U.S. Departmer ' Justice

Civil Rights Division

Federal Coordination and Compliance Section-NWB
950 Pennsylvania Ave, NW
Washington, DC 20530

APR 27 2011

[redacted]

Mr. Rafael DeLeon, Director, Office of Civil Rights
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1201A
Washington, D.C. 20460

Re: Perry County, Alabama

Dear Mr. DeLeon:

Enclosed for your review is correspondence received by the Federal Coordination and Compliance Section of the Civil Rights Division, U.S. Department of Justice (DOJ) from [redacted] of Perryville, AL. [redacted] alleges that the dumping of coal ash in Perry County has created health hazards that are having a discriminatory impact on African Americans.

The matter does not appear to be within the jurisdiction of our office. However, because [redacted] complaint raises the issue of the environmental impact of dumping coal ash, it falls within the jurisdiction of your office and, therefore, we are referring it to you for appropriate disposition. We have referred [redacted] allegations about voting misconduct and the energy assistance programs to the appropriate offices. The writer has been notified of the referrals.

Please keep us apprised of this matter. Thank you for your assistance in this matter.

Sincerely,

Deeana Jang

Deeana Jang
Chief
Federal Coordination and Compliance Section
Civil Rights Division

Enclosures

cc: Ms. Lisa Garcia, Associate Assistant Administrator for Environmental Justice, EPA

received
MAY - 3 2011

Biography

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

Burkville, Alabama 36752

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

(b) (6) Privacy, (b) (7)(C) Enforcement has a long history working for positive change. For 5 years she coordinated workforce development programs with US Steel in Gary, Indiana and in Martinsville, Virginia and Macon, Georgia. Following those successes, she was employed with both Georgia and Alabama Legal Services Programs as a project coordinator, paralegal and trainer of new attorneys. (b) (6) Privacy, (b) (7 was a regular lecturer at the Walter F. George School of Law and under the supervision of attorneys, she specialized in administrative and disability law.

(b) (6) left Georgia Legal Services to become a labor organizer, working with the United Electrical Workers, United Auto Workers and the Alabama AFL-CIO. Assigned to the southeast, (b) (6) negotiated contracts, organized new units and lobbied on local, state and federal levels. She specialized in settling agreements between employees and industry that satisfied both parties.

(b) (6) moved to Alabama in 1990 while working with the United Electrical Workers. Despite her plan to "roll" with the union, she fell in love with Lowndes County, Alabama and set down roots. In 2001 founded a nonprofit statewide consumer education and advocacy organization called Alabama Watch and through her lobbying efforts at the Alabama State Legislature helped get the Baby Douglas bill passed, stopped legislation that took rights away from nursing home residents, and helped pass Alabama's new Landlord Tenant laws. She is a member of the Alabama Legislative Task Force on the Open Records Task Force helped with the new Open Meetings Act, and serves as a lobbyist and consultant to environmental and community organizations.

In 2006, (b) (6) joined WildLaw, a nonprofit environmental law firm based in Montgomery, Alabama. She currently heads up the Alabama Organizing effort, and works with community groups on environmental issues. She teaches citizen advocacy and has continued her work with the Alabama State Legislature.

(b) (6) is one of the founders of *Lowndes Citizens United for Action*, and Blackbelt Citizens Fighting for Health and Justice (Perry County),and currently serves as Technical Advisor. She writes and publishes a community column *Esther's Trumpet*, carried in four Black Belt weekly newspapers, and operates a rural art and civil rights history center called Annie Mae's Place, where (b) (6) s annual community event, the Alabama Okra Festival is held on the last Saturday in August.

She enjoys gardening, reading and taking care of her 2 dogs. (b) (6) Privacy, (b) (7)(C) Enforcement Privacy

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
[redacted]
Burkville, Alabama 36752

December 3, 2010

To: Lisa P. Jackson, USEPA Administrator
Gwen Keyes Fleming, Region 4 Administrator
Tom Perez, Attorney General's Office for Civil Rights
Crystal Brown, Counsel Office of the Assistant Attorney General
Daria Neal, Deputy Chief Civil Rights Division at US Dept of Justice

I am (b) (6) Privacy, (b) (7)(C) Enforcement P[redacted], the matriarch of a Black family. I've lived in Alabama for nearly 25 years, and I reside in Lowndes County, home of 45 of the 54 miles between Selma and Montgomery, in Alabama's Black Belt. It's where the 1965 Voting Rights March took place. The area is named for the soil, but it is also the home of the greatest concentrations of African Americans in the state. It's the poorest region in the state. It's the region that produced Coretta Scott King, Jimmie Lee Jackson and other heroes of the Civil Rights Movement. Its people died for the right to vote, and for freedom.

