Hannah Perls:

Welcome to CleanLaw from the Environmental and Energy Law Program at Harvard Law School. I'm Hannah Pearls, a senior staff attorney with EELP, and in this episode I speak with the Attorney General of Massachusetts, Andrea Campbell, and Vernice Miller-Travis, executive Vice President and Environmental Justice Lead at the Metropolitan Group.

We discuss the Trump administration's efforts to dismantle federal environmental justice and equity programs, funding and priorities, and what those changes mean for critical infrastructure, toxics-free housing, access to clean air and clean water, and more.

We also discuss what states and community-based organizations are doing in this moment to safeguard public health and environmental protections in Massachusetts and nationwide. We hope you enjoy this episode.

Thank you both for joining. Vernice, Madam Attorney General, just really appreciate you both taking the time to be on CleanLaw today to have this conversation, and I didn't realize you two don't know each other.

So this first question was designed for our listeners, but I think it's also a great way for you to introduce yourselves to each other. You are both sort of lifelong public servants in the best sense of the word, and I was wondering if you could just talk a bit about what it is that has made you dedicate your life to public service and especially this focus on community health, on environmental justice, what gets you out of bed every day, and whomever would like to start. Madam Attorney General, Vernice?

AG Andrea Campbell:

I'll be delighted to start. Hannah, thank you for your leadership. Thank you for having me. Vernice, it's an honor and privilege to be on with you, and we are both young and fabulous Black women, and that makes me feel good. I am the first Black woman to serve as the attorney general of Massachusetts, and I carry that with a sense of purpose, seriousness frankly, in this moment in time that it deserves, also humility.

But I do think it's worth sharing that my path to this office was certainly not a straight one. I was born and raised in the city of Boston, and if you know anything about Boston, you have to name every neighborhood you ever grew up in. So I grew up in the South End in Roxbury. I'm a public school kid, went to five public schools including Boston Latin School, and then went off to Princeton University and UCLA Law School, first in my family to go to college, first in my family to go to law school.

My life entangled in many ways with the criminal legal system, which absolutely informs our conversation today because we know this work is certainly intersectional, and sadly, my mom, when I was eight months old, died in a car accident, going to visit my father who was incarcerated at the time.

My father was incarcerated for the first eight years of my life. So I didn't meet him until I was eight years old, and my brothers and I bounced around living in the foster care system, and sometimes with my grandmother who struggled with alcoholism. Then my father would get out of prison when I was eight and suddenly die when I was a sophomore at Princeton.

I talked to him one morning. He died the same evening when I was 19 years old. That trauma and tragedy would continue with the loss of my twin brother, Andre, who would die at the age of 29 on the custody of the Department of Correction as a pretrial detainee, as a result of receiving inadequate healthcare while in that system.

So issues of public health, issues of just basic public safety, issues of addressing communities that have ever felt left out or left behind, or people that have ever felt left out and left behind are near and dear to me, and really, a focus of the office, equity in its truest sense, not just because we do the work well through this equity lens and we know what it means, but most importantly, for me, it is personal and professional and an opportunity to turn pain into purpose.

We know if we have communities that are rich in health opportunities and opportunity, generally, we can do remarkable things, and folks can reach their true potential in their dreams. So really delighted to be on with you today.

Hannah Perls:

Thank you for sharing that background, and you had said know equity because we know what it means, and I definitely want to get into what that means. But, Vernice, I want to turn to you first and just give you a chance to share a bit of your story as well.

Vernice Miller-Travis:

Thank you for that really deep personal sharing. I am from the Harlem community in New York City. I was born in a public hospital, Harlem Hospital, where both my parents worked. My mother was a pediatric nurse there for 43 years, and my dad worked there supervising the part of the hospital where you go to get clinic appointments, follow up with doctors, et cetera, et cetera.

He worked at Harlem Hospital for 36 years, and Harlem Hospital was the sort of central institution in our community. You either worked there, or you knew somebody who worked there, or you certainly went there for healthcare, but it was also a village unto itself.

So because my mother worked there for so long and because I was born there, when I would come from school every day in elementary school, my school was about three blocks over from the hospital and we lived five blocks over from the hospital, and so my first stop would be in my dad's office and drop my school bag, and then I would go upstairs on the pediatric children's ward to see my mother.

Now, little kids are not normally allowed in that part of the hospital, but because I was the child of my father who was also a labor leader at the hospital, District Council 37, big union in New York City, municipal employees union, and my mother was Local 420 of the same union. I didn't realize it at the time, but this sort of charmed life that I could sort of go anywhere and walk anywhere in the hospital without an escort.

But, really, my first stop when I would come into the hospital would be to go through the emergency room doors where the ambulances came through, walk right through a little kid, and stop at the desk of the head nurse there, Miss Vernice Williams, who was my mother's first supervisor, and I was named after her.

So every day, when I would come to the hospital from school, I would stop to get a big jolly hug from her. Then I'd go see my dad, then I'd go see my mother. Growing up in a situation like that with lots of turmoil, so there was both a lot of poverty, a lot of violence, a lot of disease.

