



In collaboration with

RYKE LONGEST and LEE MILLER,

Ryke Longest - Director of Clinical Programs at Duke Law School

**Lee Miller - Clinical Legal Fellow at the Environmental Law and Policy Clinic
at Duke Law School**

Date: March 21, 2023

Interviewer: Madeline Waterfield

00:01 Madeline Waterfield OK, so my first question is, just tell me a bit about yourselves and your backgrounds—very big question.

00:12 Ryke Longest So, my name is Ryke Longest, R-Y-K-E, L-O-N-G-E-S-T. I am the Director of Clinical Programs here at Duke Law School, and also serve on the faculty at the Nicholas School of the Environment. I've been teaching for 15 years at Duke. And before that, I was an attorney in the North Carolina Department of Justice for 14 years, doing environmental law work. And prior to that, I was in private practice for a couple of years. I'm from North Carolina, grew up in eastern North Carolina, until I was eight and then moved to Raleigh... shortly after I turned eight, and have been working in environmental law and water resources law for 30-plus years, going on 32 years now, and on environmental justice for about 12 years.

01:21 Lee Miller Thanks, Ryke. And I am Lee Miller, L-E-E, M-I-L-L-E-R. I'm a clinical legal fellow at the Environmental Law and Policy Clinic at Duke Law School, where I work with Ryke on a number of different projects. I have been teaching in a clinical capacity since I graduated law school in 2016, which is coming up on seven or eight years, which seems crazy. And primarily around the ways in which our food and agriculture systems intersect with environmental issues, climate issues, and issues surrounding justice. So, before I was interested in climate justice, per se, I was interested in food justice, and the ways in which we—we as a society determine who gets to eat and what they

get to eat, and on whose terms. So that's been the focus of my work, for over a decade now. And that has—the thing about getting interested in any kind of justice work is that your circles kind of slowly expand, and now Ryke and I have been working on a number of different projects, in I think what's fair to call the climate justice space, and so, I'm firmly in that world now. I grew up in Raleigh, and also in rural North Carolina, on the banks of the Haw River, kind of splitting my time between those two very different places. And I think, in some ways, it still kind of informs the work that I do. I live in rural North Carolina—right now I live on a farm, a small farm; We raise sheep, and bees, and mushrooms, and vegetables. But of course, (I) also have my hands pretty, pretty deeply into the sausage-making world that happens in Raleigh, where a lot of the climate justice work that Ryke and I do is based.

3:39 M.W. So going off of that, what were your relationships with the environment like as children—during your childhood?

3:52 R.L. So, I lived in—when I lived in Rose Hill... my relationship to the environment was pretty wide open. I lived on the north and east side of the town of Rose Hill, which was very close to the edge of the municipality. And so, I could walk out my backyard and within 10 minutes' walk, I could be in areas that are very, very rural. And it also was an area—and I was not consciously aware of this at the time, but where I lived was the definition of the boundary within environmental justice community. So, the road on which I lived was called Ridge Street, East Ridge Street. And East Ridge Street was within the town of Rose Hill, which was almost all White, and if you walk down East Ridge Street, less than a half a mile, got across the railroad track, you would get into a part of the town which was not part of the incorporated town, but was an area that was, under segregation, reserved for Black residents of Rose Hill. And that particular area of town was very close to my house. But they didn't enjoy the same city services. There was not trash, there wasn't collection, there was not water and sewer extended out into this area.

So, I was... I witnessed all of that, but I didn't process it or understand it in any way. Until I went to third grade, which was where we went from a city—I went from a city school environment where I was going to a school that was for residents of the two towns of Wallace and Rose Hill, which were both overwhelmingly White, to a desegregated school that was a county-wide school. And I went from being in a classroom and in a school where it was over 95% White, to a classroom that was over 60% Black. And that was what was called the Rose Hill Magnolia Elementary School. And my family had made the decision not to participate in segregated education that many White families had flocked to; They didn't believe in that. And it opened my eyes. So, the third grade was definitely the place where my eyes were open, to just how much the enclave of Rose Hill was just this White space. And if you went into the surrounding county, it was not that way at all. And I made new friends and met new people, but I was there only for one year. And then events in my family unfolded—my father was killed in a construction accident, and we had no real visible means of support. So, we moved away from Rose Hill to Raleigh. And in Raleigh, I lived in a space that was, at that point already in the process of desegregation. So, it was not—it was something that was being desegregated.

But I lived in a community there, it was North Raleigh, and I lived much closer to what I would think of as the woods. Walking to my school every day, rather than taking the bus, I would go on a 25-minute hike through woodland area that was very open, and forested—there was one old abandoned residence in there, that was kind of, felt like a haunted mansion to all of us, because it was about 3,000 square feet, nobody lived in it, and it was, all the windows were broken out, always felt like ghosts must be in there. But it was a real sense of joy and wonder, in that environment, to be right around that. And I also spent a lot of time out in the woods and on the water. By the time I was 12, I started fishing and hunting, pretty regularly and went out onto the Neuse River quite a bit, and onto the other creeks and woodlands around that area, and got to be really familiar with the woods and do a lot of camping, as well.

So that got me really interested in the outdoor environment. That was one of the things that later led me to want to be involved in

environmental law, as well as a love of—I learned how to be a scuba diver, and when I got certified as a scuba diver, I became really interested in the marine world, even more so than I had been before because it opened up a whole world that I'd never seen before. So those were the things in my early childhood, and growing up, that sort of pulled me into this work.

08:51 M.W. And then—

08:51 L.M. Would you say the question again?

08:53 M.W. What—

08:53 L.M. Oh, I'm sorry, go—no, go `head and ask your follow up.

08:56 M.W. Yeah, do you re—was there a point, any particular memory you have of the first point in your life when you delved into environmental justice advocacy, specifically?

