From NIMBY to Civil Rights
The Origins of the Environmental Justice Movement

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In the summer of 1978, Robert Burns and his two sons drove liquid tanker trucks along rural roads in thirteen North Carolina counties and through remote sections of the Fort Bragg Military Reservation. Driving at night to avoid detection, they opened the bottom valve of the tanker and discharged liquid contaminated with polychlorinated biphenyls (PCBs) removed from the Ward Transformer Company in Raleigh onto the soil along the road shoulders. This violation of the Toxic Substance Control Act (TSCA) continued for nearly two weeks until 240 miles of road shoulders were contaminated. Robert Ward had hired the Burns brothers to illegally dispose of the contaminated liquid in an attempt to avoid the escalating cost of disposal that was due, in part, to increasing regulation of hazardous waste. Since the contamination occurred on state-owned property, North Carolina was responsible for remediation. Within a few months after detecting the contamination, the state devised a plan calling for the construction of a landfill in Warren County, a rural area in northeastern North Carolina with a majority of poor, African-American residents. Warren County also suffered the most contamination of any of the thirteen counties affected by the illegal disposal. A farmer in the small community of Afton, facing a foreclosure and bankruptcy, sold his property to the state for use as a final resting place for the contaminated soil.

The announcement of this disposal site sparked intense resistance from county residents concerned with the possible contamination of their groundwater and the potential threat to local economic development from the stigma of a hazardous waste facility. After three years of legal battles unsuccessfully waged by Warren County against North Carolina and the U.S. Environmental Protection Agency (EPA), the state was permitted to begin construction of the landfill in the summer of 1982. When it became apparent that the standard processes of recourse would not stop the forty thousand cubic yards of soil from being buried at the site, citizens of Warren County changed their oppositional strategy to disruptive collective action. In the process of planning for the protest events, they also
shifted their primary rationale for opposing the site. While threats to groundwater and the local economy were still worries for the citizens, the disruptive action focused on environmental racism. Protesters argued that Warren County was chosen, in part, because the residents were primarily poor and African-American. As one activist put it, “The community was politically and economically unempowered; that was the reason for the siting. They took advantage of poor people and people of color.” The citizens garnered support from regional and national civil rights leaders and organized protest events daily during the six-week period while soil was delivered to the landfill. The unrelenting protests resulted in a delay and disruption of the landfilling project, with nearly five hundred arrests and significant state and national media coverage, but they failed to stop the landfill.

Despite the failure of the protests to reach the immediate objective, the controversy over the Warren County landfill had a major impact on contemporary environmental activism and the environmental policy agenda. The events in Warren County are proclaimed by activists and policymakers alike as the birth of the environmental justice movement. Environmental justice activists argue that the inequitable distribution of environmental degradation and systematic exclusion of the poor and people of color from environmental decision making is perpetuated by traditional environmental organizations, also known as mainstream environmentalism, and by environmental regulatory agencies. The topic seemed to explode overnight, creating the perception that environmental justice has shaped an original challenge to the contemporary environmental discussion. In reality, potential negative social impacts of both environmental degradation and regulatory policies have been at the core of environmental discussions since the onset of the modern environmental era. Charges of racism, exclusion, elitism, and regressive policies had been leveled against mainstream environmentalists and regulatory agencies prior to the emergence of the activism identified as “environmental justice.”

These conflicts first emerged between 1968 and 1975, a period of heightened environmental and social activism. Within this context, the conflict in Warren County transformed the relationship between mainstream environmentalists and the civil rights movement. Civil rights leaders incorporated an environmental aspect into the civil rights agenda, motivated by the nature of the toxic contamination, the national and local political landscape, and the direct conflict with government agencies responsible for environmentally related decisions. As civil rights leaders with influence among African-Americans and within the established political system integrated the new notion of environmental racism into their program, the cause gained legitimacy and strength. In addition to the transformation of the African-American agenda, the local, primarily white residents working against the landfill incorporated civil rights claims as part of their environmental cause in order to keep their opposition alive with the help of experienced civil rights activists. Although the bulwark between civil rights and environmentalism began to weaken, the conflicts of the period from 1968 to 1975 did not completely disappear with the emergence of the contemporary environ-
mental justice movement. The well-established, mainstream environmental organizations did not have any part in either the embrace of environmentalism by civil rights activists or the embrace of a civil rights agenda by local environmentalists. As a result, the “marriage of social justice with environmentalism” remains a rocky union between ambivalent partners.

**The Conflicts Erupt, 1968–1975**

Although specific cases vary, evidence indicates that the processes of environmental degradation and social marginalization are interwoven in various cultural and historical contexts. In the United States, discussions about the disproportionate impact of environmental degradation and environmental reform on the poor and people of color occurred in full force in the late 1960s when “environmentalist” became a meaningful identity and part of the public discourse. The ideological clashes between “those who seek environmental quality” and “those who seek social justice” emerged as a concrete conflict over the exclusive membership and staff of major environmental organizations and the regressive impacts of certain environmental policies.

Soon after the 1970 Earth Day euphoria, many claimed that environmentalism had been a fad and was now on the way out. To counter this attack, environmentalists tried to demonstrate that environmentalism appealed to a broad constituency. Common speculation held that environmental organizations had an elite membership and staff. This supposition led to one of two conclusions. Either environmental organizations explicitly excluded the poor and people of color or the environmental agenda simply was not relevant to their lives. These suspicions of elitism were confirmed in 1973 when the EPA commissioned the National Center for Voluntary Action (NCVA) to examine environmental volunteerism with the goal of strengthening the movement. The study found that newly formed groups, as well as older “conservation” organizations that had recently changed their priorities and approaches, were staffed primarily by “middle-class, professional, white, married men in their thirties.”

The NCVA realized that this narrow base of support was a potential obstacle for the environmental movement and strongly encouraged organizations to consider the needs of the poor, especially poor minorities in urban areas; however, the report only addressed these concerns in one of its twenty-eight recommendations. The NCVA wanted Volunteers in Service to America (VISTA) to include volunteers for work on environmental issues. Anticipating the argument that such work might divert funds from other social projects, its leaders suggested a separate and independent arm for environmental volunteers. By separating the two programs, the recommendation gave credence to the view that environmental degradation and poverty should be seen as isolated issues with different solutions.

