



In collaboration with

Maria Savasta-Kennedy,

Clinical Professor of Law and Director of the Externship Program at UNC School of Law

Transcript edited for clarity by narrator, Maria Savasta-Kennedy. Original audio and video is preserved.

Date: March 13, 2023

Interviewer(s): Victoria Ely

00:03 Ely Just to start off at the beginning, almost. Where do you consider home?

0:11 Savasta-Kennedy I consider North Carolina my home. I've been here for 25 years, but part of my home will always be Northern California, where I grew up, and that's still where my sisters are, my cousins. Actually, my kids are there right now. So, I consider both places home, really.

00:37 Ely Tell me a little bit about growing up in Northern California. What's that look like?

00:43 Savasta-Kennedy So funny enough? I was born in Sequoia Hospital in Redwood City, and I really was very fortunate to have a cool childhood where I could ride my bike all over. We were near places to hike. We were near lakes. We were near the coast. I got to spend a fair amount of time outdoors, so the outdoors has always been really important to me. You know, it was the time before cell phones. It was a really neat place to grow up. It was a very small town at the time I grew up there.

1:51 Ely When you were a kid, what kind of interests did you have early on?

2:03	Savasta-Kennedy	I loved to read, but I also liked to play imaginary games. I was really into playing spy or adventurer. I rode my bike around. I grew up with the same group of friends from kindergarten through high school.
2:28	Ely	Did you know anyone who was involved in advocacy while you were growing up, or were you exposed to any movements?
2:37	Savasta-Kennedy	I have three older sisters, and they were all born within two years of one another, but they are ten and fifteen years older than I am. I remember being a little kid, and it was at the end of the Vietnam War, and I remember my sisters protesting the war and wearing the MIA bracelets. That definitely made an impression on me.
3:20	Ely	What was your relationship like to nature and the environment? I know you mentioned hiking, lakes, being outside.
3:33	Savasta-Kennedy	I would say it was almost a spiritual relationship, a place where I felt close to my Maker and felt connected to things, and I still do. It's really important to me to be out in nature.
3:57	Ely	Shifting gears a little bit, what did high school and that era of your life look like in California?
4:09	Savasta-Kennedy	Have you ever seen the movie <i>Dazed and Confused</i> ? That was my high school.
4:21	Ely	How so? I unfortunately have not seen the movie.
4:26	Savasta-Kennedy	You really have to see it. Joking aside, during my freshman year of high school the school district closed one of the high schools in East Palo Alto and bussed the kids from that school almost an hour away to our predominantly white, upper-middle class high school in the suburbs. It was a really difficult time for the kids to feel welcome, to be integrated, and there were definitely clashes between students my freshman year. And what arose from that was a group of teachers and students who spent time meeting together to talk about cultural differences and integration, and working to make the school a

welcoming, safe learning environment for everybody. By the time I graduated from that high school, we had achieved that.

5:56 **Ely** **How so?**

6:00 **Savasta-Kennedy** How did we achieve it? By listening to one another and working to understand another person’s lived experience. You know the saying, it’s difficult to walk in someone else’s shoes unless you first take off your own shoes. I think that was my first experience of really understanding what that meant.

6:29 **Ely** **Did you have any interactions with the environmental justice movement in high school?**

6:37 **Savasta-Kennedy** No, I graduated from high school some time ago, right? I was in college when Warren County was happening. When I was in law school, I wasn’t focused on environmental law at all. I was interested in civil rights and poverty issues, and I was really involved in political asylum in the early eighties. During my first job, I started out practicing at a law firm, and I was able to spend a great deal of time working on pro bono cases as well as the firm’s paying client’s work. I worked on the *Flores* political asylum case that litigated the treatment of undocumented children. I volunteered with the San Francisco Lawyers’ Committee for Civil Rights, which was involved in all kinds of things, including childhood lead poisoning. That was one of the first environmental justice issues that I got involved in. At the same time, I was doing Clean Water Act work and endangered species work with the Sierra Club. After a few years, I was lucky enough to get a job with what is now EarthJustice. It was around that time when Luke Cole, a pioneering environmental justice lawyer in San Francisco, was working with the Latino communities in Kettleman’s City, California to stop a toxic waste dump from being located in the community. It was through Luke’s work that I really understood the intersection that was possible, and that was happening, between environmental law and traditional poverty law, civil rights, human rights.

