



February 2000

# "E"-NOTES

the newsletter of the

## Ohio Valley Environmental Coalition

P.O. Box 6753  
(304) 522-0246

Huntington, WV 25773-6753  
fax (304) 525-6984

www.ohvec.org

## Coalfield Residents On The Road Again

by Vivian Stockman and  
Laura Forman

Months of organizing work by various national and state citizens' groups opposed to mountaintop removal/valley fill strip mining culminated in a convergence on Washington, D.C., on February 10.

For our part, OVEC brought a busload of folks to Capitol Hill to lobby and to attend a "Citizens Speak Out" event organized by the Coal River Mountain Watch and the Blair Mountain Historical Organization.

A group of folks from Kentuckians for the Commonwealth met up with Huntington-area OVEC members at 8 a.m. February 9 to board a D.C.-bound bus. The



**Tom Jones, OVEC member and dedicated volunteer, relaxing at the Capitol Hill Presbyterian Church prior to the D.C. lobbying workshop.** photo by Janet Fout

bus, piloted by our favorite driver Oakey Totten, made stops all along the route to D.C., picking up OVEC members and friends.

About 5:30 p.m., we arrived in D.C. very well fed, thanks to bus passenger and new OVEC member, chef Robert Jordan, who supplied us with gourmet vittles.

At that evening's lobbying workshop Carolyn Johnson of Citizens Coal Council (CCC) told over 125 folks, mostly from West Virginia and also from Kentucky, North Carolina, Indiana, Pennsylvania, Iowa, Ohio, Virginia and Massachusetts, that lobbying is about asking for what you

*continued on page 10*

## OVEC Forced to Sue West Virginia DEP (Sigh) Again

by Dianne Bady

On Jan. 20, 2000, attorneys for OVEC and the Hominy Creek Watershed Association filed a lawsuit to force the WV Division of Environmental Protection (DEP) to fully enforce the water protection provisions in federal surface mining law. We're very ably represented by Walt Morris of Charlottesville, Virginia and Charley Kincaid of Huntington. We're also grateful to Cindy Rank for all of her work on this issue.

One problem the lawsuit addresses concerns the community of Island Creek in Logan County. Four mountaintop removal mines, totaling 5,000 acres, are planned which would surround this community of 5,000 people.

Permits for these four mines are being sought by

subsidiaries of Arch Coal and Massey Coal. DEP is making no credible attempt to examine the cumulative hydrological impact of the proposed mines on the waters of that area.

*continued on page 6*

### Inside

Herding Cats	.....page 2
Byrd Protest	.....page 4
One AMAZING Lady	.....page 5
It Wasn't A Pretty Sight	.....page 8
Bumper Sticker Wars	.....page 13
Ornaments Extraordinaire	.....page 17

# Thoughts On Herding Cats and Green Activism

by Dianne Bady

Janet, Laura and I joke that OVEC's work sometimes seems like trying to herd cats. Cats are creatures with strong minds of their own, not naturally amenable to traveling in packs. When someone displeases them, they're likely to hiss and spit.

And so it goes with our work. Environmental activists are people who have strong ideas, and who are usually convinced that they are right. The most important part of our work is bringing strong-minded people together and facilitating the discussions that lead to coordinated actions. This isn't always as simple as it may sound. Sometimes it feels as though folks are running around in all sorts of directions and everyone is talking at once. The task then, is to encourage the PROCESS of many strong-willed people deciding what common activities they will work on together.

Given the inherent challenges of this kind of work, I find myself continually amazed at the successes that emerge from our diffuse-leadership style of operation. And, paradoxically, how sometimes, important actions are pulled together quickly.

For example, Laura Forman deserves a gold medal for her December feat of organizing a busload of people to travel to Washington, D.C., in ONE day's time. As I write this, another busload is headed to D.C., organized by Laura and Viv Stockman, with involvement by many.

Some people say it is simply not possible to stop mountaintop removal, that the power of King Coal is just too great. But we were told by many that it was impossible to stop the Parsons and Whittemore pulp mill after it had received the necessary permits.

Janet Fout nurtured a PROCESS that resulted in a Stop the Pulp Mill rally, which was attended by a thousand people. Dedicated attorneys like Jason Huber and Perry McDaniel contributed their time and talents. The "done deal" pulp mill never got off the ground. In spite of the fact that West Virginia's governor and many other politicians worked tirelessly to get this planned biggest-on-the-continent pulp mill sited here. Despite the fact that "our" politicians assured the company that little things like Clean Water Act and Clean Air Act laws didn't actually apply to them. After all, company executives were big contributors to all the right political campaigns.

For eight years we were repeatedly told that Ashland Oil's power in our region was such that their illegal pollution couldn't be halted. Yet in 1998, stimulated by massive citizen demand, the U.S. Department of Justice fined Ashland millions of dollars. The Justice Department also demanded that Ashland set aside over \$30 million to correct all the violations at their three refineries – and our friends in Kenova, WV, tell us the air is much cleaner now.

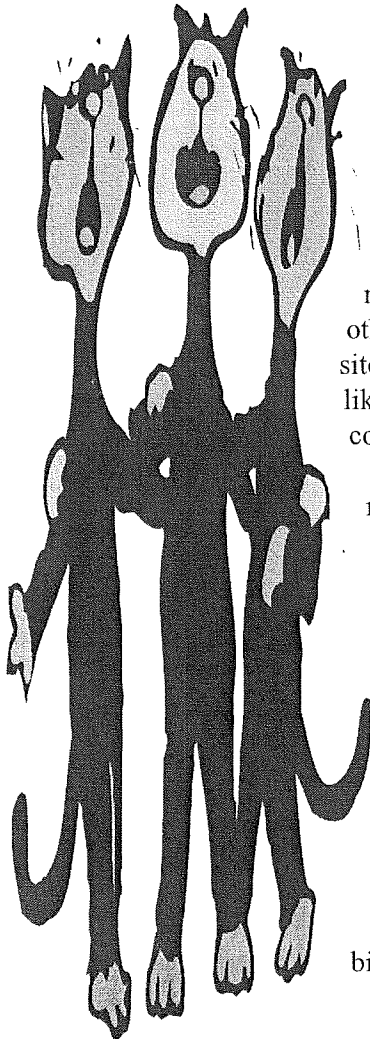
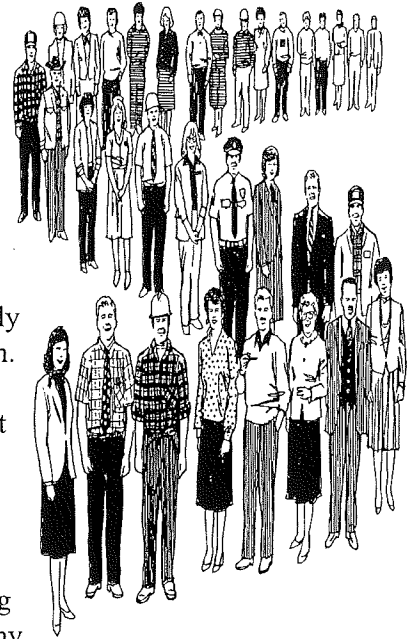
In the statewide movement to save our mountains, streams and coalfield communities, there's been a lot of talk of legal issues such as approximate original contour and cumulative hydrological impacts.

As well there should be. Lawsuits are a crucial tactic. But I wonder if, ultimately, the most important arena in this fight is the human heart.

The heart that knows, without a doubt, that obliterating entire ecosystems for short-term corporate profit is gravely wrong.

People who, like some cats, are not afraid to hiss and spit at those much bigger and more "powerful" than themselves.

People who can't watch quietly while this massacre continues.



# King Coal's 'Sweetheart' - House Speaker Bob Kiss

by Janet Fout

If a citizen wants to understand the true nature of politics, all he/she needs to do is follow the money trail. And the Peoples Election Reform Coalition-WV (PERC/WV) acts like a "bloodhound" with its nose to the ground, sniffing out favors bestowed on big special interest campaign contributors.

For instance, like Gov. Cecil Underwood, House Speaker Bob Kiss has been a prime beneficiary of campaign donations from the coal industry and its supporters.

PERC/WV's data for the 1998 election cycle shows that coal dollars to Kiss's 1998 campaign increased 133 percent over his donations from the coal industry in the 1996 election.

PERC-WV's analysis also showed that Kiss passed on \$33,050 of his 1996 campaign donations to 44 other House candidates and political groups. These donations must have made it much easier for him to "persuade"\* other House members to vote for the coal "mitigation" bill (which increased the size of valley fills from 250 to 480 acres before coal companies were required to mitigate water losses).

As we all know, politicians may work in tandem to carry water for big special interest contributors like the coal industry. A good example of this occurred when Gov. Underwood-R (who received half a million dollars in 1996 from Big Coal) appointed Bob Kiss-D, to fill a vacancy in the West Virginia Supreme Court.

The Supreme Court may, in the future, rule on issues involving mountaintop removal or other issues related to the coal industry (such as failure to pay Worker's Compensation premiums). Luckily, Kiss's appointment didn't make the grade when challenged in the WV Supreme Court by several groups and individuals.

