



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Federal Judge Blocks Massey Mine Expansion

by Ken Ward Jr., *Charleston Gazette*, March 26, 2006

The latest courtroom battle to curb mountaintop removal coal mining is starting to heat up.

On Friday, a federal judge in Huntington blocked expansion of a Massey Energy mine near the intersection of Kanawha, Fayette and Raleigh counties.

U.S. District Judge Robert C. Chambers...also set a hearing for early April to consider a request for a broader court order to block permits from the U.S. Army Corps of Engineers. (*Ed. Note: That hearing is now moved to June 19.*)

Over the last seven years, two federal judges in West Virginia have issued rulings to more tightly regulate mountaintop removal.

Those rulings, by the late Judge Charles H. Haden II and Judge Joseph R. Goodwin, were both overturned by the 4th U.S. Circuit Court of Appeals.

One of those cases is now back before Goodwin. Environmental group lawyers have asked the judge to rule on several issues that were not considered in his previous decision or in the Fourth Circuit appeal.

And last month, two West Virginia judges who served on the Fourth Circuit issued a harsh dissent that supports Goodwin's original ruling.

"The Appalachian mountains, the oldest mountain chain in the world, are one of the nation's richest, most diverse and most delicate ecosystems, an ecosystem that mountaintop coal mining authorized by the corps' general

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A gigantic coal sludge lake in southern West Virginia, as seen from a SouthWings airplane flight. Like mountaintop removal mining, scores of such ponds endanger downstream residents and businesses.

The Appalachian Coalfield Delegation to the United Nations

For years, we've beseeched local, state and federal government to end mountaintop removal because it annihilates our communities, mountains, streams and water supplies. It destroys our culture and our future.

Yet most government officials continue to ignore the atrocities of mountaintop removal, coal sludge impoundments and underground injection of sludge. It is up to We the People to let the world know the harsh realities of an economy built on seemingly cheap electricity.

So we will take our case to the international

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The Madagascar Periwinkle and Me

by Dianne Bady

The Madagascar Periwinkle has saved many lives. The chemotherapy chemical vincristine comes from this flower. Vincristine was instrumental in reversing the scourge of childhood leukemia, which is now one of the most curable types of cancer.

Yet this tropical flower was threatened and saved just in time. Fortunately, its amazing therapeutic value was discovered before it, like many other tropical plants, was lost forever.

Vincristine is helping to save my life too. It's one of the chemotherapy drugs that I've been getting to treat the B cell lymphoma that had been making me sick for a long time. This type of blood cancer is also one of the most curable cancers.

Vincristine is no benign herbal remedy though; it comes with its share of unpleasant side effects. I've just made the decision to continue with the level of it that I have been getting, rather than reduce the dose and have milder side effects.

One of the many reasons it's so important to preserve primary tropical forests is that there are still many plant species that scientists have never classified or studied. Will we lose other potential lifesaving plants because they're bulldozed out of existence?

The implications for OVEC's work are obvious. For example, a friend in Logan County told me that when he was young, his grandmother regularly went into the forest to collect plants that she used to treat the family's ills, and plants that she used as tonics to promote good health. By the time he realized that he wanted to learn how to recognize, gather and prepare these plant remedies himself, not only was his grandmother gone,

but the forests that she gathered in were annihilated by mountaintop removal.

What a tragedy that our mixed mesophytic forest, the most biodiverse temperate forest on earth, is being destroyed by the coal industry at such an alarming rate. How sad that "our" politicians are so eager to take coal's political campaign contributions that they can't be bothered with the irreversible harm that is befalling our rich forests.

Some people whose families have been gathering wild ginseng for generations are now finding that the ginseng is gone, along with the mountains. It's well known that in the Far East, which provides a ready market for the ginseng harvested in our forests, wild ginseng is highly prized as being much more beneficial than cultivated ginseng.

I want to thank all of you who've sent me cards or other expressions of support and care. I wish I had the energy to respond to each of you individually. Please know that each card brightens my day and lifts my spirits! I am planning to be cured and back to work by this fall. For those of you who are praying people, send a few prayers my way.

Dianne founded OVEC in 1987, and has been either OVEC's president, director or co-director ever since.

Information on vincristine was taken from the book "The Patient from Hell," by Stephen Schneider, PhD, a lymphoma survivor who is one of our nation's most prominent researchers on global climate change, as well as being a strong advocate for positive change.


Community Shares - A New Way to Give That Can Make A Difference

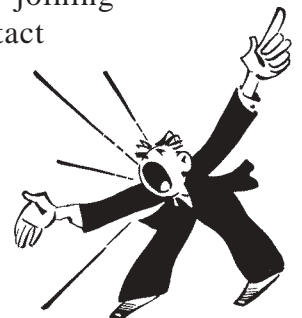
If you know any West Virginia state or higher education employees please tell them about a new opportunity to support state grassroots groups.

Community Shares of West Virginia allows state employees to provide a steady source of income to small groups like OVEC. Community Shares is a partnership of progressive nonprofit organizations working to build social and economic equity along with a healthy environment.

Visit www.communityshareswv.org to learn more.

Leaders of organizations interested in learning if their groups fit the guidelines for joining Community Shares may contact cswvorg@aol.com.

Community Shares is a 501(c)(3) tax-exempt organization registered in West Virginia. All contributions to CSWV are tax deductible to the extent permitted by law. 



Massey Permit Blocked

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permit may irrevocably damage,” Judges Robert B. King and M. Blane Michael said in their dissent...

In the current case, Chambers is being asked to force the Corps of Engineers to conduct broad environmental impact studies on every application for a new mountaintop removal permit.

Lawyers for the Ohio Valley Environmental Coalition and other groups specifically targeted permits for three Massey Energy operations based in Boone, Kanawha and Logan counties.

The case is a follow-up to Goodwin’s ruling to block the corps from reviewing valley fill proposals through a

UN Coalfield Delegation

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community: to the United Nations Commission on Sustainable Development as it meets to discuss international energy strategy.

The United Nations needs to know that we cannot have sustainable communities without the mountains on which we rely for clean water, clean air, our health, and the health of our children. It is the people of Appalachian coal mining communities who are most immediately paying the true costs of our continued over-reliance on coal.

Thanks to everyone who has sent support already. We have raised over \$5,000 so far! We still need \$2,000

streamlined “general permit” process.

In the new case, the environmentalists argue that the corps was wrong to approve mining operations through more detailed “individual permit” reviews because those reviews did not include a study called an Environmental Impact Statement.

“The mining and valley fills at these three mines collectively will destroy over 2,000 acres of land and smother over seven miles of streams,” the lawyers said in the court papers. “Yet, the corps has neglected to examine in a meaningful way the inevitable damage that will be caused by these mines, or to develop any realistic plan for mitigating that damage.” 🍌

to travel to the United Nations in New York City this May.

Please help send an inspiring delegation of at least 10 coalfield residents (including OVEC members) from Kentucky, West Virginia, and Tennessee to the UN.

Make checks payable to: The Appalachian Coalition for Just and Sustainable Communities and send to PO Box 161, Whitesburg, KY, 41858, or contact Patricia Feeney at (606) 632-0051. 🍌

Why We Go to the United Nations

by Randy Wilson, Clay County, KY

I have been going to mining hearings here in the mountains for the past 25 years and its the same old story. Coal operatives cry about losing jobs and energy and people getting run over cry for help. The mountains continue to bleed. The people continue to leave due to a failing economy and quality of life. It’s been happening continuously without remit for the past century and no one, not one leader in this state has alternatives for energy or work. They just pit us against each other and go away. Every generation just gets used to a new level of degradation.

Somebody needs to stand and say that this is not acceptable, that there has got to be a better way. The coal company talks like there is 70 more years of coal in this region, they say it like we have forever!

Friends and neighbors – it is all coming to an end along with our future here in the mountains. Every body bows down to coal. The politicians bow down. The scientists bow down. The engineers bow down. The forest service bows down. The mountains bow down. Some of us will not bow down. We are headed to the UN’s Conference on Energy and Sustainable Development to stand up for our futures. We will not bow down! 🍌

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OVEC is a founding member of Community Shares of West Virginia
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Anne Braden: Goodbye to A Friend

OVEC mourns the passing of Anne Braden, who died in Louisville, Ky. on March 6 at the age of 81. In the mid-90s, Anne worked with OVEC's Laura Forman in Louisville to draw attention to environmental justice issues and the behavior of Ashland Oil, Inc.

Anne stood only 4-foot 8-inches tall, but she was a giant in the civil rights movement. She was an organizer of the fight for black integration and equality, and an American radical of untamable commitment who – together with her husband, Carl – educated several generations of young activists for civil rights and social justice. She was recently included in the Kentucky Civil Rights Hall of Fame.

