



Reporter

Citizens Coal Council

Spring 1998

Safe homes, clean water & a healthy environment in the coal fields



Citizens put heat on feds to protect homes and land

This and other great stories in Grassroots News, pages 12-18

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Ohioans Slow Down Strip Mine
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Thanks to everyone who filled our pouch for this edition!

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Citizens Coal Council

CCC is a grass roots federation of citizen groups and individuals who work for social and environmental justice. CCC and its members strive 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.

Daymon Morgan, Kentucky, Chair

Wyona Coleman, Pennsylvania, 1st Vice Chair

Gwen Thompson, North Dakota, 2nd Vice Chair

Jack Scott, Colorado, Treasurer

Ellen Pfister, Montana, Immediate Past Chair

Norman Benally, Diné, AZ

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Freda Harris, At Large

Wanda Hodge, TN

Don Mottley, IN

Barney Reilly, VA

Richard Stout, IL

Jason Tockman, OH

John Wathen, AL

Shirley Willie, OK

CCC Member Groups

ALABAMA: Alabama Environmental Council

COLORADO: Crystal Valley Environmental Protection Association, San Juan Citizens Alliance

IDAHO: People's Action Coalition

ILLINOIS: Citizens Organizing Project

INDIANA: Bridge Alliance, Indiana Citizens Mining Council, Hoosier Environmental Council

KENTUCKY: Kentuckians For The Commonwealth

LOUISIANA: Louisiana Environmental Action Network

MISSISSIPPI: Concerned Citizens for the Future of Choctaw County

MONTANA: Northern Plains Resource Council

NAVAJO NATION: Dineh Alliance, Nenahnezad Chapter Technical Committee

NORTH DAKOTA: Dakota Resource Council

NEW MEXICO: Water Information Network, Zuni Mountain Coalition

NEW YORK: Protect A Clean Environment

OHIO: Buckeye Forest Council, Friends of Dysart Woods

OKLAHOMA: Pittsburgh Co. Mineral & Surface Owners Association

PENNSYLVANIA: Alice Water Protection Assoc., Concerned About Water Loss due to Mining, Concerned Citizens for Environmental Awareness, Concerned Citizens of New Castle Township, Mountain Watershed Association, People United to Save Homes

TENNESSEE: Save Our Cumberland Mountains

VIRGINIA: Coalition for Jobs & Environment, Dickenson Co. Citizens Comm.

WEST VIRGINIA: WV Highlands Conservancy, WV Organizing Project, Holden Environmental Assoc., Coal River Mountain Watch

WYOMING: Powder River Basin Resource Council, Wyoming Outdoor Council

MULTI-STATE: Commission on Religion in Appalachia, Diné Mining Action Center, Environmental Health Network, Ohio Valley Environmental Coalition, Tri-State Citizens Mining Network

Jobs, justice campaign takes off!

CCC's Jobs & Justice campaign to clean up abandoned mines and create jobs in coal field communities has gained important new supporters in Congress and coal field states.

We are asking elected officials to spend the more than \$1.5 billion collected in the Abandoned Mine Lands Trust Fund to create jobs and help restore environments devastated by the legacy of unregulated coal mining.

Recently, the campaign has taken on greater urgency with the discovery of new data detailing the number of abandoned mines and the number of people killed in accidents involving abandoned mines.

CCC found the total number of reported abandoned coal mine sites increased by 25 percent since the federal government last reported them in September 1997. The total cleanup cost has also increased by 10 percent to over \$4 billion. At the present rate of spending, it will take 121 years to clean up Alabama's abandoned mines, 99 years for Oklahoma, and 90 for Virginia.

On New Years Day 1998, five people were killed when their car plunged into an abandoned coal mine pit in eastern Pennsylvania. These deaths might have been prevented if the federal government spent all the money it collects to clean up such abandoned mines.

Since this tragedy, CCC has learned of dozens of more deaths and hundreds of accidents at abandoned coal mines. People are killed and injured falling off abandoned highwalls, in landslides, and in accidents when they wander into abandoned underground mines.

Rahall: "Restore The Trust"

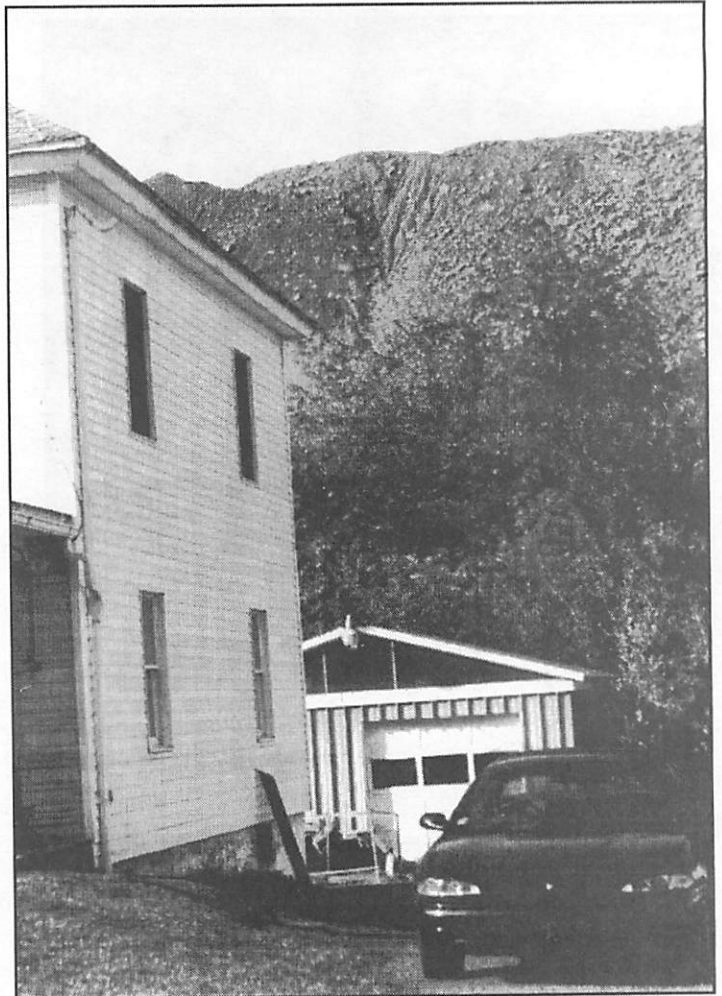
In February, long-time CCC ally U.S. Rep. Nick Rahall (D-WV) championed CCC's Jobs and Justice campaign in a request for at least \$60 million in new funding for clean up.

Rahall made this request to Congressman Ralph Regula (R-PA), who chairs the House of Representatives Appropriations Subcommittee on Interior. Regula, an influential Congressional leader of the budget process, has long argued that government trust funds like the AML fund should be fully spent as intended.

Rahall emphasized that every \$1 million spent on reclamation creates roughly 60 jobs in poor communities and the huge backlog of unreclaimed mines pollute the environment throughout the historic coal fields.

Rahall said the government made a promise 20 years ago to coal field residents that it would use the money collected from coal companies to clean up abandoned mines. He asked Regula to put the *trust* back in the Abandoned Mine Land Trust Fund.

(Please continue on page 4)



Spoil piles at old mines still loom over homes in PA.

What you can do to ...

Help the campaign!

- Ask your local group to endorse the campaign and send a copy of the endorsement to either CCC office (addresses at bottom of page 2)
- Write or call your Senators and Congressperson and urge them to spend the money collected in the Abandoned Mine Trust Fund:

Senator _____ (name) _____

U.S. Senate

Washington, DC 20510

202/225-3121

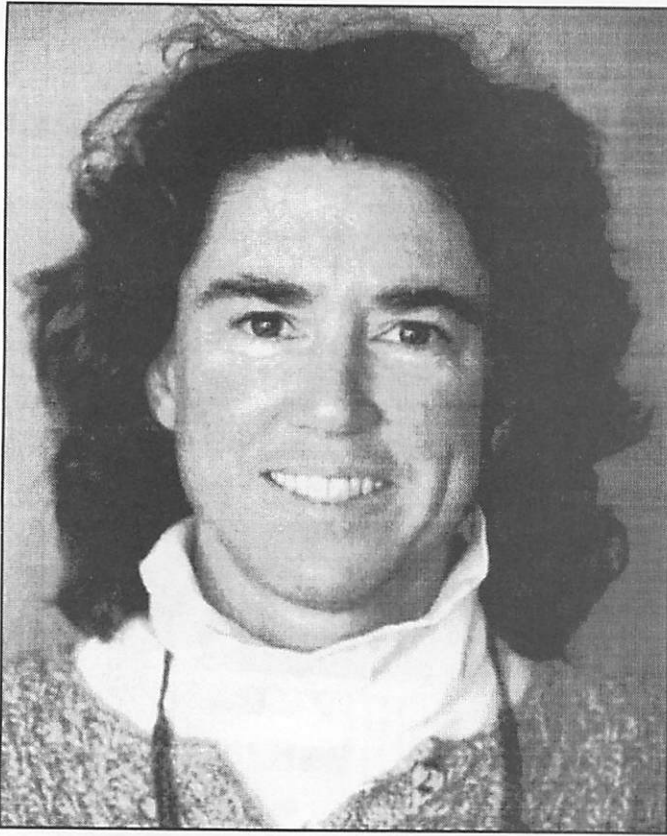
Representative _____ (name) _____

U.S. House

Washington, DC 20515

202/224-3121

1 for free speech, 0 for bully



Julia Page led Montanans in winning against a state official's attempt to bully citizens into giving up their right to voice their opinions in public. She is past chair of the Northern Plains Resource Council. (NPRC)

In 1996, members of the **Northern Plains Resource Council** participated in a ballot referendum that would have forced mining companies to reduce the amount of pollutants they dump into Montana's waters.

Voters turned down the referendum, but that didn't stop state officials from punishing those who attempted to regulate the mining industry. The Commissioner of Political Practices, Ed Argenbright, apparently decided to discourage citizen initiatives by suing organizations and individuals who campaigned for clean water, including the Council, its chair, and staff director.

