board in Kettleman City, CA. The board was the major governing body of the unincorporated city and often sided with industry in setting water rates. She held her position for three years.

**Q. What lessons did you learn running for office?**

**A.** If I wanted to run for any office again I could and I would. [But] it is hard being on a board because you’re not the only vote. You don’t only have to convince the people but you have to convince your fellow board members. It’s not that easy passing resolutions in your favor. Yet it’s not that hard either. You just have to be there and participate.

**Q. Why don’t more progressive, environmental justice organizers run?**

**A.** People have the “hacienda” mentality. We’re taught that the big guy knows what he’s doing for you, that people who are in politics in some way were born into it. A lot of these politicians don’t know more than I do. You just have to get in there. You can learn it on the way.

—RPE
Vince Griego had already served five four-year terms when he announced that he would run for a sixth. Griego had been kept in power by a shrinking political machine and an aging patronage system. He had narrowly won re-election in 1995 against Dede Feldman who ran mainly on the issue of the Montano project, a proposal to run a bridge through the North Valley across the Rio Grande to service the sprawling west side. Although Vince voted against the bridge proposal, many felt that he was not a strong enough advocate for the community’s interests. Much of the opposition to Griego came from the growing white professional community, but there were also rumbles in the Chicano community that Griego was losing his effectiveness on the council.

Five candidates decided to jump into the race in 1999: two Republicans, Griego, Alan Reed and me. The white professional community viewed Alan Reed as the truly viable alternative to Griego because he was on the board of directors of 1000 Friends of New Mexico, an anti-sprawl group, and had been a city councilor in another district. We realized that in order to win the race we would have to draw both from the traditional Chicano base of Griego and the professional base of Reed.

We put together some basic materials and I began to spend my evenings door-knocking. As the campaign moved forward, allies from community and labor organizations stepped forward to offer their assistance. We built a coalition of activists from several progressive organizations in the city who volunteered their time. We had easily the largest field operation, mostly made up of teens and young adults. These volunteers were bold and unafraid to try creative tactics, such as midnight yard sign blitzes and 4 a.m. door hanging.

As a campaign, we decided to pull no punches with our messages and that resonated with the community. Although we would ask people’s opinions when we knocked on doors, we would also put their issues in a broader context. Our campaign slogan asked, “Who’s really running City Hall?” We talked openly about the control by developers and about corporate welfare and regressive taxes. We were the only campaign to stand up and say that we did not feel that we needed more police to promote public safety. We also gained endorsements from environmental and economic justice groups like ACORN, the NM Conservation Voters Alliance, and the Toxic Victims Assistance Corporation.

In the last few weeks of the campaign, polls showed that we were gaining. Our success was due to various factors. I had been organizing in the North Valley for several years and was able to build relationships with many community leaders. Several of them worked hard to build support. My in-laws, a very prominent and well-respected family in the North Valley, were vital in gaining support among the community.
established Chicano families. We also were able to make gains with Alan Reed’s base and demonstrate that we actually represented the progressive agenda in the race. Having spending limits was also important. Spending on city council races at that time was capped at around $16,000. This put a premium on hard work, creativity and volunteerism, and gave us a fighting chance in the face of the developers and corporations that backed the incumbent.

On Election Day, we were neck and neck with Griego until the absentee votes were counted around midnight. As an underdog campaign we came in a close second, 120 votes shy of victory. Alan Reed came in a distant third. Though I lost, for the progressive community, the campaign was a major victory.

Lessons from the Campaign Trail

There were some important lessons and benefits that we gained from the race:

Campaigns are opportunities. The campaign gave us a platform to discuss a wide range of issues and to make a number of connections between issues and political players.

Campaigns target constituents. We had time and access to discuss issues with a broad range of audiences. I had assumed that people generally were negative about politicians but I had very few doors slammed in my face. People want to know who you are and what you are about, so they take the time to talk to you and pay close attention to candidate forums. Also of note is the fact that many traditional Chicano families tend to be active in the electoral process. Voter turnout in city council elections is frighteningly low—roughly 16 percent in our race—but those who do participate are very active. For years some of these families had been part of very strong political machines and have a lot of strategic political history. Learning to interact with this leadership provided important organizing lessons for the future.

