

ABSTRACT

Mountaintop Removal Mining and the Environmental Rhetoric of the 2010 West Virginia State Primary Campaign

Rachel Ford, M.A.

Mentor: Martin J. Medhurst, Ph.D.

This project analyzes the rhetoric of the 2010 West Virginia special senate primary election paying particular attention to the candidates' discussion of mountaintop removal mining—a controversial type of mining in which the tops of mountains are removed so that the coal seams deep within can be easily accessed. Recently the practice of mountaintop removal has gained public attention because of its negative environmental impacts. This thesis uses a critical historical approach as a lens through which to interpret the complex historical relationship that has developed between the state and the coal industry. This history is important to my analysis because it illuminates the ways in which the relationship shapes the motivations of each candidate. I attempt to further develop an understanding of how political candidates use rhetorical strategies and tactics to discuss environmental concerns in the context of an election campaign.

Mountaintop Removal Mining and the Environmental Rhetoric
of the 2010 West Virginia Special Senate Primary Campaign

by

Rachel Ford, B.A.

A Thesis

Approved by the Department of Communication Studies

David W. Schlueter, Ph.D., Chairperson

Submitted to the Graduate Faculty of Baylor
University in Partial Fulfillment of the
Requirements for the Degree
of
Master of Arts

Approved by the Thesis Committee

Martin J. Medhurst, Ph.D., Chairperson

Leslie A. Hahner, Ph.D.

David K. Nichols, Ph.D.

Accepted by the Graduate School
May 2011

J. Larry Lyon, Ph.D., Dean

Copyright © 2011 by Rachel Ford
All rights reserved

TABLE OF CONTENTS

CHAPTER ONE 1
 Introduction 1
CHAPTER TWO 17
 History of Coal in West Virginia 17
 The Development of Mountaintop Removal Mining 35
CHAPTER THREE 51
 Byrd’s Legislative History 51
 Senator Byrd’s Legislative History Regarding 55
 The Coal Industry and Environmental Initiatives 55
 The Evolution of Senator Byrd’s Statements Regarding Mountaintop Removal 67
 Conclusion 69
CHAPTER FOUR 76
 Calling The Election 76
CHAPTER FIVE 103
 Analysis 103
 Democratic Party candidates 107
 Republican Party candidates 117
 Mountain Party candidate 128
CHAPTER SIX 134
 Conclusion 134

ACKNOWLEDGMENTS

Throughout my life I have been blessed beyond measure by many people who have inspired and challenged me. This thesis would have been entirely impossible without their guidance, encouragement, and support. First, and most importantly, I would like to thank my parents, Arlene and Barney Ford, who taught me the importance of working hard and trying my best no matter the obstacle. I am indebted to my sisters, Sarah and Jessica, who have been wonderful role models and have always encourage me to follow my own path. I would also like to thank Marla and Chuck Sandridge for adopting me into their extended family, and the joy that they have brought to my life.

During my time at Appalachian State, Kris Willis introduced me to academic debate and helped me to find my voice. For his patience and encouragement, I will always be grateful. In addition to being one of the bravest women I know, Mariam Willis is deserving of my thanks for being a breath of fresh air and a dear friend. I would also like to thank Dr. Janice Pope who opened my eyes to the issue of mountaintop removal.

I would like to give special thanks to the individuals who played a special role during my time at Baylor. First, I would like to thank my thesis director, Dr. Martin J. Medhurst, without whom this project would not have been possible. Throughout this thesis process he has been unfailingly patient and had provided me with insightful feedback. To Dr. Leslie Hahner I would like to give my most sincere gratitude. As both a professor and a member on my thesis committee, Dr. Hahner has been a true example of scholarly excellence, and for her valuable insights I am very thankful. Dr. Scott Varda

also merits special consideration. Throughout my time at Baylor, Dr. Varda has proved to be one of the kindest and most genuine people that I am privileged to know.

In finishing, two people in particular merit special recognition. Kathleen Kalish has been my most dear friend and soul sister for many years. As my favorite enemy of the status quo, Kathleen has inspired me to always grow and develop as a person. Without her daily encouragement and practical doses of reality, I would not be the person I am today. Throughout this process my wonderful partner, Tommy McElroy, has been a constant and invaluable source of love and support. I am blessed beyond words to have him in my life.

CHAPTER ONE

Introduction

On July 20, 2010, Senator Robert Byrd of West Virginia passed away at the age of 92, leaving the Senate seat he occupied for over 51 years empty. Shortly after the senator's death, terms were set for a special election and 14 candidates began jockeying for Byrd's seat. The special election campaigns spanned over five weeks ending, on August 28, with the primary election. Within the context of the campaigns, the practice of surface mining, and specifically mountain top removal (MTR), became an important issue. Former senator and West Virginia secretary of state Ken Hechler was responsible for making MTR a point of campaign controversy. At age ninety-five, Hechler entered the senate race and stated, "Mountaintop removal is my number one issue, and it will be the first bill I will introduce into the Senate."¹ By exclusively focusing on MTR, Hechler forced the other candidates to make decisions about the way they would engage or disengage the MTR debate.

The Nature of the Problem

From a rhetorical perspective, this West Virginia special election campaign is of particular interest because of the exigency that exists between the State's economic and cultural ties to the coal industry and increasing environmental consciousness and concern about MTR. Analyzing the campaign through the lens of the issue of MTR provides a unique opportunity to understand both environmental and campaign-based rhetoric within the larger frame of West Virginian history and culture. To fully understand the rhetorical strategies deployed by candidates it is vital to explore what Loyd Bitzer terms the

rhetorical situation. For Bitzer, the rhetorical situation is not merely the context in which the speech occurs, it is the realization that “a particular discourse comes into existence because of some specific condition or situation which invites utterance.”²

The Rhetorical Situation

Since the discovery of coal in West Virginia in 1742, the state has been, and continues to be, largely shaped by the coal industry. As result of the interlaced histories of coal and West Virginia, the relationship that West Virginians have with the coal industry is the foundation of the rhetorical situation that structures how candidates present arguments. Ronald Lewis in his 1991 research article, “Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia,” argues that the coal industry’s involvement in the development of West Virginia is responsible for the “rural-industrial” climate in the state today.³ Lewis argues that the rural-industrial culture in the state is at least partially responsible for the difficulty West Virginians have regulating the coal industry.⁴ To fully understand the rhetorical situation of the special election, an examination of the historical relationship between West Virginian coal workers and the coal industry is needed. Toward that end, this thesis will contribute a rhetorical history of this complex relationship, using the 2010 special senate election as a prism through which to understand and appreciate the rhetorical dynamics surrounding the issue of Mountaintop Removal.

Research Questions

The research questions that drive this thesis are: How does the dependence of West Virginia’s economy on the coal industry interact with the rhetorical choices of

candidates during the 2010 special senate election? In what ways are legal and regulatory issues relating to MTR framed by the candidates? How do the candidates discuss the environmental implications of MTR? And what types of tactics do the candidates use to promote their opinion of MTR? The dependence of West Virginia's economy on the coal industry is an important area of analysis because of the impassioned feelings regarding regulation of the industry. Through an analysis of the economic realities of the situation and the rhetorical choices of the candidates, I will seek to uncover the economic and environmental priorities of each candidate. The legal and regulatory issues surrounding MTR are riddled with concerns of over-and-under regulation. A rhetorical exploration of how candidates frame MTR regulation will indicate the candidates' future plans for coal mining in West Virginia. Candidates' symbolic representations of and responses to the environmental implications of MTR are important to understanding the rhetorical framing adopted by each candidate.

Method

The special election in West Virginia provides a timely case to discuss how rhetoric functions within the context of political campaigns that involve a controversial environmental issue. To effectively evaluate the rhetorical strategies employed in the campaigns, I will utilize a critical historical approach to interrogate the historical context in which the special election occurred. Rhetorical history can be used to provide a "method for the discovery of truth in those situations where factors such as time, distance, memory, lack of records, competing interpretations, and differences in judgment preclude[d] certain knowledge."⁵ This approach is premised on the notion that the distinction between rhetoric and reality is false, because humans have "no access to a

reality outside of the human capacity” to perceive and make sense of our surroundings by using symbols which we imbue with meaning.⁶ As such there is “no single, monolithic view of reality out there waiting to be discovered, but only various interpretations competing in the marketplace of ideas for acceptance.”⁷ Competing histories all have one commonality; they are all comprised of intentionally selected texts chosen to tell a specific historical story. David Zarefsky notes: “The historian cannot recount all of ‘what happened’ and the historian’s view of ‘what happened’ is influenced by his or her own perspective. Facts do not speak; they must be spoken for. Historical scholarship is an interaction between the scholar and the historical record. Necessarily, then, it is interpretive.”⁸ Rhetoric is not only apparent in the formation of history it is also present in the reformation and rearticulating of history. The special election in West Virginia and its discussion of MTR is not an event that occurred in a vacuum. Instead, it was the culmination of social, economic, and environmental histories of the coal industry in West Virginia.

Rhetoric as a methodological approach to history is useful to formulate and resolve questions of textual accuracy. Questions of how to “penetrate the dynamics of rhetorical situations, to explicate the formal properties and societal functions of discourse, [and] to render evaluative judgments,” are also explored through rhetoric as method⁹ Since rhetorical historians are concerned with how rhetoric functions, these questions become central to the process of analysis, explanation, and interpretation of what Lucas notes are the “vital elements of rhetorical analysis.”¹⁰ This type of approach is not merely concerned with a strong reliance on history, but with developing a

rhetorical history premised on criticism which seeks to “interrogate and evaluate historical evidence.”¹¹

Further, a rhetorical approach to history seeks to “understand the context through the messages that reflect and construct that context” rather than aiming to simply understand the message in context.¹² Since people embrace different versions of history, context becomes exceedingly important to how a particular history is interpreted, and “thus becomes the dominant factor in the meaning and significance attached to the communication. Because communities remember differently, they also interpret differently, activating different sociological, psychological, and contextual cues in the process of meaning construction.”¹³ Considering this, the contextual relationships present in a particular history can often be just as important to the construction of meaning as the actual language used.

This project focuses particular attention on the context and manner in which the coal industry established itself as a vital aspect of West Virginia’s economy, influenced state politics, and influenced public opinion of environmental concerns. I am concerned with performing a critical rhetorical history that seeks not merely to report, but also to interrogate the claims of the candidates and the “reality” they seek to create through their rhetoric.

Literature Review

To date, there is no literature within the field of rhetorical criticism dedicated to MTR. However, several rhetorical scholars have published scholarship on the rhetoric of the environment and environmental politics. Foremost among these scholars are M.

Jimmie Killingsworth, Jonathan Lange, Christine Oravec, Brant Short, Gregory Clark, Kevin DeLuca, Tarla Rai Peterson, J. Robert Cox, Mark P. Moore, and Steven Schwarze.

Within the genre of political environmental rhetoric, the most comprehensive work that I have identified is M. Jimmie Killingsworth and Jaqueline S. Palmer's *ECOSPEAK: Rhetoric and Environmental Politics in America*. In this work, Killingsworth and Palmer separate environmental discourses in North America into two categories; one group who views nature as "a warehouse of resources for human use," and a second group who view human beings as an intrusive population, "a glitch in the earth's otherwise efficient ecosystem."¹⁴ Killingsworth and Palmer use Kenneth Burke's theories of identification, style, and genre to identify how rhetorical appeals both attract and repel groups. The discussion in chapter seven is of particular importance to my thesis in that it analyzes attempts to adjust economic interests to deepening ecological awareness.

Jonathan Lange's article, "The Logic of Competing Information Campaigns: Conflict Over Old Growth and the Spotted Owl," explores the discursive tactics that political campaigns involving environmental issues use. Lange argues that participants in competing information campaigns frequently mirror or match opponents' behavior using five distinct strategies; frame/reframe, select high/select low, vilify/ennoble, simplify/dramatize, and lobby/ litigate.¹⁵ In addition to identifying five strategies, Lange offers two theoretical implications that are of particular interest to my inquiry. The first is that by examining the competing information campaigns a logic of interaction can be identified in the absence of direct communication between groups. The second is a new framework for analyzing contemporary political communication. Lange's framework is

an attempt to understand why political debate frequently becomes “oversimplified, personalized, trivialized, and dramatized.” He offers that campaigns “co-create” systems of response and that they then “are compelled to respond to each other in ways determined by the system they constitute.”¹⁶ This article provides an excellent resource on the interaction of campaigns and campaign strategy. Specifically, Lange’s conclusions will help me to determine different strategies that candidates use, the logic of interaction, and to identify the system that campaigns have co-created and then feel obligated to maintain.

Christine Oravec’s article, “Conservationism vs. Preservationism: The “Public Interest” in the Hetch Hetchy Controversy” is helpful in deciphering rhetorical use of the terms “public” and “public interest.” The article examines the use of the terms public and public interest as used by two different groups: The Conservationists and The Preservationists. For Oravec, the different publics in this article fall into two categories; the first is a progressive view of America as “a collective population of individual units”; the second is a nationalistic view “with America viewed as an organic nation, the whole greater than its parts.”¹⁷ Oravec claims that the public and public interest are “rhetorical notions shaped in response not only by the immediate context of the debate, but also by the legitimizing force of predominant social and political presumptions.”¹⁸ In my own project, Oravec provides a means to understand and evaluate the candidates’ claims of the public and public interest in relation to environmental concerns.

In her insightful and timely book *Sharing the Earth: The Rhetoric of Sustainable Development*, Tarla Rai Peterson explores the rhetorical implications of utilizing the phrase “sustainable development” to guide environmental decision making. Peterson

notes that the rhetoric of sustainable development is particularly interesting because it represents a departure from environmental discourses that reinforce the dichotomy between participants that “win” and those who “lose.”¹⁹ She defines sustainable development as the view that “care for the environment is essential to economic progress; that the natural resources of our planet are the base of all agriculture and industry; and that only by sustaining that base can we sustain human development.”²⁰ In the third chapter, Peterson uses Kenneth Burke’s notion of rhetorical selectivity and Niklas Luhmann’s theory of function systems to argue that “when political leaders discuss sustainability, they draw upon the language developed within various function systems, and they have in mind a rhetorical purpose of persuading members of their various audiences that sustainability is a goal that should be shared by all.”²¹ By exploring both the limitations as well as the “unrealized potential” of the terms sustainable and development, Peterson provides a valuable resource to understand the use of development and conservation based claims.²²

Brant Short’s article, “Earth First! And the Rhetoric of Moral Confrontation,” examines the internal rhetoric of the extreme environmental group Earth First!. The internal rhetoric of a movement, Short argues, functions to “create, order, and define a view of reality that enables the movement to sustain itself.”²³ In the case of Earth First!, Short found that the use of agitative rhetoric caused members to constantly evaluate their actions in relation to the mission of Earth First!. Additionally, Short argues that the internal rhetoric drew public attention to the goals of the broader environmental movement and functioned to force a response from mainstream environmental groups about controversial issues.²⁴ Short develops three theoretical conclusions that guide

future study: that agitation or confrontation can be used as a method to critique social movements and remind the movement of its fundamental goals; that internal rhetoric must be evaluated within the context of the larger social movement; and that confrontational rhetoric can have a dual function of “creating a counterresponse inside as well as outside the social movement.”²⁵ Although, the nature of social movements and political campaigns are very different, in terms of duration and goal, there are enough similarities that I feel confident in drawing parallels between the two. Short’s article will help me to identify the internal rhetoric of each candidate’s campaign and analyze how each particular internal rhetoric functioned to aid or injure the momentum of the candidate and her/his followers.

