



R^eporter

Citizens Coal Council Magazine Fall 1996

Working for Justice, Law and Order in the Coal Fields

Celebrating our victories

**Grass Roots
news
12-17**

**WV citizens honor
Congressman Nick Rahall**



**Like a rock,
she would not
move — so
began our
struggle for coal
field justice**

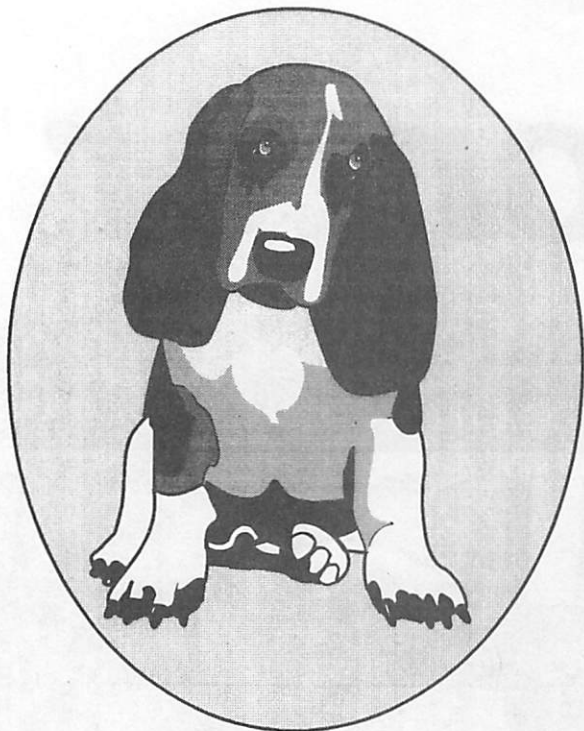
page 10



Widow Combs, Knott County, KY

Inside →

Uram out, Henry in	3
Coal act safe, for now	3
Consol gives no peace	4
End OSM racism	5
Ellen's message	6
CCC hall of fame	7
Editorials, cartoon	8-9
Widow Combs,	10
Grass roots news	12-17
Coal kings on welfare	18
Reading's war on kids	19
Target the company!	20
Book on SLAPP suits	21
CCC honors leaders	22
Stay sharp & get skinny	23



You sniffed 'em out!

**Thanks and a big lick
for all the folks who
contributed to this issue:**

Joe Szakos, Patrick Angel, Kerry Appel, PRBRC, Hendrik Snow, KFTC, Jeff Barber, Ray Benally, Lila Bird, Hammond Eve, AEC, Pat Mahon, Mary Lou Jones, WCC, Mariann Grabish, NPRC, Cynthia Rossi, Jason Tockman, Sam and Lisa Tso, John Humphries, Ruth Nichols, Ellen Pfister, Jerry Hardt, Jill Morrison, WVOP, David Hardeman, Leo Griep-Ruiz, **The Observer-Reporter**, Charles Whitlatch, George Pring, Tom FitzGerald, Mark Trechock, LEAN, Center for Responsive Politics, and all our special friends — You Know Who You Are!

Be a News Hound!

Keep your eyes, ears and nose alert for tasty stories. Send us clippings, pictures, cartoons and short articles about citizen actions and coal company shenanigans in your area.

Write or call Carolyn Johnson or Dennis Short, 1705 So. Pearl St., Room 5, Denver, CO 80210, 303/722-9119; fax: 303/722-8338. E-mail, CCC@netone.com

Citizens Coal Council

CCC is a grass roots federation of coal field citizen groups working for social and environmental justice. CCC and its member groups work to:

- Protect people and our homes, water and communities from coal mining damage.
- Restore law and order by enforcing the federal Surface Mining Control and Reclamation Act.
- Help each other win our issues.

Coordinating Committee (Board)

CCC is run by a committee of delegates representing members in their states and Native American Nations.

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CCC Member Groups

AL: Alabama Environ'l Coalition. **AZ:** The Diné Alliance. **CO:** Crystal Valley Environ'l Protection Assn., Western Colorado Congress. **ID:** People's Action Coalition. **IL:** Citizens Organizing Project. **IN:** Indiana Citizens Mining Council, Hoosier Environ'l Council. **KY:** Kentuckians For The Commonwealth. **LA:** Louisiana Environ'l Action Network. **MT:** Northern Plains Resource Council. **ND:** Dakota Resource Council. **NM:** Nenahnezad Chapter Technical Comm., Water Information Network, Zuni Mountain Coalition. **NY:** Protect A Clean Environment. **OH:** Buckeye Forest Council. **OK:** Pittsburgh County Mineral and Surface Owners Assn. **PA:** Alice Water Protective Assn., Concerned About Water Loss due to Mining, Concerned Citizens of New Castle Township, Mountain Watershed Alliance, Nottingham Network of Neighbors, People United to Save Homes. **TN:** Save Our Cumberland Mountains. **VA:** Dickenson County Citizens Comm. **WV:** West Virginia Highlands Conservancy, West Virginia Organizing Project. **WY:** Powder River Basin Resource Council, Wyoming Outdoor Council. **Multi-state:** Diné Mining Action Center, Environ'l Health Network, Tri-State Citizens Mining Network.

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Editor: Carolyn Johnson; **Contributing Editors:** Will Collette, Jane Kochersperger and Dennis Short. CCC publishes the **Reporter** and mails it as 3rd class mail from Denver, CO. Please send letters, clippings & photos to the Denver office.

Uram out, Henry in at OSM

Coal field citizens were pleasantly surprised in mid-August when Robert Uram resigned as Director of the Office of Surface Mining (OSM). He began the job in March 1994 over strenuous opposition from citizens groups.

Bruce Babbitt, Secretary of the Interior Department, appointed Kay Henry as Acting Director until a permanent Director is named after the November elections.

Henry, a lawyer, was associate solicitor in the Department and chief of the legal department for mineral resources representing OSM and two other agencies. Before joining the Department in 1994, she was legal counsel for Coastal Corp. on oil and gas issues. Henry had not dealt with mining issues before coming to Interior. Henry grew up in Savannah, GA, and has lived in the Washington area for several years.

Citizens expressed relief at Uram's departure. Ellen Pfister, CCC Chair, told reporters, "We hope that this is an end to the agency's war on coal field citizens and its own mine inspectors and enforcement personnel....Mr. Uram is the worst director this agency has ever had."

Andrea Mayne, Kentuckians For The Commonwealth, said, "He went in as hatchet man and he succeeded. He's responsible for almost total nullification of any type of OSM oversight, at least in Kentucky."

Gene Wirtz, Dakota Resource Council, told the *Bismarck Tribune*, "His greatest progress has been toward dismantling the agency and gutting enforcement."

Uram's resignation letter said, "We have improved our relations with the coal field residents and industry."



Kay Henry became the Acting Director of OSM on September 16 after Robert Uram resigned. (OSM)

Secretary Babbitt told the Farmington, NM *Daily Times* that Uram had transformed OSM into "one of the best agencies in the Department." ♣

Bill dead, IMCC under fire

The Congressional attempt led by Representative Barbara Cubin (R-WY) and Senator Robert Bennett (R-UT) to weaken OSM oversight and slash citizens' rights is over for now (*Reporter*, Spring 1996). The 104th Congress adjourned without passing either House or Senate bills aimed at amending SMCRA.

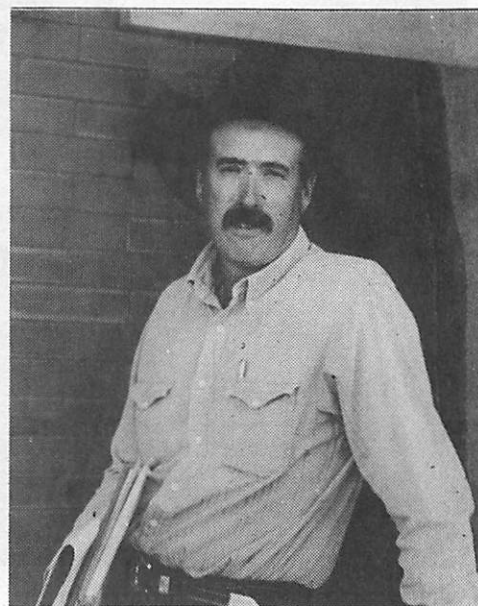
Fierce opposition led by Rep. Nick Rahall (D-WV) and Neil Abercrombie (D-HI) in the House of Representatives prevented the Cubin bill from even reaching a committee vote. In May, spirited testimony from Doug McCrae, Northern Plains Resource Council, and Tom FitzGerald, Kentucky Resources Council, helped derail the Senate bill.

The Interstate Mining Compact Commission's (IMCC) support for the bills led to much unwanted scrutiny from

CCC members, who asked their governors to curb the group's anti-citizen stance. IMCC's members include 15 coal-producing states. This fall, IMCC commissioners reportedly told staff director Greg Conrad to stop working on the bills and focus on other issues.

CCC's members and allies recently learned IMCC accepted a \$7,500 payment from the National Coal Association in 1991. It paid for the costs of IMCC's legal brief filed in support of NCA's legal challenge of bonding rules.