Winning requires boldness. Political strategists today tend to be very conservative in their approach. They allow the polls to shape safe and benign messages. But it’s important to have a hard-hitting message and be careful not to craft it too much.

Campaigns create visibility. We staked out political ground for progressive forces in the city. For a while after the election, doors to city hall seemed to be more open and public officials and bureaucrats viewed us in a different light. We proved that we had a strong base of support in the community and that we could demonstrate that through electoral votes. Progressive and environmental justice-friendly candidates have since been elected who have taken strong stands on growth and development. City council votes have been very close. A planned growth strategy was passed by the city council in 2002, the council rejected an IRB request for the first time in its history in 2003, and the council recently commissioned a study to review and revise the IRB tax incentive program.

Michael Leon Guerrero is co-director of the SouthWest Organizing Project where he supervises community organizing efforts in low-income communities of color throughout New Mexico.
Precaution as Policy

How advocates are asserting a new standard to protect the environment

By Bhavna Shamasunder

The Precautionary Principle, a scientific and ethical concept that promotes precaution in decisions that affect the environment and human health, is emerging as a useful policy tool and organizing principle for the environmental justice movement. Many Native American communities have long modeled a precautionary approach by considering all activities in light of their potential impacts on the next seven generations. The Principles of Environmental Justice, the foundation of the environmental justice movement, clearly asserts the universal right to protection from toxic pollutants, and the right of low-income communities and communities of color to meaningfully participate in the decisions that affect our lives and environments.

As an explicit statement of these values, the Precautionary Principle presents an opportunity to proactively prevent harm to the environment and to human health before it occurs. The principle can be summarized by the following:

When an activity raises threats of harm to the environment or to human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof. The process of applying the Precautionary Principle must be open, informed and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action. (Source: Wingspread Statement, 1998.)

Finding viable alternatives to the current standard of risk assessments and pushing for non-risk based approaches to guide our decision-making is a key step towards achieving environmental justice. The Precautionary Principle is a tool that many communities and countries have begun to use as a step towards this goal.

A Brief History

For the last four decades, a “risk analysis” model has guided United States government regulation. This model purports to make non-arbitrary decisions by calculating the mathematical likelihood that a certain technology or activity will harm the public. The risk assessment is widely accepted and our regulators routinely use it to make decisions such as: the siting of power plants, incinerators and garbage dumps; the clean up of contamination from toxic sites such as brownfields or military bases; and the degree of traffic permissible in a neighborhood, among others. This model leaves decision-making to “experts” and uses highly technical language that few lay people can truly understand and evaluate.

However, community experiences and evidence suggests that the risk assessment model is not unbiased but often functions as a manipulation of science to justify political decisions. Such decisions have contributed to severe environmental injustices. Risk assessments effectively exclude community participation, often burdening communities with new facilities deemed “safe.” Further, community advocates who oppose existing contamination or pollution are continually stymied by the risk assessment model and industry “expert” testimonies that often claim a lack of scientific research or evidence of harm.

Despite the widespread use of risk assessment, the concept of precaution began appearing in international agreements in the 1980’s when the world began to face unprecedented environmental changes such as...
acid rain, ozone depletion and deforestation. As a result, the Precautionary Principle is at the center of the Rio Declaration on Environment and Development signed at the 1992 United Nations conference. Since then it has been incorporated into other international agreements and the public health and environmental policies of nations such as Sweden and Denmark.

In 1998 at a convening at Wingspread in Racine, Wisconsin, a group of lawyers, scientists, policymakers, labor and grassroots environmental and environmental justice activists created a comprehensive consensus statement on the Precautionary Principle. Unlike risk assessments, the principle asserts the right to prevent harm even when science is uncertain. As described in the Wingspread Statement, the principle poses such questions as: How can we achieve our goal while doing the least amount of harm?; What is the threat of harm from what we don’t know (scientific uncertainty)?; and Who gets the benefits and who will be harmed?

The Precautionary Principle in Action

Three specific examples provide a glimpse of the possibilities of the Precautionary Principle and approaches that reframe our current regulatory framework.

The European Union. Currently, the E.U. is drafting legislation that by 2005 will require the chemical industry to conduct extensive safety testing on 30,000 commonly used chemicals. At least 1,500 of these chemicals are expected to be banned or severely restricted as a result.