The lack of diversity in the membership of environmental organizations was a concern even before the findings of the NCVA were published. In 1972, Tom
Bradley, an African-American member of the Los Angeles City Council and future mayor, asked members of the Sierra Club why “to many of our nation’s 20 million blacks, the conservation movement has as much appeal as a segregated bus,” especially since “the problems of poverty and environmental quality are inextricably interrelated.” A few months later, the Sierra Club conducted a survey of its members to determine which general direction the membership wanted the organization to take. In light of the ongoing claims of elitism, the surveyors also felt compelled to document the socioeconomic backgrounds of their members. The average club member fit the predicted profile exactly.” The club responded with the assertion that, while all social groups were not represented in the membership, the actions of the organization were taken on behalf of everyone. The simpler and less destructive style of outdoor recreation advocated and practiced by club members enabled more people to enjoy the outdoors. The issue of access was not addressed. Instead, the club urged members to boost recruitment efforts among minorities and immediately enroll anyone who thought the Sierra Club had restrictive membership policies. Despite these efforts, when the members were asked “Should the Club concern itself with the conservation problems of such special groups as the urban poor and ethnic minorities?” the majority of members, 58 percent of respondents, did not agree. Posing the question in terms of “special groups” contradicted the idea that Sierra Club activities would benefit everyone, regardless of their association with the organization. While actions to improve outdoor recreation opportunities or increase wilderness acreage were seen as a benefit to all, ameliorating urban environmental decay was not identified with the betterment of all, only select “special groups.” The environmental problems of the “urban poor and ethnic minorities” belonged to them, not to everyone.

With the survey results seemingly confirming charges of elitism, the club found a glimmer of hope in younger members, who were more likely to agree that the organization should be involved in issues of concern to the urban poor. Another survey supported the club’s hope that attitudes about the relationship between poverty and environmentalism were changing. Eighty-eight percent of black high school seniors polled in 1971 wanted to see increased federal involvement in controlling pollution. Concern for pollution among these students outnumbered “eliminating poverty” (76 percent) or achieving school desegregation (73 percent). This survey did not indicate decreasing elitism among conservationists; instead, it indicated that environmental degradation impacted the daily lives of people of color and that actions to improve environmental conditions were not adequate.

The Audubon Society also felt compelled to ward off claims of elitism, but it employed a different strategy. Although environmental action, especially action in the courts, was taken on behalf of all, the society acknowledged that environmental activists were elite in one sense: “Naturally the well-to-do are often best equipped to press these issues because [it] take[s] time, know-how and money. But this does not make the results less applicable to the people as a whole.” The suggestion that mainstream environmental organizations would act as a “van-
guard” was a controversial proposition at best. Mobilizing resources—technical and political knowledge, time, and money—might be seen as the underlying problem facing social movements, but the solution did not necessarily lie in an elite leadership. Another approach might entail nurturing leadership among the poor and people of color, as well as empowering them to mobilize the necessary resources themselves.

The popular press highlighted the divide between white and black activists. In August 1970, just months after the first Earth Day, *Time* covered “The Rise of Anti-ecology.” While the article described a political backlash from both the left and the right, the piece mainly argued that “blacks are the most vocal opponents of all.” First, a “black militant” was quoted: “I don’t give a good damn about ecology!” Next, the article quoted two influential black leaders, Carl Stokes, mayor of Cleveland, and Richard Hatcher, mayor of Gary, Indiana. Stokes argued that housing and food for the hungry should be priorities over clean air and water, and Hatcher echoed this sentiment: “The nation’s concern with environment has done what George Wallace was unable to do: distract the nation from the human problems of black and brown Americans.” This “trade-off” perspective posed economic survival and environmental amelioration as separate problems rather than focusing on the connections between economic deprivation and environmental degradation, as Tom Bradley had proposed to members of the Sierra Club, and it begged a serious question: who would pay for the cost of pollution control and cleanup? In particular, when the Nixon administration estimated that such an operation would require $2.4 billion, public outcries arose against tax increases and higher consumer prices. These impacts from environmental regulation appeared regressive and disproportionately harmful to the poor and people of color.9

**Warren County and the Emergence of Environmental Justice, 1978–1983**

During the six weeks of protests in Warren County, North Carolina, in the autumn of 1982, white land owners joined together with black residents and civil rights activists to produce a significant disruptive collective action. The process of coming together transformed the two parties in the coalition and loosened the strict boundaries between environmental and civil rights causes. Civil rights activists embraced an environmental perspective as a result of a toxic threat to the daily lives of African-Americans and through their direct conflict with government agencies responsible for environmental decisions. Local whites, who began their opposition with the narrow focus of keeping hazardous waste out of their community, expanded their resistance to include a concern for inadvertent racist ramifications of some environmental policies. The political landscape for African-Americans at the local and national level, the emerging toxic construct, and the economic instability of the county all contributed to the transformative moment. This new movement for environmental justice emerged from the lived
experience of the residents of this rural, poor county in North Carolina and their connections to powerful African-Americans, not from mainstream environmental groups. This union of two causes which emerged from the Warren County events was partly in conflict with the traditional environmental organizations involved in the case. The conflict is still reflected in the ongoing tension between the two causes as they seek common ground.

The Remediation Process: Expediency and Uncertainty

The Toxic Substance Control Act of 1976 banned the manufacture of PCBs and regulated the disposal of PCB-contaminated soil in landfills. Within these federal constraints, there were still several options available to North Carolina in its effort to clean up the 240 miles of contaminated soil. The soil could be moved to an approved hazardous waste landfill. With the nearest site located in Emelle, Alabama, this option was assumed to be too expensive. Since the contamination was spread throughout thirteen counties, the state could have constructed multiple landfills. The logistic complications and probable expense deemed this option unfeasible as well, forcing the state to find one site. Government officials examined state-owned property within the central counties and issued a plea to citizens and local governments to volunteer tracts of land. Over ninety sites were examined as potential locations.  

