

WAGING DEMOCRACY IN THE KINGDOM OF COAL



**OVEC and the Movement for Social and Environmental
Justice in Central Appalachia 2002-2003**

A Collaborative Ethnography

**The Center for Folklore and Ethnography
University of Pennsylvania**

The Ohio Valley Environmental Coalition

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Table of Contents**

**Key to Acronyms for Organizations, Government Agencies, Legislation, and
Practices used in this Ethnography:**

AEP – Appalachian Electric Power
AOC – Approximate Original Contour
CCC – Citizens Coal Council
COE – Corps of Engineers
CRMW – Coal River Mountain Watch
DEP – West Virginia Division of Environmental Protection; offices in Nitro, Logan, and
Oak Hill played a role in this project
EPA – Environmental Protection Agency
FATT – Flood Analysis Technical Team
FTAA – Free Trade of the Americas
IGCCC – Interfaith Global Climate Change Campaign
LBA – Lucy Braun Association for the Mixed Mesophytic Forest
KFTC – Kentuckians for the Commonwealth
KRC – Kentucky Resources Council
MSHA – Mine Safety and Health Administration
MTR – Mountain Top Removal
MWA – Mountain Watershed Association
NEPA – National Environmental Policy Act
OSM – Office of Surface Mining
OVEC – Ohio Valley Environmental Coalition
PERC – Peoples’ Election Reform Campaign
SMCRA – Surface Mining Control and Reclamation Act
UMWA – United Mineworkers of America
WVOP – West Virginia Organizing Project

Cover Photo: Funeral for the Mountains, Charleston, WV. OVEC Photo by Janet Fout.

WAGING DEMOCRACY IN THE KINGDOM OF COAL: OVEC AND THE MOVEMENT FOR SOCIAL AND ENVIRONMENTAL JUSTICE IN CENTRAL APPALACHIA

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“Work flows out of a sense of the importance of relationships.”

Dianne Bady

Prelude

It is unforgettable, this sundappled, breezy moment on the deck of The Lodge at the Pipestem Resort in southern West Virginia. Below the deck the mountain dips dizzily toward the nadir of an invisible stream, bursting somewhere beyond that into a panorama of mountain ranges that lures people of every political stripe to this place. Reflected in the Lodge's windows and doors, the range surrounds us as we join hands to form the closing circle for the Fourth Summit on the Mountains. Poet Bob Henry Baber enchants us with a litany of kisses for things seen and unseen in our environs, and Dave Cooper brings out a sphere of brown yarn the size of a soccer ball. He hands it to Janet Fout, who explains the ceremony that will connect us before we scatter. Holding onto one end of the yarn, Janet launches the ball across the circle. “I feel fortified,” she declares. Trailing a single strand, the ball begins unraveling, bouncing to the feet of Julian Martin, a senatorial figure who is a leader of the West Virginia Highlands Conservancy. He picks it up, and retaining a bit of yarn around a finger, tosses the ball toward Jen Osha. “I feel exhilarated.” Two strands now form an X. Jen, a musician and writer, from Preston County, lobs the ball to me. “I feel encouraged,” she breathes. Three strands. “I feel hopeful,” I say, tossing the ball, then scrambling to retrieve the part I was supposed to hold onto. Four strands. As the web thickens the adjectives mount: people profess feelings of peace, purpose, loyalty, empowerment, inspiration, satisfaction, amazement, gratitude. Toward the end, the yarnless must raise empty hands to make themselves known. Dave Cooper is the last to catch it. “Whew!” he says, expressing relief, and echoing the last line of Bob Henry Baber's poem. We laugh and gleefully flex our connective tissue. It appears strong enough and thick enough to bounce a cat, or at least a heavy squirrel. Not tensile enough to deflect flyrock, perhaps, but what it betokens might yet prove to be. We drop our yarn and around the slackened threads the good-bye hugs proliferate, reflected in shimmering glass doors against a backdrop of West Virginia hills.



Closing circle and yarn toss at Summit for the Mountains, Appalachian Folklife Center, Pipestem, WV, August 26, 1999. Photo by Mary Hufford.

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The closing circle at Pipestem epitomizes the philosophy of Leadership for a Changing World practiced by the leadership of the Ohio Valley Environmental Coalition since the late 1980s. We might term it a rite of consensus, recalling that the etymology of consensus means “feeling with” in the sense of feeling together (James Fernandez, cited in Noyes, 1993:138).

Through rites like the closing circle, OVEC expresses and intensifies consensus at its most radical. Change can come about through force imposed from above, or it can happen through the cultivation of community at the grassroots level. Laura Forman, Dianne Bady, and Janet Fout have made cultivating community out of and around the medium of the environment their focus. As folklorist Dorothy Noyes describes this dynamic in relation to the Patum, a Corpus Christi festival in Catalan, “Communal action creates a shared reality, and over time, a fund of common experience makes mutual understanding at some level possible... Near universal Patum participation in Berga guides the senses of the entire community in the same direction, obliges them to feel together in a way that their divided everyday experience can never foster.” (1993:138). Overcoming the divisions of everyday life, OVEC continually generates communal time and space around the project of retrieving an ecological citizenship, which means resuturing what Enlightenment science and economics has sundered. The message: we care for the environment by caring for each other. This project is not simply

about fixing the system by changing the power supply from carbon to hydrogen. This project requires a Higher Power Supply, which OVEC's staff leaders tap into through meditation, immersing themselves in nature, a constant channeling of faith, hope, and love, and a dependence on miracles.

Part I: Background on OVEC and the Collaborative Ethnography

Two of the people mentioned in the description of the closing circle, Janet Fout and Dave Cooper, comprise half of the full-time staff for the Ohio Valley Environmental Coalition, whose work is the focus of this study. The other half, Dianne Bady and Vivian Stockman, were also present at the yarn tossing, holding up their end of the connection. Also very much present was Laura Forman, the charismatic organizer whose death opened the position taken by Dave Cooper. With Dianne Bady and Janet Fout, Laura had been awarded a Ford Foundation Leadership for a Changing World Award in 2001. Shortly after Laura, Janet, and Dianne had begun working on a collaborative ethnography of their leadership practices with Richard Couto in November of 2001, Laura collapsed while speaking at a protest outside of the U.S. Army Corps of Engineers facility in Huntington. Her death sent shockwaves through the activist community, creating a rupture that people mend through the ceaseless scanning for signs of her continuing presence and work for and through the community. Like others who have died with so much unfinished business, and without saying good-bye, Laura appeared to members of the community in signs of small sacred things like Carolina wrens, poet's daffodils, and hyacinths, condensing into real presence for Dianne, who was overwhelmed with grief, and then also anger, at Laura's absence. Recalling Laura's visit in an e-mail to me, Dianne wrote, "It was about two weeks after Laura collapsed and died in front of me. I was having many flashbacks that would leap into my mind at any time – the paramedics ripping her blouse off to shock her heart, while the TV cameras rolled; being in the hospital, when the doctor told about twenty of us that "Laura has passed," and all the women dropped to the floor in one big hugging screaming pile. After she died I talked to her in my mind a lot: 'Laura, are you okay?'" I asked over and over again.

"I dreamed that the whole horrible morning of Laura's death was happening, every detail was exactly the same. But this time, when Laura collapsed, I KNEW she would die. I screamed and screamed. I woke up, standing upright in my bedroom screaming. And there, just behind my left shoulder, stood Laura. Shortly after I saw and felt her presence, she was gone. "Afterwards I thought, how could the message be any clearer? I'd been asking if she's okay. In the dream I had to watch the circumstances of her death all over again. But immediately after the dream, there she was, just behind my left shoulder. It was as if she were saying, "Don't worry, I still AM. My spirit is not dead." Signs of Laura's continuing re-incorporation within the community appeared at the Summit. Laura was present in her words on the t-shirts worn by a number of participants: "West Virginia is truly almost Heaven. She has given so much to me. How can I not try to save her?" and in the special issue of *Winds of Change*, the OVEC newsletter dedicated to her memory, the Laura Forman Passion for Justice Award given at an award ceremony, and in repeated references to her throughout the summit. Laura was also present in a very tangible way as one of the women who gave this weekend of reflection and planning in one of West Virginia's most beautiful resorts as a gift to the

activist community, many of whom could not otherwise have afforded such accommodations.

The money for this event came through an award that Dianne Bady, Laura Forman, and Janet Fout won from the Ford Foundation's Leadership for a Changing World Program in 2001. Their channeling of this money into the activist community both as a gesture of gratitude and to further strengthen the work of social change in West Virginia provides one example of their approach to social change. This gift is like the ball of yarn in that it is a resource for nurturing and maintaining the web that is OVEC's object of stewardship. Before looking more closely at what the community makes of its yarn, a bit of background on OVEC is in order.

Brief History of OVEC

A straightforward account of the Ohio Valley Environmental Coalition's history may be found on OVEC's website (www.ohvec.org). The short description: "OVEC is people working together for a cleaner environment," heads the history. The coalition formed in 1987 "to mobilize citizen opposition to a proposed BASF chemical company hazardous waste incinerator near Ironton, Ohio." It took eight months of organizing in the tri-state area to defeat the proposal. Among the allies were the Oil, Chemical, and Atomic Workers' International Union. Over the next few years OVEC tackled a number of chemical waste and pollution hazards in the tri-state area of Ohio, Kentucky, and West Virginia. OVEC's early work, organizing citizens to pressure the U.S. Environmental Protection Agency to require pollution reductions, resulted in the U.S. EPA's Tri-State Geographic Initiative, a major program to stimulate pollution improvements. OVEC's work on the Citizens Advisory Committee resulted in pollution reductions at a number of area industries. Dianne Bady had been involved since 1986 in battle against Ashland Oil, one of the heaviest polluters in the country, for egregious violations of pollution control laws at its Catlettsburg, Kentucky plant. This battle, which lasted for more than ten years, succeeded in pressuring the U.S. Department of Justice to issue Ashland Oil a \$5.8 million fine, and \$27 million to bring their refineries into compliance with pollution laws. With the dust from this victory still fresh on its heels, OVEC then turned its attention to a plan by Parsons and Whitmore (formerly a British-owned corporation) to site North America's largest pulp and paper mill in Apple Grove, West Virginia. If approved by West Virginia's legislature and environmental regulators, this pulp mill would discharge dioxin into local waters, at a standard 90 times weaker than that recommended by the EPA. OVEC, as the lead organizer to stop the construction, formed a broad coalition, working with non-traditional allies, including organized labor. Significantly, after the fifth in a series of rallies, which brought out a thousand people to the state Capitol. Senator Jay Rockefeller, a former pulp mill supporter, changed his stance on the mill. Large numbers of citizens worked together defeated the pulp mill. Since 1997, when the pulp mill was defeated, OVEC has made mountaintop removal mining and West Virginia political campaign finance reform the principle foci of its staff. Around these foci, OVEC continues to support state, national, and local community efforts to keep the environment healthy.

From the website, the outlines of OVEC's mode of working emerge. They include community building, education through the dissemination of information based on thorough research, the cultivation and wise use of media, and a remarkable mastery of the

civics required to work within government structures. In an effort to defend and strengthen the laws that protect the country's environment – which we might think of as our connective tissue -- OVEC has been all over the legislative, judiciary, and executive branches of state and federal governments. Especially striking is the diversity of the groups with which OVEC engages: including councils of churches, labor unions, local, state, and national citizens groups, cultural organizations, conservancies, forest activists, scientific organizations, the academy, government agencies, and industry itself. For listings of OVEC's local, regional, and national collaborators, please see the appendices to this report.

OVEC's Mission, Goals, and Structure

OVEC's mission, as stated on its brochure and website is “to maintain a diverse, grassroots organization dedicated to improving and protecting the environment and empowering people to stimulate positive change.” Its goals for realizing this mission are to:

- Organize and empower people to oppose big polluters and other irresponsible corporations, with the goal of positive change.

- Organize citizen action to oppose mountaintop removal and other destructive practices

 - Educate the public about environmental threats in our region

 - Form coalitions that shift the balance of power towards the public interest

- Provide and promote an alternative vision of economic development and governance based on principles of social and environmental justice.

OVEC has four full time staff members:

Co-directors -- Dianne Bady and Janet Fout

Outreach Coordinator – Vivian Stockman

Organizer – Dave Cooper

And one part-time staff member who serves as Administrative Director, Maryanne Graham. The office utilizes volunteers and creates other temporary positions for contract staff members as funding provides. OVEC also has a board of directors (19 people) and a membership of about 800 people. Membership here can range from those who receive the newsletter and occasionally attend the events most relevant to them, to those who engage in a number of OVEC activities and show up repeatedly. While the office, where three staff people work, is located in Huntington, two staff members work out of their homes. The actual work flows around the state, region, and nation, which makes this ethnography something other than a classic ethnographic study of a community grounded in one place. Our effort to discern the shape of the locality OVEC builds with its members followed OVEC's own effort to construct a coherent space for itself locally, regionally, and nationally.

Prior Scholarship on OVEC and Post-Heroic Leadership

What kind of an organization is OVEC? What kind of work is it doing? What's the broader context within which previous studies have placed OVEC as an organization? Richard Couto, a political scientist who conducted the first set of interviews for this

study, included OVEC in the book he wrote with Catherine S. Guthrie, *Making Democracy Work Better: Mediating Structures, Social Capital, and the Democratic Prospect* (1999:155-57). He describes OVEC as a community-based mediating organization that deals with the negative externalities of environmental degradation -- the hallmarks of market failure in the Central Appalachian region that belong to the petrochemical, pulp, coal, and timber industries. The government may not enforce the laws that are in place to protect society from smokestack emissions and irresponsible dumping of toxic waste unless a community-based mediating organization demands it. OVEC built up its credibility through thorough research, yielding a disturbing picture of the degrading practices of Ashland Oil and BASF. It also brought impressive technical skills to the tasks of publicizing through the media, testifying at public hearings, lobbying legislators, and holding government agencies accountable. But, as Couto points out, the work of serving as experts and advocates was not helping them to “grow the movement” necessary for real change. For that, they needed to shift some of their effort from advocacy to more organizing in the communities most affected by the degrading practices of the region’s industries. Under the tutelage of Pete McDowell (then with Partnership for Democracy) and Joe Szakos (then with Kentuckians for the Commonwealth) OVEC developed a plan for developing the leadership skills and building the coalition community members needed in order to fight their battles over the long haul. To do this, OVEC annexed itself to the unfolding history of struggle for civil rights and environmental justice in Appalachia. Keeping this history alive is a vital part of the struggle of memory against forgetting that Milan Kundera says is the struggle of people against power (1978:1).