09:08 R.L. Yeah, the first case where—there were cases that had been brought to my attention, and I realized that they were environmental justice cases. I wasn't doing the work and those involved relationship to the hog farm situation and CAFOs in eastern North Carolina. And I was well aware that the farmers who were running these hog CAFOs were over 90% identified as White, whereas many of the neighbors and surrounding communities in which they were located were Black communities, Indigenous communities, and Latinx communities. I was aware of Steve Wing's research, and I did work to attempt to, while I was at the state, help solve some of those environmental problems through the negotiation of something called the Smithfield agreement¹ and the Premium Standard Farms² agreement, which were intended to give the state the power to force the hog industry to put new technological fixes on all of these swine farms, with the intention that that would remedy the problems in these communities.

¹ Refers to Smithfield Foods, a North Carolina-based major player in the hog business, which to [finance research](#) into alternatives to controversial lagoons and to install a proven better system within three years.

² Another industry player involved in the fight over hog farms

So, I worked on that project from the year 1999 through about 2007. In the end, when I left the state in 2007, I felt that that project had basically been, at best a 50% success. And the part that—the 50% that remained was the important part. The rest of it really didn't seem like it was worth doing. So, I wanted to try to do something different. When I came over here to Duke, I think it was about the fifth case I was working on, involved in environmental justice case. Residents of the Sand Banks community in Gates County, which was an unincorporated community formed after the end of slavery by formerly enslaved persons, within Gates County—the area) was slated by the Navy as the location for something called the outlying landing field. The outlying landing field (OLF) was an attempt to make residents of Virginia Beach suburbs happy by reducing the noise and pollution they were exposed to from jet training, from what are called practice... takeoff and landings for jet fighters who are based on aircraft carriers. So, they'd do this—they would come around and basically, there'd be like a landing strip, but the planes wouldn't actually land, they would just circle and buzz, and come in as hard as they could, as fast as they could, and hit the runway with their wheels in a certain target area, and then accelerate and take off again.

And so they were dumping all kinds of pollution and tremendous noise in whatever community they were going to locate this. And the Sand Banks community was an environmental justice community, and so I worked with a biracial coalition, there was not a—it was (a) White and Black coalition, there was not a significant population of Hispanic residents living in the area, nor were there many people who identified as Indigenous. But working on that was my first sort of work on environmental justice case work here. And then since that time, 12 years ago, I've been working on it pretty much every semester.

12:32 M.W. And then, Lee, the question was, tell me a bit about your relationship with the environment during your childhood?

12:43 L.M. Yeah, that's a great question. You know, my relationship to the environment looked, in some ways, a lot like Ryke's, but with perhaps fewer moments that I can thread together in terms of a story about

how I wound up where I am today—similar in the sense that I spent a lot of my childhood running around in the woods.

Like I said, I grew up in the woods, in rural Chatham County, and spent a tremendous amount of time, just exploring. It was basically like a Winnie-the-Pooh situation with my own 100 Acre Woods; We didn't own 100 acres in the woods, but we certainly had 100 acres of woods around us that I was free to explore. And just, feeling like that was a piece of land that meant something to me, and that I could identify every tree and every root and every broken stump that was in there, and felt like it was kind of a home. That—I think it wasn't until much later that I realized how kind of unusual that was, or how profound that was, and was able to sort of connect that to an environmental ethic that I have today. And a lotta that really boils down to—yeah, no, maybe I'll stop there, yeah.

14:22 M.W. So, when did you first start to become interested in environmental justice work?

14:26 L.M. I think the honest answer is that I became interested in environmental justice work that I really—kind of being interested in environmental justice work, I think, presupposes that you understand what environmental justice is. And I think that that didn't happen until I got to Duke, and started working with Ryke, and with Ryke's co-director at the Clinic, Michelle (Benedict Nowlin), on some of the cases that that they had, and on some of the issues that they'd been working on for decades. I came to Duke with plenty of experience working on factory farms and thinking about all of the harms that they cause, and certainly, writing about the ways in which those farms were, not only causing misery for the nonhuman animals who live there, not only contributing greenhouse gases to the atmosphere and driving climate change, but also harming the communities that lived in close proximity to those factory farms. But in terms of actually internalizing what that looked like, and feeling what that meant to the folks who live there, and really internalizing the disproportionate impact, which is a legal term, but is also a very good description of what's going on, around the farms in eastern North Carolina—that wasn't something that I really internalized until I got to Duke, four and a half years ago, or four years ago, good grief! So that's where I would say it started. I

was working on issues of food justice before that, and had done a fair amount of research and writing about, about the systemic racism inherent in our food system, but specifically the role of the federal government in perpetuating some of those inequities. But connecting that to the sort of ongoing, daily harm experienced by communities of color and poor communities, I really, if I'm honest, I think didn't happen until I got to Duke and started working with Ryke on some of some of the work that we've done together over the years.

16:54 M.W. **Is there anything you think could be changed...about systems in general, and how we educate kids to help people to understand environmental justice, earlier on?**

17:19 R.L. Well, I certainly think that an important consideration is the teaching of history, and Earth Sciences in public school systems. I did note that the North Carolina General Assembly is currently considering a bill to ban the Earth Sciences from the curriculum mandated in North Carolina, in order to increase computer and have computer skills be put in its place. And I think that's a decidedly backward step. I definitely think figuring out ways to integrate the Earth Sciences, with understanding of history is really important. And I definitely think that it is very important for people to understand history, from a point of view that helps people understand how it is that we have segregation. I mean, my childhood, I think, is an example of being in blissful ignorance, in terms of my family not telling me about the hard truths of why it was that the roads were not paved on the other side of the railroad track. I came to learn that information later, through school, and through talking with friends and family, and frankly, I've had to go through a reeducation process, to unlearn many of the things that I was taught incorrectly, in the public schools in North Carolina, growing up as long ago as I did.

