



## NATIONAL CAMPAIGN TO **RESTORE CIVIL RIGHTS**

### **ENVIRONMENTAL JUSTICE**

Fewer civil rights mean fewer clean neighborhoods. People used to be able to stop polluters from targeting their communities. Now the Supreme Court is allowing those polluters back in the communities.

In 2001, in South Camden, N.J., the federal court suspended a permit for a cement factory because of the unfair impact that this plant would have on its neighbors. South Camden already housed the region's largest trash incinerator, a power plant, the county sewage treatment plant, and a radioactive waste site. The area also has one of the highest cancer rates in the nation. The court said that the people who lived around the factory were made to bear more than their fair share of the problems of pollution, and were being discriminated against because of their race. At the time, the ruling seemed like a landmark in environmental justice.

Soon after this ruling, the Supreme Court decided another case, *Alexander v. Sandoval*, ruling that people can enforce their civil rights only if they can prove that discrimination was intentional, not just that it had a discriminatory impact on the basis of race or ethnicity. The Sandoval case took away one of our key weapons in the fight for environmental justice because intentional discrimination is almost impossible to prove in a court of law, even when it exists.

The Supreme Court's ruling in *Sandoval* had an impact on the struggle in South Camden since it effectively reversed the result in that case and left South Camden residents to find ways of proving that the decision to locate the cement plant in their community was intentionally discriminatory.

Similarly, in 2003, the community of Holly Springs, NC, had three active landfills. The county was preparing to create another landfill, one that would spread across 471 acres and be 280 feet tall. But the community of Holly Springs, NC, was tired of handling the trash of the entire county. The community believed in the environmental justice principal that because everyone in a community produces garbage, everyone should have to share the burden of getting rid of this garbage. Holly Springs produces very little of the county's garbage but it was made to deal with almost all of garbage. Holly Springs is also home to the largest percentage of African Americans in the state.

The people of Holly Springs tried to fight this landfill in the federal courts. The court, citing the Sandoval case, said that if the community wanted to fight the landfill, they would have to prove intentional discrimination, because showing that they were bearing a disproportionate share of environmental hazards was no longer sufficient.

**For more information on environmental justice and the courts, please contact the National Campaign to Restore Civil Rights at: [rollback@nylpi.org](mailto:rollback@nylpi.org).**

**For detailed case information, please see the below:**

- *South Camden Citizens in Action v. NJDEP*(254 F.Supp.2d 486, D.N.J 2003)
- *Alexander v. Sandoval* (532 U.S. 275, 2001)
- *Franks v. Ross*(F.Supp.2d 599, E.D.N.C 2003)