I was just telling someone yesterday that a dear friend of mine in New York who was a nurse also, that I had every childhood disease that one could have. Even though my mother was a nurse, we were just starting to inoculate children when they started school. This was 1965. But I got every childhood disease because we were still in the waning throes of the Black Migration from the South to the North, and lots and lots and lots of Black folk came from the South to Harlem in particular.

Harlem was a magnet for Black people from all over the world, and it was a wonderful thing to grow up there. My dad was West Indian, a Caribbean immigrant from The Bahamas. My mother was from Maryland, my mother, my grandmother. People from Africa, from the Caribbean, from every part of the United States, were magnetized and drawn to this community because it had such an extraordinary reputation for being a place where Black people could be relatively safe and could express their culture, their intellect, their hardworking nature, everything.

There were working class folks. There were immigrants. There were people from all around the world. There were professional folks in Strivers' Row. There was up on the hill in Sugar Hill. There was the remnants of the Harlem Renaissance and the writers. Thurgood Marshall lived up on The Hill. So it was a pretty extraordinary place.

So about 350,000 people lived there when I was growing up, and I was sort of right in the middle of a lot of social change and social movement that my parents were also involved in. But most importantly, both of my

parents worked for the city of New York, for the New York City Department of Health and Hospitals, and they worked there their whole entire lives. It was the only job my mother ever had.

So the notion of public service, and serving your people, and serving your community was just the thing that was in my household, was in my community, was among my father and mother's friends, was flowing out of my church, my extraordinary, extraordinary teachers at public school, 100 Matthew Henson Elementary School, which was in between where I lived and the hospital. So my universe was five blocks.

Lenox Avenue is the street that I lived on, and it just was a magical, magical experience. Now, other people would look at it and say, "Wow, there was a lot going on, and it was really rough." For me, when I look back at those times, everything that I am and everything that I've ever done in my life is because I grew up in that community and I was raised by that community in that village, and that's how I got to be who I am.

Hannah Perls:

Oh, thank you both. I lack words. Just, I'm really grateful to you both for sharing that personal context, and we're going to zoom out and talk about sort of legal terms. But just really, thank you both for sharing that story.

I wanted to come back to something that the Attorney General said about leaning into equity because we know what it means. This is a podcast about environmental justice, environmental justice in this moment, and I think the first thing we have to do, this is a law podcast after all, is define our terms.

So I want to ask you both, when you talk about environmental justice, whether it's with your staff, or with community members, or with advocates, what are you talking about? What does environmental justice mean? What are environmental justice communities? Let's break it down.

AG Andrea Campbell:

I'm absolutely happy to start, and I, too, have goosebumps hearing just Vernice's story around New York Harlem. For a long time, and this is not related to environmental justice, I had a 917 number when I lived in New York and worked in New York as a paralegal when I was thinking about going to law school.

So post-Princeton was in New York. Several places including Harlem, went out to California and then eventually came back to New York. And so folks would joke, are you from New York or Boston? Because Boston's 617. New York is 917, but that true sense of community in Harlem is real, and the Black history there is one that should offer us inspiration in this moment in time, of course, along with the history of Boston. So just delighted to be on in this conversation with you.

Equity, obviously, when we talk about it in the climate justice environmental context, we're talking about environmental justice. For us as an office, it has been really critical to pull that apart. So I appreciate the question to get the average person to understand why they should care about what we're going to talk about today.

It's simple. It's ensuring that every resident, everyone who is in our community has equal access to basic human needs. This includes clean water, clean air, freedom from the exposure to toxic chemicals, equal opportunity to enjoy nature, to go to a park, to share in this clean energy transition and not have it fall on the backs of certain communities, about making sure that communities and people have a say in the very decisions that will affect them.

So this bottom-up approach versus top-down that government tends to use. Then getting really specific in terms of data points that I think are relevant, at least from the Massachusetts perspective, when we talk about environmental justice, it's really looking at the communities that have borne the brunt of the injustice, frankly. And largely coming from government, at times, that would have certain statistics created in certain communities that are actually, I think, quite horrific.

So even now, over one in 10 adults and children in Massachusetts live with asthma, and that's higher than the national average. Some communities feel that more than others. Some communities are more proximate to pollution sources than others. Environmental justice, for example, in New Bedford where I am sitting in

our New Bedford office, New Bedford has almost twice the asthma hospitalization rate of the Commonwealth as a whole. This is a community of color.

So it's pulling apart, and I won't go into every detail, I want to save time for other questions, really pulling apart these data points that lift up these communities, largely poorer communities, communities of color, that have borne the brunt of this climate injustice, this environmental injustice we have seen for decades, some may even say centuries, and making sure the lens in which we do the work in our office accounts for that and prioritizes those communities to have our folks at the table.

Most importantly, the solutions and the resources and the investment are also targeted to those communities first.

Vernice Miller-Travis:

So I would just echo what the AG has said. I had the great privilege shortly after college, before graduate school, of working at the United Church of Christ Commission for Racial Justice. United Church of Christ is a Protestant denomination. It is actually the church that is built on the remnants of the church established by the Pilgrims when they first arrived in Plymouth, Massachusetts.