I was proud to be the first person in Alabama to publicly endorse President Barack Obama for President, and I support him today. We had high hopes for environmental change, but it seems slow in coming and hasn't had any positive effect yet.

So it is particularly sad that Alabama's Black Belt is a magnet for environmental racism. While white supremacy and segregation were somewhat overthrown, oppression still exists, along with a huge divide between rich and poor.

Is oppression by Blacks against Blacks any different than oppression of white on Black? This is the ugly little secret nobody wants to discuss, and it is one that has held the people of Alabama's Black Belt under the gun for years.

In 1996, President Clinton designated US Highway 80 the US Civil Rights Trail. I live right off that road. A few months later, it was announced that a huge regional landfill would be built on the road. I led the 10-year fight to stop that dump. It became a national struggle, and we ultimately won. That's how I became involved with environmental justice. Now I am the community organizing coordinator for WildLaw, a nonprofit environmental law firm with a national reputation. But this letter is from me personally, not from WildLaw.

Voting Problems

There is no protection. Absentee voting can make up 25% of the vote, and the racket is perpetrated by local probate judges with no oversight. In Primary elections, voters are often handed a ballot without being able to ask for a Republican or Democratic ballot. There is little privacy at many polls, and law enforcement is often ignorant of voting laws. Poll

workers attend training and then ignore what they have learned. Most folks don't know that all these things are wrong because it has always been this way.

In Lowndes County, we have about 13,000 people. Statistics show that nearly 40% are under the age of 18. Yet we have about 10,400 registered voters. I have seen an election in Fort Deposit, Alabama, where more people voted than even live in the town. Before an election, it is not unusual for people to register who say they live in Lowndes when actually they live in Montgomery, or some nearby town. They use their relatives address, and there seems to be no way to stop it. Recently I had jury duty and witnessed numerous folks saying they couldn't serve because they no longer lived in Lowndes. Judge McFerrin told them to go directly to the Voter Registration Office and change their registration, but he had no power to actually make them do it. We've had folks run for election that didn't even live in the county, but always, when challenged, their political parties allowed them to be on the ballot.

Those few who want to see fair voting are ostracized and often abused by the power structure. There never has been any help from the Alabama Attorney General and/or Secretary of State. I know that there are affidavits sitting at the Attorney General's Office right now that have been ignored. I personally submitted affidavits from people who sold their vote. There are numerous instances of people going to vote and being told they already voted absentee. The Sheriffs do nothing to curb the abuse. Indeed, if they did, they would not be re-elected.

Here's how the absentee ballot scheme works: Teams of people go around to "assist" voters in getting the absentee ballot mailed to them. The teams know exactly the day that those ballots are delivered, and they then show up at the voters' house to "assist" with the filling out of the ballot. Much of the time it is the same notary publics who sign these ballots. They are usually part of the "team". The overwhelming majority of voters electing to go to the polls do not know how to vote for anything except a straight ticket. Nobody ever attempts voter education. The power structure wants to keep us ignorant so they can control us.

The Blacks in power say.....and the Lowndes County, Alabama Probate Judge John Edward Hulett said to the Alabama Secretary of State in a public meeting.....that the white folks did it before them; they (the Blacks) honed the process in their favor and that nobody can win without manipulating the absentee ballots. On this subject, I urge you to re-read Stokely Carmichael's book, "Black Power" and the afterward written in 1992 by co-author Charles V. Hamilton. Here is part of that, page 212:

"When Thurgood Marshall resigned from the United States Supreme Court and was replaced by a conservative black, some liberal blacks felt constrained not to oppose the new appointee. After all, it was important to have an African American on the court. Such a view focused mainly on race and gave little attention to the views of the nominee. This could hardly be comforting to some advocates of Black Power. In this book, on page 46, it is clearly stated that Black Power does not mean merely putting black faces into office. Black visibility is not Black power. The failure to make this more explicit has led to unfortunate consequences. One definite result has been to open the way for those in

the black community who would seize the opportunity to advance themselves solely on the basis of race. They show no indication of commitment to either the left or the right. They are simply hustlers, using their race as a cover for their personal, individual gain, knowing that they can always use the charge of racism against those who would oppose them."

