

Panel 4: Black Women Talk: Just Transition Symposium

Moderators: Candice Youngblood & Alicia Arrington***

*Speakers: Savonala “Savi” Horne*** & Kimberly Leefatt*****

INTRODUCTION

Alicia Arrington: Happy Friday, everyone. Thank you all for being here. This is a bonus panel from the *Ecology Law Quarterly*'s symposium for this year. We have the pleasure today of speaking with two wonderful Black women about just transition and what it looks like for communities of color. I am Alicia Arrington, I'm the environmental justice editor of the *Ecology Law Quarterly*.

From time to time, you will probably hear my little daughter in the background today, but welcome. We're so glad to have you all and I'll pass it off to Candice to introduce herself as well.

Candice Youngblood: Thanks for being here everyone. My name is Candice Youngblood. My pronouns are she/her. I'm an attorney with Earthjustice out of the LA office, which is unceded Tongva land. I do work at the intersection of racial justice and clean transportation. Now without further ado, I'm going to make space for our panelists to introduce themselves and also to explain what just transition means to them in the context of their work. I'm going to pass it to Kimberly.

Kimberly Leefatt: Hi, everyone. My name is Kimberly Leefatt. I have been practicing. . . this is my sixth year. I'm an attorney with the litigation department with NRDC, the Natural Resources Defense Council in the Santa Monica office. I've been there for about six months now. Before joining NRDC, I was in private practice, working at private law firms, but decided to make the jump. The pandemic changed a lot about how I looked at the world and so I decided to take the leap to my dream job, which was [with] NRDC.

Kimberly: Just transition for me is definitely, it's very nuanced because most of my work has to do with litigation like traditional litigation, filing papers

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in court. Just transition is more comprehensive and nuanced and holistic in its approach to addressing environmental law and climate justice. About 30 percent to 40 percent of my work is actually working with local groups and doing coalition work on clean energy actually, and also, I work with communities along the I-710 in South LA.

Most of them are Hispanic communities, but it's mainly Black and Brown communities along those areas. Yeah, 30 percent to 40 percent of my work has to do with coalition work, which is where just transition principles come into play. I'll pass it along to Savi.

Savi Horne: Hi, everyone, I'm Savi Horne. I am sitting here in Durham, North Carolina, also known as the Bull City. It is on land [which is] the traditional homeland of the Occaneechi, Saponi and Tuscarora people. Also, a place where there was the largest plantation that enslaved our ancestors here. It's a very contested space and even more so because it was held up as the place in the post-civil rights period where Black folk were advancing and now today, you're having problems holding onto homes in Durham.

The rich diversity of Durham culturally, as well—the cuisines, the foodways of African Americans and music, jazz, all that, Black Wall Street—basically are disappearing. For me, when I think of just transition, I look at land loss of farmland and urban gentrification and historic root pain of uprooting communities. For me, just transition has to include making arrangements that the state would pay for the federal government of keeping people in their communities to age in place, and reparations and return of stolen land and homes that were gotten by legal process that doesn't make our profession look that good.

Candice: Thank you both.

Savi: Sure. Candice?

THE ROLE OF PLACE IN JUST TRANSITION WORK

Candice: [Savi], I was going to ask a follow-up question. How does place play into your view or work on just transition? We can start with you, and then pass it back to Kimberly.

Savi: Sure, I feel because I left New York and flew south and made North Carolina my new home and love it here, love working with farmers, love the land. I feel bonded to their land and that is because of the rich history, the history of liberatoriness [*sic*] of this land. The fact that this land, after the brutality of slavery and genocidal taking of Native American land, is also a place of very contested terrain when it comes to how we produce our food.

You have the factory farms, you have the mega-farms, and now you're at a place where you have the Bill Gates of the world and the TIAA-CREF [Teachers Insurance and Annuity Association of America and College Retirement Equities Fund] pension fund purchasing land as part of their banking of natural resources to undergird investments. For me, just transition has to take into account racial capitalism and what it has done to our lives and to community, and to come up

with transitioning into an equitable economic system. That's kind of where I see that. Kimberly, give us some California reality.