This is the remnants of that church. I think they established a church called Church of the Brethren, and we are the modern remnants of that church. It's a mostly white church, but it's a very segregated church. But there are Black churches. There are Asian churches. There are Latino churches. There are white churches within United Church of Christ, and it's a very small Protestant denomination, but very, very progressive.

At the time, the UCC was headquartered in New York City, in midtown Manhattan, and I went to college in Harlem. When I say that people will think I'm talking about City College, I'm actually talking about Barnard College and Columbia University, which is smack in the middle of the Harlem community. I became very politically active and wound up being on a national defense committee for these political prisoners in North Carolina called the Wilmington Ten.

One of the leaders of the Wilmington Ten was a minister in the United Church of Christ named Ben Chavis, and Ben Chavis, when he got out of prison, he and his other cohorts who were registering Black folks to vote in North Carolina and were arrested, and imprisoned, and convicted for fomenting a riot. I think they were literally registering Black people to vote, and they spent about four years in prison, and then were exonerated.

When Ben got out of prison, he came to Union Theological Seminary to finish his PhD. While he was in prison, he got his Master's in Divinity from Duke University. So I don't know what was going on in the North Carolina penal system, but he did manage to do that while he was in prison. A classmate of mine in college told me, she said, "You know, you've been working on that issue of trying to get the Wilmington Ten out of prison. Well, you know that Ben Chavis is coming to New York to go to Union Theological."

The reason that that was so important is because Union Theological is directly across the street from Barnard College, and it's also across the street from my home church, the Riverside Church, and I'm like, "Yeah, no, he's not coming to New York." They said, "Yes, he is." So I spent the rest of that year, and I want to say that was probably 1980:

Every time I would walk from my apartment to campus, which was about three blocks, I would be scouring looking for Ben Chavis, right? Like, "One day, I'm going to run into this man on the street." Sure enough, I ran into him on the corner of the block that I lived on. He lived on the same street, one block over closer to Union Theological Seminary, and I invited him to come and talk to the Black students' organization. He did. We kept in touch.

For the next four years, I would call Ben every six months to say, "You know, need to hire me because I'm the future of the civil rights movement. You all are getting old, and you need some new blood, right?" One time, I called him, and Ben said, "Well, we're getting ready to do this special project on toxic injustice, and I don't know if you'd be interested, but why don't you come and meet with our research director, Charles Lee? If the two of you hit it off, then you know can come and help us."

I had no idea what toxic and injustice had to do with each other or why he would put them in the same sentence. But I didn't care because I really wanted to work at a civil rights organization. I went down to Midtown Manhattan to meet Charles Lee expecting that Charles was going to be Black. Charles is Chinese American, and he was the research director at the United Church of Christ Commission for Racial Justice.

He explained to me this concept of what they were doing, this research project, and they were looking at three things, and to see if there was an interrelationship between these three things, the location of every hazardous waste site in the United States as captured by US EPA in the national priorities list, the residential zip codes in which those hazardous waste sites were located, and the racial composition of those residential zip codes to see if there was a relationship between those three things.

We found, in doing that research, that race proved to be the most statistically significant indicator in where these hazardous waste sites were located. We produced a report in April of 1987, Toxic Waste and Race in the United States. In that report, Hannah, we said that the environment is where you live, where you work, where you play, where you worship, everything in your life, everything is encompassed by the environment.

There is nothing that you can do and nowhere that you can go that the environment will not be right there with you, and we were casting a new definition of what the environment meant because up until that time, the environment meant some pristine place that you needed to go and see to travel to get to to see that natural landscape, to see that wonderful coastline, to see that beautiful forest, to see that prairie, to see those animals in their natural habitat.

But it didn't mean Lenox Avenue and 140th Street. What we were trying to tell people is that the environment is right where you are, and everything, the water quality, the air quality, the presence of hazardous substances, industry, transportation sources, roadways, highways, byways. They all impact our lives as people of color decidedly differently than they do for the average white person.

So we came forward with this definition. The environment is about where you live, where you work, where you play, where you recreate, where you worship. It is everything that encompasses your day-to-day existence.

Hannah Perls:

I'm realizing my job is now very hard because somehow I have to summarize, which I don't think can be done, Vernice. I always admire your ability to talk story, and there's so many gems in everything that you say and the stories you tell.

I think what I want to do is we're really going to dig into the Trump administration in the first 100 days, but grappling with this really big and personal definition of environmental justice, I think if we lean into the best version of what the Trump administration says environmental justice is, what we're hearing from conservative judges who have been making decisions against environmental justice organizations and causes of action, I think that argument goes something like this, that under President Biden, federal agencies, including EPA and the Department of Justice used the terms environmental justice and equity as a proxy for unlawful race-based decision-making including in how they allocated funds and how they exercise their enforcement discretion.

What I hear you both saying, and this is an invitation to correct me, yes, the environmental justice movement is, of course, rooted in the civil rights movement, and it is responding to these grave and very real injustices created by racial discrimination, as Vernice, you were saying, the siting of polluting facilities, the choice to not enforce or not invest in certain communities, particularly communities of color.