So, I definitely think public school education is really important. We can't abandon the private school curriculum to this either—unfortunately, there are people who choose to go to school that will keep them ignorant of the problems of racism, and systemic racism in our country, and related problems related to discrimination based on national origin and economic ability. So, I think that's part of it. There's probably also a lot more needs to be done to under—to help

people understand economic systems, and not just take those as some kind of invisible era in which we find it ourselves. So—

19:18 **M.W.** OK, so as your understanding—

19:20 **R.L.** Lee might have an answer as well—

19:22 **M.W.** Oh, sorry, go `head—

19:24 **L.M.** That’s fine, I love all of that, Ryke. I wanted to second everything that Ryke just said. And just add one piece, which is... Ryke and I both work in experiential education. I came up male middle class and white through the Montessori system, spent most of my childhood in a Montessori school. So, among other things, I'm a true believer in experiential education and getting out there. So... we could do more of this, but we try to, we do as much as we can—well maybe we don't do as much as we can—(but) we do a lot to get students out into rural, eastern North Carolina, who are doing the work on, factory farms, for example. But in terms of how do you educate, there's nothing that quite compares to seeing it, to talking to folks, to witnessing it, to breathing it, right, to putting that smell in your body and internalizing it in that way, that goes—that changes people in a way that reading a book, even a well-written book, or listening to a podcast just can't quite communicate.

So, I 100% agree with, with what Ryke has to say. I, too, have had to unlearn a lot of poorly taught, and even, I think racist history. And it's kind of stripped that out, it's so easy, you start to internalize it, of course, without even realizing it. But a big part of I think of unlearning is kind of the shock factor of getting people out there, and letting them experience the reality on the ground. And then thinking, right, should anyone live like this? Is this fair to anyone? I think we, we all want different things out of life. I live on a small farm in rural North Carolina; That's not for everybody. But I want anyone who wants that to be able to have that. Just like I want anyone who wants to live in downtown Durham and be able to go to the neighborhood park and not worry about lead poisoning from the soil to have that. I want anyone who lives in Rose Hill to be able to have that small town experience without having to wake up every morning wondering

whether they're gonna be able to go outside. So, it's not that we all want the same things, but that we all have a, kind of an understanding that the world that we want doesn't include having to wake up and worry about whether you're gonna get poisoned by the industry that's next door.

22:25 M.W. So how have your own works with environmental justice evolved over time, particularly like as your understanding of environmental justice has developed through experience?

22:45 R.L. Well, I, for myself, I think that what I started from was, unfortunately, a paradigm that put the emphasis on environmental, instead of on justice. And so, I recognize—and I think the reason for that was that I was observing, in the natural environment, a tremendous amount of harm, and I was more or less assuming that if we corrected the environmental harms, justice would take care of itself. I would consider that talking—if my current self could talk to my younger self, I would just say how naïve, to honestly think that fixing environmental problems will fix justice issues, `cause they often won't. And I realize that now, and so my first—out of the 30 years that I've been working in this space, justice came to me initially as a recognition. And it's, it seems a bit... I will say this, I had a very strong sense about racism playing a huge part as well as other forms of discrimination, as being social injustices, but I thought of them as being disconnected from environmental law. So, for example, I did time as a criminal defense lawyer; I was well aware in the criminal defense space, that the systemic racism played a key role in incarceration decisions and the ways in which we had set up laws that were unduly punitive for certain kinds of crimes, as opposed to others, and in the way in which the criminal justice system dispensed justice. That was very clear to me as early as undergraduate education. So in that sense, I was very keenly aware of systemic racism, and the ways in which it displayed itself in many parts of our world, and I was also aware of it as it related to economics, in terms of things like landlord-tenant disputes, evictions, and other problems, of which I became aware while I was an undergraduate at UNC. But it was, in environmental, I almost felt to myself, “Well we fix the environmental problems, the justice problems take care of themselves.” That was a naive view. As time went on, I began to realize more and more that environmental

problems also had the same kinds of, buried in them, many aspects of systemic racism. And as well as the...as matters of dispute when it comes to national origin, or language, and also with respect to gender. And the more that I looked at these problems, I saw that they express themselves among all those different lines. So, it was a growing awareness on my part, but I will say that I started from what I would think of as the environmental side, and compartmentalized the social justice thinking that I had in my life to other spheres—car companies are racist, realtors are racist when they're showing houses, school boards are racist when they're setting up schools that are de facto segregated. And so, I was well aware of all of that, but I wasn't putting the two together and understanding the holistic way in which they relate to one another.

So, I think that that was a thing that dawned on me over time. And it was spending time talking with communities who were under threat, that really brought that home to me. The OLF case was a classic example of that. This was not new activity. But what was happening was there were—the Navy had built a facility to make all this noise. And developers had sold middle income subdivisions all around the outlying landing field to homeowners; They developed that, made a lot of money, and they'd sold it primarily to White middle class, people living in the area. Those people moved in and they made a tremendous amount of political problem for the Navy. And they had a classic case of having, what we call in the law “coming to the nuisance,”—that is they bought their houses in the flightpath of this facility, and then complained about it. And when I saw the way in which the Navy's response was, not to double down and say “you moved here”, or not to change their way of doing things to a less harmful mechanism, but to say, “Well, let's move it to this community of poor folks, living in North Carolina...in this, this Black community. And I thought, ‘Well, it's very clear, that's what's going on today, is that the White middle class in Virginia Beach has clout, and the multiracial coalition primarily focused on this Black group that was living in the Sand Banks had no clout.’” And that's social injustice, just very squarely—this was not new activity, this wasn't bring new economic boon, it was just moving something away from White people who didn't want it. And that really just, I think, clarified for me more than anything else, the nature of that particular aspect of the

struggle. But there's lots of other examples you can point to, and Lee and I've worked together on some.