The important thing Couto draws our attention to is OVEC’s role in a continually emerging grassroots political formation that is vital to the democratic process, though not well supported institutionally. OVEC’s adversaries are daunting – since Dianne, Janet, and Laura won the Leadership for a Changing World awards, we’ve seen the movement of prominent adversaries in industry into positions of power and influence in the Bush administration. We’ve seen the Bush administration aggressively seek to change the laws that OVEC is seeking to enforce, and to weaken a number of provisions that protect communities from the negative externalities of the coal, timber, petrochemical, and pulp industries. However, we have also seen Julia Bonds, a leader in a community that OVEC helped organize, win the most prestigious environmental award on the continent, we have seen a federal judge rule against the coal industry, U.S. legislators mount legislation in opposition to the Bush efforts, and *The Charleston Gazette*, one of the few remaining independent newspapers in the country and therefore a vital public forum, remain solidly planted in Charleston.



What may look like a stalemate or an endless volley of tit for tat is actually an indication of the success OVEC and its affiliates. But what is the nature of the social change and how is it a result of the work of leadership? Conventionally, leadership implies two positions: a leader and a follower, a division that is antithetical to the approach that has developed in the central Appalachian grassroots, an approach that emphasizes reciprocity over hierarchy, dialogue over monologue. Is “leadership” the wrong word, or are we only now coming to terms with the paradox that Joyce K. Fletcher describes in her essay, “The Paradox of Post Heroic Leadership: Gender, Power and the ‘New’ Organization.” Fletcher describes a shift in frameworks for thinking about leadership “from a focus on individual achievement and meritocracy to a focus on collective achievement, social networks and the importance of teamwork and shared accountability. (Fletcher, 2002: 4) Is the term leadership even appropriate for this second model?

During our initial coffee with Dianne and Janet at Taylor Books in Charleston, research assistant Corinna McMackin and I puzzled with them over the term “leadership.” The term made all of us uncomfortable. It seems to go against the non-hierarchical, reciprocal web of relations OVEC is building, as a way of getting to a cleaner, safer environment. In an interview with Corinna, Dianne voiced a continuing discomfort with being asked questions about leadership, “as if I know something,” and went on to cite the importance of the connection that she and Janet share with the natural world “and their work to preserve it as a source of both the energy to sustain the battles and a major reason for their success” (October 16, 2002).

Whether heroic or post-heroic, the classic model of heroic “leadership” implies a system that, like the extractive economy, is export driven: what is exported is leadership, direction, expertise (cf. Jane Jacobs, *The Nature of Economies*, on the concept of export vs. import-driven economies (2000: 54-55). This is the model implied in Fletcher’s discussion of mothering. OVEC, however, is *not* export-driven, but import-driven. OVEC begins by importing what fortifies the spirit and channeling that into the work of community development. What comes back are the material resources they need to carry on.

Walking in the Fog as a Metaphor for Struggle

The most apt metaphor for OVEC’s leadership style is an image that Dianne and Janet call “walking in the fog.” Dianne writes:

In our work we are often thrown into totally unexpected circumstances that we don't know how to deal with. Our carefully developed plans often become suddenly irrelevant by a new development on the part of the Coal industry or the local, state, or federal government's capitulation to coal's demands. Or even by Laura's death. This not knowing is very difficult to deal with. Over the years, Janet and Laura and I together realized that part and parcel of our jobs was this total disruption of our plans and our subsequent not knowing what to do next. We learned together that in these situations, we needed to rely on pure spiritual trust. We developed the idea that sometimes we just walked through a fog, and that this IS the way it's supposed to be, it's not just a total disruption of our work – it IS our work. We learned together to rely on the trust that even though we don't see much of that path through the fog, if we consciously acknowledge our unknowing and our total confusion, and ask for the Grace to see the next few steps, that we WILL know what to do next. Maybe only the next step or two. But first, we must just live with the uncertainty and accept it. This approach has required a great deal of personal growth. It did not come naturally to us. But learning to think and act in this way has been crucial to our ability to continue fighting issues that many others have seen as impossible to win (personal communication, June 7, 2003)

Walking in the fog provides a metaphor for how OVEC positions itself. It runs distinctly counter to the much-vaunted ideal of the “visionary leader,” a claim that the coal industry makes for its leaders who are celebrated as “men of vision.” Indeed, some might argue that this is a fog produced in part by leaders who reduce reality to what can only be seen: the society of the spectacle (Debord). Navigating through fog, all of one's senses are keenly on the alert for signs – for the clanging bell-buoy, the smell of the marshes, the changes in the slope and surface of the path. To make it possible to dismantle mountains, the Corporate State has to stifle the signifying power of the world. Mechanistic Cosmology, its reigning myth (Reid, In press), makes this possible, but it has to convince the public that this is the only way of seeing the world. In order to do this, the Corporate State also has to suppress historical memory. If, as Kundera writes, the struggle of people against power is the struggle of memory against forgetting, part of finding one's way through the fog is remembering where one has been.

Orienting in the Fog: Some Guiding Principles

Through nine years of working together, Laura, Janet and Dianne developed a number of methods for orienting in the fog. Recurring scenarios have come to serve as cues for adopting particular stances and practices, which Dianne distilled into six guidelines:

1) *Radical Trust*: Explaining this concept, Dianne writes “Our experience has been that if we consciously act with integrity (however imperfectly we may carry out some things) if we treat others with care and respect, sometimes small miracles happen” (Personal communication, June 7, 2003).

2) *Listen carefully to others*: be willing to consciously put aside preconceived notions to really hear what someone else is saying. A related practice involves what Janet calls “listening to your heart.” (Interview with McMackin, October 14, 2002).

3) *Tolerate and respect the chaos* that one must inevitably face in this work and allow order to emerge from it: “We often follow our intuitive feelings as opposed to what our head says,” Janet told Corinna. “Power is not something that’s up here (she motions with her hands above her head), it’s decentralized. So that everyone is recognized as a leader...Our style of leadership, besides being democratic, is messy. It is chaotic.” (Interview with McMackin, October 14, 2002).

4) *Deal constructively with the pain and anger* that are inherent to this work. These teach humility and reliance on something greater than oneself.

5) *Focus on the strengths and potentials* of volunteers and partners rather than on faults and weaknesses.

6) *Deal directly and immediately with interpersonal conflicts* rather than letting them fester and explode.

Leadership, Gender, and Spirituality

Fletcher illuminates the paradox of “post-heroic leadership” by arguing that leadership itself is a masculine concept, inasmuch as it connotes traits traditionally ascribed to men in our society. She points out that these traits are of course idealized stereotypes, but the stereotypes exert pressure on men and women to “do gender.” The high incidence of women *as leaders* in the environmental movement can’t be ignored, and Fletcher theorizes that there is a distinct “feminine advantage” in an emerging model for leadership grounded in “relational skills and knowledge, and a more mutual, self-in-relation stance toward social interactions.” (Fletcher, 2002:6) Fletcher’s theories are based on interactions in the work environment, which may be why she can ask a question like: “Why, if these new models are aligned with the feminine, are not more women being propelled to the top?” An examination of OVEC, a sphere set outside the corporate world in which women do exert influence with no desire to be propelled to the top, should contribute to our understanding of how gendered social positions and ways of being are turned to an advantage in effecting social change.

OVEC’s leaders have not fallen into the “disappearing dynamic” that Fletcher ascribes to women in the workplace, because OVEC operates in a workspace that is permeable. Work and domesticity are not rigidly separated, partly because much of the work has to happen when community groups can meet: outside of “job time,” but also through a desire to repudiate the separation between these spheres that makes it possible to privatize the commons without guilt. Janet Fout illustrates OVEC’s refusal of the boundaries that distinguish business time from personal time in a story of her chance encounter with a former coal company executive. As Corinna McMackin wrote in her field notes:

“After [he] had retired, Janet saw him in the grocery store and he said, ‘Hi, Janet, nice to see you.’”

She said, “Yeah, right.”

He said, “It is. This is different. This is not work.”

Janet then says to me, “No! It is only different if that is how you order your life.” She

observed that he has ‘compartmentalized his life so that he can look at himself in the mirror.’

This speaks to Janet’s holistic approach to her life and the interdependence of professional life with the other aspects and expressions of her person.

She says on a funny note that this former coal executive now volunteers with the blind, and she thought, “Well, that’s perfect.” (McMackin, notes, October 2002)

Fletcher’s discussion of “mothering” as one of the ways in which female leadership disappears in the workplace (i.e. mothering implies “selfless giving” that cancels out reciprocity) is of interest. The destruction of mountains is often framed as a kind of misogyny (implied in terms like “raping the land” and what WV coal spokesman Ben Greene called “reconfiguring Mother Nature”), and parallels the trivializing of female leadership in the workplace as “mothering”. Fletcher points out that when women try to lead within the workplace they are placed in a double bind. “If they try to establish their behavior as leadership and not mothering, by for example, limiting the extent to which they will do it invisibly, calling attention to the unevenness of expectations or by holding others to similar standards, they find it is tough to do without getting called arrogant or labeled ‘men in skirts’ or ‘bully broads.’” (2002: 11)

For women, changing the world may mean what it meant for Archimedes, who said, “Give me a lever and a place to stand, and I can move the world.” OVEC’s leaders have a facility for locating both lever and place to stand. From that place to stand, women activists in Central Appalachia have succeeded in putting industry on the defensive. In *The Coal Bell*, the tabloid publication of the West Virginia Surface Mining and Reclamation Association, the adversaries are frequently depicted as women.

As we’ll see in Part II of this report, industry has taken to responding defensively, which, as Fletcher points out, is a mark of diminishing power: “In systems of unequal power, one of the markers of the more powerful is the entitlement of having others adopt a self-in-relation stance that allows them to anticipate your needs and respond to them without being asked: what marks one as less powerful is being required to do the anticipating and accommodating without any expectation of reciprocity.” (2002: 7)

The examples given in Part II show that industry’s representatives are quite attentive to the messages publicized by OVEC, and that while industry does not want to show its interest (lest it appear to be losing power), the temptation to respond is irresistible. Is this response an indication of the ground activists are gaining? The part of the research question (“how does OVEC engage in the work of leadership for social change?”) with which everyone is quite comfortable is “social change.” The concept of social change contains a clue for reconciling “leadership” with the egalitarian process OVEC fosters. The term “leadership” connotes change in position, a movement from one state or condition into another. This movement can also be a movement from one time into another, and it could be said that OVEC, with its insistence on “being the change we wish to see” is leading by emulating a way of being that is potentially in the future for those who choose to embrace it. As Janet pointed out, “We also serve as examples of people who stand up to power, so that other people can get courage to do the same thing.” But they are consciously modeling more than resistance. Janet Fout and Dianne Bady

articulated their model for an alternative society with a story at OVEC's first staff meeting, which she recalled to Richard Couto:

"Our first staff meeting was a walk in the park," said Janet. "Dianne Bady talked about something she got out of M. Scott Peck's book, *A Different Drummer*. Could you tell that?"

"These are the big outlines," explained Dianne. "It's the story of a monastery. Most of the monks were getting old and there were no new monks coming in. And the monastery was dying and the monks were grieving this, that their monastery was dying. Way off in the woods there was a Jewish hermit, and one of the brothers went to talk to the Jewish hermit. They were commiserating about how it's so hard nowadays, and the monk was asking for advice: 'What can we do? Our monastery is dying – we're not getting any new people.' 'The Jewish hermit said, 'I don't know, but what I can tell you is that one of you is the Christ.' And so the monk went back and told that story to the others. They thought, 'Well, could it be Brother Thomas?' 'Well, he's dumber than – but could it be Father Michael?' And after that they started treating each other with such care and such respect that after a while people from the community started coming out to have picnics on their grounds. And on the weekends there'd be more and more people coming, and as more and more people came to have picnics on their grounds and to walk around, some of the young men started talking to the monks, and lo and behold, the monastery began to grow. And, of course the moral is obvious.

"Which is?" pressed the ethnographer.

"Well," said Dianne, pausing while she thought. "Everybody is hungry for community, and everybody is hungry to be treated with worth and with care, and when people treat each other with care and respect, that's attractive to other people, and it brings other people in."

"Well, I'm very glad I asked you for the moral," said Richard. "You said it very well." (Interview with Couto, November 2001).

Merleau-Ponty, a French philosopher, said that the body is always and already a symbol, "embracing a philosophy of the flesh as the invisible made visible" (cited in Reid, in press). Despite the received wisdom that we should not judge books by their covers, truly acting as if we believe there is far more to people and environment than meets the eye is one way of undoing the spell whereby mechanistic cosmology has frozen the world into a set of things with fixed identities, viewable from one perspective only. The possibility that there are others out there who also lend their bodies to the world as channels for an Other energy source is realized when such people form community by reclaiming the commons, figured in the closing circle as a web of yarn.

The Collaborative Ethnography: Methods, Frameworks, Questions

According to the terms of the contract, what makes this ethnography collaborative is that the research would be undertaken jointly; that research questions would be generated and agreed upon together; that the team would not be divided into "subjects" and "objects" of study. The awardees themselves were not to be the focus per se, but rather the work of

OVEC and how it engages in leadership for social change. In terms of the collaborative aspects of this research, I want to mention also that for ten years I had been doing fieldwork in contexts that brought me in contact with Dianne Bady, Janet Fout, and Laura Forman, and had years ago become an advocate for communities struggling against the effects of mountaintop removal mining. Events in which I had previously encountered and supported the work of OVEC included:

The Lucy Braun Association for the Mixed Mesophytic Forest meeting in Mt. Vernon, KY

OVEC's early Marshall University forum on mountaintop removal

The Buffalo Creek commemorative ceremony on the 20th anniversary of the Surface Mining Control and Reclamation Act

The first meeting of the Coal River Mountain Watch (November 1997)

The Lucy Braun Association for the Mixed Mesophytic Forest meeting in Huntington, WV

The OVEC-organized informational rally on Cabin Creek in the coalfields

An OVEC-organized rally against mountaintop removal on the WV Capitol grounds

OVEC's First Summit for the Mountains (August 1998)

The OVEC-organized action at the State Mining Reclamation awards ceremony

The OVEC-organized lobbying on Capitol Hill

The OVEC-organized Bad Employer, Bad Neighbor demonstration at Massey stockholder meeting in Charleston.