9:17 Ely **How did this understanding of the intersections lead you into your next step as a lawyer?**

9:27 **Savasta-Kennedy** I became a teacher, a law professor, through NYU's lawyering program which teaches practicing attorneys how to be a clinical law professor. In clinic teaching the a focus is on experiential learning and helping students learn how to be lawyers through working on live cases and examining their skills development and finding their voice. It was really through teaching that I became involved with environmental justice. And honestly, when you all contacted me about this interview, I thought you wanted *me to interview* environmental justice heroes! I certainly don't think of myself as a hero. But I do love connecting people. I love connecting my students with practitioners and issues of the day and facilitating that growth and helping people graduate into the world where they can work on these issues. I started, along with my friend and co-teacher, Chandra Taylor-Sawyer, the first environmental justice class at UNC Law. We've been teaching that for years, and a number of our students have graduated and gone on to work in environmental justice, and we have the honor of introducing them not only to issues, but to the environmental justice toolkit approach to assisting communities in their fight for justice. In doing so, we have had the opportunity to introduce them to real heroes and warriors in the environmental justice field like Omega and Brenda Wilson, Crystal and Jason Keck, numerous others who I hope you're talking to. My contribution is to be able to introduce students to environmental justice issues and community activists. I'm going to a high school class in a couple of weeks to talk to them about environmental justice. I've also done little talks at UNC for undergrads and, just introducing students to the idea that there are so many types of injustice that you can help to alleviate is essential. Environmental justice includes everything from the sighting of hazardous waste sites, to disaster justice, to food justice, of course climate justice. It intersects our lives in so many ways. At the law school, we teach a class called Black Lives Matter that different professors come in and teach in their area like housing law or immigration, or criminal law. I teach a unit on environmental justice and its rewarding to see students who are really seeped in civil rights law understand how environmental justice fits into that whole picture.

13:56 Ely **You mentioned that you started the first environmental justice class at UNC Law. Is that still going on? If so, what is it?**

14:10 Savasta-Kennedy Yes! We're teaching it now. We have students who are law students. We have some masters students from the planning department and public health. It's a really cool space for students to explore, for example, food access and food justice in communities. What is a food "desert?" And what does it mean when you locate a grocery store in a food desert, but the food is still not affordable or accessible culturally to people? What about disaster justice, and the fact that people who live in low-lying communities don't have either the physical structure to alleviate flooding, or the infrastructure to deal with post-flood clean-up and repairs. Those communities are – especially in North Carolina, really all over the United States, look at New Orleans – are communities of color, BIPOC communities, low-income communities. We talk about these issues, and this semester, we're having students pick their own topic, explore it through an example, and then make suggestions about how to alleviate that particular injustice, how to address it, whether it's through law or policy. Always what we do is we put an emphasis on the fact that it's community-focused, community-driven, and that's why we have members of the community come in and speak with our class all the time.

16:16 Ely **Another thing you mentioned that I'm curious to hear about is the EJ toolkit. Do you want to tell me more about that?**