European regulators estimate the cost of this legislation to total 14 to 26 billion euros by the year 2020, with 3.6 billion euros for testing and an additional expense for alternatives to forbidden chemicals. But they also estimate that strengthening chemical regulations will result in a drop of 2,200 to 4,300 cancer cases per year and a savings of 18 billion euros in occupational health costs in 30 years.

The United States government—which does not
safety-test industrial chemicals or require manufacturers to submit testing data—along with U.S. corporations, is strongly resisting these changes. However, U.S. companies that offer safer substitutes for hazardous materials stand to benefit from access to a unified European market. A broad cross-section of European public interest groups, representing environmental, public health, and consumers have played a major role in the development of the European policy alongside the countries that constitute the E.U. And European public opinion continues to strongly support the legislation as it moves forward.

California. In June 2003 San Francisco became the first city and county in the U.S. to adopt the Precautionary Principle as a guide for environmental management and policymaking. Spearheaded by a regional coalition of environmental health and environmental justice advocates, the California initiative embraces the policy framework used in Europe and creates an umbrella under which all future environmental decisions can be evaluated. In adopting the Precautionary Principle, the policy statement reads, “Every San Franciscan has an equal right to a healthy and safe environment. This requires that our air, water, earth and food be of a sufficiently high standard that individuals and communities can live healthy, fulfilling and dignified lives. The duty to enhance, protect and preserve San Francisco’s environment rests on the shoulders of government, residents, citizen groups and businesses alike.” (For more information about coalition members and projects, go to www.takingprecaution.org).

At the state level, a precautionary approach is being recommended for inclusion in California’s environmental justice goals. The California Environmental Protection Agency is responding to a legislative mandate to implement environmental justice in all of its boards, offices and departments. The Advisory Committee on Environmental Justice, convened to formulate specific recommendations to guide the Cal EPA, published several goals to advance this agenda. Included in these recommendations was the specific proposal that, in creating new programs, Cal EPA departments must “officially recognize the importance of precaution, and that it is not always necessary or appropriate to wait for actual, measurable harm to public health or the environment before evaluating alternatives that can prevent or minimize harm.”

In developing these recommendations, hundreds of community groups and individuals testified from across the state. Many communities both inside and outside California are watching this Cal EPA process as a potential model in creating concrete guidelines to implement environmental justice in state policy.
Hawaii. Perhaps the most interesting and far-reaching example of Precautionary Principle implementation comes from the Hawaiian Supreme Court decision on Waiahole Ditch. The case was brought by small family farmers and Native Hawaiians in order to restore the flow of water to their farms and communities that had been diverted to sugar plantations for the past 80 years. Part of the plaintiffs’ plea was for the State to uphold the Public Trust Doctrine, which applies to all waters in Hawaii.

The Public Trust Doctrine, one of the oldest recognized laws in the U.S., incorporates many aspects of the modern Precautionary Principle. Based in common law, the protection of common resources is a Constitutional right and it was enacted to protect the use of common property and certain natural resources for future generations. In Hawaii it applies to all water resources under a state water resources trust as well as other state resources. Further, the Public Trust Doctrine requires the state to take proactive measures to protect common property.

In the Waiahole case, the court ruled in favor of the small family farmers and Native Hawaiians and adopted the Precautionary Principle as a guideline to implement the doctrine and to protect the water resources. The court also placed the burden of proof onto the party that wanted to privatize the water and use it for commercial purposes.

The ruling in this case is exciting because it extends the Precautionary Principle to guide land-use decisions and because it protected native Hawaiians and small farmers instead of the big corporations. Further, the Public Trust Doctrine, already in use in some form in 48 states, establishes a proactive government role in managing common property and keeping it in the hands of the public rather than the private sector. It also requires that the state fulfill its duties as a trustee of our natural resources and make decisions that preserve intergenerational equity.

Practicing Precaution

Opponents of the Precautionary Principle claim it is anti-science and anti-progress. On the contrary, the principle calls for better science and the investigation of cumulative and complex impacts and interactions. It also demands that as decision-makers, all parties take into account what we don’t know and what the science hasn’t or is unable to tell us.

Our predecessors established laws such as the Public Trust Doctrine in the hope that once these were in place, our leaders would manage the environment for the benefit of all people and our descendants. Although few communities continue to have faith in a U.S. government that will protect public health and the environment over private interest, there is precedent and momentum to continue pushing our leaders for a different decision-making paradigm. While the Precautionary Principle is only part of the solution, it is emerging as a way to insist on the rights of low-income communities and communities of color to determine the policies that preserve their right to self-determination and their equitable share of public resources.