And, what environmental justice as a movement looks like in practice is one outside of the federal government, which I know Vernice will talk about, and it's also affirming basic democratic norms. So Attorney General Campbell, this is what I heard you say, it's about working to ensure equal access regardless of your race, regardless of your income, national origin, language, disability, gender.

That equal access is both access to clean air, clean water, green space, the freedom from fear that your kids are going to get asthma walking to school, but also then, equal opportunity to inform those key decisions

that affect your health. So equal access both to environmental benefits and also equal access to governmental decision-making.

So we're now a hundred days into the second Trump administration, and I want to be really clear-eyed about the short- and long-term consequences of what Trump's executive orders and agencies' early actions mean for everyday folks, what impact will these actions have on people's health, on the environment, and the critical services that we rely on every day.

So I tried to make this as quick a summary as possible, but please chime in if I'm missing anything critical here. So at the start of his second term, President Trump issued two executive orders addressing DEI, diversity, equity and inclusion. Just as a quick reminder for listeners, executive orders cannot create new legal obligations. These are basically authoritative memos to federal agencies on how to implement laws passed by Congress.

So for example, if Congress tells EPA to regulate certain types of air pollution under the Clean Air Act, the president could issue an executive order telling EPA what priorities to consider when it implements the law, but he can't change the law and he can't change or have any effect on states or industry. So Trump issued these two executive orders addressing DEI.

In those orders, he argued that the Biden administration forced "illegal and immoral discrimination" into all aspects of the federal government under the auspices of advancing DEI. President Trump then ordered all federal agencies to terminate their DEI programs, and he included environmental justice and equity into that mandate.

Now, notably, the orders do not define DEI or environmental justice. Since then, the administration has used this rationale of eliminating unlawful DEI, including environmental justice to scrutinize and claw back billions in federal funding across the government to walk back environmental enforcement actions, and of course, fire agency staff.

I'll note, also, separately, President Trump issued an executive order declaring a national energy emergency, and federal agencies have used that emergency to now justify granting pretty significant exemptions for industry under current pollution and permitting rules. So here's our overview.

Just to give a few examples of these changes to federal funding and enforcement, just to really make it concrete, in the first 100 days of the Trump administration, EPA has paused or terminated again billions with a B in federal funding. Much of that money was actually allocated by Congress under the Inflation Reduction Act and the Bipartisan Infrastructure Law.

A majority of that money, as of course, AG Campbell knows, was slated to go directly to state and local governments, of course, including nearly 40 million in Massachusetts for programs that reduce the incidence of asthma in rural communities, provide mental health services or improve air quality in schools, and of course, on January 28th, Massachusetts, along with 22 other states sued the Trump administration for pausing those funds.

I'll also note on enforcement, EPA and the Department of Justice have revised their enforcement priorities and reversed course on several actions arguing that those enforcement actions were based on unlawful race-based preferencing. So this includes withdrawing a consent decree that would have required investigation of the failure of local government in Lowndes County, Alabama to provide basic sewage infrastructure to their constituents.

It also includes dismissing a suit against Denka, a company that operates a petrochemical facility in Cancer Alley in Louisiana for alleged violations of the Clean Air Act. I'll also note again, though not explicitly tied to the administration's anti-DEI initiatives. The administration recently granted over 40 power plants across the country, a two-year extension to comply with pollution standards governing mercury and other hazardous air pollutants. This is based on the argument that these rules, these pollution standards place a "unbearable burden" on coal generators.

Two-thirds of these facilities are in low-income census tracts that already suffer high exposure to toxic chemicals. This is, of course, just a sample of what we're seeing so far. So I want to turn now, as we think

about those first hundred days of the Trump administration, what do you both see as both the immediate and long-term consequences of these rollbacks in federal funding in enforcement, both in Massachusetts and nationwide? Maybe, Attorney General Campbell, we can start with you.

AG Andrea Campbell:

So we are in unprecedented times. I actually feel as though I have to tell folks and including folks who were intimately part of pushing back on the Trump administration in Trump 1.0, that this is not Trump 1.0.

Trump 2.0 is extremely different. It is faster paced. It is more egregious, more chaotic. It is more unlawful, more unconstitutional, and it absolutely is more cruel in, not only targeting specific people and specific demographics, but doing it with a fearmongering strategy that is atrocious to say the least.

There are people, even as we sit together in community on this podcast, that are living with real fear, and even when we hang up from this podcast, will be still living with real fear. So we are doing everything we can through our office and with other AGs across the country to fight back and to do it with a sense of urgency and without any fear whatsoever.

I have no fear, not just because of my personal narrative, but also what Vernice lifted up because we know our historical context and those who fought and died years before, decades before, centuries before for us to take our rightful place and even to sit and have this conversation with you, Hannah, and not be arrested while doing it.

