

# People of Color

## Part I - Needs

Racial and ethnic discrimination are pervasive in the United States. Created and maintained by deliberate government policies, discrimination exists in education, employment, health care, housing, transportation and every other aspect of modern life. Discrimination exacerbates the poverty of children, people with disabilities, elders, lesbians and gay men, homeless people, immigrants, migrants and women. It embitters, corrodes and diminishes the lives of all people.

Due to historical and current discrimination in housing, employment, education, and other facets of life, people of color have continually displayed higher levels of poverty than the European-American population in America. In 1998, 12.7% of the United States population lived below the poverty level: 8.2% non-Hispanic Whites; 26.1% Blacks, 25.6% Hispanics and 14.5% Asian Pacific Islander.

These poverty rates are even higher among children of color: 40% of all Black children and 34.4% of Hispanics under 18 lived in poverty in 1998. Older people of color are also living in poverty. Of the entire over 65 population, 10.5% were living below the poverty level in 1998. Of the entire older white population, only 8.9% lived in poverty while 26.4% of older Blacks and 21% of older Latinos lived below the poverty level in 1998.

Single mothers disproportionately represented among the poor, with 29.9% of all female householders being below the poverty level, while 40.8% of Black, and 43.7% Hispanic female householders considered poor.

Another factor contributing to high poverty rates among people of color is the lack of education. In 1991, 13.2% of the black and 32.4% of the Latino population aged 16-28 had not completed high school and were not

enrolled to complete it. This is compared to 9.0% of the white population.

Discrimination is a major factor contributing to America's high levels of poverty, especially among communities of color.

## 1. Income

In 1998 the median income for white families was \$40,912, \$25,351 for African-American families and \$28,330 for Hispanic families. While this race-based disparity in income always has existed, the gap is widening. In the 1960's and 1970's most young African-American families were above the federal poverty threshold, but by 1987 the majority of African-American families fell below it. Blacks were least affected by the general prosperity of the late 90s, with the poverty rate of 26.1% staying constant for two years in a row (1997 and 1998) while it declined in the rest of the measured groups.

## 2. Housing

Where people live determines the schools they go to, the crime they are exposed to, the quality of municipal services, relative tax burdens, housing values, ease of access to work and the peer influences on their children. When people are isolated from the mainstream, it's not a fair contest.

Apart from the refusal to sell or rent property to people of color, discrimination can take other forms. When searching to rent or buy housing, people of color may be steered away from certain neighborhoods. Availability of public or subsidized units may be misrepresented and separate waiting lists may exist that make minorities wait longer for housing. Segregated public housing is commonplace in certain areas.

People of color need federally assisted housing of equal quality to white assisted housing as well as effective access to a wide choice of housing opportunities.

Finally, state and local exclusionary zoning and land development policies have facilitated

the creation of a segregated private housing market and channeled publicly aided housing into narrow geographic patterns.

### **3. Education**

Between 1971 and 1981, evidence suggested that the gap in reading achievement between poor elementary school-age minority students and their white peers was closing -- apparently because of concentrated federal funding for compensatory education. Given the cuts in the 1980s, discrepancies in achievement have continued to be present. Several studies have determined that racial composition of schools correlated to low math and reading scores.

Many universities are currently in the process of "re-evaluating" their admissions policy on affirmative action. People of color are already greatly underrepresented at the university level and a change in such policies will only further increase the problem. Some university systems, notably California, have been prohibited from considering ethnic origin in the admission process.

People of color continue to suffer the effects of racial discrimination once in the classroom. This discrimination encompasses a wide range of policies and practices. Some cases concern student's continuing efforts to eliminate the vestiges of segregated educational systems. Lower expectations of students of color result in enrollment of a disproportionate number in less challenging academic tracks.

Misclassification as mentally retarded or emotion-ally disturbed often are the result of racially discriminatory tests and other assessments. Students of color are treated more harshly than white students in cases of similar or identical misconduct; they are statistically more likely to be subjected to harsh disciplinary measures including suspension and corporal punishment.

Students who are not native English speakers or whose home and community is dominated

by a language other than English encounter difficulties in participating and succeeding in English language instruction. One danger is being pushed into lower academic tracts or misclassified as handicapped solely because of a language deficiency. Limited English proficient (LEP) students and their parents may lack the ability to communicate with officials about educational concerns.