Kentuckians For The Commonwealth has invoked the state open records law to force disclosure of IMCC's financial ledgers. CCC is urging members to request their state ethics commission to investigate conflict of interest violations between IMCC and the coal industry. ♣



Doug McCrae, Montana, testified against the Senate bill to weaken SMCRA and helped derail it. (C. Johnson)

Special Report

CONSOL gives cemetery no peace



In a futile attempt to prevent subsidence damage at the Braddock Cemetery in 1991, CONSOL employees put hay bales against the grave stones and drove mine roof bolts to hold the bales before longwall mining the area. Charles Whitlatch believes some bolts were driven through the graves. (Photo: Charles Whitlatch)



Charles and Patricia Whitlatch in the Braddock Cemetery after CONSOL subsided the area and damaged the graves and stones. Desecration of the graves has caused great anguish to the families of the loved ones buried there and to those who agreed to the mining. (Jack Graham, *Observer-Reporter*)

Many of the grave stones in the Braddock cemetery carry the simple farewell, chiseled in stone, "Rest in Peace." But Consolidation Coal Company's (Consol) quest for coal overrode any respect for those buried there and their families.

In late June, a court in Green County, PA, awarded more than \$4.8 million to families whose relatives are buried in a county cemetery that was damaged by subsidence from Consol's Bailey longwall mine.

For Charles Whitlatch, this was the end of a 5-year ordeal that cost him his job, his health, and his belief in the goodwill of all people.

Whitlatch was a union miner in another Consol mine that had earlier mined under a church and cemetery in Pinebank, PA. He saw first-hand the damage done to those sacred lands and he vowed to prevent similar destruction to the cemetery where his ancestors were buried.

He became a member of the Braddock Cemetery Board of Directors and actively encouraged the board not to enter into the 1991 agreement that allowed Consol to mine under the cemetery. One month after Whitlatch became a member of the board, Consol fired him for what it claimed were health reasons.

Despite being fired from his job and his continued opposition to mining under the cemetery, Consol tried to buy off Whitlatch by paying a premium price for some of his land he sold to the company and buying hay from his farm. As soon as the suit was filed, Consol went elsewhere for its hay.

A jury agreed that Consol had induced members of the Cemetery Board, with jobs and high priced land sales, to accept an offer of \$70,000 to mine under the cemetery despite the company's knowledge of opposition from board members and two shareholder votes against entering into a subsidence agreement with Consol. The company has filed a motion to appeal the decision.

Despite this victory, Whitlatch suffers health problems caused by his involvement in this ordeal and the damage he was unable to prevent to his ancestors' graves.

Some board members who approved the decision to mine have also suffered. One member has been institutionalized in a mental health facility. Another member's home exploded when subsidence from the Bailey mine ruptured his gas line. Whitlatch believes their approval of mining under the cemetery was a factor in these events. ♣

Diné demand end to OSM racism

On June 17, the Nenahnezad Chapter Technical Committee, Diné Mining Action Center (D'MAC), and CCC lodged an environmental justice complaint with President Clinton. The complaint cites OSM's failure to enforce the federal coal law (SMCRA) at BHP's Navajo mine at Farmington, NM.

The 16-page complaint meticulously documents how OSM officials have allowed BHP to ignore basic regulatory standards for years at its 30,000-acre strip mine on Navajo lands. The standards were designed to protect public health, safety and the environment from blasting, degraded land, water and air pollution, and others types of mine damage.

The complaint is the first challenge to the Clinton Administration's policy on environmental justice. In February 1994, the President ordered all federal agencies dealing with the environment to uncover and remedy conditions that force people of color and low-income communities to bear most of the impacts from activities like coal mining.

Remedies Sought

The groups propose President Clinton take 8 steps to remedy the chronic injustices, and they name four OSM managers responsible for failing to enforce the law at BHP and for engaging in environmental racism. The complaint asks for the removal of Robert Uram, Al Klein, Billie Clark, and Rick Seibel. Uram resigned as OSM Director in September.

Other remedies sought are:

- Make BHP comply with all standards and stop OSM managers from interfering with the law enforcement work of OSM's mine inspectors.
- Restore Ernest Diswood and Ray Benally to the jobs they lost in retaliation for demanding that Uram resign. (See Fall 1995 *Reporter*, p. 12.)
- Provide the complete set of records for the BHP mine to the Nenahnezad Chapter so local residents can monitor the operation.

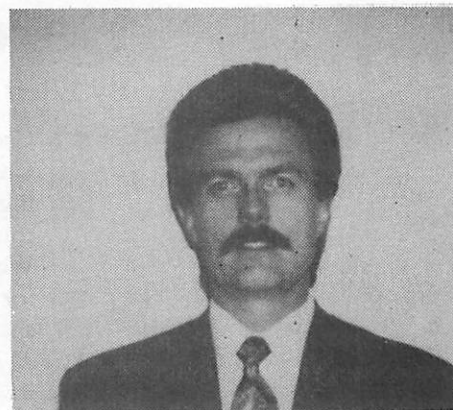
OSM has ignored all but one of the eight remedies. In early September, three years after the records were first re-

quested, OSM began delivering a complete set of mine records to the Nenahnezad Chapter House library.

Interior Gets Mine, Place and Group Wrong

In early October, the groups received what was described as the Department of the Interior's formal response to the environmental justice complaint. The contents of the letter would convince the most ardent apologist for the Interior Department that institutional racism thrives on Secretary Babbitt's watch:

- It ignores most of the issues and requested action steps raised in the original complaint.
- It claims OSM's new organizational structure has corrected the problems in permitting on Indian lands. However, as Ray Benally points out, Billie Clark is still in charge of permitting under the new structure and continues to take permit actions that "fly in the face of the law." (For more on Clark's misdeeds, see Fall 1995 *Reporter*, "Billie Clark — Ticket Fixer" p. 30.)
- It focuses on issues raised by a different Diné citizens group about the Peabody

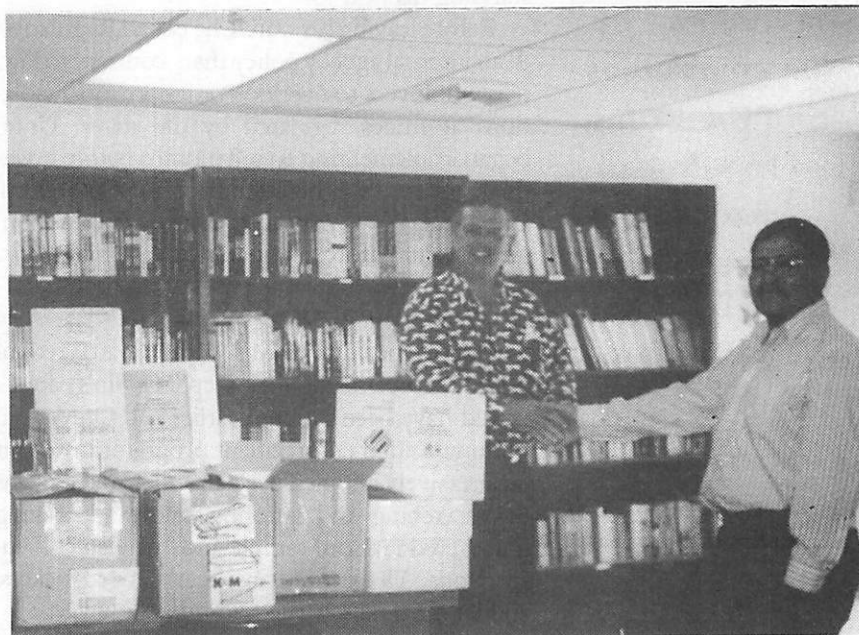


The Interior Department admits errors were made under Billie Clark's management of OSM's Indian lands program, but he is still in charge. (OSM)

mines at Black Mesa, Arizona. Those mines are 130 miles from the BHP mine and in another state.

Citizens see the letter as a big step backward in OSM and the Department's acceptance of their duties to coal field residents and Native Americans.

The letter was signed by Bob Armstrong, Assistant Secretary for Land and Minerals Management. ♣



Ray Benally, right, accepts the first shipment of BHP mine records from Pete Rutledge, OSM. Benally, head of the D'MAC citizens group, was recently elected Nenahnezad Chapter President. (Jeannie Benally)

The view from Ellen's hill

Here's to the nuisances!

By Ellen Pfister, Chair, Citizens Coal Council



Greetings from your newly elected CCC Chair. By the time you read this, gardening and shearing will be past and roundup and shipping will soon start. We take our pleasure from our lives, but for most of us affected by coal mining, a shadow looms over our joy.

CCC monitors OSM closely because its actions affect our lives so greatly. I have noticed that the non-action and retreat from enforcement we see in OSM is also occurring in many other agencies charged with safeguarding environmental and public health. Invariably, these agencies identify themselves with the regulated industry and treat the public, whom they are supposed to protect, as an interfering nuisance.

Let's Increase and Multiply

I say our number of interfering nuisances must increase and multiply! Here's why:

This summer brought some surprising turns to OSM. Bob Uram resigned as director before the election, and I hope he has better luck understanding his next job.

Before leaving his watch, he issued Regulation 8, an internal agency policy that, contrary to law, tells employees to overlook or ignore most violations at mines regulated by the states. Uram began implementing Reg 8 months before it was final. I guess it was his attempt to out-Cubin Rep. Cubin (R-WY), who introduced a bill in Congress to cut enforcement and citizens' rights.

