

THE HIGHTOWER LOWDOWN

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and Phillip Frazer

In the Name of Profits for King Coal
**OUR OLDEST MOUNTAINS
ARE BEING BLOWN AWAY**

Many of you *Lowdowners* have told me that you often share the newsletter with your teenagers—and even younger children. Therefore, for proper parental guidance, I feel a responsibility to post this warning: **Parents beware! This issue contains graphic material that could be**

unsuitable for minors—including environmental rape, corporate violence, and a level of political depravity that could leave them scarred for life.

With that said, I'm going to tell you a story that begins with breathtaking beauty, quickly takes a grotesquely ugly turn, then reveals a shocking callousness, yet also unfolds with heartening grassroots heroism. Ultimately, this is a cautionary tale that enlists you to write a better ending, for it shows with shining clarity why we must—**ABSOLUTELY MUST**—take our government back from the Kleptocrats who now hold all three branches in their greedy grasp.

The Beauty

Drive into the heart of West Virginia and Eastern Kentucky, and you'll find yourself in the midst of America's—and maybe the world's—oldest mountain range: the Appalachians. There are no adjectives adequate to describe the serene, ancient beauty you see, hear, smell, taste, and feel in these mountains. View them from a high point, and they are like blue-green waves breaking across the horizon as far as you can see. This is a remote and rugged expanse of high razorback ridges, plunging down into deep and dark valleys (called "hollers" here) and forested by an unparalleled diversity of mature broadleaf trees with an Appalachian ancestry going back nearly 300 million years. Pristine creeks and streams run through this region, and uncountable species of flowers, fish, woodland animals, birds, and other living creatures call it home.

Mountain people call it home, too, and they have a deep tie to this place that is the stuff of songs, legends, and history. Their culture is a rich, unique mix that encompasses the Shawnees, Creeks, Choctaws, and Cherokees who populated these mysterious mountains way before the Scotch-Irish, who first came in the 1730s, and later arrivals, including Germans and escaped or freed slaves. Because of the enveloping, insular nature of the



Appalachians, people here retained all of these ethnic traditions and blended them to produce a music, religion, spirit, and attitude that is special. These days, quite a few people in Appalachia are impoverished, with little economic opportunity for them in the region. Yet they cannot conceive of living elsewhere, because here—at least they have their mountains.

The ugly

In a cabal of ignorance and arrogance, giant coal corporations and their political henchmen literally are decapitating the Appalachian Mountains. It's called "mountaintop removal" (MTR)—a form of strip-mining that is so dastardly, so perverse, so destructive, so unbelievable, and so unnecessary as to leave anyone who sees it whopperjawed, if not temporarily insane with outrage. To see it is to witness a brutal rape. Instead of either tunneling down into mountains or boring in from the side, coal companies devised a nifty new process some 30 years ago that lets them get to the coal much more cheaply and requires only a handful of workers. In essence, they simply blow off the top third or so of the mountains, exposing layers of coal which they then scoop out. First, though, they scalp the mountains. They coldly clear-cut valuable oak and other hardwood trees, then brutally bulldoze them into huge piles...and burn them as trash. Next, using massive shovels, they scrape off the ancient forest floor down to the bedrock, removing all plant life, organisms, and topsoil.

After this come the fireworks. Mineworkers drill holes down into the rock and fill them with the same volatile mixture that Tim McVeigh detonated in Oklahoma City—only the typical MTR blast in Appalachia is ten times the force of that one. Next, excavating machines the size of 20-story buildings dig into the rock rubble and remove it, leveling the mountaintop and revealing the coal.

The ugliness isn't over yet. All those tons of boulders, sandstone, topsoil, and vegetation that were scraped, dug, and blasted are now categorized as "spoil" by the industry and must be "removed" from the now-decapitated mountain before the coal can be taken. Do the companies truck the spoil away? Good gracious, no! That would cost money. Instead, these corporations just shove their waste down into the valleys below, burying streams, animals, habitat, and anything (or anyone) in the way. The dumped rubble rises hundreds of feet high from the valley floors. Rather than calling these piles "dumps," however, the industry prefers to use an almost bucolic phrase: "valley fills." Coal operators have termed the whole process of blasting and burying "shoot and shove."

What we have here is ecocide—the total annihilation of a priceless ecosystem older than the Himalayas. MTR has damaged or destroyed more than 1,200 miles of streams, and King Cole has either targeted or already eliminated some 2,200 square miles of one of the most diverse temperate forests in the world. The ugliness of shearing off the mountains is not just a matter of aesthetics—the constant blasting wrecks the foundations and walls of local homes and businesses (as well as wrecking people's nerves), deadly coal dust fills the air (and lungs), acid runs into the water supply, toxic coal flows like lava over both the land and people, whole towns are emptying, and a way of life is vanishing. All of this

so absentee corporate executives and investors can sell coal for a \$1-a-ton-cheaper than if they mined it responsibly.