Kimberly: Oh, man. It's very different in California. Well, I'm in LA. Very different in LA, where it's much more commercialized, much more built-up. Place looks a little bit different in the sense that there's less green space. The type of remedies we look for has to do with, at least in my work, the creativeness of the remedies that we're looking for when trying to get [to] transitioning to more green economies.

I just want to take a little step back and talk about environmental justice and how it's a little bit different than just transition in the sense that environmental justice, in a nutshell, is the fair treatment and meaningful involvement of people in the decision-making process of projects. Most of the remedies are procedural. It's, "Let's make sure the communities have a voice," but that voice traditionally doesn't get the bite or the change that they want.

So, you're limited in using traditional environmental law to achieve what just transition is looking for, which is equitable reparations after decades of what—I like to use the term "silent violence"—that's been going on for decades. To me, just transition takes environmental justice to where it needs to be, which is transitioning to healthy economies while taking the community's voice into play more. Because traditional environmental laws don't necessarily call for the cleanest solutions, [but] just transition calls for that.

Place is so important, particularly in LA, because you have to be creative in what I call "reparations" looks like. You have to be creative in what the solutions look like and just transition provides the framework for that. Place is important because it puts the community at the center and it asks, "What do the community members want?"

It's not the lawyers coming in or the advocates coming in and telling the community, "This is what needs to be done." It's us going into those communities, integrating, building trust, and educating community members so that they can articulate the needs that they need satisfied and fulfilled. Place is important because the solution for, like, Carson City is not the same as the solution for Long Beach.

You can take certain skills you learn in one place where you're implementing just transition principles, but it won't necessarily look the same in another community. It's always humbling yourself when you enter into a new community that you're trying to assist and realizing that you're starting from scratch most of the time, even if you've done this for years and years and years.

Savi: Wow. Thank you for that, Kimberly. I oftentimes thought to myself, why is the term environmental justice so inadequate? Really, if we peel it back to where it all got its start in Warren County, North Carolina, when a community

was about to be poisoned through the dumping of [PCB-contaminated soil] and there was a mass uprising against that and there was some organizing too.¹

We recall the organizing work of Ben Chavis and he basically gave us the word environmental racism. If we had stuck with that, then I think it would be a different level of analysis. But then [with] environmental justice, yes, community, they want justice, but they are the key drivers of it. When everybody else latches on to the action and they don't do their homework within communities, then that's problematic.

In my work, every land has its story. There is the tragedy of the loss for the original inhabitants and then the enslavement of African Americans on those land[s], and then the liberatory thing of being able to amass so much land fifty years after emancipation, and then to be at the point that we're in. It really goes to show just when you have unbridled racial capitalism that cares nothing about a community, nothing about land ownership, it's an absolute possession. Whereas people tend to be within our diasporic African tradition, [wherein] we see land more in a collectivized model for family, and that is not what's going on here.

It's about whether I have, as you all know, the fee simple absolute kind of title paper. Then when you have the weaker estate then you're subject to forces of state law and regulations, and you can lose land. If you lose land, something else is coming in its place that's going to create the problem for the environment and where we live. It clearly [demonstrates] that we got to, in just transition, come up with instruments, work with communities, and work to have land titling done and held in more collective models, so that it can't just be picked off.

A community land trust is one model, but it needs to be where people in family can have a family trust that's tied into something bigger than that, and so we have alliances that can stop people in their tracks, corporations in their tracks, government in their tracks, who would seek to use eminent domain or whatever vehicle that racial capitalism provides to dispossess land. Just transition must sit within that space where we can have legal defense for land.