27:52 L.M.

Yeah, I love all of that, Ryke. This is why you let your wizened elders speak first, if you possibly can, so you can just nod along. I don't have a whole lot to add, to be honest. Other than, I, too, used to think that environmental justice was predominantly a technological or a technocratic problem to be solved, as opposed to a problem of politics—or, which is really to say a problem of power. And it wasn't until I kinda was able to wrap my head around that aspect of it that I think I really had a reasonable understanding of where the problem lay.

I talked about sort of expanding circles of care, and it, I came to the food and agriculture world from the environmental side. And you can't spend—well, I couldn't spend much time thinking about all of the environmental problems that the food system caused without going upstream and trying to figure out... what was making all these farms such bad neighbors, such bad polluters? And you very quickly start to understand that the problem isn't a specific technology, or a specific fertilizer, or a specific pesticide—the problems are built into the system themselves, and once you start questioning how those systems got into place, and who they benefit and who they harm, right, you're very quickly kind of at ground zero of systemic racism in the United States of America. And once you're there, you have a couple of choices, right? You could give up and go home, you can sort of double down on a narrow set of questions and try to solve some of the technological or technocratic problems that are there, or you can kind of open up your mind, and open up your heart, and open up yourself to a lot of I guess, uncertainty—learn a lot of new tricks, decide that you have to learn a lot of new skills and learn a lot of new information, and try to figure out, how you can be a part of a movement, or a set of movements that can actually make a difference over the long term.

So in some ways, I guess the... direct answer to your question of, how has my vision of environmental justice changed over time, it's simply that it's big—it's expanded. It's expanded from a narrow idea about what's wrong with the world to a, what I hope is a much...certainly much more comprehensive, I hope more realistic and more helpful in

terms of helping me figure out, where is my time best spent? How do we teach students at Duke, to make a difference? How do we, how do we invest our resources, as lawyers and as technical assistance providers and as members of the community, to make a difference? I don't know that we have that figured out. But Ryke and I are trying, for sure.

31:37 M.W. And then, what are your biggest personal aspirations or hopes for the Environmental Justice Movement? And how do you plan to realize them?

31:52 R.L. I'm gonna let Lee go first on this one.

31:59 L.M. Oh, I mean, yeah, gosh, I don't know... that it's my... well it's certainly not my job. I don't know that it's even my right to say where I hope the Environmental Justice Movement will go. I mean, Ryke, and I, I think, see ourselves as foot soldiers in this movement. We're not leaders of the movement—we can't be, we shouldn't be. And to the extent that we start to look like that, I think we've probably done something, we've got off course with that. But I guess even foot soldiers have aspirations for the army that they're fighting for. And I know Ryke, we're not supposed to use this bellicose language anymore, but can't help it sometimes; I... see more and more that—I think more and more folks are realizing that we're all in this thing together. And that has both sort of a geographic salience and probably a temporal salience.

So, we work a lot in specific communities in North Carolina. But the issues that we work on are the same issues that communities are experiencing across this country and across the world. And now that so much is tied up into climate justice, as well, it's perhaps easier even, to see how all of these things are, all of these things are connected, all the injustices that we're interested in are connected. To take the factory farm example, in particular, a big part of the concern with these hog farms is that they're producing a tremendous amount of methane, which is an incredibly potent greenhouse gas. And a ton of methane released in Duplin County, North Carolina has the same

climate forcing potential as a ton of methane released and in Durban, South Africa, right, or Germany, whatever.

But also, the sort of... the unmitigated flow of capital across state borders, across international borders, is part of what's driving that, as well. And so that, really, you can't talk about environmental—you can, you can talk about environmental justice in eastern North Carolina and not talk about, environmental justice globally, but I think it makes less and less sense, day by day, and that the folks that we're working with are starting to pay attention to the ways in which their movements are tied into the, the movements elsewhere.

And so that's kind of one of my hopes, is that that continues to happen and that you see, a really—the tent of environmental justice gets bigger and bigger over time. And that's not... that poses particular challenges, in terms of coordination, communication, but the more folks realize that our fates are intertwined, I think the better, and with the types of—the ability to organize and communicate across time and space that we see today, I think it's more realistic than ever to think that we could have a global Environmental Justice Movement that is still anchored firmly in the local communities and, and the needs and wishes of people on the ground. Ryke, how does that sound to you?

36:08 R.L.

It sounds great to me. I would add that I think we're going through a demographic transition in the environmental justice community leadership in North Carolina, where, if you want to think of—I like to think that environmental justice is, that there's a long history of an Environmental Justice Movement, that part of the movement that was not categorized or understood or visualized as environmental justice probably arose from labor conditions movements, and the civil rights struggle of the 1960s. And we typically will date the birth of environmental justice to the use of the term environmental racism by the Reverend Dr. Ben Chavis in the Warren County protests at the point where he was arrested. I think all those are legitimate, important points to say we start—this is the birthplace of environmental justice, but that generation, Reverend Dr. Ben Chavis's generation, is beginning to get towards more senior status within leadership, and newer voices are coming and being heard. And I think that's really

important, and I think figuring out how to support that, is part of what I see.

But I agree with everything that Lee just said; I would just add on to it that important point of, especially for myself thinking about how I get out of the way, Lee is junior to me by a good number of years, and there are people junior to him that are coming along, such as yourself, and students who are working today, as well as those who just recently graduated from school, who will be taking the leadership mantle. So, my hope is that—one, only other aspect I would add to it is the importance of making sure that that new generation understands the history that brought it here, and also can bring the movement forward into a new... era.

