

A Brown Buffalo's Observations on Water Justice in Colorado

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IRISE#10



The Autobiography of a Brown Buffalo

"I speak as a historian, a recorder of events with a sour stomach. I have no love for memories of the past."

by Oscar Zeta Acosta

- I. Color-Blindness in Water Law and Policy
- II. Colorful Colorado
- III. Back to the Color of Water

The Autobiography of a Brown Buffalo

I.

“Any idiot that sees only the
obvious is blind.”

by Oscar Zeta Acosta



A few notes on terminology

Race

A social and historical construct based on ideas, attitudes, consciousness, identity, ideology, and most importantly, power.

Color

A legal and extra-legal category that is used to extend or deny countless resources, rewards, and benefits.

Color Blindness

Ways of talking and thinking that affirm our belief in individualism without recognizing the many remaining barriers to equality. The end result is that it removes racism, past or present, as explanatory factors for disparities.

Color Consciousness

Understanding that many institutional settings—politics, schools, neighborhoods, and workplaces, are structured on the needs and experiences of dominant groups despite seeming inclusion of diverse racial groups.

Access to Water to Water in US Has Been Built on a Jim Crow Scheme

Water Infrastructure Reflects
Deliberate Prejudice Against Communities of Color
On Basis of Race
Reinforced by a “Colorblind” Legal Regime

Catarina de Albuquerque, Report of the Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation, United Nations Human Rights Council (August 2011).

Report of the Michigan Civil Rights Commission, The Flint Water Crisis: Systemic Racism Through the Lens of Flint (February 2017).

NAACP LDF, Water/Color: Study of Race and the Water Affordability Crisis in America's Cities (May 2019).

The Autobiography of a Brown Buffalo

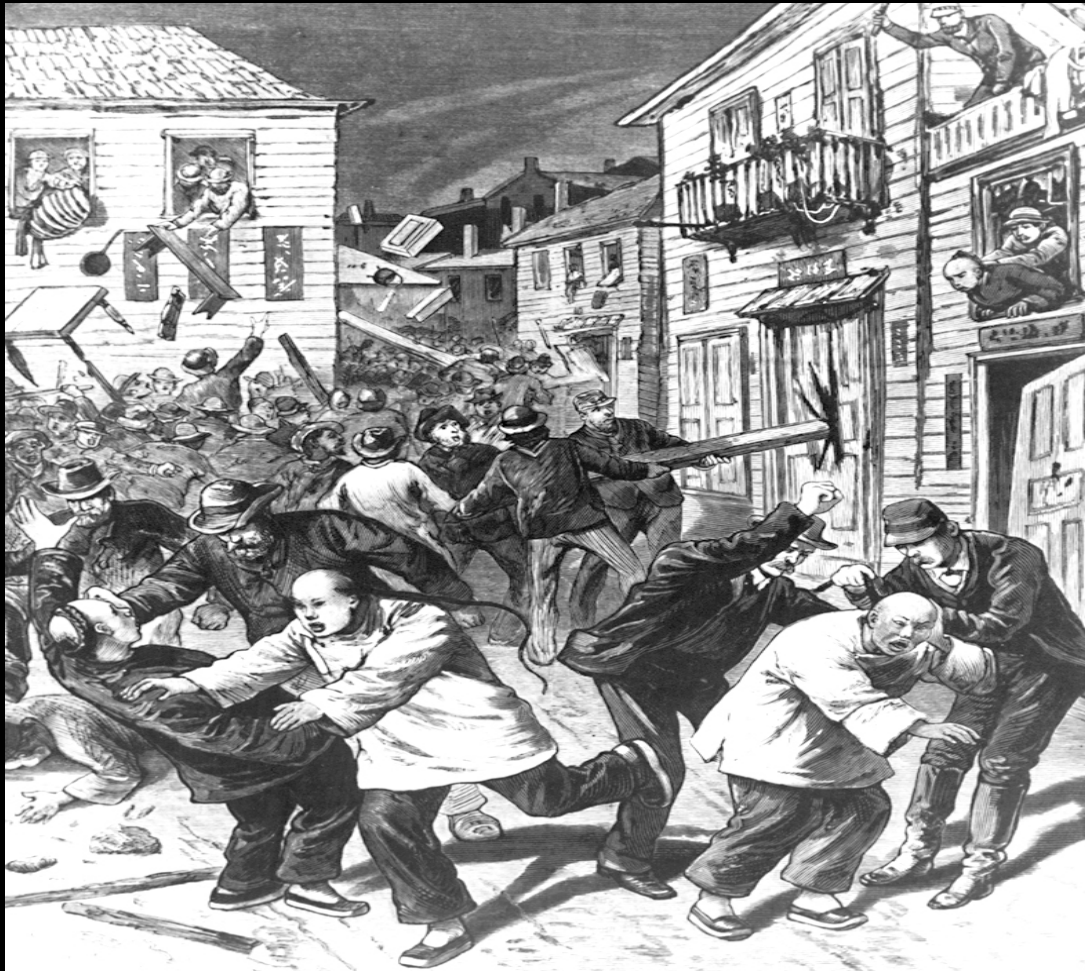
II.

“I was no longer afraid of the intellectuals. I knew I could tell a better story.”

by Oscar Zeta Acosta



WELCOME TO
COLORFUL
COLORADO



“One of the few depictions of Denver's anti-Chinese riot of Oct. 31, 1880, this illustration (based on a sketch by N. B. Wilkins) appeared in Frank Leslie's Illustrated Newspaper on November 20 of that year. Rioters assault Chinese men, throw belongings out of windows and use wooden beams to destroy frame buildings.

<https://www.cpr.org/2019/09/02/on-halloween-nearly-150-years-ago-an-anti-chinese-riot-broke-out-in-denver/>

Images courtesy Western History Collection, Denver Public Library



Member of the Klu Klux Klan at Overland Park in Denver



Burned cross outside the home and offices of a prominent African American Doctor

236
**WARNING
ALL
MEXICAN
AND ALL OTHER
ALIENS
TO LEAVE THE
STATE OF COLORADO
AT ONCE**

By Order of:

**Colorado State
VIGILANTIES**

Edwin C. Johnson Collection, State Archives

670295

98
99

PROTECTIVE COVENANTS

WHEREAS FRANKLIN L. BURNS, JOAN BURNS LEFAY, T. WINGFIELD BURNS, DANIEL POSTER BURNS, AEGNIL STRILSEN AND ANDREW DEATT are the owners of the entire subdivision known as "Burns Brentwood Subdivision Filing No. 2", situate in the City and County of Denver and State of Colorado; and

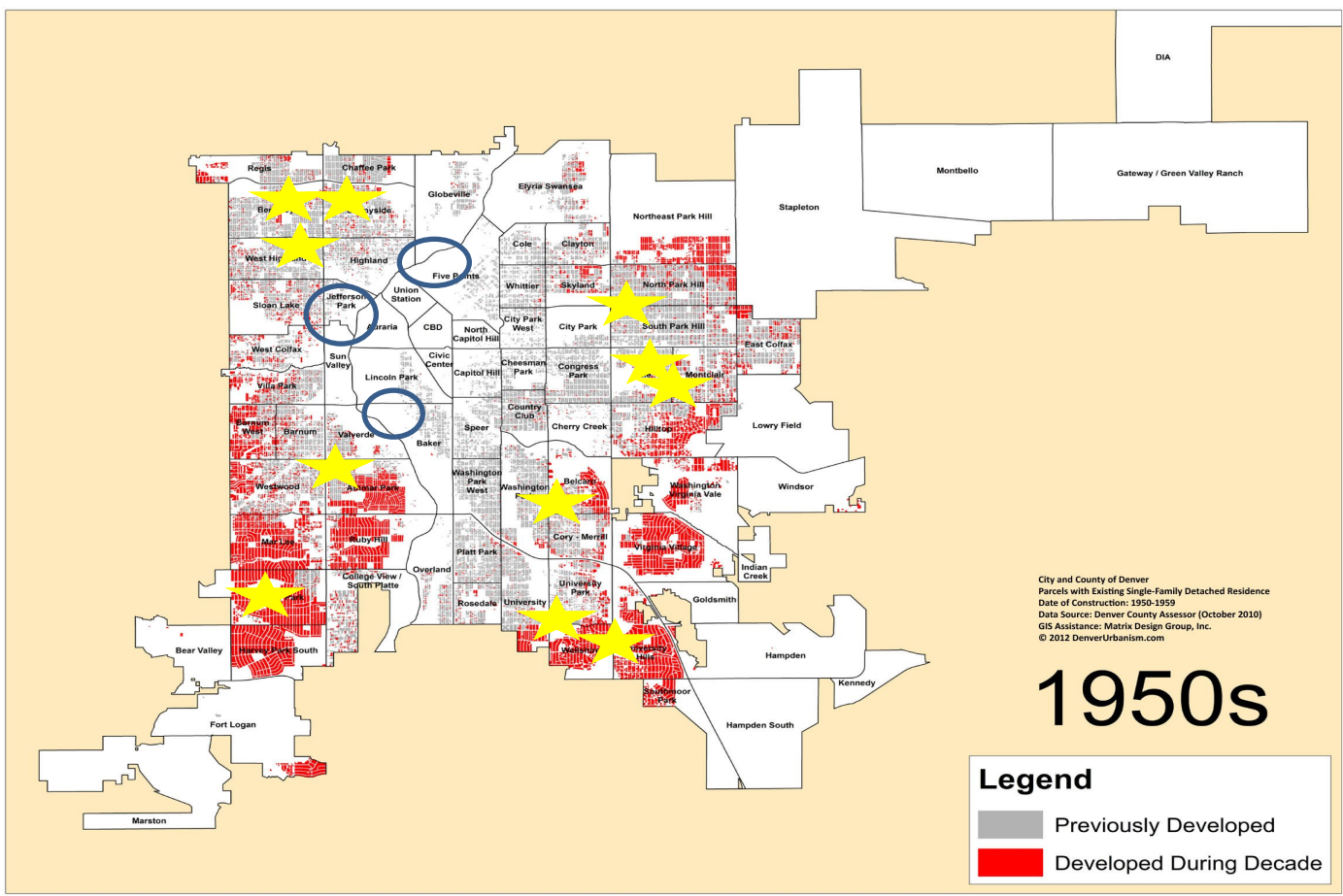
WHEREAS it is desired to maintain said real property as a high class residential district;

NOW THEREFORE said owners do hereby declare, impose and establish conditions and protective covenants with respect to said real property as follows:

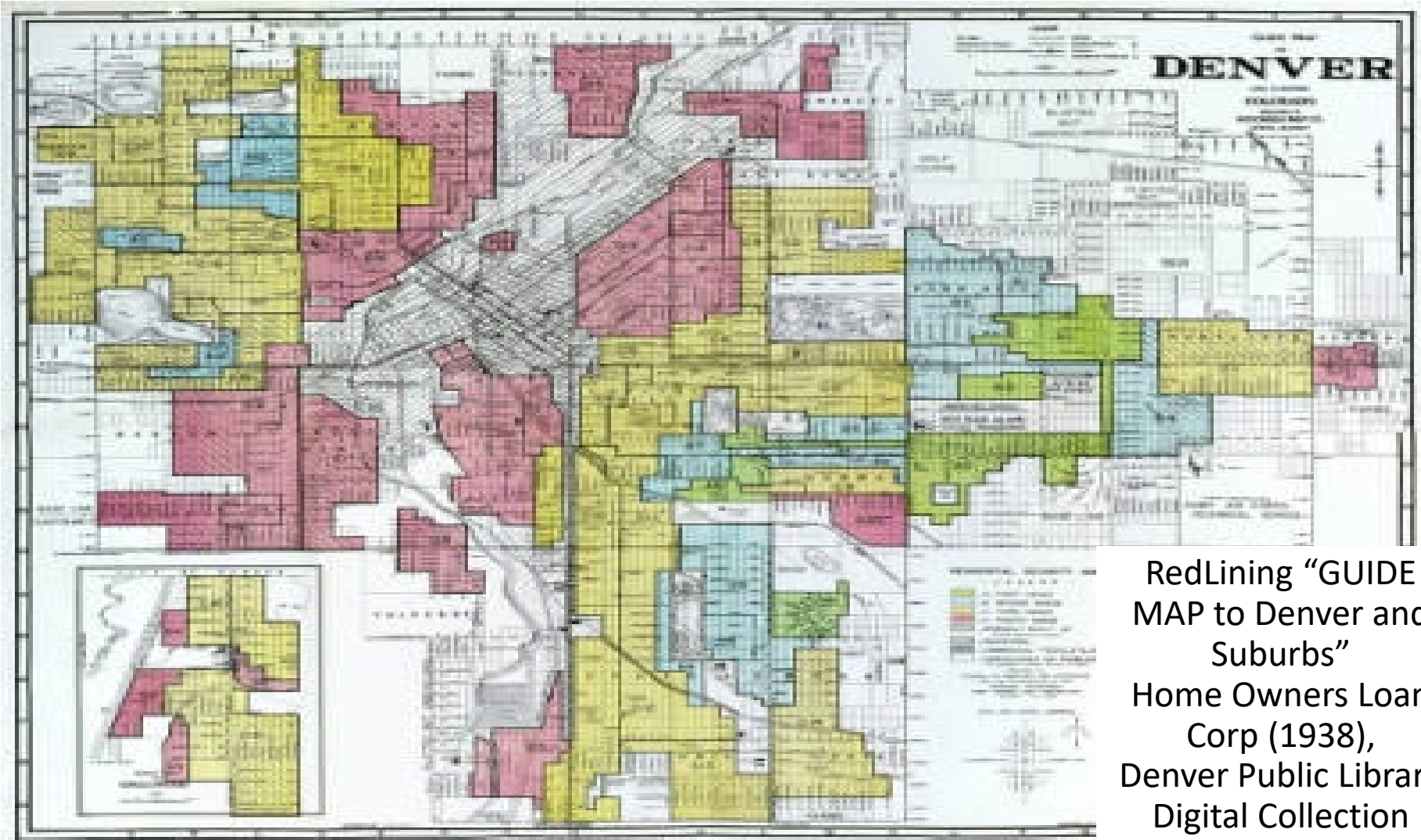
1. Only persons of the Caucasian race shall own, use or occupy any dwelling or residence erected upon said lots or tracts; provided, however, that occupancy by persons of another race who are employed as domestic servants by the occupying owner or occupying tenant shall not constitute a violation of the protective covenant.
2. All lots or tracts of land included in the above description shall be used for residential purposes only, and no more than one detached single family dwelling shall be built on a residential building plot. A residential building plot shall consist of an area of not less than 6,000 sq. ft. and shall not be less than 50 ft. wide at the front set-back line. The dwelling erected thereon shall not exceed two and one-half stories in height. There may also be a private garage erected thereon for no more than two cars.
3. The ground area of such residence shall not be less than 575 sq. ft. for a one-story building and not less than 900 sq. ft. for residences from one and one-half stories to two and one-half stories in height.

Only persons of the Caucasian race shall own, use, or occupy any dwelling or residence erected upon said lots or tracts, provided, however, that occupancy by persons of another race who are employed as domestic servants by the occupying owner or occupying tenant shall not constitute a violation of the protective covenant.

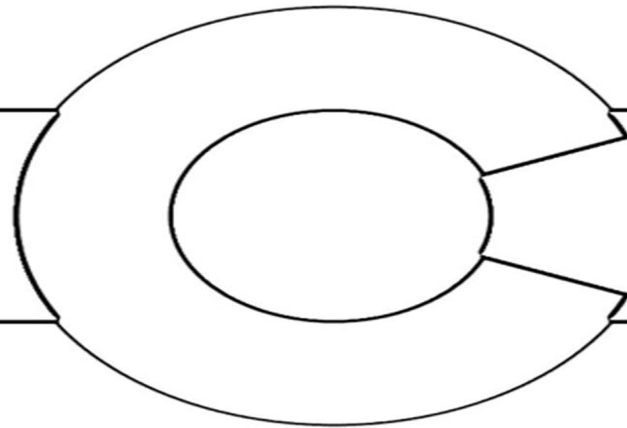
-Burns Brentwood
Subdivision Filing No. 2, 1949



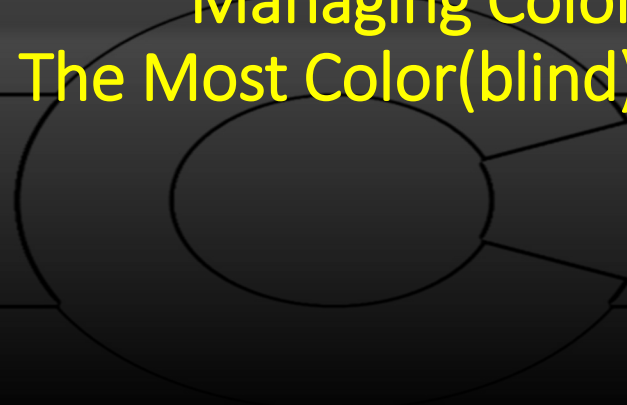
Nearhoods with highest concentration of African Americans, Mexican Americans, Japanese Americans, and American Indians



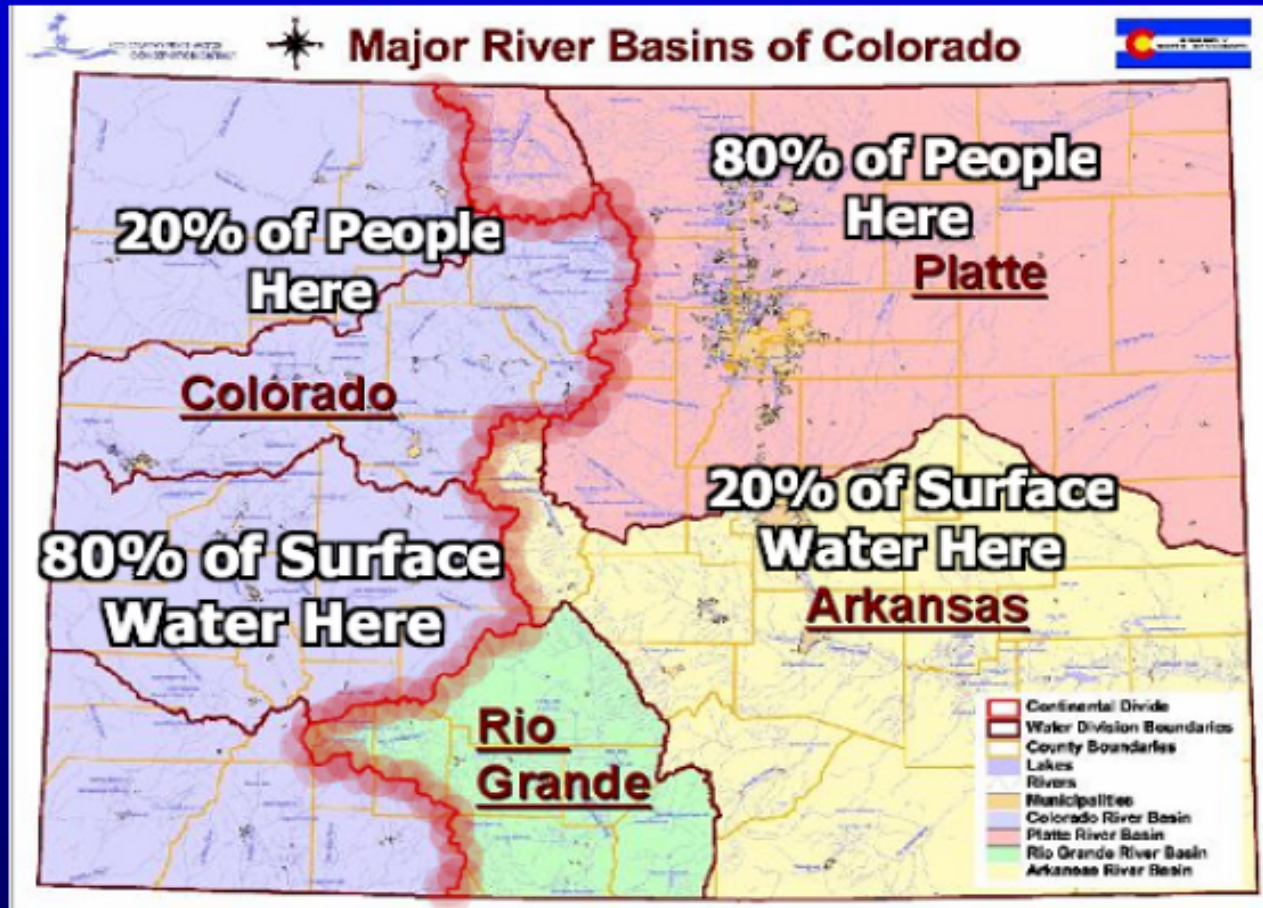
RedLining "GUIDE
MAP to Denver and
Suburbs"
Home Owners Loan
Corp (1938),
Denver Public Library
Digital Collection



Managing Color in
The Most Color(blind) of Ways



80:20 Rule



The "Great and Growing City"

What the Project Means to Metropolitan Denver

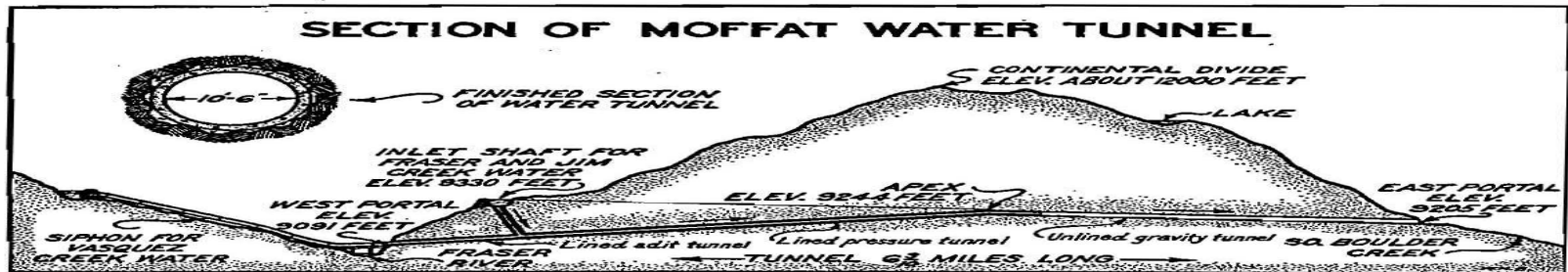
Realization that no human ingenuity could enable Denver to grow without a reasonable water supply makes it apparent that the project is well worth the cost. Through Government grants and cooperation, the City gains a \$9,000,000 project at a cost of \$5,400,000. *Denver's water problem is being solved because the necessary greater supply now is in sight.* Future development may be planned from this time forward with absolute water security. The pioneer spirit lives and leads on to new achievements.

The water that comes from the Western Slope is soft water, much softer than that from the South Platte River. It is clear, clean and cold. It will eliminate high level pumping in the Ashland district. Next year, the remaining half of the present transmountain diversion will be complete, with an added supply of purified water of first quality flowing into City faucets. The mountain barriers which brought death and destruction to many who sought to subdue them, will bring life-giving water to Denver and the arid eastern plains.

Denver now ranks high by every standard of water value—unusual purity, crystal clarity, refreshing coolness, priceless healthfulness, and now a more abundant supply. All these make Denver a better place in which to live, to invest, to make one's home. They enhance business and enrich life.