ADDRESSING THE SPECIFIC NEEDS AND DESIRES OF BLACK AND BROWN COMMUNITIES

Alicia: Thank you both so much for your answers. I think it flows really well into the next question that we have, which is, what do you think Black communities want from just transition? I think Savi, you've answered a bit of this, but the second question is how do we capitalize on this moment where so many people are calling 2020 this racial reckoning and people are attempting to

1. Editors' note: Savi is likely referring to the Warren County, North Carolina Protest of 1982, which protested the dumping of PCB (polychlorinated biphenyls)-contaminated soil after the small Black community was designated as the site of a hazardous waste landfill. See *Environmental Justice History*, DEP'T OF ENERGY: OFF. OF LEGACY MGMT., (last visited Jan. 10, 2022), <https://www.energy.gov/lm/services/environmental-justice/environmental-justice-history>.

be more, I guess, aware and astute about racial issues that you're already mentioning—how do we capitalize on this moment and what does it look like for Black communities?

Savi: You want to go, Kim?

Kimberly: Oh, I was waiting for you to answer.

[laughter]

Savi: I want you to go first. I think what [the] Black community want[s] is reparations and land rematriation—return of land—that was stolen. What they also want is the rights of heir property producers, heir property land or kinship landowners, to be able to access resources that would help the land itself to support the family, support the environment, support the community, and help us be able to pivot at this very critical moment in climate change, to get to a place of sustainability and regenerative agriculture and land.

Nobody wants any more pollutants in their environment because, at the end of the day, we get the mess and other people get the profits and the Earth is the lose-lose. We want to see a just transition that pivots and make[s] the community at its center [with] what the community wants, and ha[s] supportive services to get the community there. It's community-driven, it's community-embedded, and any which other way is just not going to work. It's not a top-down approach.

There's hardly any room for lawyers, right Kimberly? Because then we're a part of the problem. That's a cliché, but you really will be if you don't do the right thing. This is a very critical place right now [in this] moment where we are, that we can really pivot and turn a lot of the environmental problems that we've been having, turn it around, clean it up and re-empower communities to take charge—to be self-determined. In food, in how they live, the kind of homes that gets built, the electrical grid that they have, the kind of power sharing. I think we're there and I think it must manifest. Kimberly.

Kimberly: My work is a little bit different because I work with more Hispanic communities, but I do see a difference in what Hispanic communities want versus Black communities. You have these two separate marginalized groups, honestly looking for similar things, but they're different in approach. There's an example of Bruce Beach in Los Angeles. It was a beach that was owned by a Black family, and it was taken over by—I can't remember if it was the county or the city at the time—hundreds of years ago through eminent domain.

The county and the city are right now working through the long process of giving that property back to the family that it was stolen from because at the end of the day, eminent domain is stealing. It's just declaring the land as condemned and taking it from the people for “public” use. Bruce Beach is beautiful, it's a beautiful strip of land and there's so much opportunity for private individuals to do something with it, to create that economic independence, that economic power that was stolen from them decades ago. But it's a long process.

That's where, I think, lawyers come in: to help in that process of obtaining the fee title that would empower them to make their lives better in a just transition

framework. But then, I personally work with Hispanic communities along the I-710 corridor and at least those communities are seeking economic independence in the sense that they have ability to work on projects that pop up in those areas, because then they have more of a say and they're benefiting from economic development that [otherwise] tends to push them out of their homes, both environmentally and health-wise and also "eminent domain"-wise, because if you're hiring the people that are along the corridor, you're less likely to make them homeless and kick them out. There's that.

I completely agree with Savi, for the Black community, especially in Los Angeles where it's a history of redlining, a history of eminent domain of stealing land, it's about getting that fee title. It's about getting that ownership back, because that ownership empowers you to have more say when you're litigating environmental laws. Full stop.

We kind of talked about like, lawyers do get in the way, but my personal belief now as I've practiced the little time that I have is that there's more than environmental laws. There's zoning laws, there's disclosure laws, there's local ordinances, there's health and safety codes, there's federal laws, state laws, state policy. It's not just the traditional Clean Water Act or Safe Drinking Water Act or RCRA [Resource Conservation and Recovery Act] and those things. It's so many other laws and codes that lawyers need to understand to empower community groups, and I'll leave that right there.