Within a few months, the choices were limited to two sites. One of these was the Afton site in Warren County owned by Carter and Linda Pope. As early as October 1978, the Division of State Property began negotiations with the Popes and signed an option to buy on December 1, 1978.  

The second site was a six-acre section of the Chatham County sanitary landfill. Since the Chatham county site was publicly owned, final approval to sell the property was subject to input by county residents. At a public hearing on December 11, 1978, they voiced strong opposition to the plan to sell part of the landfill to the state. The following day, the county commissioners withdrew their offer, and the state submitted its request to the EPA for a permit to construct the landfill on the Pope's farm.  

The choice of the Warren County site was shaped by the state's need to immediately deal with the contamination and uncertainty over how to pay for this remediation. The drive for expediency emerged in part from concerns about a potential public health crisis and the possibility of a significant loss to the agriculturally dependent communities adjacent to the contaminated roads. These two issues, coupled with a desire to avoid a public relations debacle, motivated the state to move as quickly as possible.  

The Comprehensive Emergency Response, Compensation and Liability Act of 1980, popularly known as Superfund, had not yet been conceived, although the North Carolina contamination catastrophe added to the impetus for its eventual passage in 1980. In 1978, there was no federal assistance available, but by the time the landfill was actually constructed in 1982, the North Carolina roadways had been placed on the “National Priority List” of contaminated sites in need of remediation, making their cleanup eligible for 90 percent funding through Superfund. Four years earlier, when the
state was searching for answers, no one could have foreseen this complete transformation in environmental policy.

The Pope’s land was available, relatively inexpensive, and the sale was not subject to public review. Purchase of the property also helped the state avoid the sticky problem of using eminent domain. While it was important to state officials that the landfill be located in a sparsely populated area, finding a location with little potential for resistance was not a major concern. Expediency was vital, but in 1978 there was not much reason to expect that public outcry would significantly delay the project. Based on the experience of hazardous waste management in the 1970s, waste facility siting faced only limited obstacles from local residents and had not encountered a major difficulty. While Warren County was one of five counties in North Carolina with a majority African-American residents, it was also among the poorest and agriculturally least productive. Given the agricultural downturn and economic recession of the 1970s and the already problematic economic situation in the county, it was not surprising that a farmer in Warren County was willing to sell his property to the state in an effort to regain financial security.

The Pope’s property was a quick answer to a difficult problem, but it was not necessarily the best place to put a landfill. Without any idea of how to pay for remediation, the state tried to keep the costs as low as possible. As a result, the permit application requested waivers for three out of five regulations governing landfill construction: the distance to groundwater, the underliner leachate collection, and the artificial liner. The state asked for the exemptions on the premise that the extremely low permeability of the clay would amply protect the groundwater. Eventually, through the court case and the environmental impact statement, the design was changed, and the landfill was built with a plastic liner and a double leachate collection system, one above the liner and one below. The landfill was also redesigned to include a plastic and clay liner on the sides and the top.

The Initial Opposition: “Not In My Backyard!”

The initial protest in Warren County began typically, as a narrowly defined, self-interested response to a local threat: “We don’t want that facility in our backyards.” Residents were primarily concerned with public health repercussions from potential groundwater contamination and negative economic impacts of a waste facility near their homes. The fear of contamination was fueled by the timing of the North Carolina incident: the dumping of the PCB-contaminated liquid occurred exactly at the same time when hazardous waste became a household word as a result of the Love Canal catastrophe in August 1978. In Love Canal, New York, a community just southeast of Niagara Falls, a housing subdivision and public school were built adjacent to an area used by the Hooker Chemical Company to dispose of over forty-three million pounds of industrial wastes. By the 1970s, this toxic material had seeped into the homes and the school, creating significant health problems for residents, including asthma, lethargy, cancer,
miscarriages, and birth defects. In August 1978, New York officials decided to evacuate 240 families from the area. Television news coverage of these events showed how toxic contamination had destroyed normal suburban life by financially destroying families and creating significant social disorder.24 One week after Love Canal first appeared in the national media, North Carolina learned of the illegal dumping along the road shoulders. During the following week, network television news covered both Love Canal and the North Carolina roadways in the same segments.25

The infusion of the hazardous waste issue into public discourse through the Love Canal news coverage had two impacts. First, the toxic threat itself was always lurking in the background; no one had immunity from the silent killer, not whites, not blacks, not the wealthy, not the poor. Second, the government was implicated in the victimization of citizens by toxic materials. Distrust of the agency with the official environmental label became the rallying cry for the new activists. The direct connection of the North Carolina contamination with the Love Canal catastrophe reinforced both of these notions. The already strong connection between the two cases of contamination increased when PCBs were identified as part of the toxins at Love Canal. In December 1978, when county residents read in the newspaper that the state had submitted a permit application for a landfill site in Warren County, they responded based on these newly formed constructs and vehemently resisted the plan.

Warren County Citizens Concerned about PCBs (Concerned Citizens) became one of many local groups opposed to the hazardous waste facility, counter- ing “facts” from the state and the EPA with their own data showing the flaws in the state’s plan. In this way, they were like numerous other opponents of locally unwanted land uses, worried that a hazardous waste facility would ruin the natural resources upon which they depended and destroy their already shaky economy. The post-Love Canal activism also created an aggregate of resistance groups that developed a new synergy. On regional and national levels, networks sprang up quickly to put local activists in touch with each other and to disseminate the most up-to-date information about the emerging field of hazardous waste management and remediation. These groups had access to information and also had experience in organizing against toxic contamination. Concerned Citizens were in need of both, and the emerging activist networks provided the necessary information for them to organize significant resistance.24

The “not in my back yard” (NIMBY) response diagnosed the problem as a technical issue: where best to put the site? Citizens pressed for alternative solutions based on technical information they could trust from experts who were not affiliated with state or federal agencies. The technical arguments against the Warren County site presumed that a suitable site did exist some place else; the unacceptable properties of the Afton site were often compared to the properties of other locations, both real and hypothetical:

We think that the site chosen for the PCBs should be safe beyond any reasonable doubt whatsoever. In as much as there appear to be sites elsewhere in the
state of North Carolina that can handle PCBs, we feel that it is only reasonable
that the state would look at those sites and reject the Pope site.25

Better yet, according to citizens, why not truck the contaminated soil to the
chemical waste landfill in Emelle, Alabama? The site had been approved by the
EPA, had already been built, and had been operating successfully. In January
1979, Chemical Waste Management (CWM), owners of the Emelle landfill,
estimated that shipment and disposal of the contaminated soil would cost $8.8
million.26 It seemed to citizens that the only reason for not using the Alabama
site was the high cost involved. Citizens were outraged that the state would jeop-
ardize their health, the health of future generations, and the shaky economy in
order to save money. How could the state put a price tag on the value of lives in
Warren County? In 1979, shipment to Alabama, no matter what the cost, be-
came the official position of Concerned Citizens. Ken Ferrucio, the leader of
the group, made this clear at an EPA-sponsored public hearing: “PCB on the
shoulders and PCB in temporary storage [should] be sent to Alabama, one of the
three legal national dumping sites where I understand every precaution has been
taken, unlike the situation here in Warren County.”27

Residents of Warren County traveled to the landfill in Alabama to see if it was
an acceptable place for the contaminated soil and found it suitable: “They buried
this stuff 70 feet deep with 630 feet of clay under that.”28 The technical argu-
ments were clearly an “anywhere but here” discussion. Once the county entered
the judiciary system with its civil suit against the state and the EPA, it was forced
to continue in this vein, arguing over technical problems with the site and flaws
in the design of the landfill. If the county did not agree that a safe disposal
method was possible, as was presumed under the federal regulations, then what
would the state do to remediate the problem? There had to be a solution; it was
unthinkable that this situation could not be fixed with the application of sound
science. As a result, once the court ruled that the design improvements trans-
formed the Warren County property into an acceptable site, the county was
forced to accept the landfill. In the spring of 1982, the county withdrew its suit
after securing the design changes and gaining the deed to the 120 acres of the
Pope farm which was not to be used for the landfill. The court lifted the injunc-
tion, and the state began construction of the landfill in June, with the contami-
nated soil scheduled to begin arriving at the site in September.29

The Coalition is Formed

Late in the summer of 1982, with the soil delivery looming, the citizens made a
drastic shift in their strategy by moving toward disruptive collective action. Pro-
tests were not generally a part of the cultural experience of the white members of
the group, and when faced with the reality of organizing a direct action, Con-
cerned Citizens realized that it lacked expertise. In fact, demonstrations in the
South were typically associated with black civil rights activism often leveled against
local whites. During the tumultuous 1960s in Warren County, many confronta-
tions between black and white residents occurred in the middle of Warrenton on Main Street. Prior to its association with black civil rights groups, Concerned Citizens reached out to both Ronald Reagan and Jesse Helms; Helms had reportedly helped the group to secure a meeting with the Office of Toxic Substances at EPA headquarters in 1979. Also, in their last minute effort to halt the disposal of the soil, the group attempted, in vain, to recruit Reagan and Helms as allies by writing to both and asking for help, which never materialized. The willingness of Concerned Citizens to ally with Reagan and Helms, two major opponents of civil rights activists, demonstrated that local whites did not easily engage in an analysis of racial politics.\textsuperscript{9}

Given the long history of racial discrimination and tension, it was most astonishing that a largely white opposition group in a rural southern county would reach out to black protest leaders for help and advice to revive their movement. It was even more astonishing that many whites, although not all, stayed and participated in the meetings, marches, and acts of civil disobedience. The nature of toxic contamination, the political climate in the county, and the tenacity and coalition-building skills of opposition leaders made these unlikely partners collaborate.

The white land owners involved in Concerned Citizens were distressed over the potential contamination of groundwater and the destruction of economic development plans. More importantly, Warren County residents were angry that a decision about the use of county land had been made without their input. Anger about the loss of local control over land use decisions was a powerful mobilizing factor.\textsuperscript{10} This central issue in hazardous waste policy became the key to transforming the Warren County case from just another NIMBY resistance to a defining moment for the environmental justice movement. Fear of losing control over a local decision motivated Concerned Citizens to change their strategy to direct action and to build a coalition with civil rights activists.

Neither the state nor the EPA was willing to conduct genuine and sincere public involvement, as evidenced by the highly technical public meeting held in January 1979. The usurpation of local decision making was epitomized in the alleged comments of David Kelly, special assistant to the secretary of crime control and public safety and the official in charge of the state's remediation program. Citizens were distraught over his remark that the landfill would be sited in Warren County “regardless of public sentiment.” Although no one could recall the original source of the comment, residents were adamant that Kelly had expressed total disregard for their opinions and that his words symbolized a government out of control.

In addition to anger over losing control of a local land use decision, the long-standing animosity between black residents and the white county board also played a significant role in building the coalition. When the county board settled the case with the state, the 1982 elections were only a few months away. The court settlement gave blacks in the county another reason to vote against the largely white political establishment. Black residents had struggled to gain equal representation in county decision making since the passage of the Voting Rights Act of
1965, which removed prerequisites for registering and voting.\textsuperscript{13} After 1965, there was a significant increase in the number of blacks registered to vote in the county, and by 1976 an equal number of blacks and whites were registered. It was not until 1978 that there were enough black votes to elect an African-American, George Shearin, to the county board. In 1981 and 1982, as part of the extensive campaign throughout the South to garner congressional support for an extension of the Voting Rights Act, renewed efforts were made at voter registration among African-Americans in the county. The same African-Americans who led the voter registration campaign in the county played key roles in the direct action protests at the landfill during the autumn of 1982, and the two issues of black political power and landfill opposition were inextricably linked.\textsuperscript{31} In the time between the county’s withdrawal of the suit and the general election of 1982, the overall number of voters registered in Warren County increased by 30 percent; 65 percent of the overall increase came from nonwhite registrants.\textsuperscript{34} Since race still determined the outcome of elections, the huge increase of black registered voters changed the political landscape. In November 1982, African-Americans won a majority of offices in the county, including a majority of seats on the county board, the sheriff, the registrar of deeds, and the state assembly representative. After the election results, the Durham Herald proclaimed the county “Free at Last!”\textsuperscript{35}