The callous

It was not until the 1990s that mountaintop removal literally exploded across Appalachia, but the process was pushed into federal law by coal lobbyists back in 1974. Jennings Randolph, then a senator from the Mountain State, explained to his colleagues why this desecration made sense to him: "In the state of West Virginia, we have a need for level land."

Amazingly, this Kafkaesque absurdity continues to be the public rationale for blowing off the tops of mountains. This February, a spokesman for Keystone Industries told residents around Mount Alpha, WV, that the company's MTR mine in their area would improve people's view: "Right now, all they're looking at is trees. When we're done, they can look over and see grass and animals running. That's a whole lot prettier than trees."

Likewise, the president of the National Mining Association hails the reclamation job that the companies do after they shoot-and-shove the mountains: "Some of the sites are so beautifully reclaimed, many people can't tell the difference." Well... uh... actually, one difference is that the mountain is gone. And the valley and streams are buried in spoil. All that's left is the decimated flat that the corporate plunderers "reclaim" by planting a patchy expanse of nonnative grass that struggles to survive in the lifeless shale. If they stock this grassed-over flatland with some deer, the companies even get to call it a "wildlife habitat."

As for the claim by MTR boosters that leveled mountains create splendid opportunities to build shopping centers, golf courses, and such, few developers have leaped at these possibilities. Moreover, it turns out that decapitation destroys the structure of the remaining mountain so badly it can't support heavy construction atop of it. For example, when a federal prison was built on an MTR site in Kentucky, it went \$60 million over budget because the prison walls kept sinking. The locals have dubbed their wobbly prison "Sink Sink."

A West Virginia poll finds that less than a third of the people there support MTR, yet it continues to spread throughout the mountains. Why? Money, of course...money connected to politics. Deferring to industry dollars and pressure, Bill Clinton made only meek and ineffectual efforts to restrict this flagrant destruction of mountaintops and valleys, but in 1999, grassroots pressure compelled him to commission the first-ever study of MTR's environmental impact. Before the results could be published, however ...Bush happened.

Clinton was no barrier to the coal barons, but George W was their wildest fantasy come true. In the 2000 presidential race, he openly pledged to industry executives that he could be counted on to "relax" environmental restrictions on coal operations. "I want to develop coal here in America," Bush flatly told them. The NMA excitedly became a pre-primary

endorser of his run, rallying King Coal to dump some \$3.5 million in the campaign coffers of Bush and the GOP that year. Just one of the barons, James "Buck" Harless, raised \$275,000 for that campaign, plus shipping \$5,000 to Florida for Bush's shady recount effort and donating \$100,000 to his first inaugural celebration. George gave him a nickname—"Big Buck"—and appointed his son (Little Buck?) to the Bush-Cheney energy task force. "We were looking for friends," Harless said, "and we found one in George W. Bush."

Indeed, George quickly delivered for his coal friends. He named J. Steven Griles, the NMA's own lobbyist, to be his administration's environmental overseer for mining! The association ecstatically hailed this appointment as "a breath of fresh air," which he certainly proved to be—for the polluters. To add to the obvious conflict of interest, even while Griles was wearing his governmental hat, he kept collecting \$284,000 a year from his old lobbying firm, which continued representing the NMA and the corporations he supposedly was regulating.

The fox was in the hen house, and he quickly began gobbling up chickens. Griles' first target was a regulation that prohibited the dumping of mining waste into valley streams. Obviously, the companies had been thumbing their noses at this rule for some time, but environmental groups were now bringing lawsuits to compel ... the feds to enforce it. So Griles and his staff of two-legged foxes simply issued what they called a "clarification"—instead of prohibiting the waste, the clarified rule explicitly authorized it. The rationale was that since waste dumping had been standard industry practice for years, clearly this is what the rule was meant to facilitate.

His second target was a regulation that required companies to maintain a 100-foot buffer between their mining activities and any stream. Gosh, a 30-yard buffer does not seem too much to ask, but this rule irritated sensitive coal execs, so Griles went after it. Ironically he made his move when Bush's EPA finally released the environmental study initiated under Clinton. The study confirmed that shoot-andshove was causing an eco-disaster, but bizarrely, Griles invoked it as evidence that new regulations were needed—here we go again—to "clarify" the circumstance under which mining activities can take place within 100 feet of a stream. Excuse me, but the reg says there are no such circumstances. Yet, in response to a report condemning the destruction of mountain streams, Griles magically turned an outright prohibition into an authorization, effectively erasing the one small rule that provided some protection for those very streams.