Savi: So . . . a question comes to mind, Kimberly, because we've been seeing a lot of reports around water access and in your state and communities where even well water has run dry or [become] so polluted it can't be used. And so, I'm trying to think, what would just transition in your mind look like in those communities and how as a legal community we can assist in that, from the ground up?

Kimberly: I'm sure a lot of people, most of the people on the call [are] from California. So, you probably kind of understand a little bit of what's going on with water, but one of the biggest issues in California is water rights. Who owns the water? Who can move the water? Where does the water go? How do you recycle it? There's almost fights over recycled water and who owns that.

Savi: Wow.

Kimberly: I think just transition, with respect to water in California, the way it's implemented with respect to water, is about preventing water from being extracted and taken out of the area that that aquifer particularly serves. You see this issue in the Mojave Desert, with—what's that pipeline? It's slipping my mind, but a lot of pipelines go into desert areas where there's huge abundance of aquifer water and extract it out to serve the City of LA or San Diego or wherever.

You can take that water really far. That begs the question of what are those indigenous people, the Black and Brown communities in those areas, [losing]? [They] are losing rights to water that is literally underneath them. Just transition comes into play, it asks the question, how do we, [for] one, prevent extraction

without replacement? And if you have to extract, how do you compensate those that are left high and dry, for lack of a better word?

That's where I see just transition at least with respect to water rights, because at the end of the day California is always going to battle about water. Water has been its biggest resource, but it's been on an extractive model: "Let's move the water away from the people and serve the cities."

Savi: Thank you.

ADVICE FOR YOUNG AND ASPIRING LAWYERS

Candice: You both have touched on this question a little bit and I forgot to mention earlier that I am an ELQ [*Ecology Law Quarterly*] alum and I know that when I was graduating from Berkeley Law, I kept questioning, "[W]hat is my role as a young lawyer going to be in this movement?" What advice do each of you have for young lawyers and how they can be part of the movement?

Savi: Having been a young lawyer once upon a time, in remote antiquity, I feel you need to follow your passion and it could go in many ways. When I was in law school, it was around the Haitian struggles and need to stabilize their status as they use boats to get to Miami and then populate upward. Just the use of the [local] police force along with the federal [police] force to get at them. I think because that was my passion, I could see where over the years, you can see where the interplay with land and natural resources would come into it.

For me, my advice, is that you follow your passion and look more broadly at the intersectionality of your passion with other issues and then be in community. Be in community. A community that's outside of our immediateness. And just look around. I feel people are too insular once they get out of law school, and they think they have got to make a living and pay the student loan off.

Yes, all of that's there, but then it's also the quality of life. How do you touch the future through what you do today and lay a foundation for [a] better tomorrow? For your children or the ones in your family, writ large humanity. I think for me, it really does go to the passion and intersections of that. That's how I think. Kimberly?

Kimberly: I'm still a young lawyer, so I'm going to [do] my best to answer this question.

Savi: You do. You've amplified and I'm really proud of you. I'm just so amazed with all of you all on here.

[laughter]

Savi: Candice and Alicia, and the little one.

Kimberly: I graduated from Howard Law in 2015, so that's how long I've been practicing. I remember when I was graduating, I was at this crossroad. Do I go to private practice, or do I fight really hard to join an organization I believe in? At the time, there were hiring freezes in all nonprofits, so I was almost forced

to either be unemployed and wait, or just go along with what made sense financially.

I went along with what made sense financially because I had a—

Savi: Had to live.

Kimberly: Yeah, I had to live. I had to pay bills, DC is expensive. But I made that decision with a promise to myself, which was to constantly analyze where my values sat in my practice. It's hard to be an environmentalist and work in private firms. I will say that for anybody who's on the call, you have to constantly reignite your passion for protective and conservation efforts and not forget where your passions are derived from.