Regulation 8: Bad Policy

Reg 8 sped up OSM's already hasty retreat from enforcement, but Rep. Cubin's attack would have been blunted earlier had OSM been running a solid enforcement program; instead it progressively crippled itself and alienated citizens by weakening and ignoring rules and making untargeted random sample and "windshield" inspections. Uram fired inspectors, fixed tickets, and let mines discharge acid mine drainage.

OSM has been on a mission to be liked by the companies and the states it regulates. No one respects an agency that doesn't respect itself nor the mission of its law.

OSM is a law enforcement agency. No law enforcement agency worth its salt can carry out its mission by trying to be liked. Respect is a critical component of law enforcement. Being liked flows from being respected, not the reverse. I hope the new director of OSM will realize this and put OSM back on the road to self-respect.

New Colonialism

We citizens need a strong and respected OSM, particularly with the new colonialism growing throughout the coal fields as more foreign-owned and multinational corporations come to dominate the coal industry. With OSM in a weakened condition, the state regulatory agencies are once again starting a race to the bottom and lowering standards.

Large corporations with mining operations in many states are in the perfect position to play one state off against another by lowering production in retaliation against law enforcement. If states fall sucker to this threat — and I am sure they will — the losers will be the citizens who will pay to pick up the pieces or have to live among them. Meanwhile, billions of dollars of mining profits will have left the coal fields and gone to those who live in stately homes both here and abroad.

Greasing Our Wheel

Citizens can play an active role in achieving better compliance with the law. In my state of Montana, those mines with better reclamation records are located in areas where local residents take an active interest in the mining operation. In areas with less scrutiny, a mine may disturb 38 acres for every one it reclaims until citizen pressure is brought to bear.

SMCRA provides for citizens' rights to influence mine operations, and citizens do impact those mines where they get involved. Rep. Cubin and the multinational companies have no interest in the wastelands they leave behind; enforcement of mining and reclamation standards depends on our efforts at the federal and local levels.

The old saying goes, "the squeaking wheel gets the grease." My view from this hill is if we don't fight for our long-term interests in preserving our land and communities, no one else will. So, here's to the nuisances! ♣

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CCC Hall of Fame

Hammond Eve, focused on solutions

"Hey," the deep voice says, "what's going on?" That's how most conversations start with Hammond Eve, who is one of the most creative minds to ever serve in OSM.

During his 17 years with the agency, he focused on solving the problems faced by coal field residents such as acid mine drainage (AMD). In fact, "focused" best describes Hammond.

That focus, plus a strong environmental ethic, led him to take risks to bring science-based solutions to public attention. He was tireless in seeking ideas and participation from everyone, including local communities and coal companies.

The Big Acid Problem

In 1992, Hammond asked CCC and the WV Highlands Conservancy to support a program he wanted to create for cleaning up and preventing AMD, considered by many to be the most severe and wide-spread impact from coal mining — AMD has damaged well over 7,000 miles of streams in Appalachia alone.

OSM's top managers had long refused to tackle any big problems, so he and the groups devised a political campaign to

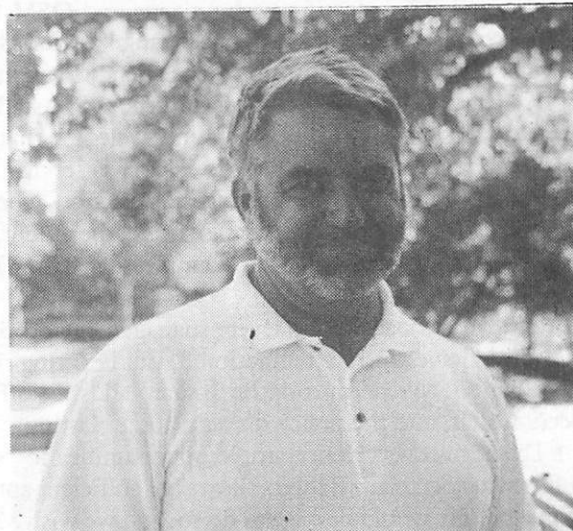
win support from Secretary Babbitt.

The campaign was so successful that when former OSM Director Robert Uram came to the agency in 1994, he adopted the program and named the clean-up portion the Appalachian Clean Streams Initiative.

Who Will Lead?

Sadly for coal field residents, Hammond left OSM in August to join the Minerals Management Service in New Orleans. There he heads a unit of 90 people working on environmental protection from offshore oil and gas extraction.

As OSM enters the AMD clean-up phase, the fate of the program rests on whoever is chosen to lead it now that Hammond's gone. And OSM has yet to adopt a method of preventing new sources of AMD. (See box below for Hammond's proposal.) The position requires a person with the vision and skills to overcome



Hammond Eve, formerly of OSM, has a talent for finding solutions to environmental problems in the coal fields. He won CCC's outstanding achievement award in 1993. (Carolyn Johnson)

OSM management's culture of inertia and nit-picking good ideas to death.

Hammond grew up near the Georgia coast and trained as a wildlife biologist. He has won national recognition for his work on solving environmental problems, including the American Motors Conservationist of the Year award. Recently he and all the employees in OSM, EPA and other agencies who worked on AMD were presented the Golden Hammer award from Vice-President Gore for re-inventing government.

Hammond's departure from OSM permits us to publicly commend him at last. CCC is proud to announce that he received the Outstanding Achievement award in 1993 from the CCC board, the first ever given.

Hammond and his wife Sandra raised three sons and now spend their free time as accomplished sailors on the "Armordillo," a steel boat that he built. Like all his endeavors, the boat is beautiful, deceptively simple, and yet finely crafted down to the smallest detail — the work of a focused man. ♣

Preventing new sources of AMD

In his last attempt to ensure effective OSM regulation of acid mine drainage (AMD), Hammond Eve created and began the Technology Initiative in 1996. This program aimed to prevent new sources of AMD.

He envisioned the Initiative as a way to use scientific methods in the mine permit review process and to reduce political pressure on agencies to approve permit applications despite the high risk of AMD.

Traditionally, if agency staff recommend disapproval of a permit application, block, it's easy for a manager under po-

litical pressure to require other tests that will cast doubt on the staff's findings.

The Technology Initiative program would have an agreed-upon set of scientific standards that, if exceeded, would require permit denial. The program would also include sliding-scale permit fees and bonds to correspond to the risk of AMD at each mine site.

Regrettably, Hammond's move to Louisiana diminished much of the leadership for the Initiative, and it's uncertain whether OSM will follow through on a science-based AMD prevention program for new and existing mines. ♣

Welcome, Kay Henry

CCC welcomes Kay Henry as Acting Director of OSM. By all accounts, Ms. Henry is a warm, capable person who is genuinely concerned about addressing the needs of people. She has already begun meeting with citizens and OSM field staff and has reached out to hear a broader range of views from staff than the very limited ones held by the agency's top managers.

Hallelujah! Coal field citizens and the OSM staffers dedicated to carrying out SMCRA certainly welcome that attitude.

Some reports indicate that Ms. Henry is serving only as a "caretaker" until after the presidential election when a new director can be appointed. That may be the intent, but the agency's history has numerous examples of Acting Directors serving for a very long time.

OSM has a backlog of severe management problems and unresolved issues such as regulation 8, valid existing rights, the debacle in OSM's permitting on Indian lands, insufficient inspection staff, and the policy on regulating blasting.

These give Ms. Henry ample opportunities to "show her stuff" *only if* Secretary Babbitt allows her sufficient authority to do the job. He would be wise to do so, and we wish Ms. Henry well. ♣

Wake up, CCC

CCC should develop a campaign to control and prevent acid mine drainage (AMD). How many miles of AMD-impacted streams exist in the country? Who knows — OSM's guess is 7,000 miles, and that's probably very conservative. No one knows how many sources and where.

AMD exacts a very high price: contaminated soil, polluted streams, depleted fisheries, and a damaged environment that is difficult to repair at great expense over an unbelievably long period of time. The coal companies walk away, leaving the once-employed community holding the bag.

This is environmental racism, which isn't restricted to only communities of color. For years the coal industry has mined in impoverished communities whose people had to do dangerous mining work to buy a little piece of tomorrow for their children today.

After the mine plays out, the operator leaves the area with its devastated landscape and dying dreams. Communities that supplied coal so wealthier city folks could enjoy the comforts electricity provides like TV and air conditioning are abandoned to grub out a living among the environmental ravages.

(Please continue on facing page)

Is Bruce Babbitt wrecking the train?

Secretary Bruce Babbitt came to the Interior Department in 1993 vowing to tackle what he called the "train wrecks" from 12 years of neglect and outright hostility to the environment during the Reagan and Bush administrations.

One big problem he faced was the Office of Surface Mining (OSM). Former Secretary James Watt (1981-83) had weakened the rules and cut staff levels; after Watt, the agency's difficulties continued under a succession of pro-industry or incompetent OSM Directors.

OSM survived thanks to the efforts of citizens, good employees, and Congressional leaders who kept the lights on. The Secretaries under Presidents Reagan and Bush, for all their bravado, didn't dare hatchet OSM.

Then along came Mr. Babbitt.