16:25 Savasta-Kennedy Yeah, so it's the idea of how do you become a helper to a community? When you look at an issue that is potentially an environmental injustice, you want understand the community. The makeup, the ethnic and racial makeup of the community, the income of a community, how many different sites of pollution, what kinds of stressors are on that community. You could see what kinds of factories are located there, what kind of toxic waste facilities or just waste facilities. How many hospitals are there, how many schools. There are mapping tools available from the CDC, the EPA and the DEQ that help you find this information on the statistical level. Then you look at what this particular stressor is, and what are its physical attributes? For example, if the community is near a coal ash pond that has breached, you look physically at: What are the routes of access to that community? Is the

coal ash going into the water? Is there dust in the air? Then you want to understand the issue from the perspective of community members. You meet with the community and find out how they use the areas around that may be polluted and talk to them about what they want to happen. Next, you have a variety of federal and state and maybe local tools at your disposal that the community may use to address the issues. For example, if there's a new polluting facility that's going to be sited in Princeville, North Carolina, the facility will need a permit. They may need a Clean Water Act permit. They may need an air permit, so under the permit process you can protest and formally comment on the fact that the permit should not be granted. You may end up filing a law suit if the permit is granted despite community protests. Using the environmental toolkit means going through the steps of identifying the attributes of the community, identifying the issue, working with the community to identify the solution, then looking at the legal tools that are at your disposal to help alleviate that injustice.

20:28 **Ely** **What are some of your strategies for going into a community that might not be your own and saying, I'm here to help? What does that look like? How do you navigate that?**

20:48 **Savasta-Kennedy** My own experience of this going to the communities in Eastern North Carolina impacted by hog CAFOs (Concentrated Animal Feeding Operations) with a group of my students and knocking on doors and just introducing ourselves and talking to community members about what kind of impacts living next to those hog waste pits and the facilities, has on their lives. We would talk to people briefly about what we were doing there, which was helping gather affidavits in support of a Title VI Civil Rights Act case. Then, we would just listen and let people tell their story. *[redacted]*

22:48 **Ely** **Yeah, I really like that. When you were talking about the EJ Toolkit, you mentioned the role of stressors in this community work. Do you want to expand a little bit more about this concept of stressors?**

23:03	Savasta-Kennedy	One of the most important things to understand about environmental justice and the impact that any one polluting facilities or anything has on a BIPOC or low-income community is the fact that it's going to have a cumulative effect because the people who are living there may already be dealing with other stressors. Probably an inadequate healthcare system. Perhaps they're not within city limits that would give them appropriate water and sewer. They may be dealing with a food desert, so a lack of healthy, affordable, food. There may be other polluting facilities located there. One of the hallmarks of environmental justice is understanding the cumulative impact that any one stressor will have on a community.
24:31	Ely	You say you're not an EJ hero, but you've been doing the work for a very long time. When you first started your work, what did you see as the biggest challenge that either you were facing or the movement as a whole faced?
24:54	Savasta-Kennedy	One of the things that I see in public interest and civil rights and these movements in general that I really would like to see changed is the fact that we're all siloed in our own area. My colleague may deal with unfair housing. Someone else may deal with police brutality. Someone else may be dealing with environmental justice issues or injustice issues. But we're all dealing with the same thing, which is inequity. Resources are limited . The public interest community, as long as I can remember, is fighting over scraps for dollars and funding. I think that is still a big issue that I see, this siloing of the people who work on issues of inequity in our society.
26:08	Ely	Do you have any ideas for alleviating that?
26:14	Savasta-Kennedy	I mean, I'm an educator, so I do my best to make those connections with colleagues and with my students and my community.
26:29	Ely	Absolutely. Do you have a favorite memory from the work that you've been doing?
26:42	Savasta-Kennedy	The North Carolina Environmental Justice Network for years would have a summit that took place over our fall break at the law school. I,

At some point I started bringing groups of students to the summit. There, I had the pleasure and the honor of meeting Naeema Muhammad, and working with the late Steve Wing. We'd spend the weekend there, and it wasn't a typical law conference. There were social justice advocates. There were scientists. There were community members. There would always be a community speak out where local and state politicians would come and hear the community's concerns. I just thought that was such a wonderful awakening for the students and such a wonderful community event. I really miss that. I think it may be starting back up again, and I'd love to go back with my students.