Gregory Clark, S. Michael Halloran, and Allison Woodford in their article, “Thomas Cole’s Vision of ‘Nature’ and the Conquest Theme in American Culture,” explore the way that landscape art shapes American culture in relation to nature. An important conclusion of their work develops the rhetorical separation of human beings from the rest of the planet. When addressing the human preference to visually separate ourselves from nature, they state that a lack of separation would “acknowledge that we are a species, like the spotted owl or the snail darter, that we are an integral part of nature rather than either an alien visitor or a designated steward.”²⁶ Rhetorical separation, they argue, fosters an attitude of domination that can be seen in the iconic artwork of Thomas Cole. I argue that Clark, Halloran, and Woodford’s conclusions about visual rhetoric can also be applied to the spoken word. My thesis will use this text to identify and evaluate the motivation behind claims of separation from and domination over nature present in the campaign.

Kevin DeLuca provides a rhetorical analysis of the tactics used by environmental justice groups in his article, “The Possibilities of Nature in a Postmodern Age: The Rhetorical Tactics of Environmental Justice Groups.” He advances the notion that a conceptualization of nature as “untouched” and “untainted” by humans is no longer realistic.²⁷ DeLuca argues that the reconceptualization of nature is especially important to environmental groups because it provides an opportunity to rethink human-to-nature and human-to-human relationships, which has led to a “radical form of participatory democracy.”²⁸ Environmental justice participants work to define the environment as the place where humans experience day-to-day activities. Through his analysis DeLuca comes to two important conclusions that I would like to highlight. First, that environmental justice movements continually reconceptualize nature and the environment as a space that is not separate but inhabited. This conclusion is important to my thesis because it provides a literature base to analyze the way that each candidate conceptualizes the human to environment relationship. The second conclusion that I will highlight is that the postmodern nature of environmental justice groups provide the unique ability to link multiple issues in opposition to industrialism. This is important to my thesis in examining the tactics used by candidates to frame other issues in relation to MTR.

Steve Schwarze provides a rhetorical criticism of the use of juxtaposition in his article, “Juxtaposition in Environmental Health Rhetoric: Exposing Asbestos Contamination in Libby, Montana.” In the article Schwarze articulates how residents engaged in public discourse using juxtaposition to draw attention to the unacknowledged effects of asbestos exposure. He concludes that by using rhetorical juxtaposition residents

were able to recontextualize and frame institutional discourse as uncertain, ignite outrage in residents and workers, and structure moral meaning. This article is of particular interest to my project because it is one of the few articles in the field of rhetoric that addresses specific issues related to mining. The article is also pertinent to my study because Schwarze discusses how environmental health issues can be framed as moral issues through the use of rhetorical tactics. The subject matter of this article is also pertinent to my study because it deals with institutional refusal to acknowledge unintended consequences. This parallels the way in which the coal industry has refused to acknowledge consequences resulting from MTR.

With regard to MTR, and its relationship to West Virginia, other fields of study, most notably geological sciences, legal studies, and cultural studies, have produced an adequate literature base. Therefore, my study will draw upon previous interdisciplinary scholarship and use the special election in West Virginia as a way to introduce the topic of MTR into rhetorical scholarship.

Patrick C. McGinley in his article, "From Pick and Shovel to Mountaintop Removal: Environmental Injustice in the Appalachian Coalfields," examines the ramifications resulting from poor enforcement of the Surface Mining Control and Reclamation Act (SMCRA) of 1977. Of particular interest to my project is his explanation of the relationship between record high coal company profits and staggering poverty in coalfield communities. McGinley provides an analysis of the relationship between coal companies and regulators which he feels is to blame for the lack of SMCRA enforcement. Through his research and analysis, McGinley concludes that coal companies are participating in the intentional extermination of remote communities

whose presence impedes large scale mining operations.²⁹ His legal understanding of the highly politicized regulation of the coal industry provides a unique insight through which to examine the regulatory issues identified in the special election campaign.

My understanding of the regulatory and legal issues surrounding MTR is furthered by Julia Fox in her article, “Mountaintop Removal in West Virginia: An Environmental Sacrifice Zone,” which examines the control that the coal industry exhibits over the state government in West Virginia. She argues that the economic control of West Virginia by “absentee owners” has led to the extreme poverty and environmental destruction present within the state. The thesis of her argument is that the “traditional regulatory regime” is inadequate in its ability to deal with the cultural and environmental devastation caused by MTR.³⁰ She provides a historical analysis of coal company and state relations that account for the low level of regulation and high level of government control exhibited by West Virginia coal companies.

A group of distinguished scientists recently published the first comprehensive study of the ecological and health impacts of MTR. They provide an analysis of current peer-reviewed studies as well as of recent water quality data to ground their conclusions. I will use this study to ground my scientific and environmental understanding of the effects of MTR. The article has several important conclusions: the process employed in MTR causes permanent loss of water ecosystems which are hubs of biodiversity; there is extensive human exposure to toxic chemicals found in the water downstream from MTR sites; and reclamation of MTR sites fails to revive damaged soil, forest, and stream ecosystems.³¹

David Allen Corbin in his work *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922* provides an invaluable account of early coal mining in West Virginia. His work chronicles the specific ways in which the coal industry first began to gain power in the state, attempted to socialize workers and their families, and fought both unionization and regulatory efforts. Corbin provides an excellent contextual understanding of the specific actions of coal miners and industry officials by delving into past interviews, journal articles, and eye witness accounts of events that have been paid little historical attention.

Structure of Thesis

To provide a thorough analysis of the rhetorical tactics used in the special election campaigns in West Virginia, my thesis will progress through six chapters, this being the first. The second chapter will contain an extensive history of the coal industry's development in West Virginia and MTR as a political and environmental issue. Within the frame of MTR, I will divide the chapter into two parts. The first section will be an examination of coal mining in West Virginia, including a history of mining in the state, the early organization of the industry, unionization and its effects, and various specific issues involving mining. The second section of the chapter will detail the start of MTR in the 1960s. In addition to history, this section will contain early environmental concerns, efforts to politicize the practice of MTR, the growth of MTR, and other specific information leading up to the current environment around MTR.

In chapter three, I will develop the late Senator Robert Byrd's relationship to the coal industry. A historical account of the senator's relationship to the coal industry will frame the special election within the context of the government/coal relationship and

further develop an understanding of how the modern environmental movement impacted this relationship. This chapter will include an introduction to Senator Byrd's rise as a political figure. Next I will conduct an analysis of Byrd's voting history on the issues of energy and environmental regulation. Lastly, I will assess the evolution of the senator's opinion of the coal industry and MTR, as well as his legislative and lobbying relationship with the industry. This section will seek to highlight the emerging exigency between the coal industry's economic efforts, rising environmental concerns, and the historical relationship between the industry and West Virginia.

Chapter four will examine the special election to fill Byrd's seat. This section will include a detailed account of the terms and regulations of the special election, as well as descriptions of the candidates, their platforms, and their main rhetorical appeals. The purpose of this chapter will be to understand more clearly the political and social environment surrounding the special election. It will serve as the foundation for my analysis in chapters four and five.

In chapter five, I will examine the rhetorical strategies and appeals used by the different candidates. This section will first include a description of the rhetorical situation guiding the candidates' rhetoric. My analysis will then move to a discussion of the specific candidates and the types of appeals that were employed. I will attempt to identify the motivation of each candidate as well as the rhetorical tactics that they employ. My analysis will focus in particular on the way that candidates position environmental concerns in relation to other political issues.

Chapter six will contain the results of the campaign, and the conclusions of my analysis. I will summarize the results of the campaign in an effort to bring closure to the

election. Next, I will focus on the strategies and tactics employed by each candidate in their discussion of MTR. I will discuss how these tactics function to frame MTR as an issue, either emphasizing its importance or seeking to diminish it in relation to other issues. Lastly, I will present the implications of the rhetorical strategies that I identify to the scholarly study of environmental rhetoric and campaign rhetoric.

Notes

¹ Travis Crum, "Ken Hechler, US Senate Candidate, to Speak at WVU," *The Daily Athenaeum*, August 24, 2010

² Loyd F. Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric* 1(1968):4.

³ Ronald Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia," *Urban Studies* 30(1993):2.

⁴ Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia," 2.

⁵ Martin J. Medhurst, "The Rhetorical Construction of History," in *Critical Reflections on the Coal War: Linking Rhetoric and History*, ed Martin J. Medhurst and H.W. Brands (College Station: Texas A&M University Press, 2000), 3.

⁶ Medhurst, "The Rhetorical Construction of History,"8.

⁷ Medhurst, "The Rhetorical Construction of History,"7-8.

⁸ David Zarefsky, "The Four Senses of Rhetorical History," in *Doing Rhetorical History: Concepts and Cases*, ed. Kathleen J. Turner (Tuscaloosa: University of Alabama Press, 1998), 20-21.

⁹ Stephen E. Lucas, "The Schism in Rhetorical Scholarship," *Quarterly Journal of Speech* 67(1981): 20.

¹⁰ Lucas, "The Schism in Rhetorical Scholarship," 19.

¹¹ Lucas, "The Schism in Rhetorical Scholarship,"15

¹² Turner, *Doing Rhetorical History*, 3.

¹³ Medhurst, "The Rhetorical Construction of History,"8.

¹⁴ M. Jamie Killingsworth and Jacqueline S. Palmer, *ECOSPEAK Rhetoric and Environmental Politics in America*, (Carbondale: Southern Illinois University Press,1992),4.

¹⁵ Jonathan Lange, "The Logic of Competing Information Campaigns: Conflict Over Old Growth and the Spotted Owl," *Communication Monographs* 60 (1993): 240

¹⁶ Lange, "the Logic of Competing Information Campaigns: Conflict Over Old Growth and the Spotted Owl," 254.

¹⁷ Christine Oravec, "Conservationism vs. Preservationism" The "Public Interest" in the Hetch Hetchy Controversy," *Quarterly Journal of Speech* 70 (1984):444

¹⁸ Oravec, "Conservationism vs. Preservationism" The "Public Interest" in the Hetch Hetchy Controversy," 445.

¹⁹ Tarla Rai Peterson, *Sharing the Earth: The Rhetoric of Sustainable Development* (Columbia: University of South Carolina Press, 1997),1.

²⁰ Peterson, *Sharing the Earth: The Rhetoric of Sustainable Development*, 6.

²¹ Peterson, *Sharing the Earth: The Rhetoric of Sustainable Development*, 35.

²² Peterson, *Sharing the Earth: The Rhetoric of Sustainable Development*, 35.

²³ Brant Short, "Earth First! and the Rhetoric of Moral Confrontation," *Communication Studies* 42 (1991):172.

²⁴ Short, "Earth First! and the Rhetoric of Moral Confrontation", 173.

²⁵ Short, "Earth First! and the Rhetoric of Moral Confrontation", 175.

²⁶ Gregory Clark, S. Michael Halloran, and Allison Woodford, "Thomas Cole's Vision of "Nature" and the Conquest Theme in American Culture," *Green Culture* ed. Carl G. Herndl and Stuart C. Brown (Madison: University of Wisconsin Press, 1996), 273

²⁷ Kevin Michael DeLuca, "The Possibilities of Nature in a Postmodern Age: The Rhetorical Tactics of Environmental Justice Groups," *Communication Theory* 9(1999): 192

²⁸ DeLuca, "The Possibilities of Nature in a Postmodern Age: The Rhetorical Tactics of Environmental Justice Groups," 191-192.

²⁹ Patrick C. McGinley, "From Pick and Shovel to Mountaintop Removal: Environmental Injustice in the Appalachian Coalfields," *Environmental Law* 34 (2004): 21-106.

³⁰ Julia Fox, "Mountaintop Removal in West Virginia: An Environmental Sacrifice Zone," *Environmental Sociology: From Analysis to Action* (Maryland: Rowman and Littlefield), 17.

³¹ M. A. Palmer, E. S. Bernhardt, W. H. Schlesinger, K. N. Eshleman, E. Foufoula-Georgiou, M. S. Hendryx, A. D. Lemly, G. E. Likens, O. L. Loucks, M. E. Power, P. S. White, P. R. Wilcock, "Science and Regulation: Mountaintop Mining Consequences," *Science* 327 (2010): 148-149.

CHAPTER TWO

History of Coal in West Virginia

West Virginia produces more coal than any other state in the United States. More importantly, West Virginia produces a unique variety of coal called Bituminous coal. Bituminous coal produces the hottest form of steam and burns cleaner than any other type of coal. The presence of bituminous coal in West Virginia means that this one small state produces the most highly demanded type of coal in the country. Both the abundance as well as type of coal found in West Virginia has contributed to the development of the coal industry as a major economic force in the state.

Despite being discovered in 1742, coal didn't become a major industry in West Virginia until the 1880s when the railroad system made the mountainous regions of the state accessible. At this time, native West Virginians (henceforth referred to as mountaineers) owned and occupied land previously inaccessible by train. The federal government saw opportunity in this remote land and began to give it to soldiers who had fought in the Revolutionary War or to sell it to out-of-state land speculators. Little concern was given to the rights of the mountaineers already present on the land. Widespread failure of the new owners to register the land and pay federal taxes on it provoked the federal government to reclaim the land and sell it again. Many purchasers of the reclaimed land were the mountaineers who had first owned and occupied the land. Outraged, the capitalist speculators who had purchased the original deeds, filed suits claiming that they were the rightful owners.¹ In two separate cases the Supreme Court ruled that the speculator's deeds were invalid and that the mountaineers were the rightful

owners. Unwilling to admit defeat, the speculators found local federal judges to declare the deeds valid and many mountaineers, facing overwhelming legal fees, “sold their claims, left, or were thrown off their land.”² This was the first instance, in a long record of injustice against the mountaineers, where the bribery and corruption of government officials was suspected.

These early land ownership disputes are important to note because they establish West Virginia’s legacy as a state whose land is primarily controlled by absentee owners and corporations. From 1880 to 1923, absentee land owners came to own more than half of the state’s private land and by 1970 two-thirds of public land were owned by natural resource companies and absentee owners; there is no evidence to indicate that this trend has changed in recent years.³ From a rhetorical perspective, land ownership is central to understanding who is making important environmental and regulatory decisions and the motivation behind these decisions. Early land disputes also indicate the foundation of the relationship between the native mountaineer miners and the legal system. As David Allen Corbin writes, “This encounter with the power of wealth left a legacy of distrust and contempt for judges and the judicial system.”⁴

West Virginia has been categorized by scholar Ronald L. Lewis as a “rural-Industrial” state, meaning that it is both highly rural as well as highly industrial with very little agricultural or metropolitan influence. The rural-industrial climate of the state continues today with 64% of the state classified as rural, just slightly lower than in 1930 when 72% of the state was so classified.⁵ Lewis argues that the populated coal fields resemble “industrial islands surrounded by rural landscape.”⁶ In the 1870s, on the eve of industrial development, inhabitants of West Virginia lived primarily in large family clans

scattered sparsely throughout the mountains. The acquisition of land by absentee owners split up many family clans and permanently disrupted these agriculture-centered communities.⁷ The start of non-native land ownership began the transition of the state from agricultural to industrial.