In the summer of 1982, while Concerned Citizens were building a coalition with local civil rights activists familiar with direct action campaigns, the local chapter of the NAACP brought another suit against the state, arguing that the high percentage of minority residents was one factor influencing the decision to site the landfill in Warren County. Given that there were nearly eight hundred thousand acres of land with clay soils less permeable than those in Warren County and that the state had to request three waivers to qualify for a permit for the Warren County site, the NAACP argued that there must have been other than technical reasons for choosing the site in Afton. The plaintiffs argued that the large black population in Warren County was the other reason for the state’s decision, but the court did not agree:

There is not one shred of evidence that race has at any time been a motivating factor for any decision taken by any official—State, federal or local—in this long saga... Although population density was understandably a criteria in the selection process, absolutely nothing indicates that the racial makeup of the population influenced the decision. Failure of the plaintiffs to raise any question of race throughout the laborious process of public hearings and earlier lawsuits leads to the conclusion that its injection at this late hour is a last-ditch effort to forestall or prevent the project from being completed.\textsuperscript{36}

In fact, the issue had been raised by Warren County residents at the 1979 EPA hearing and in public statements by the local NAACP chapter, but no one on either side of the controversy was ready to delve into its implications. The state did not take these sentiments seriously enough to even dispute them, nor did Warren County attempt to marshal evidence in support of the claims. Instead,
black and white citizens supported the official stance of the county board who were pursuing the case in court. As the county became more immersed in the court cases and the environmental impact statement, the discussion became more centered on the technical merits of the site and the quality of the landfill design. Out of necessity, landfill opponents engaged more fully in the language of environmental law. There was no room in that language for the larger social issue of environmental racism. In July 1982, when they attempted to raise the issue of discrimination, the court easily dismissed it for lack of any earlier serious discussion on the topic.

In addition to the factors motivating white members of Concerned Citizens and African-Americans in the county to join forces, participants and bystanders attributed the success of the coalition to Ken and Deborah Ferruccio, two well-educated and tenacious individuals who had moved to North Carolina from Ohio in 1975 in hopes of raising their children in a peaceful, rural setting. When it was time to contact civil rights leaders for assistance, neither Ferruccio had any direct ties to black leaders. They drew on their association, through Concerned Citizens, with the pastor of the nearby black Baptist church to make the initial contact with the powerful and influential United Church of Christ Commission on Racial Justice (UCC). Reverend Luther Brown of Coley Springs Baptist Church was not a politically active pastor; he did not believe that the spiritual well-being of his congregation depended on fundamental political and social change. In early 1979, concerned for the health of his parishioners, Reverend Brown met with the Ferruccios and several other Concerned Citizens. Although this type of action was unfamiliar to Reverend Brown, he continued to follow the activities of the group. Reverend Brown and Ken Ferruccio eventually contacted Reverend Leon White, the director of the North Carolina office of the UCC; while Brown did not know Reverend White well, his position as a black pastor proved essential in linking the two organizations.

Leon White, who had orchestrated much of the voter registration drive in Warren County, had many years of experience in organizing civil rights demonstrations and had the institutional support of the UCC behind him. One of the most significant impacts from the involvement of White was his connection with the Reverend Benjamin Chavis, the renowned leader of the “Wilmington Ten.” As a member of White’s UCC congregation located in Warren County, Chavis became an important symbolic leader for local blacks involved in the protests. He delivered a motivational speech to the group, and on the third day of the protests he was arrested while leading a group of activists in blocking Department of Transportation trucks.

Chavis evoked respect from African-Americans, caution from law enforcement, and intense interest from the media. Locals felt that participation from Chavis meant he was still connected to his roots in northeastern North Carolina. Because he had a national reputation, it also meant that their local struggle was meaningful in a larger arena. Although law enforcement officials were not surprised by his participation nor taken off guard by it, Chavis gave the action a serious connotation, with a potential for extreme disruption, and perhaps even
violence. His position also gave the newly embraced environmental issue legitimacy among African-Americans. After his brief experience with the Warren County residents, Chavis became the chief crusader among civil rights leaders combating what he called “environmental racism.” Several years later, he convinced the UCC to fund an extensive study of the relationship between the location of toxic waste and the racial composition of the surrounding community. The result, *Toxic Waste and Race*, became a cornerstone of the environmental justice movement. The participation of Chavis, his influence position with African-Americans, his influence in national policy arenas, and his dynamic personality catapulted the new linkage between environmentalism and civil rights into the minds and hearts of a multitude of Americans—blacks, whites, civil rights activists, and environmentalists.\(^4\)

In addition to expertise from the UCC, local opponents received support from the Southern Christian Leadership Conference (SCLC), the organization associated with Martin Luther King and the nonviolent civil rights actions of the 1950s and 1960s. The initial involvement of the SCLC led to the arrest of Walter E. Fauntroy, a nonvoting member of congress from the District of Columbia, and increased media attention associated with this unusual occurrence.\(^5\) When Fauntroy returned to Washington, he initiated the first government-sponsored inquiry into the correlation of race and income with landfill sites. The subsequent General Accounting Office (GAO) study influenced Chavis to support the more extensive *Toxic Waste and Race* and started the drive toward documenting discrimination in siting and in environmental hazards. Although questions remain about the validity of the results and the use of the conclusions for forming public policy, the GAO study has had a large impact on the development of the environmental justice movement and on the resulting changes in policy.\(^6\) Because an influential black political leader like Fauntroy was in a position to marshal government resources on behalf of Warren County activists, the environmental justice movement took its first step toward documenting its central claim.