Last summer, Argenbright decided the Council had produced and handed out fact sheets on water quality that were solely intended to endorse the initiative and it should have reported the cost as a campaign expense. On behalf of the state, Argenbright sued the Council despite the fact that it has produced fact sheets on water quality for years and continues to do so today.

This suit prompted a local reporter to ask Julia Page, Council Chair, if she thought Argenbright was cooperating with the mining industry to punish citizens. She indicated she wouldn't go that far but would say, Argenbright "is doing their bidding for them" and the suit was simply "old-fashioned bullying tactics."

These thoughts are widely held by Montana citizens, but Argenbright then filed a second lawsuit, charging Page and the Council with damaging his reputation.

Members realized this was a SLAPP suit (strategic lawsuit against public participation) and vigorously fought his attempt to limit their constitutional right to free speech. On February 17, a District Court Judge threw out Argenbright's "defamation of character" suit against the Council and Page. The state lawsuit against the Council is still pending.

"These lawsuits are very intimidating, expensive and time-consuming, but we're going to keep standing up for our rights," said Page. ♣

Jobs, justice campaign (continued from p. 3)

Buckeyes Push For Cleanup Money

The campaign to clean up abandoned mines and to create jobs is being waged from the ground up. In February, **Buckeye Forest Council** (BFC) members convinced a number of legislators in the Ohio General Assembly to introduce a resolution requesting Congress to appropriate money for abandoned mine land cleanup equal to the amount collected yearly. The resolution has widespread support.

Jason Tockman testified for BFC in support of the resolution. "At the current rate of funding, it will take at least 25 years to clean up Ohio's unreclaimed coal mines. The money is there, waiting to be spent. The only thing preventing clean

up is that it's not being asked for." Tockman is a board member of CCC representing Ohio.

Governors Back Campaign

In April, the Governors from Pennsylvania, Indiana, Kentucky, Illinois, and West Virginia also wrote Congressman Regula urging him to increase the budget for cleaning up abandoned mines so it equals the amount collected yearly.

They pointed out most states earmark their annual cleanup grant within a few months of receiving their money and have the ability to clean up and restore many more sites if the funds were available. ♣

Citizens win subsidence case

Last December, after years of fighting with state and federal regulators and Basin Resources, a judge agreed with CCC members Jim and Ann Tatum that Basin's underground mine had caused subsidence damage to their Colorado home.

The Tatums first noticed the damage to their home in 1991 and realized it was caused by subsidence. First they appealed to the state and then to OSM's Denver office to have the law enforced. Both state and federal employees denied Basin was responsible for the damage to their home and property.

This forced the Tatums to sue Basin directly. The judge ruled Basin had mined within 300 feet of their home and their property was clearly damaged from subsidence. Court testimony revealed mistakes by Basin, the state agency and OSM:

- The state gave a permit that assumed no damage would occur to the Tatum home and allowed Basin to mine without monitoring the home for subsidence damage.
- **Jesse Craft**, geologist in OSM's Pittsburgh office, had incorrectly used the computer software to predict subsidence by not using measurements taken in the area of the home.
- **Rick Seibel**, director of the Denver OSM office, allowed one of his employees — **Mike Rosenthal** — to testify on behalf of Basin. His testimony backfired when he admitted to the judge that he had never ruled for a citizen in the more than 30 investigations he had made of citizen complaints.

In a sharply worded letter to both OSM Director Kathy Karpan and Mike Long, head of the Colorado agency, Ann Tatum captured the frustrations that many suffer at the hands of state and federal regulators: "It is a disgrace that a citizen

must engage in an extensive and exhaustive quest for truth *without* the assistance of the very agencies formed to protect citizens. The individuals sent to investigate our complaint, with one exception, worked diligently to discredit the citizen, to ignore the truth and to minimize the facts when they were favorable to us." ♣



Ann Tatum shows cracks in her home. (CCC)



More foul play at Interior

CCC has obtained internal memos of the Department of the Interior describing a decision by the Department's top

officials and administrative judges to violate the constitutional rights of citizens. They decided to get rid of the backlog of legal appeals by simply deciding them in favor of the Department's agencies.

The memos list 69 coal mining cases at the Interior Board of Land Appeals (IBLA). Many were brought by CCC, its member groups and individuals challenging the failure of the Office of Surface Mining (OSM) to enforce the law. Three cases ask for fees for lawyers representing citizens.

Among those taking part in meetings and discussions about the decision were John Leshy, Solicitor, Kathy Karpan,

OSM Director, and Brooks Yeager, Acting Assistant Secretary. All three are attorneys.

The IBLA is the Department's administrative court which handles disputes involving its agencies, including OSM. Citizens and coal companies go to IBLA because appeals are cheaper to bring and decided more quickly than full-blown lawsuits in federal district court.

By deciding to rule for the agencies, the officials denied appellants their "due process" rights to a fair hearing. The decision was made after talking with OSM and other agencies. This violates the rule that judges and their staffs can't talk with one party and exclude the others.

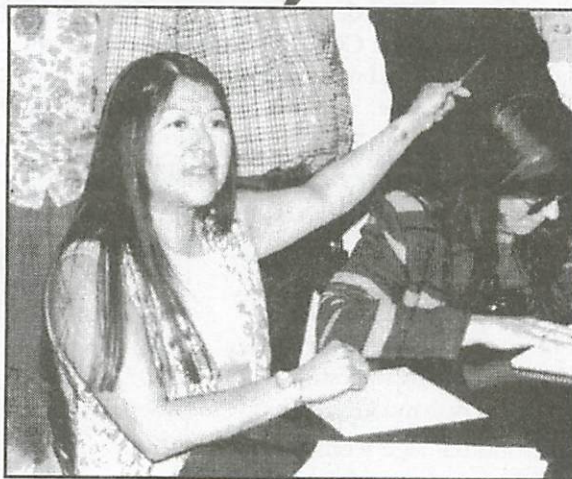
The memos shed some light on recent IBLA decisions that seemed to have no relation to the facts or the law. For several years, CCC staff has noticed the IBLA rarely rules in favor of citizens. Law students at the University of West Virginia are researching the issue. ♣

Meet Lila Bird, CCC hero

She prefers to help people open doors and walk through, but Lila Bird is realistic, "Sometimes you have to break down the doors first," she says with a chuckle.

Companies that dump toxics, strip mine coal or mine uranium in the Southwest have learned the hard way that Lila is a tough, effective organizer who can bring together the region's Hispanics, Anglos, and American Indians for a common cause.

"I grew up in Pueblo Santo Domingo and Cochiti Pueblo and I've been involved in civil rights issues since high school. I saw the grassroots environmental efforts bloom in the Southwest in the 80's. I believed this was a way for people to stop corporate polluters and stand up for their constitutional rights. Civil rights and environmental justice go together."



Lila Bird is a tough, effective organizer who brings together all the diverse peoples living in the Southwest. (C. Johnson)

Pueblos where she grew up and is now raising her three sons, aged 6, 12, and 18. ♣

In 1988, she and 200 citizens attended the region's first ever water quality conference where they founded the Water Information Network (WIN). Lila became executive director of the Network, headquartered in Albuquerque, that includes parts of four states: Arizona, Colorado, New Mexico, and Texas.

Lila graduates from law school this Spring and has won a prestigious 2-year National Public Interest Law fellowship to work at the New Mexico Environmental Law Center in Santa Fe.

Fortunately, she will stay in grassroots organizing with WIN. She will also continue to live in the

Courage over silence

Tri-State Citizens Mining Network member Marian Plovic and her husband Dan spent nearly 35 years working on their home in Washington, PA and looked forward to spending a peaceful retirement with their children and grandchildren.

This dream ended in a crash on Christmas Eve 1997 when their home began to tilt and crack. Four days earlier the Eighty-Four Mining Company began longwall mining under the home. Since then, their home continues to subside — floors are slanted and the foundation is cracked. Cooking is difficult on a tilted stove and peas roll off the dinner plates.

"Speaking up is the only way I know to prevent this abuse from happening to others."

Fortunately for all citizens threatened by underground longwall mining, Marian decided not to quietly allow the same thing to happen to others. The Plovics refused to sign a pre-mining agreement with the company that would have given them \$5,000 in exchange for their silence about the damages to their home.

Marian has created a packet of information about her experience and sent it to all 278 state legislators, and she speaks regularly at community meetings, to the media and to state regulators.



Marian Plovic speaks out about the 84 Mine's damage to homes. (Short)

The Plovics could have taken the extra money and kept silent. However, according to Marian, "Getting this information out and speaking up is the only way I know to prevent this abuse from happening to others." ♣

Alert: According to attorney Tom FitzGerald of the Kentucky Resources Council, homeowners are already protected under federal law and don't need to sign an agreement to have the company repair damages caused by longwall mining.

shhh — OSM's secret awards

Despite the bad reputations of Billie Clark and Mike Rosenthal with CCC members, OSM has given both employees in the Denver office numerous, costly awards since 1992. Now the agency is refusing to tell CCC what the two men did to earn an extra \$20,000 from the taxpayers.

Clark has overseen permitting on Indian and federal lands for years where his pro-industry actions on Navajo lands have earned him the title of "OSM's fairy godmother for western mines" and brought charges of environmental racism by CCC, the **Diné Mining Action Center** and the **Nenahnezad Chapter Technical Committee**. (See articles in the *Reporter*, "Diné demand end to OSM racism," Fall 1996, and "Billie Clark — ticket fixer," Fall 1995.)

In 1994, Former OSM Director Robert Uram recognized Rosenthal for determining that Peabody's blasting damage to Navajo homes was actually the Navajos' fault because they didn't live in homes that met building codes. In a recent court case, Rosenthal testified that he investigated over 30 citizen complaints in recent years and never found for a citizen. (See "Citizens win subsistence case," p. 5.)

CCC filed a public information request with OSM to learn exactly what awards these men have received and why.