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Bhavna Shamasunder is program associate for Urban Habitat’s Environmental Health and Justice Program. Thanks to Carolyn Raffensperger for her input and support on this article.
Electoral Tools & Tactics
Public education campaigns, candidate training programs and more.

By Kimberley Paulson

How can justice advocates and organizations shape local policy as well as national elections? Here are just a few examples of ways progressives groups are grooming future leaders, educating voters and organizing innovatively.

Educating Voters on Energy Issues
The Apollo Alliance is a broad coalition of labor, environmental, business, urban and faith communities that support both good jobs and energy independence. Coalition members are 501 (c)3 nonprofits that are doing public education outreach leading up to the 2004 presidential election. The Alliance has four core strategies: 1) diversify energy sources 2) invest in industries of the future (i.e. wind and solar power) 3) promote energy efficient buildings and 4) adopt smart growth strategies while investing in cities and communities.

In addition to these strategies, the Alliance will draft a scorecard of candidates' positions on energy independence, job creation and urban development. "It is not that any of these ideas are radically new," said Carl Pope, executive director of the Sierra Club, a member of the Alliance. "What is radically different is the commitment on the part of a huge segment of American organized labor to organize the rebuilding of blue-collar America around modern environmentalism and sound energy technology."

For information go to www.apolloalliance.org/volunteer or write to: Bracken Hendricks, Director, New Growth Initiative, Institute for America’s Future, 1025 Connecticut Avenue, Suite 205, Washington, D.C. 20036; (202) 955-5665.

Sources:
www.apolloalliance.org

Similar sites:
League of Conservation Voters, www.lcv.org
Global Stewards, www.global-stewards.org
The Swing State Project, www.swingstate.org

Training Tomorrow’s Leaders
EMILY’s List, an acronym for “Early Money is Like Yeast” (it helps the “dough” rise), raises campaign contributions for pro-choice Democratic women candidates running for the House, the Senate or for governor. Last May, it re-launched a national campaign training program for both men and women called the “Campaign Corps.” This unique grassroots training program is dedicated to empowering recent college graduates through an intensive week-long “campaign school” in Washington, D.C. Subsequently, graduates are placed to work on progressive Democratic campaigns throughout the country for the last three months before an election.

Workshops include voter targeting, field organizing, fundraising and press strategy, among others. “We provide them with a broad, strong base of knowledge, so they’ll be well prepared to work on a campaign, regardless of whether it’s as a field organizer or the finance manager,” says Melissa Schiffman, campaign corps press coordinator. EMILY’s List pays for the transportation and training of all participants. To apply, go to info@campaign-corps.org or call (866) 68-CORPS (866-682-6777).

Sources:
Based on conversation with EMILY’s List Press Coordinator
Melissa Schiffman.
www.emilyslist.org

Similar sites:
Wellstone Action, www.wellstone.org
MillenialPolitics.com
Promoting Women in Politics

The number of women serving in California’s capitol has doubled within the last 15 years, but the U.S. ranks 49th in the world for representation of women in elected office. Last fall, Democratic activists Andrea Dew, Emily Rosenberg, Dorka Keenhn and Lisa Witter decided to do something about it. That “something” became Emerge, a six-month political leadership training program for Democratic women in the San Francisco Bay Area.

Participants meet one weekend a month for six months and participate in the following trainings: campaigns and elections; fundraising; public speaking; the legislative process; networking; coalition-building; media skills and public policy. They also have the opportunity to meet women who hold elected office in California and discuss case studies of political leaders.

Emerge hopes the program will be replicated throughout the county to build a cadre of progressive women leaders in political office. Applicants should have demonstrated skills such as the ability to bring together disparate groups to achieve a goal, evidence of political leadership experience or potential, and meaningful involvement in a workplace or community. “Diversity on all levels has been and will continue to be a top priority for Emerge,” stated Gretchen Schoenstein, Emerge’s executive director. Out of the first graduating class of 25 in 2003, 60 percent were women of color.