28:14 **Ely** **Do you maybe have a memory that was particularly frustrating or troubling?**

28:29 **Savasta-Kennedy** Yeah. It's not a distant memory, but I am still really disappointed and upset that the UNC Board of Governors closed the UNC School of Law's Poverty Center, which didn't take a dime from the state. Our former dean, Gene Nichol, who you should speak to if you haven't already, has been doing amazing work chronicling the poverty in North Carolina and its direct impacts as a result of environmental injustice and all kinds of injustices. The Board of Governors basically ended that, and then ended the ability of the Center for Civil Rights to litigate cases. The Center for Civil Rights had been doing some really good work on exclusionary zoning, suing on behalf of BIPOC communities that are left out of town zoning, so they don't get water and sewer.

30:02 **Ely** **Oh, wow. Was there a student response to that or a faculty response?**

30:13 **Savasta-Kennedy** We didn't really have a choice, honestly. But a number of students and faculty were there to bear witness.

30:27 **Ely** **Heartbreaking. This is pivoting greatly, but I took a little peek at your resume on the UNC site, and I saw that you taught at Northwest in China and lectured on climate justice issues. Do you mind talking a little bit about that?**

30:56	Savasta-Kennedy	Oh, yeah, that was such an interesting experience. I had a Fulbright and I taught at Northwest University. I taught a course on lawyering skills, which was really interesting, on negotiation and debate and so on. I created a case study involving a factory exposed by an employee to government authorities for polluting a nearby river [redacted]. I had the opportunity to teach about climate justice and environmental justice in the United States. It was really interesting to be able to speak about what was happening in the U.S., and then to hear from others about what was happening in China. It was just a great cross-cultural experience. Again, I think the way for people to understand one another and to get to know one another is to be exposed in a way that you listen to one another's stories. I found that really, really interesting and heartwarming.
32:55	Ely	What did you hear from the students about what was going on in China with similar climate justice, environmental justice issues?
33:06	Savasta-Kennedy	Well, China has very strong environmental laws, but they are not always enforced, which is the case in the United States in some ways as well. It depends what community you're in. You could see the same stressors between development and profit versus health and community well-being. It was interesting to see the similarities there, especially when we're talking about climate, standard of living, and profit.
34:02	Ely	Makes sense. I saw in the externship program that you're a part of, it's teaching, I think the direct quote was lawyering and ethical issues. I was wondering if you could talk about the intersection between ethics and the environmental justice movement?
34:27	Savasta-Kennedy	I actually got to start the externship program at UNC. We didn't have one before I came to the law school. Students in an externship earn academic credit for working on live cases with lawyers and judges in the community. Externships give you the chance to apply what you are learning in the classroom to real legal problems. For example, you may extern in a judge's chambers or with the Southern Coalition for Social Justice.. In answer to your question about how ethics comes up in the practice of lawyering, it's both following the rules of ethics, which are really the ethical floor rules of how to behave like a lawyer,

but it's also finding your own voice and defining what kind of lawyer you want to be. Ethics not only involves the code of professional responsibility, but also your own code of what is ethical to you. I feel like it's my job to help students find their voice and understand what kind of a lawyer they want to be. In the process of looking at particular cases they're working on, or a particular area of the law, we do have discuss whether this is how they you want to spend your working life, day after day. Is this work meaningful to you?

36:49 **Ely** **What is your ethical code?**

36:55 **Savasta-Kennedy** Wow! That's a big question. I think it boils down to: do unto others as you would have them do unto you.

37:16 **Ely** **Absolutely. I know, teaching is very important to you. Are there any students that you've had, you don't have to say any names or anything, that have really stood out to you that you would want to talk about?**

37:54 **Savasta-Kennedy** Of course, I had the honor of teaching William Barber III, who was in our environmental justice class. You know he is doing and will do great things. I have a couple of other students who have gone to specifically work on environmental justice with, for example, Earth Justice, one in Florida, one in Washington DC. I have a student who worked with a pro bono project when she was a law student on weatherizing low-income housing in the area, and she now directs the School of Government Center for Environmental Finance and works on environmental justice issues. There are some people doing great things.