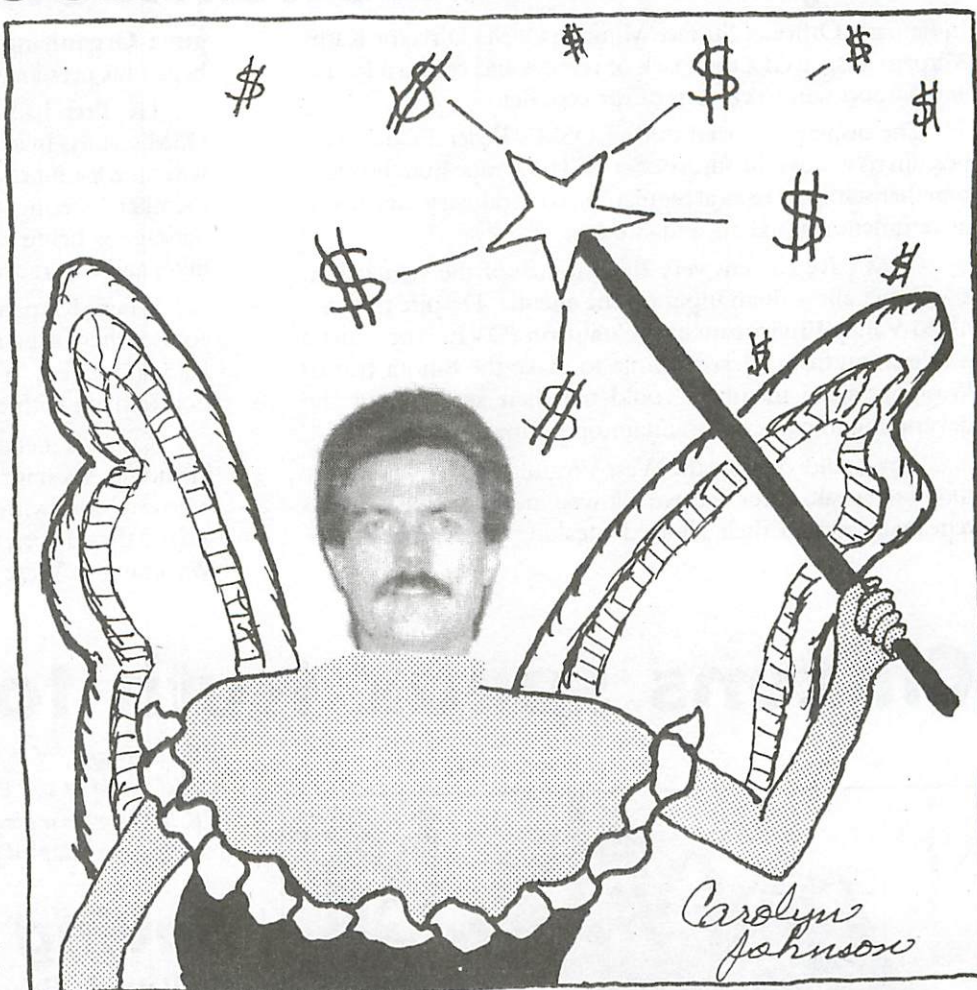
Guess what — OSM doesn't want you to know why the awards were given. On the advice of Cheryl Sylvester, an attorney for OSM, OSM withheld the reasons for the awards and gave CCC no legal reason for doing so. Department of Interior guidelines say "justification for all awards and honors" is public information.

CCC has appealed this decision so everyone will know why Clark and Rosenthal earned high praise and big bucks when mining companies on Indian lands are allowed get away with blasting homes, polluting their water, destroying their graves and sacred sites, upsetting their lives, and not reclaim the land.

Under Clark's supervision, every mining company on Indian lands has been allowed to mine without getting a proper permit that complies with the federal coal mining law and that protects the homes, lands and lives of nearby residents. Some recent examples include:

- OSM lets the mines owned by Peabody, BHP, and Pittsburgh & Midway (Chevron) cut their reclamation bonds by tens of millions of dollars by giving the companies full credit for reclaiming land that does not meet the minimum reclamation standards of the law and rules.
- OSM let the Chevron's McKinley strip mine in New Mexico continue mining over 18 months despite the company's failure to meet the conditions of its permit.
- On Clark's watch, OSM gave Peabody a new 5-year permit for its Kayenta mine on Black Mesa, even though Peabody did not have Navajo residents' permission to mine next to and through their homes and despite evidence of Peabody's harm to residents and their environment.

Even though the Navajos own their own homes and the federal coal law gives homeowners the right to refuse to have their property mined, OSM and the Department of Interior have blocked Indians from having the same rights and protections that non-Indian citizens have. ♣



Billie Clark, OSM's fairy godmother for western mines. (OSM photo)

Karpan throws tantrum

In January, Office of Surface Mining (OSM) Director Kathy Karpan displayed a total lack of respect and concern for the issues important to citizens of the coal fields.

The display occurred during OSM's Federal Coal Symposium to discuss the future of coal. The symposium brought together state and federal regulators, coal industry executives, government researchers and citizens.

OSM gave citizens very short notice of the symposium and didn't allow them input on the agenda. Despite this, the **Ohio Valley Environmental Coalition (OVEC)** organized a delegation from West Virginia to make the 8-hour trip to Washington so members could tell their story about the devastating impacts of mountaintop removal mining.

Karpan didn't allow the West Virginians an equal opportunity to speak. After Karpan allowed industry executives to repeatedly exceed their allotted speaking times, West Vir-

ginia **Organizing Project (WVOP)** member Carlos Gore began his presentation.

He first had to overcome technical difficulties with OSM's video machine, then Karpan told Gore to stop — it was time for lunch. Gore wanted to introduce fellow WVOP members, stating "Our community is being destroyed, our heritage is being destroyed. We've driven a long way to be here, and others want to speak."

When Karpan refused, OVEC staffer Laura Forman accused her of being unfair and favoring the coal industry. Karpan replied, "You're being unfair," withdrew her invitation to meet with the group, and stormed out of the room.

Karpan's behavior shocked many of the participants including Assistant Secretary of the Interior Bob Armstrong, who later met with the citizens in a parking lot and acknowledged they'd been treated poorly. Newspapers ranging from Wyoming to West Virginia ran stories on the incident. ♣

Citizens speak truth to Karpan



West Virginians went to OSM's symposium in Washington to tell their story of coal mining destruction and were treated rudely by OSM Director Kathy Karpan who cut their talk short and stormed out of the room. (WVOP)

Patricia Bragg, of the West Virginia Organizing Project and Rachel Nava of the Powder River Basin Resource Council (PRBRC) were among the citizens at the OSM symposium. The following are adapted from their accounts of the experience.

Saving Appalachia

By Patricia Bragg

We citizens of the coal fields were finally given the chance to put human faces to the suffering we endure from the coal industry. I thought, "Appalachians will finally get help with the problems that have plagued us for so long. Relief from our officials will come through, just like the calvary of old."

Wrong. Appalachia was again overlooked and disrespected at the hands of the government sworn to protect and represent us. We listened patiently for hours to speeches from industry and regulators. But we were given just a short time tell our stories and the same people who invited us prevented us from completing our presentation.

I was devastated. As I hung my head in frustration, I spotted the seal of the Department of the Interior showing a buffalo grazing in a field. I felt like that buffalo. Appalachians are close to extinction and are definitely a dying breed. Our culture and natural way of life are being destroyed.

(Please continue on page 9)

CCC Index*

Number of people killed in old mines over the past 10 years

111

Based on current funding, the time it will take to clean up Wyoming's old coal mines

11 months

Based on current funding, the time it will take to clean up Alabama's old coal mines

121 years

Percentage increase over the past 7 months in Wyoming's estimate cost to clean up old coal mines

20,000%

Number of complete federal inspections and enforcement actions by the federal Office of Surface Mining (OSM) in West Virginia during the first quarter of FY 1998

0

Number of blasting complaints by citizens against Reading Anthracite Coal in Schuylkill County, PA

1,000+

OSM and state's suggested causes for blasting damage "alleged" by citizens in Schuylkill County, PA

Household activity, wind, truck traffic, earthquake

Number of abandoned coal mines in the federal inventory

13,801

Number of jobs that would be created by spending the Abandoned Mine Lands Trust money

145,000

Cost to clean up America's old coal mines, according to the Associated General Contractors of America

\$70 billion

Number of months Kathy Karpan has served as OSM Director

10

Average time served by OSM Directors

18 months

*Information collected from published media accounts and OSM Records ♣

Appalachia (continued)

If we continue to look the other way, Appalachian culture will soon be gone just like the great buffalo herds of the West. Oh, but there will be *progress*, or should I say *profit*.

Appalachians are labeled passive, clannish people, content in the backwoods of the mountains. They're suspicious of government and big industry. I say, why not? We have been for centuries abused and oppressed.

Appalachians are also passionate, hard working people with a deep love of family and their land. They're also terrific fighters, and my people don't back off when we've taken all the abuse we can stand. That's why we are now on the front line of a war for the salvation of Appalachia and we will not back off. We are hillbillies, hill people, holler raised and proud of it.

In the 1800's, there were millions of buffalo slaughtered uselessly. Today another massacre is occurring at the hands of the coal industry and regulators. Mountaintop removal strip mines and longwall underground mines are putting our people out of their home places and stealing our heritage.

I say no more relocating our people and no more destruction of our heritage! We have a right to live in these mountains and valleys. Our lives are too great a price to pay and we are saying to you, *No more compromises!* ♣

Defending our land

By Rachel Nava

Our members in the Powder River Basin Resource Council are dealing with problems that come with the huge western strip mines: the lack of reclamation, inadequate bonds, destruction of ground water, loss of cultural and spiritual resources, and the near total lack of federal oversight.

All of these issues result from Wyoming allowing the coal companies to do as they please and OSM refusing to intervene. We fear we will be left with a barren landscape with poison water if the coal companies continue to act as they do.

Industry predicts a healthy future. Yet, industry tells us they can't reclaim the land contemporaneously because the price of coal is too low. Already we are seeing mines temporarily close in the Powder River Basin.