I came to these events from the perspective of a folklorist studying the cultural impacts of environmental degradation in the Coal River Valley. My contribution as an ethnographer up to that point had been to try to bring the perspectives of people living in the Coal River Valley into the public discourse on forest decline, air pollution, and mountaintop removal. I have been interested in how a local social imaginary referred to as "the mountains" forms the basis for community life in the Coal River area, and the reciprocal role that community life plays in the ecological production of "the mountains." The mountains, as local commons, form the connective tissue holding the community together. The problem I wanted to study further was the twofold problem of 1) bridging between that commons and the commons for which national and regional groups were battling, the commons of forests, and clean air and water: how is OVEC developing those connections? 2) bridging among sectors – activists, the academy, communities, and the government: how can this ethnography itself help to accomplish that? The OVEC ethnography presented an opportunity to approach the social problem of environmental

degradation from another perspective.



Organizational meeting for Coal River Mountain Watch, Assembly Church of God, Sundial, WV, November 22, 1997. Organizers, from left, are: Laura Forman (OVEC), Carlos Gore (WVOP), Larry Gibson (Kayford Mountain), Randy Sprouse, CRMW, Lowell Dodge (Lucy Braun Association). Photo by Mary Hufford.

The research assistant for this project was Corinna McMackin, who was finishing a master's degree in environmental studies at the University of Pennsylvania. Corinna had taken folklore courses, and was keenly interested in the role that ethnography can play in environmental assessment, policy setting, and planning. Her strong people skills, deep ecological sensitivity and training, and her interest in folklore/anthropology (she is a keen observer, whose field notes are full of perceptive comments and insightful questions) made her an ideal researcher for this project.



Corinna McMackin reviewing mountaintop removal mining permits at the Division of Environmental Protection, Nitro, West Virginia. Photo by Mary Hufford.

Research Design: Ethnography as Shared Inquiry

Through ethnography, also known as “participant observation,” researchers attempt to understand the world from the perspective of the community under study. Corinna McMackin and I determined that one way to participate would be for Corinna to work as an intern in the OVEC office for two to three weeks. A second way would be for Corinna and I to participate in selected events over the course of 2002-2003 (see Appendix 2: “A Year and Half in the Life of OVEC”). A third way would be to collaborate on an event or an action, under the auspices of the University of Pennsylvania. We ended up collaborating on two events. The primary ethnographic methods we employed were participant observation and grounded theory. Participant observation means that we all cooperated in the production of ethnographic encounters, with an eye toward defining our (the ethnographers’) roles in the events and perspectives on them in relation to the roles played by our collaborators. Thus, Corinna McMackin, working as an intern in the OVEC office apprenticed herself in effect as someone learning how the organization works by contributing to that work under the direction of OVEC staff members. ⁱⁱ Reflecting on this work in light of our research questions, she wrote up field notes, describing her experiences and observations.

I did not work as an intern, but collaborated with OVEC in developing a workshop for the Pipestem summit, designed to generate collective thinking on the role of cultural assessment in mountaintop removal permitting and how thinking culturally might help communities to defend themselves at permit hearings. In the course of this work I consulted variously with Janet, Dianne, Vivian, and Dave regarding matters of protocol. What could we do to make this workshop interactive? What kinds of things do people need to know about cultural assessment in the permitting process? What do we want to

emerge with from this workshop? Corinna and I also asked Stanley Laskowski what sorts of information could a workshop like this yield that would help the EPA support coalfield communities better. Citing a saying among regulators, “You manage what you measure,” Laskowski advised us to find out from coalfield citizens what is not being measured in the present permitting process and how does that relate to present categories used in the Environmental Impact Statement (EIS) on mountaintop removal. The answer to this question could provide a yardstick against which to measure the pending draft EIS: how does the draft EIS address the values of coalfield residents that have been ignored in permitting? Does it address the need to take stock of these and protect them?



Before: Rock Creek Hollow, in southern West Virginia. Photo by Lyntha Scott Eiler, October 1995.



After: An eleven-mile long mountaintop removal project on Cabin Creek, a neighboring tributary. Photo by Lyntha Scott Eiler, October 1995.

The list of amenities we generated at the Summit forms a particular kind of ethnographic text in the sense that we co-produced it with OVEC’s members in the course of our study. It is ethnographic in the sense that it juxtaposes a point of view recovered at the summit with a point of view registered in the state’s permitting process. How will this point of view be reckoned into the EIS? The environmental and cultural values of coalfield residents are afforded some legal protection in the language of the National Environmental Policy Act. ⁱⁱⁱ We also saw this ethnography as an opportunity to engage further in the larger task that Betsy Taylor outlines for public folklore: reweaving the

fabric of the public sphere (Taylor, 2002). This fabric has been shredded by the corporate state's systematic assaults on the cultural and geographic commons. Recognizing that OVEC is engaged in the recovery of a regional public precisely by fortifying the commons, Corinna and I saw an opportunity to structure the study itself around the task of connecting this regional public to resources at the EPA, using the academy as a meeting place. In preparation for the release of the Environmental Impact Statement on Mountaintop Removal/Valley Fill Strip Mining, ¹ we engaged with OVEC in producing two events: 1) "Getting Out of the Overburden and Onto the Map," a workshop on the permitting process during the Pipestem meeting; and 2) "Sustaining the Mountains," an earth week symposium on mountaintop removal at the University of Pennsylvania.²

¹ For more information please visit <http://www.epa.gov/region3/mtntop/>.

² For more information please visit

<http://www.sas.upenn.edu/folklore/center/ConferenceArchive/MountainTop/mountaintop.html>.

The collaborative aspect of the research then was the use of the research itself to further the work of connecting epitomized in the yarn toss. We would work on a way to connect a major research institution with the research needs of the coalfields, and form a space in which government, the academy, and coalfield communities could collaborate. One object of collaboration would be the pending programmatic draft Environmental Impact Statement on mountaintop removal /valley fill strip mining (see Mountaintop Removal Court Chronology, prepared by Vivian Stockman, in Appendix 3). How could our collaborative ethnography help us to anticipate the draft EIS and think proactively about what to do during the 90 day public comment period?

Our primary means of documentation included field notes, photography, and some audio and video recording. In keeping with the principle of "grounded theory" we used the field notes themselves as a data set, coding them for recurring themes and circulating them to Janet and Dianne for comment, along with the draft interim report. Grounded theorists, in the words of Emerson, Fretz, and Shaw, "give priority to developing rather than to verifying analytic propositions. They maintain that if the researcher minimizes commitment to received and preconceived theory, he is more likely to 'discover' original theories in his data. At the actual working level, the researcher begins by coding the data in close, systematic ways so that he can generate analytic categories" (1995: 143-44). The concept that emerges in our field notes and transcripts as the cornerstone of OVEC's philosophy of leadership is "relationship." In the remainder of this report I want to consider three related principles that Janet, Dianne, Corinna and I have settled on for this study: spirituality, community, democracy. Taking Dianne Bady's assertion that "Our basic style of leadership is to provide the spaces for concerned people to get together, share their anger, and work through the darkness to come up with plans," I want to examine the ways in which OVEC cultivates spaces for relationships that are spiritual, communitarian, and democratic. I want to mention a fourth space, the space of region, which OVEC is working on in the context of national and global scenarios, but which is beyond the scope of the present paper. The space of region provides a platform for OVEC as a player in national and international arenas. These spaces are all quite interrelated, but for the sake of discussion, we'll consider each in turn in Part II of this report.

Part II: Waging Democracy in the Kingdom of Coal

Summary of propositions:

1) **Spirituality:** The mountains are channels for spiritual and social communication; a part of the world that makes the invisible visible. The coal industry does not have the authority to reduce the mountains (or any other commons) to the mere physicality connoted in the term “environment.” OVEC seeks to heal the rift that the corporate state drives between spirit and matter through practices that validate the status of mountains as the invisible made visible. OVEC’s staff leaders ground this work first of all in their own spiritual connections and practices.

2) **Community:** As spiritual, social, and physical commons, the present mixed mesophytic topography of mountains, forests, and streams is vital to mountain communities; the commons is the material expression of community life. Building community through the work of caring for mountains is the most effective means of environmental protection. OVEC accomplishes this work through, as Janet Fout put it, “connecting, connecting, connecting:” connecting matter with spirit, individual with cosmos, body with soul, mind with heart, voters with legislators, expertise with community research needs, regional with national issues and so forth.

3) **Democracy:** Environmental degradation is a sign of democracy in crisis. In order to care for the environment, citizens have to reclaim the state. OVEC works to reclaim the state through grassroots organizing, research, translation, distribution of information, and working through the political process and the media to cultivate the political space necessary for social change.

4) **Global Regionalism:** Mediating between communities and national and international entities, OVEC is helping to articulate and cultivate a regional public sphere, which is both broad and deep: broad in the sense that Central Appalachia’s situation is shared by cognate regions around the world now targeted as extractive zones, and deep in the sense that this movement for social change builds on the history of civil rights, labor, and preservationist movements

Spirituality: Connecting through the Earth

“I will lift up mine eyes unto the hills from whence cometh my help. My help cometh from the Lord, who made heaven and earth.” Psalm 121

*“We don’t believe in miracles. We **depend** on them.” -- OVEC saying*

Dianne Bady’s story of the monks draws our attention to the foundations for faith-based reason and community-based action. The foundational moment here is the acknowledgment that not knowing which person is the messiah provides an opportunity to treat everyone as though they might be. The leap of faith is registered as a belief that there is more to the world than meets the eye, and that cultivating a relationship to what it is that we can’t see forms a rationale for stewardship of what is visible and palpable. The way that faith-based reason works is to acknowledge that very real experiences of communion with something greater than the self are produced when one enters into shared realities like the mountains. As Dianne Bady put it, over coffee at Taylor Books, “The natural world and I are part of a much larger spiritual process” (Hufford, notes, June

13, 2002). It follows that, regardless of what one believes the Source of the help to be, mountains are part of the delivery system. Practices of participation in something greater than the self yield the imaginary within which physical, spiritual, social and economic growth can occur.

These experiences may be accounted for in different ways by different belief systems. In some Appalachian religions this experience may be called “grace”. At the Pipestem Summit people described it as “spirituality” and “peace of mind” and the inspiration for “music, poetry, and prose.” Some societies make a point of defending the channels that enable such experiences. Consider, for instance, the sacred groves of India, and the present effort to defend West Virginia’s Cheat and Blackwater Canyons from loggers. This rationale is not unusual, but what OVEC contributes is the grounding of social change in a fundamental sense of connectedness to the earth, and the effort to bridge across cultures in order to retrieve it. Speaking of a session held for LCW awardees in New York, Janet Fout told Corinna McMackin: “There was a whole group of folks that just feel that this work is just grounded...in spirituality...Because of deep connections to the earth, especially with those that were awardees in the environmental realm – there is a deep, deep connection to the earth...those deeper connections are what makes it possible to keep doing this work. Day after day. Month after month. Year after year.” (Interview, McMackin, October 14, 2002).

It was a consciousness-altering, world-changing experience of this connection that propelled Dianne into activism. “When I was in graduate school at Rutgers, I had pretty much decided that there is no God. I’m an atheist,” she told Corinna (Interview, McMackin, October 16, 2002). “One day I drove an hour to this real big park. I was really sick of living in urban sprawl and I was walking through an area in the park where there weren’t many people. And this particular park had some huge open fields with tall grass that was blowing. And I stood there looking at the tall grass blowing, and all of a sudden there were all these silver sparkles in the grass. All these incredible silver sparkles. And I started to feel really different...It was a real mystical experience in that the silver sparkles spread from the grass, they went into the trees, they were in the air, and then they went right through me, and I was just part of all this (motioning with her arms).”

“Oh, that’s beautiful,” responded Corinna.

“It was like a different dimension of reality,” Dianne continued. “It was wild. It was extraordinarily beautiful and it was love. It was love! And, flowing through the grass, flowing through the trees and flowing through me. And I went back home, and this is funny. I remember being in the bathroom thinking, ‘Holy shit! Now I’ve got to totally re-do my entire view of reality.’”

“What did it do to it?” asked Corinna.

“Well, I don’t know what God is, but if God refers to a spirit or a force that is way beyond us, but that we are part of too, I know that that exists. And I’m really connected to the trees and the grass and the land. It is all a part of me. That is what drives my activism. I have had a bunch of other strange experiences like that since then.”

(Interview, McMackin, Oct. 16, 2002).

Through prayer vigils and participation in interfaith alliances such as the Commission on Religion in Appalachia (CORA), OVEC helps build a discourse on such experiences, which lead rationally to the conclusion that mountains cannot be dismantled because they contribute to spirituality, cosmic connectedness, peace of mind, and community well-being. Ratifying those deeper connections and creating a safe space in which members can acknowledge and build on them is a way of mending the rift that science in the service of neo-liberal economics insists on driving between spirit and matter. Reducing nature, creation, cosmos, earth to mere physicality, the term “environment” is a product of that rift. It leaves us with the problem of putting spirit and matter back together. OVEC’s mode of organizing repeatedly shatters that fictitious boundary that the corporate state rigidly asserts between spirit and matter, and between private and public, heart and head. Taylor’s term “cosmogogenesis” is especially useful for thinking about these practices, creative acts that generate *cosmos* as a meaningful system within which nature and society co-operate (Taylor, 2002: 4-5).