In 1967, authorities in Pike Co., Ky. used sedition laws to imprison Anne and Carl, accusing them of being communists trying to overthrow the county government because they had been helping a couple protest strip mining. Before the Bradens could be tried, a federal appeals court declared the state's sedition law unconstitutional.

Good-bye Anne. The thousands you mentored will follow your lead in fighting like hell for the living!

Finding the Other America, by Anne Braden
(Excerpted. Please take the time to read this entire stirring article: www.forusa.org/fellowship/jan-feb_06/braden.html)

If we are serious about the challenge of the unfinished business of racism, we must start by realizing that this is not a task we must complete. It is one we must begin.

It is the basic contradiction in our entire history as a nation. The first European settlers who landed on

Sympathy Extended to Families of Two OVEC Supporters

OVEC staff and board wishes to express our deepest sympathy to the family friends, and loved ones of two men who died recently – Roy Brett Senters, 42, and Jerel Blaine “Jerry” Adkins, 44, both of Huntington, WV, both associated with OVEC.

Brett died unexpectedly on March 15, 2006. A talented and passionate musician and lover of nature, Brett played at OVEC's 2005 Treehuggers' Ball. Our hearts go out especially to his loving wife, Lisa Cadle Senters, and all of Brett's friends at the Parker/Porter

these shores saw themselves as creating a great new experiment in democratic government. Yet they were enslaving a whole population of human beings, Africans, and committing genocide against the indigenous peoples of North America.

As a nation, we have never really dealt with this contradiction. We've only picked around the edges of it. So our first step is to turn ourselves inside out and our institutions upside down.

... The problem is that the assumption that the good things of life are for whites first was built into our institutions from the beginning so firmly that we accept it as part of the scenery. Given this framework, whites must make a very conscious decision and take concerted action to “change sides” on the issue of race.

But once we make that decision, we can feel overwhelmed. This problem is so massive, what can we possibly do to change it? The Kentucky Alliance Against Racist and Political Repression, with which I work in Louisville, has an approach to this problem. We say we have to grab hold of something specific, some specific manifestation of racism in our local institutions – for example the police force, the court system, our educational institutions, or job discrimination. Joint struggles around these specific issues actually do bring people together.

... we must stop acting as if history started two years ago. Things have not always been as they are now. In the South, for instance, our greatest change happened when we lived under a literal police state. And it does not take a mass movement to begin. Every mass movement has started because a few people came together and began to talk to others...

Farm in Wayne County, WV.

Jerry, who died on March 22, 2006, owned and operator Rugged Resources Sporting Goods in Huntington. As an avid camper and hiker, he loved the outdoors. Jerry allowed OVEC to display our newsletter at his store – a generous gesture not typical of many merchants who view our work as too controversial. Our hearts go out especially to Daryl Adkins, his brother. Both of these young spirits truly will be missed.

Leaked Massey Memo Is Blunt - Mine Coal, or Else!

by Rachel Stanley, *Appalachian News Express*, Feb. 24, 2006

A leaked Massey Energy memo is creating a stir in the coal mining community.

The internal memo, dated Oct. 19, 2005, was sent from Massey CEO and President Don Blankenship to all of the company's deep mine superintendents.

It states, "If any of you have been asked by your group presidents, your supervisors, engineers or anyone else to do anything other than run coal (i.e. - build overcasts, do construction jobs, or whatever) you need to ignore them and run coal. This memo is necessary only because we seem not to understand that the coal pays the bills."

Some miners say they believe the memo illustrates a common complaint - that the industry focuses too much on profit.

"Safety should come first, before the first lump of coal," says Irvin Smith of McCarr, a retired miner, who was especially bothered by the reference to building overcasts.

(Ed. Note: Overcasts are usually concrete structures used to separate intake air (fresh air coming into the mine) from return air (leaving the mine) at intersections



in the mine's ventilation system, by flowing the return air "over" the intake air. As such, these structures can be critical to preventing the buildup of dangerous or explosive concentrations of gases in the mine.) 🍌



News of the Weird

Compiled by Chuck Shepherd

Fine the mine? Fine. A report on mine safety regulation by *USA Today* found that complicated federal statutes and un-vigorous Mine Safety and Health Administration enforcement have resulted in civil fines almost guaranteed not to deter dangerous conditions.

The largest-ever MSHA fine (for a 2001 incident with 13 deaths) was \$605,400; as compared to, for example, the FCC's 2004 fine of CBS for the brief image of Janet Jackson's breast at the Super Bowl, which was **\$3.5 million**. One attorney who represents coal companies said, "I really don't think any responsible mine operator makes any decision about safety based on civil penalties." 🍌

Thank You!

- ┌ Thanks to the dozens of folks who have contributed to the Coalfield Delegation to the United Nations!
- ┌ Thank you to all the folks who helped the Sludge Safety Project during the 2006 legislative session: Debbie, Billy, Jordan and Brittany Sammons, Carmelita and Ernie Brown, Larry and Brenda Brown, Donetta and Lisa Blankenship, Ron Wilkerson, Joey Mullet, Walter and Carol Young, Denver Mitchell, Rosemary Vidovitch, Joanne Linville, Terry Steele, Debbie Jarrell, Mary Miller, Pauline Canterbury, Rev. Dennis Sparks, Rev. Jeff Allen, Carol Warren, Regina Hendrix, Kathryn Stone, Julian Martin, Allan Johnson, Larry Gibson, Maude Rice, Joyce Adkins, Bill Price, Vernon Haltom, and Michael Morrison.
- ┌ Thanks to Wilma and Terry Steele for always being there, and for giving weary organizers a place to stay.
- ┌ Thanks to Barb and Roby Chafin for constant support and great dinners.
- ┌ Thanks to Mel Tyree for constant support and extreme concern for humanity as global warming affects us.
- ┌ Thanks to Chris “Willie” Dodson for work and support with planning the Mingo County Organizing Project.
- ┌ Thanks to Brandi Jacobs for work to Get Out the Vote in Huntington.
- ┌ Thanks to Larry Gibson for having, by now, 40 gazillion people up on Kayford Mountain.
- ┌ Thanks to sponsors of the sludge safety bill: Delegates Barker, Marshall, Hrutkay, Moore, Hatfield and Susman. For supporting a resolution to study alternatives to coal sludge dams, thanks to most of the aforementioned delegates, as well as Delegates Caputo, Wells, Amores, Fragale, Hall, Hunt, Longstreth, Miley, Palumbo, Paxton, Stephens, Argento, Boggs, Wysong, Eldridge, Poling and Tansill.
- ┌ Thanks to Senator Hunter.
- ┌ Thanks to the WV Environmental Council lobby team: Ted Boettner, Julie Archer, Don Garvin, Allan Tweddle, Denise Poole, Chuck Wyrstok and Don Alexander.
- ┌ Thanks to Joan Linville for her tireless energy for ending the destruction of our homes and our culture. If everyone had her energy we’d have this whipped.
- ┌ Thanks to to Jim Foster, Retha Backus, Charles Bella, Cynthia Burns, Bob and Brenda Farris, Luther and Dara Mccarty. Russell and Misty Kuhn.
- ┌ Thanks to Kenny King, Regina Hendrix, Bill Price, Frank Unger, Steve Fez, Nell Zeihl and others working to save Blair Mountain.
- ┌ Thank to Greensburg Salem, Pa., High School students Stephanie Loughner, Jill Sompel and Kaitlyn Walton for producing “Bringing Down The Mountains” and for showing it at the WV Energy Gathering in Feb. ‘06.
- ┌ Thanks to Ronda Harper, Steven Perry, Michael Morrison for help with a mailing. And to Lisa Smith.
- ┌ Thanks to RB for shelter and food.
- ┌ Thanks to Linda Frame and Mike Forman, Regina Hendrix, Julian Martin and Mae Ellen for willingness to host guests.
- ┌ Thanks to Mary Wildfire for editing.
- ┌ Thanks to all the groups OVEC works with – all the Friends of the Mountains! 🍄



We care, We Count, WE VOTE!

Closer, But No Victory Dance for Clean Elections Yet

by Julie Archer, WV Citizens Action Group

Unfortunately another legislative session has come and gone and we are still without a public financing system in West Virginia. That's the bad news. The good news is we edged our way closer to passing Clean Elections than in any previous session.

SB 124, the WV Public Campaign Financing Act, was voted out of Senate Judiciary, and for the first time, Senate Finance Chairman Walt Helmick allowed a discussion on the measure. The bill was on the committee's agenda so members could hear testimony from Todd Lang, Executive Director of the Citizens Clean Elections Commission in Arizona, one of the nation's pioneering Clean Elections states.

Although the committee listened to Lang, there was no discussion of our legislation, which in many ways mirrors Arizona's law. SB 124 was not put to a vote. We believe we had the votes, and even Senator Helmick acknowledged that Todd's presentation "may have answered many critics' questions." When it became clear no vote would be allowed, most of the people in the audience for this committee meeting stood up and walked out. Hopefully the committee took notice of the dramatic exit!