The angry exchange between citizens from West Virginia and Karpan reminded bureaucrats that there is real depth and emotion that comes with dealing with these issues. It reminded me that at the heart of my involvement and PRBRC's mission are real *feelings* about the environment. Preserving our land, our rural lifestyle and all that matters to us is worthy of our emotion and involvement. ♣

Kathy Karpan, What type of cowboy?

When Kathy Karpan became the 13th director of the Office of Surface Mining (OSM) last August, she brought credentials as a reportedly effective state official, experience as a journalist and labor lawyer, and background in progressive politics. We hoped she had the wits, guts and political savvy to clean up the OSM turkey ranch and start the agency down the right trail.

Sheesh! Citizens have given OSM Director Kathy Karpan a lot of rope to do that admittedly difficult task, but she seems determined to tie more knots in it and try to hang herself.

Ms. Karpan hails from Wyoming, the cowboy state, and talks about her desire to do things the "Wyoming Way." Many see cowboys as a romantic emblem for strong, silent types who steadily care for the land and their livestock (Cowboy Type I).

That's opposite to a second view of cowboys held by much of the western ranching community where cowboy has come to mean a loud-mouth, swaggering show-off who stampedes meat off the cattle and generally has a bad case of arrested development (Cowboy Type II).

Ms. Karpan acts more like a Type II than a Type I:

- **Bad tempered:** She threw a temper tantrum at West Virginia citizens who came to the Coal Symposium, and she yelled at Landon Medley, chair of Save Our Cumberland Mountains' coal committee. It's true that many Wyoming officials regularly bash environmentalists and get away with it, but this won't be tolerated in a federal official.
- **Ill-informed:** She makes statements to the press that are so wrong and politically inept they anger Rep. Nick Rahall, OSM's best friend in Congress, then claims she was misquoted. Come on! She meets with citizens without preparation on the issues and is unaware of the history or experience of citizens.
- **Ill-advised:** Instead of tapping the experience of citizens and competent OSM staff, she relies on — as much as she listens to anyone — the OSM turkeys. Any OSM Director who takes advice and "facts" from the likes of Rick Seibel, Brent Wahlquist, Al Klein, Buck Miller, and Billie Clark is

doomed. These turkeys have spent their careers kowtowing to the coal industry and the states; they've done zip on the big issues of blasting, mountaintop removal, enforcement, Indian lands permitting, and environmental justice.

Ms. Karpan has done one thing right by working for more funds for abandoned mines cleanup, but again she got her facts wrong when she said Congress was the culprit for insufficient funds. This makes us wonder if she's a liability even when she is an ally.

Citizens deserve a Type I Cowboy. Ms. Karpan needs to hunker down in the saddle and do her job. ♣

Message from the Chair

Spring has arrived in the hills of Kentucky, but it's brought so much rain we're all waiting for things to dry up so we can get back into our gardens.

It's also a time when legislators get busy in many states. Some Kentucky law makers wanted to get rid of our unmined minerals tax. We fought hard for this law and we weren't about to have it overturned - it's made a positive impact in too many peoples' lives. This year the effort died. No one wanted to take on the power of Kentuckians For The Commonwealth.

I'm pleased to hear folks are out doing direct actions. Members are getting out and making their voices heard. I've found the best way to get officials to change is to expose them to the media and public. They think they can hide in their offices, but we need to let them know there are consequences for their behavior.

Finally, I'm glad to see the campaign to clean up abandoned mines and create jobs is taking off. I'm presently running for County Commissioner and my message is we want sustainable jobs at a living wage, not jobs at any cost. Jobs cleaning up abandoned mines are the kind we need here in eastern Kentucky and I'm confident my campaign and the Jobs & Justice campaign will both be successful.

Daymon Morgan

Too cozy together

By John McFerrin, President, WV Highlands Conservancy

What makes public participation in the regulation of coal mining important? Why should people spend their free time pushing inspectors, supervisors, and bureaucrats to enforce the law? Shouldn't regulators just do it on their own?

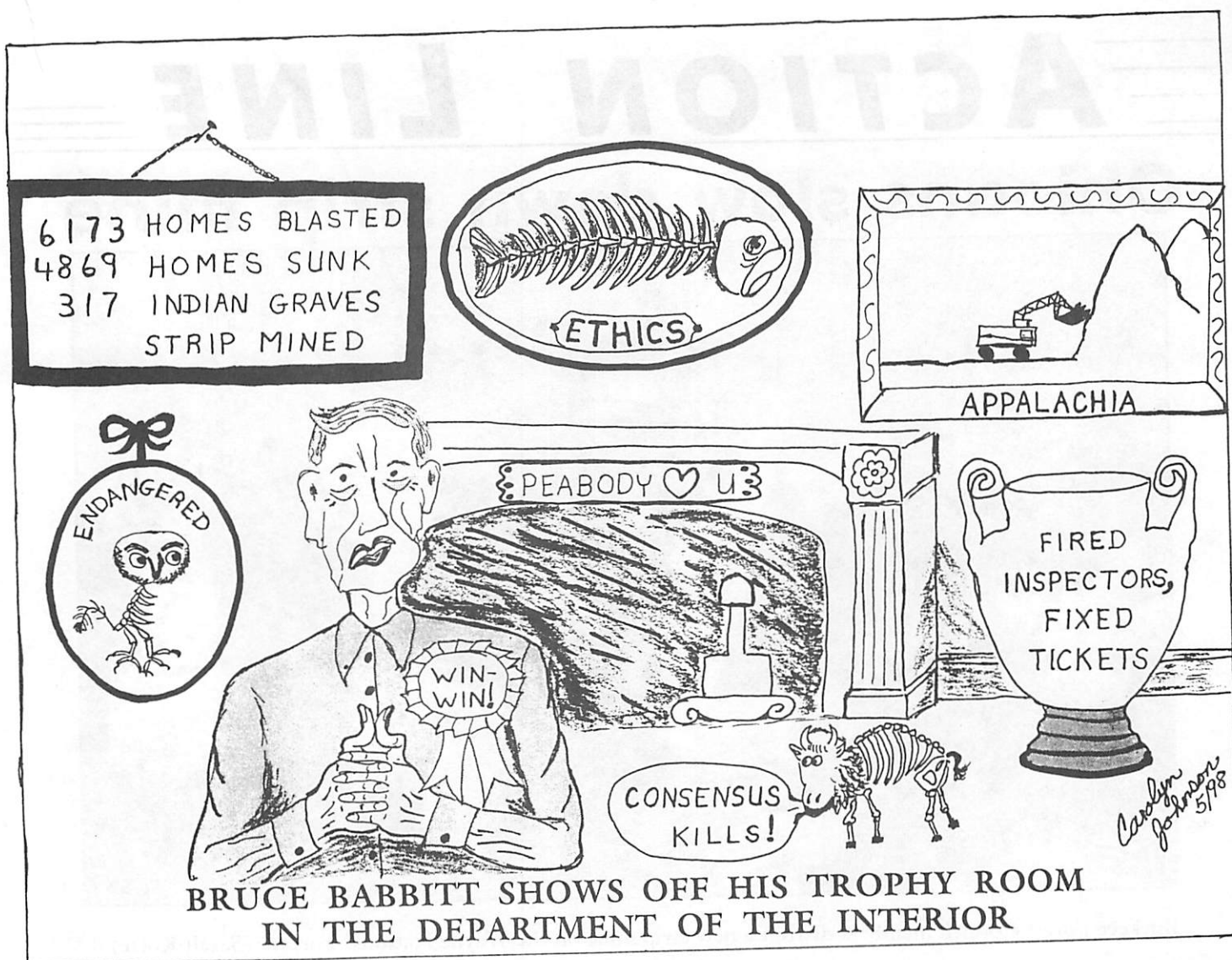
The truth is they don't just do it on their own. Everyone who's had any contact with state regulators has experienced inspectors and supervisors who are unresponsive, spend their days making excuses for companies, and look for reasons not to write violations.

Were they born that way? Is there some genetic defect that compels inspectors to search for reasons to be "understanding" with the coal industry? Is there something in their childhood that drives them to want to "work with" industry?

Of course not.

They didn't finish school and say, "I would like to spend my career making excuses for the biggest corporations in the world." They didn't have a career goal of explaining to citizens

(Please continue on the next page)



Too cozy together (continued from p. 10)

that, "While they would surely like to help, their hands are tied."

They weren't born that way. They got that way because it's the atmosphere of state regulatory authorities.

It's true states have been regulating mining for decades and there have been permits issued or violations ignored because of a well placed campaign contribution, a timely call from a politician, or even a gift to the right person. But that's not the real problem. The problem is the entire culture of state regulatory agencies.

The guiding principle of the states is this: Nobody ever got fired for being too lax in enforcement or for recommending permits be granted.

The states developed those guiding principles because they hear from the coal industry all the time. Their daily work is with people from the coal industry. They socialize with the people from the coal industry. It's like a tree on a windswept

mountainside. It wasn't born with all its branches pointing one way. It grew that way because of constant force in one direction.

That's why public participation is so important. The public is the only force in the other direction, pushing states toward regulation and away from making excuses.

Everyone who pushes a state has his or her own approach. Some people sue. Some read files and ask questions. Some picket. Some publicize. Some chat quietly; others express their opinions with vigor and enthusiasm. There is room for all approaches.

Public involvement is often a frustrating and thankless job, but it's a job that has to be done.

Bending with the winds is the easiest thing to do. We can't do that. We're the only force that keeps state regulators from leaning and leaning until they lie flat before the coal industry. ♣

ACTION LINE

Ohioans slow down strip mine



Buckeye Forest Council members disrupt a new strip mine on the Wayne National Forest. (Sarah Korte)

For over three weeks in February, members of the **Buckeye Forest Council (BFC)** and their allies protested Buckingham Coal Company's strip mining operation in the Wayne National Forest in southeast Ohio. BFC members charge state and federal regulators illegally gave Buckingham permission to strip mine the Wayne.

The action began on February 9 when four demonstrators locked themselves by their necks to bulldozers and a log loader while others climbed into trees to prevent them from being cut.

The protesters were eventually arrested and timber cutting began. The activists vowed to continue their protest. BFC member Jason Tockman indicated, "We'll be back tomorrow to try and stop any more damage to the Wayne."