The spiritual dimensions of community-based environmental work begin with care of the self, which includes revitalizing the self through this sort of connecting. As a channel for this energy, the self has to be taken care of as well. In this regard, Laura Forman was lost to the movement because she subordinated her own care to the care of others. “One of the things I truly believe,” Janet told Corinna, “Is that it all starts with the self. All of it.” Self-care relies on a capacity to get away, to get the exercise one needs to stay fit, and to nurture one’s own spiritual connections. Including self-examination, which includes airing grievances constructively, respecting others enough to try to work through differences. This aspect of self-care is essential to “personal growth.” As the OVEC saying goes: “Personal growth is *not* optional.” A hallmark of cosmogenesis is reciprocity, a desire to give something back. As Laura Forman put it, “West Virginia is truly almost heaven. She has given so much to me. How can I not try to help save her?” Consider the story that Tony Linsky, of Indian Creek, told of a man who kept himself alive by eating birds when stranded during the war. Tony choked up as he recalled how the man threw food to the birds every day after he came home. “He’d say, ‘They kept me alive. This is the least I can do’” (Interview, Hufford, March 24, 2003). People in the movement call attention to the relationship between Appalachian religion and organizing for social justice. Singer, composer and OVEC member Kate Long recently pointed out that it’s no accident that the songs used in the movement sound like revival songs. She and Elaine Purkey had just finished singing the protest version of “Uncloudy Day,” which begins, “They tell me of a land where no sludge ponds rise.” As Elaine Purkey described her participation in social activism, “It’s not religious, but it’s definitely spiritual” (Video Recording, Poizat-Newcomb, University of Pennsylvania, April 23, 2003). Conflating the secular with the sacred, such songs call attention to the state’s destruction of channels of grace. These songs are not dogmatic, but move people to the laughter and tears that break down the barriers between self and other, and between self and the environment.

Perhaps, then, OVEC’s most radical battle is against the historical disjuncture of faith and reason in European and American culture, which harks back to the founding moment of the field of folklore. An alternative way of knowing, folklore was systematically

expunged in the 19th century from enlightened discourse and became an object of study for antiquarians. Only the quantifiably measurable can be admitted as data for decision-making. But this marginalization of the language of faith eliminates the realm of the spirit from consideration in planning. By the same token, this realm of the spirit is off limits to the state, and it is where OVEC begins its work of cosmogenesis – ratifying and redeploing these alternative ways of knowing the mountains. In contrast, the fundamental position from which rational instrumental planning proceeds is one that Michael Thompson calls “cosmic exile.” This position is taken up by making the claim to be able to see an object in its socially unprocessed state. From a position of cosmic exile, one can claim, with certainty, to expunge all social value from the mountains. This claim is no less an article of belief in the tenets of mechanistic cosmology than the claim that the mountains are sacred space. Michael Thompson writes, “When people do play the cosmic exile, and claim to have access to raw objects, they are simply insisting that their socially processed objects are better than other people’s: that their cognition is true and that of others is false” (1979: 77). Neither can be dismissed on the grounds of rationality without leveling the playing field. This is politics, not science.

That the corporate state’s decision to destroy mountains is not grounded in legitimate authority is the message of a billboard that OVEC funded: “Stop Destroying My Mountains.” – God This billboard statement, which adopts the style of a series of billboards with messages from God, opens a small window onto the system OVEC is working. First of all the message directly addresses those who are destroying mountains. It implies that someone is watching those who destroy mountains, Someone whose Gaze is impossible to avoid. It opens up the issue of ownership. Land, as the economic theorist Karl Polanyi points out, is one of three fictitious commodities – labor and money being the other two. Fictitious commodities are objects that were not created to be sold but may be treated *as if* they were (1974). The billboard underscores the “as if” part of this deal. Invoking a higher authority, the billboard calls attention to the illegitimate use of power. It overleaps the boundary between business life and spiritual life, reminding industry that churches (including the former West Virginia governor’s denomination) have officially voiced opposition to mountaintop removal, suggesting that even those whose lives are driven by love of the deal might want to hedge their bets. Finally, in the manner of good satire, it’s an “if the shoe fits” message. Only someone who feels the message is directed their way could take umbrage, in which case, maybe they need to hear it.

If what fuels the movement is the deep connection to earth, what galvanizes the movement is outrage at what neo-liberal economic policies are doing to the earth, and to society through the earth, which thus becomes a conduit for violent, contemptuous messages delivered by an elite few to the growing numbers excluded from reaping the fruits of generations of collective labor, not only the labor that co-produced a particular kind of forest, but the labor of naming and remembering everything on the land. Vernon Williams, of Peachtree Creek, described the defilement and the squandering of mountains, forests, and streams as a form of collective humiliation: “They’re taking our dignity by destroying our forest” (Personal communication, 1994). In the Psalms, no one ever lifts up their eyes unto a sludge pond, or even to Goliath, that forerunner of the technological sublime who was undone by a singer of psalms.



Janet Fout, right, talking with members of UMWA Local 750, during an informational rally on Cabin Creek, September 27, 1998. Photo by Mary Hufford.

Community: Tending the Commons

“Our work is all about developing trust and nurturing and expanding relationships and networks.” Janet Fout

“There was the friendly, festive atmosphere I’d come to expect at OVEC events.”
Corinna McMackin

The web at the Pipestem closing circle embodies OVEC’s work of, as Janet put it, “connecting, connecting, connecting.” Each tangible connection is glossed in language, linked to an intangible state of being. The yarn toss itself recapitulates in brief the commons that, in Hannah Arendt’s terms, “gathers us together and yet prevents our falling over each other, so to speak.” She argues, “What makes mass society so difficult to bear is not the number of people involved, but the fact that the world between them has lost its power to gather them together, to relate and to separate them.” (Arendt, 1958: 53)

The closing circle then represents the work that OVEC does to reassert the relationship between society and the geographic commons that the Corporate State reduces to “environment,” stripping it of those twin capacities to connect people and to buffer them, both crucial to sustaining public space.

When mountains are reconstituted as barriers to free trade, what crumbles is the commons. At the workshop on “Getting Out of the Overburden and Onto the Map,” Corinna and I asked the questions, “What is being lost to communities because of mountaintop removal mining? What is not being measured that should be monitored?” Participants identified aspects of the commons that function to connect people to community and cosmos, and that function as well to buffer communities from the excesses of market-based development. Representing the connecting function are: cemeteries, hunting and fishing grounds, ginseng digging, communal gathering and eating of ramps, the enjoyment of paths/trails/old roads; historic values (mining, revolutionary war), keeping human skills going, traditional medicines, genealogical memory, connection between generations. Representing the buffering function are: zoning laws, hunting/ fishing/ ginsenging/ agriculture (supplementing short pay checks), cumulative permatitis (see glossary, Appendix 1), property values (tax losses, education suffers), pollution, biodiversity, soil, independence (for complete list, see Appendix 5).

Collective Humiliation and the Unmaking of the World: The Problem of Pain

The destruction of the mountains is described by coalfield residents as a relentless assault, a violent act committed by one sector on another throughout the 20th century. Vernon Williams’ comment: “They’re taking our dignity by destroying our forest” draws attention to mountaintop removal as a distinct genre of social communication: the insult. Historically, while “merchantable timber” has been off-limits to people living in the valleys, the forest itself formed a buffer zone – a place to gather greens, hunt game, dig ginseng, and raise corn and beans in rich mountain soils. The rights to the best timber belonged to the land companies, but everything else in the forest belonged to the community, and was communally managed. As a collective work, this very complex landscape formed through the “culture of nature,” is, in John Dewey’s terms, how the collective manifests itself as art. Witnessing the destruction of this work, the bounty of generations of social labor, is exceedingly painful. Another man likened it to a sustained beating: “When they first come in, they feel you out, I’ll put it that way. And if you do nothing, they beat you up. The next time they come in, they knock you down. And if you still don’t fight back, the next time they come in, they take you wholeheartedly.”

“He’s talking about clear-cutting, strip-mining, and now,” explained John Flynn, a science writer from Rock Creek, WV who directed the Lucy Braun Association’s Appalachia Forest Action project from 1994 until his death in 1996.

For OVEC’s leaders, continually witnessing the brutality of unchecked market rule in the communities of West Virginia is painful and daunting when it isn’t downright terrifying. “It was painful to see people horribly ill from pollution and know that the pollution could

be dramatically reduced but wasn't because of the power of the company and the corruption at all levels of government," wrote Dianne. "It hurts horribly to see that indescribably beautiful and vital landscapes and ecosystems are being blown up, and people losing their homes. It is continually painful to see how money (campaign contributions) buys power for polluting and destructive companies. And worst of all, every so often I see starkly and clearly how difficult if not impossible our goals are, how strong in worldly power our opponents are and how bumbling and underfunded we are. And the spiritual certainties and trust slip away. I'm gripped with a feeling of futility and fear. A raw, cold, hollow horrible feeling" (personal communication, June 7, 2003).

What the two men from Coal River describe is the collective humiliation of having one's community life and resources dismantled as if the community didn't exist. But the dismantling itself contains a message: "A.T. Massey came in here and said, 'You don't exist,'" said another man. This, as Elaine Scarry notes in her book, *The Body in Pain* (1985), is the point of torture – the deliberate dismantling and destruction of identity. In the coalfields this dismantling has one purpose: to displace the legitimate subjects of the mountains. The way that OVEC's leaders have come to deal with this pain and the related anger is, as Dianne put it, to "stare it 'in the face' and be willing to just be engulfed in it, to feel it profoundly instead of running from it." Dianne finds that after surrendering to a bout of such pain, she often finds herself re-energized and full of active hope. "Like I've been moved from deep within" (personal communication, June 7, 2003).

In response to industry's violent unmaking of the world, OVEC works with communities to build democracy, one volunteer at a time. Through a variety of community building practices, OVEC builds on the historic commons, linking the material world with the social world by refusing the abstract principles used by the Corporate State to administer the materials of land, water, air, forest, and people. Many of these practices are informed by a principle that Janet Fout calls "connecting heart and head" (Hufford, notes, June 13, 2002).

Connecting Heart and Head

Corinna McMackin observed early on that meetings of environmental activists in West Virginia begin with touching (Fieldnotes, June 2002), that most reciprocating of senses. That is, every occasion of touching is *two* events, not one: I can't touch you without you touching me. Hugging, touching shoulders, shaking hands, activists begin their meetings by defining the space they occupy as an intensely personal one, shaped by the presence of human bodies. Dianne Bady articulates a passion for the concrete, for the bodily, the material realm of the mountains, often eclipsed in legal battles that spiral into debates over how laws and regulations are worded.

Touching, unlike the one-way gaze of the technocratic state, is reversible (if the state doesn't "see" us, it can act like we don't see it). Getting the state to acknowledge its constituency, OVEC leaders begin with personal contact that emulates the democracy they are struggling to generate. At this most fundamental micro-level, OVEC truly *is* the change it wishes to see (and *feel*). What distinguishes the community-based work of OVEC is the length to which members will go for the sake of personal relationships. Thus, when OVEC's board voted against participating in a historical reenactment of the

March on Blair Mountain because it could place members in physical danger, some members of the coalition, including Laura Forman, decided to participate in order to support a member for whom the march was crucial, an example of following a member, as Couto put it, “to keep him in the fold.”



Mother Jones, on commemorative march on Blair Mountain, August 26, 1999. Photo by Laura Forman.

Corinna notes other aspects that relate to embodiment –the face-to-face contact, sometimes validating, sometimes challenging, creating spaces, for voices that have been figuratively disembodied by a corporate state that says in many different ways that hardly anyone lives in the coalfields. And there is the sharing of food. Activist gatherings seem always to include food. I remember that one of Laura’s gestures of protest was the refusal of food offered by coal spokesman Ben Greene when OVEC interrupted a state award ceremony for the reclamation of mountaintop removal sites. “I told him I’d throw up if I ate that food,” Laura told me later in a phone conversation (personal communication, January 1999).

The Campaign against Valley Fills: Building a Regional Public

Two of the three major campaigns (Coal Truck Weights, Valley Fills/Sludge Ponds, and Campaign Finance Reform) in which OVEC was involved over the past year center on the Corporate State’s deep encroachment into the buffer zones of roads and of streams.^{iv} The campaign against valley fills and sludge ponds is waged at the national level, around the commons of U.S. waters. To dispose of the excess spoil generated by mountaintop removal mining, industry dumps it over the edge of the mountain into a hollow to form “valley fill.” Water collected in pools at the top of the fill is discharged via rock-lined “groins” to a “toe” at the base. Some of the spoil is used to form impoundments across the mouth of wider valleys in order to store black wastewater containing toxic chemicals

used in the washing of coal. “A witches brew,” Judy Bonds called it, containing, among other things, “lead, arsenic, and mercury” (video recording, Poizat-Newcomb, University of Pennsylvania, April 23, 2003).

Ruling on a lawsuit filed by citizens against the US EPA for failing to ensure that the state follow the law, Federal District Judge Charles C. Haden found that most valley fills violate the stream buffer rule in federal law. Using the same argument it used in the overweight coal truck case (that industry’s habitual violation of the law signals a need to change the law) industry has successfully appealed the decision, and mounted several campaigns to change the federal stream buffer rule, redefining coal waste as “fill material.” Here, more so than in the case of the coal truck weight issue, the streams form a resource that can link local and national commons.

Last April (2002), in response to the Bush administration’s effort to “harmonize” conflicting definitions of fill material held by the Corps of Engineers and the EPA, Judge Haden ruled that the Bush administration could not legally change the definition of fill material. Under pressure by the coal industry, a top campaign contributor, the Bush administration seeks to legalize the dumping of “fill materials” (including strip-mining spoil) into streams.

In preparation for a Coal Summit in Charleston in June (2002) that would bring national, state, and local groups together to look at “The True Cost of Coal,” OVEC convened a meeting of the West Virginia groups, including coalfield residents. This meeting, which began with a potluck supper, was held in the basement of a United Methodist Church in Charleston. The purpose of the discussion was to clarify what the West Virginia groups would like to see come out of the Summit. Some people there had been in the movement for many years, and others were there for the very first time, but the discussion took on the character of a tribal council. At this meeting Corinna and I saw some of the painstaking work that OVEC and its members put into building a regional public. The stakes of the regional public are different from the stakes of the national groups. OVEC has promised coalfield communities not to actively seek the abolition of coal mining in its effort to stop mountaintop removal mining, and it will not go back on its word. The discussion began with the question of “what to do about the Bushies and their energy policy, which is to push coal and roll back anything that gets in coal’s way.”