Good water truly is a wonderful asset!

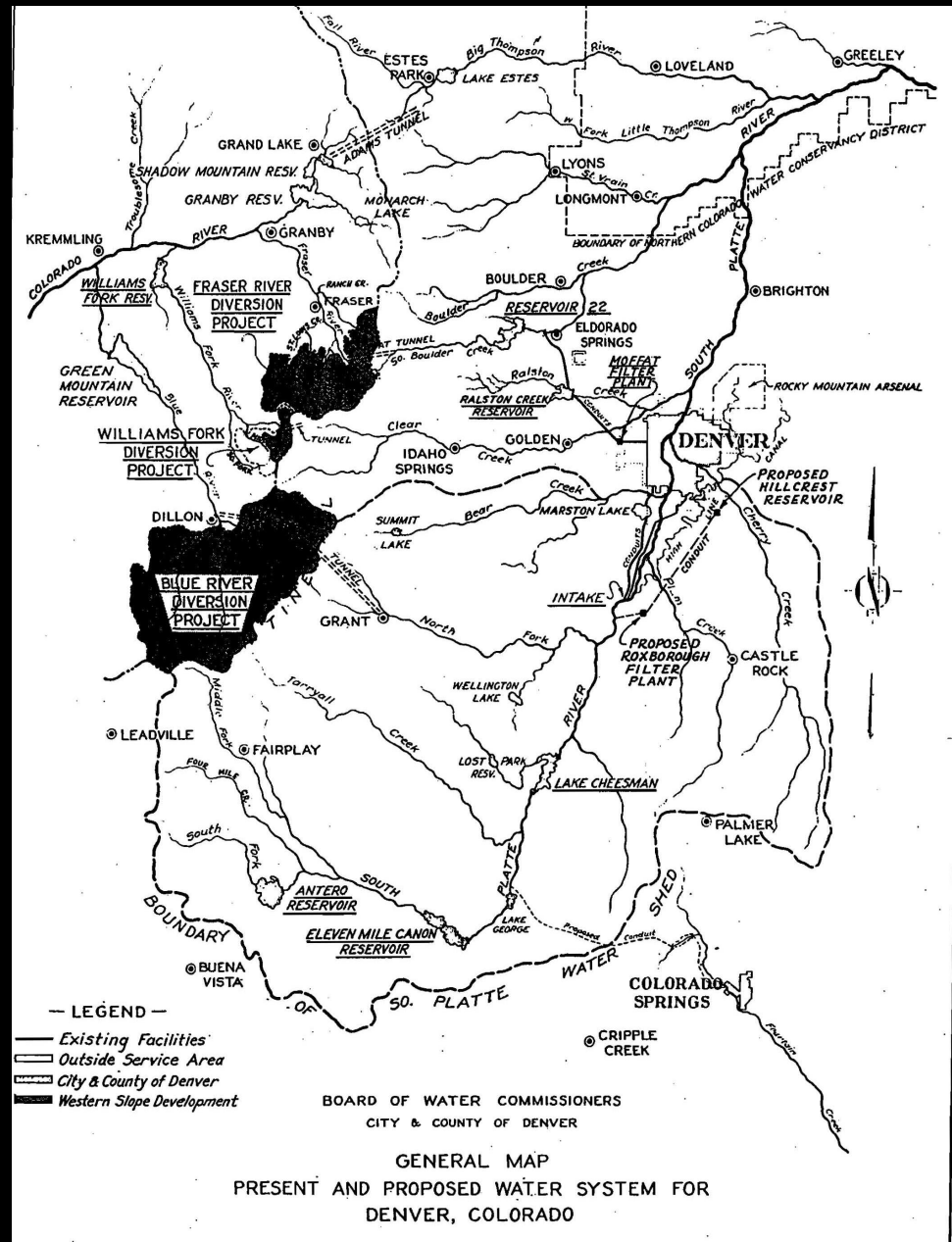
YOUR COOPERATION IS APPRECIATED AND NECESSARY.



Water System of the Denver Water Board
 An independent agency of the City and County of Denver.

Supported by user charges and directed by a Board appointed to six-year terms by Denver's Mayor.

Largest supplier of water in the Metropolitan area.



Water Delivery System in Denver Metropolitan Area

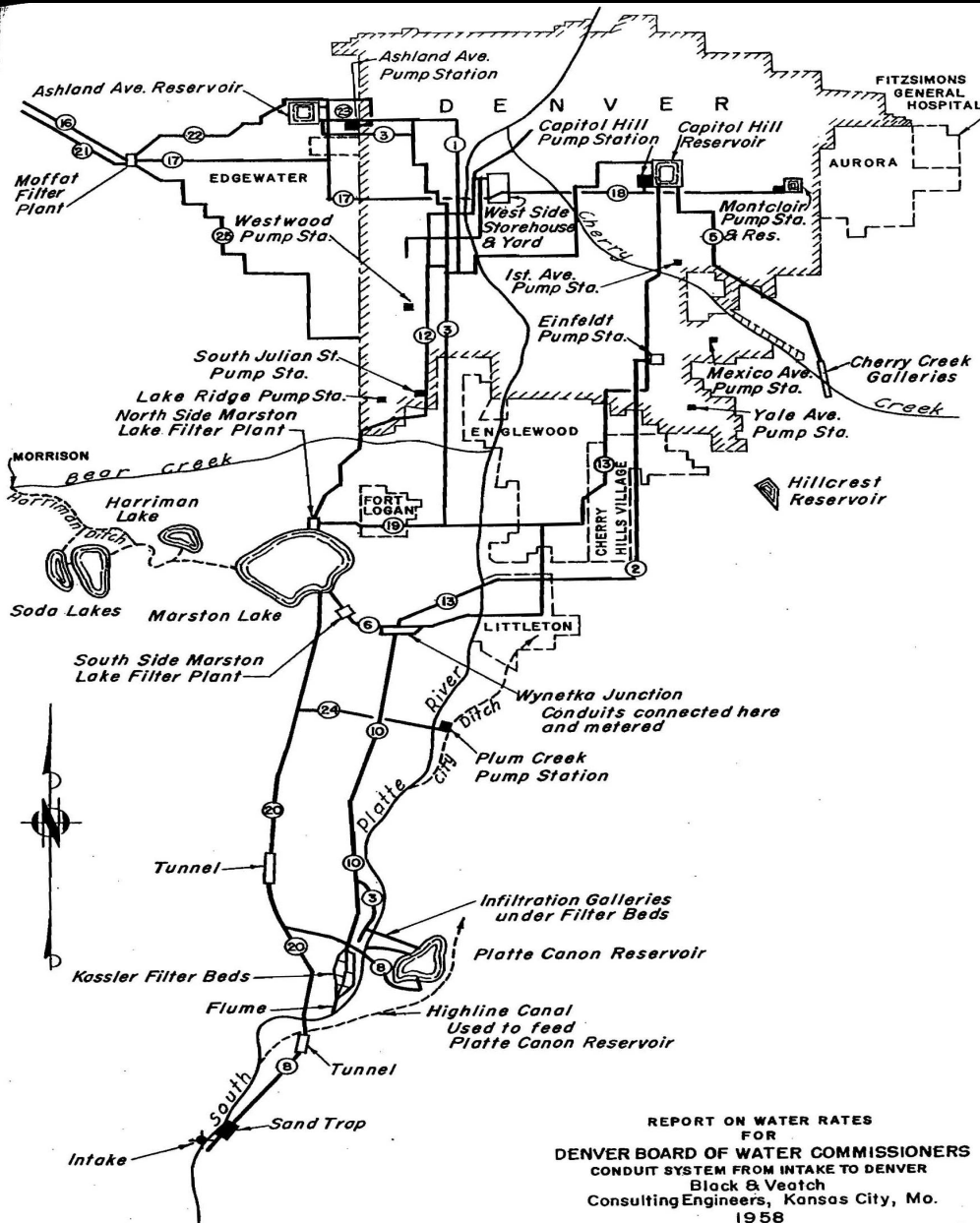
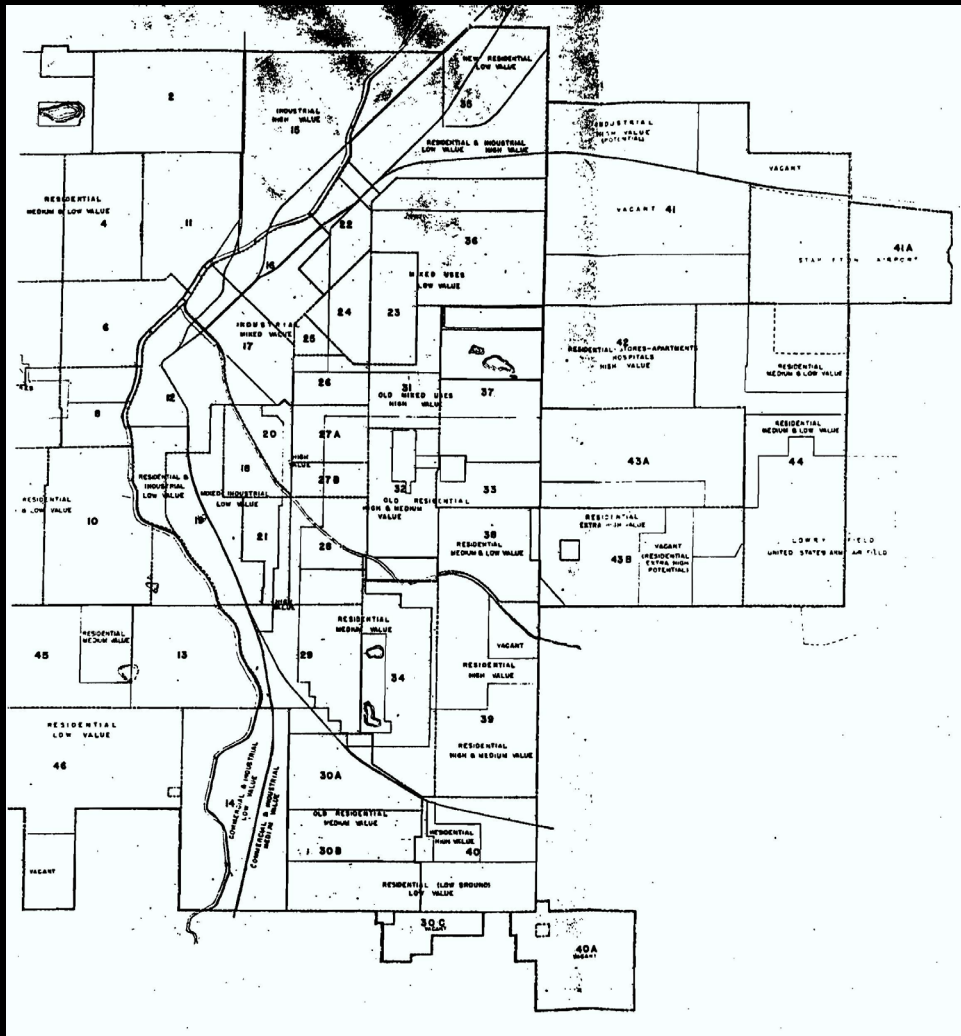