Applications for the next session are accepted in September 2004. Tuition for the program is $1,000 but partial and full financial aid may be awarded. A non-refundable application fee of $50 is required. To apply, please send an email to contact@emergeCA.org or call (415) 874-7433.

Sources:
www.emergeCA.org
ABC7 News, July 2003, San Francisco
Based on conversations with Emerge Executive Director Gretchen Schoenstein.

Similar site:
The White House Project, www.thewhitehouseproject.org

A Black PAC

In 1968, a small group of politically active African-American women called “Bay Area Women for Dellums” started working on Ron V. Dellums’s election to the House of Representatives. Following his victory, the group of 12 reached out and recruited other politically active women to join them, an effort that eventually evolved into Black Women Organized for Political Action (BWOPA).

Over the next three decades, BWOPA scored several political wins. Charter member Ella Hill Hutch was the first African-American woman elected to office in the Bay Area, serving on both the Bay Area Rapid Transit (BART) Board of Directors and the San Francisco Board of Supervisors. United States Congresswomen Diane Watson and Maxine Waters are among female elected representatives that received early support from BWOPA. And the organization showed its strength as a successful coalition builder in creating Bay Area Black Women United, a network comprised of over 30 women organizations. In 1999, BWOPA also started a nonprofit called TILE (Training Institute for Leadership Enrichment), which provides programs to develop the next generation of African-American women leaders. TILE’s goal is to ensure that these women are part of local and state decision-making bodies.

BWOPA’s state office is in Oakland, CA. To find the affiliate office nearest you, go to www.bwopa.org, click on “join BWOPA” and fill out the application. Membership fees range from $15-$125 annually.

Sources:
www.bwopa.org
Conversation with BWOPA staff

Similar sites:
Civil Rights Campaigning

During the apartheid era in South Africa, the African National Congress launched a “rolling thunder” campaign—timed meetings, one after the other that resulted in mass demonstrations in cities across the country.

Modeling itself on the same strategy, the Gamaliel Foundation, a grassroots interfaith network that provides support around local issues, recently initiated a national immigration reform “rolling thunder” campaign. The goals of the campaign are: 1) legalization of the current undocumented population in the U.S. 2) expanded family and worker visas 3) stronger border enforcement and 4) policies that encourage immigrants to more fully participate in civic life.

Using its network of 50 organizations in 17 states, the Foundation gathered its leaders and officially launched the immigrants’ civil rights campaign in Dec. 2002. Since then, the foundation has hosted educational meetings to communicate the goals of the campaign and rally support. In Detroit this year, 5,000 people showed up, including both of Michigan’s senators and other elected officials.

The “rolling thunder” element of the campaign will start in Oakland, CA and continue through the following cities from July 2004-Oct. 2004: Minneapolis, Milwaukee, Davenport, Chicago, Northwest Indiana, St. Louis, Detroit, Newark, Baltimore Hartford, Pittsburgh, Buffalo and Albany. After the campaign concludes, the Gamaliel Foundation will draft a scorecard for its get-out-the-vote efforts, which is targeted toward congregations. To find the Gamaliel affiliate office closest to you, please go to www.gamaliel.org/Affiliates/AffilatesIndexbak.htm. Or contact Ana Garcia Ashley at (312) 357-2639 or anagarciaashley@gamaliel.org.

Sources:
Based on a conversation with Gamaliel Foundation Executive Director
Greg Galluzzio
www.gamaliel.org

Online Activism

MoveOn.org is an online advocacy group originally created in opposition to former President Clinton’s impeachment. Today MoveOn.org has 1.6 million members in the U.S. and an international network of more than 2 million online activists.

The group’s objective is to “bring ordinary people back into politics.” After establishing a membership base, MoveOn.org expanded its reach by initiating the first “virtual voting drive” the day before the November 1998 national elections. The campaign reached over 4 million individuals, including elusive young swing voters. Reflecting the demographics of the Internet itself, MoveOn.org members are younger than average, with more than one-third under the age of 35. “With campaigns like MoveOn.org, the Internet became a hotbed of political organizing and activism, reaching tens of millions of people, many of them new to electoral politics," said Wes Boyd, co-founder of MoveOn.org.

More recently, on June 24th and 25th, 2003 the campaign held an online primary vote to help its members express their preferences among the field of Democratic presidential candidates. In just a little over two days, more than 300,000 members voted, making the vote larger than both the New Hampshire Democratic primary and Iowa caucuses combined.