In the course of the discussion, it seemed that nearly every possible perspective on the issue was expressed. Campaign for renewable fossil fuel? How about supporting the carbon tax, as a way of making it more expensive to use coal and to make common cause with a global network? This doesn’t address the problems of coalfield residents. What about setting up [hydrogen] fuel cell factories here in the state? Or banning mountaintop removal but continuing to deep mine coal?

To get a legal perspective, the group calls up a public interest lawyer, and all eyes turn toward the speakerphone and the voice emanating from it. What are the ramifications of the Haden decision? How can we get legislation through congress? Can they still build slurry ponds? The lawyer says that one possibility is to go after the regulatory agencies

and insist that they interpret the law according to Haden. Find out how many fills the Corps has approved, which are now illegal.

After the phone conversation, Julian Martin, an elder who speaks quietly and to the point, (also an active member of the West Virginia Highlands Conservancy), says, "I don't want to be part of telling them how to strip mine better." Larry Gibson agrees.

Margaret Chapman and Jim Kirby, of the National Lawyers' Guild, enter the room, and Janet goes over to sit with them. She had just met them earlier that week at the southern conference of their organization held in Charleston, West Virginia, where Janet had been invited to talk about mountaintop removal and lead a field outing.

The Question appears: "How do we draw the boundaries? Some want no coal, some want only conventional mining."

"What is conventional mining?" asks a newcomer.

"It's deep shaft mining," explains Larry Gibson.

Julian Martin cautions the group against opposing deep mining. "The coal industry's edging the public into thinking that you have to strip mine." Steve Wazell, a disabled electrician has to leave early. This is his first encounter with the West Virginia groups, and he's very excited about the prospect of working with like-minded people toward change. "Nice to be here," he says fervently, gives out his phone number and then exits.

More discussion.

Julian Martin says, "Nothing is worth sacrificing West Virginia's mountains and water for. It's so costly. It's not our job to tell them how they can save their asses. Ken Hechler's argument [in the seventies, leading up to SMCRA, the federal surface mining law] was that you have to abolish strip mining because you cannot regulate it."

Regina Hendrix responds, "It sounds like you're saying what Robert Kennedy said: 'We're transferring the mortgage to our children.'"

There is an abundance of vision in the room. The other Steve wants to build the infrastructure for wind turbines, photo voltaics, fuel cell factories "right here in the state." Vivian wants to get the United Mineworkers to sign on as United Mine and Alternative Energy Workers.

Larry Gibson plans to install solar panels on Kayford Mountain.

Somebody says, "This will just drive the coal industry to China."

"That's fine," says someone else.

A chorus of voices asks "Why?!!!"

Janet Fout reminds the group of something that Ronald Goodman said, "Those who opposed slavery opposed it because it was wrong. Period." In the end, consensus emerges on one outcome only: mountaintop removal has to stop. This is the message the group will carry to the Coal Summit.

Such consensus affirms the radical trust that Janet and Dianne have in the organized chaos of democracy. “Eventually, out of the chatter,” Janet would tell Corinna later, “comes a single voice or vote.” The outcome is more than a vote, however. This meeting exhibits the weaving together that was exemplified by the yarn toss. It exhibits the fluidity of the movement, with new people, faces of the more familiar, and pillars of the movement ebbing and flowing through the fragile spaces of democracy: Julian Martin reminding us that SMCRA itself was a bitter compromise, containing the loophole through which industry drives its draglines, Janet Fout graciously incorporating newcomers into the proceedings, Larry Gibson educating members who don’t live in the coalfields, the fathoming of historical and political context, alternatives for the future, and respect for the very different paths that led members of the group to that basement on June 13, 2002 (Hufford, field notes, June 13, 2002).

Democracy: Reclaiming the State

“We are not really impressed by traditional power...and we are not intimidated by it...because we work in groups. You know, they could get rid of me or Dianne or anybody else. But there are all these other people now engaged and working on the issue. And so they cannot quell all the voices.” -- Janet Fout

“The state’s divided. There are people in the government who will help you out, but they have to work in the shadows to do it.”

-- Randy Sprouse, first director of CRMW

“What do you think has happened to the democracy in our country?” Corinna McMackin asked Janet Fout.

“I think it is flailing in the worst sort of way,” Janet answered. “There is this so-called patriotism and flag-waving among a lot of people. But if it were truly a democratic society. . .people would be going to the polls. I believe that people don’t believe their voices are being heard.” (Interview, McMackin, October 14, 2002)



Cemetery by artist Carol Jackson, laid out before the WV State Capitol. Each cardboard tombstone is inscribed with the name of a stream buried under valley fill. (Photo by Vivian Stockman)

If Coal is King in West Virginia, where and what is his realm? Suppose, for the sake of discussion, that we define it as the realm of market-centered planning, which in West Virginia is usually coal-centered planning. Couto points out that the acronym for the industry's guiding principle, "Return on investment," is also the French term for King: ROI. Coal forms the substance around which the Kingdom coalesces, and the Kingdom is administered from corporate and government offices in Charleston, Pittsburgh, St. Louis, Richmond, San Francisco, and Washington, D.C., among other places. What Karl Marx wrote, in surprising tones of praise for the bourgeoisie, several decades before the first steam engine ever rolled through the New River Gorge, could be said of the Kingdom of Coal:

"...in its reign of barely a hundred years [it] has created more massive and more colossal productive power than have all previous generations put together. Subjection of nature's forces to man, machinery, application of chemistry to agriculture and industry, steam navigation, railways, electric telegraphs, clearing of whole continents for cultivation, canalization of rivers, whole populations conjured out of the ground – what earlier century had even an intimation that such productive power slept in the womb of social labor?" (*The Communist Manifesto*, lines 473-475, cited in Berman, 1984:93).

The struggle over the uses of this productive power, and what to do with the conjured populations once they've served their purpose, has shifted political tides from laissez-faire economics to the progressive policies of the New Deal and back to the now global neo-liberal fast track. "Whole populations conjured out of the ground," includes a rural

working class diverted from the Jeffersonian dream of dispersed agricultural communities, augmented with immigrants from Europe and refugees from the Kingdom of Cotton. Southern West Virginia was a bustling place in the first half of the 20th century. But the populations were beside the point in a project centered on the accumulation of private wealth. Even so, West Virginia's "Captains of Industry," would like to be *seen* as servants of the public good, and go to great lengths to persuade the public of this. Two strategies include 1) conjuring a coal-centered public in West Virginia and 2) denying the existence of viable alternatives (Recall Margaret Thatcher's famous acronym, TINA – "There Is No Alternative.")

Where are they now, these "populations conjured out of the ground?" Not in southern West Virginia, according to key planning documents for the Kingdom on file in the WV Division of Environmental Protection in Nitro. In the environmental resources portions of permits filed under the general permit for mountaintop removal mining, what is most striking is the *absence* of reference to coalfield communities. Though archeological reports rehearse thousands of years of Native American habitation, there is scant reference to community life in the present. In the eyes of its administrators, the Kingdom of Coal is sparsely populated, and if anyone does live there, we are reminded that it's because they depend on coal for jobs. As one land company official expressed this logic during an interview in 1995, "There aren't very many people living down in southern West Virginia. People complain about the absentee land owner, but if it wasn't for the absentee owner, there wouldn't even be a West Virginia." (Interview, Hufford with Rowland Land Company officials, October 1995).

This kind of statement exemplifies what anthropologist Stephen Fisher calls "symbolic depopulation," a practice that helps economic interests to create the blank space needed for economic growth. This statement renders invisible the many people who lived in these mountains before the coal industry claimed them. Judy Bonds, for example, is the ninth generation of her family to live in the Coal River Valley. On paper, the Kingdom of Coal is filled with blank spaces, many of them awaiting colonization by a new fleet of coal dragline giants, bearing names like "Big John," "Big Muskie," and "Sacajawea."



Big John, extracting coal above Cabin Creek. Photo by Lyntha Scott Eiler, Oct. 1995.

There *is* another giant, which Janet called “that great sleeping giant, the masses of unengaged people.” As if anaesthetized, this giant sleeps through the blasting, the flooding, the dwindling biodiversity, the acid rain, and the plugging up of streams. “I’m not sure how we are going to get that giant to wake up,” Janet told Corinna. “That is a big problem.” One antidote for this anesthesia might be *aesthesia*, the function of art – waking up the senses. A function of art is the cultivation of dreams for the future. What dreams does the state cultivate in its citizens? Over and against the Kingdom of Coal is the State of West Virginia, described as “wild and wonderful” by the Division of Tourism and Recreation. The only state to fall entirely within the Appalachian range, it is dubbed the Mountain State, where “mountaineers are always free,” and the state song is “The West Virginia Hills.” Yet it is not mountains but *coal* that the state seems bent on cultivating as the stuff of dreams, while concealing from public view the continuing struggle for social and environmental justice. In recent years the state has:

Appointed a series of men with ties to the coal industry as directors of the Division of Environmental Protection;

Approved two new multi-million dollar roads “King Coal Highway and Coalfields Expressway;”

Dedicated a Coal Hall of Fame at the University of West Virginia, into which it inducts industry leaders each year; and

Given out awards for the reclamation of mountaintop removal sites and for “mountaineer guardianship,” at annual coal industry banquets.

Earlier this year the state announced its plans to dedicate a bronze sculpture of a coal miner on the Capitol grounds. Activists were pleased with this until they discovered that

around the base of the statue were four bas-relief panels celebrating the giant earth moving technology used to remove mountaintops. OVEC organized a “Tell the Rest of the Story” campaign, publishing a letter it had received from Bill Price of the Coal River Mountain Watch:

“If the entire legacy of mining is to be told, then the statue should be surrounded by a pool of black sludge similar to the recent spill at a Massey Energy plant in Logan County. I would suggest a bas-relief panel that shows the homes and lives destroyed by dust, blast-damage and flooding that occurs at the bottom of valley fills from mountaintop removal. And one panel should show a scene of state government placing the interests of coal over the general welfare of the citizens of West Virginia.”

Rising to the challenge of this last comment, much artistic creativity has gone into shaping a dialogue between West Virginia’s nightmares and the dream of alternatives. Public performances that Janet calls “theater stunts” involve embodiments that translate the violence of the Corporate State’s abstractions into human terms: OVEC’s funeral for the mountains, Carol Jackson’s mock stream cemetery, the demonstrations before the façades (faces) of the corporate state: the state and U.S. capitols. Here the embodiment and dramatization of abstract forces is a way to stake out and claim a position in public space. Rehabilitating world and body (and *word* and body as well), protesters carnivalize official discourse – putting flesh what has become overly abstract while uncrowning and exposing the corporate state. Through publicly staged satirical performances, OVEC embodies the populations suppressed by the logic of market-centered planning, and exposes the state as a façade for the Kingdom of Coal.

Whereas symbolic and literal depopulation has destroyed public space, OVEC recreates public space outside of the buildings in which the Kingdom of Coal is anchored: the state and federal Capitols and regulatory agencies, and the offices where corporate decisions are made. These events are festive to the point of being what the literary theorist Mikhail Bakhtin called “carnavalesque.” Carnavalesque practices mix elements of performance with elements of “double-voicing” – what is performed is quite often in dialogue with an official discourse that the performance seeks to invert or overturn. It does so by delivering competing messages within the same utterance. An example is the term “yeah, right,” an expression that says yes, but means no. The meaning cannibalizes the form of the message. This has the democratizing effect of multiplying perspective, re-opening dialogue that has been shut down by King Coal having the last word, and re-opening space for a democratic polity.

The atmosphere of these public events is often festive, and conducive to laughter, that very democratic expression that breaks down social barriers and causes energy to surge. At its awards ceremony during the Pipestem Summit, OVEC gave awards to members for defending communities from the practices for which the state gives awards to industry. Scaled to the human body, these awards call attention to the struggle to inhabit the coalfields:

--the Whitesville Dustbusters received feather dusters and face masks to help them fight coal dust from a coal preparation plant;

-- the Inez Sludgebuster received a kit containing sample collection containers, rubber gloves, a hardhat, and a cell phone with the EPA's hotline phone number;
-- a Speaking Truth to Power Award consisted of a law enforcement badge and a spray bottle of "Bull Sh*t Detector" to use on regulators, coal industry officials, and politicians;
-- an award for hospitality (an elegantly dressed mother hen and a welcome mat) recognized a role for nurturing in the movement;
-- while a Homeplace award (a lovely birdhouse) drew attention to the alternative use of the mountains driving the struggle.

Two other awards playfully invert OVEC's view of power. One was a Take it Straight to the Top Award, a fancy top hat given to a woman who took coalfield issues to the Vatican and to the UN. The other was Courage in the Face of Adversity Award, an "Insectobot." This large, battery-powered bug, given to the awardee as something to deploy when all else fails at mine and impoundment hearings could be seen as a move to overwhelm the technologically sublime with the technologically ridiculous.

OVEC creates a space in which art, performance, and ceremonies like this one function ritually as "experimental technologies intended to affect the flow of power in the universe." (Comaroff and Comaroff) A carnivalesque view of the world provides the crucial torque for these experiments. Julian Holloway and James Kneale write, "As the dialogical Other of official culture, Carnival must always be present. It contaminates the supposedly monologic utterances of the powerful. Carnival may be a weakened force, but its currents still run through popular culture. . . open to the play of dialogue, resisting the last word." (Holloway and Kneale, 2001:83-84) Thus, in response to a coal industry ad, "Coal keeps the lights on," one OVEC member designed a bumper sticker that said "Coal keeps the lights on in WV funeral homes!" The carnivalesque is present in signs at protest rallies: "Land reform, not wrecklamation," and in parodies composed by former secretary of state Ken Hechler, "Almost level, West Virginia/ Scalped-off mountains, dumped into our rivers," a parody of John Denver's song that begins, "Almost Heaven, West Virginia."

At an OVEC organized rally held outside of the state capitol building in 1998, novelist and gubernatorial candidate Denise Giardina told the crowd, "I have changed my mind about Mountaintop Removal Mining. I think I may have misjudged the coal companies. Mountaintop removal does provide some very good economic opportunities. We could, for instance, bottle the water from sludge ponds and sell it. We could call it 'Arch Mineral Water.'"

"Picture West Virginia without a King," said Norm Steenstra, director of Citizen Action Group, during the same rally. (This scenario had been played out in an earlier protest through a skit showing the deposition of the greedy monarch by an opposition that included Mother Jones.)