Blacks who stand up against the Black power structure are seen as Uncle Toms, and are made to feel disloyal. It doesn't help that the whites in Alabama's Black Belt are the same whites who led the oppression of the past. We are caught in a web, and everybody fears speaking out. My white skin always taints my remarks, but I learned long ago rising my Black son in the South as a single mother (1971) not to worry about what people say. Indeed, during those days it was a challenge to stay alive, and they have done everything to me short of killing me. While those days were more than hard, I got the blessing of now being fearless, and I will not back down.

One could argue that all these problems lie at the feet of the voters. But that's not fair. The voters have never known anything except this system; it was introduced by the white power structure prior to the black power structure taking over. You cannot convince a voter that the power structure does not know how they voted, and indeed, I am not convinced. Voting machines are rarely checked prior to a vote, and they are not stored in a secure place.

And truth be told, the whites who run Alabama could care less about what "those blacks" do in our Blackbelt, and afraid of being called racists, they opt out.

Violations of Open Meetings and Open Records Laws

Alabama passed a new Open Meetings Act a couple years ago, and it is pretty much ignored. They have found ways to discuss public business in private, and there is no entity that oversees this. A citizen has to file a lawsuit to take the public officials to task, and most folks cannot afford to do this. Plus, who will decide if the law has been violated? The Judge who has to be elected as well. It is a good old boy system unchanged since Reconstruction. The District Attorneys have to be elected as well, and they aren't about to go up against the system to do the right thing in most cases.

Executive Session is used in nearly every Lowndes County Commission meeting. Just recently, the Commission announced plans to float a 5.5 million dollar bond to buy a building and pay off another bond. It was a done deal before they even got to the Commission meeting, with no discussion allowed by residents. Indeed, in order to speak at a Lowndes County Commission meeting, you have to call on the Thursday before the Monday meeting before noon. You have to tell them what you are talking about. They may or may not put you on the agenda, but if they don't, there's nobody to call and complain. There is no process for citizens to offer input prior to important decisions being made. People who violate the Commission's system are jailed, unless they are friends of the commissioners.

Getting a public record is very difficult. In Lowndes County, Alabama, you have to pay $1.50 per page, which makes this impossible for most folks. Plus, the person who gives out the records always has an excuse. They are too busy. They are absent that day. The auditor is there. I know of a reporter than has made 12 trips to the Lowndes County Commission Office to view the budget, and hasn't seen it yet. I personally have filed Freedom of Information Act Requests that are completely ignored. One is pending right now. I simply asked for the policy on distributing gravel for driveways. I asked because when a Lowndes County Commissioner runs for office, he or she gives out gravel during the election process. To me, that is buying votes. I have been told orally that Lowndes County has no policy on gravel distribution, that each commissioner decides who gets what. That may not seem like much, but in the rural area, this is an important issue.

In Alabama's rural Black Belt Counties, the rulers are the sheriff and the county commissioners. We have a culture of royalty. For instance, the current Probate Judge in Lowndes is the son on the former probate judge, who was also the sheriff. The district court judge is the daughter of the former district court judge.

Federal and State Programs: Since nearly everyone hired to manage state and federal programs have some relationship to the power structure, people who receive help are usually friends and family of those hired. For instance, if energy assistance becomes available through OCAP, the people with a relationship to the power structure get help first, and usually nothing is left for the majority of people needing the help. In our Blackbelt, because of the small population, nearly everyone is related. Because the elections are manipulated, this just does not change.

Environmental Racism: the elected officials of the Blackbelt have a difficult job because of Alabama's poor tax structure. Since revenue depends on sales taxes rather than property taxes, the poor pay a much higher percentage of taxes. Counties are desperate for revenue.

They are desperate for revenue in part because of poor financial decisions. For instance, in Lowndes County, many county employees are given vehicles and cell phones and get fuel on the county's dime. Most salaries are low for regular workers, and astronomically high for department heads. The Lowndes County Administrator, for instance, makes close to $90,000 annually. And she cannot retire because she holds the secrets of the finances. While the state audits the county books, they have little say on what the money is spent for. This year, Lowndes County had to borrow money from a bank to meet payroll, but they paid consultants over $100,000 for economic development that produced absolutely nothing.

So when a landfill developer comes with deep pockets, these Blackbelt Counties are ready with hands out. The elected officials have no love or even respect for the land, and they know they can move away because they have the money. They think nothing of sacrificing Black and poor communities to bring needed revenue into the county. They are by and large poorly educated and not well read, and they believe what they want to believe. That's how the coal ash got into Perry County. And you can also believe that money is given directly to elected officials for their votes.