With the assistance of experienced civil rights organizers, a direct action campaign against the landfill was waged from September 15 through October 12, 1982. The number of participants ranged from a handful to several hundred, and the protest successfully disrupted the orderly and efficient completion of the landfill. Tensions were high in the county, particularly in late August after an unknown vandal slashed the landfill’s plastic liner with a knife. This vandalism, coupled with the organizing support from well-known, even feared and notorious, civil rights leaders, convinced the state that the potential for violence was high; more than two hundred state patrol officers were posted at the scene and a battalion of the national guard was placed on alert.\(^4\)

The power of the protests came from the repertoire of actions honed by civil rights activists two decades earlier.\(^5\) Observers saw the similarities immediately:

The whole thing was a revival of the whole civil rights stuff—the tone, the look, the cants, the point. It was more like a civil rights protest than any NIMBY
opposition. I had been to other NIMBY type meetings in wealthy communities with all kinds of technical stuff about why not near them. There was some of that [in Warren County] but the tone of the marches was more “you are doing this to us because we’re poor and black.”

Participants were familiar with the pattern for activism and could easily fall into its rhythm. Although not all whites in the county were willing to join, the actions of the civil rights movement were familiar to both blacks and whites. Meetings at the local black Baptist church (located less than two miles from the landfill site), the high visibility of well-known African-American activists, the incorporation of prayer into all the protests, and the long distance march—from Warrenton to Raleigh—were all part of an established program of civil rights activism familiar to both county residents and activists from other places who joined the locals.

The landfill situation also presented an opportunity for dramatic action. When the Department of Transportation trucks brought the contaminated soil from the road shoulders to the landfill, the protesters lay down on the road in front of the oncoming vehicles. None of the Warren County residents participating in the protests had ever “put their bodies on the line” in such a literal sense. This tactic of symbolically blocking the source of the contamination delayed the project and raised the visibility of the events, inviting more extensive media coverage and encouraging others to join the protests.

Environmental Racism: Not in African-American Backyards!

African-Americans saw the hazardous waste landfill as an environmental problem for their county, but they did not align this environmentalism with their perception of traditional, mainstream environmentalism. As one participant explained, trying to distance herself from mainstream environmentalism, “African-Americans are not concerned with endangered species because we are an endangered species.” The concern of the local activists seemed more closely aligned with public health, with threats to the places where people live, work, and play. The concept of contamination by synthetic chemicals enabled the addition of an environmental aspect to the civil rights framework, especially fears of both groundwater contamination and potential economic devastation from the stigma of the landfill. These two issues resonated with past experiences of African-Americans in the county: blacks had been victims of past transgressions at the hands of whites in power, resulting in excessive poverty, physical suffering, and even death. The landfill was the latest manifestation of their experience for the past several centuries. One participant, a local civil rights activist since the early 1960s, stated the case bluntly: “They use black people as guinea pigs. Anytime there is something that is going to kill, we’ll put it in the black area to find out if it kills and how many. They don’t care. They don’t value a black person’s life.”
Changing discriminatory land use decisions had been part of an earlier civil rights agenda, but the civil rights framing of the Warren County case added environmental, social, economic, and political dimensions to the problem. The contamination was thrust upon the community by the state and federal governments. Since government had failed many times in the recent past to protect blacks, it was not difficult to believe that another failure was imminent. Civil rights activists adopted an environmental perspective to protect African-Americans, their health, and the resources upon which they depended. This environmental viewpoint was in opposition to the government agencies that were charged with taking protective action, but did not protect all citizens equally.49

Offenses against black residents of the county occurred at all three levels of government. State environmental agencies chose the Warren County site; the EPA approved the state’s request, including waivers of key regulations; and the county government settled with the state, adopting a compromise position. Because the county government had very little power to change the situation once it settled the suit, it would have been futile for activists to wage a campaign at that level. In fact, the campaign was better waged in the voting booth, where African-American residents now had a chance to win elections because of the recent push for voter registration. This narrowed the conflict to two antagonists, the EPA and the state environmental agencies. This was the first time that national-level civil rights organizations defined the EPA and other agencies responsible for implementing environmental regulations as their opponents. In addition to the threat to drinking water that framed the hazardous waste landfill as an environmental issue, defining the enemy as government agencies responsible for environmentally related decisions forced civil rights organizations to engage in environmental analysis.

At the onset of the controversy in December 1978, the state and federal structures for managing hazardous waste was insubstantial. Although the disposal of PCBs was legislated under TSCA, the practical regulatory issues fell under the hazardous waste program of the Resource Conservation and Recovery Act of 1976 (RCRA). Although RCRA emerged from Congress with little controversy—as opposed to TSCA—the implementation of the act was constrained by the low priority accorded it by the Carter administration. As a result, partial regulations were issued in 1980, two years after the statutory deadline. These regulations omitted the technical standards for treatment, storage, and disposal facilities. Permits were easily obtained based on interim, and very loose, standards. According to the General Accounting Office’s review, the standards were ineffective at protecting public health and the environment.50

By 1982, the regulations had become slightly more firm, but the EPA was even more vulnerable as a result of Superfund-related scandals. Although Superfund was intended to remediate sites whether or not a responsible party could be identified and held liable, the Reagan administration gave priority to sites where cleanup costs could more readily be recovered. In the North Carolina case, arrests had been made and criminal prosecution was well under way by the time the National Priority List was first issued in October 1981. Since the EPA under
Administrator Anne Gorsuch was under severe attack from critics, North Carolina was a perfect case to push because of its high media profile and the clear identification of responsible parties. Once the civil rights organizations proclaimed that an environmental problem had relevance to the daily lives of African-Americans, they looked for the source of the problem and found a vulnerable government agency. From this, they concluded that the opponents of the landfill were the true protectors of public health and the surrounding resources, not government agencies mired in political muck.

The civil rights agenda extended itself to include an environmental agenda based on how activists redefined what constituted an environmental problem and who their opponents were. Alliances with traditional environmental organizations were not part of the extension into the environmental arena. When African-Americans spoke about the involvement of environmental organizations in the controversy, they only referred to the government agencies that made environmentally related decisions, especially the EPA. The “Group of Ten,” the largest mainstream environmental policy groups in the nation, did not fit the definition of an “environmental organization” for blacks and did not touch the lives of the Warren County protesters with the same force as the EPA. Civil rights leaders depended on the information provided by the antitoxic organizers, but in 1982 these activists hardly had the same power and authority that the mainstream environmental organizations had in the environmental policy arena.