Prior to 1880 West Virginia had a large agricultural population. In 1870, 64.2% of the state was classified as agricultural, but as the coal industry expanded the percentage of the state involved in the agricultural sector dropped to just 24.3% in 1920 and even lower to 1.86% in 1990.⁸ This is not to say that agriculture did not play an important role in the lives of miners and their families. Many mine families maintained large gardens to supplement their low income and gardening also aided miners during strikes when resources were scarce. At one point in time the West Virginia Coal Association estimated that the majority of miners, up to 70% in the southern counties, participated in some form of agriculture. Both Lewis and Corbin indicate that the agricultural background of many miners created a common cultural element that helped to ease cultural, racial, and religious differences in company towns. Many of the miners, whether native or part of the imported workforce, hailed from agricultural backgrounds and brought with them an understanding and appreciation for agriculture. Lewis specifically argues that the maintenance of preindustrial traditions helped miners to “maintain a meaningful identity in the harsh impersonal environment of industrializing America” and that these traditions helped the miners to collectively resist being molded into a “malleable and dependent proletariat.”⁹

Miners in the West Virginia coal fields came from diverse cultural and racial backgrounds; many were mountaineers, others were immigrants mostly from Eastern

Europe, and African Americans from the Deep South. The ethnic diversity of miners was the direct result of coal company efforts. Recruiters and coal operators attempted to have a “judicious mixture” of ethnicities in company towns and mines. Target percentages that recruiters aimed for were 25% foreign, 25% black, and 50% white. It was thought that this mix would create enough cultural and racial fragmentation to prevent unionization.¹⁰ Despite diverse racial, cultural, and religious backgrounds, the miners got along with relative ease, especially when compared with their counterparts in the highly industrialized North.

There were several factors that contributed to the peaceful melting pot environment that existed in the coal fields of West Virginia. The most prominent of these was the establishment of the company town. Since many miners arrived to work in the coal fields with little more than their tools, if that, coal operators found it necessary to establish company owned towns for the miners and their families. In these towns the coal company filled the role of “landlord, merchant, postmaster, source of entertainment, sanitation officer. Operators often provided mining towns with police and fire protection, and medical, spiritual, and educational services.”¹¹ The company town provided coal operators with housing for a largely imported workforce and complete control of the town’s regulations and thus its inhabitants.

Upon being hired by a coal operator, a miner was issued a home that was owned by the coal company and located in a company town. The company town attracted many miners who would not have otherwise been able to find housing. It also made miners directly dependent upon the coal operator for much more than just a wage. A home in a company town was a privilege that could be revoked for a variety of reasons. Most

miners had to sign housing contracts that allowed the coal operator complete control over the miner's household. Homes were vulnerable to search and seizure without notice, and miners who complained about conditions or who were suspected of union activity frequently lost their homes. West Virginia courts have since ruled that the housing contract mirrored a master/servant relationship rather than a landlord/tenant relationship.¹²

Miners, especially non-native miners, frequently began their employment in debt to the company. Coal operators would provide new employees with transportation, tools, homes, and other necessities needed to begin work. Whatever the miners received from the company was then charged against their future paychecks. Often, miners spent their paycheck before they received it and had to take advances on their next paycheck. When borrowing against a future paycheck, miners were not given cash, they were given scrip (often rocks and other debris from the mine), which was accepted only in the company town as monetary payment. In this way the economic system of the company town reflected the tenant or share-cropping farm system that many of the mountaineers, immigrants, and African Americans had experienced.¹³ Another similarity to the tenant or share-cropping system was the constant debt that the miners owed the company. Debt made it difficult for miners and their families to do much more than survive from day to day, and discouraged future planning.

In addition to homes, company towns consisted of a company store and post office, school, and church. Miners had little reason or ability to leave the company town, as scrip was only accepted at the company store. Coal operators demonstrated exceptional control of information in company towns. Political information was heavily

restricted which made democratic voting difficult and political activism nearly impossible. Voting was under the control of the mine operator and in many instances coal operators selected the candidate that best represented the corporate interests of the mine and ordered the miners to vote accordingly.¹⁴ Company mine guards, brought in to fight unionism, served as poll watchers and frequently inspected ballots. Voting against company instructions often resulted in loss of employment and housing. The traditional, or pre-industrial, political system in West Virginia operated on kinship and personal contact, but this system atrophied as industrialists began to gain political power, and miners were shut off from state and national politics.¹⁵

Freedom of thought and expression were not encouraged in the company town environment. Postmasters, located in the company store, examined mail for union or other undesirable information, while the company church and school only promoted ideas sanctioned by the coal operator. In schools, the traditional clan-based educational values were replaced with values grounded in a capitalist society. Evidence of the emphasis on capitalist values could be found in the songs commonly taught to school children. The words of one such song are:

Merrily, merrily work with a will
Making your fortune with patience and skill
Plenty of wealth, life is at best a rugged ascent,
Climb it with vigor you'll never repent¹⁶

Corbin explains that “once society has become industrialized, school systems become less agents of change and more agents of maintaining social structure.”¹⁷

Religion also became a means for the coal operator to control the social structure in company towns. Historical analysis has demonstrated that the native mountaineers , Eastern European immigrants, and African American miners were all members of highly

religious ethnic groups.¹⁸ However, especially after 1910, religious participation in company towns became almost nonexistent, and in several instances miners held the company church in contempt. This incongruence was the result of company-controlled religion. Ministers were prohibited from saying anything that was not in the interest of the coal company, leading miners to disassociate the company church from true religion. Miners identified company preachers as “company licks,” whom they distrusted. One miner quoted by Corbin said that he “held Christianity dear enough not to make a sham of it” by participating in the company religion.¹⁹ According to Corbin, the vilest offense of the company preacher, in the eyes of the miners, was a failure to make material life better for their congregation. This failure of the church would eventually lead to union support amongst miners that mirrored religious fervor.²⁰

Within the mine itself, miners had a strong sense of autonomy. They owned their own tools and controlled their own hours and underground location in the mine. Independence in the mine was yet another similarity that existed between a miner’s agricultural background and the mine life that eased the transition to industrial life. Miners were very passionate about their freedom and protested any hint of control or observation. There was a strong sense of occupational identity and pride amongst miners that was lacking in other highly industrial communities.²¹ There were few safety regulations in mines, and the regulations in place were rarely enforced. Mine safety was also negatively impacted by the often underqualified mine inspectors who were frequently under the control of coal companies. Often the miners themselves were prosecuted for safety regulations that were the responsibility of the company. In addition to an independent work environment, West Virginian miners were also highly mobile,

which served as their only retaliation against the coal operators. In a region so densely populated with coal fields, miners had the ability to leave one coal operator and easily find employment with another just a short distance away. Coal operators were aware of miner mobility and avoided imposing work hours and or establishing hourly pay rather than paying by cart weight because of fears that miners would simply move. The mobility of miners also hindered unionization because miners frequently accepted bonuses and incentives from coal operators that made wage increases seem less important.

In West Virginia, the coal industry exerted more control over state and local government than any other industry in the state. The high level of profit in the late 1800s and early 1900s allowed coal companies access and control over state and local government as it was developing. Corbin writes that during the coal boom “U.S Senators from West Virginia were either coal operators or men directly affiliated with the coal establishment....Similarly, congressmen representing southern West Virginia usually had connections with the coal industry.”²² The only branch of state government in which the coal industry struggled to maintain influence was the legislative, which was still influenced by the few agricultural counties remaining. When in need of legislative influence, coal operators would frequently collaborate with railroad companies.²³ In 1913, the year of the Paint Creek–Cabin Creek strike, five members of the West Virginia state legislature were arrested for accepting bribes from a coal operator who was running for the U.S Senate; it should be noted that the coal operator’s opponent in the U.S Senate election was another coal operator.²⁴ Coal also controlled the executive branch of the state government. In 1888 A.B Fleming, a coal operator and corporation lawyer, was elected governor. His election began a streak of nine consecutive governors who were

either coal company officials or people who were chosen “with the consent of the state’s industrialists.”²⁵

The passage of the Workman’s Compensation Law in 1913 illustrated how rampant corruption turned some laws that were intended to protect miners into coal operator victories. Before passage of the law, local juries frequently awarded compensation to workers injured on the job. Under the new law, companies did not have to compensate workers who were injured while working. The few miners who were awarded settlement under the new law did not get to reap the benefits. The company’s pervasive control of the miners’ existence prevented authentic fulfillment of the law, “An injured miner who received a compensation check” notes Corbin, “was required to turn it over to the coal company if he wanted to retain his job and company house.”²⁶ If a law deemed detrimental to the coal industry did pass, it was frequently vetoed by the governor. This kind of reaction was best illustrated by the passage of a bill in the state legislature in 1910 that required a higher level of qualification for the state’s mine inspectors. When the bill came across his desk, Governor William A. MacCorkle vetoed it, saying that it posed “too much risk to our greatest commercial interests.”²⁷ Laws that were passed were rarely enforced and miners who complained frequently lost their jobs and were evicted from the company-owned home.

The history of unionization in the West Virginia coal fields was one of violent struggles. In addition to being notoriously bloody, unionization efforts in the state failed repeatedly until Roosevelt’s New Deal in 1933. In 1894, after the United Mine Workers of America (UMWA) called a nationwide strike to halt wage reductions, nonunion miners in West Virginia broke the strike and nonunion coal was shipped all over the

country. After the failed strike, UMWA workers realized the national importance of establishing a union in West Virginia and focused their efforts on the state. Three years later UMWA called another national strike to combat wage reduction. This time they focused their attention on West Virginia, sending the majority of their labor organizers to the state. Labor organizers were met with extreme opposition from the coal operators and were arrested, jailed, and thrown out of company towns. Any mine workers appearing to be sympathetic to organizers' efforts were immediately fired and evicted from their company homes. In McDowell County, 1,000 miners suspended work in support of the strike. They all quickly found themselves unemployed and homeless.²⁸ Even with the support of the majority of West Virginia miners the 1897 strike also failed.

The unionization of miners in other states caused the price of coal to increase, resulting in an increased demand for less expensive West Virginia coal. The high demand for less expensive coal, combined with the knowledge that unionization raised coal prices, reinforced the need for coal operators to keep the union out of the state. In 1901 the UMWA had a union drive in West Virginia that had limited success. While there is no official record of how successful the drive was, the UMWA estimated that 80 locals were established and 5,000 miners joined the union. Unfortunately, the seedling locals were not able to withstand the harsh retaliation from coal operators. Miners who joined the UMWA lost their jobs, were blacklisted, arrested, and in some cases jailed. Shortly after the union drive, the UMWA held a strike in West Virginia. The strike was so unsuccessful that all of the seedling locals in West Virginia, except for one small local in Kanawha county, were squelched out. Between 1897 and 1910 the UMWA spent nearly a

million dollars attempting to organize the miners in West Virginia. All of their efforts failed.

Labor organizations had no political power and, because of enforcement difficulties and corruption, were not frequently aided by the passage of labor legislation. In 1889 a law passed that prohibited an employer from interfering with the peaceful organizing of employees. This law was consistently ignored and “any miner in southern West Virginia who joined a union was discharged, evicted, blacklisted, usually beaten and sometimes killed.”²⁹ Corbin, in his book *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, illustrates the intentional destruction of labor interests. In 1889, a delegate wrote to coal operator Fleming: “In order to placate the labor interests, certain of their bills were allowed to pass in the house. In permitting their passage, we knew full well that there would be no time for them to be considered in the senate.” The delegate further explained that although labor had gained “nothing,” the House, and especially some of its officers, received credit for being favorable to labor interests.³⁰ So extreme was the difficulty in organizing the miners of West Virginia that labor organizers working for the United Mine Workers of America began to claim “that the apathy of miners was responsible for the union’s ineffectiveness.”³¹ Historical analysis of the efforts to unionize miners later showed that the difficulty in unionization stemmed not from miner apathy but from the deep-rooted control that the coal operators had established over West Virginia. American Federation of Laborers President Samuel Gompers supported this view when he noted: “The coal operators and the Government have been one and the same....King Coal and his barons

have ruled in and by means of the institutions of society; they own absolutely and control agents and agencies apparently of the people.”³²

Although organization efforts failed, coal operators remained fearful of unionization so they employed the services of the Baldwin-Felts Detective Agency to keep unionization efforts at bay. So violent were the Baldwin-Felts agents that they gained the nickname among miners as the “Baldwin-Felts thugs.”³³ By 1912 conditions for labor organizers and pro-union miners were so violent that UMWA organizers were discouraged from entering the state. The presence of the Baldwin-Felts agents is of important cultural significance, because their brutality acted as a catalyst for unionization.

Coal company control of the state government, the brutality of the Baldwin-Felts agents, and the ability of coal operators to evict miners from their homes all provided resistance to unionization, but can not, by themselves, explain the extreme difficulty that labor organizers faced. Many unionization efforts that had been successful in other mining states failed in West Virginia. This failure was because the needs of the West Virginia miners were different from the needs of miners anywhere else in the country. Labor organizers who attempted to organize West Virginian miners failed for so many years because they failed to understand the specific goals and needs of this particular group of miners. Traditional unionization efforts rallied miners around the goals of higher wages and shorter working hours. The independent work environment of miners in West Virginia meant that miners already had the ability to set their own work hours and were paid per ton of coal rather than through the mechanism of an hourly wage. The demands of West Virginian miners progressed in the following order: recognition of the union,

abolition of the mine guard system, reform in the docking system, check-weighman who represented and was paid by the miners, ability to trade with any store, ability to cash wages, and lastly, an increase in pay.³⁴

Research shows that early miners in West Virginia were existence oriented; they cared little and planned little for the future.³⁵ Many of the native mountaineer miners and Eastern European immigrant miners saw mining as a temporary existence and planned to return to agriculturally based farm life. African American miners, who came predominantly from sharecropping backgrounds, at least initially, identified mining as a better existence than sharecropping and saw little need for a union.³⁶ Labor organizers noted that because the miners were “bent on earning their daily bread, or getting rich and moving on, or returning to their farms, the miners were easily subdued by the coal operators.”³⁷ In addition, the UMWA was not free from the corruption of coal operators and several labor organizers were paid by coal operators to sabotage union efforts and identify miners involved in labor organization. Rampant corruption, which destroyed the miners’ ability to trust the UMWA or the state government, and the threat of brutal violence, kept miners from organizing for several years. The power of the company town over miners also prevented unionization.

In the company town there were few structural mechanisms that emphasized racial, cultural, or religious difference among miners. However, class difference and class consciousness were constantly reinforced by the structure of the company town. The physical organization of the town was based entirely on economic status; miners and their families lived in small A-frame homes in one area of town, while mine operators and officials lived in much nicer homes in a separate part of the town.³⁸ The harsh emphasis

on economic class created a situation that “precluded a social or political hierarchy based on color or ethnicity.”³⁹ The violence inflicted by the Baldwin-Felts guards acted as a catalyst for the realization among the miners that they needed collective security against the coal operators. According to Corbin, “The nature of the company town focused the workers discontent, not on each other nor on a racial or ethnic group, but upon the employer—the coal operator— enabling the miners to develop that sense of group oppression necessary for class feeling and behavior.”⁴⁰

On April 12, 1912, a contract dispute led to a walkout in the Kanawha and New River coal fields known as the Paint-Creek district; both union and non-union workers participated. They were joined by 7,500 workers from the Cabin-Creek District. What ensued is now known as one of the bloodiest labor disputes in history. Both the UMWA and coal operators responded to the strike quickly; the UMWA responded with full support, while the coal operators imported more than 300 Baldwin-Felts guards as well as hundreds of strike breakers.⁴¹ The Baldwin-Felts guards quickly got to work evicting striking miners from the company town and building barricades equipped with machine guns around company towns and mines. Striking miners, along with their families, built tent colonies and attempted to wait out the coal operators. Life in the tent colonies proved to be very difficult. Inhabitants were unable to leave the tent colonies because the majority of land around the colony was owned by coal companies, and strikers were prohibited from being on company land. With their movement restricted, miners had to rely on the UMWA for food and other support. The strike placed such a strain on UMWA resources that the organization attempted to negotiate a compromise with the coal operators; the operators, sensing that complete victory was near, refused the compromise.