MoveOn.org has expanded its campaign scope to include such issues as the environment and energy policy, gun safety, campaign finance and nuclear disarmament. In addition to providing its members with links to congressional representatives, MoveOn.org uses simple organizing tools such as Lobbying Day, when activists held a total of 450 meetings with the home district offices of their federal representative. To register as a member or volunteer, go to www.MoveOn.org. To contribute as a donor, please visit www.Moveonpac.org.

Sources:
www.MoveOn.org

Similar sites:
Common Cause, www.commoncause.org
TrueMajority, www.truemajority.com
Working for Change, www.workingforchange.com

Kimberley Paulson is executive administrator at Urban Habitat.
Rap the Vote
Harnessing the power of hip hop among youth

By WireTap Staff

Hip hop is more than a musical form or fashion craze: it is a political movement that is gaining momentum. Artists like KRS-One, Dead Prez and Talib Kweli, have lyrics that consistently focus on social and political issues, and hip hoppers like Ras Baraka and George Martinez (a.k.a. Rithm), who have run for political office. These artists are part of a trend in the hip hop community to translate its legions of loyal participants into a political power to be reckoned with. Their goal, of course, is to wrest control of this nation out of the hands of politicians they see as apathetic to the concerns of poor and working-class peoples that are at the heart of the hip hop constituency. One of the main obstacles to this goal, however, is hip hoppers themselves: civic participation is notoriously low among urban youth of color. In fact, in recent years, many of these youth have felt their vote is essentially worthless.

Since 1971, when 18-year-olds were first allowed to vote by passage of the 26th Amendment, turnout for 18-to-20-year-olds at the polls has declined. According to the U.S. Census Bureau, in the 2000 presidential election only 36 percent of registered 18-to-24-year-olds voted. If youth in general are apathetic about voting, we can imagine that youth of color—who so rarely have the opportunity to elect candidates who will represent their communities—have an added challenge.

Simone Mason, a student at Howard University and the assistant in the National Youth Voter Empowerment program at the NAACP, says she can understand why black youth in particular have a hard time believing that their vote will make a difference.

"There's a lot of disillusionment with the system," she says. "They think it's not pertinent to themselves. There are a lot of issues that they don't feel they have any control over." She mentions the 2000 elections specifically, adding that the events in Florida made a lot of young people ask: "Why should I vote?"

Philip Hales, a college senior from Mississippi, echoes these sentiments on the Bush election. "To me the election of George W. Bush to the office of president means that my concerns as a black person will not be a political priority," he says. "In the last election, ballots disappeared from historically black schools in Florida. My relatives in the South likened that state of affairs to the 50s, when blacks did not have the right to vote. And I agree with this comparison."

It's not surprising, then, that more and more effort is being put into messages aimed at youth of color that say that voting is more than a way to be a good citizen and follow the rules—that it is, in fact, one of the only ways to change the rules.

Where does hip hop come into this? You guessed it: the most successful efforts to get youth of color involved almost always involve hip hop.

Take Rap the Vote (http://www.rap-the-vote.org), for instance. Now an ongoing campaign co-sponsored by the 12-year-old Rock the Vote organization and the NAACP, Rap the Vote started back in the early days of MTV-inspired voting advocacy as a mere tagline on some 1992 campaign materials. The phrase resurfaced again as more than a slogan in 2000, when Russell Simmons' 360HipHop got
involved. And in 2002, thanks to the NAACP's involvement, and endorsement and participation by artists such as Jay-Z, Public Enemy, the Beatnuts, and Sean "P. Diddy" Combs, the campaign has expanded. Beginning this summer, Rap the Vote has sponsored a series of concert tours, television spots, and town hall meetings across the country. They have also sent a van into urban neighborhoods to educate young people and help them register to vote.

It you visit the Rap the Vote web site, you'll see their "Register. Vote. Represent." message, alongside a catchy hip hop beat and an image of a fist wearing a bling-bling knuckle ring that spells out V.O.T.E. across its width.

At first glance, such projects may look like token efforts to include youth of color in the world of politics, but, as the campaign's organizers will tell you, there's nothing small about it.

Channing Hawkins, of the NAACP National Youth Voter Empowerment Program, thinks it's about time someone started using hip hop to promote voting. He believes that, despite the recent push for federal spending on education, very little emphasis has been placed on educating people about their right to vote.