Figure 2

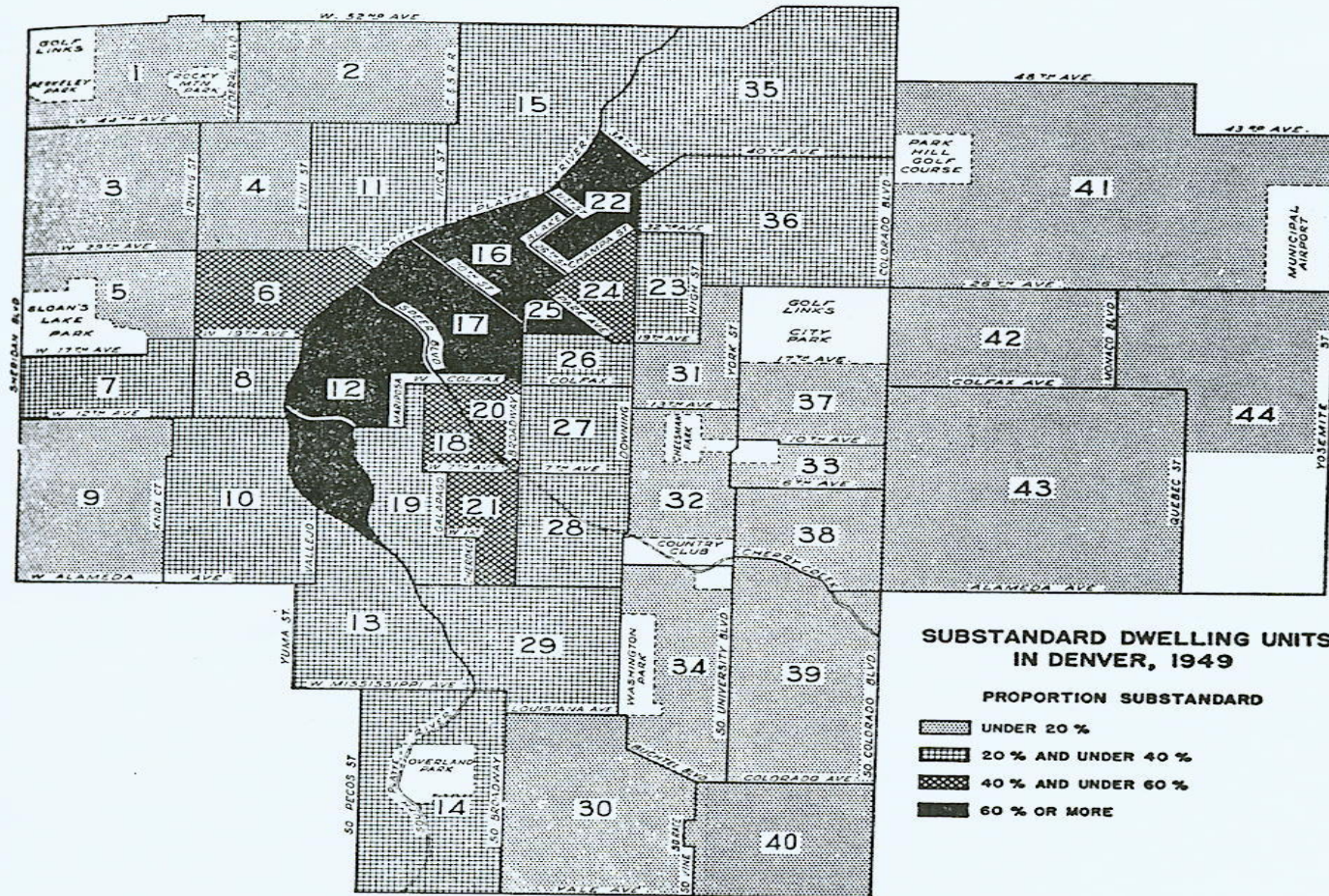


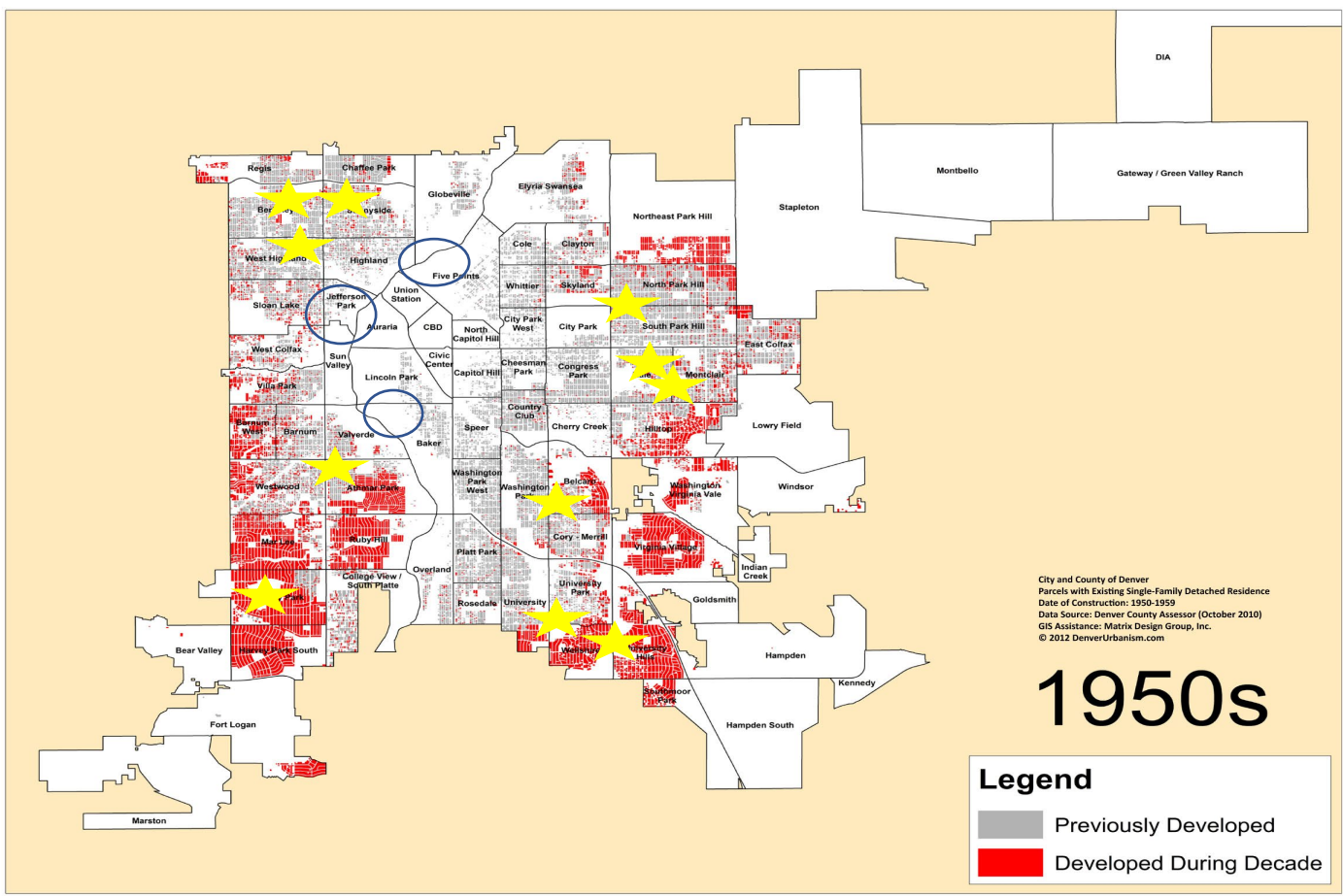
Land Use and Valuation Map

Source:
 Preliminary
 Report, Sites for
 Low-Cost
 Housing Projects

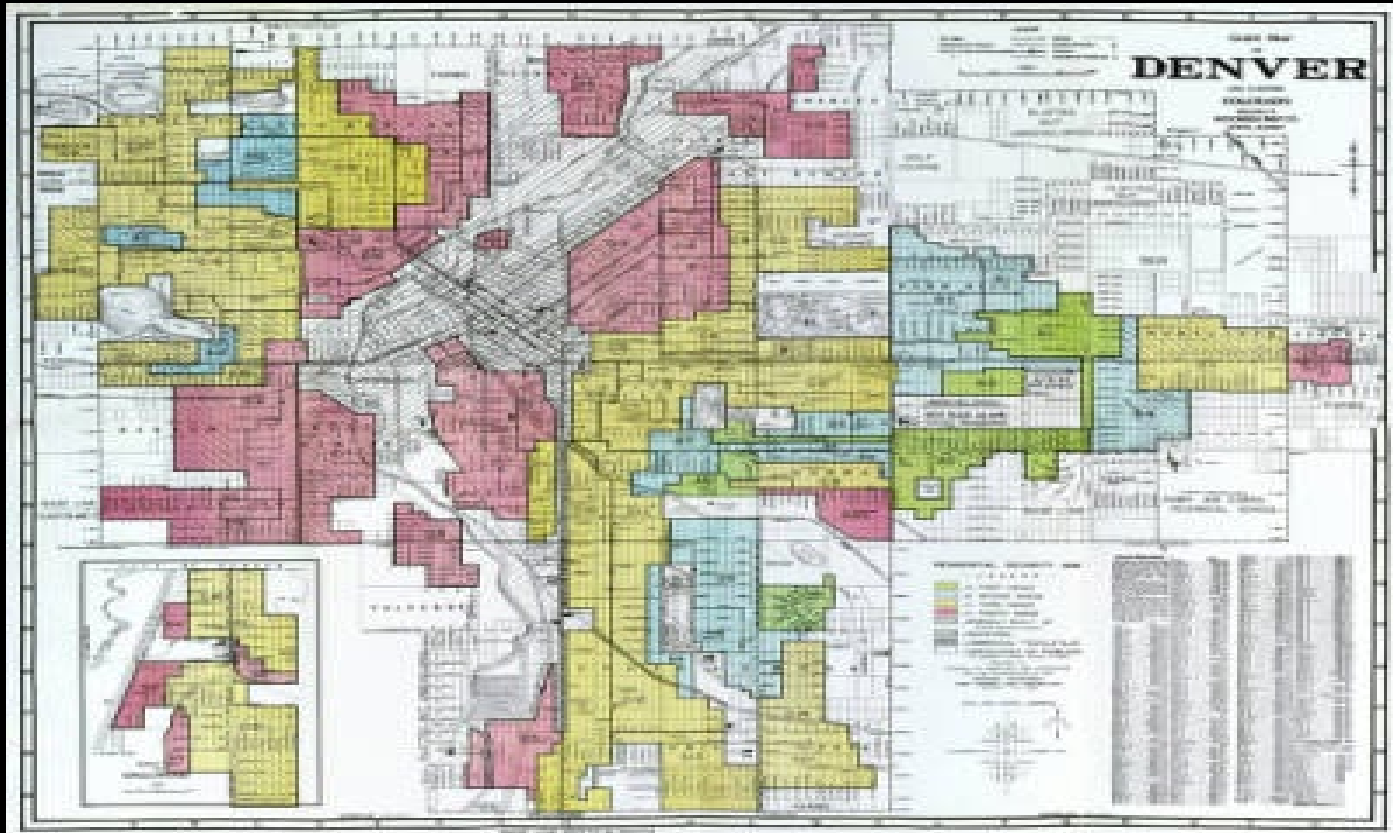
Denver Planning
 Commission
 (1949)