He did inherit a mess; the OSM train was at a standstill on rusty tracks. Mr. Babbitt started in reverse and chugged backwards up the track. He stubbornly labored almost a year to install as Director Robert Uram, a man who managed to combine all the worst traits of his predecessors plus a super scoop of arrogance. Now that Mr. Uram's gone and Ms. Henry's on board, surely there can be some forward progress.

But Mr. Uram didn't operate in a vacuum and Ms. Henry may not have a free hand. Mr. Babbitt is awake, at the wheel, and — all signs indicate — still chugging backward.

Consider these actions taken by the Department over the last six months:

- Mr. Babbitt sent his 1997 budget to Congress asking for another 15 percent cut from OSM's enforcement program, on top of the one-third cut Congress took in 1996.
- Mr. Babbitt's lawyers sided with Peabody in appealing a decision by a Department judge that OSM had violated the law and ignored the rights of Dineh Alliance members when it issued a mine permit to Peabody on Black Mesa, AZ. Judge Child was then involuntarily retired from the Department. The appeal board members answer to Mr. Babbitt, so it's a sure bet they will rule for him and avoid Judge Child's fate.
- The Department approved a railroad permit for the Fence Lake strip mine in New Mexico that will destroy an area sacred to four tribal nations. (See page 14.)
- Mr. Babbitt abolished the job of the Department's environmental justice coordinator.
- In June, three citizens groups sent a 16-page complaint to President Clinton documenting environmental injustices to Dineh people at BHP's strip mine near Farmington, NM. (See page 5.) This fall, the Department finally sent a purported response that is so insulting as to be racist. It largely ignores the nine requested action steps at BHP and — we're not making this up — goes on at length about issues raised by a different Dineh citizens group about Peabody's mines at Black Mesa, AZ — 130 miles west in another state.

Mr. Babbitt has the power to reverse OSM's train before it derails. We'll soon know if he has the compassion to do so. ♣

Editorials



Wake up, CCC — Continued

OSM won't fix and prevent AMD without lots of kicks to its backside because OSM's so busy trying to satisfy its "customers" — the coal companies it's supposed to regulate.

It's time for citizens to sound a national wake-up call on AMD, and it's up to CCC to publicize the problem and kick like hell. Here are three ideas for an AMD campaign by CCC:

- OSM and the states must **deny permits for all new mines** in acid-producing areas.
- For existing mines, have a **competent inspection program** by OSM and the states to ensure that operators are properly handling acid-forming materials. Write tickets, document violations and shut down those operations that

won't comply. Make sure OSM and the states do an inventory of all AMD sites and take water samples from the headwaters of impacted streams.

- For abandoned mines, put the heat on Congress to **use the Abandoned Mined Land Fund to reclaim discharging sources of AMD**. Congress and the Administration are holding over \$1 billion in the fund as hostage to help balance the budget. Put it to use solving problems and creating jobs in the coal fields.

Wake up, CCC, let's get to work on cleaning up the coal fields! ♣

[Adapted from a piece contributed by OSM employees who asked for confidentiality.]

We Love Mail

The CCC *Reporter* welcomes letters and will print those of interest to our readers. We may edit for length and readability. Please sign your name and give your telephone number — we respect those needing confidentiality. Send to Carolyn Johnson, Citizens Coal Council, 1705 S. Pearl St., #5, Denver, CO 80210. Also, we're on the internet, write us at: ccc@netone.com.

The Roots of Our Movement

Widow Combs, symbol of our struggle for justice

By Carolyn Johnson



On a cold November day in 1965, Mrs. Ollie Combs, better known as Widow Combs, became an enduring symbol of the struggle for coal field justice when she blocked strip miners from coming on her land and was taken to jail by the police who protected them.

The story and photos of her arrest flashed around the world in dozens of newspapers. The image of the small, thin 61-year-old Kentucky widow being carried by officers off her own land sparked widespread sympathy and outrage.

Her actions helped transform the opposition to coal mining abuse from a local fight to a broad

movement that led to major wins — passage of SMCRA in 1977 and repeal of Kentucky's broad form deed in 1988 — a movement that continues today.

Widow Combs didn't set out to become a national symbol or do jail time, but she was determined to do whatever necessary to keep the miners off her property. She feared stripping the steep slopes above would destroy the 4-room home she shared with five sons, one a paralytic.

She and her family and friends had been demonstrating in front of the bulldozer for several days. She had already been arrested once and

made bond; now she was defying a court order to demonstrate again. A clash was guaranteed.

But this time Bill Strode, a photographer for the *Louisville Courier-Journal*, was invited to witness the events. He recalled this exchange:

Knott County sheriff: "You promised me you wouldn't come back up here."

Widow Combs: "No, I didn't."

Widow Combs to Buck Caperton, mine manager: "I told you to get out and stay out."

Caperton: "I've not been stopped yet."

Widow Combs: "I've not either."

Caperton said he was doing nothing "contrary to the law."

Widow Combs: "But it is contrary to me."

For several hours she sat on a rock in front of the bulldozer before the sheriff's officers and highway patrolmen carried her away. Later she told a reporter, "I was trying to see how heavy I could be. The idea just come to me...I didn't think they would actually carry me off."

The sheriff also arrested Strode for taking photos of Combs' arrest and damaged his camera. While Strode sat unobserved in the sheriff's car



Like a Rock

There are people who, finding themselves in the right place at the right time, do the right thing.

Ollie Combs sat on a rock and would not move. She was the Rosa Parks of Appalachia. Where Parks refused to move to the back of a segregated bus, Widow Combs refused to accommodate a law that allowed wholesale destruction of the Kentucky mountains.

Her passing is a reminder of a spirit and courage passed on to a generation of people who cared about land more than money and about what was right more than what was in the law.

God bless the Widow Combs.

(excerpted from a Lexington Herald editorial, Feb. 26, 1993)

awaiting his trip to jail, he removed the film and hid it in a finger of his glove.

Widow Combs was sentenced to 20 hours in jail for trespassing on the strip mine site on her land. She spent Thanksgiving Day there while family and friends brought dinner and had more food waiting upon her return home.

After her arrest and stint in jail, Widow Combs won her fight and the strip mine was halted. Her arrest and later testimony at the state legislature helped inspire tougher state strip mining rules on steep slopes and set the stage for passing SMCRA and land owner protections.

Kentuckians For The Commonwealth sponsored a highly successful state-wide referendum campaign in 1988 to strike down the state's "broad form deed" law that allowed coal companies to strip mine land without the surface owner's permission.

Widow Combs lived to see the referendum pass and become part of her legacy. She died in 1993 at the age of 88. ♣

[Photos by permission of the *Louisville Courier-Journal*. Special thanks to Patrick Angel for loaning his collection of clippings and photos.]

ACTION LINE

West Virginia thanks Rahall



Members of the **West Virginia Organizing Project (WVOP)** had a great time at their annual meeting in September celebrating victories and planning for the year ahead.

They honored a very special friend of coal field citizens by presenting a "Citizens Ally Award" to Representative Nick Rahall for his efforts to protect the rights of coal field citizens. Mr. Rahall is a Democrat from the southern district of West Virginia.

"When you fought to prevent Congress from crippling the Office of Surface Mining, you were fighting for the rights of citizens in southern West Virginia," said WVOP Vice-chairperson Patricia Bragg when she presented the award.

"Many times, our members go to the WV Division of Environmental Protec-

tion (DEP) for help when mining has damaged their homes or their wells, and the DEP refuses to take action."

"We need the OSM to help us force the DEP to do its job. Thank you for listening to the needs of citizens and fighting for us."

This past year in Congress, Mr. Rahall led the opposition to H.R. 2373, the "Cubin bill" that would have cut OSM's enforcement power and curtailed citizens' rights. That bill did not pass.

Throughout his 20-year career in Congress, Mr. Rahall has been a major influence in creating, passing and maintaining the federal coal law. He was instrumental in getting an amendment passed in 1992 to increase protection for citizens from underground mining damage. He also champions hard-rock mining reform.

In his acceptance speech, Mr. Rahall referred to recent cuts in OSM inspection staff in West Virginia and pledged to restore OSM's budget "to get the inspectors we need back on the job...OSM has a very important oversight role to insure that the states are doing their job."

Speaking to WVOP members from six counties, Congressman Rahall stressed the importance of citizens involvement.

"The letters I've gotten from you have helped me a great deal. I have used those letters in the halls of Congress and in committee hearings and in writing bills because they give examples of why we need a federal Office of Surface Mining."

Mr. Rahall also answered questions about cleaning up the damage on mined lands abandoned before 1977♣

[Photo: John Humphries, WVOP]

Alabama watchdogs on patrol

"Enough is enough. No more until you can show us that reclamation will really fix the damages done by strip mining," said residents of the Black Pond community when they spoke at a recent public meeting on a mine permit application.

Two years ago, the **Alabama Environmental Council** launched an innovative "Watchdog Campaign" in which citizens throughout the state can call the Council toll free to report threats to the environment, get advice, and find helpful contacts to resolve local problems.

Black Pond residents called the Council and wanted to learn how to hold coal companies and the state Surface Mining Commission accountable for property damages that are a fact of life in the heart of Alabama's coal country.

The Council responded with a training session in the community to help citizens take the next step in stopping the damage to their homes, roads, and ponds.