"Educating people about the political process—that's integral to making this democracy work," he says. "And I don't think that message is one that's being sent: that they need to be involved, and that their involvement is necessary."

Channing also manages the Rap the Vote tour bus. And when they appear in a new neighborhood, he says, he sees young people who are energetic and enthusiastic about their right to vote—sometimes for the first time in their lives.

"We just pull up in their neighborhoods and we have freestyle contests, or we have poetry contests," he says. "And the youth, they're just great—because typically it's a lot of older folks in politics—but when we're in the housing developments and on the college campuses, it just creates an instant crowd."

One of the more inspiring things, Channing says, is energizing people who, at a young age, already feel completely excluded from the system. In some cases, he says, bringing in a rap artist who has been in prison is particularly helpful.

"For [a young person] to find out their favorite artist might be a convicted felon, but to find out that [artist] can still vote, that their lives have been taken away but they can be got back, I think that's been the biggest thing," he says.

Tai Duncan, a college sophomore from Chicago, is skeptical. She points out that although the celebrity based programs might be effective in terms of being something that grabs the attention of a lot of youths, it may appear to people outside of the community that the only way to get youth of color involved is to cater to an obsession with music, fashion and celebrities.

"I think if you're going for 'inner city' youths whose basic role models are the people they see on MTV and BET, then I say, go for it!" says Duncan. "But to reach other, more political or otherwise intellectual individuals who might have some knowledge of non-popular black figures, using political or otherwise motivational figures would be more beneficial." Jesse Jackson, Jesse White, Spike Lee were some that came to her mind.

Like Duncan, some critics may wonder: Is voting a realistic trend among young people? Lynn Lyman, of Rock the Vote, is clear about the fact that the Rap the Vote campaign is about much more than starting a trend.

"It's not about making it cool—it's about making a connection," she says. And she's right. When we hear political information from someone we already look up to and trust, most youth will be more open to what they have to say.

A recent automated phone call they're currently sending out is a good example. Instead of a politician's voice, youth on their list will pick up the phone and hear L. L. Cool J talking about why they should turn out to vote. How cool is that?

According to Lyman the fact that it's cool is somewhat beside the point. "It's not that someone's making it cool," Lyman adds, "it's like when you get an e-mail from a friend or when you get one from someone you don't know, you're more likely to open the one from the friend. It's the familiarity and the trust and not necessarily the coolness factor that I see working in terms of the link—and what we find once young people are exposed to the voting message, they're more likely to stay involved."

Philip agrees. He says: "It is extremely intelligent to use these stars to inspire causes beyond what jeans to wear and what soda to drink. Succinctly put, if you can't bring the youth to the voting booth, bring it to them, and on their terms."

Sahil Merchant, Michael Gaworecki and T. Eve Greenaway all contributed to this story. Reprinted with permission from WireTap, an online magazine by and for socially conscious youth (www.wiretapmag.org).
Things You Can Do to Protect Your Right to Vote

By Melissa Siebert, Stan Goff and Chris Kromm

1. Check your records
   If you’ve registered to vote, you should have no problems casting a ballot come Election Day, right? Wrong. In 2000, problems with voter records kept 1.3 million registered citizens from voting. Troubles with voter rolls threaten to be even worse now, as several states go through redistricting and others work out the glitches of new electronic registration systems. Be proactive: call your local board of elections and make sure they have the right information about you, what polling location and district you will be voting in, and who will be on the ballot.

2. Know your rights
   Find out the laws in your state that guarantee the right to vote. For example, in many states, if you have registered to vote yet your name doesn’t appear on the rolls on Election Day, you have the right to cast a provisional ballot. Other standards are in place to ensure access to the polls for voters who speak English as a second language or have physical disabilities. People for the American Way has compiled a “Voter’s Bill of Rights” for over a dozen states (visit www.pfaw.org). Distribute copies to your church or community group, or pass it out to voters on Election Day.

3. Conduct a “citizen’s audit”
   Most elections in this country are run by local election boards with small staffs, inadequate training, and shoestring budgets. Doug Lewis, director of the non-partisan Election Center in Houston, Texas, estimates that in 75 percent of the country’s 6,000 jurisdictions, elections are the least well-funded arm of government. Concerned citizens and grassroots groups can become voting sentinels by performing a “citizen’s audit”—an inventory of what election systems are in place, what improvements need to be made, and what resources are needed to get there. If there isn’t a group yet working to improve elections in your county, form one.