Detrimental practices include lack of LEP programming, failure to identify students in need of instruction, inadequate training of teachers, testing students in English rather than their native language and lack of teaching in languages other than English.

### **4. Employment**

In 1991 the unemployment rate of whites was 8.0%, blacks, 12.4%, Latino, 9.9%. Among the Latinos, 10.4% of the Mexican labor force, 11.6% of the Puerto Rican labor force, and 8.1% of the Cuban labor force were unemployed.

The difference in the statistics between whites and people of color increased among the 16-19 year age group. 16.4% of white people aged 16-19 were unemployed. This statistic rose to 22.9% for Latinos and 36.3% for young Blacks. The recent attacks on affirmative action programs will likely exacerbate these numbers.

People of color continue to be discriminated against in all aspects of the employment relationship. Women of color suffer a special form of discrimination, more than just from being of color or from being female.

### **5. Civil Rights**

#### **Hate Crimes**

National studies have indicated that hate crimes based on race are rising. A Los Angeles County Commission on a Human Relations study found an over 400% increase in anti-Asian hate crimes between 1988 and 1991. The incidents include attempted arsons, vandalism -- spray painted swastikas and racist slurs -- assaults, and cross-burnings.

The Commission also found that 62% of the hate crimes in Los Angeles County between 1980 and 1990 were perpetrated against African-Americans.

Most victims of hate crimes are reluctant to cooperate with police. Furthermore, the small percentage of the crimes initially identified as hate crimes by the police demonstrate the need to sensitize police on this issue.

### **Police Harassment**

Some police officers harass people of color. "Driving while Black or Brown" and recent high profile cases involving the New York City and Los Angeles Police Departments have shown the problem to be ongoing. Historically, police have been used to maintain the prevailing social and economic order. As our country has traditionally been one of white rule, people of color are a special target of police. Furthermore, many people have been persuaded that increased protection from crime requires a decrease in individual rights. This fear of crime has allowed police to get away with conduct that many would view as otherwise reprehensible.

### **Environmental Racism**

A growing menace to people of color is developing from a variation of NIMBY in which industrial waste is discarded in areas predominantly occupied by people of color. For example, in 1983 the U.S. General Accounting Office found that three out of four commercial hazardous waste landfills in the Southeast occupied regions that were predominantly African-American.

The United Church of Christ (UCC) studied the correlation between race and hazardous waste site locations. Despite claims that this correlation was not a reflection of race, but rather one of economics, the UCC found that race was "the single variable best able to explain the existence or non-existence of commercial hazardous waste facilities in a given community area."

While all segments of society benefit from the use of the petro-chemicals, a small minority

bears the cost from the byproducts of these goods. Most people argue that people of color are targeted for waste facilities and other environmental hazards by waste-management firms because their residents are more likely to be poor and politically powerless. These communities are also more vulnerable to offers of compensation made in exchange for accepting hazardous environmental conditions.

Segregated housing patterns are another possible reason that minorities and African-Americans are overburdened. Seventy percent of poor urban blacks were concentrated in poverty areas in 1989 versus 40% of urban whites. Because poor whites are more likely to live in economically varied areas, unlike blacks, they benefit from the political clout of the middle class.

### **California Proposition 209, 227**

The passing of California Propositions 209 (anti-affirmative action) and 227 (bilingual education) causes great concern for many people of color. Proposition 209 has begun to dismantle affirmative action in state schools and public employment. Likewise bilingual education proceeds apace in public schools. Attacks on bilingual education have been a constant feature on school district level, as opponents argue that LEP students are held back from integration into the "mainstream" by bilingual education.

## **6. Political Empowerment**

For a significant part of our history, people of color have been denied the right to vote. Even now, when most people regardless of race can go to a polling place and vote, political representation is denied through redistricting that effectively impairs the vote of people of color.

# People of Color

## Part II - Laws

### Income

Generally, people of color who are poor are entitled to the same public benefits as any other poor person. The only exception is that Native Americans are entitled to certain benefits not available to other minority groups. For a general overview of Public Benefit Programs, see **Chapter 7: Public Benefits**.

Title VI of the Civil Rights Act of 1964 [42 U.S.C. §2000d] provides that no person, on the ground of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

People who are discriminated against in the administration of federally funded aid programs (TANF, Food Stamps, Medicaid) may file an administrative complaint with the Office of Civil Rights (OCR) of the governing federal agency, e.g., Health and Human Services.<sup>1</sup> Federal law also requires state welfare departments to have a procedure whereby recipients can assert these rights. Some states such as California have additional state procedures.