So with that context of what's really at stake, we have no time to waste. What we're seeing, at least at the outset, was an administration that immediately was looking to target the hundreds of millions of dollars coming to Massachusetts for all types of environmental and climate purposes, whether that was efforts that we had in partnership with the federal government to improve public health, to monitor air pollution, to address asthma rates as we described, to ensure folks have access to clean and safe drinking water, to address PFAS, to address all the things and ways in which we want folks to move towards solar and other ways in which to improve their homes, all of the ways in which we would be able to work with our residents to be a part of our transition to clean energy, all of that funding under threat.

So as we were evaluating the executive orders and other actions being taken by the Trump administration, we joined efforts with other AGs across the country, not only lifting up the threats of what that would mean in terms of those billions of dollars cut to our states, but we knew if we collectively came together and fought back, we could win, and we did that. We fought and filed several lawsuits to address funding freezes.

As I just described, we've won a preliminary injunction to continue to have billions of dollars, not just flow to Massachusetts, but other states to address these programs and to make sure these funding initiatives and programs that help our residents dealing with these daily issues, that the money continues to flow.

Then lastly, the grants for climate Justice, the grants for environmental justice that go to individuals but also community-based organizations remain under threat. So we have had to continue to fight for them because these are infrastructure projects. These are also projects that create jobs, create opportunity, allow communities to build wealth, what complements the public health pieces of this.

Some may say, when we do this work, we should look at it only through a public health lens because it captures it all. But that being said, organizations also are in fear of losing their funding if, for example, they are pushing forward with DEIA initiatives and policies, if they are using the environmental justice terminology and using that frame.

So the conditions that the administration is also attaching to funding, we are also going after that, and I'm proud of the effort not only of our office, but the efforts of Democratic AGs. No Republicans can be found, not for lack of trying, but Democratic AGSs that are on front lines of creating real meaningful response through our litigation and other efforts to make sure this funding continues to come to Massachusetts and our respective states.

Hannah Perls:

Vernice, I'm curious if you would add anything just about the nationwide scope, what you're seeing from the pause in federal funding from the enforcement discretion.

Vernice Miller-Travis:

So there are a couple of issues and AG Campbell certainly laid it out what it looks like in Massachusetts. So there are a few things happening. One, I feel like people of color are being targeted for who we are, and I really thought that we left that behind in the 1960s. I really thought that the evolution of civil rights law, of full enforcement of environmental laws, of human rights law having a framework and a footing within American jurisprudence, I really thought that we had transcended that space where targeting people for who they are and where they live was no longer acceptable in this country.

That's what the Biden-Harris administration spent four years with the help of Congress trying to do is to eradicate the legacy and the indicia of that history, right? So the Attorney General mentioned that she's in the New Bedford office of the Attorney General's office in Massachusetts. I would imagine that the effort that the Biden-Harris administration laid forward to replace all lead service lines and in every community in the United States of America is something that's really important to the state of Massachusetts and to communities on the ground.

I know it's important to us in Maryland. I know it's important to us in Baltimore city that has had a long legacy of lead poisoning and a differential impact of lead poisoning exposure to lead, and the developmental disabilities, and the school-to-prison pipeline that is fueled by children who are lead poisoned and misdiagnosed and where they end up, that that's a really important thing that they have pulled back.

It was one of the first things that this administration decided to cancel, was that commitment to replace all lead service lines in the United States of America. So what was really important to me about it, Hannah, was one thing I wanted to see this administration do, or two things. I wanted to see every household in the United States have access to safe and clean drinking water, and every household does not have that. Also, I wanted to see every household have access to sanitary sewage systems, and every household does not have that.

When you live in a major metropolitan area, you take for granted that everyone has the same basic necessities that you have. Everybody does not even in that metropolitan area. So one issue that we saw just two weeks ago, the Justice Department decided to vacate a settlement agreement between the Department of Justice and the county of Lowndes County, Alabama and the Alabama Department of Environmental Management for allowing Lowndes County, Alabama, which is a heartbeat of the civil rights movement in Alabama. It's exactly midpoint between Selma and Montgomery, Alabama.

This community majority-Black county has gone without having a sanitary sewage system for more than half a century, probably longer than that. The Biden-Harris administration rolled out a hundred billion dollars through the Bipartisan Infrastructure Law that President Biden got passed to replace and put in place water infrastructure in communities and on Tribal lands, and urban, and rural communities everywhere. Right?

I said, "If they don't do anything else, if they just do those two things, I will be elated because it was 2021 through 2024. How can we still have communities in the United States that don't have access to safe drinking water in their homes and sanitary sewage systems? We have to be able to at least do that. If we're going to appropriate all this money trillions of dollars, let's focus it there." So they did. That was one of the things they did.

This administration, in their first hours in office, began to suspend that because it was targeted at underserved communities. Now, underserved communities does not mean communities of color. It means communities that have not received equal treatment before the law, and we had issue. You may remember, Hannah, when they defined these programs and these protocols that the administration was going to use, and they set out their metrics with the CEJST tool, and the EJSCREEN, and they declined to use race as a metric.