Helmick told the Associated Press, "I think next year is the year that campaign finance will be looked at very strongly." **Helmick is now on record saying that campaign finance reform will be given serious consideration in 2007, and we need to hold him to it.**

In addition to the progress made on Clean Elections, another bill, SB 285 – providing a one-time allotment of \$1 million to jump-start the Clean Elections fund from the sale of unclaimed property – passed the Senate and came very close to passage in the House.

We even had a victory in the House Judiciary Committee when an amendment to strip the bill of this provision failed on an 8 to 15 vote. As funding has proven to be a major stumbling block for advancing Clean Elections, SB 285 would have at least partially addressed that issue in advance of next year's session. Unfortunately, lobbyists for the retailers and credit card companies, which opposed a provision in the bill, were able to get House leadership to pull the bill and place it on the "inactive" calendar on the session's last day.

Thanks again for your calls, e-mails and letters of

support to legislators. We're also pleased that so many of you attended the meeting of the Senate Finance Committee when Todd Lang spoke. Thanks again to the Reform Institute in Alexandria, Va. for sponsoring Todd's visit.

Thanks to all the groups who sent out action alerts – including the American Federation of State, County and Municipal Employees (AFSCME) Local Council 77, the Legislative Action Team on Children and Families, the Monongalia County League of Women Voters, National Association of Social Workers-WV, WV Environmental Council, Ohio Valley Environmental Coalition, WV Democracy for America and anyone I may have inadvertently forgotten or been unaware of.

And last but not least, thanks to all of our legislative sponsors and supporters for their continued willingness to champion this progressive reform aimed at changing the status quo. 🍌

Arizona Official Says Campaign Finance Reform Working Great

by Paul Nyden with Phil Kabler, Charleston Gazette, February 24, 2006

On the day an Arizona official lauded publicly funded campaigns, the chairman of the Senate Finance Committee said an election reform bill is dead in West Virginia's Legislature for this year.

Todd Lang says Arizona's "clean elections" laws have increased voter participation and countered the impact of negative political advertisements. Lang heads Arizona's Citizens Clean Election Commission, created by the reform law passed in 1998.

The Arizona legislation generates money to finance political campaigns, Lang said, primarily through a surcharge on all state fines and penalties, as well as \$5 voluntary individual checkoffs on state income tax returns.

The Arizona law does not prevent candidates from raising funds privately, but provides an alternative to candidates who pledge to limit their total expenditures if they receive public money.

The Arizona bill set strict limits on the amount of private contributions candidates can raise – and still qualify for public funds – from \$2,650 in early contributions for

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☆☆ DEMOCRACY WORKS! ☆☆

We care, We Count, WE VOTE!

Arizona Reforms Working

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legislative candidates to \$42,440 for gubernatorial candidates.

...“In the last election in 2004, 56 percent of all candidates participated,” Lang told *Gazette* representatives Thursday. “In 2006, we expect 60 percent of candidates will.”

The Arizona law also contains a provision that triples a candidate’s campaign finances whenever the Citizens Clean Election Commission finds a candidate to be the victim of negative campaign “attack ads.”

Bill Moyers: This Is A Time for Heresy, Democracy is For Sale

by Bill Moyers

(Excerpts from a speech given at Wake Forest University)

... This is a time for heresy. American democracy is threatened by perversions of money, power, and religion. Money has bought our elections right out from under us. Power has turned government “of, by, and for the people” into the patron of privilege.

... The corporate, political, and religious right converged in a movement that for a long time only they understood because they are its advocates, its architects, and its beneficiaries... Their political strategy was to neutralize the independent media, create their own propaganda machine with a partisan press, and flood their coffers with rivers of money from those who stand to benefit from the transfer of public resources to elite control.

Along the way they would burden the nation with structural deficits that will last until our children’s children are ready to retire, systematically stripping government of its capacity, over time, to do little more than wage war and reward privilege.

Their religious strategy was to fuse ideology and theology into a worldview freed of the impurities of compromise, claim for America the status of God’s favored among nations (and therefore beyond political critique or challenge), and demonize their opponents as ungodly and immoral.

At the intersection of these three strategies was money: Big Money.

... holding preachers and politicians to a higher standard than they want to serve has marked the entire history of both religion and politics. It is the conflict between the religion of the priests – ancient and modern – and the religion of the prophets.

... Lang also spoke to the Senate Finance Committee, but Finance Chairman Walt Helmick, D-Pocahontas, pulled a bill to allow public financing of state House and Senate campaigns (SB126) off the committee agenda, effectively killing the legislation for this session.

... Helmick said he believes the time will come for West Virginia to join those states, but said the issue needs to be studied. As a practical matter, publicly financed campaigns could not begin until the 2008 elections.

“I think that’s a piece of legislation we will see again,” he said. 🍌

“The people out across the country on the front lines of this fight have brought the message down to earth, in plain language and clear metaphors. If a player sliding into home plate reached into his pocket and handed the umpire \$1,000 before he made the call, what would we call that? A bribe. And if a lawyer handed a judge \$1,000 before he issued a ruling, what do we call that? A bribe. But when a lobbyist or CEO sidles up to a member of Congress at a fundraiser or in a skybox and hands him a check for \$1,000, what do we call that? A campaign contribution.” – Bill Moyers

It is the vast difference between the religion about Jesus and the religion of Jesus.

Yes, the religion of Jesus. ... It was in the name of Jesus that the young priest John Ryan – ten years before the New Deal – crusaded for child labor laws, unemployment insurance, a minimum wage, and decent housing for the poor. And it was in the name of Jesus that Martin Luther King Jr. went to Memphis to march with sanitation workers who were asking only for a living wage.

This is the heresy of our time – to wrestle with the gods who guard the boundaries of this great nation’s promise, and to confront the medicine men in the woods, twirling their bullroarers to keep us in fear and trembling.

For the greatest heretic of all is Jesus of Nazareth, who drove the money changers from the temple in Jerusalem as we must now drive the money changers from the temples of democracy.

Please check the “Featured Stories” section of www.ohvec.org for a link to the entire, powerful speech by Bill Moyers. 🍌

We care, We Count, WE VOTE!

WV Sets Standard for 527s

Mountain State a Test Bed for Election-Funding Rules

by Tom Searls, *Charleston Gazette*, March 26, 2006

West Virginia lawmakers might have been watching out for their own political survival when they enacted new laws regulating how nonprofit 527 groups can spend election funds, but their actions have drawn praise from national watchdog groups for being the first in the nation to attempt to regulate the 527s.

“No other state has been successful in passing comprehensive 527 reform,” said Cecilia Martinez, executive director of The Reform Institute in Alexandria, Va.

“Your state is rightly characterized as being on the cutting edge of this,” said Paul Ryan, associate legal counsel for The Campaign Legal Center.

Called 527 groups after the section of the federal Internal Revenue Service code that empowers them, they have been legal for years. But when Congress changed federal election finance laws prior to 2004 limiting the amount of “soft money” individuals could contribute to political parties, suddenly 527s were the way those with money could spend all they wanted.

“These reforms will be fundamental in leveling the playing field in West Virginia elections,” Martinez said. “527 groups have flooded the airwaves with negative attack ads that are funded by a handful of contributors.”

... West Virginians got firsthand knowledge of such groups during the 2004 election when a group called “And

NO EXCUSES! You Can Vote Early!

Early voting lasts from April 19 until May 6. Election Day is Tuesday, May 9. To vote early, go to the County Clerk’s office in your County Courthouse during regular business hours.

Why vote, you may ask? Last election, of registered voters only 24.2 percent voted in Mingo County, 29.7 percent voted in Logan County, and 33 percent voted in Boone County. Most other West Virginia counties had similarly abysmal voter turnout rates.

Imagine if every person who is worried about coal sludge impoundments, mountaintop removal and Big Coal’s attempts to buy politicians turned out to vote! We could recapture our democracy.

So – be sure you are registered and vote! 🍌

For the Sake of the Kids” ran millions of dollars of negative advertisements in a state Supreme Court race.

... The 527s allow individuals wanting to spend unlimited amounts to influence elections in a way that circumvents federal laws, Ryan said. As 527 groups, they file as tax-exempt organizations and do not register with the Federal Election Commission as an election group, he explained.

... He noted that the U.S. Chamber of Commerce has become more involved in funding state judicial races, trying to erase judges considered “judicial activists” from the benches.

For months in 2004, no one knew for sure who was paying for the negative ads disparaging Democratic state Supreme Court Justice Warren McGraw. When the group had to file its financial report just weeks before the election, state residents belatedly learned that \$2.4 million of the organization’s \$3.5 million was bankrolled by one person, Massey Energy chief executive Don Blankenship.

McGraw was defeated by Republican Brent Benjamin, a political unknown just months before.

With Blankenship making rumblings about attempting to defeat another Supreme Court justice and naming several lawmakers as political targets, legislators moved quickly last year to change state laws dealing with such groups.