The protest continued, disrupting Buckingham's operation and resulting in fifteen people being arrested or cited for trespassing. Tockman called the actions not only an attempt to stop Buckingham's mine, but an effort "to send a message to the coal companies that they're in for a fight if they try to mine on our public lands."

BFC members have fought successfully for years to protect the Wayne and have appealed Buckingham's current permit to strip mine coal in Ohio's only national forest.

Council members have filed legal challenges to the adequacy of the mine's state-approved blasting and air pollution control plans. They also argue the federal Office of Surface Mining (OSM) wrongfully granted Buckingham the right to mine on National Forest land.

Federal law prohibits mining on National Forest lands unless a permittee had a "valid existing right" to mine in 1977. OSM ruled that denying Buckingham a permit would have a negative economic impact on the people who owned the coal rights, Edward and Madeiline Blaire. The Blaires leased their rights to Buckingham and argued that refusing a permit would constitute a "takings" of their right to earn money from the lease.

BFC's tactics have slowed the mine's schedule. The members plan to use all available options, including direct action, to protect the Wayne and are prepared for a long battle. ♣

Tri-State rallies for justice

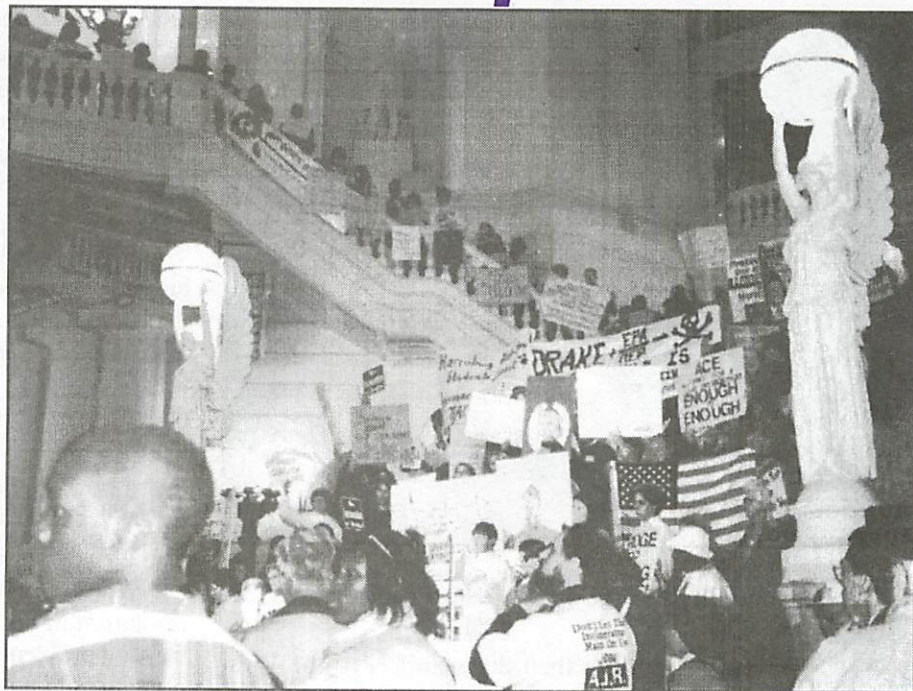
On April 28, 42 members of the Tri-State Citizens Mining Network traveled to Harrisburg, PA, by bus to take part in an Environmental Justice Day rally at the state capitol.

Over 250 people attended and Bev Braverman of the **Mountain Watershed Association** was a keynote speaker. Braverman told the enthusiastic crowd about the impacts of mining on the environment and communities and the need for public participation.

She explained, "Our government exists to issue permits and protect industry. Industry exists to make money and ravage and rape the environment. We the people exist to protect the environment, fight for justice, and make the other two groups see the error of their ways."

Braverman told how Eighty-Four Mining Company's longwall mine damaged the Plovic family's home last Christmas. "Even during the Vietnam War, we had cease fires over holidays. But it seems there's no truce or rest from the ravages of these companies."

Organizers of the event were pleased with the large turnout. Braverman said, "For many, this was their first time participating



Pennsylvanians filled the Capitol at an environmental justice rally. (Filippelli)

in a rally and seeing how citizens influence decision makers. Everyone had a great time and they'll be back again." ♣

World focuses on Black Mesa issues

Since winter, international attention has been focused on the residents of Black Mesa, located on the Arizona side of the Navajo Nation. Black Mesa is home to many traditional Navajo families who have witnessed the destruction of their homes and environment by Peabody's strip mining operations.

In February, the United Nations special investigator on religious intolerance visited Black Mesa to hear testimony on religious discrimination. Navajo elders told about the area's many sacred features and its importance to Navajo culture. The US government never recognized the sacredness Black Mesa and the Office of Surface Mining (OSM) has allowed Peabody Coal to destroy huge areas and mine through hundreds of grave sites.

The **Diné Mining Action Center** member and CCC board member Norman Benally traveled to New York in April to take part in the second session of the International Peoples Tribunal on Human rights and the Environment (IPT). The IPT publicizes cases of human rights violations and environmental devastation that result from industrial development. Last year, both former CCC board member Maxine Kescoli and Benally partici-



Norman Benally, Black Mesa, AZ. (Short)

pated in the forum to highlight the abuses their families have suffered from Peabody Coal and the failure of OSM to protect them. Kescoli lives near Peabody's mine and the company has tried to remove her from her home many times; the latest attempt occurred in April. ♣

News from the Grassroots

West Virginians fight for homes



Jack Caudill and Phyllis McCoy at the state capitol. (WVOP)

On February 26, more than 20 members of the West Virginia Organizing Project (WVOP) spoke at a public hearing in the West Virginia House of Representatives. Members had traveled to Charleston to support a bill giving homeowners new protection from damage caused by blasting.

The hearing resulted from months of tireless effort by WVOP members to craft a bill, find legislative sponsors, learn

how to lobby, and finally try to get the bill passed.

Current rules on blasting at coal mines are extremely weak and rarely enforced. People routinely have their homes damaged, their wells destroyed and must spend countless hours trying to prove their claims in court. Most complaints filed by citizens in West Virginia are for blasting problems, but state and federal regulators never give violations to the mine operators.

WVOP's bill in the state legislature would have shifted the burden of proof for blasting damage off of citizens and back onto the companies and forced them to prove damage to homes was not caused by their blasting. The bill would also provide protection from other types of blasting, such as for road construction, that are now unregulated.

The public hearing was a remarkable success for members' first lobbying effort and their bill gained wide support. Unfortunately, their success also forced the coal lobby to pull out all the stops and they kept the bill from passing this time.

WVOP members were able to claim victory by winning a resolution in both the House and Senate calling for a study on blasting problems. The resolution requires recommendations on blasting be prepared for next year's legislative session.

Last year, no one in the state legislature could imagine imposing stricter regulations on blasting. This year, WVOP's hard work gained them wide media coverage and forced blasting regulation on the legislative agenda.

The members are proud of their effort and intend to use their experience to see the bill passed into law next year. ♣

Montanans keep watchdogging mine

For years, CCC's past Chair Ellen Pfister and her neighbors in the Northern Plains Resource Council (NPRC) have closely watched Mountain Inc.'s underground mine in the Bull Mountains of eastern Montana.

"Our first priority is reclamation."

Their efforts to assure the mine complied with the law may finally pay off because the state recently ordered the company to clean up the mine and resolve six outstanding violations. Mountain Inc. has until May 9 to comply with the order or its permit will be revoked.



Ellen Pfister, former CCC Chair. (C. Johnson)

Mountain Inc. has had many financial setbacks and NPRC members have feared the company would walk away from the mine.

Jeanne Charter, who also ranches next to the mine, expressed her relief at the state's effort to enforce the law, "Our first priority is reclamation. Therefore, we are absolutely delighted the state has finally gotten after Mountain Inc."

The ranchers from the Bull Mountains are pleased with these developments, but they know their watchdogging is not over. A Canadian company is now trying to acquire Mountain's permit and the work of enforcing the law may begin again. ♣

Citizens picket official's home

On April 22 (Earth Day), 20 members of Support Native Resistance traveled to the suburbs of Denver, Colorado, to hold a peaceful demonstration at the home of Rick Seibel, Director of the Office of Surface Mining's Western Regional Coordinating Center.

The action called attention to Seibel's failure to enforce the law and to stop the environmental damage committed by Peabody Coal Company at its Black Mesa mining complex on the Navajo Nation in Arizona. Seibel is in charge of regulating coal mining at Black Mesa and has allowed Peabody to make the lives of many Navajos miserable through his failure to enforce the federal coal law.

During Seibel's term as regional director, Peabody has polluted the air and water, forced residents from their homes and mined without the written permission of residents, damaged homes from blasts at the mine, strip mined and destroyed over 100 grave sites, and sickened many residents and killed their livestock.

Participants included students, supporters of Native American rights and CCC members. Demonstrators handed out several hundred flyers to Seibel's neighbors that outlined the



Protesters gather at the home of OSM's Rick Seibel. (Johnson)

environmental destruction Peabody has committed. The protesters vowed to keep up their pressure until Seibel decides to stop the wrongs being done to Native Americans and enforce the federal coal law. ♣

Powder River coal developments

Members of the Powder River Basin Resource Council (PRBRC) continue to monitor coal development in Wyoming's Powder River Basin. The basin is the highest producing coal field in the nation and is home to some of the largest strip mines in the world.

Unfortunately, Wyoming is also home to state regulators who traditionally act as agents for the industry and a federal Office of Surface Mining (OSM) headed by Guy Padgett, a former Consol employee who has a reputation for favoring industry over environmental protection.

Given this lack of regulation, PRBRC members are often the only force preventing complete lawlessness in the basin and they have been active on many fronts.

Bonding: Members have begun raising questions about the adequacy of the reclamation bonds on many of the basin strip mines. For years, they have questioned whether the state could completely reclaim the mines if they went out of business. Now that the price of coal is so low, some mines have already closed down.