I'm from Florida originally, so I grew up seeing conservation all the time. I had to constantly remind myself what I was—what I actually wanted to do in the future when the opportunity presented itself. My advice is that. It's similar to what Savi is saying. That's what I did to stay grounded. Constantly analyze where I'm at and how it intersects with the world, and second, have a goal, just have a goal, and that goal will change over time, but have a goal you're reaching for, and it has to be something other than paying the bills.

It just has to be, otherwise you'll get lost in this work or it becomes really boring. My other advice to be a part of this movement, though—specifically a part of this movement—and I wish I had done this when I was in DC, was you have to be in the community. That sounds like. . . it makes sense from a practical standpoint and even abstract standpoint, but you need to go to the people you're trying to help. It can't be just a Google search or a phone call. You need to like put your shoes on and go.

Savi: Absolutely.

Kimberly: Give faces to this vision you're creating, faces to the goal that you're seeking because these are real people, legitimately real people, and at the end of the day, as an attorney, you're most likely in a more privileged position than they are even if you're a person of color. And you have to recognize that you sit from a place of privilege with a law degree, and you have to humble yourself from that and go into the field, go to a protest, go to a demonstration, go to a city hall meeting where they're making a decision on a permit, and you can see how they just talk down to the community.

It's sad, but you have to make a connection and you make that connection by getting into the field. And by doing that, doing that type of community outreach, you'll see where you personally, with your personality and skill set, where you fit in. That's how I figured it out even when I was in private practice. I was still going to community meetings, but in like California. I wish I did it in DC. You'll eventually, figure out where you fit best.

Savi: But you know, California, DC is such a huge—it's like living in a bubble of a bureaucracy where you all have each identity, but it really has a way of ungrounding you. And you're also in the midst of some legacy environmental issues around Anacostia, around Southeast, and sitting in the midst of what gentrification looks like, and redlining [which is] ultimately where it all ends up.

The disparity, the intergenerational wealth transfer that we basically have been made to sit out because everything was taken during all these multiple recessions and crises.

I think, Kimberly right now, and Candice and Alicia, we're dealing with this moment of reckoning of the Anthropocene: we're really here where everything could be lost. Then I'm looking at the little one with you, which really grounds this whole conversation because that's what's up. If we can't use everything we've got to make sure that your child and all the kids out there have a fair chance to self-actualize in their community and to be loved and to be safe, then it doesn't really mean that much.

Even as we're sitting with our, as Candice you said earlier, these, this opportunity, that this special moment of a crisis, of a pandemic—who could've predicted any of us would have sat in a pandemic and have everything ripped apart within families? So then, it then gives us this special need to come together to reground ourselves. Even if we had become financially successful, we could lose it. We could have been six feet under with COVID.

It had no respect [for] money and resources, except disproportionately—if you don't have access to healthcare, you're going to be impacted, which is the case for most BIPOC people in this country. So, where young people are at, they need to really interrogate who they are, what kind of world they want to live in, and work and organize to make it happen because in many regards, it's meaningless if you have the castle [laughs], and you have an airborne virus. I mean, come on.

We all got to pull together to make this planet livable and I think regenerative agriculture and just transition to me is the way forward. I don't see any other formulas out there.

Alicia: Wow. Just thank you both so much. I know that—

Savi: Thank you for having us.

Alicia: That will sit with me for some time and so I appreciate that. At this time, we have just a bit of time left. I'm hoping we can open it up for some questions from the audience. Don't be shy, please let us know if you have any questions. I will make it so that we can all see each other as well. I see Isabelle.

ADDRESSING RENEWABLE ENERGY

Isabelle: Hi, this has been so great. Thank you all for being here and Alicia, thank you so much for putting this together. I'm in solidarity with you. I also have [a] baby, Alicia, and I know we [each had] a baby three days apart. [laughs] I have a question about the role that renewable energy plays in the context of just transition. I wanted to ask you all to share your thoughts on the role [of] renewable energy as this next big savior of our planet, and the way in which it continues to impact communities of color and how can we make it so that it doesn't impact them at a level that would be so disproportionate.