*\*Persuade, v. - as defined in the West Virginia Legislature, it really means "to bully." Tactics include being called individually into the leadership's office. Unless one complies with the leadership's demands, pet projects for counties or key appointments on committees may be at risk. Just ask Delegate Arley Johnson, D-Cabell, who was summarily removed from (and recently restored to) his position on the House Judiciary Committee because he dared to question the infamous Budget Digest process.*

## OVEC Board of Directors

### and Staff

#### Board Chair

Susan Hayden

#### Board Members

Gregg and Melissa Anthony

Lewis Baker

LaShonda Bare

Jeff Bosley

Greg Carroll

David Duke

Eric Fout

Winnie Fox

Larry Gibson

Carlos Gore

Rebecca Hoff

Dan Kash

Beady Phillips

John Price

Sharon Roon

Dr. Elinore Taylor

John Taylor

#### Full- and Part-Time Staff

Dianne Bady

Laura Forman

Janet Fout

Maryanne Graham

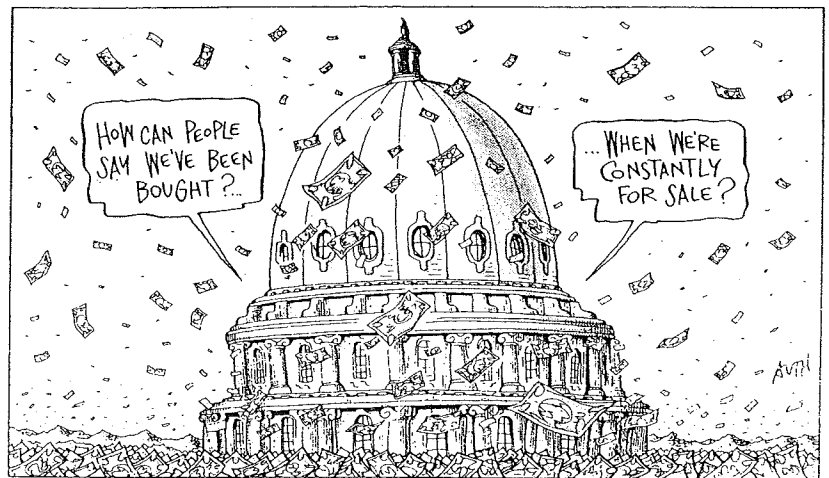
Vivian Stockman

#### E-Notes Editor

Dianne Bady

#### E-Notes Chief Fitter-Inner

Monty Fowler



"Great spirits have always encountered violent opposition from mediocre minds." *Albert Einstein*

# 'The People' Protest at Byrd's \$1,000 Fund-Raiser

by Laura Forman and Dianne Bady

On Oct. 20, 1999, U.S. Judge Charles Haden issued a landmark ruling on mountaintop removal/valley fill mining, in response to a lawsuit by the WV Highlands Conservancy and coalfield residents. Judge Haden found that clean water and surface mining laws were being violated by dumping rock and debris into streams that run more than six months of the year.

Spokesmen for the state of West Virginia immediately announced that the state would file a legal appeal of Judge Haden's ruling. The WV Division of Environmental Protection wants no limit on the size of streams that can be obliterated by the coal industry. (Read that sentence again. How tragically absurd!)

The entire West Virginia congressional delegation attacked Haden's decision, promising that legislation to overturn the ruling would be pursued. Senator Byrd led the charge by introducing a rider to an unrelated bill, which would reverse Haden's ruling by amending federal laws. Was Byrd repaying his loyal campaign contributors? Coal mining interests provided at least 20% of Byrd's total re-election contributions.

## Big Bully

While Byrd was furiously attempting to bully the Clinton administration into supporting the rider, Congressman Nick Rahall held a fundraiser for Byrd at Rahall's home in Beckley.

About a dozen West Virginia residents, organized by OVEC, showed up on Rahall's front lawn to protest Byrd's actions in Washington. People held signs, sang and lighted candles. The overwhelming response from folks driving by was positive.

The following week, Byrd held a \$1,000-a-plate fundraiser for his own re-election campaign at the Charleston Marriott. OVEC organized another protest there as well.

Thirty people showed up with signs and candles, and a few people passing by even asked for signs and joined right in! One sign declared that

"If the mountains must go, Byrd must go!" Folks also distributed literature about Byrd's campaign contributions and the REAL economic impacts of mountaintop removal. Although a few people tried to hand out literature in the lobby, they were promptly escorted out. They were told by security, no soliciting allowed!

One protester who tried to talk to Senator Jay Rockefeller was quickly led away by security guards; as Julian Martin pointed out "I guess you can't talk to a senator unless you have a thousand dollars".

While the group outside chanted in unison, the Byrd people had some trays of finger-food sent out. Maybe they thought if our mouths were full, we couldn't speak the truth.

## Squirring Lobbyists

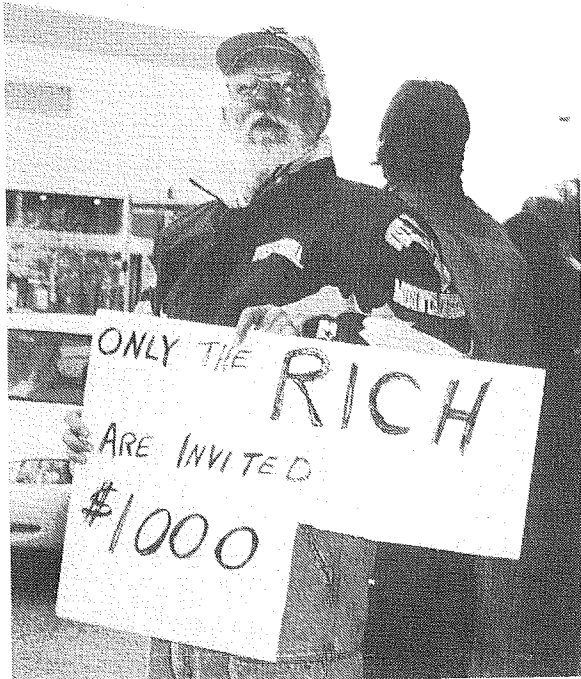
For coalfield residents who have felt powerless against the big coal companies, it was genuinely fun to watch the various coal lawyers and lobbyists try to slink by us as quickly as possible. The coal guys even appeared to visibly shrink as Larry Gibson said to them, "Byrd for sale!"

Another high point was seeing former Gov. Gaston Caperton watch our protest from across the street. He stood there laughing and waving at us for several minutes, appearing genuinely friendly and amused, before heading in to pay his \$1,000 to eat with Sen. Byrd. Caperton may have been remembering the many protests we organized against him when he was trying to get the mammoth pulp mill sited here. Perhaps he was glad to no longer be a target of public demonstrations, or to have the grim reaper, in full black dress, holding vigil outside of his office.

After dark, about half the group went on to a church where Gov. Underwood was attending a function. Most of the folks going in to the church expressed appreciation for our information and our polite actions. They also promised to tell Cecil that they too, opposed mountaintop removal.

Despite Byrd's years of reciting the Constitution and claiming to uphold its sanctity, his speech from the Senate Floor following our peaceful demonstrations showed him to be a petulant bully, nearly senseless with the fury of being defied. He

*continued on page 14*



**Julian Martin lets everyone know Sen. Byrd's price tag at the fund-raising dinner protest.**

*"I guess you can't talk to a senator unless you have a thousand dollars."*

Julian Martin

## ELECTION REFORM

# Democracy's 'Sweetheart' - the Amazing Granny D

by Janet Fout

On Dec. 18, 1999, West Virginia became another piece of history as Doris Haddock, 90-year-old "Granny D", arrived in Parkersburg on her way to Washington, D.C. Granny D, who began her odyssey on Jan. 1, 1999, has now walked over 3,000 miles (beginning in Pasadena, Ca).

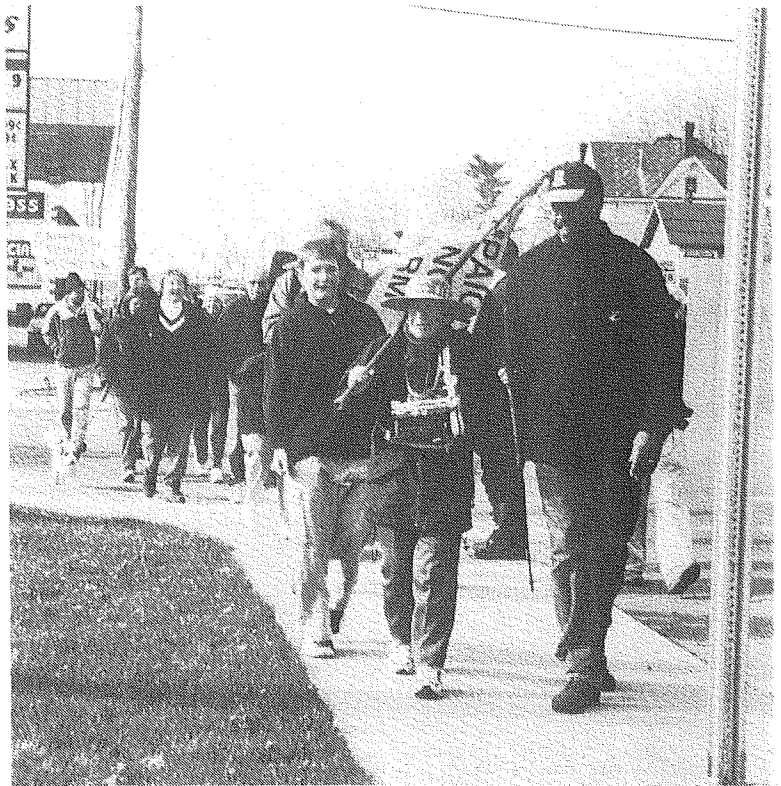
Her message to our nation's lawmakers is clear: "The biggest problem with the current campaign finance system is that we dare not trust our elected leaders. We don't know if they are making decisions for the right reasons, or for corrupt reasons. We have our suspicions, and suspicions are deadly to a democracy," Haddock said.

"There can not be true equality in America so long as only the rich are represented at the table of power," she added.

Representatives from People's Election Reform Coalition/WV (PERC/WV) and other supporters of campaign finance reform, bundled up for the cold winter day, met Granny D in Belpre, Ohio, and marched with her into West Virginia.