Illegal discrimination based on race, color or national origin frequently limits the opportunity of minorities to gain equal

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<sup>1</sup> The Office for Civil Rights (OCR) of the U.S. Department of Health and Human Services (DHHS) enforces Federal laws that prohibit discrimination by health care and human service providers that receive funds from DHHS. One such law is Title VI of the Civil Rights Act of 1964. <http://www.hhs.gov/ocr/>

access to services. Common discriminatory practices, identified at 45 CFR Part 80, include: denying service, financial aid or other benefit; providing a different service, financial aid or other benefit, or providing these in a different manner from those provided to others under the program; or segregating or separately treating individuals in any matter related to the receipt of any service, financial aid or other benefit.<sup>2</sup>

Legal services programs have used these laws successfully to stop welfare department practices that disproportionately impact people of color including limiting hours and services, closing offices and failing to have translators available to non-English speaking people.

### Housing

Attacks on segregation and discrimination can be used to improve and expand housing opportunities for people of color. The tools include:

**Constitutional violations (5th and 14th amendments)** The 5th amendment provides for due process from the federal government and the 14th amendment extends this protection to encompass state and local governments as well.

**Civil Rights Statutes** [42 U.S.C. §§ 1981, 1982] give to all persons the same right to make and enforce contracts, to sell and hold real and personal property as is enjoyed by white citizens.

**Title VI of the Civil Rights Act of 1964** [42 U.S.C. §2000d] states that no person on the ground of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to

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<sup>2</sup> How to file a complaint with OCR can be found at on the Health & Human Services web site at [www.hhs.gov/ocr/howtofile.html](http://www.hhs.gov/ocr/howtofile.html)

discrimination under any program or activity receiving federal financial assistance.

**Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)** as amended by the **Fair Housing Amendments Act of 1988 (FHAA)** [42 U.S.C. §3601 et seq.; 24 C.F.R. Pt. 105] prohibits discrimination in any housing activity or transaction based on a person's race, color, national origin, religion, gender, disability or familial status. It requires federal agencies and state and local government recipients of federal funds to affirmatively promote fair housing. This "duty to affirmatively further fair housing" includes analyzing impediments to fair housing and taking action to eliminate them.

**State and Local Civil Rights laws** All states have a Civil Rights Act as do many major municipalities. These laws protect people of color from housing discrimination; in some instances they may exceed federal coverage. Land use regulation is a power retained by state governments, governed by state law and delegated to local governments. Exclusionary zoning and land use can be attacked as contrary to the state law on the grounds that this exercise of state police power should not segregate people of color.

**Remedies** The Fair Housing Act and most state civil rights laws allow housing discrimination to be challenged by filing an administrative complaint with the appropriate administrative agency or by filing a lawsuit. For example, Fair Housing Act violations may be filed with the Department of Housing and Urban Development (HUD) or with a state or local agency that HUD has certified as having a fair housing law substantially equivalent to the Fair Housing Act.<sup>3</sup> Roisman and Tegeler, *Improving and Expanding Housing Opportunities for People of Color: Recent Developments in Federal and State Courts*, 24 Clearinghouse Review

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<sup>3</sup> HUD procedure and access to complaint forms appear at [www.hud.gov/complaints/housediscrim.cfm](http://www.hud.gov/complaints/housediscrim.cfm)

312 (August-September 1990) describes how attacks on segregation and discrimination can be used to improve and expand housing opportunities for poor people of color.

## Education

**No child Left Behind Act of 2001** [20 U.S.C. §§ 6301; 34 C.F.R. § 200]: NCLB is the latest version of the Elementary and Secondary Education Act (ESEA), the central federal law in pre-collegiate education. The ESEA, first enacted in 1965 and last reauthorized in 1994, encompasses Title I, the federal government's flagship aid program for disadvantaged students. Title I, the largest federal program to assist school districts, provides funds to improve the education of children in high poverty schools. Title I revisions in NCLB build on earlier law but add requirements in assessments and accountability. The new law requires states to develop annual assessments aligned to state standards and to use achievement on these assessments as the primary measure of accountability. The law specifies specific rewards for all Title I districts and schools that adequately progress and corrective actions for those that don't meet expectations.<sup>4</sup>