Although not central to the landfill opposition, two mainstream environmental organizations did play a very small role in the landfill siting controversy: the state chapter of the Sierra Club and the Conservation Council of North Carolina, an influential organization started in 1959 by scientists, lawyers, and academics. While both groups offered suggestions to state officials about how to handle the cleanup and how to design the landfill, neither organization participated extensively, and both distanced themselves from the Warren County citizens once the protests began.

If an environmental perspective meant being against the environmental agencies and having a focus on hazards that threaten public health, then alliances with the mainstream environmental organizations were not necessary for the joining of civil rights with environmentalism. In fact, the tactics advocated by landfill opponents did not sit well with the traditional environmentalists in the state. They were uncomfortable with emphasizing the social dimensions of environmental issues over the technical and legal dimensions, and they were unwilling to engage in direct action. The Sierra Club and the Conservation Council stayed on the sidelines, trying to work with the state and the EPA to find a resolution to this very difficult problem. While mainstream environmentalists focused on technical problems and eschewed direct action, environmentalism was transformed by the collective actions in Warren County. As a result, mainstreamers emerged as “outsiders” to the environmental justice movement, not setting the agenda, but responding to the agenda established by civil rights activists who embraced an environmental perspective through the actions in Warren County.
As the diagnosis of the problem began to include discriminatory siting based on race, the problem grew into something larger than Warren County's landfill. There were many Warren Counties out there, and perhaps many of these poor, predominately black communities were host to hazardous waste facilities. As Golden Frinks, an experienced organizer, explained:

I did not know anything about it, so I did a little research. I called Atlanta and told Albert [Love] what I was involved in and wanted him to put it in the ear of Lowery. That I thought it was a good movement and thought he should become involved. I also wanted him to find out if there were other toxic waste dumps in black communities. They found it in South Carolina.  

This new definition of the problem had an important implication for Warren County: the shipment of the contaminated soil to Emelle, Alabama, was no longer a viable option. As it turned out, the largest hazardous waste facility in the nation had major compliance and regulatory problems and was also located in a poor town with a predominately African-American population. Environmental racism cemented the problem within a victimization framework, where the injustices done impacted a class of victims beyond the local residents, enabling these residents to downplay the NIMBY aspect of their resistance. For white activists, poverty and ruralism marked residents as among the politically powerless. Environmental racism was the catalyst to a more comprehensive framework, but it was also the cause of a major chasm in the environmental justice movement, which became entrenched in trying to determine which factor, race or class, was a better indicator of the location of environmental hazards. This ongoing conflict within environmental justice began in Warren County.  

Environmentalism Transformed: The Impact of Environmental Justice

The rising problem of hazardous waste management, the emergence of antitoxic activism, and the shifting politics of civil rights merged together in a place where the deteriorating economic condition of African-Americans was severe. Warren County, like many rural southern counties, was hit particularly hard by the recession of the early 1980s. Warren was attempting to make the transition from an agriculturally based economy to a mixed economy and was on the verge of some success at the time the landfill was proposed. The landfill threatened any hope for economic development in this largely black southern county. Growing difficulties with hazardous waste management and its emerging regulatory structure emphasized the impacts of environmental hazards on the daily lives of citizens. The inadequate implementation of hazardous waste reform provided opportunities for intensified political action, and this burgeoning activism helped to shape the fledgling Warren County opposition movement.

The political landscape for African-Americans was also changing. The election of Ronald Reagan created a significant increase in political action among African-Americans, especially in regard to the 1981 reauthorization of the Voting
Rights Act of 1965. When the act was reauthorized and strengthened, African-American residents in Warren County seized this opportunity to change the county political structure to more closely resemble its racial demographics. The increased electoral activities among African-Americans in Warren County helped define the issue of the landfill as one of racial discrimination.

The heritage of civil rights activism in the county impacted the organizing of the landfill opposition. Warren County activists were able to link with powerful African-American elites by renewing associations with earlier civil rights activism. Through reforms resulting from this activism, these individuals had gained access to official political institutions. These positions of power enabled the fledgling movement to raise a new issue—distributive justice of environmental hazards—in public policy debates. As these African-American elites rallied behind a cause that linked environmental integrity and economic justice, they embraced the notion that Tom Bradley had articulated a decade earlier: "The problems of poverty and environmental quality are inextricably intertwined."

Actions on behalf of environmental quality were not necessarily "distractions from the problems of black and brown Americans," but were instead an integral part of making daily life healthy, safe, and economically secure. Such a notion helped to blur the distinction between environmentalism and social justice causes. While this transformation did not eliminate elitism in the mainstream organizations or the potential regressive impacts from several environmental reforms advocated by these groups, challenges are now made by activists who have incorporated an environmental awareness into their cause and who can envision alternatives. Warren County and the unlikely coalition that formed there began the process of overcoming these limitations of the environmental movement.

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**Notes**

This study was funded by a Dissertation Grant from the Graduate College at the University of Illinois at Urbana-Champaign and a Postdoctoral Fellowship from the School of Planning and Urban Development at the University of Southern California. The following scholars read earlier drafts and provided valuable insights to strengthen the article: Greg Hise, Lewis Hopkins, Gerry Munck, Jane Peterson, Laura Pulido, Daniel Schneider, David Sloane, Eliza Steelwater, participants in the History and Theory Workshop at USC, and two reviewers for this journal.

1. Robert Burns and his two sons were found guilty of violating TSCA. The elder Burns spent five years in prison, while his two sons received a probation term of five years. Robert Ward was found not guilty; however, he was found liable under CERCLA.