39:07 **Ely** **In your time working with students, also with the EJ movement, what's some of the largest progress that you've seen?**

39:22 **Savasta-Kennedy** I think that the recognition that communities are dealing with environmental issues is now mainstream, and that wasn't the case when I first started practicing and teaching. I think that that recognition, that understanding, and the fact that communities have a voice that's being heard now. This sounds like an old lady thing to

say, but the younger generation is really...they do feel that they have the right to a clean and healthy environment, and no one is going to silence their voice. And I love that.

40:21 Ely **What do you think contributed to this increase in recognition?**

40:33 Savasta-Kennedy We talk about Warren County, North Carolina as the birthplace of the movement, and of course there were environmental injustices and fights against it long before Warren County, but it really did reveal to the country and the world what was happening in BIPOC communities and the fact that the people were going to stand up and not let the government or anybody else roll over them. I think those voices were heard, and I think that was the beginning of the recognition of the movement. Then people really spoke up. Because I was out in the West, I think Luke Cole was a big influence on the movement as well.

41:37 – 42:30 *Redacted* *Redacted*

42:32 Ely **If you had to give advice to someone who wants to get involved in the activism space, or wants to get involved with the EJ movement, but maybe doesn't know where to start, what would you tell them?**

42:49 Savasta-Kennedy First of all, I think North Carolina is a great place to be because this is where the fight is, and there's so much great work to be done. I would say that you could pretty much think of any issue that you're interested in, Google it, and you'll find out what needs to be done, and that there's an issue, and then you connect. One thing that I left out of the toolkit is, you need to figure out who the decider is. If you're looking at a particular environmental problem or any kind of a problem, you want to think about who is going to be the decider in this issue? Is it going to be a government agency that's issuing a permit, a court, a corporation that you convince not to locate somewhere. At any rate, I would say there's so much work to be done, and I think you could just look around and listen to people.

44:01 Ely **Absolutely. You actually predicted one of my questions, because you mentioned North Carolina being a great place to be, and I**

know you said you've been here for about 25 years. Do you want to talk a little bit more about North Carolina in specific in relation to the movement? Maybe some of the communities you've worked with through the externship program, some of the common problems that you see?

44:56 Savasta-Kennedy There are so many people who are seeking justice and speaking out in North Carolina, whether you're a community in the eastern part of the state that's dealing with rising waters or concentrated animal feeding operations. Whether you're part of a community of black farmers trying to receive support from the government, whether you're part of the Lumbee Tribe or another Native American people here in the state who are trying to receive federal recognition or state recognition. There are just so many different communities that are seeking justice here, and I think that's part of it.

46:15 Ely **What I think is so interesting is that you have this perspective of the law side of the environmental justice movement, and I think that we hear a lot about the protests, rightfully so, but I'm interested to see what the law looks like behind these protests.**

46:47 Savasta-Kennedy For example, in Warren County, the people there in the community were protesting the siting of the PCB landfill in their community, and the government had decided that that was the site for the landfill, and the community sued and said, wait a minute. This is, first of all, Afton, and that whole area has a really high water table, so it's a ridiculous place to put a landfill that has PCB's that can migrate into the water table, and many of the people in that area were on well water. The people in the community protested that, and they filed a lawsuit, and they lost the lawsuit, and then they protested. They actually put their bodies in the street to try and stop the trucks from rolling in. I also mentioned communities in Eastern North Carolina dealing with concentrated animal feeding operations. After many attempts to stop the state from issuing permits under the Clean Water Act to allow giant hog waste lagoons to exist, the communities sued the NC Department of Environmental Quality under Title VI of the Civil Rights Act saying: the pattern of issuing these permits, the way you issue the permits, is having a discriminatory impact on our community. Those are examples of using the Clean Water Act, the

Civil Rights Act to address an environmental injustice through the law.