Anglers were concerned about the loss of quality fish habitat from siltation. Jimmy Tucker explained that his 10-acre private lake was filled with sediment. "Once they've mined the coal, the company orders a dozer to break the dam. They don't drain the basin before. All the sediment washes downstream. Now my lake is 6 inches deep where it was once over 12 feet deep."

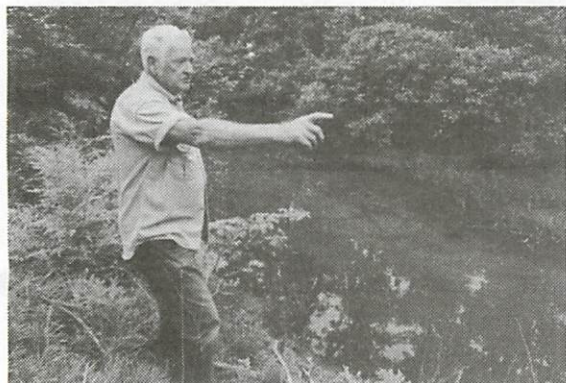
Hunters were angry at the US Forest Service's practice of trading public land to the coal companies. They've seen their already limited public areas get clear cut and stripped.

Alabama Environmental Council
WATCHDOG CAMPAIGN



Homeowners were fed up with blasting damage to their homes and coal truck damage to the roads. As Doris Foster said, "We've been tolerating the troubles of mining and watching the truckloads of riches leave our community for 15 years. Our voices get lost in getting coal out. Watchdog might help us change that."

Residents resolved to work together and consider organizing a Watchdog chapter. They want further training as "watchdogs" of a pending mining permit application and to review the Forest Service's land exchange policy. ♣



Jimmy "Red" Tucker shows how sediment from a strip mine filled up his lake. (H. Snow, AEC).

KFTC members ready to blast back

Kentuckians For The Commonwealth (KFTC) hosted a 2-day workshop in August to train citizens in fighting blasting damage. Members came from across the state, and all had witnessed damage to private property from coal mine blasting. Susan Ritchie of Knott County said, "When Starfire (mine) sets off a blast, I think my house is going to walk off its foundation."

The workshop covered the laws and rules and how members can use their rights to prevent damage and get it fixed. Claude and Polly Campbell used their long experience with blasting damage from a Cypress-Amox mine to lead a lively session on how members could get a good pre-blasting survey of their homes. Members also learned how to file citizen's complaints to get the mine inspected and discussed ways to strengthen the state blasting rules. CCC staff also helped with the sessions.

KFTC's workshop created a new cadre of informed citizens ready to blast back in the fight to protect their homes and property. ♣



At KFTC's blasting workshop, Roy Silver, Vanessa Little-Johnson, and Sister Marie Gangwish worked together to understand the blasting plan in a mine permit application. (KFTC)

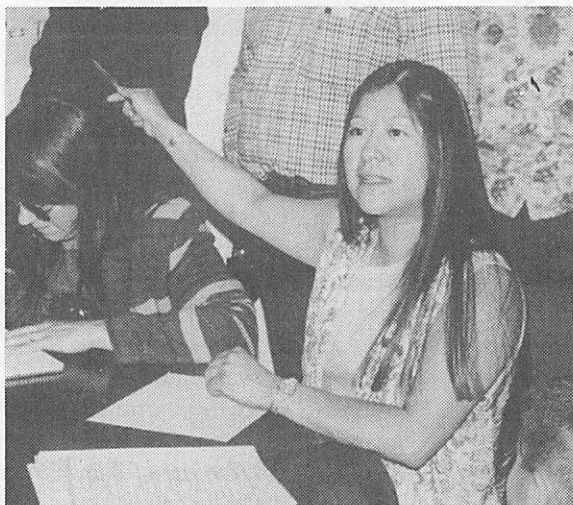
You have taken enough!

In late May, the **Water Information Network (WIN)** and the **Zuni Mountain Coalition** turned out more than 150 American Indian citizens and local residents to a public hearing on the Fence Lake strip mine permit application in Grants, NM.

State officials were totally surprised as Zuni Pueblo elders and mid-school students came by the bus loads. Many had made signs with slogans such as "You have taken enough from us."

The Salt River Project (SRP), an Arizona utility, wants to strip mine the Zuni Salt Lake area of west-central New Mexico near its border with Arizona.

Mining will disturb much of the area around Zuni Salt Lake containing burial sites and will destroy the pilgrimage trails to the lake, which are sacred to the Zuni, Acoma, Laguna and Hopi tribes. The tribes say the severe air,



In June, Lila Bird of WIN told Rick Seibel, OSM regional director, that the Zuni Salt Lake area is sacred to four American Indian tribes and must not be disturbed. Seibel was silent. (C. Johnson)

water, wildlife and noise impacts will forever change the area from a quiet place of worship to a noisy industrial zone.

"These White people have a slogan that says Keep America Beautiful," said Dorothy Purley of Laguna Pueblo. "Then why are they out to destroy what's left? Let this coal mine company dig up their own backyards and come back and tell us how it feels to look at an ugly land 24 hours a day, 365 days a year."

This is our Holy Land. If we had an army, we would surely defend it against these encroachers.

The religious significance of the area for the tribes is comparable to that of Jerusalem for Muslims, Christians and Jews. Steve Juanico, Lt. Governor of Acoma Pueblo said, "This is our Holy Land. If we had an army, we would surely defend it against these encroachers."

OSM added insult to injury by allowing SRP to rebury any human remains found at the bottom of the strip pits, despite this being an illegal practice.

In July, the NM mining agency ignored the overwhelming opposition and gave a mining permit to SRP, and OSM gave a permit to build a railroad from the mine to SRP's Coronado Generating Station in Arizona. (The station is named for Spanish explorer Coronado who coveted the lake's treasured salt.)

Ironically, OSM has rebuffed citizen complaints about destruction of sacred areas and burial sites at Peabody's Black Mesa mines on the grounds that the agency places a higher value on the tribal government's position of wanting the mine despite the damage. OSM flip-flopped and overrode tribal government wishes on the Fence Lake application.

The permits were a slap in the face to the coalition of citizens groups and tribes opposing the mine. Several groups have appealed the decisions. ♣



Over 150 NM citizens opposed the Fence Lake strip mine at a public hearing, and many had posters. Left, Barbara Brandt, Sierra Club, Dorothy Purley, Laguna Pueblo and Sam Hitt, Zuni Mountain Coalition. (M. L. Jones, ZMC)

Wyoming group finds new outlaws

Members of the Powder River Basin Resource Council (PRBRC) flew over the state's coal fields this summer and photographed new outlaws at work: mine operators are stripping record tonnages of coal, but they have failed to even start reclaiming thousands of acres.

Member Bob Strayer said, "It looks like the mines are putting most of their effort into mining and very little into reclamation."

Council members widely publicized data showing scarcely 25 percent of mined land has been reclaimed in the Powder River Basin. A 1981 environmental impact statement predicted nearly 75 percent of the disturbed land would be reclaimed by 1990.

Members cited Peabody Coal's Rochelle and North Antelope mines as glaring examples of the problem. Rochelle: 2,050 acres disturbed but only 91 acres reclaimed; North Antelope: 2,000 acres disturbed but only 138 acres reclaimed.

Hitting a Nerve

The news stories hit a nerve with mine operators, and in July they got OSM assistant director Mary Josie Blanchard to Wyoming on short notice to hear their side of the reclamation story. Fortunately, PRBRC members also met with Blanchard and told her the whole story.

Both the state and federal laws require the backfilling and grading steps of reclamation to keep pace with mining — to be done as "contemporaneously as possible." Mine operators claim the language is "vague" and they don't know when to backfill and grade; apparently, state regulators ignore the problem and make excuses.

The Council believes operators have disregarded reclamation to keep production costs at a minimum. As PRBRC member Dave Stueck told Rick Chancellor, head of the state Land Quality Division, "It looks like you can't have cheap coal and reclamation." Wyoming coal sells for only \$4.00 to \$5.00 a ton. Stueck is concerned that if the price of coal drops, some companies will "walk away" from reclamation.

Stueck is also concerned that the mines may have posted inadequate bonds to cover reclamation costs on the large acreages should the companies fail or take a walk.

Due to PRBRC's pressure, a state advisory board for the regulatory agency agreed to hold talks on the pace of reclamation. PRBRC will send recommendations to the board. ♣



Active mining has moved far beyond these spoil piles that have lain ungraded for years at ARCO's Black Thunder mine in Wyoming. Over 4,000 acres of the 6,300 acres disturbed haven't been reclaimed at this strip mine, the world's largest. (C. Johnson)

Leasing rears ugly head in WY

PRBRC is involved in another fight with national implications. Member Bob Strayer says the US Bureau of Land Management (BLM) is giving corporate welfare to coal companies.

BLM has recommended leasing more federal coal deposits to Peabody, Kerr-McGee and Kennecott (a subsidiary of RTZ). Almost 7 billion tons of coal reserves owned by all US citizens have already been leased in the region. BLM, an agency in the Interior Department, manages the public's coal holdings.

Strayer says leasing more federal coal now, when coal prices are very low, would cheat taxpayers out of a fair return on their resource.

A BLM report claims that, despite the 7 billion tons leased, some producers are running "low" on reserves. It argues that companies require 30 years of coal reserves to maintain their markets; 10 mines in Wyoming have less than 30 years of reserves.