... “People think this will keep John Doe from being able to put huge amounts of money into a race,” Kimble said. “No, as long as John Doe wants to individually spend that.”

But unlike the unknown financiers of 527 groups, individuals will have to place their names in front of the public immediately.

Kimble noted that the U.S. Supreme Court has long upheld the right of individuals – whether they are candidates or not – to spend their own money as long as they disclose the funding source is themselves.

(Ed. Note: Whatever happened to Blankenship’s “And For the Sake of The Kids” group? About a year ago he said on the radio that it would take a lot of “logistical work” to get it up and running. Hmmm. Might the foundation, or whatever it is supposed to be, finally appear again during this campaign season?) 🍌

1,200 Coal-Fired Plants Headed Our Way Within 10 Years

by David Merrill, Global Warming Solutions.Org

Worldwide, 1,200 coal-fired power plants are slated to come online over the next decade or so, mostly in China, India, and the United States. If this happens, any hope of arresting further destabilization of the atmosphere will be dashed.

How could the siting of these plants be forestalled? The only conceivable way would be for the relative economics of bringing on new generation from renewable sources – wind, sun, biomass, and geothermal – to be so

Victory: A Break In the Smog

Excerpted from a March 24, 2006, editorial in the *Louisville Courier-Journal*.

A three-judge panel of the U.S. Circuit Court of Appeals for the District of Columbia blocked the Bush administration's four-year effort to cripple a key Clean Air Act provision.

The case turned on a provision of the act called "new source review," which applies to more than 1,300 coal-fired power plants and at 17,000 emissions-spewing refineries, chemical plants and other factories.

The law requires utilities and industrial polluters to install new emissions controls at older facilities if they significantly increase pollution in the course of changing their plants or operations. Its most important application has been to aging, highly polluting coal-fired power plants.

Vice President Dick Cheney...pressured the Environmental Protection Agency to devise a way to circumvent the requirement (even though) the EPA's own contractor on air issues found that 41 of these older power plants were associated with up to 5,600 premature deaths and 111,000 asthma attacks in a single year.

The federal judges said that "only in a Humpty-Dumpty world" could the discredited EPA rules be viewed as consistent with the law or congressional intent.

Humpty-Dumpty world. George W. Bush world. Increasingly, it seems the same thing. 🍅

Get Active! Join us in our civic participation work. Help us register voters and get out the vote. Call OVEC at (304) 522-0246 for info.

clearly superior that any power planner that proposed a new coal plant would be laughed out of the room.

Some people think that this might be impossible. No one has ever been able to demonstrate to me that it is. But here's a real definition of impossible: Imagining that humanity will be able to manage the increasingly devastating climate impacts that will surely follow if these plants are built.

... Apart from extricating humanity from its climate peril, which is certainly our moral obligation, consider three other enormous benefits we would reap if we pursued this difficult but worthy path (of taking concrete steps to rein in climate change, see www.globalwarmingsolution.org for ideas):

🌍 We would save money. If we continue on the path that we are on it is all but certain we will ravage the global economy through increasingly deadly body blows from hurricanes, droughts, floods, etc. There is no question that destroying the economy through climate destabilization is going to be much more expensive than protecting it by switching as rapidly as possible to a renewables-powered system.

🌍 We would create an enormous number of new jobs around the world in renewable energy and energy efficiency, a process that is already underway.

🌍 We could tap people's yearning for a better world by coming together in an uplifting and unifying global endeavor pursued in the name of our children and this gem of a planet we inhabit. 🍅



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

Mountaintop Removal Mining Visible - From Space!



These two high altitude photos were taken seven years apart in the same area around Kayford Mountain, WV. The image on the left was taken in 1996. The image on the right was taken in 2003. Note the number of ridgelines and mountaintops that have vanished, to be replaced by low rolling wasteland that is nowhere near the “approximate original contour,” as required by federal law. Look closely and you can see the giant staircase shapes of the valley fills, a sludge pond and the large areas of flattened ground that have been “reclaimed,” according to the coal companies. Pretty amazing that you can see mountaintop removal mining from outer space! 🍌

DEP Denies Massey Air Quality Permit Near Marsh Fork School

CHARLESTON, WV (AP) Feb. 22, 2006 – The West Virginia Department of Environmental Protection has denied an air quality permit sought by Massey Energy subsidiaries Independence Coal Co. and Goals Coal Co.

The permit would have allowed the Richmond, Va.-based company to increase particulate matter released into the air by 3.49 tons a year at its Sundial operation in Raleigh County.

It also could have reopened the door for consideration of a second coal silo near Marsh Fork Elementary School. Goals Coal already has a coal silo 225 feet from the school. Its existing air quality permits for the site allow for the annual release of 73 tons of coal dust.

“The DEP did the right thing in denying this permit,” resident Vernon Haltom said in a news release. “The kids don’t need another ounce of coal dust in the air they breathe.”

State law bars new surface mine operations within 300 feet of a school, but the DEP last year approved a new silo because maps submitted by Goals Coal showed it would be on land where coal operations were permitted before the 1977 law took effect.

The DEP later rescinded the construction permit, saying it was improperly issued because the proposed silo was outside the permitted area and too close to the school.

“The basis for the denial is that neither Goals Coal Co. or Independence has constructed the silo and neither has the legal authority for construction of the silo,” the denial order issued Feb. 15 said. “Unless and until there is a change in the authority of Goals or Independence to construct and operate a second silo at the Goals mining facility, the WVDEP Division of Air Quality will not process any applications for updates or revisions.” 🍌

Appalachian

Spring bursts forth in Boone County, WV, except where mountaintop removal mining has destroyed *every single bit* of vegetation; while below, redbud trees in full bloom fail to hide the dreariness of rail cars loaded with coal in Mingo County.



Spring

Or, What it looks like NOW, as opposed to what it SHOULD look like



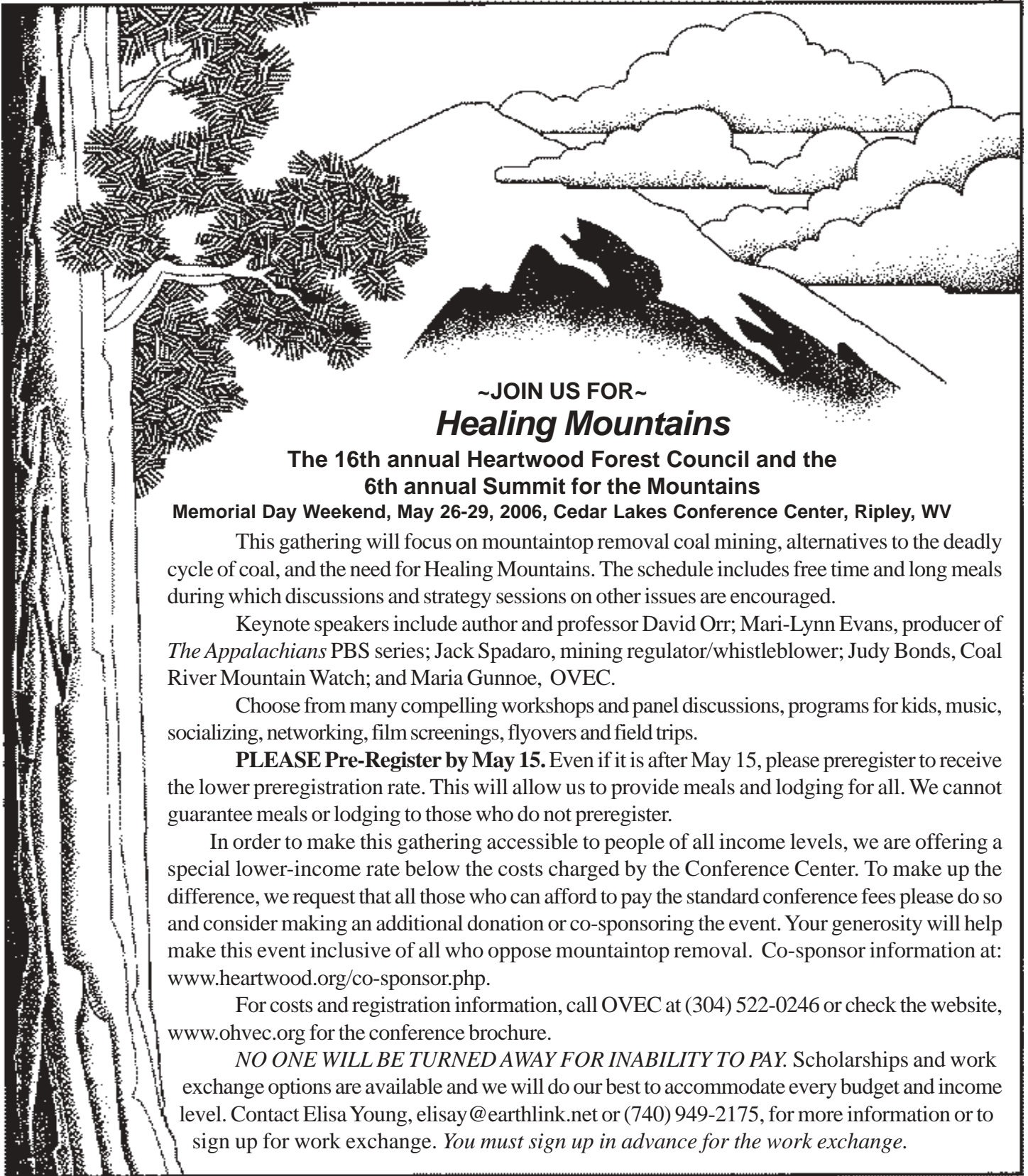
What was a beautiful Appalachian mountain, now “reclaimed” into a biological wasteland.