MAP IV



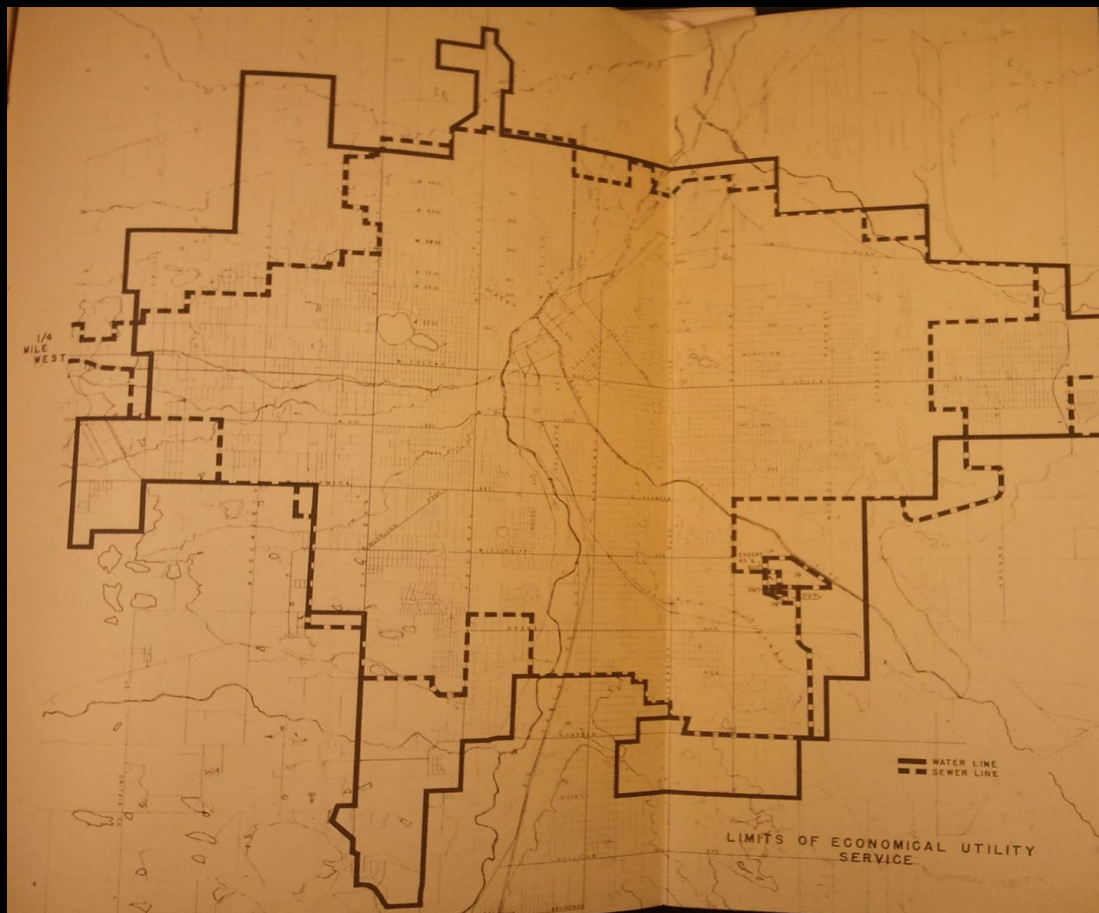


Nearhoods with highest concentration of African Americans, Mexican Americans, Japanese Americans, and American Indians



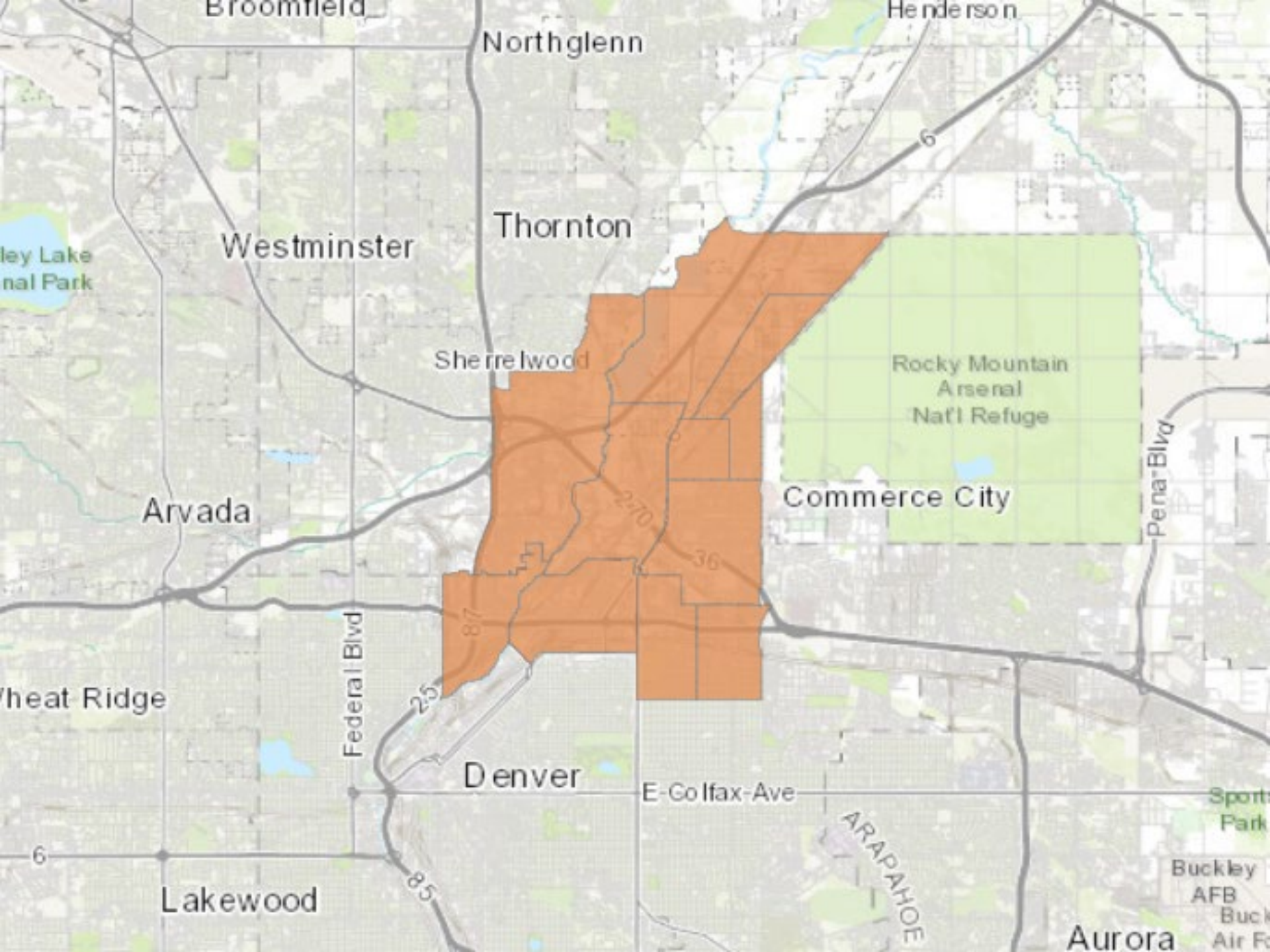
RedLining "GUIDE MAP to Denver and Suburbs"
Home Owners Loan Corp (1938),
Denver Public Library Digital Collection

The Denver Water Board “Blue” and “Brown” Line Circa 1950



Source: Urbanized Denver and the Metropolitan Area: A Basis For Our Policy Decision on our Utilities, Major Streets, and Annexation

Denver Planning Commission (1953)



Broomfield

Northglenn

Henderson

Foley Lake National Park

Westminster

Thornton

Sherrelwood

Rocky Mountain Arsenal Nat'l Refuge

Arvada

Commerce City

Wheat Ridge

Federal Blvd

Pena Blvd

Lakewood

Denver

E-Golfax Ave

Sport Park

ARAPAHOE

Buckley AFB
Buckley Air Force

Aurora



25

THORNTON

ADAMS COUNTY

104th Ave.

South Platte River

85

270

N

2 miles

DENVER

70

225

76

BRIGHTON

Barr Lake State Park

COMMERCE CITY

Rocky Mountain Arsenal National Wildlife Refuge

Tower Road

E 470

DIA

Peña Blvd.

Map area

Denver

Arsenal Cited As Key Source Of Pollution

By BILL MILLER
Rocky Mountain News Writer

ROCKY
MOUNTAIN
NEWS, Nov.
10, 1959, at 6.

Water Crisis Strikes Fear Among Residents



Mrs. Elroy Rumery of 16044 Brighton rd. fears a quart of home-made peaches dows the garbage disposer. Mrs. Rumery, who used contaminated shallow well water during the evening season, plans to dispose of all the fruit and vegetables she put up during the summer. The well is one of many believed to have been contaminated by wastes from the Rocky Mountain Arsenal.

—Rocky Mountain News Photo by Bob Talkin.

Water Crisis Strikes Fear Among Residents

ROCKY MOUNTAIN
NEWS, Nov. 12,
1959, at 5.

ARMY STILL SILENT

Secret Probe Begun During '54 in Region Of Water Pollution

By LEONARD LARSEN
Denver Post Staff Writer



Denver Post Photos by Alvin Neider

Water Trucked to Contamination Area

Mrs. Barbara Mahon, 23, a resident of Irondele Trailer Camp in Adams County north of Denver, watches as National Guardsmen Mayo Cox (on tank) and Ray J. Geron (on truck) fill a 2,000-gallon tank with water trucked in by the guard. The camp is in the area where water pollution has spread from the Rocky Mountain Arsenal. In photo at left, Joe Cusack, sanitarian of the Tri-County Health Dept., takes a water sample from the camp's well to see if there has been any change. (See story on page 1).

DENV. POST, Nov. 13,
1959, at 1.

Nick Pohlit, sanitarian for the Adams county tri-county health department, said that a bucket of "water" from the Kramer irrigation ditch tested 99.9 pct. refined gasoline.

"There are three or four refineries, a storage tank farm and a filling station in a five-mile radius in that area," J. D. Torrey, industrial hygienist for the state health department, pointed out. "And there is underground contamination of the water supply by both gasoline and petroleum.

Pohlit said his office received its first complaint of gas in well water "approximately three years ago."

Numerous meetings have been held—and are still being held—with farmers of the area and engineers from the petroleum industries, he said.

"We don't think the first recourse is court," Pohlit explained. "We've tried an educational approach.

"If a large company loses 10 to 20 gallons of gas or petroleum a day—well, it's hardly worth bothering to record.

"But it could ruin the water strata in the whole area."

Eva Hodges, *Fuel Contaminating Wells in Adams County*, DEN. POST, Aug. 24, 1954, at 19.

70 residents attend 'non-meeting' on water problems

Henry Raybuck Jr., president of the Town and Country Water Board, put it in no uncertain terms. "This is not a meeting," he told about 70 residents of Commerce City gathered in the municipal building to discuss their water problems.

Although the residents came bent on discussing means to clear up the long-term problem, Raybuck made it clear at the start that he was unhappy with how the "meeting" was turning out.

He first demanded that all nonstockholders leave (All residents in the subdivision hold stock in the water district). De-

spite protest from stockholders, he demanded that a News reporter leave the room and asked for police assistance in the face of refusal.

Following the protest of Tim Medina, who said, "We have nothing to hide and all want to work together for the same purpose," the meeting was opened to the public.