4. Lend a hand
   Most areas are desperate for poll workers. In 2000, over 1.4 million poll workers were recruited to help administer elections. The vast majority received little training, worked 14 or more hours on Election Day, and received little or no pay for their effort. Yet conscientious poll workers are critical to the smooth functioning of our election system. Contact your local election board and volunteer to staff the polls—chances are, your help is sorely needed.

5. Do election protection
   The best way to safeguard voter rights on Election Day is to organize “election protection” teams—people who fan out to polling precincts and advise voters of their rights, help voters assert those rights and offer access to legal assistance. People For the American Way launched an election protection program in 2001, dispatching thousands of volunteers to monitor precincts in Virginia and New Jersey and helping hundreds of voters troubleshoot obstacles. If you want to set up an election protection program in your area, contact the Southern Voting Rights Project of the Institute for Southern Studies (publisher of Southern Exposure) at (919) 419-8311 x25 or visit the People for the American Way web site listed above.
Activist Organizations and Projects

Action Agenda for Election Reform
(Sponsored by the Progressive Challenge, Institute for Policy Studies and The Nation magazine)
www.ips-dc.org/electoral/intro.htm

Ballot Access News
www.ballot-access.org/

Brennan Center for Justice’s Democracy Program
NYU School of Law
161 Avenue of the Americas, 12th Fl.
New York, NY 10013
(212) 998-4550
www.brennancenter.org/programs/programs_dem.html

Center for Policy Alternatives
1875 Connecticut Avenue, N.W.
Suite 710
Washington, D.C. 20009
(202) 387-6030
www.cfpa.org/issues/electionreform/index.cfm

Center for Voting and Democracy
6930 Carroll Ave., Ste. 610
Takoma Park, MD 20912
(301) 270-4616
www.fairvote.org/

Common Cause
1250 Connecticut Ave., N.W., #600
Washington, D.C. 20036
(202) 833-1200
www.commoncause.org/agenda/

The Constitution Project
1120 19th St., N.W.
Washington, D.C. 20036
(202) 721-5620
www.constitutionproject.org/eri/index.htm

Demos
220 Fifth Avenue, 5th Fl.
New York, NY 10001
(212) 633-1405
www.demos-usa.org/demos/democracy_reform/

Election Reform Information Project
1101 30th St., N.W., Ste.210
Washington, D.C. 20007
(202) 338-9860
www.electionline.org/index.jsp

League of Women Voters
1730 M Street, N.W., Ste.1000
Washington, D.C. 20036-4508
(202) 429-4508
www.lwv.org

Mexican American Legal Defense and Educational Fund
634 S. Spring St.
Los Angeles, CA 90014
(213) 629-2512
www.maldef.org/policy/index.htm

National Voting Rights Institute
27 School St., Ste. 500
Boston, MA 02108
(617) 624-3900
www.nvri.org/

Northeast Action
30 Germania St.
Boston, MA 02130
(617) 541-0500
www.neaction.org/electedofficials.htm

People for the American Way
2000 M Street, N.W., Suite 400
Washington, D.C. 20036
(202) 467-4999
www.pfaw.org/pfaw/general/default.aspx?oid=114

Project Vote Smart
One Common Ground
Philipsburg, MT 59858
(406) 859-8683
www.vote-smart.org/

Public Campaign
1320 19th St., N.W., Ste. M-1
Washington, D.C. 20036
(202) 293-0222
www.publiccampaign.org/

Rock the Vote

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Resources for Lobbying

To find information on federal legislators:
See www.congress.org
See www.ombwatch.org
Reach any Congress member: (202) 224-3121
White House Comment Line (202) 456-7639
Publications on past voting history in publications such as the Almanac of American Politics
See www.vote-smart.org

For information on state and local officials:
To find out who your state and local officials are, see the League of Women Voters website at www.lwv.org

Information on California state officials can be found at:
www.leginfo.ca.gov/

Other Resources


Jim Shultz, The Initiative Cookbook: Recipes and Stories from California’s Ballot Wars, The Democracy Center/ Advocacy Institute West, 1996.
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