When Alabama Governor Don Siegelman was being prosecuted a few years ago, witness and landfill developer Lanny Young testified that he paid an associate of the Lowndes County Commission, Chairman Charlie King, Jr., $10,000 for King's vote for the dump. I begged federal prosecutor Louis Franklin to prosecute King and heard nothing. Dump developer [redacted] a big shot at the Alabama Legislature, went through a divorce, and his wife testified she and [redacted] went down into Lowndes County at 3 a.m. one morning to deliver $30,000 to [redacted]. But the testimony took place in a deposition, and shortly after, [redacted] allegedly committed suicide.

John Edward Hulett is Lowndes County's Probate Judge. The son of John Hulett, who was a founder of the Lowndes Freedom Organization commonly known as the Black Panther Party (not the one in California), Hulett has taken his daddy's name and used it to build a political gang that rules Lowndes County with an iron hand. He's sneered in the faces of state officials, practically daring them to stop him from running political campaigns out of our courthouse. He's Lowndes County's boss man. Mess with him, and you might get sent to a mental hospital. Mess with him and nobody in your family can get a job.

In Perry County, [redacted]., is the leader. Also the son of a well loved civil rights hero, [redacted] can snap his fingers and get Al Sharpton or Jesse Jackson here in a hurry. While [redacted] sought out the deadly coal ash for his county, I've been working with the people in Perry, and they are deathly afraid of [redacted] and his henchmen. He controls the sheriff, and the whole county. You should see that film recently made, "Perry County". [redacted] is actively seeking more coal ash for the dump, and could care less about the people who live close by. And when I say close, I mean right across the road; feet from the dump. People are getting sick. Headaches and respiratory problems are rampant. So when EPA came to Perry County, led by Superfund Director Franklin Hill, I just knew something would happen. I attended the so-called public meeting where Hill and [redacted] attempted to convince us coal ash is safe. What really upset me is that Hill allowed [redacted] to limit questions. It was no public hearing. We lost faith in EPA. [redacted] would not even allow the District Attorney who represents that district to speak or ask questions, and Mr. Hill stood right there and let it happen. Others, including me, were denied as well.

So much for environmental justice.

The Alabama Department of Environmental Management is under-funded, inadequate, politically controlled and they've never seen a permit they didn't love. They totally ignore the effects of landfills, rock quarries and chemical plants on surrounding communities. Alabama's weak environmental laws and political corruption make the state a magnet for environmental racism and injustice. Attempts by citizens and environmental groups to reform ADEM have been unsuccessful. Members of the EMC Board are appointed by the governor. Every time an EMC member fights for environmental justice, they are replaced. Corporations rule. I have worked with groups concerned with corporate hog farms, rock quarries, chemical plants and landfills, and NONE have ever received justice. Citizens try to file lawsuits but have not usually found justice in Alabama's courts.

Here are my suggestions for positive change:

Telephone: [redacted]

1. WildLaw and Alabama Rivers Alliance have both submitted petitions asking for federal help to straighten out ADEM. Those petitions should be granted.

2. EPA should appoint an ombudsman....somebody who can't be scared and cannot be bought...somebody who lives in Alabama to investigate and oversee testing because we do not trust ADEM. We want independent, out of state testing of water, air and soil.

3. The US Justice Department should hire an investigator to look into voting fraud. They should check every single absentee ballot, and have people at all the polls throughout the Blackbelt. A couple years of that could straighten things up.

4. The people of Perry County, Uniontown, Alabama, must be protected from the coal ash. We want it removed and taken to a hazardous waste dump. We want coal ash classified as what it is....hazardous waste. In the interim, we want a fence around that dump to keep children out, and we want free health monitoring of those who live in the danger zone. We want independent testing of water, air and soil on a weekly basis, and we don't want ADEM involved in the testing because we don't trust them.

5. We want federal intervention. History has shown that in Alabama, federal intervention is necessary. Whether it is civil rights or environmental justice, Alabama does not have the will to do the right thing by its people, especially when they are poor and/or Black.

6. We need green jobs, and Alabama's Blackbelt, with its double digit unemployment rate, is perfect for those jobs. We will need job training, especially for existing contractors. We have got to tackle the coal problem on a federal level, and find a way for a smooth transition into green energy. It needs to be a top priority.

Thank you for taking the time to read this. We need help here in Alabama's Black Belt, and we need it NOW. You can count on me to help.

(b)(6) Privacy, (b)(7)(C) Enforcement P
[redacted]

Telephone: (b) (6) Privacy, (b) (7)(C) Enforcement Privacy
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