A Kanawha County valley fill - see the tiny patch of grass at left? And in Boone County, the spring greenery pales besides mountaintop removal's browns and grays.



Ready to *DO SOMETHING* about it? **m** pages 14 and 15



~JOIN US FOR~

Healing Mountains

**The 16th annual Heartwood Forest Council and the
6th annual Summit for the Mountains**

Memorial Day Weekend, May 26-29, 2006, Cedar Lakes Conference Center, Ripley, WV

This gathering will focus on mountaintop removal coal mining, alternatives to the deadly cycle of coal, and the need for Healing Mountains. The schedule includes free time and long meals during which discussions and strategy sessions on other issues are encouraged.

Keynote speakers include author and professor David Orr; Mari-Lynn Evans, producer of *The Appalachians* PBS series; Jack Spadaro, mining regulator/whistleblower; Judy Bonds, Coal River Mountain Watch; and Maria Gunnoe, OVEC.

Choose from many compelling workshops and panel discussions, programs for kids, music, socializing, networking, film screenings, flyovers and field trips.


PLEASE Pre-Register by May 15. Even if it is after May 15, please preregister to receive the lower preregistration rate. This will allow us to provide meals and lodging for all. We cannot guarantee meals or lodging to those who do not preregister.

In order to make this gathering accessible to people of all income levels, we are offering a special lower-income rate below the costs charged by the Conference Center. To make up the difference, we request that all those who can afford to pay the standard conference fees please do so and consider making an additional donation or co-sponsoring the event. Your generosity will help make this event inclusive of all who oppose mountaintop removal. Co-sponsor information at: www.heartwood.org/co-sponsor.php.

For costs and registration information, call OVEC at (304) 522-0246 or check the website, www.ohvec.org for the conference brochure.

NO ONE WILL BE TURNED AWAY FOR INABILITY TO PAY. Scholarships and work exchange options are available and we will do our best to accommodate every budget and income level. Contact Elisa Young, elisay@earthlink.net or (740) 949-2175, for more information or to sign up for work exchange. *You must sign up in advance for the work exchange.*

**You can donate to OVEC
online using PayPal.**

Click on  at www.ohvec.org today!

Recycle your ink jet printer cartridges and help OVEC raise \$\$\$.

Call or e-mail Maryanne, (304) 522-0246, or mago@ezwv.com, to get your postage-paid bags and help us out!



Mountain

MOP Up Mountaintop Removal!

Community organizers with the Ohio Valley Environmental Coalition, the South-East Energy Network and Mountain Justice are currently seeking eight individuals to live and work in Mingo County, WV, from late May to late August of 2006. The group will form MOP – the Mingo Organizing Project.

Community organizing is a process of building and utilizing a community's power to make change.

MOP aims to accomplish this through outreach, leadership development, strategic planning and community-led and organized actions and events.

MOP organizers will be provided with home and office space, food, compensation for gas and other resources associated with fulfilling the objectives of MOP. Successful applicants will be officially considered interns of the OVEC.

Much of the interns' time, especially early on in the summer, will be spent doing listening projects. Fund-raising is another key task for program participants.

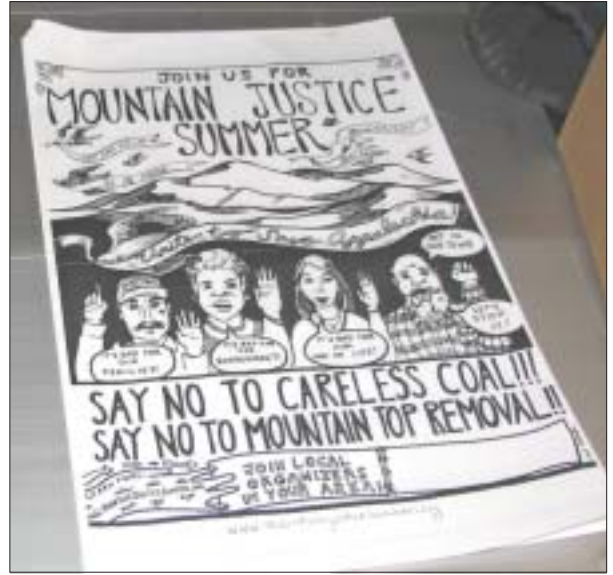
Each intern will be expected to raise money in his or her hometown/college community to help finance the MOP before moving to Mingo.

Living in the coalfields and doing this work can be exhausting – physically, socially, emotionally. You will need time off. Going away for a couple of days at a time is fine – not only is it “permitted,” it's encouraged. Moderate your work load. You will be a happier, healthier person and a more effective organizer if you do.

For more information or to apply, send a cover letter and resume to: Appalachian-always@riseup.net and abe@ohvec.org with “MOP application” in the subject line.

We will review them and schedule a telephone interview. Please include phone numbers for a professional and a personal reference. For more information you may also call Abe at (304) 522-0246.

We are in need of funding for this venture, so *please consider making a contribution to OVEC earmarked for “MOP.”*



MJS 2006: A Call to Action

Last year southern Appalachians hosted Mountain Justice Summer (MJS). Since then, mountaintop removal hasn't stopped and neither has the resistance.

Mountaintop removal is the ultimate destruction – once these mountains are gone, they're gone forever. Now is the time to fight. We

are all affected, we are all responsible; we must look at the causes as climate change becomes a growing concern. Coal produces more carbon dioxide than any other fuel. However you wash it, pulverize it or scrub it – from its extraction to its end use – coal remains a dirty, dangerous, polluting source of energy.

Last year, MJS toured each afflicted area, organized and participated in direct actions, civil disobedience, door to door listening projects, and media events, hosted community-building events, delivered information to residents, protested investors, coal companies and government officials. All of this was successful in many ways, but mountaintop removal still rages on. That's where you come in.

Mountain Justice Summer 2006 is calling on all current and former residents of Appalachia, artists, musicians, human

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Justice

Summer

Mountain Justice Summer

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rights and environmental activists to join us on the front lines in defending the world's most biologically diverse temperate forest ecosystem.

This year, in order to promote closer ties to the land we are defending, people are encouraged to pick one region to work in for most or all of the summer. We will test water, conduct listening projects, contact media, attend hearings, demonstrate, and perform guerilla theatre.

Anyone who's interested in MJS this year should contact participating groups, to figure out how they can best

Rape of the Mountains - A Personal Perspective

by Anita Miller

They are beginning to rape another hillside. The cutters have come in and clear cut everything that stands.

This is very distressing. I grew up in those hills, climbed those trees that now lay on the ground ready to be burned up. It was just a few years ago that my Dad and I went ginseng-ing up those hills. When I was just a kid, PawPaw Caudill and I would walk up on the old strip mine road and look for chunks of coal. He was blind so I would find the coal and he could feel it and tell if it was good or not. We then would roll the chunks down the hill to be picked up later.


Every October my family gets together for a camping trip. This has been going on since I was born. For years we camped in the same spot, then the mines moved in and took over. Then we moved to Berry's Branch; the mines have taken that area. Then, three years ago we moved up behind the home place at Mud River. The mines have now cut all

Gold Mine Takes Advantage of New Rule

Reuters News Service, March 30, 2006 - The U.S. Army Corps of Engineers on Thursday reinstated a permit needed for the construction of a gold mine north of Juneau, Alaska, but environmentalists plan to fight the decision to allow (fish-killing) waste to flow into a natural alpine lake...

The Kensington project is the first metal mine to take advantage of a federal rule loosening restrictions on mountaintop coal extraction.

The rule now classifies discharged milled ore waste – known as tailings – as benign fill and not a pollutant that requires treatment.

(An) attorney said the permit violates the basic principles of the Clean Water Act of 1972, because it allows the company to dump 210,000 gallons of tailings daily into the lake. 

plug in. MJS is also in need of funds, so if you're thinking of coming, we encourage you to begin fund-raising and contact the place you wish to work to figure out housing and food – the sooner the better.