On hand to greet her were several West Virginia and Ohio dignitaries and our own Secretary of State, Ken Hechler, who has walked several hundred miles with Granny D. The march seemed more than a little surreal as Granny's supporters were joined by Gov. Cecil Underwood (who hasn't met a coal dollar he wouldn't take).

Around 200 supporters and well-wishers were on



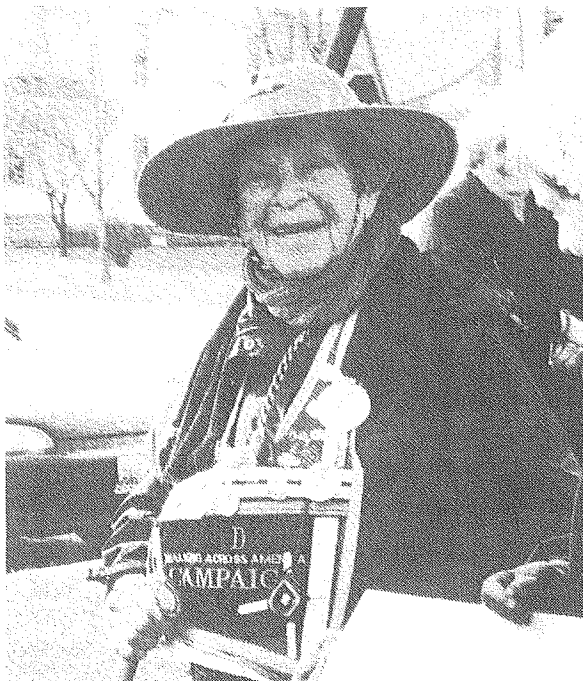
**"Granny D" (small of stature but large of purpose, center), leads the marchers for campaign finance reform during part of her West Virginia segment.**

hand at a press conference at the Parkersburg City Building where Granny D was presented with the key to the city and bestowed other honors for her courageous journey for democracy.

Gary Zuckett, as PERC/WV's spokesman, released PERC/WV's 1998 report on Campaign Inflation (see related story); while Gov. Underwood played it safe - declaring Dec. 18, 1999, "Granny D Day" in West Virginia. Granny D gave a powerful speech - like a prophet in our midst.

Numerous OVEC and PERC/WV supporters and activists helped Doris and Nick Palumbo (her great young sidekick) with places to stay and other speaking engagements all across the mountain state. A very special thanks to Anne Harvey (Clarksburg, with Harrison County ECO) and Dave Saville and Barnes Nugent (Morgantown, with WV Highlands Conservancy) and Shirley Stewart (Morgantown, with WVU) for all the special arrangements that they made on behalf of Granny D and her entourage (as well as others not named who contributed in ways).

Granny D plans to arrive in Washington, D.C. on February 29. You can walk with her from Arlington National Cemetery to the Capitol from 9 a.m.- noon. For more information, check her web site, [www.grannyd.com](http://www.grannyd.com). She would love to have all of her supporters marching with her!



**One tough lady - Granny D**

## DEP Sued Again

*continued from page 1*

Federal mining law mandates this type of assessment.

Facing the destruction of their community, citizens in the Island Creek area have joined OVEC to fight for their community's survival. Island Creek resident Moss Burgess has stated that "we are headed for extinction, the same as Blair and Rum Creek, if Arch Coal has its way".

Our lawsuit also applies to permit applications for coal operations along Hominy Creek of the Gauley River, near the Fayette-Greenbrier County line. Hominy Creek is a pristine trout stream which could become contaminated if the coal industry is allowed to proceed as planned.

The Island Creek and Hominy Creek watersheds constitute headwaters for the Ohio River, which drains into the Mississippi River.

In January 1999, environmental groups filed an intent to sue over DEP's failure to enforce the cumulative hydrological impact assessment provisions of the federal Surface Mining Control and Reclamation Act.

### Good Faith Ignored

The Act requires that multiple permits for the same area cannot be granted unless an assessment of the probable cumulative impacts shows that damage to the waters outside the permit area will not occur. Our attorneys spent over six months in negotiations with DEP officials, trying to settle these matters without going to court. In July, we'd reached a "conceptual agreement", whereby DEP would conduct the required studies, and we would not sue.

DEP then asked for the coal industry's opinion of

our conceptual agreement. After coal industry officials objected to the agreement, DEP changed its mind. DEP officials pointed to at least two dozen problems with the settlement, problems they didn't seem to notice until they consulted with the coal industry. DEP asked us not to file a lawsuit. Rather, DEP suggested that a professional facilitator work with all parties to come to an agreement. We decided to move forward with the lawsuit.

### National Implications

According to Carolyn Johnson, director of the national Citizens Coal Council, the cumulative hydrological impacts assessments (CHIA) required by the federal surface mining act have not really been enforced anywhere in the country since the law was written over 20 years ago.

Indeed, she says, it is outrageous how blatantly the law is being ignored.

Because of the national implications of our lawsuit, the Citizens Coal Council will join our suit as soon as their 60-day notice of intent to sue allows.

### Encouraging Polluters?

In a February 2 editorial on our CHIA lawsuit, entitled "Division of Encouraging Polluters?", the *Charleston Gazette* argued that "state taxpayers once more may be forced to pay the price of the coal industry's unwillingness to obey the law, coupled with regulators' unwillingness to stand up to the coal industry... If DEP's track record is any indication, this will be an expensive and futile exercise. The environmental coalition will prevail, but only after DEP spends tens of thousands of dollars on outside attorneys."

## *A Member Asks: What Shade of Green Is My Soul?*

*by Patsy Ann Holton*

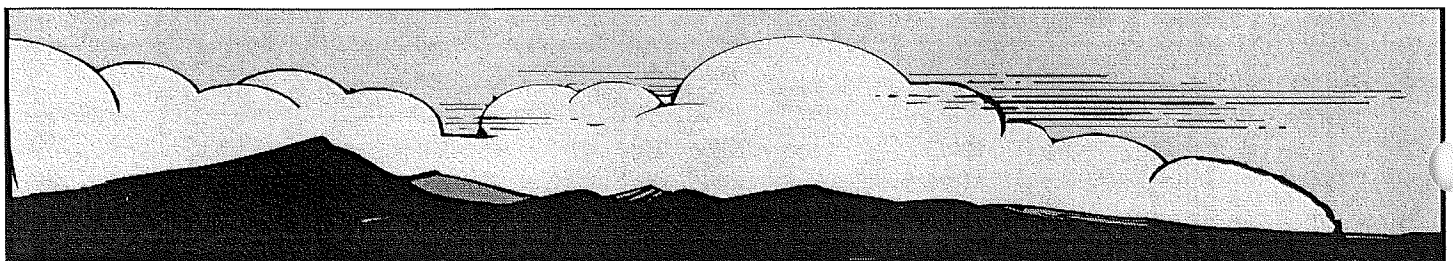
The Creator must really love green because nature is blessed with so many shades of this cool, calming, and refreshing color. From the green-gold of the early willows, to the deep green of the fir tree, to the luminescent green of the rolling ocean waves, an artist could fill a palette with shades.

I believe that every individual that loves the willows, the firs, the oceans, and the myriad wonders of nature is at heart an environmentalist.

I also believe that every environmentalist is both a creator and an artist. Perhaps this lover of the earth does not hybrid a lovely new rose or paint a landscape that "lives" on the canvas, but the environmentalist is striving to create beauty and to open human eyes to the art of nature surrounding us all.

For many years I matter-of-factly considered myself an environmentalist without really thinking much about my particular views on specific issues. What seemed best was what I followed. Now, I have made a deeper commitment to a

*continued on page 7*



## ELECTION REFORM

# Nobody's 'Sweetheart' - Campaign \$\$\$\$ Skyrocket

by Janet Fout

The day that Granny D crossed into West Virginia, People's Election Reform Coalition (PERC/WV) released a study which showed that campaign dollars raised by West Virginia politicians increased nearly 34 percent from 1996 to 1998. This represents a rate of inflation nearly 10 times the Consumer Price Index inflation rate for the same time period.

The total money raised in all legislative races in 1996 and 1998 was \$2,618,322 and \$3,515,124, respectively. And remember, our legislators are paid \$16,000 per year for this public service job.

Although 1998 was not a major election year, the average senate winner raised a whopping 75 percent more campaign funds than he or she did in 1996. The largest dollar amount raised by a state senate candidate in 1998 was 72 percent higher than the largest dollar amount raised by a senate candidate in 1996.

Sen. Oshel Craigo led the "dash for cash," collecting \$324,883 in campaign contributions. Sen. Earl Ray Tomblin raised the most in 1996 - \$189,883. In 1998, House Speaker Bob Kiss outdid himself. As the No. 1 recipient of campaign cash for the House of Delegates in 1996 with \$105,018, Kiss took top "honors" again in 1998 with a total of \$244,662.

(Many organizations are now involved in PERC/WV, a bipartisan effort which was started in 1997 by OVEC, WV Citizen Research Group and Common Cause-WV. The Citizen Research Group does a top-notch job on researching the contributions.)

	Senate 1998	House 1998	Senate 1996	House 1996
<b>Average Winner</b>	\$89,414	\$22,628	\$51,180	\$17,481
<b>Average Loser</b>	\$42,469	\$9,195	No data	No data
<b>Average Incumbent</b>	\$97,993	\$21,435	No data	No data
<b>Average Challenger</b>	\$44,424	\$13,209	No data	No data
<b>Most Money Raised</b>	\$324,883 (Craigo)	\$244,662 (Kiss)	\$189,883 (Tomblin)	\$105,018 (Kiss)

## Shades of Green

continued from page 6

way of life. With this promise both to myself and to that part of the earth that I can affect, what "seems" best is not enough.