And apparently the board had

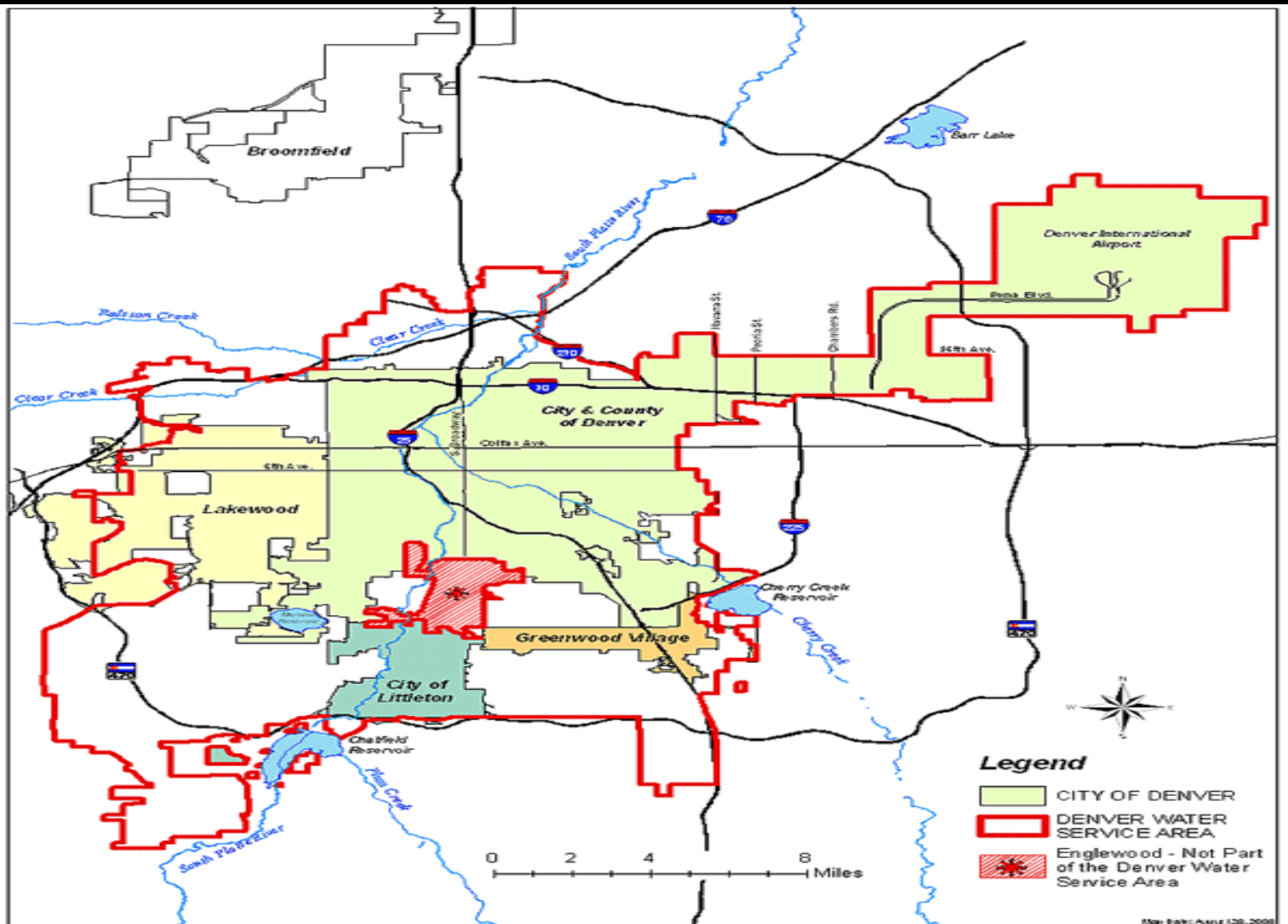
heard that advice many times before. This is the third time we've been through it," said Loren Woods, board maintenance head. "Everytime we get a few new residents, we have to go through it again."

No one denies the water problem. It's just a question of solving it. In the end, it always comes down to the high cost of digging a deeper well or hooking up with another water system, such as Denver or South Adams County.

"If you don't like the water, you have the privilege of moving out," said Woods.

"We also have the privilege of trying to change things," a resident countered.

*Kathy Gosliner, 70 Residents
Attend Non-Meeting on Water
Problems, ROCKY MOUNTAIN
NEWS, Dec. 12, 1973, at 102.*



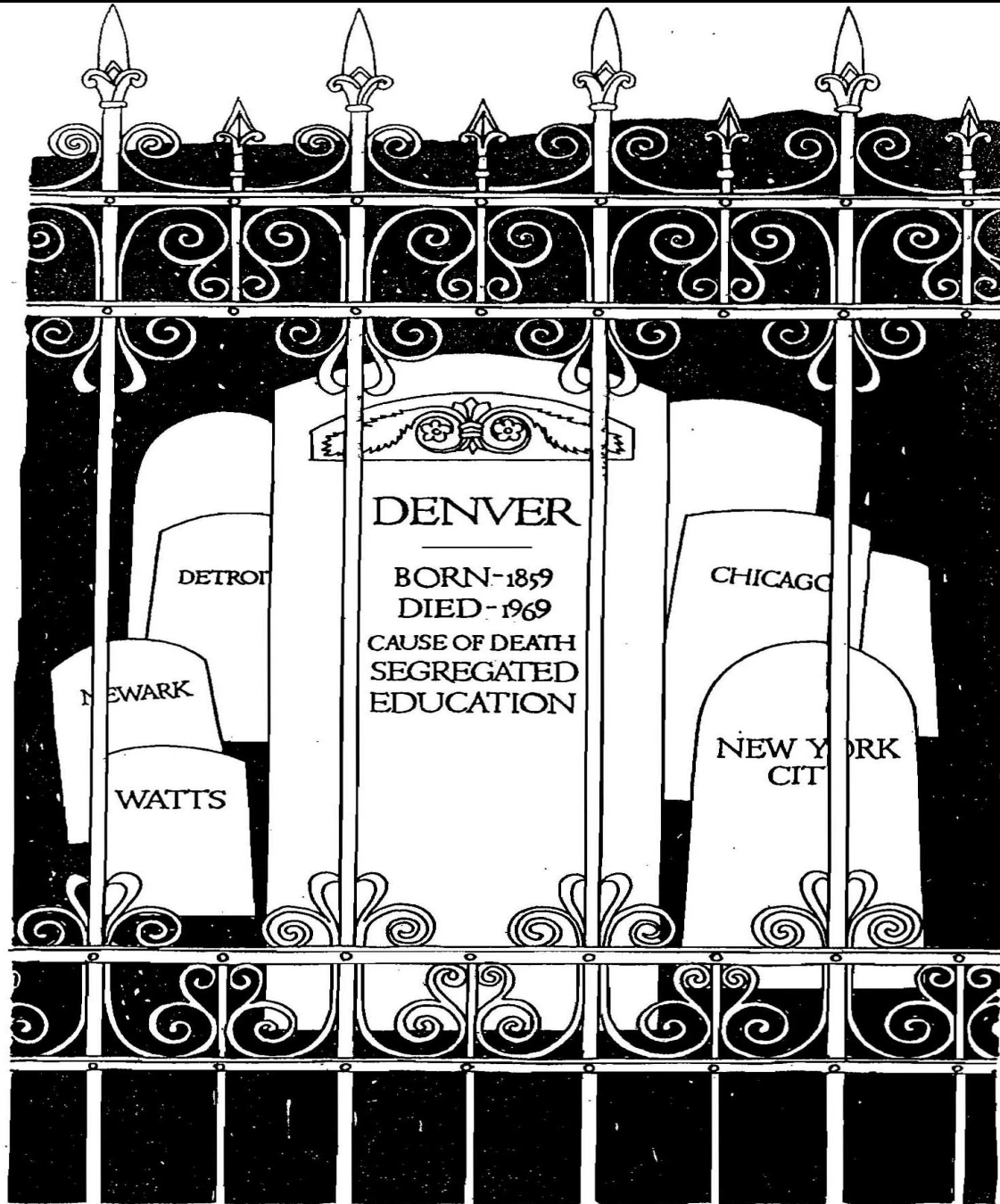
**“Here could lie a
potentially great city!”**

Memo to Industries-
Denver Business and
Industrial Community

From Denver Chamber of
Commerce (undated)

Anti-Defamation League
Collection, University of
Denver Archives

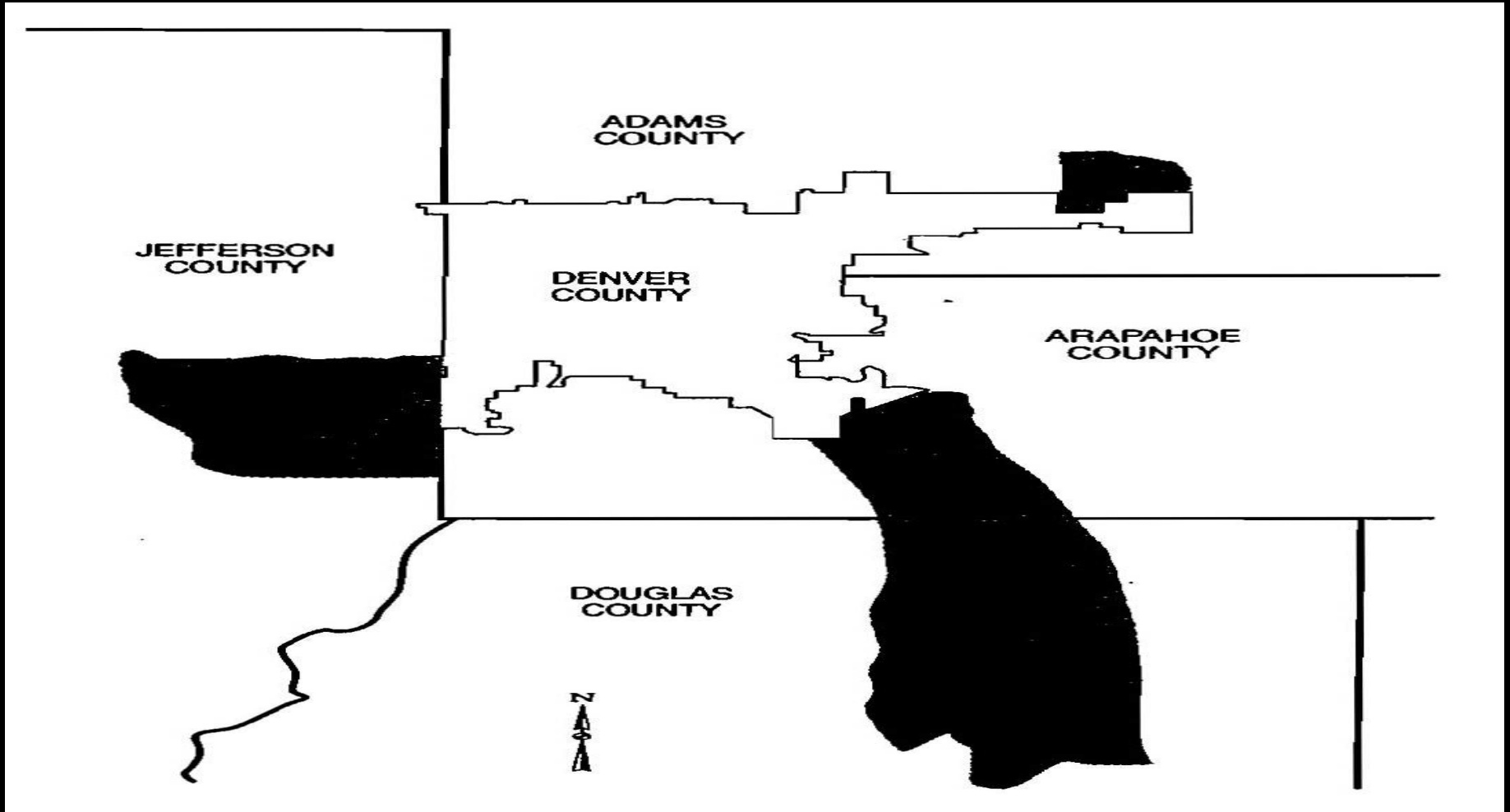
Box 17, FF 9





THE UNIVERSITY OF TEXAS AT AUSTIN
OFFICE OF THE CHIEF OF POLICE
AUSTIN, TEXAS
MAY 15, 1968
RE: [Illegible]