Even if you can't drop everything to come here, work can be done no matter where you are. Contact MJS, Coal River Mountain Watch or OVEC for ideas on what you can do.

Appalachia is known for uprisings – it's time to rise again! **Please fill out an intake form today at www.mountainjusticesummer.org.** 

the trees above the camp site and plan on putting in a sludge pond.

My grandchildren love to camp, but this tradition of camping may end soon, because the mines are taking all the mountains.

Strip mining is a horrible thing. When we drive in that area my granddaughter can't even look at the destruction. At 11-years-old, she can understand how much we need the mountains. She asked me one day, "MawMaw, don't they know we need the trees?" I hate the fact she won't experience the same enjoyment out of the mountains that I did.

(Ed. Note: The Miller/Caudill homes on Mud River were featured in the March 2006 National Geographic article, When Mountains Move.) 

Get ACTION ALERTS!

Stay Informed by E-mail: Join OVEC's Action Alert! e-mail list by sending an e-mail with "join list" in the subject line to vivian@ohvec.org. This is not a discussion list, so you won't be swamped with e-mails.

Stay Informed by Phone: If you don't have or don't like e-mail, call the OVEC office at (304) 522-0246 and ask to be put on our Call List. We'll need your name and phone number. Don't worry - we will only call to let you know about major events or actions.

Stay Informed by WWW: Visit www.ohvec.org frequently for news and action updates. Check out our extensive background information in the Issues section. Look for your friends in the People in Action section.



Coal Sludge and Groundwater Don't Mix

by Patricia Feeney

Near Williamson, WV, in the communities of Rawl, Sprigg, Merrimac and Lick Creek, residents claim they have had problems with their well water for more than a decade.

They say their water was sweet and clean before a coal preparation plant began injecting coal sludge underground into abandoned mines in the area. Now many people have liver and kidney problems, various forms of cancer and skin rashes – health problems associated with long-term exposure to high levels of arsenic, lead, manganese, selenium, and other toxins that scientists have found in area well water.

This past legislative session, people spoke out at the State Capitol. With the support of the Sludge Safety Project, Mingo County residents succeeded in raising awareness about the dangers of coal sludge dams and the life-threatening effects of injected coal sludge, which some believe has contaminated their groundwater.

Neighbors have also been educating each other about the effects of the contamination on their health. Several women published a community newsletter, Clean Water is Our Right, to encourage their neighbors to get involved.

Because of residents' efforts to inform their politicians, in February the Governor's Contingency Fund provided \$15,000 to provide 250 families with an emergency supply of drinking water. (The governor, so far, has not responded to resident's requests for a meeting so they can directly tell him their water worries.) Pallets of bottled water



A tractor-trailer load of emergency water arrives at the Williamson Water Plant. A forklift puts pallets of water onto trucks of community members who volunteer their time and use their own money for gasoline. Water is taken to the Church of God Jesus Christ Name in Rawl, where each pallet has to be off-loaded by hand and stored in a church garage. Community members either come pick up the water themselves, or people again volunteer their time and gasoline to deliver water to their neighbors who are too sick to pick up the water themselves.

have been delivered every week since then to the Church of God in Jesus Name in Rawl, where residents pick up their ration of drinking water.

“At least 100 of these folks are too sick or too old or they don't have a car to come pick up the water themselves,” said Billy Sammons of Lick Creek, “so we deliver it. It's what we have to do if our neighbors are going to have water.”



Rev. Larry Brown watches as the church truck is loaded with a pallet of water.

According to Sammons, families have received between 12 to 24 gallons of water every week, which is supposed to be enough for drinking and cooking needs.

The funds for the emergency water won't be enough to sustain the communities until long-promised city water lines are

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Bad Water

Continued from page 17

laid. Last year, the WV Abandoned Mine Lands (AML) office allocated funds to help extend water lines from the city of Williamson to these families.

Bids on the project were due in November of 2005, but all were over budget, so the AML extended the deadline.

Another call for bids in March this year again came in over budget.

Now there's yet *another* call for bids, with an April 18 deadline.

"I'll believe it when I see it," said preacher Larry Brown, echoing the sentiments of other area residents.

In the meantime, when the water rations run out, folks have no choice but to go against the advice of researchers and use their well water for bathing, along with cooking and drinking. 🍷



This sign has been up for about 10 YEARS ... the people in these small rural communities have been trying to get city water for about 13 years.

The Good, the Bad and the Ugly

Wrap-Up of Legislative Efforts to Achieve Sludge Safety

by Ted Boettner, WV Environmental Council

The Good

During the 60-day session we did meet some of our goals. First, we drafted and got introduced for the first time a sludge safety bill (H.B. 4583) that, if passed, would have stopped the DEP from issuing permits to construct sludge ponds, banned coal slurry injection, and called for a study of existing sludge ponds.

Also, we assisted in getting a study resolution introduced in the House of Delegates (H.C.R. 89) that would have explored alternatives to coal impoundments.

Moreover, we also assisted in getting a similar resolution introduced in the Senate (S.C.R. 49) to study the coal impoundments. The introduction of the legislation and the resolutions, along with the repeated and poignant testimony of those directly affected by sludge, did help bring awareness to the issue of sludge safety.

One of the great highlights of this past session was the intrepid and moral leadership of Del. Larry Barker (D-Boone). Barker was not only the lead sponsor on both the legislation and the House resolution, but spent a tremendous amount of his time trying to convince other delegates of the importance of sludge safety legislation.

Those concerned about sludge safety owe a great debt of gratitude to Del. Barker, who carried the torch amid strong odds and powerful interests.



The Bad

This is the easy part. While many coal field residents were living in daily fear of looming sludge impoundments and drinking water containing sludge, the legislature decided it wasn't a big enough problem to move sludge safety to the agenda. Despite the sludge bill being introduced in the middle of the session, there was still time for the House Judiciary Chairman to place it on the agenda.

It was decided that there were "too many powerful interests" to let this happen and that we'd be better off with a study resolution. Although legislators introduced the two study resolutions, neither moved out of the rules committees. This is where the ugly comes in.

The Ugly

During the end of the session, when the sludge bill had already died, coalfield residents were promised by a powerful member of the rules committee that our study resolution (HCR 89) would move to the special calendar where it would be voted upon. However, this promise fell apart when our resolution was sacrificed in an agreement to allow an amendment regarding overweight coal trucks to reach the floor.

Despite these setbacks, we will be back in the Interims and next year pushing sludge safety. Until then, let's keep the pressure coming. After all, mine safety should extend far beyond the mine gate. 🍷

Living with Bad Water:

And This Is Happening in America?



Amy Blankenship, 14-years-old, and her mom, Donetta, of Rawl, WV, explained how they finally realized something might be wrong with their water:

Donetta: I have never had any health problems until I moved here. I started having different symptoms that led up to it about two months before I went to the hospital.

Amy: My mom had yellow eyes. Her face was yellow. I told dad that mom needed to go to the hospital.

Donetta: I said, “ya’ll are color blind.” I called Steve, the pharmacist at CVS, and he said something might be wrong with my liver.

Junior and Amy wouldn’t let me wait. They made me go straight to the hospital, and I found out at 1 in the morning that they were going to admit me. My liver enzymes were in the thousands. The doctor said they shouldn’t have been over a hundred. He sent me to University of Kentucky to have a biopsy.

Amy: I was crying when the doctor said her liver was failing.

Donetta: My enzymes have been going up and down up and down.

Amy: It’s like a rollercoaster. I’m afraid she might die. All I wanted for Christmas was for Mom to live longer.

Donetta: I think the water has something to do with it because people know that I don’t do alcohol or drugs. It isn’t hereditary and things that could cause it I haven’t had anything to do with.

Amy: The water stinks and everybody gets sick. I’m getting sick with stomach problems and my breathing is getting worse.

Donetta: Here I’ve been cooking with the water and drinking it not knowing what was in it. We have to wash our clothes with it and when we take baths it gets into our bodies. 🍌

It’s Bad When Coal Waste Gets in the Water

by *Debbie Sammons*

I am a Christian woman. I am a wife, a mother, and a homemaker who has raised her children in water contaminated with coal slurry. My entire family stays sick.

When I was carrying my son, I followed my doctor’s directions and drank plenty of water – well water. I was wrong.

My 9-year-old son has been admitted to the hospital with kidney infections and has passed kidney stones. The second time he was admitted for this problem the doctor

God’s Creation: Coal Industry Does Not Practice Good Stewardship

by *Allen Johnson,*

excerpted from an op-ed in the *Charleston Gazette,* March 7, 2006

“An act of God” is how Massey-owned Martin Coal Co. refers to the 300 million gallons of coal sludge that gushed into Coldwater Creek and Wolf Creek in October 2000. God should have known better, having been similarly chastised by Pittston Coal for the lethal Buffalo Creek coal dam burst in 1972...