You may remember that Vernice just about lost her mind. On the very day that they did that, I was being interviewed by the New York Times, and I couldn't contain myself. I was so angry in that interview. But they had a strategy that they were pursuing, that no one would be able to say that that administration was only pursuing these goals and investing this money in the places where people of color live.

It pertained to low-income white communities, working class white communities, white communities that had a history and a legacy of industrial pollution that had not been addressed. They were trying to go back and recreate history. Who have we left behind, and who do we need to invest in now? That administration stepped up to say, "It cannot be a part of the American legacy that we leave so many communities so far behind."

So what this administration is doing is an obscenity. It's an absolute obscenity. In a minute, everybody's going to wake up to realize that your highway is not getting repaired, your energy system is not getting modernized, your drinking water is not going to be improved, your stormwater system and your sewer system are not going to be updated. So when climate change comes to visit you, and it visits Massachusetts often, you are going to feel the brunt of it, and there's not going to be anybody in the federal government to help you.

Not only is there not going to be anybody to help you, but there won't even be employees to answer the damn phone. So as the Attorney General said, we are in a particularly difficult moment, and that they want to pin it on race is really, really pernicious and dangerous. But for the rest of us, we got to wake up, we can't allow those old tropes to put us in a bag and separate us. We all put this money in the till, and we all should get the money out. This is our money we're talking about, our tax dollars at work or not.

Hannah Perls:

I want to go into one more executive order with AG Campbell.

So President Trump also issued an executive order on April 8th on protecting American energy from state overreach. This order commits the federal government to remove "illegitimate impediments" to the extraction and development of fossil and nuclear fuels. This would include, under the language of the order, state laws, programs, and also state lawsuits that address climate change, environmental justice, or greenhouse gas emissions.

Specifically, the order requires the Federal Department of Justice to take all appropriate action to stop the enforcement of these state laws. Now, Massachusetts is in litigation right now against ExxonMobil for allegedly misleading investors, and consumers, and failing to disclose the risks of climate change, as well as deceptively overstating the company's efforts to address climate change.

Of course, Massachusetts also has numerous laws, rules and programs related to climate change and environmental justice. So what does this executive order on state overreach mean for Massachusetts?

AG Andrea Campbell:

First of all, before I even answer that question, I want to lift up something Vernice said, that is, not only should people wake up, they better wake up. Even if you're following economic reports of late, and I feel like I'm becoming not only a lawyer, but also an economist in this moment in time, we are headed towards a recession caused by one man, and the chaos and confusion in Washington DC, and some of it, of course, executed through some really harmful environmental policies and a lack of understanding to say the least.

Similar to their attacks and efforts to dismantle DEI, this suggestion, that suddenly, all of these issues are about Black people and them getting ahead unfairly for some reason. So pushing back on this narrative that is out there that is absurd and reminding folks it is not just poor Black people that need this environmental justice work. It is poor communities, it is poor white communities.

Even in Massachusetts, I have to remind my own constituents that we have poor white rural communities that have similar maternal health results as Black women do. So this is our opportunity to come together as

a collective and really fight back against the oppression we are seeing in the misinformation from this federal administration. This executive order is one example of that.

The team and I have joked, and I think we've said this, the irony in the title of the executive order is just one more example of the administration's own policy of executive overreach and looking to usurp the authority of states. States have significant authority and power and the right to protect their own residents' public health, their welfare, their life, their liberty and their safety.

In the Commonwealth, we will do everything in our power to defend our residents and our economy against the federal challenges that we are seeing, including the blatant violations of law and threats of violation. I will say we're being creative and thinking outside the box, and I mentioned earlier some of the litigation efforts, but also even sending letters of advocacy or picking up the phone and calling some of these agencies that are still staffed or the lawyers in the Department of Justice.

We still have to engage with them when we file lawsuits. You still have to talk to the other side, under judges' orders at times, to resolve things. And that collective power of AGs coming together across states, it is winning. I actually think if folks can push through the noise of all that is coming at them through all the talking heads, not on this podcast, but the talking heads who would suggest that the courts are not working. They are.

This is why they are seeking to undermine the efforts of legal institutions, of lawyers, targeting law firms and lawyers, targeting judges, saying ridiculous things to undermine the credibility of our judicial system and our constitution and checks and balances, because of our lawsuits and the thoughtful decisions from judges appointed by various presidents, Republican or Democrat, and their thoughtful decisions, we are winning.

That is significant because you need the law to push back against unlawful action and to protect the very things we're trying to deliver to our residents. The noise that is often out there can make people feel a sense of hopelessness as if the law is not working. It is.

One point that I think is also worth lifting up as the administration seeks to work against us in all of the lawsuits that we have brought as we win these cases and win preliminary injunction and other types of relief for constituents. They have yet to really challenge the legality of our arguments. We're saying, "What you're doing is unlawful," and they're quiet on that.

Instead, they're telling judges, "Well, they shouldn't be in court. It's not the right time. The issue isn't ripe yet, or they're in the wrong court." Surface-level arguments that, frankly, should not win the day, but not the real substantive legal arguments that we're bringing. They can't challenge it because they know what they're doing is unlawful as well as unethical. I'm sure we can find other adjectives as well, but we'll keep fighting the fight, protecting our state's authority and power while really pushing courts to hold this administration accountable.