Today I have to ask myself some serious questions whose answers I am still seeking.

What are my positions in areas that are no longer shaded gray but stand starkly in black and white? If I am no longer gray, what shade of green am I? Am I truly a "deep green?"

Do I have the courage of those individuals who face physical and social risks to stand for issues in crises? Am I the golden green of the gentle person who firmly believes in protecting the environment for future generations and will audibly and viably support others in these efforts?

I don't know. Perhaps I am the green of a juicy Granny Smith apple. That particular apple's tart firmness calls for no middle ground - it is loved or ignored. I can't worry about whether or not my views on environmentalistic issues are favored even when I know my own positions better.

Whatever shade of "green" I develop as I mature in knowledge and experience while working with those who are wise in the field, I know one thing. I will be true to the earth, to its creatures, to my fellow human beings, and to myself. As long as I keep that promise, I will eventually become the shade of green which, for now, only my soul knows.



# Mining forum turns ugly

## Industry supporters jeer, shout down environmentalists

By Ken Ward Jr.  
STAFF WRITER

A public forum on the future of coal mining in West Virginia turned ugly Tuesday night when miners and other coal company supporters shouted down industry critics.

The audience, packed into a University of Charleston auditorium, cheered wildly whenever a pro-coal speaker talked. The crowd booed and repeatedly interrupted other speakers.

"Why don't you let me finish, and stop being rude to people you don't agree with," Laura Foreman, an activist with the Ohio Valley Environmental Coalition, told the crowd when her comments were cut off by jeers.

Several hundred people turned out for the two-hour forum, sponsored by WSAZ-TV, the Charleston Daily Mail and the University of Charleston.

WSAZ personalities and a panel of news reporters questioned industry lobbyists, environmental activists and government regulators about mountaintop-removal

mining and other coal-industry issues.

Representatives of the U.S. Office of Surface Mining and the state Division of Environmental Protection, however, sounded more like industry boosters than regulators.

Roger Calhoun, director of the OSM Charleston field office, said his agency's job is to "create a regulatory environment for the mining of coal." DEP Director Michael Castle emphasized that his department is supposed to "protect the environment, but also protect our energy needs."

Corky DeMarco, an aide to Gov. Cecil Underwood, rattled off a list of jobs provided and taxes paid by the coal industry.

DeMarco said if Chief U.S. District Judge Charles H. Haden II's ruling to limit mountaintop-removal mining stands, the Underwood administration would be forced to raise taxes or reduce government services. "It's unfortunate that people are being adversely affected or displaced by mining," DeMarco said.

"But then again, it's unfortunate that when you build a road,

there are homes and businesses that are displaced," he said. "That's just reality. That's an unfortunate thing that progress costs."

Norm Steenstra, director of the West Virginia-Citizen Action Group, pointed out Haden's ruling does not eliminate mining, but simply limits the size of streams that can be buried by coal waste. "The big lie is that this ruling ends all coal mining," Steenstra said.

Terry Vance, a United Mine Workers official from Logan County, said Southern West Virginia needs mining to flatten land so other businesses will locate there.

Cindy Rank, mining chairwoman for the West Virginia Highlands Conservancy, noted that most mountaintop-removal permits issued by DEP have not included the required postmining development plans for flattened mine sites.

"The southern part of the state is the richest part of the state in terms of coal reserves," Rank said.

"Why aren't there sewer sys-

tems and water systems?" she said. "Why aren't the coal communities far richer than any other communities?"

Coal lobbyist Ben Greene criticized parts of a proposed lawsuit settlement, pending before Haden, which would enforce requirements for postmining development of flattened land.

"There is a fallacy in this whole idea that the coal industry is a development agency," Greene said. "The coal industry's responsibility is to provide an area that is suitable for that activity. You can have it in a consent decree, but that's just a fact."

Also Tuesday, Castle issued a news release to deny allegations that the DEP has issued mining permits that don't include required studies of potential damage to streams and groundwater. Late last week, the Ohio Valley Environmental Coalition and the Hominy Creek Preservation Association made those charges in a lawsuit filed in federal court in Huntington.

To contact staff writer Ken Ward Jr., call 348-1702 or e-mail [kwward@wvgazette.com](mailto:kwward@wvgazette.com).



# Brave New World Trade Order - Gas Masks Optional

by Vivian Stockman

In Seattle on the cold, rainy morning of Nov. 30, 1999, Mary Wildfire and I made our way to a waterfront park by 7 a.m.

We were there to help stop the opening ceremonies of the Seattle round of the World Trade Organization (WTO).

We soon lost each other in the crowd of well over 5,000 people, assembled for this "Carnival of Resistance" organized by a coalition of environmental, labor and human rights groups.

Since participants faced arrest, organizers had only dared hoped for a few hundred demonstrators. They were stunned and empowered by the numbers pouring into the park. The jubilant crowd, many in creative costumes, carried signs, banners and puppets and swayed to the music of the drums and bells.

## Different Shades of Green

As we began to march, nuns walked beside steelworkers; young pierced people, with multi-colored dreadlocks, danced alongside old ladies; college students chanted with office workers.

Colorful banners waved in the air. One depicted the WTO as the grim reaper, trampling on the Clean Air Act, the Endangered Species Act and the Clean Water Act.

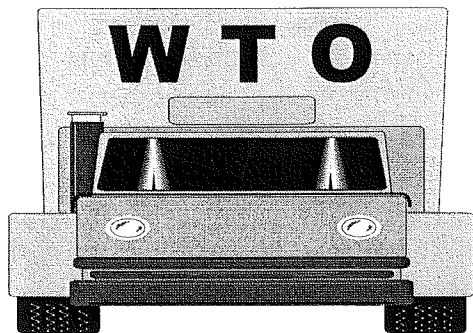
Elsewhere, by 10 a.m., tens of thousands gathered to march downtown. About 50,000 turned out for the labor march; thousands attended other marches, all intent on converging on downtown Seattle. Protesters operated in affinity groups, where each person watched out for the other.

Teams of medics, legal observers and independent media observers were well organized and in contact by cell phone. We moved through the streets, blocking off intersection after intersection, peaceably bringing downtown Seattle to a standstill.

## Rubber Bullets

At first the hordes of Darth Vader-looking police stood by, many on foot, some on horseback, some on "peacekeepers" - small tanks loaded with tear gas, concussion grenades, rubber bullets and pepper spray.

I didn't see one protester initiate an act of violence, but the cops



ENVIRONMENT

reached a breaking point, and began an assault. People held their ground as best they could, and we didn't leave until dusk. The WTO's opening ceremonies never took place.

## Peaceful Folks

Later I learned there had been some vandalism directed at multinational corporations. The mainstream media choose to focus on this, calling the protesters "rioters" and all but ignoring the 50,000 or so peaceful folks - from all over the world - assembled with the purpose of shutting down the WTO. Everybody had their pet issues, but they all boiled

*"...a secret tribunal of un-elected, corporate-retained judges who have the authority to overturn local, state and national laws and regulations..."* Vivian Stockman

down to the demand that people and our life-supporting ecosystems be placed above the earth- and culture-destroying chase for profits by multi-national corporations.

The media also mostly ignored the debates and teach-ins and other protests taking place all week.

On Dec. 1, Mary and I wanted to attend a teach-in on the perils of genetic engineering and corporate biopiracy. We had to walk several miles, as the protests had disrupted bus service. Once downtown, the cops wouldn't let us walk freely and we had to take a circuitous route to arrive at the church where the teach-in was. (Churches all over downtown opened their doors, providing meeting rooms, restrooms and sanctuary for the demonstrators.)

The international speakers were captivating, but both Mary and I kept looking out the huge plate glass windows at the streets of Seattle, so obviously under martial law.

I felt like I was part of some testosterone movie. Troops of Robocops kept marching by. Then came battalions on motorcycle, followed by dark vans with flashing blue lights, then a couple of limousines, then more troops of cops.

Discussing this later, Mary and I realized we were both thinking the same thing - all this military might is necessary to keep the WTO operating.

The WTO is a five-year-old global trade bureaucracy that serves the interests of transnational corporations, functioning to move economic and political power away from national governments and into the hands of transnational corporations at a great cost to the environment, human rights and democracy.

## Laws A 'Barrier'

With 135 governments on board, the WTO seeks to reduce tariffs on trade and also non-tariff "barriers to trade", which could be anything that gets in the way of a transnational corporation's drive to make profits - like labor and environmental laws.

*continued on page 10*

## D.C. Road Trip

*continued from page 1*

want and about building relationships.

Our goal for Thursday was to split into smaller groups in order to visit many of the legislators who, last November, helped kill Sen. Robert Byrd's rider that would have undermined Judge Haden's ruling. The ruling held that valley fills in certain streams are illegal under portions of the Clean Water Act and the federal mining laws.

### Stick With Us

We thanked legislators from other states for their past support and asked them to stick with us in case the WV Congressional delegation, and perhaps even the Clinton/Gore Administration, make moves to grant the mining industry exemptions from environmental laws. The Administration seems to be considering rewriting rules and regulations so that illegal valley fills can be legalized.

We lobbied our supporters to write the White House, asking that the Clean Water Act and federal mining laws be

## Brave New World

*continued from page 9*

Under WTO, if a corporation determines that any law is a "trade barrier" it can sue. The case is brought before a secret tribunal of un-elected, corporate-retained judges who have the authority to overturn local, state and national laws and regulations. These rulings are enforceable through crippling trade sanctions.

So far, in its five-year existence, the WTO has overturned every health, labor and environmental law that has been brought before the unaccountable tribunal.

Mary and I came home from Seattle radicalized. The earth's most powerful and anti-democratic institution had been severely shaken by the power of the people!