The UMWA's attempted compromise was seen, from the miner's perspective, as a serious error and many began to seek organizational separation from the UMWA. Distanced from the UMWA, the Paint Creek-Cabin Creek miners turned to the Socialist Party as well as the National Rifle Association (NRA) for support. The miners, already acutely aware of class identity and politics, recognized the Socialist Party's views as providing ideological justification for violence.⁴² The NRA assisted the miners in arming themselves, and their involvement in the strike is directly related to a sharp increase in miner violence. Violence against the coal operators was supported within the West Virginia mining community as well as abroad. At a meeting of labor radicals in New York a speaker from the Industrial Workers of the World told an audience: "There is hope for the laboring class so long as there are men who, seeing that it is a case of killing or being killed, are willing to take guns and do a share of the killing."⁴³ The miners had a sense of unity that came not from an external force like the UMWA but from within. Chaplin said: "Solidarity is something more than a word in Kanawha County, it is a tremendous and spontaneous force—a force born in the hot heat of class struggle."⁴⁴ In addition to using socialist ideology to justify violence, a heavy emphasis was placed on the importance of creating better conditions for the miners' children. Appeals, especially those that could be seen as self-serving, used children as justification and motivation for action. "Mother" Mary Jones, a prominent labor activist, once told strikers at a meeting, "Your banners are history; they will go down to the future ages, to the children unborn, to tell them the slave has risen, children must be free."⁴⁵

After nearly a year of brutal violence, Governor Glasscock declared martial law in the Paint-Creek District and deployed the state militia to the strike zone. In April of 1913,

UMWA officials, along with the new Governor Henry D. Hatfield, struck a compromise with the coal operators. The compromise was made without the consent of miners and did not include the miner's key demands of union recognition and the abolition of the mine guard system. Angry and betrayed, the miners demanded a strike continuation but, fearing more violence, Governor Hatfield implemented a "36 hour ultimatum" miners who did not return to work faced deportation from the state. Hearing of rampant injustice, a senate committee ran an investigation of the strike and denounced the governor, militia, and coal operators for their behavior. After the senate investigation, the miners continued their strike without the representation of the UMWA. Attempting to repair negative publicity from the senatorial investigation, the coal operators quickly gave in to the miners' demand for union recognition. Fearing the power of the new miner's union, coal operators from across the state joined together to form the Operators Protective Association (OPA). The OPA was politically connected and quickly began to establish lobby committees and even an office in Washington, D.C. To protect against further union organization, coal operators strengthened the mine guard system, restricted non-employee access to the company town, and forced new employees to sign yellow-dog contracts.⁴⁶

After the Paint-Creek/Cabin-Creek strike, miners attached the spiritual fervor and loyalty missing from the company church to the union. Many mines had "mine preachers," who were men usually possessing little education but exceptional skill at their job who would pray at the entrance of the mine before the work day started to emphasize the Christian nature of the union. Erik Erikson explains the religious importance of the union to miners:

Like the Church, the UMWA was a flesh-and-blood reality, existing in the real world and offering its adherents a better, more meaningful life on earth. Dignity, hope, self-respect, personal responsibility, and a place in the universe—these were elements in the worldly role that the company church could not provide.⁴⁷

During WWI, the country's need for coal increased sharply and the national government encouraged miners to increase their work level in order to mine more coal. It was through the effort of the federal government to “sell the war” that miners first became involved in national politics, and gained an awareness of their “national importance.”⁴⁸ The miners in West Virginia took up the war cause with pride; even issues of the *United Mine Workers Journal* had patriotic covers. One such cover read: “Guard jealously your share in this war of yours! Don't let anyone else do your part. Don't let anyone else rob you of your share in the defense of your freedom.”⁴⁹ Corbin argues that war-time propaganda efforts united miners through “a highly ideological insistence on their democratic rights” and that the end of the war prompted “a stronger unity in demanding a renewal of their war for democracy against oppressive autocrats who were closer to home than Germany.”⁵⁰ The Americanism promoted by the government during WWI closely resembled the socialist values that united miners during the Paint Creek-Cabin Creek Strike. Corbin indicates the similarities between war-time propaganda and the miner's plight, saying: “The propaganda that stirred national loyalty also preached the need to conquer autocracy, taught sacrifice and commitment, and justified violence as a legitimate means to achieve righteous goals.”⁵¹ Americanism became the secular counterpart to the miner's spiritual conviction for unionism.⁵² Not only did WWI encourage the miners in their pursuit of unionism, it also highlighted the unjust treatment of miners by coal operators and strengthened the miners' resolve to change their material conditions.

After WWI, miners continued to campaign for fair treatment, but this time their rhetoric had a political undertone. In a letter to the *UMWJ* editor, miner Ed Jude wrote, “for the iron hand of oppression has ruled us long enough... We, here, are followers of Patrick Henry, whose immortal words, ‘Give me liberty or give me death’ will go ringing through the history of the ages.”⁵³ In a telegram to Governor John J. Cornwell, District 17 President Frank Keeney lamented coal operators’ disregard for justice, “The constitution and bill of rights have been repealed, free speech and free assembly absolutely denied, the elementary laws of justice contemptuously kicked into discord.”⁵⁴ After a series of violent wildcat strikes in 1919, the union organized a national strike. In an attempt to stop the strike, Governor Cornwell sent troops to Charleston, West Virginia, two days before the strike was scheduled to begin. Disregarding the military presence, miners in Charleston and across the nation walked out of the mines. President Woodrow Wilson issued a federal injunction ordering miners back to work with a minimal wage increase. The injunction settled the national strike, but did not satisfy the miners in West Virginia. In the New River coal field of West Virginia, 5,500 miners were outraged by the government’s attempt to push their problems to the side, and continued to strike. Very quickly the miners resorted to extreme violence in an attempt to have the union’s demands met. Violent guerilla warfare broke out all over the southern West Virginia coal fields and in late August of 1921, the violence culminated at Lens Creek. Between fifteen and twenty thousand miners, joined by 2,000 sympathetic WWI veterans, met at Blair Mountain and prepared to wage war against any who would stand in the way of the union or what it represented.⁵⁵ The federal government moved quickly to avoid what President Harding called “a civil war” by sending troops, bombing planes, gas and percussion

bombs, and machine guns to stop the violence. Miners did not surrender their arms as a symbol of defeat or fear, but, as union leader Fred Mooney says, “They were not in revolt against constituted authority” and would not fight the federal government.⁵⁶ The defeat at Blair Mountain sapped UMWA resources and enthusiasm and by 1924 union membership was down significantly. In 1933, the National Industry Recovery Act protected the rights of unions. Shortly after the passage of the bill, the coal fields of West Virginia were unionized, and remain so today.⁵⁷

The Development of Mountaintop Removal Mining

The practice of Mountaintop Removal (MTR) as a method to retrieve coal was first used in the 1960s, but did not become a common practice until the 1970s.⁵⁸ It was the energy crisis of the 1970s that led to MTR's widespread use. During the crisis, MTR was quickly identified as a method of mining that reduced labor costs and increased production. Coal companies were supported by both public and private citizens in their efforts to meet the energy needs of the American people. During the 1980s the demand for coal dropped. However, this did not lead to a decrease in MTR practices. Companies had discovered a cost and labor-efficient way to mine hard-to-reach coal, and would continue to use the practice in the pursuit of higher profits. In 1990, the Clean Air Act was amended to make more stringent demands on pollution emissions. These amendments increased demand for bituminous coal, found exclusively in West Virginia.⁵⁹ Demand for bituminous coal made MTR a widespread practice in West Virginia, and throughout the Appalachian mountain range, as coal companies strived to meet energy needs.⁶⁰ Recent environmental concerns about MTR have gained increased attention in the public sphere causing popularity for the practice to decrease.

Mountaintop Removal is a type of surface mining where the tops of mountains are removed by explosives and large machines to expose coal seams deep within the mountain. MTR is a five step process. The first step is to clear all trees and debris from the mountaintop, which is called clear-cutting. During this step, the mountain surface is literally scraped clean of any trees, rock, topsoil, and vegetation. Explosives are then used to shatter the surface of the mountain. The explosives used are a mixture of ammonium nitrate fertilizer and fuel oil. This is the same mixture that was used in the 1995 Oklahoma City bombing, but these explosions are 10-100 times stronger.⁶¹ The second step uses gigantic mechanical shovels which scoop away rock and debris from the explosion. In the third step, a dragline is used to filter out the coal from within the mountain. The dragline is the technological advance that makes MTR possible, weighing as much as 800 tons and in some instances standing as tall as a 20 story building, it quickly sifts out the coal from other debris. In its wake, the dragline leaves 50foot high piles of rock, dirt, and minerals called overburden. In the fourth step, overburden is scooped up and placed into valleys surrounding the mountain. This process, called valley-fill, is one of the more environmentally damaging aspects of MTR. Overburden, when dumped into a valley, fills streams and rivers thus disrupting natural waterways. Valley-fills significantly increase the chance of flooding, and ground and surface water become contaminated with oxidized minerals and metals. The final step in MTR is reclamation of the land. In this process the coal company, under the Surface Mining Control and Reclamation Act (SMCRA) of 1977, attempts to return the land to its original condition. Unfortunately, the reclamation process often fails at creating an environment that resembles the original condition of the mountain ecosystem.

In addition to the natural disruption of plants and animals living on the mountaintop, the ecological effects of the valley-fill process and the often sub-par reclamation effort create irreversible environmental damage. The Appalachian forests, destroyed by MTR, harbor 80 species of trees and higher biodiversity per cubic foot than anywhere else in North America.⁶² Unfortunately, tree population diversity and natural biodiversity are almost impossible to replace in the reclamation process. The indigenous forests in West Virginia are predominantly hardwood forests. By absorbing an extreme amount of water, hardwood forests prevent flooding from water running down the mountain. During the reclamation process coal companies often try to plant hardwood seeds from the indigenous forests. Unable to grow in the reclaimed soil, hardwood seeds rarely take, and softwood seeds are planted in their place. Softwood forests are unable to absorb the same amount of water as hardwood thus resulting in serious flooding risks.⁶³ Increasing the risk of community exposure to dangerous contaminants, coal operations create massive amounts of liquid waste called slurry. As part of the MTR process a dam is created from overburden and used to contain slurry in a slurry impoundment. There are numerous toxic contaminants found in coal slurry that pose serious health risks to surrounding populations. One of the most devastating slurry impoundment breaks, Buffalo Creek, killed 125 people in 1972. Since then there have been several instances of faulty slurry impoundments flooding land and homes with toxic chemicals.

Between 1986 and 2001, through the process of valley-fills, coal companies have covered 25,187 acres of land in West Virginia.⁶⁴ The EPA estimates that between 1992 and 2010, 2,000 miles of stream have been covered by valley-fills.⁶⁵ In a ground breaking article “Mountaintop Mining Consequences,” several scientists conclude that the process

of valley-fills has already disturbed the area of “multiple watersheds,” harming biodiversity and water quality.⁶⁶ The study also found that the level of solid contaminants, toxins, and electrical conductivity are much higher in streams close to MTR sites. In some instances levels are so high that living organisms are not able to survive.⁶⁷ In addition to high levels of environmental contamination and damage, residents in areas surrounding mining sites experience higher levels of lung cancer and other chronic illnesses.⁶⁸ A 2008 study shows that West Virginian residents living in major coal producing counties are 70 percent more likely to develop kidney disease and 64 percent more likely to have emphysema than residents in non-producing counties.⁶⁹ “Mountaintop Mining Consequences” concludes that current regulatory efforts are inefficient in curtailing extreme and often irreversible, environmental damage.

The process of MTR uses several pieces of technology that replace miners with machines. The replacement of human workers by machines is not a new practice. Technological advances in the early 20th century began to change the number of miners needed as well as the internal structure of the mine. Before technological developments in mining, control within the mine rested largely on the individual miner. It was not uncommon for miners to see their boss less than once a week, and miners came and went from the mine as they pleased. The introduction of technology began a process of “deskilling workers and transferring control of knowledge production from craftsmen to machines owned by management.”⁷⁰ Before these technological changes miners controlled the point of production. The first major technological development was the mechanical coal loader which changed the structure within the mine. Independent colliers now had to work in crews and coordinate their location and hours with a mine foreman.

The mechanical coal loader was first used in 1921 but wasn't widely integrated into the production process until WWII. The continuous miner, the next technological development, replaced the mechanical loader as well as several miners because it combined multiple steps into one process. It also placed miners under direct company supervision. Between 1950 and 1970, the introduction of technology into the mining process was directly related to a 70% decrease in employment.⁷¹

A major claim of the coal industry and its political supporters is that coal provides jobs and capital without which the economy of West Virginia cannot survive. Although public opinion supports this argument, the reality of the situation is very different. In the fiscal year of 2009 the coal industry cost the state of West Virginia 97.5 million dollars in the form of tax exemptions, credits, and infrastructure repairs.⁷² Arguments in support of MTR claim that the efficiency (in terms of speed and cost) of the practice substantially increases the coal industry's revenue tax contribution to the state. However, the contribution of MTR to state tax revenue pales in comparison to the total state expenditure. The explosive force used in MTR is within legal limits. However, the approved explosive force limit does not take into account geological differences, making current legal limits inappropriate for some areas of the state.⁷³ MTR's use of explosives contributes significantly to infrastructure-related costs. Julia Fox in her article "Mountaintop Removal in West Virginia: An Environmental Sacrifice Zone," argues that West Virginia has become an economically peripheral state where "uneven capitalist development" has created conditions that mirror the third world in some areas.⁷⁴

In fiscal year 2009 the coal industry provided 21,012 direct jobs and 47,531 indirect jobs, just over 3% of the state's total workforce.⁷⁵ Of the jobs provided, MTR

directly employed 4,317 West Virginians or less than 1% of the state's workforce. The six counties that produce the most tons of coal from surface-mining have unemployment rates ranging from 9-11% and poverty rates that average 22.5%.⁷⁶ It is important to note that the unemployment information presented here is only indicative of individuals who have registered with the state as unemployed. The information presented below is more indicative of actual employment rates in the state. The labor force participation rate measures those over 16 who are economically active but does not account for more than half of West Virginians. Data collected in 1988 shows that only 49.8% of working-age residents officially participate in the labor force and of the remaining 50 percent only 20% are accounted for as surviving on welfare—the other 30% rely on an informal economy and subsistence farming.⁷⁷ The presence of an abundant natural resource has created an environment where the human and non-human inhabitants living around coal fields have become expendable in the pursuit of profit. The practice of MTR has increased productivity while lowering the unit cost of labor, which has led to the social dislocation and “creation of redundant populations” in certain areas of the state.⁷⁸