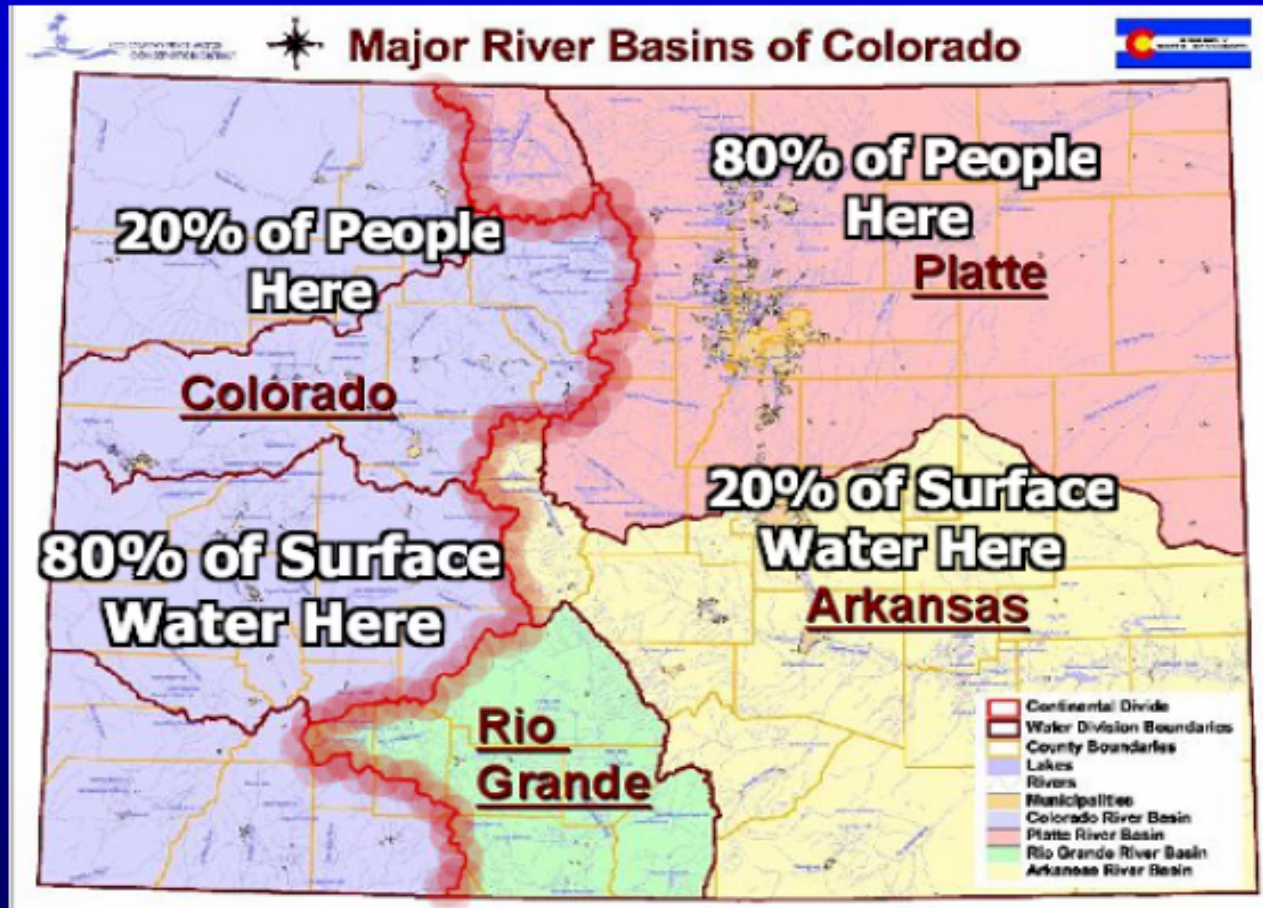


Denver's "sphere of influence" in Metropolitan Denver
Denver Post, October 21, 1973.

The Poundstone “Amendment”

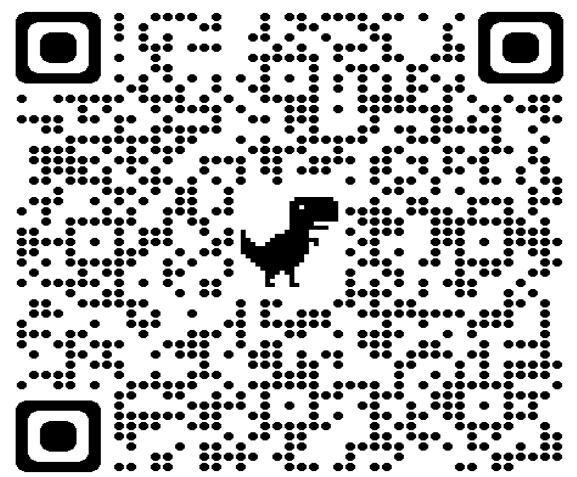
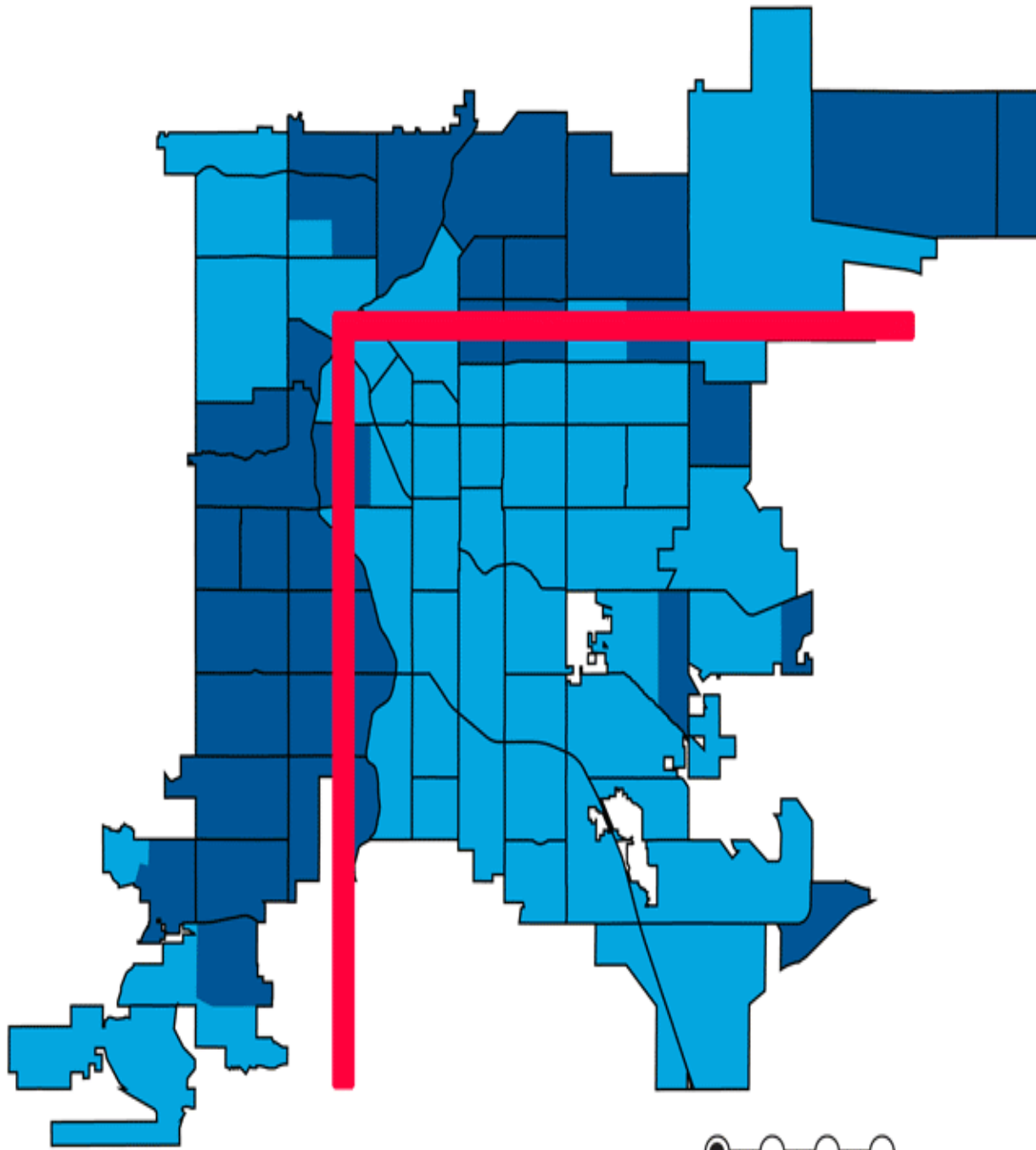
An act to amend Articles XIV and XX of the Constitution of the State of Colorado, concerning the annexation of property by a County or City and County...

80:20 Rule



“It is, I think, right to suppose that the primary reason for the easy passage of the Poundstone Amendment was the suburbs fear of busing. If, in other words, there is to be a ghetto, and busing is to relieve the pressures and injustice of the ghetto, let it all be within the City and County—and school district—of Denver.”

-John Bromley, Denver Post, November 18, 1974



 LESS THAN 50%
WHITE

 MORE THAN 50%
WHITE

The Autobiography of a Brown Buffalo

III.

“Wisdom should be freely
available to all . . . without
smart-alecky impediments”

by Oscar Zeta Acosta

Taking Off the Colorblind Lens



Grutter v. Bollinger, 539 U.S. 306 (2003)

Just as growing up in a particular region or having particular professional experiences is likely to affect an individual's views, so too is one's own unique experience of being a racial minority in a society, like our own, in which race unfortunately still matters.

-Justice Sandra Day O'Connor

Water Justice Toolkit

Regulatory Drinking Water Regimes
State & Federal



Contaminated Taps
in Communities of Color



Management of a Particular Water Supply
Local

New Tools to Add

**Colorado's EJ Act and Protection of
Disproportionately Impact Communities**

What are Disproportionately Impacted Communities?



- Census Block Groups with one of 3 demographic factors:
 - More than 40% low-income households;
 - More than 40% people of color households;
 - More than 40% housing cost-burdened households;
- Communities with a history of environmental racism perpetuated through exclusionary laws, including redlining, anti-Hispanic, anti-Black, anti-indigenous, and anti-immigrant laws; and
- Communities where multiple factors (socioeconomic stressors, disproportionate environmental burdens, lack of public participation) cumulatively contribute to persistent public health and environmental disparities.

-[CO EJ Act](#) House Bill 21-1266 (2021)

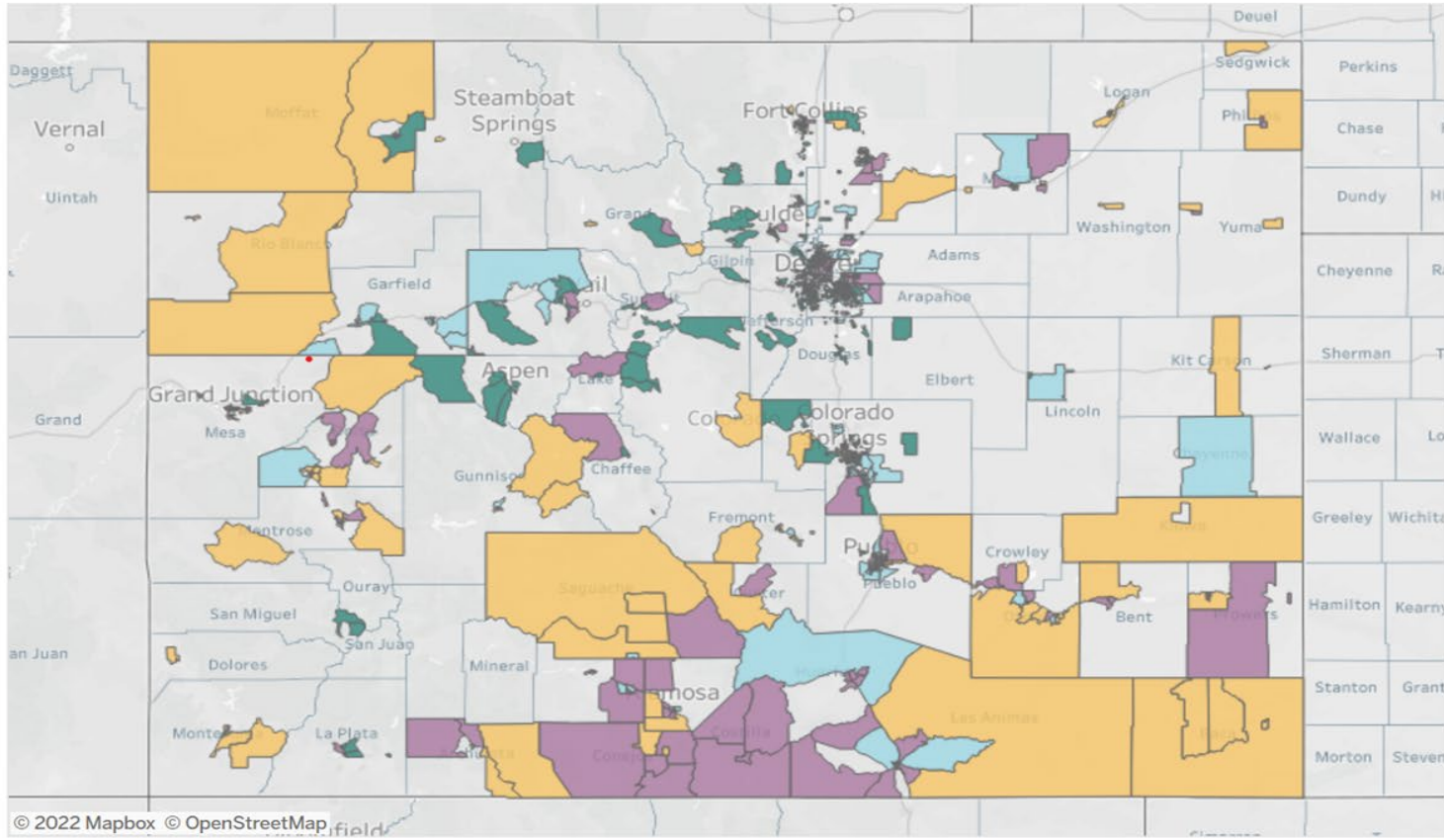
Meets EJ Act DI Community definition due to...