**Title VI of the 1964 Civil Rights Act** [20 U.S.C. § 2000d; 34 C.F.R. §100.3(b)] prohibits racial discrimination in any program receiving federal financial assistance and allows students to challenge educational

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<sup>4</sup> Title I is described by Center for Law and Education at [www.cleweb.org/issues/title1/quality.htm](http://www.cleweb.org/issues/title1/quality.htm) California Department of Education's **Comments Regarding Reauthorization of the Elementary Secondary Education Act** (July 1998) cite concrete examples of how Title I works in the schools at <http://www.cde.ca.gov/govaffairs/esea.html>. Oregon Department of Education describes the major Titles at **IASA Consolidated Programs** at <http://www.ode.state.or.us/iasa/Index.htm>.

decisions that have a disparate impact. Title VI complaints include such issues as: ability grouping, access to alternative-language services by non-English-language-learners, disciplinary practices, student assignment policies, including assignment to gifted and talented programs, inter-district student transfers, school desegregation, racial harassment, student housing on college campuses, academic grading.<sup>5</sup>

### **Constitutional Grounds: Equal Protection**

**Clause** Students of color can also raise intentional discrimination by schools as violative of the Equal Protection Clause of the 14<sup>th</sup> amendment which prohibits a state from denying a person the equal protection of the laws. [U.S. Const. amend. XIV](#).

**State Civil Rights Acts** also protect minority students from discrimination and establish state administrative process to raise racial discrimination claims.

**Equal Educational Opportunities Act of 1974** [20 U.S.C. §1701 et seq.] Students denied equal educational opportunity because of failure to overcome language barriers that impede equal participation in education may bring a federal or state court action. The individual may file suit in court or in rare instances, the attorney general will bring the action. In California, for example, students may bring an action under Title VI, or file a complaint with the California State Department of Education-

**State Education Agencies** can be accessed at [www.ed.gov/Programs/bastmp/SEA.htm](http://www.ed.gov/Programs/bastmp/SEA.htm)

## Employment

**Title VII of the Civil Rights Act of 1964 - Equal Employment Opportunities Act** [42

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<sup>5</sup> Procedures for filing a complaint with Department of Education's Office of Civil Rights can be accessed at <http://www.ed.gov/offices/OCR/ensure99.html>

U.S.C. §2000e et seq.; 24 C.F.R. Pt. 7] seeks to achieve equality of employment opportunities by removing barriers that have operated in the past to favor white employees over people of color. It prohibits discrimination in hiring and firing practices on the basis of race, color, religion, sex, or national origin. Employment discrimination claims can be litigated or filed with the U.S. Equal Employment Opportunities Commission.

**State Laws** All states have a Civil Rights Act that allow people of color to seek redress for discrimination in employment. Many of these acts cover discrimination in other activities, usually housing. All states have at least one administrative agency that is charged with enforcing discrimination laws. For example, California's is Department of Fair Employment and Housing (DFEH) enforces two major laws that protect people of color: **Unruh Civil Rights Act** [California Civil Code §51] prohibits any arbitrary discrimination on the basis of sex, race, color, religion, ancestry, national origin, disability, or age. **California Fair Employment and Housing Act** (FEHA) [Government Code §12955 et seq.] prohibits employer discrimination in any employment activity on basis of race, color, religion, sex, marital status, familial status, national origin or disability.

### Health Care

Discrimination based on race, color or national origin frequently limits the opportunity of minorities to gain equal access to health services especially people with Limited English Proficiency. For more detail, *see* Chapter 5: **Health Law**.

**Title VI of the Civil Rights Act of 1964** [42 U.S.C. §2000d] states that no person on the ground of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Almost all health care providers receive federal funds and are bound by Title VI. Administrative

complaints can be filed with the Office of Civil Rights within Health and Human Services.<sup>6</sup>

**Executive Order on Limited English Proficiency (August 14, 2000)** directs all federal agencies to develop and implement a system by which LEP persons can meaningfully access services consistent with the agency's mission.