State and federal efforts to regulate the coal industry demonstrate a long history of corruption and inefficiency. It should come as no surprise that the two major pieces of legislation directed at regulating the industry—The Clean Water Act and the Surface Mining and Regulation and Control Act—have failed to protect the people and environment in West Virginia. Fox argues that “Regulation of large corporations in the context of the existing economic and political relations of capitalism obscure these [legal] relations and create loopholes and selective enforcement.”⁷⁹ It is clear that the entangled relationship between the coal industry and the West Virginia state government, forged

between 1890 and 1922, remains intact today. Even the Task Force on Mountaintop Mining Practices, created to provide a review of MTR practices, has been co-opted by coal interests. Of the 16 members, seven are coal industry employees. The task force chair, J. Wade Gilley, reports to David Todd who is the V.P of External Affairs and spokesperson for Arch Coal, the largest coal company in the state.⁸⁰ Additionally, the Federal Office of Surface Mining (OSM) receives two thirds of its funding from coal severance taxes.⁸¹ The appointment of regulatory officials who also have ties to the coal industry obscures the intent of regulatory efforts—do they serve coal interests or public and environmental interests? The Surface Mining Control and Reclamation act of 1977 is the legislation that most highly regulates MTR, but the practice of MTR was not originally included in the act. In fact the act was only designed to regulate strip mining that occurs on flat surfaces. MTR only became a part of the act after Kentucky Senator Wendell Ford petitioned for an amendment that included the practice of MTR. The reality that the most highly regulating piece of legislation was not designed to accommodate the practice of MTR is evidence of the ineptitude of the MTR regulatory system. The absence of a specific act regulating MTR is extremely problematic and “Changes in technology and mining practices have left the OSM and states at odds on how to interpret the...Surface Mining Control and Reclamation act.” There is thus no mechanism that effectively protects the people and environment.⁸²

Since the 1970s, when MTR became a common coal extraction method, a growing contingency of residents and environmentalists have protested the practice. Throughout the 70s and 80s individuals protesting MTR remained limited in numbers and influence. Most were, and remain, residents who have turned into environmental activists

after witnessing the social and environmental devastation caused by MTR. Maria Gunnoe, a resident of Bob White, West Virginia, says: “With mountaintop removal, the species we are losing is the human species.... There's going to be an uprising here; the coal industry has turned us into activists.”⁸³ Tracing the lineage of now powerful environmentalist and activist groups is difficult as there was almost no record of early grassroots organizing. However, seeds of discontent were visible in newspaper editorials and community petitions. In these early editorials residents complained of the governments’ “shortsighted” regulatory policies that kowtowed to “the money-hungry, out of state coal companies exploiting our mountains.”⁸⁴ In another editorial an angry citizen rebuked the *Charleston Gazette* for pandering to coal interests and not fairly covering the impact of MTR on West Virginian communities. He wrote that the situation in Mingo County has “given me the courage to try once again to break through the communications barriers.... Mountaintop removal and the resulting ‘head-of-hollow’ fill, which polluted the head of hollow springs with acid waste is destroying the last source of pure, non-cancerous water in the southern counties.”⁸⁵

It is unclear how widespread early protesters were. My research indicates that efforts occurred on a very small and limited scale. However, as the editorial above indicates, it is not possible to know if media outlets were fairly representing the actions of MTR protesters. In addition to politicizing MTR through editorials a few communities petitioned the government and activist groups organized protests and marches. In the summer of 1976 the Richmond district Better Citizens Club filed a formal protest with the state department of natural resources. The club was attempting to prevent a mine from being located near a community church and stream. Their efforts were supported by the

West Virginia Citizen Action Group which had been petitioning the state legislature to ban the practice of MTR for several years.⁸⁶ Their efforts failed and the MTR permit was allowed. In the first publicized march, 75 members of the Lincoln County Citizens to Abolish Strip Mining marched from the Charlottesville civic center to the capital in an attempt to gain support to abolish the practice of strip mining. On the steps of the capital they read the following statement:

We have come because as West Virginia citizens we are tired of seeing our mountains laid bare, our hunting and fishing areas destroyed, our streams silted and ruined, and our drinking water polluted. We have come because we believe our government ought to be responsive to its people, not merely to entrenched and vested interests which seek to control our state legislature.... We believe that people in government are again recognizing that their responsibility demands honesty, openness and candor. We look to a time when legislators, governors and presidents will feel just as responsible toward the common citizen as they have toward large corporations.⁸⁷

In addition to this statement, the group also asked that strip mining applications be reviewed at public hearings. Early records show that individuals and groups protesting MTR lacked media attention, political support, and a cohesive network. They did, however, have very similar concerns and demands; concerns of environmental damage, governmental transparency, and industry regulation which remain today.

In the mid 1990s groups opposing MTR began to gain public awareness and support. I argue that two factors were responsible for the surge in support of anti-MTR groups. The first is the increased use of internet blogs and social networking sites. Prior to widespread internet use groups opposed to MTR remained isolated from one another as well as the general public. Without the internet they were unable to coalition build or share information and resources. They were forced to sustain themselves exclusively

from within, which drained resources and momentum. The internet has allowed groups to build coalitions and work together on large projects, while remaining focused on local conditions. Access to the national public in the form of websites, blogs, and viral videos has helped anti-MTR groups to gain national as well as regional support. The second factor was a national increase in environmental concerns. The conclusion that humans are dependent on finite natural resources without which they cannot survive is responsible for heightened environmental awareness.⁸⁸ This conclusion has increased scholarly interest and study on the environmental impacts of different practices. And has provided environmental groups with concrete facts with which to advocate their cause. One such study conducted by a group of highly acclaimed scientists on the environmental impact of MTR has been utilized by environmental groups and is directly responsible for several large banks reducing their lending to coal companies that practice MTR.⁸⁹

As a state wealthy with an abundance of natural resources, West Virginia should have grown and prospered based on resource cultivation. Instead, the state has high levels of unemployment and poverty, a state government that is in the practice of protecting coal companies over employees, and a high level of irrevocable environmental destruction. The reason for this dissonance is that the perceptions of early West Virginians, the state economy, and the state's three branches were formed based on the capitalist interests of absentee landowners and corporations. In the 1890s when coal operators and companies began to develop the mountainous region of West Virginia for the purpose of mining for coal, they began to shift the consciousness and lifestyle of people living in the region; schools were restructured to socialize children into a capitalist society rather than a clan-based society, non-absentee land ownership became rare, and

life for many West Virginians became existence oriented rather than future oriented. Simultaneously, coal operators and companies began to shift the state government to favor the needs of profit over the needs of individuals; land was unrightfully taken from mountaineers, generations of senators and governors were elected to serve coal interests, and laws like the early workman's compensation law were not enforced. The practice of MTR was born out of the need for more coal, and has followed a historically predictable path showing little concern for residents, the environment, or legal regulation. Recently MTR has become the focal point of increasing public scrutiny and distaste. However, the enmeshed relationship between the coal industry and the state has lead to a division between people who depend on the coal industry and people who want to abolish the practice of MTR, creating what appears to be diametric opposition between the two. Understanding the complex and multiple ways in which the coal industry has formed West Virginia will provides an important lens through which to examine the rhetoric of the special election primary campaigns in relation to MTR.

Notes

¹ David Allen Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922* (Manufactured in the United States of America: Illini books Edition, 1981).

² Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 3.

³ Ronald L. Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia," *Urban Studies* 30(1993), 299-308.

⁴ Corbin, , *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 3.

⁵ Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia.,"

⁶ Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia," 8.

⁷ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.

-
- ⁸ Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia."
- ⁹ Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia," 10.
- ¹⁰ Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia,"
- ¹¹ Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia," 3.
- ¹² Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia."
- ¹³ Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia."
- ¹⁴ Howard B. Lee, *Bloodletting in Appalachia*, (Parsons: McClain Printing Company, 1969).
- ¹⁵ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ¹⁶ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 7.
- ¹⁷ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 129.
- ¹⁸ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ¹⁹ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 155.
- ²⁰ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 155.
- ²¹ Mike Ross, "Life Style of the Coal Miner." *Appalachian Medicine*, (March, 1971).
- ²² Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 13.
- ²³ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ²⁴ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ²⁵ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ²⁶ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 14.
- ²⁷"United Mine Workers Journal", May 1, 1920, 9.
- ²⁸ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.

-
- ²⁹ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 14.
- ³⁰ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 14.
- ³¹ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 25.
- ³² Samuel Gompers, "Russianized West Virginia," *American Federationist*, 20(October 1913):826.
- ³³ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 52.
- ³⁴ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ³⁵ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ³⁶ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ³⁷ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 27.
- ³⁸ Howard B. Lee, *Bloodletting in Appalachia* (Parsons: McClain Printing Company, 1969).
- ³⁹ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 61.
- ⁴⁰ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 61.
- ⁴¹ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ⁴² Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ⁴³ *New York Times*, May 28, 1913.
- ⁴⁴ Chaplin, quoted in Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 91.
- ⁴⁵ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 94. Yellow-dog contracts are contracts created by a company to be signed by employees stating that the employee will not join a union. Under these contracts, employees who do join a union can be terminated without company risk.
- ⁴⁶ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ⁴⁷ Erik Erikson, *Childhood and Society* (New York, 1963), 251.
- ⁴⁸ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 177.
- ⁴⁹ *United Mine Workers Journal*, July 11, 1918, Cover.

-
- ⁵⁰ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 176.
- ⁵¹ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*, 177.
- ⁵² Leon Samson, *Toward a United Front: A Philosophy for American Workers*, (New York, 1972).
- ⁵³ *United Mine Workers Journal*, August 15, 1920, 14.
- ⁵⁴ *Charleston Gazette*, November 1, 1919. Keeney's telegram to Cornwell was reprinted by the newspaper.
- ⁵⁵ Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922*.
- ⁵⁶ Fred Mooney, *Struggle in the Coal Fields*, Ed. Fred Hess, (Morgantown, 1967): 167.
- ⁵⁷ Clayton D. Laurie "The United States Army and the Return to Normalcy in Labor Dispute Interventions: The Case of the West Virginia Coal Mine Wars, 1920-1921." *West Virginia History* 50 (1991): 1-24.
- ⁵⁸ For the purpose of this thesis I will refer to the process of removing mountaintops to mine coal as mountaintop removal, or MTR. Surface mining is a term that is frequently used in place of the term mountaintop removal. However, it is a general term that is descriptive of an entire genre of mining rather than specific to the practice of mountaintop removal. As a term surface mining is misleading because it indicates that mining happens on the surface. In reality, the practice of mountaintop removal involves removing at least 500 feet off the top of the mountain to expose coal seams.
- ⁵⁹ Shirley Stewart Burns, "Mountaintop Removal in Central Appalachia" *Southern Spaces*, September 30, 2009. Accessed online <http://www.southernspaces.org/2009/mountaintop-removal-central-appalachia>.
- ⁶⁰ Ken Ward Jr., "Clean Air Act May Boost State Coal Sales," *Charleston (WV) Gazette-Mail*, April 12, 1994, 17.
- ⁶¹ Penny Loeb, "Shear Madness," *US News and World Report*, August 3, 1997. Accessed Online http://www.usnews.com/usnews/culture/articles/970811/archive_007620.htm
- ⁶² Robert F. Kennedy Jr., "Poverty and Tyranny Central to Immoral Practice of Mountain Destruction, water, and air pollution," *The Hill*, March 10, 2010. Accessed Online <http://thehill.com/opinion/oped/86093-poverty-and-tyranny-central-to-immoral-practice-of-mountain-destruction-water-and-air-poisoning->
- ⁶³ Burns, "Mountaintop Removal in Central Appalachia".
- ⁶⁴ Burns, "Mountaintop Removal in Central Appalachia".
- ⁶⁵ U.S. Environmental Protection Agency, "Detailed Guidance: Improving EPA Review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order," April 1, 2010.
- ⁶⁶ M. A. Palmer, E. S. Bernhardt, W. H. Schlesinger,⁴ K. N. Eshleman, E. Foufoula-Georgiou, M. S. Hendryx, A. D. Lemly, G. E. Likens, O. L. Loucks,⁸ M. E. Power, P. S. White, P. R. Wilcock, "Consequences of Mountaintop Mining", *Science*, 8(January, 2010):149.

-
- ⁶⁷ M. A. Palmer, E. S. Bernhardt, W. H. Schlesinger,⁴ K. N. Eshleman, E. Foufoula-Georgiou, M. S. Hendryx, A. D. Lemly, G. E. Likens, O. L. Loucks,⁸ M. E. Power, P. S. White, P. R. Wilcock, "Consequences of Mountaintop Mining", *Science*, 8(January, 2010):149.
- ⁶⁸ Mark Hendryx and Melissa M. Ahern, "Mortality in Appalachian Coal Mining Regions: The Value of Statistical Life Lost," *Public Health Reports* 124 (2009): 541-550.
- ⁶⁹ Michael Hendryx and Melissa M. Ahern, "Relations Between Health Indicators and Residential Proximity to Coal Mining in West Virginia," *American Journal of Public Health* 98 (2008): 669-671.
- ⁷⁰ Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia."
- ⁷¹ Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia."
- ⁷² Rory McIlmoil, Evan Hansen, Ted Boettner, and Paul Miller, "The Impact of Coal on the West Virginia State Budget," Downstream Strategies & West Virginia Center on Budget & Policy, June 22, 2010.
- ⁷³ Loeb, "Shear Madness," 1997.
- ⁷⁴ Julia Fox, "Mountaintop Removal in West Virginia: An Environmental Sacrifice Zone," *Organization and Environment*, 12(1999): 163-183.
- ⁷⁵ Rory McIlmoil, Evan Hansen, Ted Boettner, and Paul Miller, "The Impact of Coal on the West Virginia State Budget," 2010.
- ⁷⁶ United States Department of Labor, *Unemployment Rates By County in West Virginia*, September 2010, Retrieved November 14, 2010., US Census Bureau, *Small Area Income and Poverty Estimates*, Retrieved November 14, 2010.
- ⁷⁷ Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia,"
- ⁷⁸ Fox, "Mountaintop Removal in West Virginia: An Environmental Sacrifice Zone," 169.
- ⁷⁹ Fox, "Mountaintop Removal in West Virginia: An Environmental Sacrifice Zone," 175.
- ⁸⁰ Fox, "Mountaintop Removal in West Virginia: An Environmental Sacrifice Zone."
- ⁸¹ Fox, "Mountaintop Removal in West Virginia: An Environmental Sacrifice Zone."
- ⁸² J. Warrick, "Mountaintop Removal Shakes Coal State," *Washington Post*, August 31, 1998, A1 and A8.
- ⁸³ Antrim Caskey, "The Faces and Voices of West Virginians Battered By Mountaintop Removal," *Grist*, February 16, 2006.
- ⁸⁴ Joe Douglas, Editorial, *Charleston Daily Mail*, March 28, 1977, 4.
- ⁸⁵ Jack Frazier, Editorial, *Charleston Gazette*, December 8, 1977, 6.
- ⁸⁶ Staff Writer, "Protest Filed Against Another White Ridge Strip Request," *Beckley Post Herald*, June 17, 1976, 9.

⁸⁷ Skip Johnson, "75 March for Stripping Abolition," *Charleston Gazette-Mail*, December 22, 1974, 54.

⁸⁸ World Resources Institute, "Environmental Concerns Increase Challenge and Opportunity for Business," July 12, 2005.

⁸⁹ Dylan Lovan, "PNC to Stop Financing Mountaintop Mining Projects," *ABC News*, No⁸⁹ David Allen Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922* (Manufactured in the United States of America: Illini books Edition, 1981).

CHAPTER THREE

Byrd's Legislative History

This chapter will be an examination of Senator Robert C. Byrd's voting history, and legislative efforts in relation to energy, environmental policy, and the coal industry. I will begin with a short description of Byrd's life prior to his entrance into politics in 1946. I will then go on to discuss the major pieces of legislation that Byrd influenced, as well as his voting record. This chapter will then transition into an analysis of the evolution of Byrd's opinion of and relationship to MTR. Byrd's actions are important because the majority of legislation that impacts the coal industry was crafted during the 59 years he served as a U.S. senator from West Virginia. Understanding how and why Byrd made these legislative choices sets the status quo relationship between the coal industry and Byrd at the time of his death. This relationship is important to my analysis of the primary election for Byrd's seat, because each candidate in the election was campaigning to a certain extent against the status quo.