37:54 M.W. Building on that—

37:56 L.M. I'm sorry—

37:56 M.W. Oh no, no, go ahead, go ahead.

37:58 L.M. No, I was just gonna say that, it's such a good reminder—sometimes I guess I think it's implicit in, that Ryke and I have chosen to do this work at a university, of all places, I think is reflective of our belief in in your generation, Madeline, so—or else we wouldn't be doing it.

38:22 M.W. **Yeah so, what advice—going off of that, what advice would you give to someone who wants to get involved in the environmental justice activism space, but doesn't know where to start?**

38:35 R.L. Well, certainly, I think you could do a lot worse thing than getting involved with a statewide group, or a coordinating group within the state or locality where you're located. At Duke, we have the good fortune that there's student activism and student groups that are now working to bring programming to campus, and make awareness part of campus life. Not all campuses have that luxury. So, then I think it's a question of engaging with annual events or conferences; The North Carolina Environmental Justice Network has begun doing programming again on a statewide basis, coming back out of COVID lockdown and having quarterly meetings—some of which are virtual.

So, I think getting involved—in North Carolina—getting involved with the North Carolina Environmental Justice Network would be a great place to start. And then I think at places like Duke, where you have the capacity to take courses, taking courses specifically on environmental justice is really important. So, Dr. Ryan Emanuel teaches one in the (I think) fall, and then Sherry White-Williamson teaches one in the spring, I think, at the Nicholas School. Taking coursework is really important to understand the underpinnings of these movements, as well as frameworks for analyzing problems in environmental justice, and also what are potential response pathways. Those are the things I would start with. Get involved with a local group or community-based organization or a statewide coordinating effort that works with that, and then also get educated on the issues with some basic education—there are great places for young people to start.

40:17 L.M.

Yeah, I would just add in specifics in the sense that... I think that my experience with environmental justice work is that it's hard work, and it can sometimes be slow and requires a type of investment of energy that, maybe we're not all used to giving, these days—we expect things to produce results, maybe more quickly than I think a lot of the type of work that we're talking about ever will. And what that suggests to me is that, you really need to be prepared for a longer engagement, for a longer fight. And that anytime you're talking about an extended, a protracted battle of any kind, yeah, you're doing that because there's an interest at stake that you love. And I mean, I think there's a reason why we all talk about—there's a reason why it matters: How did you, what kind of childhood experience did you have with the environment, right? And I think what we're really asking there is, when did you really learn to fall in love with nature, or the environment, something that we call the environment? And that question matters, because it gives us some insight into why we continue to do this work, right? Ryke and I, and other people who do environmental justice work on a daily basis, I think it's fair to say most of us don't win a lot, we don't win very often. And if we were winning all the time, then maybe the work wouldn't be so interesting. But in order to sustain that, it requires that there be something at stake that is worth waking up every day and fighting for. And maybe that starts with, I loved running through the woods as a, as an eight-year-old, and have always, therefore, loved

trees and wanted to protect them and wanted more people to get to grow up around trees. But in the Environmental Justice Movement of course, that quickly becomes ‘I know these people in this community, and I love them, and therefore, I’m willing to work to protect their livelihoods and their ability to go about their day, free from the burdens of pollution caused by industries that don’t give a damn about them.’ And so, what does that mean for someone trying to get into environmental justice work? It means, one, you’ve got to fall in love with something, if you haven’t already. And that can be a community, that can be an individual living in a burdened community, it can be the... trees. But it’s gotta be something, so go fall in love with something, and then figure out how you’re going to protect it. But I think that those steps become more obvious once you’ve done the first thing.

43:34 M.W. What would you say are some of the biggest challenges that environmental justice advocates face, that stand in the way today?

43:44 R.L. That’s a great, great question. I think one of the biggest challenges is the pace of human-caused change in the world is accelerating, (and) meanwhile, the salience of environmental issues generally, and that’s including ones of environmental racism, environmental injustice, and promoting environmental justice, is low, especially for older adults. When you look at what are the biggest fears people have, COVID certainly still looms large, but also, there are lots of other existential fears related to war, terrorism, and also economic disruption. And it can be very difficult to get any kind of message out, through the noise. So, I think one of the biggest problems that I’ve seen over time is that climate change itself, as it’s happening, and we’re now beginning to see climate change produce severe externalities on human habitation, extreme events, wildfires that aren’t so wild, drought events that are long-term, that are starving the West of water—all of these conditions were predicted by climate change scientists, including those working for places like Exxon Mobil, 20 or 30 years ago. And as they’re rolling out, I expected, naively, that human beings, once they started seeing these things, would all of a sudden start believing in them. But it is not happening. Instead, people are more afraid of (a) Chinese

weather balloon, or name a thing, than they are often of things that really, they should be concerned about and working on.

And environmental justice is another one of those components. And I really do believe that the human capacity for understanding science, and the human compassion, the human understanding of having empathy and compassion for others, are two things that have been under assault by our modern culture. And those two things are necessary to have an environmental justice movement that is meaningful and lasting. You have to understand enough of the science to be able to understand why a particular chemical is a bad idea, for example, in an environment, and you have to understand enough about human beings to understand why we need to have empathy and compassion for those who are living in areas (that) are in proximity to these chemicals. And both of those intuitions are under assault in our culture. And I think those are the biggest things that I worry about.