Coalbed Methane: Coalbed methane development has skyrocketed recently, the Bureau of Land Management reports industry wants to eventually develop 3,000 wells. Environmental destruction accompanies gas development and PRBRC

"This is a national disgrace! We have the largest coal production in the U.S. and I bet we have the poorest record on reclamation."

Dave Stueck, PRBRC

members have been complaining about the depletion of ground water, destruction of pastureland from ground water discharges, and gas seeping into homes and wells.

Wyoming citizens are well aware of the destruction already caused by coalbed methane development in Colorado's San Juan Basin. They have called for a ten year moratorium on new well drilling to fully measure the impacts on gas development.

Leasing: PRBRC members have been watching the recent acquisition of new federal coal leases by a number of big strip mines. They are concerned the federal government is handing out corporate welfare by leasing coal to companies with plenty of available coal when the price of coal is at historic lows.

Permit Renewal: Nearly two years ago PRBRC sued the state for illegally issuing automatic permit renewals although no mining had taken place. PRBRC recently won this suit, forcing an end to this practice. ♣

News from the Grassroots

The fox, hens, and methane gas

The villagers pleaded for protection from coal bed methane gas drilling, the talking chicken said they needed help from the Colorado Oil and Gas Conservation Commission (COGCC), the fox representing the COGCC was glad to guard the hen house, and the oil and gas industry executive cheerfully urged legislators not to protect homeowners.

This skit was staged at the La Plata County courthouse by members of the **San Juan Citizens Alliance (SJCA)** during a February meeting about reforming the Commission.

Alliance members have repeatedly compared the commission's pretense of regulating the state's oil and gas industry is like the fox guarding the hen house. State law now requires 5 of the 7 members to have extensive oil and gas experience, and this usually means they have conflicts of interest from their work in the industry.

Coal bed methane gas drilling has wreaked havoc on the environment in southwestern Colorado and northwestern New Mexico. Gas wells pollute drinking water wells and streams, seeps emit poisonous "rotten egg" (hydrogen sulfide) gas, explosive levels of methane have been found in homes and the constant noise of production facilities disrupts this once-quiet rural area.

Surface owners have no legal rights to prevent or control drilling, so Alliance members are waging a long-term campaign to reform the Commission.

The skit was a great success and the media coverage allowed thousands of people to get a clear visual message of the problem with the industry regulating itself. ♣



A regulatory fox guards the hen house (with live chickens!) in a skit performed by the San Juan Citizens Alliance to show conflicts of interest by members of the state commission that is supposed to oversee gas drilling. (SJCA)

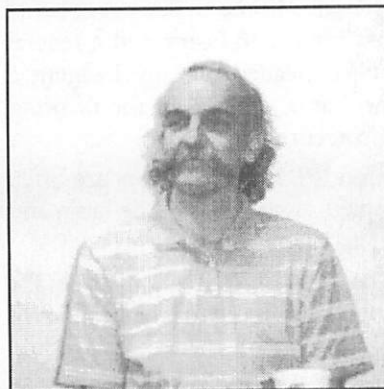
Kentuckians push for fair taxes

Ten years ago, **Kentuckians For The Commonwealth (KFTC)** members forced the state to begin taxing unmined coal at the same rate as surface land. This effort ended the practice of taxing unmined minerals so little that no one even bothered collecting it.

This spring, however, the coal companies and their allies in the state legislature tried to overturn the tax that has benefited many communities in eastern Kentucky. Since 1988, some counties have received \$500,000 or more each year of critically needed funds for schools.

"I don't think they wanted to take us on in another constitutional amendment battle."

The legislators who pushed to overturn the law made no proposal for replacing the lost funds. Recently, KFTC members from Leslie County asked state Senator Robert Stivers what counties and schools would do without the revenue.



KFTC's Herb Smith. (KFTC)

Stivers, who backed the effort to repeal the tax, replied, "We'd just have to learn to do without. We always have."

Fortunately, KFTC members are a formidable presence in the halls of the state legislature and they easily defeated this year's attempt to overturn the tax. According to Herb Smith, "KFTC has shown its effectiveness. I don't think they wanted

to take us on in another constitutional amendment battle."

Smith belongs to KFTC's unmined minerals committee that works to get counties to levy and collect the tax. ♣

Saving West Virginia's mountains

In early April, the **West Virginia Highlands Conservancy** and 10 citizens filed a notice of intent to sue the WV Department of Environmental Protection (DEP) for failing to control mountaintop removal strip mines.

Citizens have repeatedly charged both federal and state regulators allowed these huge strip mining operations without regard for the devastating environmental and human impacts. People living near these mines have their homes damaged from blasting, suffer huge amounts of dust and noise, lose their drinking water and live in fear that the massive valley fills looming above their homes will fail.

The notice states that, "By routinely approving surface mining operations which decapitate the state's mountains and dump the resulting waste into the streams, the DEP's director has abdicated his responsibilities." DEP is also charged with violating the federal Clean Water Act by allowing waste rock to be dumped into streams and with violating the federal coal rules that ban strip mining within 100 feet of a stream.

Regulators have 60 days to start fixing the problems in order to avoid a lawsuit.

The devastating impacts of mountaintop removal are continuing to gain national attention and West Virginia citizens are confident the time is right to control these huge mines. In April, the national news program *Nightline* featured a 30 minute story highlighting the huge impacts of mountaintop removal strip mining.



Mountains are removed and valleys filled in WV. (Penny Loeb)

After years of ignoring their duties, both state and federal regulators continue to downplay the reality faced by coal field citizens. Roger Calhoun, director of the Charleston field office of the US Office of Surface Mining, tried to shrug off the problems caused by mountaintop removal. Calhoun told the *Charleston Gazette*, "This is not the biggest environmental issue in the state. I have other things to do." He later told CCC, "this was a poor statement for me to make." ❖

Dakotans win water

Members of the **Dakota Resource Council (DRC)** are confident their three-year struggle to force coal companies to replace wells destroyed during mining has ended in victory.

In March, the North Dakota Public Service Commission (PSC) issued a rulemaking proposal that would require 77 percent of all destroyed wells be replaced automatically by the coal companies.

According to Gene Wirtz, "Our efforts to raise the awareness of the Commissioners on the importance of water in achieving complete reclamation paid off. We think having 77 percent of the mined-through wells replaced without question is something we can live with."

State law prohibits coal companies from owning land after reclamation is complete. The land is typically sold to farmers and ranchers who depend on water sources for their livelihood. The state previously backed rules that would have required companies to replace any destroyed water resource only if replacement was first proven to be in the "public interest."



DRC's Gene Wirtz. (Carolyn Johnson)

DRC members are pleased with their victory, but they have no intention of letting down their guard. Instead they'll be fighting to assure that coal companies replace every destroyed water source. ❖

SOCM demands the right choice

In February, **Save Our Cumberland Mountains (SOCM)** members kept up the pressure with their campaign to have OSM declare the watershed of Fall Creek Falls State Park off limits to coal mining. Members met with OSM Director Kathy Karpan to make their case for protecting the park.

The park contains the highest waterfall east of the Mississippi and is located above a very toxic coal seam. SOCM argues any mining within the park's watershed will create a permanent source of acid pollution and has found numerous examples of acid pollution surrounding the park.

Karpan told SOCM she wants OSM decisions based upon science, including whether to protect the park. Members know OSM management has never considered sound science a decision making tool and are continuing their public education campaign.

Stripmine Committee Chair Landon Medley closed the meeting with Karpan by saying, "My mother taught me the difference between right and wrong. And we all know that it is right to protect Fall Creek Falls."

Amax fails to make pre-blast surveys

During Karpan's meeting with SOCM, members asked her if OSM officials had met with the citizens of Hitchcock Cemetery, a community near Cyprus Amax's Big Brush Creek No. 2 strip mine. SOCM has appealed the mine's permit and over a year ago had asked OSM to meet with the community.

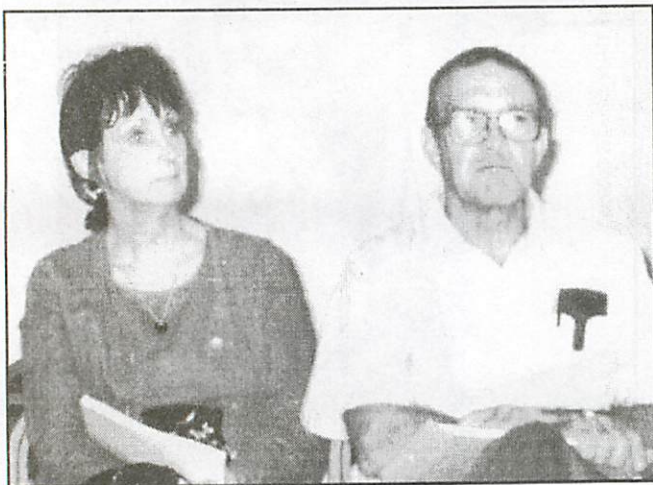
An OSM inspector at the meeting said he'd met with community members two weeks earlier and found water quality problems and possible blasting damage. He admitted Amax had not conducted a pre-blast survey of the community.

Landon Medley remarked, If Amax isn't "doing pre-blast surveys at the most controversial strip mine in Tennessee, then I hate to think what they are doing elsewhere."

Officials assured SOCM the agency had given Amax a Notice of Violation and the company was now conducting pre-blast surveys. Members reminded officials that blasting had already begun so Amax was doing "post-blast surveys." ❖



Amax failed to make pre-blast surveys of homes near its Big Brush mine in Tennessee. Homes can be destroyed by blasting, as happened to this home in Kentucky. (OSM)



JoAnn and Doyle Coakley want to know why OSM doesn't inspect in West Virginia. Doyle represents the state on CCC's board. (OVEC)

West Virginians demand inspections

In April, members of the **Ohio Valley Environmental Coalition (OVEC)**, the **West Virginia Organizing Project**, the **West Virginia Highlands Conservancy**, and other environmental groups met with officials from OSM in Charleston, WV.