Cornelius Calvin Sale Jr. was born on November 20, 1917, in North Wilkesboro, North Carolina, to Ada and Cornelius Sale. When Cornelius was just one year old, his mother became ill with the flu and passed away. After his mother's death, his father, following Ada's wishes, dispersed Cornelius and his siblings amongst relatives. His uncle and aunt, Titus and Vlurma Byrd, adopted young Cornelius, renamed him Robert Carlisle Byrd, and took him to live in West Virginia. The Byrds moved frequently during Robert's childhood and his adoptive father worked several jobs. When Robert was in the 8th grade, the Byrds moved to Raleigh County, West Virginia, where his adoptive father

took a job as an underground coal miner. From a young age Robert demonstrated a zeal for education and graduated as valedictorian of his high school class. It was during his high school years that Byrd developed a love of music, especially the violin. The ability to play the violin would later endear Byrd to the people of West Virginia, and help him win many elections.

Without the finances to continue his education at a university, Byrd became part of the labor force of West Virginia. He held positions as a gas station attendant, grocery store clerk, welder, and butcher. Before his entrance into politics, Byrd was a member of the Ku Klux Klan (KKK), and credits the organization for encouraging him toward a career in politics. He remembers Klan official Joel L. Baskin saying to him, "The country needs young men like you in the leadership of the nation," which sparked his desire to explore leadership roles.¹ Although Byrd later regretted his membership in the KKK, and attempted to atone for his poor judgment, it was a choice that would plague his political career. Reflecting on his early involvement with the KKK, Byrd later wrote: "My only explanation for the entire episode is that I was sorely afflicted with tunnel vision – a jejune and immature outlook -- seeing only what I wanted to see because I thought the Klan could provide an outlet for my talents and ambitions."² When running for the WV State House of Representatives in 1946, Byrd attempted to distance himself from the KKK by saying, "After about a year, I became disinterested, quit paying my dues, and dropped my membership in the organization. During the nine years that have followed, I have never been interested in the Klan."³ Byrd went on, in the U.S. Senate, to filibuster the Civil Rights Act of 1964 for 14 hours and 13 minutes, an action he later lamented as his "biggest regret."⁴ Years later Byrd would funnel \$10 million into the Martin Luther

King Jr., memorial, and endorse the first African American presidential candidate, Barack Obama.⁵ By the end of his life, Byrd had earned a 100% NAACP rating.

Byrd's political career began in 1946 when he ran for the West Virginia House of Delegates. His first political campaign was by no means easy; Byrd was up against twelve other candidates, three of whom had been successful in other previous elections.⁶ Byrd traveled around the county speaking, listening to the needs of residents, and gathering supporters. To gain name recognition, Byrd took his violin and played it at meetings before he spoke. Byrd liked to play old favorites like "Rye Whiskey" and "Turkey in the Straw," and these spontaneous concerts made Byrd so popular that he led the ticket.⁷ Byrd served as the representative for Raleigh County for two terms before pursuing a career in the state senate. As a representative, Byrd served on committees for roads, agriculture, humane institutions, and redistricting.⁸ He also sponsored or co-sponsored the following bills: a mutual fund for students injured in high school athletic contests, a plan to match federal funds for elderly and disabled people, and a fund to provide college scholarships to high achieving students. The latter two measures failed in committee.⁹ As a state senator, Byrd demonstrated a higher commitment to the people of West Virginia than to industry through measures such as legislation to liberalize workmen's compensation.¹⁰ He was also the chairman of a committee designed to improve schools for the blind and deaf, as well as a member on a committee dedicated to improving the condition of state mental hospitals and facilities. During Byrd's first term in the state senate, U.S. Representative Harold Erland Hendrick decided not to run for reelection and Byrd decided to campaign for the open seat.¹¹

Early in his campaign, Byrd was pressured to take sides in the state gubernatorial election, which he refused to do. His refusal pitted Byrd against other state politicians, and he was not invited to many political events, which threatened his election chances. For the second time in his short political career, Byrd used his violin to bolster his support and name recognition. On one particular occasion, a meeting was intentionally adjourned before Byrd had a chance to speak. The future senator simply took out his violin and played until people began to make their way back into the room. Once a large group had gathered, Byrd gave his campaign speech.¹²

Robert Byrd spent six years as an elected official in the State House of Delegates. As a representative, Byrd focused on protecting jobs, especially those in West Virginia, labor rights, and reducing dependence on imported fuels. For Byrd, these issues were connected to one another, as well as directly affecting the economy and welfare of West Virginians. In a statement filed with the subcommittee on customs, tariffs, and reciprocal trade agreements, Byrd voiced his beliefs:

It is my belief that the interests of our country are not served when one area becomes dependent upon a commodity produced abroad while workers in another area are unemployed as a consequence of such foreign supply. Is it fair to the people for this country, with all its natural resources, to become reliant upon foreign fuels at the risk of being helpless in an emergency? Should our small businessmen and our labor groups be forced to suffer for the enrichment of a handful of foreign manipulators who are reaping windfall profits?¹³

During his time in the house, Byrd did not scale the political ladder. Instead, he spent his time listening to his constituents and finding out what West Virginians were concerned about.

In 1958, Byrd decided to run for national office. Byrd's first U.S. senatorial campaign got off to a rocky start, as the United Mine Workers (UMW) had already decided to back another candidate, William C. Marland. The setback did not faze Byrd, who used his previous campaign experience to gain support. During the campaign, another senatorial seat opened up, releasing pressure by allowing the UMW to support both Byrd and Marland. Both Byrd and Marland won the election. As a freshman senator, Senator Byrd had the rare honor of being appointed to the Senate Appropriations Committee, and quickly began to ascend in power. Byrd's long senatorial career can be characterized by his love of Senate rules and procedure, which he frequently used to his advantage, and his reputation for directing federal spending to West Virginia, which earned him the nickname "King of Pork" in fiscally conservative circles.¹⁴ Byrd was beloved among the majority of West Virginians and his smallest victory margin was during his first election for the U.S. Senate, which he won by 58%, on his way to being named "West Virginian of the 20th Century."¹⁵

*Senator Byrd's Legislative History Regarding
the Coal Industry and Environmental Initiatives*

Senator Robert Byrd entered the United States Congress at a crucial time for the coal industry as well as West Virginia. West Virginia had been struggling to control extreme poverty and unemployment, while the coal industry was beginning to be scrutinized for negative environmental impacts. As a senator, Byrd was charged with the task of establishing legislation that was beneficial to the people of West Virginia while simultaneously protecting the coal industry—the state's largest economic contributor—from increasing environmental regulations. During his time in the Senate, Byrd was

responsible for supporting several pieces of legislation designed to improve miner's health and safety, and protecting the interests of organized labor. Analyzing Byrd's voting record, it is apparent that the senator protected the interests of miners above those of the coal industry. However, when it came to environmental regulation, the senator favored the coal industry.

Shortly after he was appointed to office, Byrd began to protect the interests of coal. In 1960 he voted to establish an Office of Coal Research, which was charged with developing research to use coal in new ways. Byrd's vote to establish the office was indicative of his strong belief that the coal industry needed to be on the cutting edge of energy technology to remain profitable. In 1965, Byrd supported a bill called the Appalachian Regional Development Act of 1965. The act, which sent over 1 billion dollars to the 12 states in the Appalachian region, was designed to help the region develop a regional economic development plan and to fund infrastructure programs. Under one of the provisions of the act, the Interior Secretary conducted an assessment of strip mining practices and effects and developed a plan to reclaim areas damaged by surface mining. Upon completion, the study recommended federal action to regulate strip mining, holding: "Elementary principles of resource management dictate that our nation put a stop to unnecessary damage from future mining, and begin an orderly program to repair damage from past mining."¹⁶ Upon hearing the findings, President Lyndon B. Johnson began to pressure Congress to establish legislation regulating strip mining. The study's findings marked the start of Byrd's struggle to protect the coal industry from over-regulation, while also making responsible decisions regarding the environmental welfare of his state. In 1968, the Senate proposed budget cuts that would remove the

Office of Coal Research. Senator Byrd campaigned ferociously against the proposed cuts. While not entirely successful, Byrd was able to retain some funding, which was given to Consolidated Coal Co. for their continued research into extracting gasoline from coal.¹⁷

A year later, Byrd sponsored the Coal Mine Health and Safety Act of 1969 in response to a mine accident that took the lives of 78 West Virginia coal miners. In a letter commemorating the 40th anniversary of the law, Byrd expressed his pride in participating in the creation of the original bill, and personalized his statements by saying, “My father was a coal miner. I married a coal miner’s daughter. When I talk about coal miners, I am not simply referring to an occupational category. I am talking about my family, my friends, and my neighbors.”¹⁸ The Coal Miner Health and Safety Act of 1969 was the most comprehensive legislative effort to regulate the coal industry to that point in history, setting federal standards for mine safety, as well as a compensation program for miners suffering from black lung disease.¹⁹ Byrd also urged Congress and the coal industry to develop new mine technology to replace outdated machines in the mine, which he believed to increase the risk of black lung disease.²⁰ Three years later Byrd supported the Black Lung Aid Amendment which amended the Coal Mine Health and Safety Act and made it easier for miners and their families to get benefits.²¹ President Nixon nearly vetoed the bill, but his aides cautioned him against upsetting Byrd, who strongly supported the bill, during an election year.²²

In 1970, Congress created landmark environmental legislation when it passed the Clean Air Act (CAA) of 1970. The CAA quickly became a model for future environmental legislation and other bills, most notably the Clean Water Act of 1972. The CAA was what is known as a “pressing technology” act, meaning that it not only set

national emission standards but also included funds to update technology so that states could meet the new emission standards. Byrd, who always strongly encouraged the technological advancement of the coal industry, supported the bill.²³ For Byrd, issues of foreign oil dependence and coal regulation went hand in hand. He once stated on the Senate floor, “Coal is one of our most valuable defenses against rising fuel prices and threatened oil shortages.”²⁴ The senator’s support of the CCA may have come as a surprise to those who categorized him as supporting the environmental deregulation of the coal industry. However, Senator Byrd’s support in the case of CAA legislation was guided by his belief in the inevitability of environmental regulation, and his desire for coal to play an integral role in future energy production.²⁵

During 1973, Senator Byrd was able to direct 13.5 million dollars toward West Virginia for a Mine Health and Safety Academy.²⁶ Also in 1973, during a session of Congress, Byrd demanded the resignation of Donald P. Schilck, the newly appointed head of the Mining Enforcement and Safety Administration. Byrd argued that Schilck should be removed from his position, saying that he lacked the “imperative” qualifications of “academic and technical expertise” and “recognized integrity, competence and independence.”²⁷ Byrd’s demands were in accordance with UMWA President Arnold R. Miller’s call for Schilck’s resignation.

In 1973, after more than six years of effort, the Senate passed a bill to regulate surface mining. Byrd supported the bill, however the House failed to act and the bill was not passed into law before the session adjourned.²⁸ When the 1974 Congress began the surface mining bill with Byrd’s support, it passed quickly through both the House and the Senate only to be vetoed by President Ford. That same year, Byrd voted for the Energy

Supply and Environmental Coordination Act of 1974, hoping that it would increase the demand for coal. The bill temporarily delayed some of the air quality standards in the Clean Air Act of 1970, and stated that major fuel-burning facilities could be required to burn coal instead of oil or gas.²⁹ While the bill did increase the use of coal, the increase was not substantial enough to solve West Virginia's economic issues.

In 1977, Congress worked on updating the 1972 black lung legislation, but ran out of time to pass any updates to the bill. In 1978, Congress passed two measures, both supported by Byrd, that liberalized black lung benefits. The first made black lung legislation permanent (the 1972 legislation was set to expire in 1981), while the second lowered eligibility requirements for people seeking benefits. Under the bill, financial responsibility to pay for black lung benefits shifted to the coal industry and Byrd established an industry-financed trust fund to cover the costs.³⁰

After several years of failed attempts, the Senate passed the Surface Mining Control and Reclamation Act (SMCRA) in 1977. The Act was the first major piece of legislation regulating surface mining. Although Byrd had voted for previous versions of the bill, he attempted to deregulate the 1977 bill just one year after it was signed into law. In both 1979 and 1980, Byrd attempted to amend the SMRCA so that states could choose their own regulation standards. Opponents of Byrd's efforts argued that Byrd's amendments would destroy the intent of the 1977 law. Both of his efforts passed through the Senate but failed in the House.³¹ While Byrd's attempts to deregulate surface mining were unsuccessful, he was able to pass a bill in 1978 that would increase the demand for coal. The bill, known as the Power Plant and Industrial Fuel Use Act of 1978, required that new power plants be built to use coal or fuels other than oil or gas. It also required

plants using oil or gas to convert to another fuel source by 1990. A strong supporter of the bill, Byrd was “a key factor in lining up votes for the bill.”³²

In 1977, the CAA came up for revision. Tensions over revisions to the auto industry requirements made passage of the 1977 bill unlikely. The bill remained deadlocked for the majority of the year. However, Byrd supported the revisions which posed no increased threat to the West Virginian coal industry.³³ In order to pass the bill, Byrd co-sponsored an amendment to relax auto emission standards for another year.³⁴ This amendment broke the deadlock in Congress thus allowing the bill to pass.³⁵ There were no statements from Byrd indicating his motivation for passing the 1977 CAA. However, a clause in the bill that allowed the President or the governor of a state to “require the use of local coal by certain plants to prevent severe economic disruption or unemployment” may have been the motivation for Byrd’s support.³⁶

Byrd voted in favor of the Energy Policy Package of 1978. His support was influenced by a Coal Conversion measure, HR 5146—PL 95-620, which would require new industrial and utility plants to use coal or a fuel other than oil or gas. The new energy policy gave existing utility plants using oil or gas until 1990 to switch to other fuels without penalty.³⁷ One of the Senate’s contributions to the plan authorized funds for loans and loan guarantees to cover the costs of coal conversion, as well as authorized grants to companies whose plants could not be easily converted to coal and increased federal aid to locations economically dependent on coal development. Also in 1978, Byrd sponsored an amendment to the Labor Relations Act that would increase the severity of penalties for employers who tried to keep unions out. The amendment prohibited companies that violated labor laws from receiving government contracts and awarded double back pay to employees who were fired for union involvement.³⁸

In 1979, the EPA proposed new emission standards which were significantly higher than those in the 1977 CAA. Byrd strongly opposed the new standards, saying that the standards would “have dire consequences for the coal industry.”³⁹ After what a White House official called “hard-ball arm-twisting” by Byrd, the new standards were defeated.⁴⁰ Once the 1979 EPA proposed emission standards were defeated, Byrd began to campaign within Congress for support of coal-to-gas technology and other clean coal initiatives. He once stated: “Reduction of our dangerous dependence on imported oil is crucial to the economic survival and national security of this country and the entire free world. Coal can, and should, be the cornerstone of any initiatives to bring about that independence.”⁴¹ In 1980, in response to a letter from President Carter advocating the use of coal to combat the current energy shortage, Congress passed a bill that required 26 utility companies to switch 80 power plants from oil to coal. Byrd strongly supported the bill, which was estimated to increase coal consumption from 30 million to 50 million tons each year. Records note that Byrd made sure the bill had “top priority” in the Senate.