<http://www.healthlaw.org/pubs/Alert000814.html>

**Department of Justice Policy Guidance Document: Enforcement of Title VI of the Civil Rights Act of 1964 (August 11, 2000)**

[http://www.healthlaw.org/pubs/200008DOJ\\_LEP.html](http://www.healthlaw.org/pubs/200008DOJ_LEP.html)

**Medicaid** regulations explicitly require state programs to operate consistent with Title VI.

**State Language Access Laws** Many states have laws that require and encourage state agencies and social service agencies to provide language appropriate services.

**Civil Rights Acts** provide additional remedies to impose language access requirements on health care providers.

**National Health Law Project**

<http://www.healthlaw.org/race.shtml> is a perfect starting place for cultural and racial issues with great articles and wonderful links in this area.

**Race, Health Care and the Law**

[www.udayton.edu/~health/](http://www.udayton.edu/~health/) deals with improving people of color's health status, access to health care and quality of care received. Includes law review articles, statutes and case law. Includes not-to-be-found-elsewhere information and analysis on African-Americans.

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<sup>6</sup> How to file a complaint with OCR can be found at on the Health & Human Services web site at [www.os.dhhs.gov/progorg/ocr/ti6file.html](http://www.os.dhhs.gov/progorg/ocr/ti6file.html) Guidance to OCR staff on enforcing Title VI Limited-English Proficiency (LEP) can be found at <http://www.hhs.gov/progorg/ocr/lepfinal.htm>.

**DiversityRx**

<http://www.diversityrx.org/HTML/DIVRX.htm> promotes language and cultural competence to improve the quality of health care for minority, immigrant and ethnically diverse communities.

**Civil Rights**

**Hate Crimes**

**Hate Crimes Statistics Act (HCSA)** as amended by the **Violent Crime Control and Law Enforcement Act of 1994** (28 U.S.C. §534) requires the Justice Department to collect data on crimes which “manifest prejudice based on race, religion, sexual orientation, ethnicity and disability” from law enforcement agencies across the country and to publish an annual summary of the findings.

**Title 18 U.S.C. § 245**, one of the primary statutes used to combat racial and religious bias-motivated violence, prohibits intentional interference, by force or threat of force, with the enjoyment of a Federal right or benefit (such as voting, going to school, or employment) on the basis of race, color, religion, or national origin. The government must prove both that the crime occurred because of a person's membership in a protected group and because (not while) he or she was engaging in a Federally protected activity.<sup>7</sup>

**State Laws** The states continue to play the primary role in the prosecution of bias-motivated violence. All but a few states<sup>8</sup>

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<sup>7</sup> The Hate Crimes Prevention Act of 1999 (HCPA) -- now pending in Congress -- would provide new authority for Federal officials to investigate and prosecute cases and remove the overly restrictive obstacles to Federal involvement by permitting prosecutions without requiring proof that the victim was attacked because he or she was engaged in a Federally protected activity.

<sup>8</sup> Anti-Defamation League describes major provisions of all state hate crime laws [www.adl.org/frames/front\\_99hatecrime.html](http://www.adl.org/frames/front_99hatecrime.html)

have enacted hate crime statutes. Many states have laws that impose criminal sanctions and civil remedies. For example:

**Michigan Ethnic Intimidation Act** [MCL 750.147b] makes intimidation or harassment of grounds of race, color, religion, gender or national origin a felony and provides for a civil cause of action with damages and injunctive relief.

**California Ralph Civil Rights Act** [Civil Code §51.7] provides that all persons have the right to be free from violence or intimidation by threat of violence committed against themselves or their property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute. The list in the statute is illustrative, so a person may make a claim under this law if they possess or are perceived to possess a characteristic shared by members of any identifiable group. In addition to “person[s] aggrieved by the conduct” the Attorney General, any district or city attorney may bring action under the Act. A person may file a lawsuit or administrative complaint with the Department of Fair Employment and Housing

### **Police Brutality/Harassment**

People who are victims of police brutality including racial profiling on highways (“Driving While Black/Brown” or “DWB”) may sue in federal courts under **Civil Rights Statutes** as well as in state court under either state civil rights laws or on negligence theories. They can include common law tort actions such as assault, battery and intentional infliction of emotional distress as well.<sup>9</sup>

These suits not only compensate direct victims of illegal police conduct but expose individual acts of brutality and unconstitutional institutionalized police

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<sup>9</sup> The American Civil Liberties Union has filed several major DWB lawsuits in Maryland, New Jersey, Oklahoma, Illinois and California. See <http://www.aclu.org/profiling/index.html>

practices. They demonstrate police insensitivity to the community and its problems and also provide support for broader community struggles against police misconduct.