Savi: It's a good one. Pretty deep, because renewable energy, we had all latched onto that [as something] that was going to get us away from fossil fuel [dependency] and if anything, it has re-entrenched agriculture in terms of its co-dependency on fossil fuel. I recall that corn-based ethanol and how that has even depleted soils and aquifers as people try to grow more corn, more soy. I think we need to be careful [with] this mad dash—we got to really sit and study some of the concerns that people are elevating around renewable energy and look also much larger at the ecosystem.

We have to include plants and animals within that and just how even wind energy and even solar energy, how that can impact other ecosystems around us other than just providing us a means to an end of energy. I think with just transition, we can sit within all of that and call to account how we move forward with all these various options and where do communities sit within this. Is there energy democracy coming out of this?

Kimberly: Completely agree, 100 percent, Savi, because I think [that] a lot of people don't realize that [what] large corporations are doing behind the scenes is purchasing tree plantations, palm plantations and just all sorts of what we would view as traditional renewable energy sources and making huge profits off of them, but not necessarily changing their emissions footprint, because at the end of the day, some renewable energy sources create emissions and emissions is the issue that we're dealing with with respect to climate change.

I think we have to change the language around pursuing a more green economy and seeking out not necessarily renewable energy sources, but rather zero-emission energy alternatives. I know that's the biggest battle right now in LA with respect to Metro and Caltrans in changing their buses over from natural gas.

There's this scientific, almost academic, discussion on whether or not natural gas is actually better than zero-emission and battery-powered energy sources. We have to change the language because renewable energy in and of itself won't get us to the green economies that we want because I think corporations, [for] one, are capitalizing off of the renewable energy trend and not really contributing and buying up behind the scenes the energy sources, and still taking it from the indigenous peoples. And then, not every renewable energy source is actually zero emissions, which is actually more of the focus of climate advocacy.

Savi: Thank you.

Kimberly: That was a great question. Thank you.

Isabelle: Thank you.

WHAT DO REPARATIONS LOOK LIKE IN THE JUST TRANSITION?

Candice: Do we have any other questions? We have one moment before we're going to wrap up. Let's see—Bhavika?

Bhavika: I wanted to ask about reparations and what you think reparations would look like in an environmental sense.

Kimberly: I'll start. I—so when we think of reparations traditionally, we think of financial compensation. I think in just transitions, it will look a little bit different. We want environmental reparations, and money can't buy the environment back. So, reparations will look like mitigation measures that are more restrictive than what environmental laws call for, so that it's repairing the land as opposed to staving off more damage. So, just currently based on my experience, that's what reparations look like. It's costly, but it provides environmental reparations and repair for years to come.

Bhavika: Thank you.

Savi: Thank you. Very good question.

Alicia: Okay well out of respect for your time, we've reached the end of our time together for now, for today, but I so appreciate the both of you and Candice as well for coming together and talking about this really, really important topic. I think that I speak for myself and for ELQ and for all the folks at the Berkeley Law community to say that we just so appreciate [you] and we've learned so much from everything that you've shared today.

I hope that we can continue to be in community and to learn from you and to learn from each other. I hope that we keep a lot of the things that you mentioned today in mind as we move forward in our careers and our trajectories towards young lawyers that can hold community as well. Thank you so much.

Savi: Thank you. Thank you, Alicia. Thank you, Candice.

Candice: Thank you, everyone.

Savi: You give me hope for the future.

Kimberly: Thank you.

Savi: Keep at it, Kimberly. I'll be coming out to see you soon. I'm happy to be on this with all of y'all. Thank you for having us. Appreciate it.

Kimberly: Thank you.

Candice: That was fun. Thanks everyone.