Strayer says BLM's position is bad public policy. "In what other business do we guarantee 30 years' worth of resources to a private company to ensure its future?"

The three companies applied for leases under a streamlined "lease by application" process designed for leasing coal tracts outside major "federal coal production regions." That process requires less scrutiny of impacts.

In 1990, BLM created a gigantic loophole for companies in the Powder River Basin area of Wyoming and Montana. It removed the Basin's reserves from its list of "certified" coal producing regions. In effect, the BLM declared the nation's largest coal field to be outside a major coal producing region. The field produces 25% of the nation's coal.

For 25 years, BLM's coal program has been plagued with scandal; a new chapter seems to be unfolding. ♣

Mr. Seibel, give us action and respect!



Tom Bedonie spoke about respect for Indian people. (C. Johnson)

At its June meeting, CCC's board members from all across the country planned and carried out a successful, peaceful and moving action at the Denver OSM office.

CCC member groups from the Navajo Nation and New Mexico had asked the board for mutual support in their efforts to reverse OSM's denial of citizens' rights and environmental racism toward American Indians. Fifteen members of those groups made the long trip to take part and were joined by Denver area supporters.

The action was aimed at confronting Rick Seibel, OSM regional director, with the people who are harmed by his decisions so they could tell about their problems and ask him to correct them.

CCC Chair Ellen Pfister and board member Cindy Rank (WV) went in his

office first. Then the 40 participants arrived, and Pfister told Seibel why he was being visited and explained CCC's policy of mutual support.

Group representatives presented seven demands for Seibel to enforce the law, clean up mine sites, stop ticket fixes, provide records, freeze permit actions on or near Indian lands, and transfer OSM staffer Billie Clark away from any duties involving Indians or Indian lands.

Each participant told about specific mining problems in their area such as toxic releases, blasting damage, not reclaiming the land, destroying homes and grazing and farming areas, and destroying hundreds of graves and sacred sites.

Mabel Benally of Black Mesa, AZ, described the severe health problems her family has suffered from the Peabody mines and said, "Human health is more important than dollar bills."

Seibel tried to dismiss the problems by touting OSM's good relations with the Navajo Tribal government.

Tom Bedonie of Big Mountain, AZ, replied, "We want OSM to respect us and see us as human beings. You need to work with us, the people who live on the land with the impacts of mining. The tribal Council does not live out there."

"Check Your Conscience"

Seibel also denied that OSM had violated the rights of American Indian citizens. Judy McDaniel (VA) said, "Just because their skin is a different color from yours and mine you still have to protect them. Whether our sins are ones of commission or omission, God holds us responsible for them. It breaks my heart how bad the Indians are treated. Check your conscience."

Seibel agreed to provide all the records for BHP's Navajo mine near Farmington, NM to the Nenahnezad Chapter.

The action was filmed by Kerry Appel. Pat Mahon of the **Louisiana Environmental Action Network (LEAN)** edited and produced an excellent 45-minute video on this successful and moving citizens action. It's available for \$10 from the Washington CCC office. ♣



Action participants in front of the OSM office tower (right). (Lisa Tso)

NPRC blasts railroad decision

Despite opposition from a diverse coalition organized by the included **Northern Plains Resource Council (NPRC)**, the US Surface Transportation Board approved an extension of the Tongue River Railroad to haul coal between Montana and Wyoming (*Reporter*, Spring '96). However, it required the company to finish construction in three

years or lose the permit. This may be impossible since there are no customers.

Jeannie Alderson, NPRC, said the STB "just doesn't seem to know how to say 'no.' It won't serve any mines that don't already have service." The railroad would take land from area ranchers such as Alderson and disturb areas sacred to the Northern Cheyenne people. ♣

Buckeyes give OSM earful

The **Buckeye Forest Council (BFC)** continues its fight against Buckingham Coal Company's plans to strip mine in the Wayne National Forest in Ohio. BFC organized over 60 people to attend an OSM public hearing in August and voice their opposition to the plans.

The federal coal law of 1977 banned new strip mines in national forests unless the prospective mine already had "valid existing rights" (VER) to mine in 1977. Unfortunately, the Congress never fully defined VER and its interpretation has been highly contested ever since.

In 1979, Buckingham leased some mineral rights in the forest. Now it claims VER because there will be a "taking" of its ability to earn a profit if OSM denies it a right to apply for a permit.

Buckingham also argues the land is valuable only for strip mining — and valueless for recreational use or water-

shed protection — and also asserts that reclamation after mining will add value.

Some OSM officials have said court decisions required them to use "takings" as a basis for determining VER. BFC members countered at the hearing that a "takings" test was illegal and Buckingham hadn't even acquired its lease in 1977. They quoted Acting OSM Director and former Associate Solicitor Kay Henry who wrote in 1994 that, "...OSM is free to promulgate whatever VER definition it decides best meets the intent of Congress in enacting SMCRA."

After the hearing, OSM officials expressed surprise at the amount of opposition and said they hadn't analyzed many of the issues.

OSM is now writing new rules for VER. BFC has demanded that OSM delay a decision on Buckingham until the rules are issued. ♣



Quiet pool in the Wayne. (Hazelbaker)

PUSH fight in PA continues

Mature trees ripped out and carted away, lawns torn apart to install new water lines, roads damaged, and huge mounds of dirt everywhere.

Strip mining? No, longwall mining.

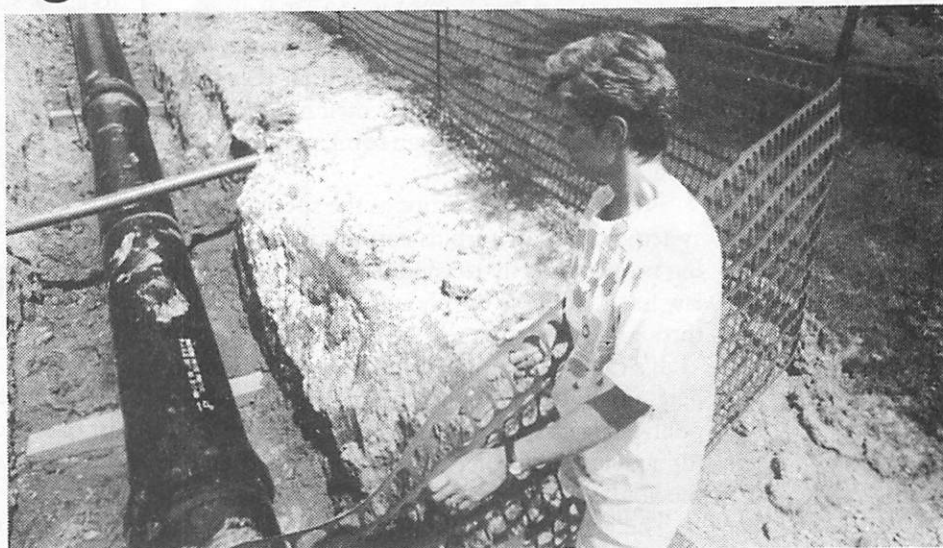
People United to Save Homes (PUSH) has waged a heated battle for over a year to stop the 84 Mining Company from mining under 14 square miles of thickly populated Washington County.

PUSH has sued the state agency to revoke the mine permit and continues to publicize the destruction visited upon their community.

Before mining began, company officials admitted that 99% of all buildings would be damaged. PUSH predictions of massive disruptions are becoming fact.

The Pennsylvania-American Water Co. was forced to spend \$3 million to lay new above-ground water lines across yards and driveways because subsidence from the longwall mine is expected to destroy the existing system.

Residents are very upset about the disruptions but blame the mine company officials, not the water company.



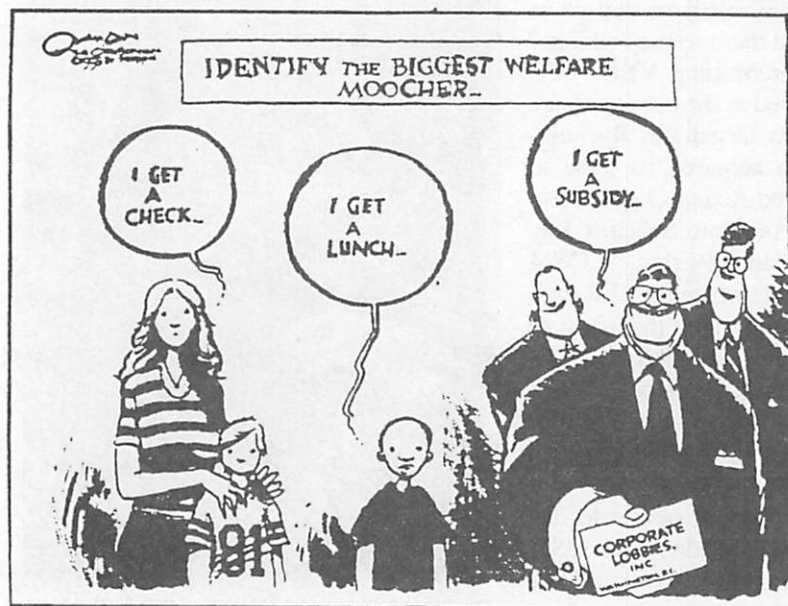
Dee Coyle surveys the damage to her yard from installing a new water line before a new longwall mine wrecks area water supplies. (J. McNutt, *Observer-Reporter*)

PUSH member Brad Coyle is resigned to the pipeline running through his yard and is incensed at 84 Mining's mistreatment of citizens: "I'm just waiting for the day when this water pipe bursts or a gas line explodes and the mining company doesn't accept any responsibility."