In the past, the federal courts have been more sensitive to civil rights claims. However, recently the U.S. Supreme Court and conservative lower federal judges have limited access of civil rights plaintiffs to federal courts. Once in court, these cases are very difficult to prove. An alternative to litigation is to file a complaint with the police review board, the effectiveness of which varies from one police department to another.<sup>10</sup>

**Civil Rights Acts** [42 U.S.C. §1983 et seq.] Section 1983 is the primary statutory basis for federal actions seeking to remedy police abuse. Other parts of the Civil Rights Acts should also be invoked where relevant. These Acts authorize damages and injunctive relief for police misconduct that infringes upon a federally guaranteed or constitutional right. If a federally guaranteed or constitutional right has not been violated by the police misconduct, one must look to state court to provide relief.

Generally, the plaintiff must prove that the official acted under the color of state law and caused an injury to plaintiff’s constitutional or federal rights. Note that there are other specific requirements under certain Acts. Examples of actionable conduct are false imprisonment, malicious, discriminatory or retaliatory prosecution, excessive force and physical brutality, illegal search and seizure, denial of 1st amendments rights, denial of counsel and a fair trial, verbal abuse and harassment, failure to provide police

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<sup>10</sup>To stop racial profiling, the ACLU has waged an effective campaign including research, litigation, public education and advocating for legislation and other reforms. See <http://www.aclu.org/profiling/index.html>



protection, and conspiracy to violate civil rights.

**Other Strategies** Policies and practices that have been used successfully to help improve police and community relations are described in **Police Use Of Force: Addressing Community Racial Tensions** at <http://www.udoj.gov/crs/pubs/crsbulletin.html>

## Environmental Justice<sup>11</sup>

### Siting and Enforcement

**Title VI of the 1964 Civil Rights Act** prohibiting racial discrimination in federally funded programs, plays an important role in siting controversies. **Interim Guidance For Investigating Title VI Administrative Complaints Challenging Permits** provides a framework for the processing by EPA's Office of Civil Rights (OCR) Title VI complaints alleging discriminatory effects resulting from federally funded governmental agencies issuing pollution control permits. <http://es.epa.gov/oeca/oej/titlevi.html>

**Constitutional Grounds: Equal Protection Clause** [U.S. Const. amend. XIV](#) Litigants have challenged --unsuccessfully thus far -- proposed sitings as violating the Equal Protection Clause. The primary impediment has been proving that siting decisionmakers intend to discriminate on impermissible grounds.

**Civil Rights Statutes** [42 U.S.C. §§ 1981, 1982] giving to all persons the same right to make and enforce contracts, to sell and hold real and personal property as is enjoyed by white citizens, has been used to challenge environmental justice controversies.

**Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)** as amended by the **Fair Housing Amendments Act of 1988 (FHAA)** [42 U.S.C. §3601 et seq.; 24 C.F.R. Pt. 105] prohibiting racial discrimination in any housing activity or transaction and requiring federally funded entities to affirmatively promote fair housing is used as a basis to challenge environmental injustice.

Ralph Santiago Abascal, *Tools for Combating Environmental Injustice in the 'Hood: Title VII of the Civil Rights Act of 1968*, 29 CLEARINGHOUSE REVIEW: J. OF POVERTY LAW 345, 345 nn.1 and 2 (1995)

**Federal Legislation** Many bills seeking to promote environmental justice have been introduced in Congress. While unlikely to become law, they serve as models for state legislation and regulatory initiatives. <http://www.nyu.edu/pages/elc/ej/>

**Executive Order 12898 Environmental Justice Act** focuses on environmental justice in relation to minority populations and low-income populations. <http://www.epa.gov/swerosps/ej/ejndx.htm#12898>

**State Legislation** A fair number of states either have passed environmental justice legislation or have such legislation pending. See list and links at <http://www.nyu.edu/pages/elc/ej/>

**Public Participation in the Siting Process** Luke W. Cole, *Legal Services, Public Participation, and Environmental Justice*, 29 CLEARINGHOUSE REVIEW: J. POVERTY LAW 449, 450 (1995)

**People of Color Environmental Justice Groups** This map shows the location of groups working for environmental justice. <http://www.igc.apc.org/envjustice/maps/content/inen.html>