OVEC and the other groups called the meeting to find out why OSM had made no complete oversight inspections of West Virginia mines in October, November and December of 1997 while citizens are suffering major impacts from the huge strip mines. OVEC member John Taylor told the officials, "You understand, people's home places are being destroyed."

Members continue to pressure elected officials and regulators to control the state's huge mines. According to OVEC's Laura Forman, "These people know we aren't going away. We're taking every opportunity to get our point across." ❖

For shame...The Bad Actors

OSM's 'Oopsie' awards

With great fanfare, the US Office of Surface Mining (OSM) gives coal companies awards for what is claimed to be outstanding reclamation. Many states do it too.

CCC believes in honoring great work in any field, but often the awards go to mines that flagrantly violate the law or barely meet the minimum standards. As John Wathen, **Friends of Hurricane Creek** and CCC board member from Alabama, has observed, "The awards seem to be given out to any company managing to stay open and not go bankrupt."

"Excellent" Reclamation?

OSM gave Drummond Coal's Kellerman strip mine an award for "excellent reclamation" to celebrate the 20th anniversary of the federal coal law last August.

Alabama regulators nominated Drummond for the award and released the first phase of the company's reclamation bond after declaring that Drummond had complied with the law. The law requires a mine to remove machinery, backfill and grade the pits, and make stable slopes that don't erode before the bond can be released.

Wathen took CCC staff in Denver, Carolyn Johnson and Dennis Short, on a tour of the mine near Tuscaloosa. A billboard at the mine entrance brags on Drummond's award from OSM. Right behind the billboard is Oopsie #1 — Drummond didn't remove a huge, rusting dragline.

Oopsie #2 is a supposedly reclaimed slope with a maze of gullies eroding down its length. Here we met Roger Evans, Drummond reclamation engineer, and Tommy White, state inspector. We asked why Alabama released the bond on the eroded area. Both ignored the question. Evans said, "We're proud of our work here even though we've had a drought."

He expected us to believe that drought — not rain on poorly graded slopes — caused the gullies. We giggled. Then White jumped in with a knee-slapper: "Conditions are different here than in Colorado where you're from. This is one of the best reclamation jobs in Alabama, and that's why OSM gave it an award." Oopsie #3.

Johnson couldn't help herself. "Did OSM chose this mine with so many obvious problems because it was desperate to give an award in Alabama?" After a long silence Evans finally replied, "I guess we ought to fix it."



(C. Johnson)

Welcome to Big Spoil Country

OSM gave Western Energy's Rosebud mine in Montana a "reclamation hall of fame award for reclamation that has withstood the test of time." The picture in OSM's 20th anniversary brochure shows a park-like setting that all but invites the viewer to amble through the lush grass and spread out a picnic lunch under the ponderosa pines.

Ranchers Ellen Pfister and Jeanne Charter, visited the mine last summer and found Western Energy was years behind in keeping reclamation current with mining. They drove 7 miles beside the spoil ridges and didn't reach the end. A company employee told them it stretched on for another 5 miles.

Federal law requires strip mines to reclaim as they mine, first moving the spoil back to the pit. At western strip mines, however, federal and state regulators routinely ignore this basic standard and have approved mining plans that let the companies evade their reclamation responsibilities for years. ♣

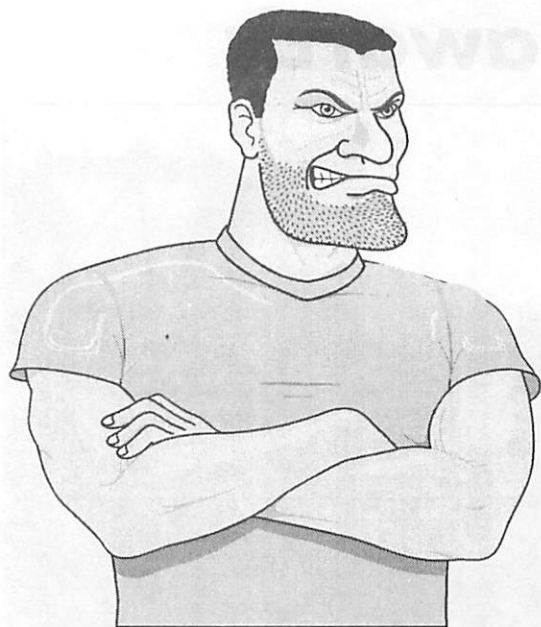


Western Energy's spoil piles stretch 12 miles; Montana doesn't enforce reclamation rules. (Pfister)

Organizing Toolbox

Dealing with bully tactics

By Carolyn Johnson



As surely as the sun rises in the east, the more effective your citizen group is, the more tempted your opponent will be to try bully tactics.

Coal companies, in particular, have a long history of bullying to win and keep their power.

Do you have to put up with these tactics or give up? Absolutely not!

No matter how tough it gets, the challenge for your mem-

bers is to win your struggle as proud survivors and not let yourselves become victims of bullying.

Bully tactics are different from a spirited fight. They're aimed at tearing down your leaders and members by sapping your energy and keeping you so scared, defensive or fighting among yourselves that you can't continue your campaign.

Some tactics bullies use

Name-calling is often the first bully tactic used. Company or government officials want to divide and conquer by building a wall between our members and the community so they label us as "radicals," "extremists," "no-growthers," "tree huggers," "econazis," "queer enviro sissies," or call us crazy, mis-informed, or emotional.

Ignore your leaders. This ranges from refusing to meet or talk with your leaders for not "really representing the members' views" (as if they would know!) to calling them names or even claiming that a leader has threatened their personal safety.

Target your donors to stop giving by spreading misinformation, rumors and threats. Two Wyoming coal companies — ARCO and Kerr McGee — used a hardball version of this tactic on two church organizations that donated to the Powder River Basin Resource Council. Company employees dropped notes in the collection plates at church services that said they had stopped giving because the Council had received grants from the national church organization to "take away my job."

Threaten a member's job, kids, income, job prospects, or physical safety.

Harm or attack a member's job, kids, income, property or person.

Bully tactics usually start with name-calling, then escalate to threats and may go all the way to physical, economic and legal attacks on people, their property, and their reputations.

Steps to take

You can't prevent bully tactics from being tried but you can reduce their effect and make it unlikely the tactics will escalate. Like the playground bully we all met as kids, an adult bully tends to wilt when faced with unified opposition.

Talk about what's going on in your group. Bullies depend on fear and rumors. Unless you talk about it, some members may not know why it's happening — your opponent is desperate to shut you up — or wonder if they've joined a group of nuts.

Take people's fears seriously. Don't make fun of their fears but don't feed them either. Bullies try to spread fear to keep people from joining or supporting your group and to make the members avoid taking the actions needed to win. Work it out by asking what is the worse thing that can happen. Then figure out how you can respond to that. Next, ask what is the second worst thing that can happen, and figure out how to deal with that.

Stick together and treat name-calling, threats, or attack against any member as an attack against the whole group. Involve everyone in planning your response and fighting back. You don't want one person to take all the heat or a dictator to make all the decisions.

Proudly stick to your message and use every opportunity to say what you're for. Some groups make the mistake of being defensive about their goals and denying their opponent's charge — "we're not against jobs" — instead of saying, "we stand for a healthy and prosperous community."

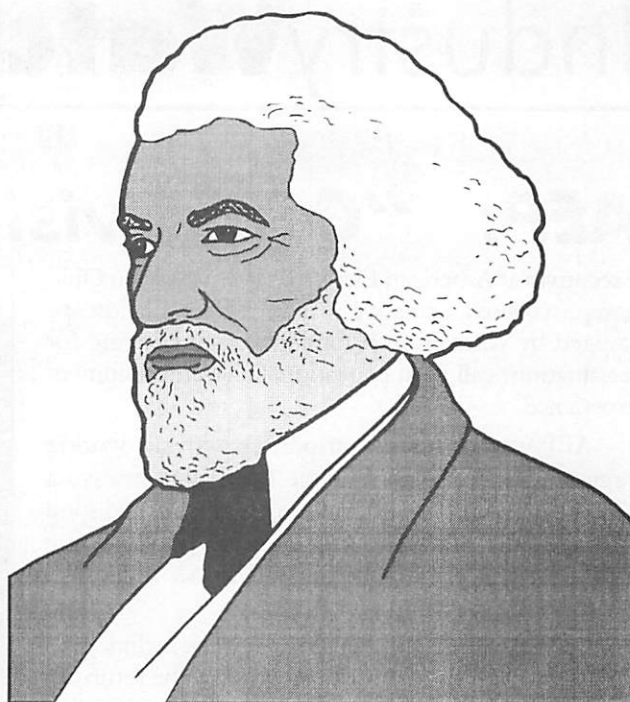
A few groups make the even more serious mistake of overreacting. To avoid being called "radical," they stop or never start doing protest activities. To avoid being called "emotional," they take the passion and zip out of their public statements. To avoid being called "environmentalists," they break off ties with useful allies. These are terrible mistakes! Coal operators call you these names to try to trick you into

Those who profess to favor freedom, and yet depreciate agitation, are men who want crops without plowing up the ground. They want rain without thunder and lightning.

This struggle may be a moral one; it may be a physical one; or it may be both moral and physical. But it must be a struggle.

Power concedes nothing without a demand. It never did and it never will. Find out just what people will submit to and you have found the exact amount of injustice and wrong which will be imposed upon them, and these will continue until they are resisted with either words or blows, or with both.

The limits of tyrants are prescribed by the endurance of those whom they oppress.



Frederick Douglass, August 4, 1857. Douglass was a leader of the struggles to abolish slavery and to grant citizenship and voting rights to all Americans.

Dealing with bully tactics — *continued*

adopting ineffective tactics. These groups always lose unless they re-group with new leaders. No miracle can save your campaign if you've thrown away some of the most effective tools in a citizen group's chest.

Collars up front. Cut down the risk of bullying tactics at your meetings and events by having prominent roles for clergy, senior citizens, children, pregnant women and veterans. Bullies are very reluctant to misbehave in front of clergy or to publicly get rough with seniors, kids or pregnant women. Vets wearing their VFW or American Legion uniforms and service medals are good insurance too.