The heroism

The mountains that produced scores of heroic leaders in the long, bloody struggle by mineworkers against bullying bosses, union-busting goons, sleazy owners, murderous mine conditions, and corrupt politicians are doing the same in today's hard struggle against MTR profiteers. Tenacious rebels like Teri Blanton of Kentuckians for the Commonwealth, smart public-interest lawyers like Joe Lovett of the Appalachian Center for the Economy and the Environment, grassroots coalition builders like Judy Bonds of Coal River Mountain Watch, truth-telling journalists like Ken Ward of the Charleston

Gazette, clear-eyed judges like Republican appointee Charles Haden, unbought politicians like the venerable Ken Hechler—these and so many more have stood up in the face of corporate power, uncowed by King Coal and his craven political toadies. Of course, it can be dangerous to stand for what is right when the establishment finds wrong to be so profitable. Jack Spadaro learned this the hard way. This West Virginia engineer had built a sterling reputation as a mining-safety expert and had risen high in the ranks of MSHA, the Mine Health and Safety Administration. So it was natural that MSHA would send him to Martin County, WV, in October 2000 to investigate the cause of one the worst (and least reported) environmental disasters in U.S. history.

A coal-slurry reservoir owned by Massey Energy, the fourth-largest coal company in America, had burst. Within six hours, 306 million gallons of thick, toxic, coal-waste sludge flowed out—nearly 300 times more than the infamous spill from the Exxon Valdez! Like volcanic lava, it smothered everything in its 100-mile path, burying people's property 15 feet deep, washing away roads and bridges, snuffing out wildlife, killing 1.6 million fish, and contaminating drinking water for thousands of people.

Spadaro and his team soon found that this was no freak accident. The same pond had burst six years earlier, and regulators ordered the company to make nine changes to prevent future spills. However, no changes occurred, and Spadaro learned that at least five high-level corporate executives knew that another spill was inevitable. He had enough to ...

... charge Massey with willful and criminal negligence, and he was preparing his report as the Bushites were taking office in early 2001. Suddenly, MSHA had a new director and new top deputies all of whom had been mining executives. MSHA cut Spadaro's investigation short, and the new honcho asked him to sign a watered-down version of the report, giving Massey a painless slap on the wrist. He refused.

In June, the Bushites slapped him with hoked-up charges of "abuse of authority." He was put on administrative leave, forbidden to return to his West Virginia office or talk to any co-workers. The Bushites then raided his office, took his files and computer hard drive, and ordered the maintenance staff to change the lock on his office door. The staff refused, leaving the MSHA heavies thumbing through the yellow pages to find a locksmith.

Next, the Bushites demoted him, cut his pay by \$35,000, and transferred him out of state. But he refused to leave his family and his mountain home, instead going public as a whistleblower. Jack Spadaro became a folk hero and a lasting inspiration to all who are in this fight...but he soon was a hero without a job, fired for doing what's right. He fought the bastards for more than three years, but finally, worn down by the Bushites' bureaucratic maneuvering and facing high legal fees and even higher blood pressure, Spadaro retired after 28 years of splendid government service. Massey ultimately escaped with a \$110,000 fine and no criminal charges.

The Values

In the end mountaintop removal goes to our core values as a people and a civilization. Although the vast majority of Americans are not aware of MTR, much less in support of it, it's being pushed relentlessly because a handful of elites prize corporate wealth over the commonwealth, technology over ecology, and kleptocracy over democracy. At present, the values of the elites trump our values, and the result is that they are destroying America, both literally and as an ideal. If they can explode our mountains, what can they not explode? This is as good a place as any to start taking back our government, our country, and our values.

DO SOMETHING!

Information: Among the many grassroots groups fighting MTR, here are some that provide extensive research, educational materials, photos and videos, case histories, legal documents, and other information:

- Appalachian Center for the Economy and the Environment – 304-645-9006, www.appalachian-center.org
- Appalachian Voices – 828-262-1500, www.appvoices.org
- Coal River Mountain Watch – 304-854-2182, www.crmw.net
- Kentuckians for the Commonwealth – 606-878-2161, www.kftc.org
- Ohio Valley Environmental Coalition – 304-522-0246, www.ohvec.org

Also, for an excellent overview of MTR's impacts, read Erik Reece's lengthy article in the April 2005 issue of Harper's Magazine

Legislation: The Clean Water Protection Act (HR 2719) would nullify the regulatory gut job that the Bushites have done on our country's water pollution laws by explicitly prohibiting the dumping of mine waste into waterways. Its sponsors are Republican Chris Shays of Connecticut (202-225-5541), Democrat Frank Pallone (202-225-4671) of New Jersey, and 53 cosponsors.

Agitation: Use this Lowdown issue (plus info, maps, videos, etc. from the above groups), to educate your friends, write letters to editors and coal executives, inform lawmakers, send emails and blogs, give presentations, and otherwise help spread the fight against MTR. Support the grassroots groups by joining them or making a donation. Get on their mailing and email lists to receive action alerts. Ask your church groups, unions, clubs, enviro organizations, and such to include MTR as a priority-action item on their civic agenda. And here's a special for the holiday season: Send a lump of coal (charcoal will do) and a note of protest to corporate executives practicing MTR and politicians supporting it. Groups listed above can provide names and addresses.