At the urging of friends, we have participated in two well-attended meetings in which we discussed the WTO.

At the last meeting, labor activist Mike Dunlap, who also protested in Seattle, joined us. To me, one of the most exciting things about Seattle was the solidarity between hard hats and tree huggers.

While I don't expect the United Mine Workers to cozy up to OVEC next week, I do think we will be seeing more attempts at building coalitions between enviro, labor, peace, religious and human rights groups as we search for ways to stop the WTO's "trade uber alles" agenda.

We have already developed some action plans from our first meetings.

If you would like more information about the WTO, the protests or the next steps please contact Mary at [mwildfire@hotmail.com](mailto:mwildfire@hotmail.com) or me at [vivian@wvadventures.net](mailto:vivian@wvadventures.net).

upheld and enforced, not weakened.

The only member of the WV delegation with whom we had a scheduled visit was Congressman Bob Wise. About 25 West Virginians talked emotionally with Wise for about an hour. Using a coal industry euphemism, Wise said he believed "mountaintop mining" could be done responsibly, although he didn't have any suggestions as to how that could be accomplished.

Wise felt he did not have to apologize for his support of the rider to overturn Judge Haden's ruling, but he did acknowledge that WV will need to diversify

*"The trouble with riders is they are sneaky. Citizens usually don't get a chance to read the language in riders and often don't even know about them at all."*

its economy. Wise blamed the lack of enforcement of mountaintop removal laws on the lack of coordination between different enforcement agencies.

### Ruined A Lake

A representative from the Appalachian American Indians of WV told Wise that mountaintop removal ruined a lake she and her neighbors used to fish in and also made their water unsuitable for drinking without filtration. "I don't want to move," she said.

Some of us D.C. visitors also dropped in at Congressman Nick Joe Rahall's office and talked with his aide Jim Zoia, inquiring about Rahall's support of Byrd's rider.

Zoia assured the visitors that Congressman Rahall shares the same goals as the citizens who were present in his office, although we have little reason to believe that Rahall shares OVEC's goal of banning mountaintop removal. Zoia said he agreed that valley fills are out of hand and should be smaller.

When citizens decried the process of attaching riders to unrelated bills as a stealth attack on democracy, Zoia evaded the issue, saying he hadn't heard us complaining when environmentally favorable riders were passed.

Congressman Wise had made a similar statement. The trouble with riders is they are sneaky. Citizens usually don't get a chance to read the language in riders and often don't even know about them at all. Surely, in a democracy, all bills can be publicly debated.

### Genuine Gratitude

Visits with other legislators had a decidedly different flavor. Our supporting Representatives and Senators (so many we haven't the space to list them all here) from other states, both Democrats and Republicans, expressed genuine gratitude

*continued on page 11*

When you're finished with this newsletter, please pass it on!

## Road Trip —

to have us there thanking them and further educating them on the national implications of mountain massacre - namely that granting the coal industry special exemptions from environmental laws would set a precedent that would have other polluters drooling for their own exemptions from pollution control laws.

OVEC board members Winnie Fox and Missy Anthony talked with Amy Trotter, an aide for Jim Leach (R-Iowa).

"We are paying too dear a price in West Virginia with mountaintop removal," Winnie said. Missy told Amy, "I hate the philosophy that if you can't obey the law it will be changed."

Amy said what was going on in our state was "appalling." As citizens explained the direct relationship between coal industry campaign contributions and political favors in WV, Amy noted that Congressman Leach adheres to strict campaign finance rules in his own fundraising.

### Made A Difference

The national groups that set up our meetings and coordinated our visit, including CCC, American Lands Alliance, Friends of the Earth, US Public Interest Research Group, Clean Water Network and Natural Resources Defense Council, said our presence in DC really made a difference.



**From left, OVEC members Melissa Anthony, Gregg Anthony, Winnie Fox, Laura Forman and KFTC member Betty Hager wait to speak to Congressman Bob Wise about mountaintop removal/valley fill strip mining.**

*photo by Janet Fout*

One fellow noted that, "Having this many people is really going to make a buzz on Capitol Hill."

At a meeting with the White House Council on Environmental Quality (CEQ), staff listened as coalfield residents told their stories. Clear Fork resident Eulla Williams quietly explained how on June 1, 1997, a flash flood of black water swept through her community.

People had lived in that hollow 100 years, and had never suffered a flood of such magnitude until a mountaintop removal mine, complete with a coal slurry pond of questionable design, destroyed the nearby mountains and their water-regulating forests and soils.

Eulla's daughter and a neighbor boy drowned in that flood. It seems, after 25 years, the coal companies have yet to understand the lessons of the Buffalo Creek disaster. CEQ staff were moved by news of the tragedy.

### Lack of Enforcement

At the CEQ meeting and at a later meeting with staff from the Office of Vice President Al Gore, Doyle Coakley explained that the real problem is the lack of enforcement of laws already on the books.

He repeated the point everyone kept making all day: We don't need weakened rules and regulations, we need the existing laws (that only offer minimal citizen and environmental safeguards) enforced. He noted that coalfield citizens that dare to speak out against coal companies suffer intimidation, "Horror stories you wouldn't believe."

When asked whether plans were afoot to rewrite (weaken) mining rules and regulations, CEQ staff said there were different rules and regs that different enforcement agencies had to follow and that these were

*continued on page 12*



**Rev. Rose Eddington adds the voice of the faith community to the "Citizens Speak Out" rally against mountaintop removal in Washington, D.C.**

*photo by Janet Fout*

## Road Trip

continued from page 11

not compatible.

Questioned on one aspect of the Department of Justice's (DOJ) intervention in the appeal of Judge Haden's ruling, CEQ staff said the Clinton/Gore Administration would not even think of appealing a citizen's right to sue regulatory agencies.

We were thankful to have the meeting with both CEQ and the Vice President's staff and we were assured that this Administration is not about weakening environmental laws. We came out of the meeting with the VP's wondering what they are going to do about mountaintop removal and any possible efforts to weaken environmental laws.

At 2 p.m. Thursday, about 150 folks, including some legislators or their aides, crowded into a Rayburn Office Building room to hear "Citizens Speak Out" as a camera crew from 60 Minutes taped the proceedings.

### Hurting Our Lives

Surrounded by Carol Jackson's mountaintop removal cemetery tombstones, coalfield residents told their stories. Two children and one teenager spoke about the negative effects of mountaintop removal on their lives. Secretary of State Ken Hechler and George Dougherty sang their favorite, "Almost Level, West Virginia". George said, "I would hate to be the politician who stood idly by and presided over the raping of our mountains."

Former West Virginia resident Reverend Rose Edington traveled from Massachusetts to say, "All we are

asking for is simple justice."

OVEC board member Larry Gibson displayed a model built by Carol Jackson that illustrates how the mountains around his ancestral home have been destroyed. Julia Bonds of Coal River Mountain Watch said she was so proud of all the coalfield residents who overcame fear and intimidation to be at the event.

### Strength in Numbers

Patty Wallace of Kentuckians for the Commonwealth reminded us that we indeed have strength in numbers and Ken Hechler echoed that sentiment, saying, "We are going to win this fight. We are going to take back our government."

Mark Jacobs, coordinator of the Coalition on the Environment and Jewish Life, said his organization opposes mountaintop removal when it violates the Clean Water Act and the Surface Mine Control and Reclamation Act. His organization opposes any weakening of these laws.

One of our supporters, New York Congressman Rick Lazio stopped by to say, "Your energy and excitement mean a lot to me. With this bump up you gave me, I'll redouble my efforts."

On the bus ride home, everyone agreed that the exhausting trip had been well worth the effort.

OVEC offers giant thanks to all those who made the trip. Many thanks to Panhandle-area folks who responded to our action alerts and joined us in DC. We also thank the WV Highlands Conservancy and numerous individuals who couldn't come along, but who sponsored others.

## Marshall University Study Looks at Economic Impact of Mining

While every coal mining job supports two other jobs in the state economy, every dollar generated by coal mining only generates an additional 52 cents in other business, according to figures from a Marshall University study.

Economics professor Mark Burton said the study uses data from the federal Bureau of Economic Analysis, the coal industry and a computer model to estimate the indirect and induced business generated by the coal industry.

Burton said a coal company generates indirect business when it hires equipment contractors and otherwise directly pays for goods and services. It generates induced business when its employees shop in the local community. Overall, 60 percent of the wages and 70 percent of the gross output generated by coal mining stays within the mining sector.

Using 1996 federal data, the latest available, the study estimates that of the \$6.2 billion generated by coal mining, \$4.1 billion came from direct business - mostly coal sales. Indirect business accounted for \$850,000, mostly in mining-sector services and the industry category that includes truck and railroad businesses.

The remaining \$1.3 billion in induced business was mainly spread between three industry categories. About 32 percent was spent in the services category, which includes both restaurants and hospitals. Another 24 percent was spent in the trade category that contains retail stores. The third category covers financial, insurance and real estate businesses; it received about 21 percent of the induced business.

The study estimates coal mining supported 61,000 full-time equivalent jobs in the state including 20,120 direct jobs, 10,650 indirect jobs and 30,250 induced jobs.

In terms of wages, the direct jobs had an average wage of \$50,770, the indirect jobs had an average wage of \$29,950 and the induced jobs had an average wage of \$17,340.

(This article was adapted from a story in the Charleston Daily Mail).



# *It Isn't Easy Being Green: A Little History Lesson Via Bumper Stickers*

by Monty Fowler

It can be hard going around with your politics plastered all over your butt.

Or, in my case, on my car's bumpers.

The '93 Taurus was on its last legs after more than two years of brutal daily commutes to Charleston. My wife said it was time to get rid of it; it was costing too much to maintain, etc.