Subsidence has already caused "compression bumps" up to a foot high on local highways. So far, the bumps mean delays and extra work and expense for state highway crews, but the bumps can appear suddenly and pose a potentially deadly threat to drivers. ♣

IndustryWatch

Coal Kings on welfare



Dough re mi



Did you ever wonder why elected officials turn a deaf ear to citizen concerns while demands from corporations get immediate attention? It's not the importance of their issues, it's their money. When corporations give the dough re mi, politicians join them in chorus.

But, you say, as corrupt as the special interest system is, the law forbids corporations from giving money directly to candidates. Right, but the law has a loophole big enough to drive a dragline through.

It's called "soft money." Corporations can donate unlimited amounts of money directly to political parties at both the federal and state levels for activities like voter registration or getting out the vote.

The activities usually help the candidates the corporations want to support, but sometimes they're just another way of schmoozing. The *Denver Post* reported that the ARCO Coal Company hosted a breakfast for the Colorado delegation at the Democrats' national convention in August. We bet the spread was fancier than cold cereal and a banana.

Do draglines go through the "soft money" loophole? Yes indeed! King Coal donates big bucks to the national and state parties.

President Clinton recently signed a law ending "welfare as we know it" that is estimated to result in at least one million more children living below the poverty level. Fortunately for coal companies, some governors continue to feel their pain and are increasing subsidies to the industry.

This year Illinois Gov. Jim Edgar signed legislation removing a 6.25% state sales tax from purchases of coal mining equipment and spare parts valued at less than \$250. Mining equipment costing more than \$250 was already exempt from the tax.

The tax break will save Illinois coal producers about \$2.5 million per year. This translates into a savings of as much as 10 cents per ton for coal mined by such poverty-stricken corporations as Peabody Coal, Exxon and Kerr-McGee.

In Kentucky, Gov. Paul Patton wants a special legislative session after the November elections to give the coal industry a \$40 million tax break on workers' compensation. He wants to divert money from the state coal severance tax revenues to pay for the subsidy.

Both governors argue the tax breaks are necessary to allow struggling coal companies to survive.

In West Virginia, with a per person income of less than \$9,500, coal companies benefit from the state's "super tax credit" given to companies suffering from business expansion. According to the state, coal companies received more than \$50 million in tax credits from July 1993 to June 1994.

Apparently, the principles of competition, self sufficiency and survival of the fittest are applied only to those who have been discarded by the free market, not to King Coal. ♣

The Center for Responsive Politics gave CCC a list of some donations from some coal companies to the national parties for 1995 and early 1996:

<i>Democrats</i>	<i>Dough</i>
Cypress Minerals	\$5,000
<i>Republicans</i>	<i>Dough</i>
Pittston Co.	\$100,000
Peter Kiewit Sons'	40,000
Addington Resources	25,000
United Company	16,000
Anker Energy	6,000
No. American Coal Corp.	2,000
Cypress Minerals	1,500

For Shame. . .the bad actors

Reading's war on kids, adults

In 1877, the Philadelphia Coal and Iron Company hanged six members of the Molly Maguires in Pottsville, PA, for organizing the first coal miners union. Today, 120 years later, the Reading Anthracite Company — a descendent of Philadelphia Coal and Iron — continues to operate beyond the law.

Citizens agree on their experiences with Reading. Whether they've been the target of company action or just live there, life is very unpleasant and often dangerous.

❖ Black mounds of coal refuse 100 feet high engulf the southeastern Pennsylvania towns in the anthracite field. Pottsville and Wadesville are surrounded by vast spoil piles from Reading's unreclaimed strip mines.

❖ Reading's illegal blasts have hurled rocks through roofs, cracked walls, destroyed furnishings, and made life a living hell. As one family sat down to dinner, their home shook so violently the plates skittered across the table. Another woman came home to find framed photographs of her daughter, a desk lamp and a porcelain figurine smashed on the floor. Large cracks zig-zagged the walls where the photos had hung.

❖ Parents say their children seem to suffer the most. The children often go without sleep due to the mine's operations at night. Their daytime hours are haunted by fears of fly rock hitting them or their homes and returning from school to find their home or those of their friends bulldozed by the company.

❖ Reading claims to own the land it leases to residents but doesn't have a deed to prove it. With \$33 million in annual revenues and claims of ownership to 35,000 acres in two counties, the company President John W. Rich mines when, where, and how he wants.

❖ Reading has evicted three residents who were outspoken critics of the company. Joe Skrobak, a township supervisor, returned from a weekend trip last year to find his home bulldozed and his belongings

Ashley's life with Reading

Children have been deeply affected by Reading's strip mine that surrounds their homes and rules their lives. Ashley, the 8-year old daughter of Mariann Grabish, has written about her experiences. Here are two excerpts:

Dear Santa,

I live in Pennsylvania, in Wadesville. I'm writing a different kind of letter this year. I want to ask you if you can help me?

One of my neighbors lost his house. Joe and his daughter Tina. It makes me very sad. Their house got torn down by bad people.

Did you ever see the movie *The Miracle on 34th Street*? How the little girl in the movie got a house. I wish that *Miracle* would happen in Wadesville for Joe and Tina because the greatest Christmas gift is love.

Can you please make their Christmas happy for them.

Thank you, Love, Ashley Grabish

I play with my friends and have fun. I like my flowers in my garden. I like to go on my swing set and go high. Me and my friends like to play basketball, go on the merry-go-round, and go on the swings at the town playground.

Reading Anthracite is destroying our beautiful land. They took away our

things removed. (See *Reporter*, Spring 1996, p. 7).

Reading applied to renew its permit over six months ago, and the **Concerned Citizens of New Castle Township**, a CCC member group, has succeeded in repeatedly delaying it. The group has had an uphill battle because the PA Department of Environmental Protection (DEP) is an accomplice to Reading's dangerous and illegal mining practices.



Ashley, right, with friend, has written eloquently on the mine's impact on her life and friends. (M. Grabish)

trees so we will not have clean air. The animals that lived there are not there because they took away their homes. When they light the dynamite my whole house shakes. My swing set feels like it falls over.

I get scared when this happens because I think my house is going to fall over. When I am going to sleep I hear trucks, the drill, the shovel bucket. When I'm sleeping I have bad dreams. ♣

Despite Reading's repeated violations of the blasting rules, DEP hasn't issued a show cause order on canceling the mining permit and has refused the citizens access to public records.

OSM officials have taken no effective action to stop the violations and make DEP enforce the law.

Wanted: Reading, stop the war and make your victims whole. DEP, enforce the law and protect the people. ♣

Let's target the company



Why not target a coal company guy, who can give you what you want...

(Lord Hanson, CEO of Hanson PLC, owns Peabody Coal)

instead of always targeting a government guy, who often won't or can't?

(Bruce Babbitt, Secretary of the Interior Dept., DOI photo)

A first step in developing a solid strategy for your group is to identify your target — who can give you what you want. We often focus on the elected officials or government bureaucrats who enforce or make the laws rather than the companies who break them.

We make laws and create agencies to enforce them for good reasons and we do have the right to expect that our laws will be enforced. Focusing on a regulatory agency, however, can waste our time if the agency is a captive of the industry it regulates.

Corporate Campaigns

Often we would be more effective by directly challenging the offender — the owner of the mine that's blasting our home to smithereens or destroying our water.

Let's look at some examples of corporate campaigns.

More than 30 families in one Kentucky rural community either lost water pressure or completely lost the use of their private water wells when a coal

company expanded its underground operations in the area. The families needed relief, fast.

Bureaucrats stalled, claiming the need for more information. Public officials said they sure were concerned, but there was nothing they could do; many suggested going to court. "Sue 'em," they said. Well, that would cost a fortune, become a case of "dueling experts," and take forever.

The families worked with a graduate student in hydrology and plotted their wells on a map and then combined it with the company's mining map that was submitted as part of the permit application. They found a clear "common sense" relationship between the mining and the loss of water or water pressure.

Dialing for Water

The group then waged a media campaign directed at the coal company and also used a simple tactic of clogging up the phone lines of the company. In 10-15 minute intervals, every household in the group (and some of their friends and relatives nearby) called the com-

Every person in the area without water had it within days. No bureaucratic delays, just direct action.

pany to ask what they were doing about the water problem.

After several days of this polite but totally disruptive tactic, the top officials of the company asked for a meeting with the group. They came to say they had been paying insurance premiums for years to deal with such situations.

The manager of the mine said, "You are calling the wrong place. Here is the name of the insurance company that should be drilling you new wells."

Yes! The group then used the same tactics, media coverage and constant phone calling with the insurance agency. Within days every person in the area without water had it. No bureaucratic delays, just direct action.

People in the area learned a lot about mining rules and with the victory of getting water, they became persistent watchdogs. Needless to say, the company decided not to mine as much under their homes as originally planned!