2. PCBs are a group of over two hundred chlorinated hydrocarbons that had been used primarily in electrical transformers and capacitors since Monsanto began manufacturing them in 1929. They had a unique set of chemical properties (low flammability, low electrical conductivity, and high degree of chemical stability) that made them commercially attractive for the electrical industry, but that also led to many of the problems associated with their environmental and health hazards. Since PCBs are among the most stable chemicals, they remain for decades once released into the environment. They are not water soluble and easily accumulate in sediments, especially the fatty tissues of organisms. As a result, their concentration magnifies upward through the food chain. Thus, PCBs were ubiquitous in the environment and in human tissue by 1975. The Toxic Substances Control Act of 1976 banned the manufacture of PCBs and regulated their disposal. The intent was to eventually halt all use of PCBs. Marshall Lee Miller, "Toxic Substances," Environmental Law Handbook, 7th ed., ed. J. Gordon Arbucket (Rockville, Md.: Government Institute, Inc., 1983).


11. The Club did not indicate who conducted this research, what methodology was used, or even why the research was conducted.


13. *Time*, 3 August 1970, 42. Latinos/latinas, Native Americans, or Asian Americans were never mentioned in relationship to the environmental movement. *Time* contained more information than any other media outlet on the political "backlash." Other articles made passing reference to the dearth of minority involvement in environmental activities without even attempting to substantiate the claims.

14. After Hatcher became the first African-American to be elected mayor of a major city, he created a multiracial coalition to support the most stringent air pollution control policies of any city at the time. When "environmental policies" could be defined as survival issues for city dwellers, adequate support was garnered. See Hurley, *Environmental Inequalities*, 111-53.


21. The Pope’s property was only thirteen feet above the water table, significantly short of the fifty feet required at the time. The distance to groundwater became a moot point when the federal regulations were changed in February 1979 to a ten foot minimum, allowing for the Pope site to be in compliance. The EPA requirement for permeability was $1 \times 10^{-7}$ cm/second. The state estimated the clay at the Pope's property to have a permeability of $1 \times 10^{-4}$ cm/second. The county countered the permeability issue by arguing that the key to groundwater protection was soil with low chemical exchange capacity. The kaolinite at the Warren County site had a high chemical exchange capacity. U.S. Environmental Protection Agency, “Public Hearing before the Environmental Protection Agency on the Matter of the Application to Dispose of Soil Contaminated with PCBs at a Selected Site in Warren County, North Carolina,” January 1979, RG-CCPS, File 697, Division of Records, State of North Carolina Archives, Raleigh, N.C., 19–25, 54–66; Warren County v. State of North Carolina, Civil Action No. 79-566-CIV-5, U.S. District Court, Eastern District of North Carolina, Raleigh Division, RC-AG, File 2375, Division of Records, State of North Carolina Archives, Raleigh, N.C.

22. For extensive analysis of the Love Canal media coverage, see Szasz, Ecopolis, 38–68.
28. Ibid., 149.
34. Voter Registration Records file, Board of Election Office, County of Warren, Warrenton, N.C.
38. Mary Guy Harris, interview, White, interview. Although Fernuccio lived further away from the landfill than might be expected of a leading opponent of an unwanted land use, his educational level, class position, and race does fit the expected profile. Moreover, Ken fit the traditional description of a mainstream environmentalist: a male, in his thirties, well-educated, middle-class, and white. However, unlike his counterparts in national-level, mainstream environmental organizations, he was able to extend his interpretation of the situation to include the civil rights frame of resistance. This occurred only after the more traditional, NIMBY-based opposition was exhausted.
39. Brown, interview; Fernuccio, interview; White, interview.
40. For details on Chavis, his struggles against wrongful imprisonment, the Wilmington Ten, and his political battles, see Lennox S. Hinds, Illusions of Justice: Human Rights Violations in the United States (Iowa City: School of Social Work, University of Iowa, 1978), and “Chavis Battling Reagan Policies,” Raleigh News and Observer, 4 April 1982, 3-D.
41. His home was in Oxford, North Carolina, in a county adjacent to Warren and about twenty miles from the proposed landfill. By February 1997, Chavis had left the UCC and become a member of the Nation of Islam.
44. Sylvia N. Tesh and Bruce A. Williams summarized the five potential problems with the GAO report and the follow-up study completed by the UCC: (i) no examination of racial composition of the communities at the time of the dumping; (ii) use of zip
codes to define a community leads to various sized communities exposed to hazards; (3) neither report distinguished among new, state-of-the-art sites and aging, poorly run sites; (4) use of crude measures for both race and class; and (5) no demonstration made that living near hazardous wastes has an effect on one’s health, by assuming that location leads to exposure, which leads to health effects. “Science, Identity Politics and Environmental Racism,” unpublished manuscript, n.d., Department of Urban and Regional Planning, University of Illinois at Urbana-Champaign, 10–13 (author’s personal file). The GAO attempted to overcome some of these shortfalls with an updated study, Hazardous and Nonhazardous Waste: Demographics of People Living Near Waste Facilities, GAO/RCED-95-84, June 1995. For a complete discussion of design and methodology for studies of the correlation between race and location, see Rae Zimmerman, “Issues of Classification in Environmental Equity: How We Manage is How We Measure,” Fordham Urban Law Journal 21 (1994): 633–69.


45. Don Griffin, interview by author, tape recording, Charlotte, N.C., 19 January 1995; Jack Harris, interview; Jane Sharpe, interview.

46. Hart, interview.

47. Ferruccio, interview; Burwell, interview; Mary Guy Harris, interview.

48. Mary Guy Harris, interview.

49. Ballance, interview; Brown, interview; Burwell, interview; Somerville, interview; White, interview.


52. Gottlieb, Forcing the Spring, passim.

53. Levy, interview; Sharpe, interview.

54. Frinks, interview.


56. The most recent GAO report summarizes the ten most significant studies, showing varied and conflicting results. The new data from the GAO report itself indicates that “minorities and low-income people were not over represented near the majority of nonhazardous municipal landfills.” Hazardous and Non Hazardous Waste, 4. For a strong argument against the existence of environmental racism, see Vicki Been, “Locally Unwanted Land Uses in Minority Neighborhoods: Disproportionate Siting or Market Dynamics?” Yale Law Journal 103 (1994): 1385–1422.