<sup>11</sup> Professor Vicki Been, NYU Law School, has a website that is a great first place to go to get a handle on key issues, responses and resources in this area at <http://www.nyu.edu/pages/elc/ej/>

## **Brownfields Redevelopment Initiatives**

For a description of federal and state policies, initiatives and laws, *see* <http://www.epa.gov/brownfields/>

## **Transportation Justice**

*Labor/Community Strategy Center v. Los Angeles County Metropolitan Transportation Authority* (MTA) alleged that MTA operates separate and unequal bus and rail systems that discriminates against the poor minority bus riders. The class action on behalf of 350,000 poor minority bus riders was precipitated by MTA's attempt to raise the cash fare and eliminate the monthly pass, which would have prevented poor minority bus riders from reaching jobs, doctors, schools, food stores, loved ones, and other basic needs of life. Plaintiffs argued intentional and discriminatory impact on poor people of color violating the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, 42 U.S.C. §§ 1981 and 1983, Title VI of the Civil Rights Act of 1964, and the regulations under that statute. A consent decree was reached in 1996.<sup>12</sup>

**Environmental Defense Fund -- Time Line** focuses on the history of the civil rights and environmental movements and how they come together in Los Angeles to form "Environmental Justice". <http://www.environmentaldefense.org/programs/EJ/Timeline/>

## **Political Empowerment**

The right to choose one's representatives in the voting booth is the linchpin of a free society, without which it is often impossible to exercise other rights.

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<sup>12</sup> For a fuller description of the suit and more on transportation justice, *see* <http://www.environmentaldefense.org/programs/Transportation/Equity/> and **Just Transportation: Dismantling Race & Class Barriers to Mobility** Editors Robert D. Bullard and Glenn S. Johnson (Editor) 1997

**The Voting Rights Act of 1965** as amended in 1975 and 1992 (42 USC §1971 *et seq*), prohibits the use of voting laws, practices or procedures that discriminate in either purpose or effect on the basis of race, color, or membership in a minority language group. The Voting Rights Act outlaws literacy tests and all other devices that keep people of color from voting. The at-large election, for example, effectively drowns minority voters in a sea of white majority voices. When, as has usually been the case, the white majority votes as a racial bloc that is hostile to all minority candidates, none of the latter can be elected. To counter that situation, the Voting Rights Act has been used to compel the creation of multiple districts within a jurisdiction, with minorities being the majority of voters in some of those districts. These predominantly minority districts almost exclusively elect minorities to office.

Gradually, through court decisions and Congressional amendments, more subtle schemes to disenfranchise minorities have fallen by the wayside. In Mississippi, for example, black registration rose from 6.7 percent in 1964 to 70.8 percent in 1986. In 1998, nearly 5,000 African Americans hold elective office across the South.

Beginning in 1993, the U.S. Supreme Court began to chip away at Voting Rights protections. In *Shaw v. Reno* the Court enabled white voters to challenge the "bizarre" shape of a majority/black Congressional district in North Carolina -- even though oddly shaped districts have long been tolerated in nonracial cases.<sup>13</sup>

**National Voter Registration Act of 1993** ("Motor Voter Law") requires states to allow voter registration at motor vehicle bureaus,

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<sup>13</sup>The ACLU presents an in depth view of the Voting Rights Act and three vivid portraits of how empowering people to vote changes a community. *See* <http://aclu.org/issues/racial/racevote.html#shaw>

welfare offices and other government agencies, and by mail. At the time the Act was passed, an incredible 37 percent of eligible U.S. citizens -- more than 70 million people -- was unregistered, two-thirds of that group in low income households.

## Resources

African-American:

[www.rain.org/~kmw/aa.html](http://www.rain.org/~kmw/aa.html) has numerous and an eclectic links to the African American community.

**Coalition for Asian-American Children and Families** [www.cacf.org](http://www.cacf.org) has information on all Asian-American groups. Particularly strong on cultural communication and health issues. Comprehensive links.

### **Latino Issues Forum**

<http://www.lif.org/> has information on immigration, health, employment and education for Latino/Latina community.

**LatinoNet** [www.latinonetpages.com](http://www.latinonetpages.com) has a comprehensive list of links to the community.

**National Council of La Raza** [www.nclr.org](http://www.nclr.org) is home to Farmworker's Justice Fund. Has great links and comprehensive policy pages.