Respond — fast — in public with physical action that spotlights your opponent and highlights what you're fighting for. Fear can paralyze your group if you let bullying go unanswered. Take action at the first sign of bullying. Actions include marches, rallies, and prayer vigils with your allies.

What happens if you don't take firm action at the first sign of bullying? Your opponent probably will suspect the group is weak and won't stick together. Often the bullying will get worse and more direct.

Use humor judo at the name-calling stage. Your group can have a lot of fun and both spotlight the

bullying and back off your opponent. Have a rally where your members carry posters or wear t-shirts using your opponent's words and **name your opponent**: "Another radical econazi for clean water and I vote! Clean up Ripper Coal." Your opponent may well be laughed or shamed out of town, and your energy will attract more allies because people can see your group takes positive action.

What if it's rumors, anonymous phone calls, or other bully tactics that can't be traced directly to your opponent? Invite your opponent join you in a public pledge of "no violence, no harassment in our community." If your kids are threatened at school or at the bus stop, your group can visit the school authorities and work together on prevention.

If the problem is physical threats or attacks against your homes and families, ask local churches to denounce violence or bully tactics from the pulpit and to call on all parties to "engage in civil discourse." Report all threats and attacks immediately to law enforcement authorities, take pictures, make written reports and file charges.

But remember, many bullies just talk, and they scatter like cockroaches when the lights go on. ♣

IndustryWatch

AEP: "Come visit our fantasy land"

Executives at American Electric Power (AEP) in Ohio have discovered a creative way to restore a landscape ravaged by years of strip mining without paying for reclamation: call it an educational and entertainment experience.

AEP wants to take a strip mine with the world's largest dragline, a 17-acre pit filled with water, a 130-foot high and 4,000 feet long highwall, and spoil piles and call it a museum. AEP's act of public service would also save the company up to \$3 million in reclamation costs.

Special features of AEP's showpiece include gob piles sprayed with herbicides to prevent the return of native vegetation and a new paint job for the drag line — the "Big Muskie." Company officials estimate they can transform the ravaged landscape into a museum for a mere \$750,000.

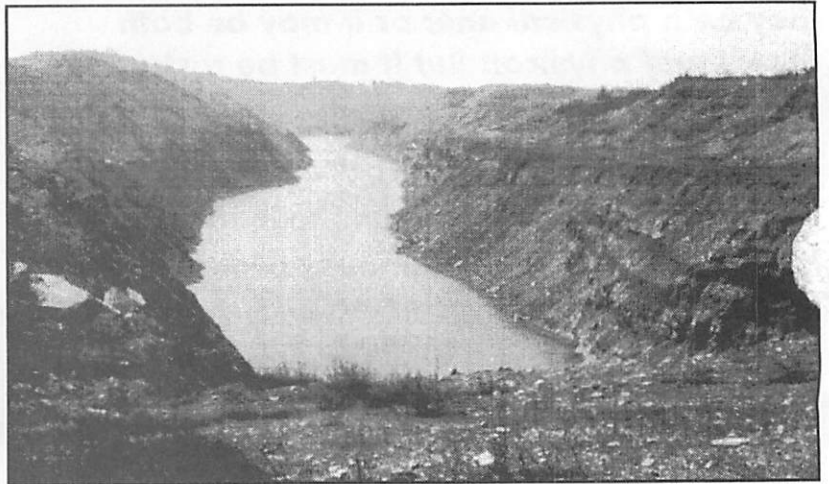
Ohio citizens think the proposal absurd, and even OSM has opposed it. According to Jason Tockman of the Buckeye Forest Council, "There is no absence of abandoned mines in Ohio that could be used for public tours, if that's truly the intent of the proposal."

"There is no absence of abandoned mines in Ohio that could be used for public tours."

State regulators have wholeheartedly embraced this new alternative to reclamation, calling it an "entertainment concept." CCC told state officials that if they liked this proposed park so much, they should develop a new franchise of similar "family-centered" entertainment complexes at other environmental disaster sites such as the toxic dump at Love Canal, the failure of the nuclear plant at Three Mile Island, and the Exxon oil spill in Alaska.

The federal government refuses to spend the funds available to help clean up Ohio's 591 abandoned mines. State regulators are turning this federal policy into an opportunity, fully adopting Interior Secretary Babbitt's "win-win" approach to creative regulatory non-enforcement.

CCC members from Ohio are encouraged to take photographs of the gob piles, high walls, polluted streams and other abandoned mine problems in their area. Send them to the Ohio Division of Mines and Reclamation because if AEP has its way, you may be living next to the newest Disney World. ♣



AEP would save \$3 million in reclamation costs by leaving the highwalls, spoil piles, dragline and pit as a strip mining museum.

Companies reap what they donate

In 1996, coal companies invested heavily in the election of West Virginia Republican Governor Cecil Underwood. They are now reaping the rewards for their donations.

Coal companies gave Underwood more than \$250,000 for his election and kicked in another \$250,000 for his inaugural bash. These same companies also owe the state tens of millions of dollars to the state's workers compensation fund.

Before his defeat, former Governor Gaston Caperton had begun filing suits to collect the overdue funds. One of Underwood's first actions was to appoint William Vieweg, a former Island Creek Coal Company executive, to be employment programs commissioner. Vieweg quickly withdrew support from the pending suits and halted future suits. Island Creek had been targeted by Caperton.

The largest coal company donor to Underwood was A.T. Massey and Fluor, its California-based parent corporation. Massey executives raised \$100,000 for Underwood and Massey subsidiaries gave another \$10,000 for the inaugural party.

Over the past 20 years, Massey hired more than 475 contractor miners in Appalachia. Most went out of business but some 100 mined coal in West Virginia and owe about \$30 million in workers compensation. ♣

Why I joined CCC & you should too!

The only way we have to fight back is by sticking together. In 1994, my husband Ken and I learned that Basin Electric's coal mine had for many years dumped asbestos and all kinds of other toxic waste on our farm without our knowledge and permission. We never would have gotten anywhere without all the help we got from CCC.

The moral support and advice from members around the country makes membership in CCC a good value for our dollar. Please join CCC today — together, we can win.

Gwen Thompson

Yes, I want to become a member of CCC:

Name _____

Address _____

City _____ State _____ Zip _____

Telephone _____

Membership Amount: _____ \$250; _____ \$100; _____ \$50;

_____ \$25 Low income or student: _____ \$15

_____ I support the purposes of CCC.

Send your check or money order to:

Citizens Coal Council

1705 S. Pearl St., #5

Denver, CO 80210

Contributions to CCC are tax deductible



Gwen Thompson of Center, North Dakota, is a proud member of the Citizens Coal Council and urges you to join with her.

Please send me the following materials

	Each	Quantity	Total
Strip Mining Handbook: A Coal Field Citizens Guide	\$5.95		
How to Protect Your Land and Water from Underground Mining	\$3.00		
Yes, Virginia, We Still Mine and Burn Coal in the US (factsheet)	5/\$1.00		
The Campaign for Jobs and Justice in the Coal Fields (factsheet)	5/\$1.00		
Special 20th Anniversary Edition of the CCC Reporter	\$2.00		
Citizens Handbook on Blasting	\$5.00		
Shear Madness (US News & World Report on mountaintop removal reprint)	\$2.00		

Postage and handling: \$5.00 or less = \$1.00; \$5.01 to \$10.00 = \$2.00;

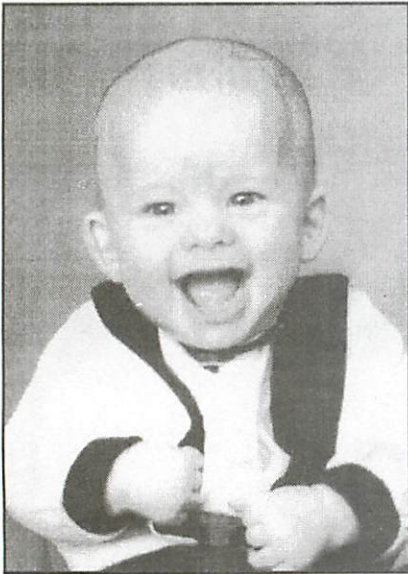
\$10.01 to \$15.00 = \$3.00; \$15.01 to \$20.00 = \$4.00

P & H \$ _____

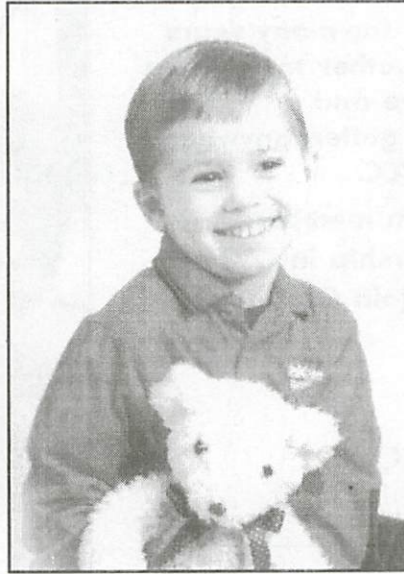
Total Enclosed

\$ _____

Meet the folks of CCC



(Lachelt)



(Family Album)



(Johnson)



(WVOP)

Young members of CCC live in every state. At top left: **Benjamin**, 9 months, son of Gwen Lachelt and Trish Rickey from Durango, Colorado. His mothers are members of the **San Juan Citizens Alliance**. Top middle: **Jeremy**, 4, son of Kim & Gene Wirtz, is a member of the **Dakota Resource Council** and lives on a farm at Underwood, North Dakota. Top right: **Jake Hammond Johnson**, 5, lives with Carolyn Johnson and is a full-time volunteer in the Denver office of CCC. Jake has cleaned up more miles of streams on his weekends than Bruce Babbitt has during his entire career. Bottom: **Kayla Bragg**, daughter of Trish and Dewey Bragg, and **Dustin Moore**, son of Vicky and Tommy Moore, lobby for the **West Virginia Organizing Project's** bill in the state legislature to protect homes and families from the physical, economic and psychological impacts of blasting.

Citizens Coal Council
1705 S. Pearl St
Denver, CO 80210-3158

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