"King Coal is dead!" proclaimed Denise Giardina to cheers. "Long live the people of West Virginia!" (Hufford, notes, April 25, 1998).

This reappearance of the subjects of Democracy is OVEC's answer to the question

Fletcher raises about the disappearance of female leadership in the workplace. Old King Coal is a gendered old soul, the embodiment of a system that commits geomisogyny and disappears anything in its way. Refusing disappearance, OVEC drafts the forms of official market-centered discourse to the service of reinstating the commons at the heart of the democratic polity.

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Glossary of Terms with special meanings and emerging idioms

Activist conservatives – judges who use the bench to further a party’s agenda (from Tom Fitzwater)

Blue/green – an alliance between labor and environmentalists. For instance, OVEC has cultivated these alliances, working with the UMWA over the past year on the Coal Truck Weight reduction campaign.

Campaign – In activism, a series of actions for specific political and social changes, often waged by coalitions of allied interests, focused around particular issues. Examples of campaigns include the coal truck weight campaign, the Shays-Pallone bill, and PERC.

Class hierarchy – a social effect of the “chain of extraction” (Taylor) and of the uneven geographic development that creates throwaway regions (see also National Sacrifice Zone).

Corporate State – the state working in concert with industry; industry masked as the government. The two work on behalf of and through each other, but the primary interest served is that of corporations and big business. “Trickle down economics” is the primary argument used to support this arrangement as something that is in the public interest. A site for watching the corporate state is the so-called “revolving door” that shuttles officials between positions in industry and the state. Thus, an OVEC Action Alert reports on a sighting of the Corporate State: “Remember Mike Castle? He was one of three former coal industry executives appointed to head the WV Department of Environmental Protection under Governor Underwood (himself a former coal industry executive). Castle is now ‘special assistant’ to the U.S. Environmental Protection Agency’s administrator for our region.” In Central Appalachia the “corporate land grant university” is sited within the loop of the revolving door. For instance, Marshall University’s president Wade Gilly was appointed to Governor Underwood’s task force on Mountaintop Removal Mining. The board of Gilly’s university included Arch Coal Company spokesperson David Todd. Nationally, symptoms of a corporate state include the appointment of J. Steven Griles as the second in command at the Department of the Interior. A former lobbyist for the National Mining Association, he helped to craft the Bush administration’s changes to the clean water act, which would legalize valley fills. He is still receiving \$284,000 annually from a company for which he formerly lobbied

Corporate time – Time governed by the clock; but also by recurrent economic cycles and cycles of development. Despite the cyclical aspects of boom, bust, inflation, deflation, outmigration and return, and so forth, the name used for the mythic time frame is Progress. “Progress,” as E. Morgan Massey says in the film, *Breaking New Ground*, is “a constant race without a finish.” Positions on the timeline of progress are fixed, with “men of vision” leading the charge, and the rest of society falling in behind.

Cosmogogenesis – “. . .the symbolic creation of the [structures] of meaning that turns the flatness of ‘universe’ into the proportionalities of ‘cosmos,’ that allows things to nestle within each other, to co-inhabit, to be a matrix for each other, to make a ‘place’ out of neutral ‘space’, or to be cast out as anti-matrixial.” (Taylor, 2002: 5)

Cosmic exiles – People who claim to be able to see objects in their raw and unprocessed state, a feat that is not actually possible for socialized humans who can, in truth, view objects only as they have been socially processed. The proposition that some experts can see objects in their socially unprocessed state is the principle fiction underlying mountaintop removal mining and related practices. From a position of cosmic exile, one can claim to expunge all traces of interconnectedness. Michael Thompson writes, “When people do play the cosmic exile, and claim to have access to raw objects, they are simply insisting that their socially processed objects are better than other people’s: that their cognition is true and that of others is false.” (*Rubbish Theory: The Creation and Destruction of Value*). See also “Flatlanders.”

Crisis mode – Or crisis time. A time in which many coalfield community groups are forced to operate, because they are closest to the most intensified negative externalities of the coal industry: flooding, blasting, eviction, union-busting, layoffs, and so forth.

Cumulative permititis – A syndrome fostered by the “general permit” for mountaintop removal mines, which is used to approve projects less than 250 acres. Larger projects must undergo the more rigorous oversight of an “individual permit.” Consequently, in order to mine tracts of land extending for thousands of acres, coal companies take out multiple adjacent permits of 249 acres. Lkening the practice to a pathological condition, some in the coalfields call this syndrome “cumulative permititis.”

Dead county – A county stripped of its surplus value and finally abandoned by the coal industry. Mingo and MacDowell are cited as examples.

Delay Tactics – used on both sides to buy time (here time may be bought with trust, or with the loss of an ambiguity that facilitated survival – as in the lawsuits that led to the clarification of the stream buffer rule, but then triggered a legislative maneuver to overturn that rule in favor of the companies.)

Divide and conquer: a practice whereby the corporate state pits potential allies against each other. In the coal truck weight controversy, paying by the load rather than by the hour pitted truck drives against citizens who want safe roads.

Environmental Impact Statement (EIS): While environmental assessments are routinely conducted as part of the permitting process for any development that requires federal involvement, they are not as in depth as what is called a Programmatic EIS, a study which looks thoroughly at the impacts of a process like mountaintop removal or logging road construction in National Forests. Plaintiff in the lawsuit Bragg vs. Roberts agreed to drop the suit in exchange for a programmatic EIS on mountaintop removal mining. This EIS may be accessed through the OVEC website.

Face-to-face networking – One of OVEC’s most effective means of coalition-building. (Corinna McMackin, notes, 6/14/02)

Fact Sheets – Data on particular issues, researched and compiled for distribution at public meetings. This practice generates the knowledge people need in order to plan for the future.

Fast Track – A trade promotion bill, “Free Trade of the Americas,” that extends NAFTA to the whole hemisphere and increases the power of the World Trade Organization at the expense of labor standards and environmental protection. “Fast Track” references a time sequence that restructures social and political relations on a global scale. Designed to ease corporate access to raw materials and markets, international agreements like GATT and NAFTA empower organizations like the WTO, the IMF, and the World Bank to challenge local and national laws that constitute impediments to free trade. In an action alert OVEC translates the implications of this for mountain communities: “...an unelected, unaccountable panel of ‘judges’ from the World Trade Organization could overturn laws written to stop MTR.” This is an example of how OVEC works to reveal challenges (emerging behind the scenes) to communities trying to survive in a changing world.

Fast-track professionalism – Opposite of civic professionalism; professional expertise rendered in the service of the neo-liberal economic fast track agenda; generally not community-based; focused on economic space rather than on life space.

Flatlanders – Apologists for mountaintop removal mining who argue that West Virginia is too hilly and could use some level places in order to develop such amenities as prisons, chicken factories, malls, golf courses, and airports. (See also Cosmic Exiles)

Flip-Chart Inscription – Technique of simultaneous brainstorming and note-taking in public, which facilitates “participatory reason” (Taylor and Reid).

Harmonizing: Tom Fitzwater: “Bringing policies into conformity along the lines of the least common denominator.”

Hearing: in contrast to façade performance, a hearing is an event in which elected officials and government employees face the public in order to take comments and answer questions on a proposed course of action. No decisions are made at hearings, and often government representatives are enjoined from engaging in open discussion, as at permit hearings for specific mountaintop removal projects. Nonetheless hearings form important sites of political struggle.

Leadership: enabling, connecting.

Legalized bribery – a way of thinking about unlimited campaign contributions (Janet Fout to Corinna McMackin)

Liberal Democratic Polity – an archipelago of community-based mediating organizations working in tandem with elected officials and civic professionals to shape and defend the public space in which democracy is grounded. OVEC provides glimpses of the LDP in action and facilitates access to its spaces: June 6th

National Sacrifice Zone – Space that results when national policies support market needs over the needs of society in some places, while supporting societal needs over the needs of the market in most others. This space, and the resulting social inequalities and dislocations, is the result of uneven geographic development. During the middle decades of the 20th century, when progressive economic policies were operating in America at large (cf. “The Great Society”). Central Appalachia functioned as a national sacrifice zone, even while it was ostensibly the focus of the war on poverty.

Organized chaos -- Democracy in its chrysalis phase.

Overburden – Technically defined as materials that cover ore or other useful minerals.

Passing the microphone – The capacity to “pass the microphone” is a prerequisite for leadership in OVEC. This phrase was coined by Joan Minieri of Community Voices Heard to summarize the imperative to subordinate one’s ego to the needs of the community and the group in order to accomplish the work. (Interview, Janet Fout with Corinna McMackin)

Peak reduction – euphemism coined by industry for mountaintop removal.

People’s Election Reform Campaign – (PERC)

Permeable Sabbatical -- The kind of time off that activists arrange to take in order to be available for quick consultation or action when needed.

Porch sitting – A kind of discourse in which OVEC engages, essential to coalition building and community organizing. Discourse conducive to problem sharing and relationship building; not governed by clock time.

Pressure points – term used in Sustaining the Mountains Symposium to describe mode of activism that works by identifying new pressure points – here the system is imagined as something with a form that has an inside and an outside and that manifests itself at local, state, regional, national, and global levels. Setting the stage for a kind of socio-ecological acupuncture, coalition building makes it possible to exert pressure at the national level in order to effect change at the local level. Unlike acupuncture, in which pressure may be applied to the same place over and over to cure the same malady, in the system OVEC works, maladies build up immunities to pressure applied repeatedly at the same points (i.e. legislators will change a law or policy that activists may invoke). This necessitates a continual search for new pressure points.

Radical trust – term used by OVEC leaders to describe their conviction that action grounded in value on spiritual and social relationships will yield positive results.

Relationship – “Work flows out of a sense of the importance of relationship.” (Dianne Bady)

Release – (i.e. FATT’s release of its runoff analyses and ‘proposed mining rule changes and proposed changes for best management practices for forestry)

Right to subsidize – privilege invoked by coal companies wishing to open longwall mines in Pennsylvania and Ohio (Coal Summit, June 2002)

Safe Space – the kind of space that OVEC and its affiliates try to create at their events to enable people to feel free to speak. (Corinna McMackin, fieldnotes on CORA meeting, October 2002)

Scoping Process: process used by federal agencies to determine scope of a proposed study.

Self-care – loving stewardship of one’s spiritual, emotional, and physical resources as the foundation for life-long capacity to build community.

Severance of ownership from occupancy – term used in the report of the West Virginia Governor’s Task Force on Mountaintop Removal Mining to describe the process whereby industrial capitalists gained control of West Virginia’s mineral and timber reserves.

Appendix II

A Year and a Half in the Life of OVEC: MLK Day 2002-Earth Week 2003

Looking through the OVEC Action Alerts, which Vivian Stockman puts out, one can see the interaction of a time of protest with other times – the time of extraction or progress in the industrial corporate state. Sites on the calendar become sites of the struggle between memory and forgetting. Activities staged in protest, thanksgiving, petition, public education, and celebration are critically articulated with alternative calendars and forms of time.

January 21: **Martin Luther King Day** – remembering political inequity and discrimination in a time of environmental injustice

February 14: Stop overweight coal trucks – **Valentine’s Day** (Janet Fout demonstrates with a sign that says “Rep. Capito don’t break our hearts – Vote for the Shays-Meehan,” and gains an audience with Capito.)

February 22: E-day (flood the capitol in green)

February 26: **Anniversary** of Buffalo Creek

March 15: The Ides of March Black Lung Widows Rally

March 22: Treehuggers' Ball – spring event – celebrating with people who share that identity

April 1: **April Fool's day** – Only Fools bury streams (protest at COE)

April 19: Granny D. lectures on Laura Forman for **Earth Day**

May 15: **Lobbying** on Capitol Hill

June 6: **Hearing** on Valley Fills in D.C. (a “hearing” is a moment of struggle between two forms of time: economic development and community development)

June 9: Citizens for Clean Elections meeting

June 10-11: Coal Truck Weight Hearings

June 13: **Strategy meeting** – regional groups and individuals assemble to discuss Haden's ruling that the Bush Administration could not legalize dumping of mine waste in mountain streams and develop a “post-Haden decision strategy to end mountaintop removal.”

June 14: DEP **Release** of runoff study by FATT (Flood Analysis Technical Team), containing recommendation that industry stop dumping overburden over the edges of mtr sites, and instead build the valley fills from the bottom up.

June 20-21: **Coal Summit: The True Costs of Coal**

June 30: Former Secretary of State Ken Hechler speaks on radio call-in program re: overweight Coal Truck issue.

July 4: **Fourth of July** – Peaceful exercise of right to free speech and political expression. “Some West Virginians want to declare independence from the tyranny of the coal industry, which results in mountaintop removal, and they'll be on hand at the Ripley Fourth of July celebration to let President Bush know that.”

July 6-7: **Fourth of July Celebration** on Kayford Mountain, “a green island surrounded by a moonscape of mountaintop removal.”

July 9: The *Economist* lead story identifies Coal as Public Enemy Number 1

July 14: **Interfaith Prayer Service on Overweight Coal Trucks** – to pray that the legislature will do what is right and just and that coalfield communities will be protected.

July 25: Opening reception for **Exhibition of Art Quilts** at Taylor Books' Annex Gallery (by Winter Ross – sales from Earth Goddess series to benefit OVEC) (Ross's artistic work and ideas form a resource that channels cultural and fiscal capital into the activist community)

July 27: **Protest of Massey Picnic**, which is held on Magic Island – a public space taken over for 11 days by the company (renting it from the state). Defense mounted against the shrinking of public space. A Valley Fill collapses in southern West Virginia



August 2: Bill Moyers airs segment on Mountaintop Removal and the Clean Water Act (national visibility)

August 3: **Sustainable Fair**, Alum Bridge, West Virginia. (alternatives)
Support Shays-Pallone Act

August 19: Library of Congress makes Mountaintop Removal an official subject catalog heading; furthering national visibility and research capacity

August 21: Aides of Senators Lieberman and Jeffords fly over coalfields with Hume Davenport, of Southwings (national visibility). West Virginia Activists refuse to meet with Secretary of the Interior Gale Norton. Announcement of Bush's "Healthy Forest" initiative, with a translation: "Environmentalists cause forest fires and those nice corporations will solve the problem if we get out of their way." In other words, to control forest fires, cut down more trees.