So with a certain amount of regret, I started getting it ready for sale, part of which entailed peeling off the bumper stickers - all 14 of them.

I admit it, maybe I got a little carried away, but it seemed like the thing to do. Every bumper sticker represented something: a battle won, an ongoing fight, the need for constant vigilance against Uncle Cecil and the other Forces of Darkness in Charleston...

It was also a source of constant amusement for my kids, who said they could pick my car out from a mile away - as long as they could see the rear bumper. My lovely but more restrained wife merely gritted her teeth.

Passing drivers sometimes felt compelled to voice their opinion. I had no problem with that. It's a democracy, remember?

Once at a stoplight a guy in a large, mud-splattered pickup motioned me to roll down my window. "What's that mean, Tax Coal?" he asked.

"I just think they should pay their fair share for what they're getting," I said, before the light changed and he roared off in a cloud of un-muffled exhaust, shaking his head.

Then there was the guy, probably an average family man, who commuted to Charleston when I did.

Nice big, new, SUV. Two "I ♥ Coal" stickers on the back. The first time he came up behind me, he hung back for a few minutes, evidently studying the display, then zoomed around to pass me and whipped back in front of me so close I could count the dead bugs on his back bumper.

After that, he usually made a point of barreling by me. Sometimes he would look over, mirrored sunglasses and all, and flip me off. I didn't flip back. I understood. It was probably difficult for him to fight that primal urge to force me over the side of the hill, knowing that the group with the catchier bumper stickers (enviro-extremists like me) was going to win in the end.

A couple of years ago at the WV Environmental Council's annual meeting, I got up Sunday morning to find a young woman taking pictures of the back of my car.

I was nominally flattered until she said she was doing a school project on environmental activism, and my car was

a good example of trying to take on too many causes at once. True.

Here, then, is a brief history of the environmental movement in West Virginia as told by my car's bumpers (front to back, left to right).

✎ **Stop Mountaintop Removal!** OVEC's big, bold sticker. Had to put it on the front bumper, the back one was full. This fight ain't over yet.

✎ **Stop the Pulp Mill!** graced my front bumper prior to the mountaintop removal one. I kept it there until that day when Parsons and Whittemore finally decided they'd had enough of citizen's lawsuits. They won't be missed.

☞ **Blizzard Hockey.** OK, it's a window decal. I'm trying to be well-rounded here.

✎ **CSU Alumni.** With Charlie Feldhake, I'm probably the only other Colorado State University alumni in the entire state, and darn proud of it, too. Another window decal (have to use all available surfaces, you know).

✎ **The New River - Like It Is!** Big, blue and simple. "What's that mean?" a kid asked once. "Don't build dams there," I said. "Why not? It's not good for nothing," he replied.

✎ **Huntington Cubs.** Kept thinking if I left this on, our former minor league ball club would come back. Didn't work.

☞ **Hills of Green, NOT Mountains of Trash.** A legacy from the garbage wars, which are still going on.

✎ **WV Rivers Coalition.** They win the prize for making a nice, four-color, square bumper sticker perfect for filling in between the longer ones.

✎ **H-No!- Corridor H Alternatives.** I'm there for you guys. Way to go on the recent settlement that held Uncle Cecil's feet to the fire.

☞ **Enjoy Our National Wildlife Refuges.** In honor of the day they finally started putting the Canaan NWR together, only the second NWR in the entire state (something else we're last in).

☞ **Report Marine Pollution - 1-800-somethingorother.** When I was thinking of joining the Coast Guard Auxiliary. Found out you had to have a 'real' boat, an inflatable float ring wouldn't cut it.

✎ **Tax Coal.** Simple. Elegant. Black and white, like the issue. Are you listening, Bill Rainey?

✎ **Save the Environment - Start with West Virginia.** One of the older ones, from when people first started realizing that they could take on city hall or the county commission - and win.

☞ **Recycle West Virginia.** Now if the state would just get off its duff and fund the county solid waste authorities so they could do something...



**TAX COAL.**

# Byrd's MTR Rider Creates A Big Storm

by Vivian Stockman

Oct. 20, 1999, about 6 p.m. I got a phone call. After I got the message, I hung up, stunned.

Could this be true? Chief U.S. District Judge Charles H. Haden had ruled that mountaintop removal valley fills in some streams were indeed illegal. I felt elated for a little while, but it wasn't long before I was thinking: Look out, the coal slurry is really gonna' hit the fan now! Talking with friends later, it seems that we all went through a similar thought process.

After all, this is King Coal land, and you don't tick off the king without repercussions. According to the WV People's Election Reform Coalition, Gov. Cecil Underwood received more than \$500,000 from coal interests for his 1996 campaign and his inaugural. Of all special interests, coal donated the most money to winning state legislators in the 1996 election.

## Money Pours In

The 1998 data shows King Coal's largesse continuing. U.S. Sen. Robert Byrd has received one-fifth of his 2000 election contributions from the coal industry.

The campaign donations have helped ensure King Coals' place above the law - or at least the King's ability to write his own laws, thanks to the bevy of coal minions in elected office on the state and federal level. Pesky things like obeying the Clean Water Act and the Surface Mine Control and Reclamation Act didn't bother King Coal.

In July 1998, 10 coalfield residents (including OVEC board members) and the WV Highlands Conservancy sued the West Virginia Division of Environmental Protection and the U.S. Army Corps of Engineers for issuing mountaintop removal permits in violation of federal laws.

Soon, some DEP officials admitted that up to two-

## \$1,000 Fund-Rasier

*continued from page 13*

castigated West Virginia citizens who dared to "protest at my own fund-raisers, carrying signs and placards".

OVEC's work has been criticized by corporate spokespeople in many different settings, but being publicly blasted on the floor of the U.S. Senate was a first for us.

While proclaiming his own actions to be pure and righteous, Byrd melodramatically condemned his own people for their attempts to make their voices heard - an important freedom granted us by the Constitution that Byrd claims to hold so dear.

By the end of the session, Byrd had lost more than the passage of a legislative rider.

thirds of the mountaintop removal permits it had issued were in violation of the law. But did the state concede the lawsuit Nooooo. The coal-puppet governor even tried to pass more laws that would ease some of the ignored restrictions on mountaintop removal.

## Day of Infamy?

By June 1999, the litigants were working out details in a settlement of many points in the lawsuit, but one sticky issue would go to trial. On Oct. 20, Judge Haden, the Republican judge trying the case, ruled that valley fills in streams that flow more than six months of the year are illegal under state and federal mining rules and portions of the Clean Water Act.

Sure enough, the coal slurry hit the fan virtually moments after the judge's ruling. The Gov.'s spin doctors went into hypermode. DEP would file an appeal at once, on behalf of those poor maligned coal companies. Ben Greene, president of the WV Mining and Reclamation Association said the judge's ruling, "will bring to a halt any kind of construction activity not just in West Virginia, but across the country."

And, the spin doctors cried, we will lose all sorts of jobs if mountaintop removal is curtailed.

Always extolling the jobs and prosperity the coal industry provides, King Coal has been able to keep the people quiet. Yet, as the industry has mechanized, the number of jobs has dropped from over 100,000 in the '40s and '50s to 18,635 jobs in 1998. Production is at an all time high, with 176 million tons ripped from the earth in 1998. Today, mountaintop removal operations employ about 2,300 people.

## Poverty or Prosperity?

The entire coal industry, including deep mines and other forms of surface mining besides mountaintop removal, accounts for 3 percent of all jobs in the state, down from 9.5 percent in 1979. The counties with a lot of mountaintop removal are some of the poorest in an already poor state, with lousy schools and roads. (That's King Coal's prosperity for you.)

At a press conference on Oct. 21, the governor called Oct. 20 "the bleakest day in recent West Virginia history". (Maybe 1972 isn't recent to Underwood. That year, 125 people died in a flood on Buffalo Creek when a coal waste dam

*"The DEP chief halted all valley fills in ongoing mountaintop removal operations, even though the judge's ruling applied only to future permits. That played right into King Coal's hand."*

*continued on page 15*

# Byrd's Rider Storm

continued from page 14

burst. The disaster led to the passage of the 1977 Surface Mine Control and Reclamation Act.)

Citing potential "devastating" revenue losses from coal severance taxes, Underwood ordered an immediate freeze on hiring, out of state travel and capital expenditures for state agencies. He ordered the agencies to develop plans for a 10 percent budget cut, beginning next year. That level of spending cuts, if enacted, would jeopardize tens of millions of dollars of federal matching funds.

The DEP chief halted all valley fills in ongoing mountaintop removal operations, even though the judge's ruling applied only to future permits. That played right into King Coal's hand.

### What! Follow the Law?

Aghast at the prospect of having to follow the law, coal companies began laying off workers. No doubt coal, et. al., hoped their creation of a false economic crisis would whip up public sympathy against the judge's ruling.

West Virginia's entire congressional delegation joined

*The public didn't get to see the language in the rider, but its intent was to overturn the judge's ruling.*

in the chorus predicting economic doom for the state as a result of the ruling, although no state or federal agency had produced any studies of how the ruling would affect mountaintop removal mining. They said they would offer a "legislative remedy".

In early November, the *Charleston Sunday Gazette-Mail* did the studies for the agencies. The newspaper found that, under the ruling, coal companies could still bury miles of streams that flow only during rain or snow melt. They could still create large valley fills in the uppermost reaches of stream

systems.