A third one is, I think, a sense of some people, when they become aware of it, of almost despair, or depression, to say, “Well, there’s nothing I can do, the climate’s—” I fear, we’re gonna go through this period of we’ve had denial, denial, denial, and then we’re gonna go, “Well, it’s too late to do anything, too late to do anything.” And nothing in between—no work on how can we make a modest set of changes, in everyone’s diet, lifestyle, and expectations that could prevent misery for millions and millions, if not billions of people, if we go ahead and enact them now. But we just, we have real problems in our culture, with talking about that sort of thing. And those who raise issues related to climate are often labeled very aggressively, and very negatively, in part of our political culture. And that turns off a lot of people who otherwise would—climate change used to not be a partisan-divided issue. There used to be much less divide between those who identified as Republicans, and those identified as Democrats, on whether they believe climate change existed. That change is a political dynamic intentionally created. And because it’s intentionally created, it’s very difficult now to undo, because the forces that created it, make a lot of money off creating division between people on partisan issues. There’s an industry in it, an industry in dividing us.

- 48:05 M.W.** As a follow up, are there any approaches that can be taken to get around these cultural blocks that prevent people from caring about environmental justice issues?
- 48:17 R.L.** Well, I think Lee's point about finding your place in the space is really important. I think that one of the issues about environmental justice, to me, is that we need to stop separating people from the places that are their community, and we need to find community where we are, and we need to embrace those communities. And if we treat everything as a dollar, we're going to have a great inability to understand—let's take the example of climate change-forced migration. So yes, the climate is changing everywhere, but it is easier for a person who has tremendous wealth, and multiple housing options at their disposal, to be able to move, to adapt to climate change; If there's no water at the first house, but the other house in Montana has good water, I'll move to Montana. (It's) very different when you're living on an island nation, low-lying, or in a low-lying coastal area, or even in an area that's not coastal but is subject to flooding, and you don't have the wealth, you don't have a second house, you don't have the mobility. And most importantly, you may live in a community where the community itself provides a social capital that makes life worth living. And we need to... figure out ways to enhance that and embrace that. And that's gonna require, I think, people young, old, and in between, to really love the places they live and the communities in which they are working and living, and stand up for those communities. Otherwise, I think, what we're gonna have is a situation of climate refugees, where it's almost gonna be like—the climate refugee crisis is gonna look like an airport call sign now; When I go to the airport, I'm just always stunned by how many different levels there are of getting on the airplane. I mean, there's like 12 different zones of getting on the airplane. And that's how I feel that we're gonna be approaching climate change. OK, those who are Purple Diamond Platinum members, get on first, you get your seat. And there'll be nothing left in the, there'll be nothing, there'll be no overhead bins left for everybody on the bottom. And frankly, the planes will be full, and they'll take off without people on them. That's where I feel we are going to as a society in our culture, of how we're dealing with the common good.

And another piece of it I do think is, Jed Purdy,³ who's written a lot on questions related to Commonwealth, and the common good, and Norm Wirzba,⁴ who's in the Divinity School, has written a lot on the worth of people and places. They're coming at these questions from very different disciplines and from very different world viewpoints, but I think there's convergence there, and I think it'll be important for us, as we go forward, to find ways to have convergence, across disciplines and also across understandings of our root relationship with the Earth itself.

51:15 M.W. And then, Lee, what would you say are the biggest challenges facing EJ advocates, currently?

51:22 L.M. I don't know that I can add anything to what Ryke just said. Maybe I just lost my train of thought, but I just support everything that Ryke mentioned. And would just add my voice to that. Nothing comes to mind that Ryke didn't bring up.

51:40 M.W. And then, specific to Duke, is there any way that you think Duke can better approach the issue of environmental justice?

51:52 R.L. Well, as a university, I think, by listening to students, and creating course offerings—and now there's going to be in the Nicholas School, an actual concentration in Community Engagement and Environmental Justice, that will be rolled out in the fall. I think that Duke University is moving in the right direction there. By putting climate justice in its Climate Commitment as one of the key pillars, that was really critical. One of the talking points that's really important is, there's a big difference between climate equity and climate justice; Justice often requires us to be thinking about past wrongs, and not just equity going forward. And there had been for some period of time, for example, among some circles, a real focus on things like emissions per GDP, with some idea that, as long as the number of carbon molecules going into the atmosphere, as a ratio to gross domestic product is acceptable, then we're good—you need to move on. That has such a wealth-preferencing paradigm, it's just ridiculous. It's ludicrous that anybody really thought—and really, does

³ Jedediah Purdy, at Duke's School of Law

⁴ Norman Wirzba, Duke Divinity School and the Nicholas School

the Earth care about GDP, there's so many things that aren't covered in GDP, it's so gendered, it's so racist.

So, I think that there is a real issue for us going forward that we're gonna have to think about economics, right, in a different way, and think about the economic metrics that we approach. GDP is not the be all and end all of economic well-being. There are scholars that are looking at, those in the economic field, from things like what is called prioritarianism⁵—so Matt Adler,⁶ who's a law scholar, is looking at it, cost-benefit analysis, recognizing that \$1 to me is not the same as \$1 to a person who's working at Bojangles; I used to work at Bojangles—(but) luckily, I had a home and I didn't need to pay rent, my Bojangles just helped me have gas money. But there are plenty of people in this city, that a job at Bojangles is the difference between them having an apartment and being homeless, and \$1 to them is not the same as the dollar to me. And when we do cost-benefit analysis, we should not be doing wealth maximization of the whole society, we should be recognizing that \$1 to the hourly-paid employee is a very different dollar than \$1 in my hands, as a faculty member with a salary. And those kinds of discussions need to be had. So, I do think that's gonna require us to engage the economic inequality in our society, systemic racism, and the ways in which it continues to manifest itself, in our system today. And it is gonna require Duke University to engage that.