August 31: "Stop Mountaintop Removal" banner is flown by small airplane over the Marshall University vs. Appalachian State football game (raincheck for "Massey Stop the Sludge" targeting Massey company picnickers, grounded by thunderstorms)

September 2: **Labor Day Picnic** with UMWA – coal truck weight limit a focus – Wise, Rockefeller, Roberts present – John Slack Park in Racine.

September 3: Take action on floods (pressure governor to accept his task force recommendations) and on forests

September 4: International Radio Program, "Making Contact," airs story on activist refusal to meet with Norton.

September 5: Coal Truck Press Conference and memorial service on the **Anniversary** of deaths of Jimmy Nelson and Mary Justice in coal truck accident.

September 6-8: WV Environmental Council meets in Hinton (Sludge Impoundment is focus) (Recycle printer cartridges via OVEC for cash to OVEC) McKnight's "Company Town" song available on mp3.com

September 23: The floods next time – WV Public radio documentary (allusion to the Fire Next Time, invoking the apocalyptic aspect of massive flooding, as well as the punitive attitude behind it). Call for removal of J. Steven Griles from high appointment in Department of the Interior.

September 30: Attention devoted to National Energy Policy – protest drilling in ANWR and fossil-fuel dependent policy; encourage hydrogen fuel economy and renewable electricity standards

October 1: Highlands Conservancy mounting campaign to save Blackwater Canyon, with slideshow

October 4: "Calling on a Higher Power for Help:" Prayer vigil with KFTC near McRoberts, KY at TECO MTR site – flooding is a problem in that town. Structure of event: bring reading, song, or prayer; followed by tour of site. Simultaneous service to be held in WV.

October 8: OVEC launches new interactive web pages – a set of maps showing the locations of slurry ponds, based on information housed at DEP. 100,000 gallons of coal sludge spills in Southern West Virginia.

October 10: Flooded Out Film Festival in Charleston, WV (public education, fundraising for flood victims) eve of **Anniversary of Martin County, KY Sludge Spill** (Oct. 11, 2000).

October 11: Ken Hechler (a storyteller for the movement; its Griot, so to speak) delivers a paper at Marshall U: “How the Overweight Coal Truck Issue Awakened The Sleeping Giant of West Virginia Public Opinion to Score a Victory Over the Power Structure.” Discussed by Radmacher and WVU Professor. (Academy, generation of research, knowledge)

October 15: Meet the Candidates – sponsored by Citizens for Clean Elections (in support of WV Clean Elections Act)

October 16: Plaque Flack – join a demonstration to “Tell the Whole Story About Coal” – protest of images of mountaintop removal and longwall mining technology at the base of a statue of a coal miner. “Tell the Whole Story: 125,000 miners in 1940s, 15,000 today” Tell the Whole Story: Buffalo Creek Flood, Acid Rain, Coal Sludge Disasters, etc.” Later they decide to transform site, re-inscribe it as a memorial for the mountains – leave sympathy cards for WV, leave flowers, stop MTR brochures and bumper stickers.

October 28: Peoples’ Election Reform Press Conference “Come and see who is giving how much to your favorite politician.” Save WV’s Stream Gages from becoming a casualty of Wise’s cuts from the Office of Emergency Services – the Gages provide information, they help the research side of community development and environmental protection. – “What is Wise afraid of knowing?”

October 30: Radio Call-In program on Development in West Virginia –

October 31: Picket Bush visit to Charleston Civic Center – protesting his ties to the coal industry and his gutting of environmental laws (Clean Water, Clean Air) and appointment of mining lobbyists to key regulatory posts.

November 18-23: Marshall Action for Peaceful Solutions (MAPS) holds a “Just Gimme Some Truth” conference. **Anniversary** of Emma Goldman’s arrest at the Mother Earth Ball. Write to USFW re: placing the Cerulean Warbler on its T&E Species list (“Threats to this lovely bird include loss of summer forested habitat in North America (mountaintop removal, poor timbering practices etc.) and loss of winter forested habitat in South America. The letter is to go to the Ecological Services Field Office.

November 19 alert: “Clay County in MTR crosshairs.” Thank Nancy Pelosi – California rep and new House Minority Leader – very sympathetic in June

November 22: Hearing in Beckley Courthouse on Brushy Fork impoundment, shut down for nine days because of violations – support CRMW by turning out E-tour the Coal

River Write to UK to protest its mining of reserves it owns under Robinson Forest (go regional). The congressional authorization of the new Department of Homeland Security has implications for coalfield communities. It places at risk public access to information on health and environment. It puts in jeopardy the “right to know” program that fosters public disclosure of chemical safety risks. Drive to Survive – support the move to the new hydrogen economy – “No foreign oil! Free our economy and help the environment.” A hydrogen fuel cell car to cross the country. Litany of “Bush Attacks” delivered: on Clean Air (new source review to be tanked); on forests (dismantling of National Forest Management Act) Job announcement – Executive coordinator for Buckeye Council (\$25-\$30K plus benefits)

December 4: Hearing on Haden’s Valley Fill Ruling – that most valley fills are illegal under the clean water act because most of them have no legal post-mining development plans –

December 10: Dust Busters vs. Massey in Sylvester. Write to FCC in opposition to rollbacks of limits on media consolidation.

December 10: **Prayer on the Mountains**, in Neon, Kentucky

December 20: DEP flood investigation advisory committee meets in Nitro to discuss proposed regulatory changes for valley fills – the controversial recommendation that industry build valley fills from the bottom up, which industry does not want to do, will be discussed.

January 2, 2003: Capitol Building Commission holds meeting, at OVEC’s request, to discuss mtr plaque on the base of a statue to honor miners. They reveal that they don’t have a say regarding the content of the plaque. The plaque will not change.

January 3: Dedication of miner’s statue and its base celebrating the giant earth moving technology in which the coal industry invested in order to whittle down the work force.

January 8: Overweight Coal Truck Press Conference timed to coincide with opening of 2003 Legislative Session. CRMW, CAG, We the People. Secretary of State’s Conference Room, Charleston. Bill Raney, president of WV Coal Association is one of three lobbyists “orienting” freshman legislators about lobbyists. OVEC asks its members to request and EIS from the US Forest Service on the Black Water Canyon proposal. OVEC asks its members to request their Senators to support the **Edwards Amendment** which would block the Bush Administration’s effort to weaken the Clean Air Act by eliminating the new source review requirement.

January 21: WV DEP public presentation, Charleston, on valley fill proposals. Deadline for comments on Cerulean Warblers.

January 22: Screening of Coal Bucket Outlaw in Marmet community Building.

Wednesdays: 7-9 p.m. turn off light for peace. Sit in dark, pray, starts with Psalm 27:13: sit in the dark and pray for peace. Janet Fout goes to Mexico. Dianne Bady and Viv Stockman attend World Social Forum in Brazil. House version of Clean Elections Act introduced in WV. Kentucky Waterways Alliance seeks outreach director (\$25-30K)

February 2-3: Auditions for play about mountaintop removal, "Final Assault." Focus on economy vs. environment conflict; Clean Elections reception and Press Conference with Boyd Marley, from Maine – one of the first Clean Elections candidates nationally to be elected to public office.

February 3: Rally at State Capitol with WV AFL-CIO re: workers' compensation bill and other issues. Memory: "Remember, coal companies bilked the state out of hundreds of millions of dollars in workers' comp payments, helping to create the workers' comp debt crisis." Mike Caputo wrote that it would "take away benefits from injured workers and make permanent total disability benefits very difficult to obtain for deserving workers that are injured on the job. We cannot allow this debt to be balanced on the backs of working West Virginians."

February 5: Closing arguments of Sylvester Dustbuster suit. Fourth Circuit Court of Appeals (a conservative pro-business court) overturns the Haden Ruling.

February 11: Coal Bill harmonizes state law with federal law, relaxing state laws found to be more stringent than federal laws (what does "stringent" mean? Whatever limits industry?) Calls to legislators advised. Tell legislators not to increase weight limits on coal trucks. Beware of attempts to sneak this into pending legislation.

February 12 – **Shays-Pallone bill** introduced in U.S. legislature: Bipartisan bill to reverse Bush Administration decision on Mountaintop Removal This legislation "protects the definition of 'fill material' in the Clean Water Act from being expanded to include mining wastes and other pollutants.

February 13 – Meeting at Capitol Complex to track progress of SB 583 – the bill to increase coal truck weights – referred to Senate's Energy, Industry, and Mining Committee. Thank Del. Virginia Mahan and House Judiciary Chair Jon Amores for adding an amendment to HB 2603, the bill to implement the DEP's Flood Task Force recommendations. The amendment retroactively governs surface water runoff and sediment ponds.

February 15: **Peace gathering in Spencer** (coinciding with rally in NYC). War is environmentally disastrous, and therefore an OVEC issue. OVEC invites interested people to a meeting afterwards to synchronize the six or seven peace groups operating in WV without awareness of each other. Doonesbury comic strip features Mountaintop Removal. (www.doonesbury.com/strip/dailydose/index.cfm?uc_full_date=2003012) State legislature takes up SB 480 and HB 2956 Roll Back Coal environmental regulations (see Feb. 11)

February 16: **Interfaith Peace Service** – Grail Liturgy, refreshments, fellowship, sign-making – Unitarian Fellowship of Huntington

February 17: **Peace Rally** -- Huntington City Hall

February 19: **State Senate Energy, Industry, and Mining Committee Hearing** on SB 480

February 20: **National Issues Forum on America's Role in the World** -- Marshall University. How should America use its resources and influence?

February 21: Screening of "Razing Appalachia." **Forest Organizer** for Sierra Club (\$27K plus benefits) based in Charleston.

February 25: E-Day (environmental day, sponsored by WV Environmental Council annually. State Capitol

February 28: Book-signing of *Fallam's Secret*, Denise Giardina's new book, at Taylor Books in Charleston. "Wow! A book, a play, and a film – the Stop Mountaintop Removal Movement expands – artily!"

March 4: **No to Raising the Weight Limit on Coal Trucks Rally** – Capitol Building, Charleston

March 7-9: **Fourth Summit on the Mountains, Pipestem, WV**

March 7: **Getting out of the Overburden and Onto the Map** (prequel to symposium at U of PA)

March 22: U.S. Senate defeats proposal to drill in ANWR

Allegheny Electric puts Cheat Canyon up for Public Sale

March 24: **MTR Permit Hearing** – Marsh Fork High School

March 27: **MTR Permit Hearing** – Logan High School Little Theater

April 16: **Judy Bonds**, Community Outreach Coordinator for Coal River Mountain Watch, receives **Goldman Environmental Award for North America**

April 18: **Final Assault** – Mountaintop Removal Play, Capitol Theater Center, Charleston. OVEC fundraiser/reception. Patriot Act fosters climate in which Religious organizations and environmental activists could be dealt with as terrorists. Lawsuit filed in Kentucky to halt mountaintop removal in Daniel Boone National Forest.

April 21: **Press Conference Outside John Amos Power Plant** – Observing Earth day by monitoring mortality rates in WV, second highest behind KY. Relationship to location downwind of power plants.

April 22: **Earth Day Speak Out** -- online interactive forum: "Ask the White House" features Christie Todd Whitman.

April 23-24: **Sustaining the Mountains Earth Week Symposium**, University of Pennsylvania, Philadelphia, PA

April 25: **Tree Huggers Ball**, Calamity Café

April 25 – 27: **WV Highlands Conservancy tour of Wind Farms** (in WV)

April 26: **Artists for the Environment** – Charleston, WV

April 30: **Grilling Griles**: Senator Lieberman seeks **Probe on Griles** (re: conflict of interest)

May 8: **Rally to Stop Black Lung Disease** (UMWA against proposed new coal dust regulations which would expose miners to four times the dust presently allowed.

May 17: **Free Trade Agreement of the Americas Conference** (Hemisphere)

May 20: **Razing Appalachia on PBS**

May 23-25: "The Good, the Bad, the Ugly (and the Beautiful) Tour"; **Memorial Day Weekend in the Woods** (Heartwoods 13th Annual Forest Council, Blanton Forest, Harlan County, KY)

May 29: Ethnography of OVEC is federal expressed to Amparo Hoffman at NYU!

May 30: **Draft Mountaintop Removal EIS slated for release Appendix 3:**

MOUNTAINTOP REMOVAL COURT CHRONOLOGY

Assembled by Vivian Stockman

Here is a list of significant events in two mountaintop removal cases: Bragg v. Robertson and Kentuckians for the Commonwealth v. Rivenburgh.

--April 18, 1998 - The West Virginia Highlands Conservancy and 10 coalfield residents (including an Ohio Valley Environmental Coalition board member) filed a formal notice that

they planned to sue the state Division of Environmental Protection and the Army Corps of

Engineers over mountaintop removal permitting. The case is called Bragg v. Robertson, named

for one of the coalfield citizens, Patricia Bragg, and the district chief of the Corps, Col. Dana

Robertson.

--July 16, 1998 - Sixty days after their warning notice, lawyers for the Conservancy and the citizens filed a complaint in U.S. District Court in Charleston against DEP and the Corps. The complaint alleged that both agencies regularly issued mountaintop removal permits that violate water quality regulations and reclamation rules.

--Nov. 4, 1998 - Then-DEP Director Michael Miano issued a permit for Arch Coal Inc. to expand its Dal-Tex mountaintop removal site near Blair, Logan County. The 3,100-acre permit was the largest issued in West Virginia history.

--Dec. 23, 1998 - Lawyers for the Conservancy agreed to drop their complaints against the Corps. In return, federal officials promised to more closely scrutinize **mining** permits and conduct a detailed study of mountaintop removal.

--March 3, 1999 - After several days of hearings and a tour of the proposed site, Haden issued a preliminary injunction that blocked Arch's Dal-Tex expansion permit. The judge said a helicopter flyover of Southern West Virginia had revealed, "The extent and permanence of environmental degradation this type of **mining** produces."

--July 23, 1999 - Nearly 400 United Mine Workers at Dal-Tex were laid off. Arch Coal said it couldn't continue operating without the expansion permit.