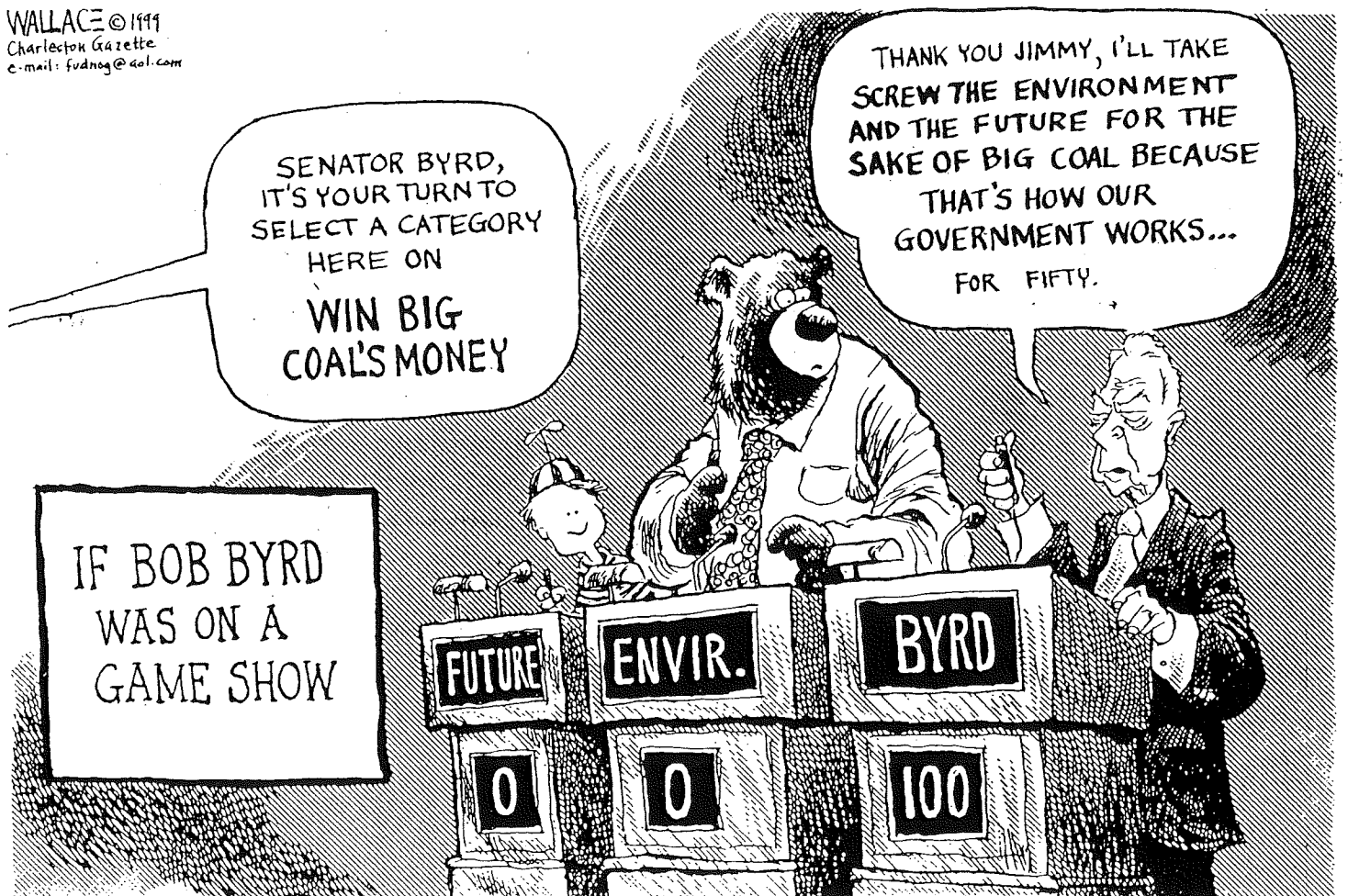
### Remedy a Rider

That "legislative remedy" was a rider, championed by all "our" D.C. delegates and most aggressively promoted by West Virginia's Senior Senator Robert C. Byrd. The public didn't get to see the language in the rider, but its intent was to overturn the judge's ruling, effectively gutting portions of the Clean Water Act and other mining regulations.

President Clinton had kind of, maybe promised to veto any anti-environmental riders inserted onto any appropriations bill. However, Byrd is minority chair of the Senate appropriations committee. If Clinton threatened to veto

continued on page 16

WALLACE © 1999  
Charleston Gazette  
e-mail: fudnog@aol.com



## Byrd's Rider Storm

*continued from page 15*

a bill with Byrd's rider attached, Byrd could bring the whole appropriations process to a halt. So, Clinton said he would support Byrd's rider.

That changed on Oct. 29 when Judge Haden stayed his ruling until the appeals court hears the case, because of the political hyperbole surrounding the ruling.

The judge wrote, "...a firestorm of reaction has come forth from defendants and state government officials, predicting that the Court's injunction will cause unprecedented economic and social dislocation throughout West Virginia..."

### Misrepresentations

He called the reactions, "at best, misunderstandings and, at worst, egregious misrepresentations of significant portions of the ruling...the shrill atmosphere of discord must subside..."

At that, the governor lifted the hiring freeze, but left the budget cut planning directive in place. Coal companies rescinded their most recent layoff notices. And, Clinton backed

## Campaign Contributions Corrosive Effects Becoming Apparent

(Reprinted from *Rachel's Environment and Health Weekly*, December 16, 1999)

The *New York Times* reported December 5 that state governor's offices are now thoroughly soaked in money, just as federal offices have been for more than a decade.

"The 'permanent campaign' that has become a fixture of races for the presidency and the Senate has now descended upon the 50 state capitals," the *Times* reported.

All of this money in our elections has had a corrosive effect on our democracy, according to the *New York Times*.

The distinction between Republicans and Democrats has been erased by money.

"In fact", says the *Times*, "the public sector has increasingly become the champion of private enterprise... The degree to which left and right have unified to become the champion of corporate priorities was on full display in the Congressional session that just ended. ...look at the legislation business got killed," the *Times* says: there was no increase in the minimum wage, no limits on "soft money" in elections, no ban on agricultural mergers.

But Congress exempted corporations from any liability for Y2K computer failures, and legalized the merging of banks, insurance companies and stock brokerages. No doubt about it, money talks.

(Here in West Virginia, the coal industry was, by far, the largest contributor to Gov. Underwood's 1996 election and inaugural ball.)

off his support of the rider. Fearing the president might change his mind, OVEC quickly organized a bus trip to D.C. to talk with politicians, the media and national groups. (Thanks to the Citizens Coal Council for all their help!)

Around the country, newspapers editorialized on the "atrocious form of coal mining known as mountaintop removal." They railed about Byrd - a supposed defender of the checks and balances system of government - and the rider's "stealth attack on democracy" and the judicial process.

State and national enviro groups mobilized their members to flood Washington with calls opposing the riders. In a huge defeat for Byrd, the rider only made it onto a bill that was destined to die.

### Is It Really Dead?

As the 2000 session of Congress gears up, some speculate that the rider will not resurface, while others remain on alert. Whatever happens, we can bet that the national media will be watching. (*60 Minutes* is working on a story as this is being typed.)

The spectacle the nation is witnessing is the slow death of King Coal, an industry that has ruled West Virginia for over 100 years. By the industry's own estimates, at current levels of production West Virginia's coal will last another 27 years.

Still, King Coal lashes out in its death throes, seemingly determined to take many of southern West Virginia's mountains, stream and coalfield communities - and, perhaps, a few politicians - with it into the underworld.

## Air Study To Be Released Soon

The Ohio Valley air study, coordinated by the Ohio Environmental Council, with help from OVEC and RECOVER, will be publicly released in late February.

The yearlong investigation focused on the health impacts of pollution from regional coal fired power plants. Scientists from the University of Michigan and Harvard University were involved in the research.

In a separate study released February 17, the National Institute for Chemical Studies' "West Virginia Scorecard," also focused on pollution from coal fired power plants.

A total of 72 million pounds of toxic chemicals were emitted into the state's air, land and water in 1998, from 14 power generation plants. All other industries in the state reported about 23 million pounds of toxic emissions, the NICS study said.

**"Should Mountaintop Removal Mining As It Is Currently Practiced Be Banned?"**

**YES - 58%**

**No - 39%**

**Not sure - 1%**



(Charleston Daily Mail poll)



# About Those Beautiful Glass Christmas Ornaments

by Janet Fout

(The italicized portion of this article was taken from: "Ornamentation - Cameo glass artisan's work benefits environmental coalition," by Mary Wade-Burnside, Dec. 8, 1999, *Charleston Gazette*.)

*Two years ago, just before the holidays, Kelsey Murphy begrudgingly fired up a cameo ornament to send off for the White House Christmas tree. The ornament bore the likeness of the Earth, featuring white endangered species such as dolphins and humpback whales that looked like clouds.*

*She did not mind having something on the First Tree, just the timing of the call.*

*"Our livelihood is made three months before Christmas," she said.*

*Actually, Murphy makes her livelihood by designing and making cameo vases and knickknacks for Pilgrim Glass, one of only a few artists in the country to make the complicated and difficult items.*

*But the Earth ornament paid off in at least two ways: Hers made the cover of a White House booklet commemorating the craftspeople involved.*

*And as she watched a "Christmas at the White House" special on television, she saw first lady Hillary Clinton walk over to the tree, clutch the cameo ornament, and declare it her favorite ornament on the tree...*

*Her latest item, a limited edition, globelike piece for the millennium, features constellations of the zodiac. The one Murphy made retails for \$10,000 (not unheard of for her work). But someone can buy a similar piece, made by Pilgrim workers based on Murphy's design, for \$3,500...*

*Despite all her cameo work, Murphy still has time to concentrate on the etched ornaments for OVEC.*

*"I want to raise as much money for them as I can."*

For at least 2 years, Kelsey had been talking with

staff at OVEC about creating an item for OVEC's fundraising efforts. After Mrs. Clinton chose Kelsey's ornament as her personal favorite, we decided to ask Kelsey to make OVEC some special Christmas ornaments - that we could promote every year.