On Feb. 1, about 20 residents of Mingo, Boone and Raleigh counties convened at the Capitol to meet with

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said he had “environmental toxic poisoning.”

I have an 18-year-old daughter who has had sinus problems, allergies, throat infections – the same as my son.

She has found another lump in her breast and has been plagued with female infections her entire life. All the things that Brittany has experienced I too have experienced as a woman living in this water.

We all keep skin infections. Skin sores all over our bodies. Our hair is falling out and it feels like straw.

We, like everybody else in this community, didn’t know we were living with contaminated water. Toxic water.

We inhale the vapors every time we take a shower. If it is corroding the inside of our house and our plumbing, what is it doing to our lungs?

The people of our community, as well as other communities in the state of West Virginia are working diligently to see that the sludge safety bill is passed in the state of West Virginia. We need to make sure that no one else’s children are contaminated the way our children and the way the children of our communities have been contaminated.

The mining industry needs to be more accountable for the way they dispose of their waste and this bill’s purpose is to do that – to make them more accountable and to see that they dispose of their waste in a more humane way instead of putting it into our children’s bodies. 🍌

The Character of Mountains

by Dr. Delilah O'Haynes

People who built log and plank dwellings
on steep Appalachian hillsides became
the rugged mountains they clung to.

Coal mining gear, 1950s: a carbide lamp,
its pungent, stinging odor filling dank air;
dinner buckets loaded with egg salad sandwiches,
hot coffee, moon pies; flannel long-johns
and stiff coveralls – soaked in Tide, run
through the wringer and hung on the line
to freeze in January wind; steel-toed,
lace-up boots of worn, gritty-black leather.

Mine strike, Clinchfield Coal, Virginia, 1965:
men stood vigil through long, cold
nights, telling their stories over fires
built in oil barrels, fortifying courage
with strong coffee and moonshine.

Farmington, West Virginia, 1968:
78 men died in explosion at Consol
No. 9. Townspeople rallied
round miners, their families; Nixon
signed mine safety act, 1969.

A quarter-century later:
augers pierce Earth's skin, plunge
like daggers into mountainsides;
dynamite shatters landscapes,
decapitates mountains;
bulldozers strip away top soil,
hack mountains to stair-step ridges;
logging and dump trucks
haul away earth and trees.

Flood, West Virginia, McDowell, 2001:
Eight inches of rain – run-off carves
new streams through naked hillsides.
Gymnasium at Welch Middle School
buried under mountain of mud;
town of Mullens washed away;
whole families smothered
by mud in homes and vehicles.

Mountain ruins flank back roads
and interstates, unnoticed by passersby.

God's Creation

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a dozen state legislators. They had one message articulated
in tearful personal stories and heartfelt pleas: "Our wells are
poisoned."


Their message was visual, too. Several canning jars
held blackish water from home spigots. Two-day-old water
filters were clogged with muck.

Their stories were depressingly similar. Once pure
well water now runs black several times a week. Cancer,
kidney stones and miscarriages are common in their
communities. Property values have plummeted. They live in
omnipresent fear as billion-gallon sludge ponds loom over
their homes and uncounted volumes of toxic sludge seep
through aquifers...

In sharp contrast to blaming God for their
contaminated water these ordinary folks cry out pleas to
God. "I've been praying for 20 years that something be
done about this contaminated water," said one middle-aged
woman who described even bathing as a health risk.

...What is God's intent for the Earth? Our God-
believing coal companies must figure that mining and selling
large volumes of coal with the lowest possible overhead is
within God's equation. Blasting mountains to smithereens
then dumping their coal-stripped carcasses of rock and
debris into valleys is in that equation. That future generations
of people, animals and plants will find such land worthless
or of greatly diminished quality is in that equation. That
regulatory officials, politicians, churches, and neighbors
silenced by economic pressure is in that equation. That
disaster-prone sludge dams, forever-contaminated aquifers,
and ruined health of neighbors are in that equation.

...Yet God has created humankind with the capacity
to mitigate natural disasters, so-called "acts of God." With
an understanding of all creation being in interdependent
relationship, we humans can act as responsible agents of
healing, restoration, and sustainable life for all God's
creatures. As a saying goes, we are God's hands, feet, voice
and love in this world. Let us then truly be in this way "an
act of God."

*Johnson, of Dunmore, is with Christians For The
Mountains, www.christiansforthemountains.org.* 

About the Poem

Dr. O'Haynes is a professor at Concord University.
This poem will appear in a collection of her poems called
The Character of Mountains. A portion of the proceeds
from the sale of the book will go to OVEC.

Residents Worry About Sludge Pond Hazards



by Kyle Lovern, *Williamson Daily Mail*, Feb. 17, 2006

DELBARTON - Billions of gallons of coal slurry and water sits behind earthen dams throughout southern West Virginia and eastern Kentucky.

What would happen if one of these facilities were to break above a populated community?

Many people worry about this potential hazard. Walter and Carol Young, who live on Hell Creek near Delbarton, have been concerned for several years about such a structure above their community...

"It looks like if the trend keeps going like it is," Mr. Young said, "we will have so many coal waste impoundments that we will be one of the most dangerous places in the world to live."

The Mountain State has over 130 coal slurry impoundments, many in the southern counties...

"I'm really concerned about this and have been for about four years," Young added. He said that the Delbarton Mining Company applied and received a permit for a 56-acre slurry dam above Hell Creek.

"If it were to break, it would come down through this community, into Pigeon Creek and all the way to Naugatuck," a concerned Young says. "We would be buried alive under coal sludge."

"Lots of people in the area don't even know these exist," he added.

He is also worried about sludge being injected into old underground worked out mines, and thus affecting the water supplies for hundreds of people.

He said the people of Lick Creek and Rawl have suffered a similar plight ... 🍌

censored *Libraries Don't Like WV Child's Story About MTR*

The March/April issue of *Indy Kids*, a new free newspaper distributed in New York City, carried a front page article by sixth-grader Chrystal Gunnoe, daughter of OVEC organizer Maria. The newspaper is published by the NYC Independent Media Center and distributed to primary schools, churches and libraries ... but not at all libraries.

The Manhattan and Queens branches of the NYC Public Libraries refused at first to distribute the paper because it "was not balanced."

The Manhattan branch backed off its initial

editorial, but as we went to print the Queens branch had not relented.

The libraries' periodicals for children feature numerous ads for video games, candy and sportswear.

As public institutions supported with taxpayer dollars, the libraries have the responsibility to distribute all kinds of publications from a variety of perspectives.

We thought it was interesting that one of the largest public library systems in the nation considered this brief story controversial.

Read it and decide for yourself:



COALFIELD KID

by Chrystal Gunnoe in *Indy Kids*

Hello. My Name is Chrystal Gunnoe. I live in West Virginia. My hometown is in the heart of the coalfields. The coalfields are where most of the coal comes from that provides energy for the rest of the country.

Mountaintop Removal (MTR) is a new, dangerous and destructive method of extracting coal. Three million pounds of explosives are used per day to blow off the tops of the mountains to expose the coal inside. MTR is destroying the coalfields and the people who live there.

When MTR started, so did the changes in my life. I started noticing these changes very fast.

The water from our faucet tasted different, like metal. Coal and rock dust from the deafening blasts cover everything in our home. Our yard is eroding from

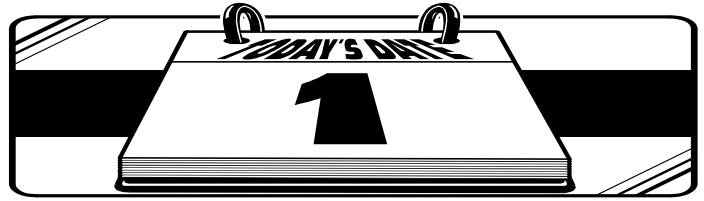
flooding... because of the flooding I had less room to ride my bike, and when I did ride my bike, I had to walk it to a safe place to ride.

Until the flood of June 16, 2003, which destroys five acres of our property, I didn't know what was happening.

But then that was like a wall of information hitting me - I began to understand that MTR was not good. I wanted to tell people about it. I did a science fair project on MTR. I bought a video documentary called *Kilowatt Ours* (www.kilowattours.org) to show my class and I talked to my friends about MTR.

One of my friends got interested in MTR with me. She told her grandmother and now she's interested, too. 🍌

CALENDAR



April 28-29: Beyond Coal – Building Healthy Communities in Appalachia. Hindman Settlement School, Hindman, KY. Contact Brandon Absher, dbabsh0@uky.edu or (859) 523-3231.

May 1: 7:00 to 10:00 p.m. Public Hearing on Spruce No. 1 Mine Draft Environmental Impact Statement (DEIS) at the Earl Ray Tomlin Convention Center, Chapmanville, WV. This mine, near Blair in Logan Co., was previously owned by Arch Coal / Hobet Mining. Copies of the DEIS (in CD format) may be obtained by contacting USACE Huntington District Regulatory Branch at (304) 399-5210 or (304) 399-5710. Copies are also available at the Blair Post Office, the Kanawha County Public Library in Charleston and the Logan County Public Library in Logan, WV.