The other Duke is Duke Energy, and I think they're gonna have to be thinking about these things, too. Duke Energy is the largest shareholder-based utility, I think in the world—it's certainly the largest one in the United States. They have a lot they could do, to improve climate justice as they go forward. So, my hope is that Duke Energy, the other entity with the 'Duke' name in North Carolina, is one that has a real potential role to play here, too—one that they have not done, thus far, and I really am hopeful that change can come there, too.

55:23 L.M. That's great, Ryke. What do I have to add to that? I think as we look forward, specifically to what Duke University can be doing—and this is all, I think, encompassed by what Ryke just said, but it's maybe

⁵ Distributive justice theory where in advantage distribution, priority is given to those who are worse off.

⁶ Matthew Adler, at Duke School of Law

adding a little bit more specifics. You know, one of the things that Ryke and I've tried to think a lot about, and I know that this oral history project is thinking a lot about, is what do we need to do as a university—a research university, a world-class research university—to refine, to not refine, (but to) re-imagine what a research paradigm looks like, that is community-led, and community-owned, and it is actually doing the work on behalf of communities in a way that they want and need it done. And there's an incredible spectrum of paradigms that folks can take. And there's probably not one single one that works across an entire institution like Duke, but having the university thinking hard about opening itself up and becoming a resource to environmental justice communities that is no longer simply extractive, is probably like, the—certainly not low-hanging fruit, but it's certainly an obvious move that, I think a lot of us are thinking more and more about, and that we've seen a willingness, from folks within the university, to be partners in thinking about what that could look like. And so that's really exciting.

The second thing is students, listening to students, but also understanding that institutions as large as Duke don't make big changes without good reasons. And that, as students, as undergraduates and as graduate students, you have a lot of power, and the more that you organize, the more power you have. And that the university is keenly interested in being a leader, and if you can help them understand that being a leader, next year, and in five years, and in 15 years, means being a leader in environmental justice, then they're all the more likely to invest the resources that it will take to turn Duke into an environmental justice or a climate justice university. So, we just encourage everyone out there to get, to get together and figure out... how to use your power.

58:40 M.W. And then, are there any next steps you see in your own work?

58:49 R.L. Well, Lee and I are both working on this Bass Connections project for Environmental Justice and Stakeholder Engagement. And I think for us, taking the lead that the students are giving and looking at the problems that were not resolved by the stakeholder process on the current carbon plan in North Carolina, and the ways in which that plan itself is not promoting climate justice within the state, leads me to

realize there's a lot of work left to be done. I don't know how many years I've got left to do this work. But I certainly think next steps for me will be thinking carefully about how to make climate justice more than just a wish list, but actually something that can be enacted in the world.

59:38 L.M. Yeah, I think the other next step is really internal to the university, and Ryke and I have also been having a lot of conversations recently with folks from across Duke, from all different departments; And what we, what we're realizing is that there are a lot of people interested in environmental justice—some of them use that terminology some don't—but that we share sort of a common vision for the role of research and the role of the university, in promoting environmental justice, and so (there's) always room for us to be thinking about how to build more bridges, in an interdisciplinary and multidisciplinary fashion, across different departments at the university, to really take advantage of the faculty. I talked a minute ago about how students have power; But the truth is that Duke already has an incredible bench—a deep bench—of scholars and faculty who are interested in the work that we're all doing together, and figuring out how to actually take advantage of the folks that we already have, and network them together so that they're something more than the sum of their parts, is, I think, a big—it's actually a long staircase, but a big set of next steps that Ryke and I are at least starting to walk up.

1:01:11 M.W. **For the state of North Carolina as a whole, are there any institutional changes you think could be made in the state to better address environmental justice issues?**

1:01:27 R.L. Well, the start—a start has begun in the sense that there is now, I guess, built out over the last six or seven years, where there was a period where environmental justice wasn't even, there wasn't even a page on environmental justice on the state of North Carolina's website during the previous administration, before Governor Cooper; Pat McCrory's administration removed environmental justice altogether, from the website—at least you couldn't navigate there, the page was still there, but it just had no links to it, and the search function wouldn't take you there. So, it went from being buried in the bottom of a closet, to being on the page. But it's one thing to put it on the

page, it's a whole `nother thing to enact it in the world. And that's the stage we're in right now: trying to make sure that the Cooper administration I think in North Carolina, looking at that. And that's a phenomenon that's going on across the country, and across the world, where governments who, before, have either never had an environmental justice policy or an approach to environmental justice are beginning to have those as part of their official government activities, and then, in those where they are beginning to have those⁷, are beginning to think about, 'how do we turn that into an operational reality? How is it that we actually consider environmental justice going forward in the work that we're doing?'

Right now, the good news is that EPA is leading the way on that, with new guidance. I mean, there was a period of time where environmental justice was, in the 1990s, activists demanded that governments take action, and governments did, but it was on paper, not in actual practice. And so now we're in the phase where practice is beginning to take over, as opposed to just theory. So, I'm hopeful that this next phase of practice will lead to change, in a meaningful way for communities who've been long overdue. I did see, for example, when Catherine Coleman Flowers had her most recent talk at Duke University, very recently, Lowndes County, Alabama, where she has been advocating for help for communities for decades now, and she had even been—that organization had been a client of the clinic for which Lee and I work, in the past—and when Catherine was looking with us on those questions, I knew that she had been unsuccessful in getting any kind of help. But now I see that EPA has put millions of dollars towards helping to solve the problems and address the problems in Lowndes County. That doesn't erase the misery and the health outcomes that many people have suffered there, but it can go a long way towards helping to bring new technology to bear in a community which has been systematically overlooked and exploited by the decision-making power structure within the state government there.

So, there is a real—I think there is a real way in which we are turning a corner under EPA's leadership, in the current moment. How long it lasts is another functional question of willpower—political willpower.

⁷ Those that already had started thinking about it but not acted on it.