--July 26, 1999 - Lawyers for DEP and the citizens agreed to settle most of the lawsuit. DEP

promised to write strict new rules that would require operators to rebuild mountains and replant forests. The two sides agreed to ask Haden to decide the one issue they couldn't resolve - whether the stream buffer zone rule prohibits valley fills in perennial and intermittent streams.

--Oct. 20, 1999 - Haden concluded that the citizens were right. The buffer zone rule prohibits most large valley fills. The judge blocked DEP Director Michael Castle from approving any new fills in perennial and intermittent streams. A firestorm of protests erupted from the UMW, the Underwood administration, the coal industry and the state's congressional delegation.

--Oct. 29, 1999 - Haden suspended his ruling, pending an appeal to the 4th U.S. Circuit Court of Appeals in Richmond, VA

--Nov. 18, 1999 - Sen. Robert C. Byrd, D-W.Va., failed in an effort to pass a legislative rider to overturn Haden's ruling.

--April 2000 - Massey Energy subsidiary Martin County Coal Corp. sought a Corps permit for a

mining project that would bury more than 6 miles of Eastern Kentucky streams beneath
27

valley fills.

--Dec. 7, 2000 - Lawyers argued appeal of Haden's 1999 ruling to a three-judge panel at the 4th Circuit.

--January 2001 - U.S. Fish and Wildlife Service and U.S. Environmental Protection Agency tried to block the Martin County Coal permit. EPA said the proposal would result in "an unacceptable adverse impact to wildlife and recreational areas." Eventually, the Corps refused to stop the permit.

--April 24, 2001 - That three-judge panel overturned Haden. The panel concluded that the case belonged in state, not federal, court.

--Aug. 21, 2001 - The citizens group Kentuckians for the Commonwealth filed suit in Haden's court, seeking to block the Martin County Coal permit. The permit is at some point transferred to another company, called Beech Fork Processing. The case is called KFTC v. Rivenburgh, named for the citizen group and for the district Corps engineer, Col. John Rivenburgh.

--Jan. 23, 2002 - The U.S. Supreme Court declined to hear an appeal of the 4th Circuit's decision in the Bragg v. Robertson case.

--May 3, 2002 - The Bush administration's EPA and the Corps issued a joint announcement that they had finalized a Clinton-era rule change aimed at legalizing valley fills. The change added mountaintop removal waste rock and dirt to the list of materials that can be authorized for disposal in streams under the Corps' Clean Water Act Section 404 permits.

--May 8, 2002 - Haden ruled that the regulation change doesn't matter, because the Clean Water Act itself generally prohibits valley fills. Subsequently, Beech Fork Processing told the Corps it could mine its coal without burying any streams.

--June 17, 2002 - Haden declined to suspend his ruling pending another appeal to the 4th Circuit.

--Dec. 4, 2002 - A three-judge panel of the 4th Circuit heard oral arguments on the appeal.

--Jan. 29, 2003 - Haden's valley fills ruling overturned again³³ The 4th Circuit's decision is available on the Internet at <http://pacer.ca4.uscourts.gov/opinion.pdf/021736.P.pdf>. Additional information about the case is available on the Gazette's Web site at <http://wvgazette.com/static/series/mining/hadenrule.html>.

Appendix 4:

Some highlights of West Virginia citizen activism on mountaintop removal / valley fill strip mining (NOT an exhaustive list!)

June 1997 - First public forum on mountaintop removal / valley fill strip mining in West Virginia, at Marshall University. Organized by Ohio Valley Environmental Coalition (OVEC)

based in Huntington WV.

August 1997 – First major national coverage of mountaintop removal / valley fill strip mining

(MTR) in West Virginia. Penny Loeb wrote the cover story, Shear Madness, in US News and

World Report.

December 1997 – In response to citizen concerns, the Huntington *Herald Dispatch* sponsored a

public forum on MTR.

July 1998 – Coal River Mountain Watch, a then-new coalfields group, organized a public rally to

educate people about the problems associated with MTR. Orgas, WV.

October 1998 – By this date, citizen outreach to churches, organized primarily by OVEC, resulted in resolutions being passed for an immediate halt to MTR in WV, until such time as the

environmental and social costs of MTR were fully studied.

These church bodies passed such resolutions: Commission on Religion in Appalachia, United

Methodist Church of West Virginia, Evangelical Lutheran Church – West Virginia and western

Maryland synod, Episcopal Church of West Virginia, the Presbyterian Church – Shenandoah,

and the Catholic Committee of Appalachia.

January 1999 – The first Rally for the Mountains at the WV state capitol in Charleston.

Organized primarily by OVEC with the involvement of Coal River Mountain Watch and WV

Highlands Conservancy.

April 1999 - The second Rally for the Mountains at the WV state capitol in Charleston.

Attended by 600 people. Featured Carol Jackson's mountaintop removal cemetery that contains

over 1000 cardboard tombstones, each with the name of a creek or mountain destroyed by MTR,

or a community seriously impacted by MTR.

May 1999 - OVEC receives the national Methodist Federation for Social Action's highest award

for Outstanding Social Justice Action.

July to August 1999 - Larry Gibson, often accompanied by others, especially Julian Martin,

completes a 500 mile Walk for the Mountains. This walk from one end of West Virginia to the

other, featured numerous forums and gatherings throughout the state with the purpose of educating people statewide about the serious impacts of MTR. Great media coverage throughout

the state. Organized by OVEC.

1999 – 2002 – NUMEROUS public protests of mountaintop removal, targeting state and federal

agencies (WV Division of Environmental Protection, WV Office of Surface Mining, US Office

of Surface Mining, US Army Corps of Engineers Huntington office) for lax enforcement and for

granting legally questionable permits. Organized primarily by OVEC with the involvement of

Coal River Mountain Watch and WV Highlands Conservancy. State and federal officials receive

the clear message – citizens are suffering from the impacts of MTR and want it stopped!

Extensive media coverage of these protests brings the message to the wider public.

February 2000 – West Virginia Citizens Speak Out Against Mountaintop Removal at the national capitol in Washington DC.

March 2000 – OVEC organizes the second Summit for the Mountains to bring together coalfield

residents, other concerned people and folks from other organizations, to support each others’

work and to develop cooperative action plans.

October 2000 – Kentucky sludge disaster. Over 300 million gallons of coal sludge at KY’s

largest mountaintop removal site breaks through a coal sludge impoundment and into the underground mine works located underneath the impoundment. Sludge spills into streams and

rivers, polluting over 60 miles of rivers.

October 2000 – OVEC organizes the Funeral for the Mountains at the WV state capitol.

Hundreds of people gather to mourn the loss of mountains, streams, communities and even

democracy in West Virginia, due to the increase in MTR mining.

2000-2001 – Several national politicians try to change the Clean Water Act rules in order to

make large valley fills legal. OVEC and other groups mobilize citizens to pressure the Clinton

administration to prevent this rule change, and organize lobbying trips to Washington DC to

fight the rule changes. The Clinton administration refuses to allow the Clean Water Act to be

rewritten to promote more MTR.

2000-2002 - A series of legal appeals brought by Coal River Mountain Watch result in concrete victories for the citizens. Temporary shutdowns of coal facilities that are

violating the

law.

2001-Laura Forman, Janet Fout and Dianne Bady of OVEC win one of the Ford Foundation's inaugural Leadership for a Changing World Awards, along with \$130,000 for OVEC.

July 2001 – severe floods in the southern WV coalfields lead to destroyed homes, businesses, and loss of life. Impacted citizens point to heavy rain runoff from neighboring MTR operations and demand that WV DEP officials take action to prevent further flooding. Two hundred citizens gather at Coal River Mountain Watch's office to meet with DEP's mining director.

2001 – WV Governor Wise demands that the impact of logging and mining on flooding be examined by the WV Division of Environmental Protection. Members of Coal River Mountain Watch and WV Highlands Conservancy are appointed to the flooding Citizens Study Panel. Modeling performed by the WV DEP results in the conclusion that mining and timbering DID contribute to the severity of the floods.

October 2001 – Citizens again target Massey Energy for their frequent violations of environmental laws at their MTR mines. People protest at Massey's Charleston headquarters.

2002 - Cindy Rank of the WV Highlands Conservancy wins the national Friends of the Earth's highest citizen award for clean water activism.

May 2002 - severe floods in the southern WV coalfields again lead to destroyed homes and businesses.

2003 – Sylvester WV citizens win their lawsuit against Massey Energy's Elk Run coal processing facility in their community. Elk Run Coal is forced to implement dust-control measures and pay settlements to the citizens. But problems there continue.

2003 – Judy Bonds of Coal River Mountain Watch wins the Goldman Environmental Prize for North America for her activism against MTR. She receives \$125,000 with this prestigious prize.

Appendix V: Flip Charts

The flip charts, the product of a workshop we co-produced with OVEC, contain a list of amenities, or ecological services provided by the mountains. These services could be mapped.

Did this workshop and its follow-up piece, the Sustaining the Mountains Symposium at Penn,

generate new knowledge and potentially new directions? Did it expand the political imagination?

- Registering cemeteries
- Zoning laws – too close to communities
- Loss of hunting and fishing grounds
- Not free to walk -- health
- Spirituality (connectedness) being lost
- Ginseng and other herbs
- Cumulative permititis (smaller)
- Paths, trails, old roads
- Cemeteries (civil war, revolutionary)
- Mine history
- community-centered agriculture
- family agriculture
- reclaiming the language
- psychological impacts of the devastation (loss of beauty);
- property values (tax losses, education suffers)
- health impacts – chemicals – stress
- effects on biodiversity (invasives, monoculture)
- soil – protecting soil as a resource -- F and G
- loss of independence (loss of the “second paycheck”)
- loss of the resource of human skills developed over generations – an economic and cultural resource
- loss of traditional medicine – (pharmacogenetics rooted in mixed mesophytic understory)
- cultural genocide
- flooding (impacts on community)
- genealogical memory (generational connectedness)
- changing topography affects:
peace of mind
micro climates
- stress factors
- value and respect given to skills
- connections between generations
- night sky (light pollution)
- music / poetry / prose – eco-aesthetics

**Appendix VI:
Local, Regional, and National Collaborators with OVEC**

Key to acronyms, denoting areas of shared interest:

*CFR- Campaign Finance Reform
CSI- Coal Slurry Impoundments
D- Dioxin
MTR- Mountain Top Removal
OCT- Overweight Coal Trucks
PP- Power Plants
WQ- Water Quality

OVEC- Collaborators (local/West Virginia)

Affiliated Construction Trades Foundation (national group)-

- Began 1993 with the proposed non-union pulp mill in Apple Grove, WV

Big Creek People in Action- Caretta, McDowell County

- Began 1997

- Issues include CFR, Project EAR

Coal River Mountain Watch- Whitesville

- Issues include MTR, OCT

Common Cause West Virginia- Charleston

- Issues include CFR,

Concerned Citizen's Coalition- Roane, Calhoun & Gilmer Counties

- Issues include MTR

Greater Huntington Parks & Recreation Service- Huntington

- Began 1992 by co-founding the *Web of Life* a week-long nature day camp. OVEC was directly involved 1992-1996, and continues to sponsor the camp today.

Heiser Manila Creek (?)- Poca

- 2000-2001

- Issues include PP & D

Huntington Tri-State Audubon Society- Huntington

NAACP (national organization)- Huntington branch

Stanley Heir's Foundation- Kayford Mountain

- Issues include MTR

Students Active for a Vital Earth- Marshall University, Huntington

United Mine Worker's Association (national group)-

- Began 2000 when 12-20 miners showed up at a protest of the Brushy Fork

Impoundment

in Whitesville

- Issues include Massey Energy & OCT

West Virginia Citizen's Action Group- Charleston

- Issues include CFR, MTR

West Virginia Citizen's Research Group- Charleston

- Issues include CFR, MTR

West Virginia Council of Churches (national group)- Charleston

West Virginia Environmental Council- Charleston

West Virginia Highlands Conservancy- Charleston

- Issues include MTR

West Virginia Interfaith Global Climate Change Campaign- Talcott

- Began 2000

- Issues include the effects of coal-burning on global climate change and air quality

West Virginia Organizing Project- Logan County

- Issues include MTR

West Virginia Rivers Coalition- Elkins

OVEC- Collaborators (regional)

Appalachian Voices- Boone, N C

- Issues include MTR

Appalshop- Whitesburg, KY

- Began 1993

- Issues include the Apple Grove pulp mill, CSI & MTR

Buckeye Forest Council- Athens, OH

Commission on Religion in Appalachia- Charleston, WV

Democracy South- Carrboro, NC

- Began 1997

- Issues include CFR

Heartwood- Bloomington, IN

Kentuckians For The Commonwealth- London, KY

Kentucky Resources Council- Louisville, KY

- Issues include MTR

Kentucky Waterways Alliance- Munfordville, KY

- Issues include MTR

Ohio Environmental Council- Columbus, OH

Recover- Marietta, OH

OVEC- Collaborators (national)

American Rivers- Washington D.C.

- Issues include MTR, WQ

Center for Responsive Politics- Washington D.C.

- Began 1997

- Issues include CFR

Citizen's Coal Council- Denver, CO & Washington D.C.

- Issues include MTR

Citizen's for Health, Environment and Justice- VA

- 2000-2001

- Issues include PP & D

Clean Water Network- Washington D.C.

- Issues include MTR, WQ

Earth First! - Tucson, AZ

- 1993-1997

- Worked together to fight the proposed pulp mill in Apple Grove, WV*

Earth Justice- Washington D.C.

- Issues include MTR

Friends of the Earth- Washington D.C.

- Issues include MTR

National Lawyers Guild- New York, NY

- Began 2002

- Issues include MTR

Native Forest Network- Missoula, MT & Burlington, VT

- 1993-1997

- Worked together to fight the proposed pulp mill in Apple Grove, WV

Natural Resources Defense Council- New York, NY

- Issues include MTR

Public Campaign- Washington D.C.

- Issues include CFR

Sierra Club- San Francisco, CA

- Issues include MTR

Waterkeeper Alliance- White Plains, NY

- Began 2002

- Issues include MTR, WQ

*National organizations joined OVEC in opposition to the Apple Grove pulp mill because the mill would have been the largest in North America, devastating forests for source materials.