In 1980, Congress embarked upon a mission heavily supported by Byrd—to reduce the nation’s dependence on imported fuels. The legislation appropriated 20 million dollars to Synfuels Corporation to develop fuel technology that did not rely on gas or oil. The legislation required that by 1992 the corporation produce two million barrels of synthetic fuel a day.⁴² Unfortunately, the corporation had little success in its first few years of operation and lost government funding. Senator Byrd saw an opportunity when Synfuels failed and urged Congress to fund the development of clean coal technology. He was successful in appropriating \$100 million for the 1986 fiscal year and \$200 million each for 1987 and 1988 to develop clean coal technology.⁴³

In 1981, the CAA once again came up for revisions. At the time, the Reagan administration supported a bill known as the Dingell-Broyhill Bill, which would roll back the CAA, thereby reducing compliance costs for businesses. The bill was nicknamed the “dirty-air bill” by environmentalists and their advocates in Congress, who ended up defeating the proposed bill.⁴⁴ Although funding for the CAA expired in 1981, Congress chose to continue to appropriate funds to pay for the CAA. From 1981-1988, several different senators attempted to amend the 1977 Clean Air Act. However, every proposed amendment was defeated.⁴⁵ During the 1980s, increased research on the damage of acid rain prompted support for increased pollution restrictions. While Byrd attempted to block the CAA from the Senate schedule, he knew that more stringent amendments to the CAA and further restrictions on coal burning power plants were inevitable.⁴⁶

After being blocked by Byrd for nearly a year, the Clean Air Bill passed in 1990.⁴⁷ When the bill passed, clean coal technology was not fully developed and Byrd feared that power companies would switch to other types of fuel, devastating the frail economy of West Virginia. Byrd persuaded Congress to incorporate extra compliance time into the bill for midwestern utility companies. The Byrd Formula provided for “additional, salable pollution allowances for installing scrubbers or other technological controls that helped them [utility companies] meet acid rain restrictions,” increasing the likelihood that they would continue to burn coal rather than switching to another fuel.⁴⁸ Byrd also proposed a 500 million dollar compensation plan for miners who would lose their jobs as a result of the bill, which was defeated 49-50 on March 29, 1990.⁴⁹

On November 12, 1998, President Bill Clinton signed the Kyoto Treaty, which agreed to a reduction of six greenhouse gases to levels 7% below 1990 levels.⁵⁰ Clinton

did not bring the treaty before Congress to be ratified because of extreme congressional opposition. Byrd, siding with the National Miner's Association (NMA), was against ratifying the treaty. The NMA president released a statement reprimanding President Clinton for signing a bill that could so dramatically affect the livelihood of American miners.⁵¹ In response to the president's action, Senator Byrd sponsored a non-binding resolution that would mandate that developing countries also make cuts. This resolution passed unanimously in the Senate and effectively prevented the United States from participating in the Kyoto treaty.⁵²

In 1999, Judge Charles H. Hayden of the 2nd United States District Court ruled that the process of valley fills violated federal clean water and mining laws. This ruling, in response to *Bragg v Robertson*, made the current practice of MTR illegal. Senator Byrd strongly opposed the ruling and, in an editorial published on November 7, 1999, in the *Charleston Gazette*, said that if not changed the ruling "could irrevocably and detrimentally change West Virginia's economic course as we prepare to enter the 21st century."⁵³ In an attempt to nullify Judge Hayden's decision, Byrd tried to attach a legislative rider to a 1999 spending bill. In the official statement of the state congressional delegation, headed by Byrd, the rider was recognized with this language: "We have taken some reasoned steps toward ensuring the viability of the coal mining industry in our state."⁵⁴ On November 10, 1999, Byrd rallied an estimated 500 miners to protest at the capital in Washington. At the rally, Byrd yelled: "Coal turns on the lights in that Capitol! Surely we can find a way to protect the environment without destroying your jobs."⁵⁵ Byrd used his influence to pressure the Clinton administration to support the rider, which was in direct opposition to many of the administration's environmentally

friendly initiatives.⁵⁶ The winning lawyer, Joe Lovett, stated that Byrd's rider would be a serious step in the wrong direction, "eliminating the current laws' valley fill standards, and buffer zone requirements for protecting streams."⁵⁷ In response to a letter from 23 members of the House saying, "Any change that has the effect of allowing valley fills to destroy waters of the United States is unacceptable," the Clinton White House pulled its support for Byrd's rider.⁵⁸ In November of 1999, Byrd stood on the Senate floor and shouted "Fie on the White House!" in response to the White House's rejection of his rider on the grounds that it was anti-environment.⁵⁹ Byrd's attempt at a legislative rider was unsuccessful. Regardless, the 4th Circuit Court of Appeals eventually overturned the ruling by Judge Hayden because of a jurisdictional technicality. Several other suits that called into question the legality of MTR under the CAA had been filed in West Virginia. However, each case that had ruled MTR illegal would eventually be overturned in the 4th Circuit Court of Appeals.

While attempting to deregulate environmental laws in favor of coal interests, Byrd also continued to work to protect miners themselves. In 2006, Byrd supported the Mine Improvement and Emergency Response Act (MINER). The act was a significant leap in mining legislation, and ensured the first mine safety reform in 28 years.⁶⁰ Under a fiscal spending bill in 2008, Byrd approved 1.7 billion dollars to programs researching renewable energy, 88 million of which was designated for clean-coal development. Byrd said of the funds, "This legislation brings us another step closer to energy independence and reducing our nation's reliance on Middle East oil by investing in the ingenuity and natural resources we have here at home."⁶¹ In 2010, Byrd secured \$22 million in

appropriations funding to assist the Mine Safety and Health Administration, which had an enormous backlog of citations and no funding to address the citations.⁶²

Also in 2010, Senator Byrd added two clauses to the Health Care Bill that would increase coverage for individuals afflicted with Black Lung Disease. The clauses were in direct opposition to the position of many coal and insurance industry leaders, who would be responsible for funding the majority of claims affected by the clauses. “There is no question that the Byrd amendment is going to result in an increase in [insurance] rates,” said an industry official.⁶³ West Virginia Chamber of Commerce President Steve Roberts also criticized the amendment by saying, “It could cost the vital coal companies that are struggling to keep miners working multi-hundreds of millions of dollars, all to address a problem that no one has proved exists.”⁶⁴ The National Mining Association also opposed the amendment, stating that it could cost the coal industry between \$332 and \$697 million.⁶⁵ The clauses that Byrd included in his amendment were designed to reverse cuts that were made during the Reagan administration. Specifically, the amendment granted legal presumption of benefits to any miner who had accumulated 15 or more years of coal mine employment, had medical evidence of “totally disabling lung disease,” and removed the reapplication for benefits process for the spouse of someone who was receiving benefits.⁶⁶ Despite harsh attacks, Byrd’s amendment was enthusiastically supported by the UMWA which criticized opponents of the amendment by saying, “We are still opposed by apologists for irresponsible coal operators who cry about how much it will cost, just as they have whined about the costs of safety improvements in the mines that have demonstrably saved lives.”⁶⁷ After Byrd’s death, George Miller, D-CA, proposed that the new mine health and safety act be named after him. It is now known as the

Robert C. Byrd Miner Safety and Health Act of 2010, and would address mines with repeated safety violations, punish operators who act irresponsibly, and give MSHA much needed enforcement power.⁶⁸ It is reported that Byrd was very passionate about the bill and worked on it up to the last week of his life.⁶⁹ Byrd also worked with Senator Jay Rockefeller to include an amendment on the Wall Street Reform Conference Report which will hold mining companies responsible for their safety records. The amendment required that publically traded mining companies file safety violations with the Securities and Exchange Commission.⁷⁰

In its early stages, Senator Byrd was outspoken against the Obama administration's first climate bill, saying: "I will continue to work with my colleagues to strike a balance that treats West Virginia fairly,...However, I will actively oppose any bill that would harm the workers, families, industries, or our resource-based economy in West Virginia."⁷¹ However, Byrd said he would support the bill if it focused more on developing carbon-reduced coal. As he noted: "I continue to believe that clean coal can be a 'green' energy. Those of us who understand coal's great potential in our quest for energy independence must continue to work diligently in shaping a climate bill that will ensure access to affordable energy for West Virginians."⁷² After voting nay to the Waxman-Markey climate change bill, which failed, Byrd joined fellow senators from coal producing states to "assure that their concerns are met in any future legislation."⁷³ The change in Byrd's opinion of the climate bill came from the realization that some form of climate change legislation was inevitable.⁷⁴ Byrd's new strategy was to attempt to make climate change legislation less damaging to the coal industry. In an effort to draw support for the climate change bill, Byrd released a statement to his constituents'

about the future of coal, in which he said: “To deny the mounting science of climate change is to stick our heads in the sand and say ‘deal me out.’ West Virginia would be much smarter to stay at the table.”⁷⁵ Byrd’s death on June 28, 2010, prevented him from voting for or against a future climate change bill. Some speculate that the Senator had a “change of heart” during the last few years of his life, and would have voted for a climate change bill.⁷⁶

*The Evolution of Senator Byrd’s Statements
Regarding Mountaintop Removal*

There was speculation that toward the end of his life Senator Robert Byrd was less supportive of the coal industry and more sympathetic to environmental concerns.⁷⁷ That speculation was the result of an editorial titled “Coal Must Embrace the Future,” which was written by Byrd and published by MetroNews, an online West Virginia news source. One possible reason for the speculation may be that Byrd visited a MTR site for the first time just days before writing the editorial. There is no evidence to determine the effect that the senator’s visit had on his views of MTR. Environmentalists championed Byrd’s words as proof that the ailing senator had changed his ways and was against MTR. However, upon examination, I could find no evidence in the editorial that the senator had changed at all.

While Byrd had harsh words for the coal industry, at one point accusing them of “fear mongering, and grand standing,” this should come as no surprise from a senator who once yelled “Fie to the White House!” on the floor of the senate.⁷⁸ In my interpretation, Byrd’s statement was one that embodied both his frustration and his hope that the coal industry could adapt and prosper in the future. He began by reflecting on the

current state of the industry saying, “In 1979, there were 62,500 coal miners in the Mountain State. Today there are about 22,000. In recent years, West Virginia has seen record high coal production and record low coal employment.”⁷⁹ Byrd attributed the roughly 40,000 jobs that had disappeared from the industry to MTR, as well as declining national demand for energy and rising mining costs.

Discussing MTR specifically, Senator Byrd said that it is “a reality that the practice of mountaintop removal mining has a diminishing constituency in Washington.... Most members of Congress, like most Americans, oppose the practice.”⁸⁰ While mentioning MTR several times, he never stated an opinion on the practice. Byrd’s focus on MTR was not an attempt to denounce the practice, it simply served as a timely example of a dynamic between the coal industry and environmental concerns that Byrd watched develop. He warned that if the coal industry continued to maintain “rigid mindsets... We risk the very probable consequence of shouting ourselves out of any productive dialogue with EPA and our adversaries in the Congress.”⁸¹ Byrd then shared an important conclusion, one that he had been voicing for more than 40 years— that the coal industry needed to change and adapt to a more environmentally focused future. While Byrd’s desire for a more environmentally friendly coal industry may sound the same as anti-MTR and environmentalist groups, his motivation was completely different. Byrd’s motivation stemmed not from environmental concerns, but from a desire to see an industry that he called “the backbone of the Appalachian economy” prosper.⁸²

Conclusion

Although Byrd favored the coal industry, he did not spare any piece of legislation that would increase miner safety and union protection. His support of miner safety and unions over the coal industry's interests was evident in his public campaign fund information. Between 1989 and 2010, Byrd received no campaign funds from individual coal companies but \$30,000 from the United Mine Workers Association.⁸³ From industry donations Byrd received \$172,661 from mining (not only coal mining, but other types of mining as well) and \$135,750 from labor interests (not limited to mining unions). Of sector donations, Byrd received \$312,803 from the Energy and Natural Resources Sector and \$630,075 from the Labor Sector. In the appropriations bill for the 2008 fiscal year, Byrd sanctioned 45 million dollars to be used for mine safety.⁸⁴ In a letter commemorating the 40th anniversary of mine safety legislation, Byrd referenced the bill's present-day shortcomings, saying that recent coal mining accidents should be reminders that "coal-mining safety rules and regulations are only as good and effective as the people who are there to enforce them," and that "protection for miners also needs to increase."⁸⁵ Through earmarks, Byrd directed 3.3 billion federal dollars to West Virginia between 1991 and 2008.⁸⁶

During the 51 years that Robert Byrd represented West Virginia in the Senate, he set the record for most votes cast, with over 18,000.⁸⁷ Byrd also held the record for most leadership positions held by a US Senator, including majority whip, majority leader, minority leader, chair of the appropriations' committee, and president pro tempore.⁸⁸ Of all the leadership roles that Byrd held, his most cherished position was as chairman of the appropriations committee. Byrd used the position to funnel millions of federal dollars to

the Appalachian region and in an interview Byrd once stated: “I want to be West Virginia’s billion dollar industry.”⁸⁹ His voting record showed a passion for improving the plight of the working poor, especially those in his home state of West Virginia. His votes also consistently backed the interests of organized labor.⁹⁰ Although Byrd was credited with being a staunch defender of the coal industry, his voting record showed him to have been equally supportive of the rights and concerns of coal miners. Throughout his time in the Senate, Byrd also worked to deregulate environmental policy in favor of coal interests. His legislative decisions not only supported MTR, but actively worked to keep the practice legal. Although there was speculation that during the last few years of his life the senator had changed his opinion of the practice of MTR, evidence supports the claim that Senator Byrd simply desired the industry to remain relevant and prosperous in future years.

Notes

¹ Eric Pianin, “A Senator’s Shame,” *The Washington Post*, June 19, 2005, 1.

² Pianin, “A Senator’s Shame,” 1.

³ Bob Allen, “Wiley Drake Led Sen. Byrd in a ‘Sinners Prayer,’” *Associated Baptist Press*, June 28, 2010. <http://www.abpnews.com/content/view/5285/53/> (Accessed December, 2010).

⁴ John Lewis, “Robert Byrd: A True Statesman,” *The Hill*, July 1, 2010, <http://thehill.com/blogs/congress-blog/lawmaker-news/106809-robert-byrd-a-true-statesman-rep-john-lewis> (Accessed December, 2010). John Lewis is a democratic representative from Georgia.

⁵ Paul Begala, “Remembering Robert Byrd,” *The Daily Beast*, June 28, 2010. <http://www.thedailybeast.com/blogs-and-stories/2010-06-28/remembering-robert-byrd/> (Accessed December, 2010). Paul Begala is political contributor for CNN as well as a research professor at Georgetown University’s Public Policy Institute.

⁶ Diana Sole, “Teacher’s Manual,” *SouloftheSenate.org*. http://soulofthesenate.org/pdf_files/Teacher%20Manual.pdf (Accessed December, 2010). Soul of the Senate is an educational website created to supplement a documentary that was made about the Senator’s life. The website has speeches by Byrd, article on Byrd, and teaching guides to educate students on the senator.

⁷ Sole, “Teacher’s Manual.”