Hannah Perls:

I want to shift gears to what that fight looks like. Obviously, attorneys are playing a really important role right now. This is a message we keep telling our students who are graduating, some who had federal offers that have since been rescinded and wondering, "What is the role that I play?" But you two are both deeply enmeshed in community advocacy and national advocacy.

What does it look like to fight back, and how do you see your role in continuing to advance, in particular, transparency, and accountability, and these robust environmental and public health protections for communities, those fundamental pillars of environmental justice work?

Vernice Miller-Travis:

Well, I would just say first to the Attorney General, I would imagine on a daily basis there's a lot of weight on your shoulders, but a lot of us around the country are really looking towards the Democratic attorneys general to lead this fight, and you have stepped into it. You are leading this fight. You are lifting our spirits.

You have been unequivocal in the ways that you have pushed back against this administration, and I want to thank you for that and also say, "Don't you get tired."

AG Andrea Campbell:

Absolutely not.

Vernice Miller-Travis:

We need you to keep doing what you are doing, and all of you are doing it so incredibly well. There have been some amazing cases, right?

AG Andrea Campbell:

That's right.

Vernice Miller-Travis:

So we've got some amazing decisions that have come out. A great decision that just came out of Rhode Island that the suspended federal grant monies, not the terminated grants, but the suspended and frozen environmental justice grant monies must be expended. As of today, that money needs to start flowing today.

AG Andrea Campbell:

That's right.

Vernice Miller-Travis:

That was brought by groups in Rhode Island and adjudicated by a judge that was appointed by Ronald Reagan. The man is 81 years old and still on the bench, and he put forth a blistering decision about how absolutely outside the constitution this administration is in what it's trying to do and trying to usurp the authority of Congress.

So the lawyers are in the courts, the progressive organizations are pushing back. The Democratic attorneys general are really moving. Some municipalities are fighting. Some states through their attorneys general are fighting. The employees themselves, and the federal agencies are also fighting back and their unions.

Last but not least, are the people on the ground who are pressing back in every way that they can in community-based organizations, in allied organizations, in the big green groups. It feels like a moment like the civil rights movement, I imagine, felt for all the people that were involved in it. The lawyers had a particularly important role in that fight to represent their clients to the best of their ability, but to make sure that they were speaking in the voice of their clients.

I feel like, certainly, those of us in the environmental justice movement and our allies in the environmental movement and the civil rights movement, we are unrelenting. I would just say this to your audience and to the Attorney General, you know, it's a fact that they wouldn't be coming for us so hard if we weren't so good at what we do.

AG Andrea Campbell:

Amen.

Vernice Miller-Travis:

Right? If we had not changed the character of this nation over the last 60 years, they wouldn't be coming for us so hard. So that's why the fight is so intense, because we are so good at what we do.

AG Andrea Campbell:

Amen. Amen. Amen. I'm inspired by that. I'm grateful. So thank you. I don't have the luxury of getting tired, but I won't get tired. I have actually been telling folks that, us, taking care of ourselves in this moment in time, is also a form of resistance. So if you have children, spend time with your children.

I'm an AG, but I'm a mom of two young, beautiful boys. I'm a wife. I spend time with my husband, go to places and spaces and spend time with people that bring you joy. My middle name is Joy named after my biological mother, and I feel like I have no choice but to stand in that and to stand in the blessings that I've been afforded and continue to be afforded knowing our historical context in this movement, and this environmental justice movement, like you said, is a part of the civil rights movement, and the human rights movement of this country, of other countries led in many ways by Black folk, and where they sacrificed not only their human bodies, but they gave all of their gifts in themselves never knowing if they would never realize their dream or maybe even take their rightful place.

So I think it's incumbent upon all of us to just remember that historical context as we push ahead in this environmental justice work, knowing that it is a part of the civil rights movement. Back to the question that was asked, the civil rights movement had everyone play a role. Lawyers certainly will play a role, and it will be a unique one in this moment in time. Judges, the same thing, but organizers, nonprofit leaders, community-based organizations, private sector, every single person has to look themselves in the mirror and say, "What role am I going to play?"

It can be as a person marching in the streets, that collective power and showing up, makes a difference. It can be in your profession pushing back, and if you're a part of an organization, saying, "We're not going to cave in." I'm not a Harvard alum, I'm a Princeton alum, but I like to think that Harvard and Princeton did not cave because people called them, exercised their power as alum, or as faculty, or as students to say, "Please don't give in."

We may lose some things, but it's worth it. It's worth it because of what else is at stake. The larger values and our larger constitution and footprint is at stake in this moment in time. So I do think there's a whole host of ways for folks to plug in. We're just playing one role, and we're going to do it with a sense of courage and a sense of urgency and with no fear.

I have been joking, Massachusetts is small, we're not New York or California, but we punch above our weight, and I feel like I'm Muhammad Ali everywhere I go. When you think about someone like that who lost everything in his prime and still kept keeping on, I think it's an opportunity for all of us to think about what that looks like for our individual selves, for our organizations, and because they can't win against collective power and a collective pushback that will not let their moral compass go away. But most importantly, their values not mean anything in this moment in time.