48:50	Ely	What does filing under Title VI look like? What's that process like?
49:34	Savasta-Kennedy	Title VI of the Civil Rights Act is in two parts. The part that we're dealing with says that federal agencies cannot operate in a way that discriminates against people based on their race.
48:50 – 49:46	<i>Redacted</i>	<i>Redacted</i>
49:48	Savasta-Kennedy	Under Title VI of the Civil Rights Act, if a government agency that is taking federal money, which in this case is the Department of Environmental Quality, is operating in a way that has a discriminatory impact, then you can file a complaint with the EPA Office of Civil Rights, and they're supposed to investigate. They can ultimately decide that that government agency will no longer get federal fundings if they don't stop violating the Civil Rights Act. That's never been done. In fact, over the years, there have been very few complains that were actually investigated by the EPA Office of Civil Rights. However, this complaint was investigated, and representatives from the EPA came and met with people, met with NEJAC, met with people in the communities to investigate, and this was a case that the UNC Center for Civil Rights was actually very involved in as was Southern Environmental Law Center and Earth Justice as well. Eventually, there was a settlement that, I believe, was brokered primarily by the Southern Environmental Law Center, where there was a new permit that was issued that limits the ability to build more of these lagoons and provides some protections to communities.
51:56	Ely	Earlier, you mentioned when you went into a community, and you were collecting affidavits. Is that part of the filing process?
52:09	Savasta-Kennedy	It is. Part of the complaint you file with the EPA under Title VI of the Civil Rights Act contains affidavits from community members, explaining why it has a discriminatory impact and what it means to

them to have the state government continue to allow these big hog waste lagoons to exist.

52:40	Ely	And that one was investigated?
52:42	Savasta-Kennedy	Yes.
52:49	Ely	Looking forward, what do you think is the future of this huge movement? What's your vision for the future?
53:12	Savasta-Kennedy	My vision for this movement is that it will continue to grow. As we continue to see the impacts of climate change on vulnerable communities, in all our communities, people are understanding the importance of addressing climate change and climate injustice. I mentioned before that I spent a good deal of time working on political asylum cases earlier in my career. Early in my career, I was able to work with the ABA to set up an office in Texas at the border. It's called the Pro Bar project and attorneys from all over the U.S. can volunteer to go there and represent political asylum refugees. To the extent that we see climate and the impacts of climate change front and center in our lives and in BIPOC communities, to the extent we see more climate refugees coming across our borders and all borders, I think this issue is only going to become more important in our community and national dialogue.
57:37	Ely	Is there anything that makes you excited for the future of the movement?
57:42	Savasta-Kennedy	Yeah. I work with students, and I see how excited they are and how committed they are to change, and that's really exciting to me.
57:59	Ely	Well, I don't want to keep you too long. Is there anything else that we haven't discussed today that you would like to talk about?
58:13	Savasta-Kennedy	I think you covered a lot. You really did. You did a great job.

58:16	Ely	Thank you, thank you, and I know you said many names. I am going to transcribe them and send them to my research director, but is there anyone else that you think we should talk to that maybe you haven't mentioned?
58:32	Savasta-Kennedy	If you haven't spoken with Justice Anita Earls, you should reach out to her. She is currently a justice on the North Carolina Supreme Court. Before that, she headed up the Center for Civil Rights and then left and began the Southern Coalition for Social Justice.
58:54	Ely	We will absolutely try to talk with her.
59:05	Savasta-Kennedy	Professor Ted Shaw is the current head at of the Center for Civil Rights at UNC Law. Prof. Gene Nichol, led the UNC Poverty Center and has just published his third book on poverty in North Carolina.
59:25	Ely	Oh, wow. Amazing. Thank you so much. It's amazing, being able to talk with people like you that have been doing the work for so long.
59:44	Savasta-Kennedy	Well, like I said, when William reached out to me, I thought he wanted me to interview people, and I thought, oh, that's so cool! Because when I was growing up, I actually wanted to be a reporter, so. I really do like putting people together and facilitating conversations.
1:00:14	Ely	Amazing, well, thank you so much. Like I said, I will keep in touch with you for the transcription process, make sure everything is accurate.