

Communities as Victims of Environmental Crime: Lessons from the Field

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Environmental Victimization

- Limited attention to victims of environmental crime.
- Extensive victimization: transnational, state, local
- Often not viewed as serious/harmful by the public, criminal justice agencies, scholars.
- Most victims will never be "officially" recognized as victims from a legal/scientific standpoint.

Challenges

- Victimization isn't always immediate.
- Political/economic climate trump community concerns.
- Regulatory agencies: under-budgeted, under-staffed, out-gunned, in bed with industry, flaws with monitoring, inspections, enforcement.

Challenges

- Media coverage is sparse.
- Attorneys reluctant to represent communities.
- Activists/communities: overwhelmed, divided.
- Industry: formidable foe, green washing.

Goals

1. Overview of environmental crime and injustice in Corpus Christi, Texas (as representative of thousands of EJ communities across the globe).
2. Role of “social” scientists as advocates for communities.

“Refinery Row” Corpus Christi, Texas

- Coastal city of 300,000 people about three hours south of Houston.
- Lengthy corridor of refineries (6) and chemical plants.
- Seventh most polluted county in Texas and the eighty-fourth most polluted county in the nation.
- EJ communities/racial zoning laws



“Refinery Row”

- Mid-1990s: concerns about groundwater contamination/air quality.
- PACE: People Against Contaminated Communities.
- Forced studies that found leaky gasoline storage tanks, lead in the soil, benzene in the air but health studies “inconclusive”.

“Refinery Row”

- Three years of fruitless meetings; community filed civil rights lawsuit and class action lawsuit.
- 200 homes bought out to create a small buffer zone but AA community left out.
- City’s official response to explosions and releases continued to encourage residents and schoolchildren to “shelter in place”.

"Refinery Row"

- Activism: died down, rumors of pay-offs, large donations from industry.
- 2000: new grassroots EJ group formed, Citizens for Environmental Justice (CFEJ).
- Pressure on government for studies, organize the community; 2002-present.
- Studies should get a response, right???

"Refinery Row"

- Example: CFEJ launched a bucket brigade program; Denny Larson of the Refinery Reform Campaign/Global Community Monitor.
- Regulators: non-responsive.
- Industry: attack on activists, more PR.

"Refinery Row"

- CFEJ: pushed for studies by state health agencies.
- Birth defects studies found that the rates of severe birth defects in Nueces County were 17 percent higher than the rest of the state and rates of overall birth defects were 84 percent higher than rest of the state.

"Refinery Row"

- Accidents, explosions continue; releasing HF and other chemicals.
- Air pollution, groundwater pollution, contaminated sites.
- USA Today report: *The Smokestack Effect: Toxic Air and America's Schools*; many of the schools near "refinery row" ranked in the worst percentile of schools in the nation in terms of exposure to air pollution.
- The evidence/studies pile up...still no local/state action.

"Refinery Row"

- Local officials are aligned with industry or actually represent industry.
- State environmental agency criticized for lack of enforcement.
- Horace Smith, a long time Hillcrest resident and member of CFEJ (recently deceased), stated, "The city council is corrupt. You don't have a chance here. What they are saying is that we don't matter".

The Role of "Social" Scientists

- Use our knowledge and expertise to empower activists, residents, students, and our peers.
- We are in a unique (and undefined) position to bring people together: communities, officials, scientists, etc.
- Takes a willingness to become active participants in the fight to eliminate and reduce corporate and environmental violence.

The Role of Social Scientists

- In the classroom: the power of teaching!
- Changing perceptions of what constitutes crime.
- Scholarship: increase WCC and environmental crime research and publication in CCJ journals.
- Advocacy: data driven, cumulative

The Role of Social Scientists

- In order to change public perceptions of crime, the mass media must not only report on environmental crime but also call it "crime".
- Establish ties with the media; explain findings in clear and concise terms.
- Give toxic tours, participate in documentaries; ideas for NPR, pressure on local media.

The Role of "Social" Scientists

- Providing assistance with data collection, report writing and funding applications.
- Help apply pressure to local, state, and federal agencies to fund health studies.
- Assist with projects/researchers in other fields: bio-monitoring study.

The Role of Social Scientists

- Make presentations at community conferences: National Bucket Brigade, United Steel Workers.
- Form alliances with experts, activists, and NGOs: Dr. Bullard, Paul Mohai, Lois Gibbs, Sierra Club, Public Citizen.

The Role of Social Scientists

- Assisting federal/state task forces and legal teams: EPA and DOJ.
- Environmental crime victims and the Crime Victims' Rights Act (CVRA)
- Congress passed CVRA in 2004; victims defined as those who are "directly or proximately harm" in the commission of a federal crime.

U.S. versus CITGO

- In 2006, a federal grand jury returned a 10-count indictment charging CITGO with violations of the CAA and MBTA.
- First criminal trial involving a oil refinery and violations of the CAA.
- 6 week trial; found guilty by a federal jury in 2007.
- For over nine years, uncontrolled amounts of benzene streamed into the air and into the adjoining neighborhoods.

U.S. versus CITGO

- Over 400 Hillcrest and Oak Park residents attended town hall meetings held by the Department of Justice in the fall of 2007.
- Over 300 people signed victim impact statements, describing the health problems associated with breathing toxic air.
- Fifteen residents testified at the pre-sentencing hearings held in 2008 about the odors and health problems associated with CITGO's crimes; trying to convince the judge that they are victims.

"Refinery Row"

- Jean Salone, a resident of Hillcrest for over 45 years.
- "Many residents know they're going to die here and it's just so sad. What is air pollution if it doesn't touch people? People have died out here, not knowing why they died. We hear the sirens at night but no one tells us anything. They never ask us if anyone is sick. And now we know that for ten years they knowingly polluted the community. It hurts."

U.S. versus CITGO

- 2008: Judge ruled against the victims; cannot "prove" that CITGO's crimes caused physical harm to the victims; not victims under the Crime Victims' Rights Act; judge required medical proof as the standard for victimization.
- 2011: Victims' secured their own counsel, a pro bono law clinic; I contacted a leading CVRA authority and former federal judge.
- July 2012: Judge ruled against victims again.

U.S. versus CITGO

- Two weeks ago: victims' attorneys take it to the 5th Circuit Court of Appeals; petition for writ of mandamus.
- Days before the sentencing: the CA5 rules that the judge needs to hear oral testimony before sentencing and reconsider victimization under the CVRA.

U.S. versus CITGO

- Last Monday...on the day of sentencing...oral testimony from victims' attorney.
- Last Friday...after ruling against the victim's three times, the judge reverses his ruling...community members are VICTIMS under the CVRA; judge must now consider restitution, medical monitoring, and buy-out plan.



Conclusions

- We will face resistance...from industry, local/state officials...and our institutions.
- First, we must learn, gain rapport, and trust; takes time.
- We lend credibility to the movement just by showing up.
- Small victories add up over time.

Conclusions

- Social justice will not happen without a committed and sustained effort.
- Data driven advocacy and activism.
- Teaching, research, and advocacy to help communities!