May 15: Deadline for written comments on Spruce No. 1 DEIS (see above). Send written comments to: Mrs. Teresa Spagna, Regulatory Project Manager, Regulatory Branch, CELRH-OR-FS, U.S. Army Corps of Engineers, Huntington District, 502 Eighth St., Huntington, WV, 25701.

May 13: 7 p.m. LaBelle Theatre 311 D St., South Charleston, WV. 1976 Oscar-winning film by Barbara Kopple, *Harlan County, USA*.

May 16: 9 a.m. Massey Energy Annual Shareholder Meeting at the Jefferson Hotel, 101 W. Franklin St., Richmond, Va.

May 20- 26: Mountain Justice Summer Training Camp. For details, see www.mountainjustice.org.

May-August: MOUNTAIN JUSTICE SUMMER.

May 27: 7 p.m. LaBelle Theatre, 311 D St., South Charleston, WV. *Out of Darkness*, – an official UMWA history.

May 26-29: Joint Summit for the Mountains / Heartwood Forest Council. See page 14 for details.

June 2: Meeting, public comment session on a proposed settlement of a lawsuit over the application for Blair Mountain's nomination to the National Register of Historic Places. At the Archives and History Commission's regular

meeting at the State Capitol Cultural Center. Check with Commission for details, (304) 558-0220.

June 19 (tentative): Hearing in Judge Chamber's courtroom in Huntington, WV, on an OVEC lawsuit over mountaintop removal. Check www.ohvec.org for details as the date nears. 🍌

DEP Trying to Settle Hundreds of Massey Pollution Violations

by Ken Ward Jr., *Charleston Gazette*, Feb. 26, 2006

The state Department of Environmental Protection is trying to settle hundreds of Massey Energy pollution violations that date back more than seven years, according to records obtained under the state Freedom of Information Act.

Under the deal, Massey would pay a fraction of the millions of dollars in fines that could have been sought under state and federal water pollution laws.

But so far, DEP officials have not told the public exactly how many or what kind of violations they are proposing to settle.

When DEP announced the deal Jan. 5, agency Secretary Stephanie Timmermeyer issued a one-paragraph public notice.

In that notice, DEP said it was proposing to settle five lawsuits against four Massey subsidiaries.

Those suits, filed in October 2003 and April 2004, cited specific water pollution violations by Massey's Bandmill Coal, Independence Coal, Marfork Coal and Omar Mining.

But the proposed settlement reveals that the deal would also end 14 DEP enforcement cases that sought the most serious penalties allowed under state mining law – permit suspensions that would halt coal production.

Those cases, including one dating back to the Underwood administration, involve more than 70 violations of state strip mining rules.

The nine-page document also contains broad language that releases Massey from any penalties for any other violations that occurred prior to Dec. 1, 2005.

The document does not list those violations or say how many violations that language would cover. 🍌

Global Warming Already Here in the Mountain State

by Mel Tyree

I recently completed a study regarding how climate change alters bird migration for Dolly Sods under the direction of Dr. Tom Pauley of Marshall University (to be published in the October edition of the bird journal *Redstart*).

Although the statistical correlation was weak, the data did indicate a warming trend (as opposed to no temperature change or a temperature decrease) for the years 1992 through 2004. The data came from the National Forest Service weather station located near Dolly Sods.

The global warming trend over the past 100 years has been well documented from hundreds of weather stations located around the world. The vast majority of climatologists and earth scientists agree that climate change is occurring and will get worse as humans add more CO₂ to the atmosphere.

The projected global impacts will eventually be

catastrophic (thinning of the northern ice cap, increased hurricane frequency, rising water levels, changes in tropical disease ranges, major changes in wildlife diversity and distribution, etc.) unless humans make some drastic changes really soon.

Some things we can all do now to help create a better world for our grandchildren include:

- h** Buying more fuel efficient cars;
- h** Purchasing better insulated, smaller houses;
- h** Supporting politicians and corporations that are working on cleaner/alternative energy sources;
- h** Adopting a less materialistic and more spiritually-centered lifestyle.

Mel is an environmental scientist and OVEC member. 🍌



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Massive Media Monitoring of Mountaintop Massacre

Find links to recent news coverage on the OVEC website home page, the featured news page and the daily news page.

Appalachians' demand for an end to the massacre of our mountains and the poisoning of our water continues to get high profile media coverage.

OVEC and Coal River Mountain Watch members were featured prominently "When Mountains Move" in the March 2006 issue of *National Geographic*. Judy Bond's voice ended the article: "... These mountains are in our soul. And you know what? That's what they're stealing from us. They're stealing our soul."

Vanity Fair's May issue is devoted to environmental issues, and one article exposes Massey Energy and other companies' destruction of our mountains. *American School Board Journal's* cover story for March examines Marsh Fork Elementary and the Massey Energy sludge dam, coal silo and coal prep plant that threaten the school.

Catherine and Ann Pancake's film *Black Diamonds: The Fight for Coalfield Justice* premiered in South Charleston in March. The audience stood and applauded as the final credits rolled. 🍌

Hobet Ville by Ronda Harper

*Gonna build myself a house on Hobet 21
And spray me on some grass seed
And grow myself a lawn.*

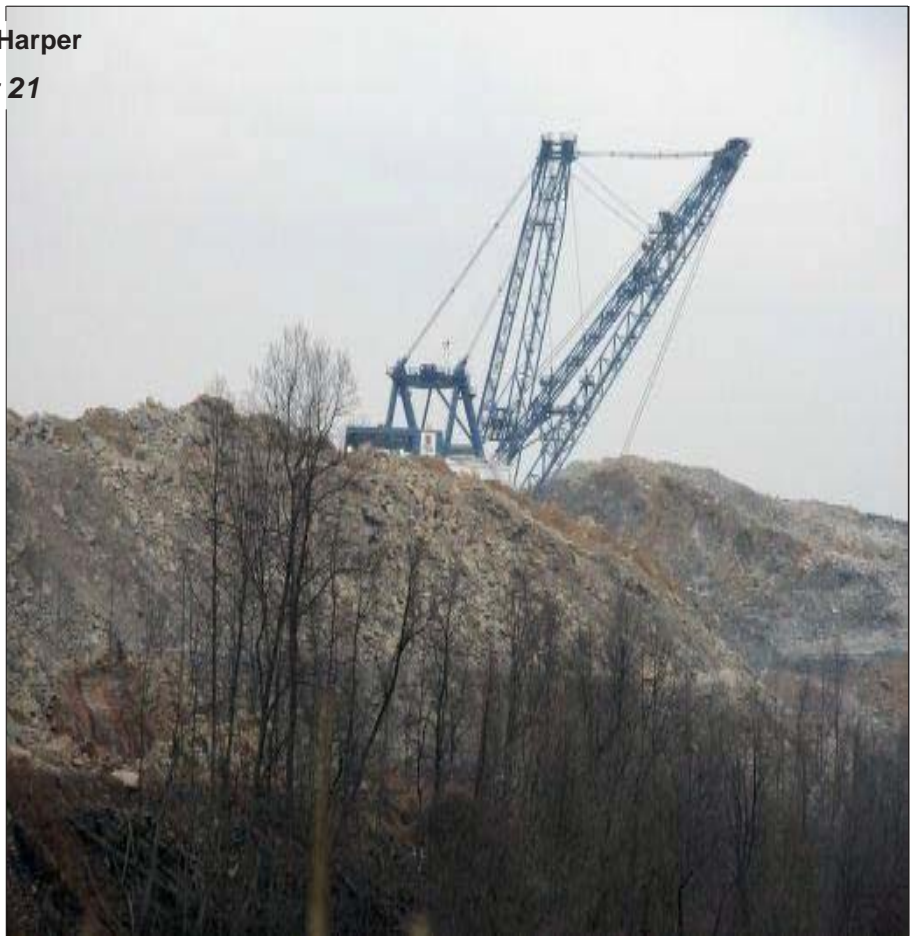
*Gonna build a nice big deck
And watch the grasses grow
And look out at the mountain top
In the valley down below.*

*Gonna put a little fishing boat
Out there on the pond
And catch me some mutations
With my brand new fishing rod.*

*Gonna cook 'em up real good
And put 'em on a bun
Won't need to use a BBQ
They'll just cook there in the sun.*

*Gonna ask the neighbors over
Oh, gee, guess I forgot
All of them are gone
Their houses covered up with rock.*

*So I'm bound to get real lonely
Up here on 21
The only neighbor left
Is some old feller they call Big John.*



(Ed. Note: Big John is the name of the giant dragline that Arch uses to destroy the mountains for coal. Ronda is an OVEC member, but perhaps she will now become a famous lyricist ...)

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