So, we'll just have to see, but I'm cautiously optimistic that the next two years, at least, and hopefully the next six years, will be ones of tremendous advancement across the board, in the United States, at least. And I also see this happening in the European Union and other places increasingly. There are still many countries where environmental justice is not well understood. I think the UN's recognition of a clean and healthy environment as a human right will also advance this as a global matter.

1:05:17 L.M. Yeah, I don't have anything to add to that... I agree.

1:05:23 M.W. **So just as a concluding question, so what has been your favorite memory, from your work that you've done so far?**

1:05:43 R.L. Gosh, that's a hard question... I would say that I think to me, having an opportunity to bring the Wilsons—Omega and Brenda Wilson⁸—to come to Duke, back in 2019, as speakers in a Law School lunch panel; They were the featured speakers. And I remember after that, talking to them about this, and they pointed out that they had been working in their community for environmental justice relief with essentially no support, or respect from university-level researchers and community members—not community members, (but) university community members, for the better part of two and a half decades. And they felt that day that we were honoring them and having them speak, that their voices were being heard on campus and that they were being respected, and shown dignity, and that everything that they were working on, was now beginning to get understood and respected in a wide way, in academic circles and government circles. And to see that their patience and persistence as activists and as those working in the space between government activity, citizen activism, citizen science, and the development of new paradigms for research partnerships with universities, get recognized was a really key moment, to me. That meant a lot to me. And... I think that it meant a lot to me, because I want to see a lot more of that happening in future—and it's beginning to happen, all over the place.

⁸ A couple who founded the West End Revitalization Association in 1994, to combat construction that would have destroyed low-income and majority non-White communities in Alamance County.

1:07:35 L.M.

I love that, Ryke. And Brenda and Omega are some of the folks who have, I think, really been reimagining the type of research that Duke could be involved in, as we move forward on environmental justice. The memory that comes to mind for me is... Ryke and I took a group of 10 students down to Duplin and Sampson counties last August, to spend some time to visit a factory farm, actually see that up close, to see a lagoon,⁹ to get into... the yard of a neighbor who lived next to spray field, to go see the Sampson County landfill, to go sit in the church, and talk with the reverends who had had to board up their church for a while because their well water was so polluted by runoff from the CAFOs. And just, I think there's two things about that that stand out. One is, coming away from that experience knowing that, whatever else happens in, in this academic project, at the end of this academic year, that you've sort of—you've... imprinted in the minds of 10 very bright people, who are going places in the world, and you have changed their minds, about... the conditions on the ground, and about the work that is possible. So that's one thing. Second is, we introduced them to a number of the environmental justice leaders and community partners that Ryke and I have been working with for years. And you also walk away from an experience like that knowing that you've imprinted in the minds of those environmental justice leaders, that there are at least 10 very bright Duke students who are going places in the world, who cared enough to take time to go down to eastern North Carolina and see the world through their eyes.

And I think both of those things are profound, and profoundly important, both to the work that we do, but also this gets back to why—why would you try and fight this fight from inside of a university, from inside of a curriculum? And it's because you get moments like that. And so that I think, well, I don't know if that's my favorite memory, but that's certainly one of... my top memories from doing this work.

**1:10:36 Madeline
Watefield**

And then, is there anything else that we haven't discussed today that you would like to talk about?

⁹ An earth-based container for biological treatment and long-term storage of animal waste.

1:10:45 L.M. I've got nothing. This has been, you've asked some hard questions, there are no softballs.

1:10:54 R.L. Yeah, I think that's right. And I think that the only thing I would just add is that, I believe North Carolina history is one that is rich in stories of environmental justice, once you begin to re-examine or reconsider its history, in an environmental sense, as it relates to exploitation injustice. I usually try and remind my students, when I get a chance, that the term Tar Heel was not a compliment. It was an insult, from other states that did not have as active a turpentine, tar, and pitch industry as North Carolina did. And that turpentine, tar, and pitch industry itself was one that utilized slave labor, and also relied upon economic exploitation of non-enslaved persons. And, frankly, an exploitative set of relationships, based on export. When I look at pellet mills today, we're essentially subsidizing European policy preferences and decisions for how they get their power and heat with North Carolina's forests, from essentially a raw product. It's not really creating a whole lot of economic wealth and creating a lot of destruction and devastation, especially for poor people who are living around those facilities.

But I think that's been going on in North Carolina since colonial settlers first came here. And the naval stores industry is a classic example, where we basically went through in a few generations and knocked out an old growth longleaf pine forest ecosystem, in order for shipbuilding interests in Europe, to have the raw materials they needed to build ships. And that exploitative relationship, in turn, made some people very wealthy, but enslaved many others, and it left many others in economic destitution, through a very exploitative system. So, I think there's been a long history of this type of work. And it's just that the environmental piece has been left out of the story. I think it's really important that we begin to look at our history with that viewpoint as well.

1:13:19 M.W. **And is there anything else—anyone else that you think we should talk to for this project?**

1:13:27 R.L. Have you talked to Michelle Nolan?

1:13:30 M.W. I'm not sure; There's a list, but I'll write that down.

1:13:35 R.L. Yeah, I think you should. Michelle Nolan worked with Southern Environmental Law Center on a lot of the work related to CAFOs, very early in this state, and she also worked on outlying landing field in another iteration, and so I think she's definitely worth talking to. Donna Chavis¹⁰ and Mac Legerton,¹¹ if they're not on your list, I would definitely suggest them.

1:13:59 M.W. Yeah, I know Donna Chavis is on the list. Thank you for taking the time to do the interview, and I'm going to stop the recording.

¹⁰ Founder of the Robeson County Community Action Center, Programs and Organizational Development leader of the North Carolina Climate Justice Collective

¹¹ Executive Director at Center for Community Action