The first two etched glass ornaments feature the ginseng plant (suggested by board member Carlos Gore) and the Ovenbird, two species whose habitats are being annihilated

by mountaintop removal/ valley fill strip mining. Two new species have already been chosen for OVEC's 2000 edition ornaments.

## Ginseng

*Panax quinquefolius* L. or Ginseng (also known as "Seng") is found in the rich, cool woods of West Virginia. Ecologists call these "cool" woods the mixed mesophytic forest - the most biologically diverse, temperate-

zone hardwood forest, unique to Central Appalachia, which virtually covers West Virginia.

Since 1978 the U.S. Fish and Wildlife Service (USFWS) has been tracking the certification of ginseng for export because of its extraordinary value and limited range. In 1994, USFWS indicated that 18,698 dry pounds of wild ginseng root was exported from all of West Virginia's 55 counties.

Although this species is found throughout the state, more than half of the wild harvest (1994) came from eight contiguous southwestern counties (Kanawha, Boone, Fayette, Raleigh, McDowell, Wyoming, Mingo, and Logan) where mountaintop removal strip mining has occurred or continues on a grand scale. This destructive mining technique is wreaking havoc on habitat of this "economic" species.

The term ginseng derives from the Chinese word pronounced "jin-chen" meaning "man-like." The Latin term alludes to the plant's function as a panacea, and its five-whorled leaves.

In spring, ginseng sends up a stem that branches into

*continued on page 18*



Copyright © 1997 Panax.org. All rights reserved.

**The seldom seen Ovenbird, threatened by mountaintop removal mining.**

## OVEC Ornaments

*continued from page 17*

stalks, each terminating in a cluster of five-toothed leaflets. The older the root, the more stalks or "prongs" it sends up. A cluster of yellow-green flowers, scented like lilies of the valley, appears in spring and matures through the summer into the bright red "pod of berries" that ginseng diggers search for in the fall.

Information taken from Hufford, Mary. 1997. "American Ginseng and the Idea of the Commons," *Folklife Center News - US Library of Congress*, Vol. XIX, Numbers 1 and 2, pp. 3-18. See these articles for a detailed account of the cultural aspects of ginseng in West Virginia and the impacts from mountaintop removal.

### Ovenbird

In the spring, this sparrow-sized warbler's call is unmistakable. It rings out an emphatic "teach' er, Teach' er, TEACH' ER." This otherwise shy bird is heard more than it is seen. If observed, note the pinkish legs, the olive-colored back, and the deep streaking on the breast. At close range, an orangish patch is visible on the crown.

As a species which requires forest interior habitat, the Ovenbird is highly sensitive to forest fragmentation.

Activities like mountaintop removal strip mining and clear cutting of hardwood forests have immediate impacts on its breeding habitat, contributing to the overall decline of ovenbird populations. In addition, as larger tracts of land become fragmented by mountaintop removal and clear cutting, more "edges" are created, making this species more susceptible to cowbird parasitism—contributing to additional decrease of ovenbird populations.

The Ovenbird (*Seiurus aurocapillus*) breeds in deciduous woods and only rarely in pine forests. The birds are generally monogamous and occasionally have two broods a season. Male ovenbirds pursue the females in wild courting flights, singing throughout.

The Ovenbird nest (from where its common name derives) is found on the open, leaf-covered floor of deciduous woods. The female builds the nest out of dried grass, leaves,

moss and other vegetable matter and lines it with hair. It is always roofed with leaves and branches with a small slit for an entrance resembling a Dutch oven.

It winters south through Central America and the Caribbean to north Venezuela in a variety of forest and scrub habitats.

Since the end of World War II there has been a decline in forest songbird populations over much of the eastern United States.

While much attention has been given to the decline of migratory bird species caused by the eradication of the tropical rain forests (wintering habitat in the tropics), recent data suggests that the increased destruction of breeding bird habitat (like our mixed mesophytic forest), also plays a major role in the decline of neo-tropical migrants like the ovenbird.

### 1999 ORNAMENTS

If you missed the December deadline for ordering either or both of these special 1999 First Edition ornaments, it isn't too late (Kelsey says the First Edition of any collection is the most valuable).

These beautiful ornaments make wonderful gifts for family and friends any time of the year. Ornaments can be purchased for \$30 each from OVEC. You will have a lasting collectible to treasure and pass down to children and grandchildren while having the added benefit of helping OVEC stop mountaintop removal!

Send your check with a note that you are ordering either the ginseng or Ovenbird ornament (or both) made payable to OVEC to: OVEC, P.O. Box 6753, Huntington, WV 25773-6753. Please add \$3 to cover postage and handling for each ornament.

For a special treat, visit the Pilgrim Glass showroom, near the Huntington Tri-State Airport. Kelsey's fine art pieces are exhibited and for sale on the second floor.

## *Catastrophic Forest Decline*

A study by the Appalachia Forest Action Project reveals that trees are dying at 2 to 4 times expected rates in forests that extend from Alabama to Pennsylvania on the westerly-facing slopes of the Appalachians.

Tree mortality rates were highest, up to five times historic norms, in areas exposed to higher levels of acid rain and ozone pollution, particularly in West Virginia and adjacent areas.

The report warns that we could see as much as 20 percent loss over the next decade. The report concludes that "[t]his...increase in [tree] mortality rate, extended over decades, as appears to be the case, would have catastrophic consequences for private property value of timber land, biodiversity and its maintenance, and the capacity of forested landscapes to provide common ecosystem services."

### Electronic Alert List Available

OVEC maintains an instant electronic alert list so it can notify people with e-mail capability when rapid responses are needed for important issues - like mountaintop removal or clearcutting the trees at the state capital. If you would like to be added to this list, send an e-mail to [vivian@wvadventures.net](mailto:vivian@wvadventures.net) with "OVEC action list" in the subject line. Be sure to include your name and full e-mail address.

# Kentucky Activists Use OVEC Tactics to Stop Pipeline Threat

by Dave Cooper

Kentucky Sierra Club chapter

Clean water activists in the Lexington, Ky., area scored a major victory when the Lexington City Council unanimously rejected a proposal from the local corporate-owned water utility to build a 50-mile, \$100 million water supply pipeline to the Ohio River.

Kentucky-American Water Company, a sister to Huntington's West Virginia-American Water Co., and subsidiary of a New Jersey-based conglomerate, proposed the pipeline as a supplemental water source in case of a drought that would occur once every 100 years.

Lexington activists, using OVEC-inspired tactics such as a rally on the front lawn of the water company and a figure dressed as the Grim Reaper sporting a sign reading "I Support the Pipeline!," were able to build a broad-based coalition of preservationists, environmentalists, farmers and social justice groups who united to oppose the pipeline proposal.

Kentucky-American, despite a \$200,000 public relations campaign, couldn't overcome the massive public opposition and agreed to follow the direction of the Lexington City Council.

After a series of public hearings, Lexington has decided to address its water supply deficit by concentrating efforts on the Kentucky River, a smaller, cleaner river which drains sparsely-populated and un-industrialized sections of eastern Kentucky.



## UPCOMING EVENTS

**Friday, March 31 - Sunday, April 2**, Second Interstate Summit for the Mountains, Camp Virgil Tate, Sissonville, WV. Focus will be on campaign-building and peacekeeping, and to assess effectiveness since First Summit in August 1999. Registration deadline is March 22. Registration is \$10 per person. For more information or to register, call OVEC at (304) 522-0246.

**Friday, April 7**, Tree Huggers Ball and benefit for OVEC, 9:30 p.m. at the Calamity Cafe, Hal Greer Boulevard and Third Avenue in Huntington. Come hear good music, have a good time, buy raffle tickets, win donated items!

### They're Everywhere! They're Everywhere!

Former OVEC intern Aaron Bady is currently volunteering with Friends of the Earth in Leeds, England. Aaron is spending his junior year abroad, studying at the University of York.

With Friends of the Earth, he is investigating "open cast mining" in Britain, which is mountaintop removal, though usually on a smaller scale. Last March, a new national policy officially clarified the British government's position as "presuming against," and Aaron is researching the effectiveness of this new policy.

## OVEC NEEDS YOUR SUPPORT AND INVOLVEMENT YOUR CONTRIBUTIONS ARE VITAL TO KEEP OUR WORK GOING!

Cut and mail **today** to: OVEC, P.O. Box 6753, Huntington, WV 25773-6753

\_\_\_\_\_ New member or renewal (Dues: \$10 - \$30, pay what you can)

\_\_\_\_\_ Donation

\_\_\_\_\_ Keep me especially informed on this issue: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone \_\_\_\_\_

E-Mail \_\_\_\_\_



**FOR MORE INFO CALL (304) 522-0246**

*Remember - All donations to OVEC are tax deductible!*

## 60 Minutes Comes To Town . . .



Mike Wallace of *60 Minutes* meets with some OVEC folks. Wallace was here with a crew in January, filming for a *60 Minutes* program on mountaintop removal/valley fill strip mining in West Virginia. Wallace also spent time with other coalfield residents, Highlands Conservancy representatives and WV Secretary of State Ken Hechler, as well as mountaintop removal supporters, including Gov. Cecil Underwood. From left, Laura Forman, Wallace, Carlos Gore, Freda Simpkins and Wendell Cyrus. These folks had first-person horror stories about how mountaintop removal has changed their lives.

Ohio Valley Environmental Coalition  
P O Box 6753  
Huntington WV 25773-6753

NONPROFIT ORG  
US POSTAGE  
PAID  
HUNTINGTON WV  
PERMIT NO 370

21