



THE MEMPHIS DEPOT TENNESSEE

ADMINISTRATIVE RECORD COVER SHEET

AR File Number 180

DDMT-CCC

DEFENSE DEPOT MEMPHIS TENNESSEE - CONCERNED CITIZENS COMMITTEE

1454 EAST MALLORY — MEMPHIS, TN 38106 (901) 942-0329

September 10, 1996

Col. Mike Kennedy, U.S.M.C.
Base Commander
Defense Depot Memphis Tennessee
2163 Airways Boulevard
Memphis, TN 38116-5210

Dear Col. Kennedy:

Previously, pursuant to the Freedom on Information Act, DDMT-CCC requested all "files, records, and documents possessed by the Defense Depot which relate to air, soil, and water pollution; hazardous waste use, storage, and disposal; and any environmental violations — specifically NPL violations — or problems at the Defense Depot. In addition, DDMT-CCC requested "poisons signs" be erected on the Defense Depot and on drainage ditches.

To our surprise, the Defense Depot denied all of our requests.

The legal justification from the Defense Depot was that "the documents were in the public domain." While on the surface this seems to be a viable reason, close scrutiny reveals it's just another excuse for keeping the documents — especially the NPL Superfund Violations and state permits — from the black people adversely and disproportionately impacted by the clearly unethical and unscrupulous operations of the Defense Depot!

The environmental justification from the Defense Depot's denial of "poison signs" was based exclusively on theories, opinions, and inadequate research done by Mr. Jeff Kellam, a geologist who is clearly incompetent and unqualified to make a final decision upon which environmental and health issues will be based.

From a legal perspective, the Defense Depot is guilty of racism and discrimination pursuant to Title IV of the Civil Rights Act of 1964 against the black low-income minority population:

- By operating a military facility with numerous chemical warfare operations in the center of a minority population and low-income population without any notification to the black public.



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- By concealing incidents of toxic wastes, spills, and burials of chemical warfare agents from a minority population and low-income population until base closure was announced.
- By exposing a minority population and low-income population to chemical warfare weapons designed specifically for mass killing.
- By failing to monitor a minority population and low-income population exposed to toxic chemicals with a viable health survey to assess dangers to human health.
- By locating documents related to contamination of air, soil, and water by the Defense Depot in white communities and institutions (such as libraries and churches) and steadfastly refusing a NPL depository in adversely impacted black communities and black institutions.

All of the aforementioned items constitute and perpetrate a cold, callous, deliberate, and malicious injustice against a black minority and low-income population and deny the adversely impacted blacks of their constitutional rights because of race and national origin.

From an environmental grassroots perspective, the Defense Depot flagrantly violated the law; and it is irrevocably bent on setting its own agenda — not complying with Executive Order # 12898 that President Clinton established February 11, 1994, which clearly states the following:

Each Federal agency shall ensure that the public, including minority communities and low-income communities, has adequate access to public information relating to human health or environmental planning, regulations, and enforcement when required under the Freedom of Information Act, 5 U.S.C. section 552, the Sunshine Act, 5 U.S.C. section 552b, and the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11044.

Blacks in South Memphis don't have adequate access to NPL.

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violations of the Defense Depot, don't have a library, and don't have access to vital information. And what is worst, the most vital information isn't even in Memphis, but rather in Nashville, Tennessee and in Atlanta, Georgia! Why is this? Blacks have many churches, some located within ten yards of the Defense Depot. Blacks also have a plethora of schools near the Defense Depot. Either of these public institution could and will serve all of qualifications for a NPL Superfund Depository. Military officials and civilian officials at the Defense Depot replied "the documents we requested are in the public domain." They're not in the public domain; they're in white domain, where black people can't get a glimpse of them. Blacks can't have white racist at the Defense Depot or the Department of Defense deciding what information can be accessed and what information can't be publicly viewed. This act is certainly a violation of federal statues and the executive order.

Military officials and civilian officials at the Defense Depot used opinions, theories, and research by Mr. Jeff Kellam to deny DDMT-CCC all of the aforementioned records and documents, plus the denial of posting "poisons signs" on contaminated sites. This is an injustice in itself. Col. Kennedy, as you know, DDMT-CCC believes Mr. Kellam is incompetent due to his failure to consult William Parks' — a qualified expert — geological information. To date, neither Mr. Kellam, nor any official at ATSDR has made any effort to confirm his geological competency, his professional reason for neglecting the Parks' research, the ridiculous "Plume Theory," or his health assessment (rather the lack of a viable health assessment). This is crucial because Mr. Kellam is the cornerstone of federal government's (and probably your own doubt) denial of health problems in the black community surrounding the Defense Depot. As Base Commander, I know you're just an anxious for Mr. Kellam's expertise to be validated, as we are.

Because the Department of Defense has used its massive resources against a poor and defenseless black community, and because the civilian officers of the Defense Depot are acting surreptitiously about toxic contamination, we ask you Col. Kennedy to see that the matter concerning Mr. Kellam is resolved — one way or the other! Also, we ask you Col. Kennedy to comply with the President's (also the Commander-in-Chief of the United States Military) Executive Order # 12898 and put an information depository in the black community. ✓

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Out of respect, I appeal to you Col. Kennedy to correct all of the environmental injustices of the past and the present. You have the integrity and the power. All you have to do is use it.

Respectfully,



Kenneth Bradshaw

Doris Bradshaw, Founder and President

CC: State Representative Lois DeBerry, State Representative Henri Brooks, State Representative John Deberry, State Representative Mike Kernell, State Representative Katharine Bowers, State Representative-Elect Barbara Cooper

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