Vernice Miller-Travis:

Indeed. Amen.

AG Andrea Campbell:

Amen. Amen. I feel like I'm in church.

Hannah Perls:

Podcast church.

AG Andrea Campbell:

Mm-hmm.

Hannah Perls:

Is there anything that we haven't touched on yet that you just want to get off your chest? Anything else you want to share?

Vernice Miller-Travis:

I guess I want to just weigh in on this notion of how we treat ourselves in this moment, and the people in our lives, and the people we're in community with. People are really carrying a heavy burden, and I know, for me as a Black woman, for me as a woman, I feel like I'm being targeted, and I've never felt this way. In my entire 66 years of life, I've never felt that my government was coming for me. But I feel that way now.

But like the young man in Vermont who was released from custody yesterday, he said, "But I am not afraid of you." So you have to take care of yourself. You should of course not be reckless. But fear is not what we need at this moment. We need a spirit of commitment, a spirit of lifting each other up, a spirit of knowing that we are right. I mean, literally, we are right. Right? Not just you're wrong and I'm right.

The law affirms what it is that the attorneys general are fighting for, what it is that these grassroots organizations and their legal representatives are fighting for. They are right in the law. They are absolutely right. But it may not feel that way because we see so much power being amassed on the other side to come for us. But other people stood in our shoes a long time ago and made it possible for the AG and I and all of y'all to go to law school. Right?

AG Andrea Campbell:

Amen.

Vernice Miller-Travis:

Or to go to college, or to live where we wanted to live, and to do the things that we wanted to do, and to have careers, and pursue lives, and have children, marry people of the same gender. We made this space, and we will defend it with our lives. We will do everything we have to make sure that we give this legacy to the people who are coming behind us. We will not be defeated.

The way y'all are filing lawsuits and winning, I'm just encouraged every day. I never know what kind of decision is going to roll out from the cases that you're bringing, and the judges are standing with you.

AG Andrea Campbell:

That's right.

Vernice Miller-Travis:

Because you are right.

AG Andrea Campbell:

I'll just add one other point or maybe just two. I absolutely agree on this, taking care of ourselves. We're in this for the long haul, and the next couple of years are going to be long, and hard, and painful for many. It is absolutely important that we take care of ourselves in the midst of it. So we are doing the justice work, we are doing it with joy, and we're doing it while joining together. That's sort of become almost a mantra right now of our office's work.

I will just add, states also can step up in this moment in time. I think federal governments, you're going to step away. Okay, fine. We're going to keep fighting, keep winning. At the same time, it presents a unique opportunity for states to step up their work in an even greater way to resource more organizations that are community-based in doing environmental justice work to put out advisories and information that would help people push past any fear when they go to implement DEI or other policies that are under attack and say

they are still lawful to make sure we're working with our folks in the state houses, in our respective states to expand legislative solutions, to expand rights or protect rights here in Massachusetts and other places.

We even had a recent environmental justice trust fund legislation we filed and pushed for that allows all of the state settlement dollars to go back into these EJ communities. That was huge. That was a legislative victory, thinking outside the box, the team thinking outside the box, the rising cost of utility bills. Okay, we're just going to have to go to our state agencies that control that and advocate for reduced costs. So that this transition of clean energy isn't on the backs of rate payers.

There are ways in which we can become really creative in this moment in time that also, I think, offer people hope and joy as we each do our part. So I think it's also taking time to take a step back to think about where we in our respective states and organizations could do something that is out of the ordinary, take some risk to also have a greater impact than we ever had before.

When we come out on the other side of this, and we will, there is always light where righteousness is. We will, that it's going to be bigger and better than they could ever imagined, and we will be stronger, and they will look at us and say, "What in the world did these people create?" Not just with me and others, but also with Vernice who is just... I'm in awe of you, and also stand on your shoulders too. But look out, here we come.

Vernice Miller-Travis:

Here we come.

AG Andrea Campbell:

Mm-hmm.

Hannah Perls:

I think I speak for all our listeners just to thank you for this extraordinary conversation, for the gift of your time, for your courage, and for the work that you're doing. So just thank you both for being on CleanLaw and sharing your work.

AG Andrea Campbell:

Thank you, and thank you for having us. I was saying Vernice throughout the entire podcast. I must say though, I was thinking I should say Miss Miller-Travis, because I feel as though I was raised, frankly, Black elders, Black women elders that means something, and it is an honor and privilege to be on with you and know that you inspire me and so many others. It's a two-way street, and I'll have to come see you in person.

Vernice Miller-Travis:

And I you, and this conversation, it's going to carry me for months.

AG Andrea Campbell:

The same. It will carry me for this whole year. But thank you all for having me. It's been great to be on. Hannah, thank you as well.

Hannah Perls:

Thank you. Really, I think this has just been one of the best conversations I've ever had, the privilege of moderating. So just really grateful to you both for everything that you shared.