Companies Fear Them

Company officials are afraid of corporate campaigns. They want to avoid the nuisances of phone calling, public demonstrations or similar tactics that interrupt their business.

Sometimes they fear pressure on officers at the top of the company — who don't want to attend church on Sunday and have fellow worshipers ask, "What kind of person would allow nasty things to happen to these people?" after a group has passed out flyers to everyone before the service. Or they don't want to get a bad reputation and have a public official avoid them for fear of losing the next reelection campaign.

Without a doubt, the greatest motivator for a corporation is money. If your group runs a corporate campaign that begins to make them lose money, or potentially lose money, then you definitely will get their attention.

If the company is a public corporation and has stock on the open market, they may get concerned when your group takes those articles that appear even in the smallest of newspapers (or your group's newsletter) and faxes them to stock brokers all over the country.

Or, you can have lots of fun pushing a public utility not to buy coal from a "mean, nasty" coal company that is denying your citizens group safe roads and clean water.

Negotiating Tool

Two lawyers who filed a lawsuit on behalf of a citizens group who didn't want a mega-landfill were bombarded with phone calls from investors asking their opinions on the outcome of the suit. They realized this could be a negotiating tool and even encouraged the citizens group to run a corporate campaign about the company's contributions to the governor's election campaign.

Keeping the heat on in a very public way greatly enhanced the group's negotiating position.

So, next time you set out to develop a strategy for your group, ask yourself

the question, "How can we target the company directly to get what we want?"

Find the CEO

If you don't know the name of any person who works for the particular company, find out the name of their CEO (Chief Executive Officer). He or she is probably making a sinful amount of money and would be a perfect target.

Just imagine, "President Joe Blow of Black Hat Coal Company makes an annual salary of \$500,000, yet he can't find a way to replace my water!" Or, "I bet Blow, who makes \$500,000 each year, doesn't have to carry water in plastic jugs to wash his children's clothes."

Remember, too, doing a corporate campaign is more than solving a problem. Some of these actions are life-changing events for the people involved.

They get things done in a direct way *and* allow individuals to make gigantic leaps in understanding of how things really work in our society. ✚

[Joe Szakos directs the Virginia Organizing Project. VOP is a state-wide grassroots organization]

A must-read book on SLAPP suits

SLAPPs, Getting sued for speaking out by George Pring and Penelope Canan, Temple Univ. Press 1996, \$24.95. Even for the dedicated activist, reading a book on legal issues falls in the category of cruel and unusual punishment. This book is a very welcome exception.

Pring and Canan have a lively style that makes critical information available and useful to citizens, as well as lawyers and social scientists.

SLAPP is the name coined by the authors for the growing rash of lawsuits brought by polluters, mine operators, government officials, and land developers against citizen activists who speak out about public issues and stand up for their rights. It means Strategic Lawsuits Against Public Participation in government.

The authors describe the types of SLAPP suits, the effects on the people who are sued, and how to fight back and win. The outstanding features are legal citations and lists of action steps: what to do if you are sued or threatened with a suit, how to avoid a suit, manage a suit, recruit a lawyer, and counter sue (SLAPP back).

Pring and Canan point out that many prospective SLAPP suit filers and their attorneys don't know their planned suits are a "violation of the Constitution, a losing proposition, or a financial risk."

**Even threatening a
SLAPP suit violates the
constitutional and
civil rights of citizens**

Even threatening a SLAPP suit violates the constitutional and civil rights of citizens. Because most potential SLAPP filers don't know this, the authors advise immediate action if your group members are threatened with a SLAPP suit, even a verbal hint of one. The potential filer should be promptly informed by a credible party

that they are risking serious and multiple losses — of the SLAPP suit, their public image, and millions of dollars for damage claims and legal costs.

This book is a must-read for citizen activists and any coal company or government official who may be thinking about suing citizens.

[CCC published "Slapping back" about the authors' work in the Fall 1995 issue of the Reporter. The issue is available for \$1.50 postpaid from the Denver CCC office.] ✚

CCC honors outstanding leaders



The CCC board gave outstanding service awards to, from left: Cathy Carlson, Tom Galloway, Maxine Kescoli, Freda Harris, and David Hardeman. Tom and Cathy's daughter Erin enjoyed the fanfare. (C. Johnson)

The CCC board honored five persons for outstanding contributions to the citizens coal field movement at its June board meeting.

Freda Harris, board member representing Indiana, has become a blasting expert and shares her knowledge with citizens across the country.

David Hardeman, TN, has fought on many campaigns with **Save Our Cumberland Mountains** and has been a steadfast member of CCC's board.

Maxine Kescoli, **Dineh Alliance**, Black Mesa, Arizona, has courageously led the campaign to prevent coal mining abuse of the Dineh people and their environment. She serves on CCC's board.

Cathy Carlson, staff of the National Wildlife Federation, has given years of superb work to protect the environment from coal mining damage and defend the rights of coal field citizens.

Tom Galloway, attorney and long-time friend of coal field citizens, has waged numerous battles on their behalf to enforce the law and terrify the bad actors. ♣



(Carolyn Johnson)

Welcome, Dennis

Dennis Short joined CCC's staff in the Denver office in July as a communications and training specialist.

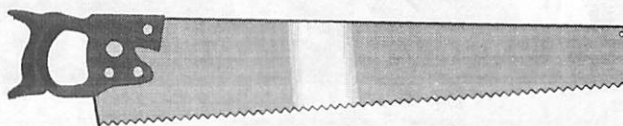
He comes to CCC after a six-month stint in the Washington office, then two years of service in the Peace Corps where he worked as a community development volunteer in the Ivory Coast. In west Africa he found the problems facing disadvantaged communities were similar to those in the U.S.

He says he's glad to be back working with CCC members and getting to meet the folks in the western states where, "the size of the mines is exceeded by the resolve of the members."

Dennis grew up in the town of Cambridge in upper New York state. He has a graduate degree in geography from Ohio University in southeast Ohio at Athens. During his three years there, he learned about coal mining and the difficulties facing coal field residents.

He's enjoyed getting to know the Denver area and hiking in the mountains. Dennis is an avid cook and plays a mean game of soccer. He says he's grateful to be living in a colder climate again. ♣

Stay sharp...



and get the skinny

___ **The Strip Mining Handbook**

Know your rights and how to protect your home, water, land and community. The only guide written for citizens. Written by Mark Squillace, University of Wyoming Law School. \$5.95

___ **Protect your land and water from underground mining**

Read this 6-page guide and you've got the goods on how to do it. Written by Tom FitzGerald, Attorney, the National Citizens Coal Law Project. \$3.00

___ **We still mine and burn coal in the United States**

The sheet that gives you the basic facts on coal. Use this one to get the word out to folks of all ages. 5 for \$1.00.

___ **CCC and the Diné**

The video of a successful and moving citizens action supporting the rights of Native Americans in the southwestern coal fields. Filmed by Kerry Appel; produced by Pat Mahon, Louisiana Environmental Action Network. 45 mins. \$10.

All prices include postage!

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110 Maryland NE, #408 Washington D.C. 20002

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[CCC's member lists are confidential by law]



Meet the folks of CCC

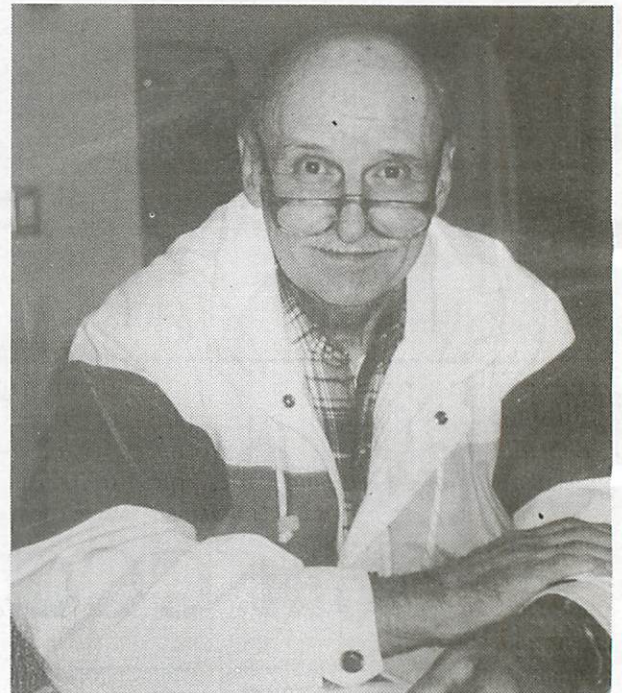


(Will Collette)

Top left: When the Tri-State Citizens Mining Network met last spring, Beverly Braverman of the Mountain Watershed Alliance and Cynthia Rossi of People United to Save Homes had much to discuss about long-wall mining impacts. Below left: At the annual meeting of the Western Colorado Congress in September, members took part in a day-long fundraising workshop, gave out "Not So Smart Growth Awards" to poorly planned developments, and danced the night away. All ages had a great time including, in front from right, Chelsie Conklin, Rhea Bridwell, Kelsey Howe; back, Seth Conklin and Samarah Bridwell. Below right: Chester Giza, who lives near Wheeling, WV, attended the Tri-State meeting to discuss issues and lend his knowledge on subsidence damage in northern WV.



(Dennis Short)



(Will Collette)

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