- Low Income
- People of Color
- Housing Burden
- More than one category

Filter the map by using the options below:

County
(All)

Community Population
68 11,059



Population in the selected communities: 2,387,289

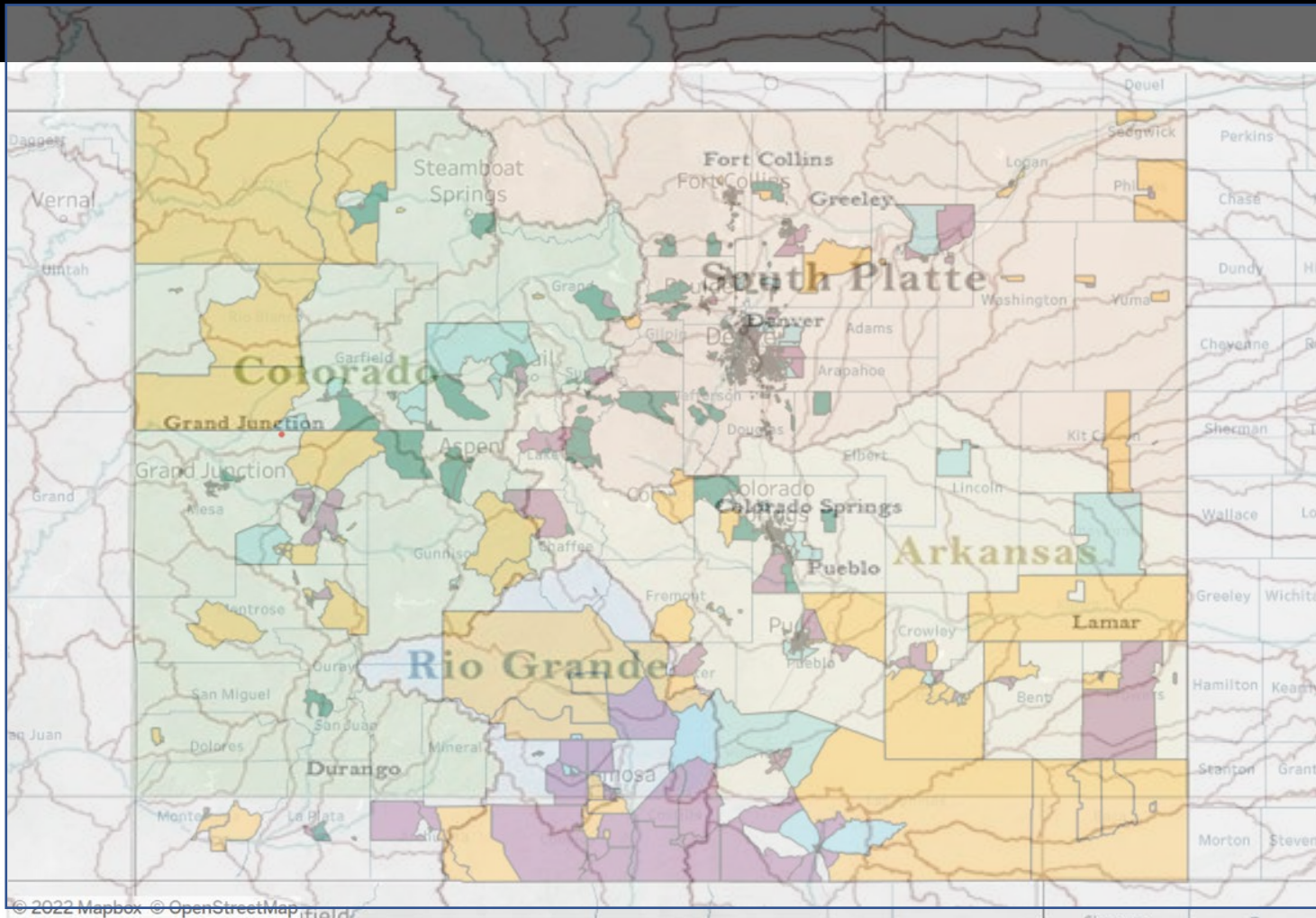
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Filter the map by using the options below:

County
(All) ▾

Community Population
68 ————— 11,059



© 2022 Mapbox © OpenStreetMap

Population in the selected communities: 2,387,289

New Tools to Add

Racial or Social Impact Statements

Racial impact statements are a tool for law and policy makers to evaluate potential disparities of proposed legislation or policy prior to adoption and implementation.

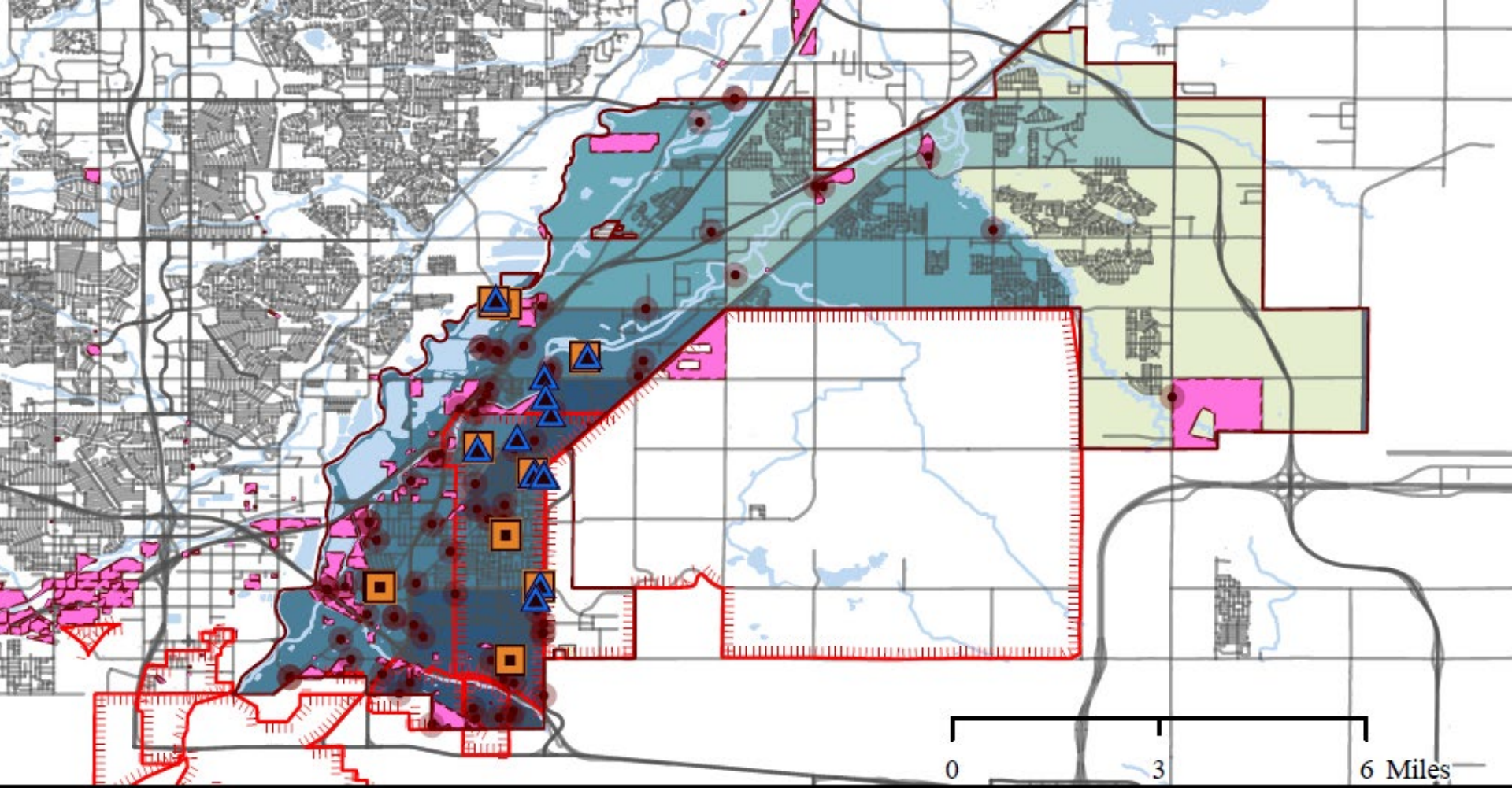
Policymakers may then be able to modify legislation that would worsen existing racial disparities.

South Adams County Water and Sanitation District Potable Municipal Water Supply - Superfund Site Overlay




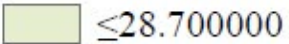

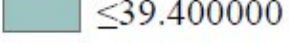

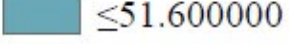

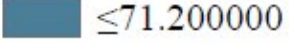
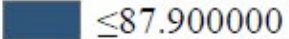
DRAFT

Superfund sites are established under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980. Designation as a superfund site allows for EPA to initiate cleanup efforts and hold parties responsible for contamination to either perform the work or reimburse work if EPA takes the lead.

- ▲ Nontributary Well
- ▲ Tributary Well
- Superfund Sites
- Retired Landfills???
- South Adams County WSD



South Adams County
WSD:
% Persons of Color
w/ Wells & Hazards

- | | | | |
|---|------------------------|---|-----------------|
|  | Tributary Wells |  | Superfund Sites |
|  | Non-Tributary Wells |  | ≤28.700000 |
|  | SACWSD Boundary |  | ≤39.400000 |
|  | Solid Waste Facilities |  | ≤51.600000 |
|  | Retired Landfills |  | ≤71.200000 |
| | |  | ≤87.900000 |

Ideas to Keep in Mind

- “Race [and other social inequities] Still Matter”
- Asset Based Community Development (ABCD)
- Community-Engaged Collaboration

For updates, check out my
The [Color of Water](#) in Colorado Project

until justice rolls down
like waters
and righteousness
like a mighty stream



Dr. Martin Luther King, Jr.

Thank You!

Questions?

tom.romero@du.edu