-
- ⁸ "Robert Byrd Again to Seek Delegate post," *Beckley Raleigh Register*, January 4, 1948, 8.
- ⁹ "Robert Byrd Again to Seek Delegate post," *Beckley Raleigh Register*, January 4, 1948, 8
- ¹⁰ Robert Byrd, Political Advertisement, *Beckley Raleigh Register*, May 4, 1952, 20.
- ¹¹ Information on Representative Hendrick was found at the official website of Congress in the Congressional biographical directory. <http://bioguide.congress.gov/biosearch/biosearch1.asp> (Accessed February, 2011).
- ¹² Sole, "Teacher's Manual."
- ¹³ "Protective Laws Sought for Labor," *Beckley Post-Herald*, October 24, 1956, 7.
- ¹⁴ Vicki Smith, "Sen. Robert Byrd: King of Pork or Larger-Than-Life Hero?," *The Christian Science Monitor*, June 28, 2010, <http://www.csmonitor.com/From-the-news-wires/2010/0628/Sen.-Robert-Byrd-King-of-pork-or-larger-than-life-hero> (Accessed December, 2010).
- ¹⁵ Jon Schmitz, "West Virginia Senator Robert Byrd Dies at 92," *Pittsburg Post-Gazette*, June 28, 2010, <http://www.post-gazette.com/pg/10179/1068881-100.stm> (Accessed December, 2010).
- ¹⁶ "Bills Regulating Strip Mining Die in Senate." *CQ Almanac 28(1972)*. <http://library.cqpress.com/cqalmanac/cqal72-1249599> (Accessed December, 2010).
- ¹⁷ "Coal-to-Gas Project Funds Cut," *The Pittsburg Press*, February 8, 1968, Front.
- ¹⁸ Robert Byrd, Official Commemoration Letter, March 23, 2009.
- ¹⁹ "Labor Legislation, 1969-1972 Overview," *Congress and The Nation Online Edition*, <http://library.cqpress.com/catn/catn69-6-18097-969658> (Accessed December, 2010).
- ²⁰ *New York Times*, March 1, 1969, 16.
- ²¹ "Black Lung Aid, 1972 Legislative Chronology," *Congress and The Nation Online Edition*. Originally published in *Congress and the Nation, 1969-1972*, vol. 3 (Washington: CQ Press, 1973).
- ²² "Black Lung Aid, 1972 Legislative Chronology," *Congress and The Nation Online Edition*. <http://library.cqpress.com/catn/catn69-0008167622> (Accessed December, 2010).
- ²³ "Clean Air Act," *International Encyclopedia of Environmental Politics*, London, Routledge (2002).
- ²⁴ Robert Byrd, *Congressional Record*, June 18, 1979, 15207.
- ²⁵ "Clean Air Act: Energy Amendments, 1974 Legislative Chronology," Accessed 2010.
- ²⁶ "Site for Beckley Academy About Ready," *Bluefield Daily Telegraph*, June 10, 1973, 17
- ²⁷ "Mine AIDE's Ousting Demanded by Union," *New York Times*, May 9, 1973, Front.
- ²⁸ "Senate Passes Strip Mining Bill; House Fails to Act," *CQ Almanac 29(1973)*, 615-622. <http://library.cqpress.com/cqalmanac/cqal73-1227276> (Accessed December, 2010).

-
- ²⁹ . "Congress Votes to Delay Clean Air Standards," *CQ Almanac* 30(1974), 738-744.
<http://library.cqpress.com/cqalmanac/cqal74-1222309> (Accessed December, 2010).
- ³⁰ "Black Lung Benefits, 1977 Legislative Chronology," *Congress and The Nation Online Edition*.
<http://library.cqpress.com/catn/catn77-0010174521> (Accessed December, 2010).
- ³¹ "Strip Mine Exemptions, 1980 Legislative Chronology," *Congress and The Nation Online Edition*. Originally published in *Congress and the Nation, 1977-1980*, 5(Washington: CQ Press, 1981).
- ³² "Energy Bill: The End of an Odyssey," *CQ Almanac* 34(1978), 639-667.
<http://library.cqpress.com/cqalmanac/cqal78-1236641> (Accessed December, 2010).
- ³³ Clean Air Act: Energy Amendments, 1974 Legislative Chronology," Accessed December,2010.
- ³⁴ *Congressional Record*, June 9, 1977. Accessed in LexisNexis Congressional Record Permanent Digital Collection on December 8, 2010.
- ³⁵ "‘The Majority Leader is Not a Facilitator He is The Majority Leader’—A Byrd’s Eve View," *The National Journal*, August 20, 1977, 1294.
- ³⁶ "Clean Air Amendments, 1977 Legislative Chronology," *Congress and The Nation Online Edition*. Originally published in *Congress and the Nation, 1977-1980*,5 (Washington: CQ Press, 1981).
- ³⁷ "Energy Policy Package, 1978 Legislative Chronology," *Congress and The Nation Online Edition*. Originally published in *Congress and the Nation, 1977-1980*, vol. 5 (Washington: CQ Press, 1981).
- ³⁸ "Labor law revision," *Congress and the nation, 1977-1980*, 5(1978).
<http://library.cqpress.com/congress/catn77-0010174553> (Accessed December, 2010).
- ³⁹ Margot Hornblower, "The EPA Will Relax Pollution Rules for Coal Power; EPA Relaxes Coal Emission Standard," *The Washington Post*, May5, 1979, A1.
- ⁴⁰ Hornblower, "The EPA Will Relax Pollution Rules for Coal Power; EPA Relaxes Coal Emission Standard," A1.
- ⁴¹ Robert Byrd, *Congressional Record*, June 21, 1979, 15946.
- ⁴² "Synthetic Fuels Program," *CQ Almanac* 36(1980), 477-482.
<http://library.cqpress.com/cqalmanac/cqal80-1174663> (Accessed December, 2010).
- ⁴³ "Synfuels Program, 1985-1986 Legislative Chronology," *Congress and The Nation Online Edition*. Originally published in *Congress and the Nation, 1985-1988*, vol. 7 (Washington: CQ Press, 1989).
- ⁴⁴ "Clean Air Act," *International Encyclopedia of Environmental Politics*, London, Routledge (2002).
- ⁴⁵ "Clean Air/Acid Rain Legislative Chronology 1983-1984," *Congress and The Nation Online Edition*.
- ⁴⁶ Chris Burnett, "Acid Rain Law unlikely soon, but pressure Growing," *The Columbus Dispatch*, December 10,1986, 9A.
- ⁴⁷ "Clean Air, 1989-1990 Legislative Chronology," *Congress and The Nation Online Edition*. Originally published in *Congress and the Nation, 1989-1992*, 8 (Washington: CQ Press, 1993).

⁴⁸ "Clean Air, 1989-1990 Legislative Chronology," *Congress and The Nation Online Edition*. Originally published in *Congress and the Nation, 1989-1992*, 8(Washington: CQ Press, 1993).

⁴⁹ "Acid Rain, 1985-1986 Legislative Chronology," *Congress and The Nation Online Edition*. Originally published in *Congress and the Nation, 1985-1988*, 7(Washington: CQ Press, 1989).

⁵⁰ "United States Signs Kyoto Protocol on Climate Change," *Issues in Science and Technology* (Winter 1998/1999), 28-30.

⁵¹ "NMA President Chides Clinton for Signing Kyoto Protocol," *Engineering and Mining Journal* 199(December 1998), 16.

⁵² "Global Warming, 1997-1998 Legislative Chronology," *Congress and The Nation Online Edition*. Originally published in *Congress and the Nation, 1997-2001*, 10 (Washington: CQ Press, 2002).

⁵³ Robert Byrd, Jay Rockefeller, Bob Wise, Nick Rahall, and Alan Mollohan, "Balance Needed in Mining Issue," *Charleston Gazette*, November 7, 1999. http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=AWNB&p_theme=aggregated5&p_action=doc&p_docid=100F87B7D1B7109C&p_docnum=1&p_queryname=1 (Accessed December, 2010).

⁵⁴ Francis X. Clines, "Last Stand in Defense of a Hollow's History," *New York Times*, November 7, 1999, Front.

⁵⁵ Francis X. Clines, "With 500 Miners as a Chorus, Byrd Attacks Court Ruling," *New York Times*, November 10, 1999. http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=AWNB&p_theme=aggregated5&p_action=doc&p_docid=114220296A3F171&p_docnum=1&p_queryname=3 (Accessed December, 2010).

⁵⁶ Tom Kenworthy, Juliet Eilperin, "'White House Backs W.Va. on Mine Dumping; Conservationists

Say Action Undermines Vetoes, Conflicts with Environmental Stance," *The Washington Post*, October 30, 1999. http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=AWNB&p_theme=aggregated5&p_action=doc&p_docid=0EB2C3E18FE B903A&p_docnum=1&p_queryname=4 (Accessed December, 2010).

57 Clines, "Last Stand in Defense of a Hollow's History," Front.

58 "Slicing Peaks, Burying Streams," *Washington Post*, April 13, 2000, Editorial A30.

59 Andrew Taylor, "APPROPRIATIONS: Clinton, GOP Bet the Farm On More and Bigger Surpluses," *CQ Weekley*, November 20, 1999, 2767.

60 "MINER Act Ensures First Mine Safety Reform in 28 Years," *Professional Safety* 51(2006):12.

⁶¹ Brian Hansen, "Renewable energy Funding Gains Under Senate Bill," *Inside Energy with Federal Lands*, July 2, 2007.

62 Mike Lillis, "Byrd Wins Funding to Address Backlog of Mine Safety Violations," *The Washington Independent*, May 13, 2010, <http://washingtonindependent.com/84798/byrd-wins-funding-to-address-backlog-of-mine-safety-violations> (Accessed December, 2010).

⁶³ George Hohmann, "Black Lung Premiums Expected to Soar," *Charleston Daily Mail*, May 21, 2010, 2.

-
- ⁶⁴ George Hohmann, “Black Lung Amendment Called a ‘Job Killer’: Business Leaders Criticize Byrd Amendment to Health Reform Bill Easing Benefits Process,” *Charleston Daily Mail*, January 18, 2010, 1A.
- ⁶⁵ Steve Hooks, “Byrd Black Lung Amendment to Health Care Bill Unsettles Industry,” *Platts Coal Outlook*, January 25, 2010.
- ⁶⁶ Ken Ward Jr., “Black Lung Law,” *The Charleston Gazette: Coal Tattoo*, March 22, 2010.
- ⁶⁷ Staff Writer, “Byrd Amendments to Black Lung Law are Vital, Needed Improvements,” *UMWA Journal*, January 20, 2010.
- ⁶⁸ Betsy M. Kittredge, “Robert C. Byrd Miner Safety and Health Act of 2010,” *EdLabor*, July 16, 2010. EdLabor is a Journal produced by the House of Representatives committee on education and labor.
- ⁶⁹ Ken Ward Jr., “Mine Safety Legislation Proposed to be Renamed in Honor of the Late Senator Robert C. Byrd,” *The Charleston Gazette: Coal Tattoo*, July 13, 2010. Coal Tattoo is an environmental blog supported by the Charleston Gazette, it is maintained by Ken Ward Jr., who is a staff writer for the newspaper.
- ⁷⁰ Josh McComas, “New Mine Safety Legislation Named for Senator Byrd,” *WSAZ News Channel 3*, July 29, 2010.
- ⁷¹ Charles Owens, “West Virginia Lawmakers Speak Out Against Climate Bill,” *Bluefield-Daily Telegraph*, October 1, 2009.
- ⁷² Jean Chemnick, Liana B. Baker, Mu Li, “Costs, Regional Issues will Test Senate Climate Bill,” *Inside Energy With Federal Lands*, July 6, 2009.
- ⁷³ John M. Broder, “Geography is Dividing Democrats over Energy,” *New York Times*, January 27, 2009, 1.
- ⁷⁴ Coral Davenport, “Selling a Climate Change Bill to Coal Country,” *CQ Press Public Affairs Collection*, February 15, 2010. <http://library.cqpress.com/cqpac/document.php?id=weeklyreport111-000003293756&type=query&num=clean+air+act%2C+byrd>
- ⁷⁵ Robert Byrd, “Coal Must Embrace the Future,” *Charleston Gazette*, December 3, 2009, <http://blogs.wvgazette.com/coaltattoo/2009/12/03/sen-byrd-coal-must-embrace-the-future/>
- ⁷⁶ Johnathan Hiskes, “What Robert Byrd’s Death Means For the Climate Bill,” *Grist*, June 28, 2010. <http://www.grist.org/article/2010-06-28-what-robert-byrds-death-means-for-the-climate-bill/> (Accessed December, 2010).
- ⁷⁷ Ken Ward Jr., “Sen. Byrd on Coal: Wasn’t Anybody Paying Attention?,” *Charleston Gazette: Coal Tattoo*, December 10, 2009, <http://blogs.wvgazette.com/coaltattoo/2009/12/10/sen-byrd-on-coal-wasnt-anybody-paying-attention/> (Accessed December, 2010).
- ⁷⁸ Byrd, “Coal Must Embrace the Future,” *West Virginia MetroNews*, December 3, 2009.
- ⁷⁹ Byrd, “Coal Must Embrace the Future.”
- ⁸⁰ Byrd, “Coal Must Embrace the Future.”
- ⁸¹ Byrd, “Coal Must Embrace the Future.”
- ⁸² Byrd, “Coal Must Embrace the Future.”

⁸³ All campaign finance information was collected from [opensecrets.org](http://www.opensecrets.org). Here is a link to the specific page <http://www.opensecrets.org/politicians/summary.php?cid=N00002200>

⁸⁴ Jerry Lewis, "How Byrd Changed the Rules," *Occupational Health and Safety*, April 1, 2008, 11.

⁸⁵ Byrd, Official Commemoration Letter, 2009.

⁸⁶ Lawrence Messina, "Byrd Changed West Virginia," *The Associated Press*, June 28, 2010.

⁸⁷ Adam Clymer, "Robert Byrd, 1917-2010: A Pillar of the Senate, A Champion for His State," *New York Times*, June 28, 2010, 1.

⁸⁸ Jon Schmitz, "W.Va Sen. Robert Byrd Dies at 92," *Pittsburg Post Gazette*, June 28, 2010. <http://www.post-gazette.com/pg/10179/1068881-100.stm> (Accessed December, 2010).

⁸⁹ Schmitz, "W.Va Sen. Robert Byrd Dies at 92." <http://www.post-gazette.com/pg/10179/1068881-100.stm>(Accessed December, 2010).

⁹⁰ Jonathan Allen, "Byrd Poised to Break Thurmond's Record," *The Hill*, May 31, 2006.

CHAPTER FOUR

Calling The Election

For the people of West Virginia Senator Byrd's age was not a point of concern. In 2006, at the age of 88, Byrd overwhelmingly won his last Senate election, receiving 64% of the vote.¹ However, Byrd was beginning to slow. Close friends and family members say that Byrd became "frail" after his beloved wife Erma's death in 2006 and in 2008 Byrd voluntarily stepped down from his role as Chairman of the Senate Appropriations' Committee.² Several months prior to Byrd's decision to relinquish the post, leading Democratic Party senators held a private meeting where it was rumored that they discussed how to ease Byrd out of the chairmanship. At the time, political analysts speculated that the interest in replacing Byrd stemmed from concern that he would not be able to shepherd in the war spending measure.³ Shortly after the private meeting a "whisper campaign" aimed at easing Byrd out of the chairmanship began among a few of Byrd's fellow Democratic Senator's and their aides.⁴ When announcing his decision to step down, Byrd did not allude to feeling pressured, but said: "A new day has dawned in Washington, and that is a good thing. For my part, I believe it is time for a new day at the top of the Senate Appropriations Committee."⁵ Despite stepping down as chairman, Byrd held on to his post as President Pro Tempore of the Senate, placing him third in line for the presidency. In 2009 Byrd's health continued to decline, and the senator was admitted to the hospital three times.

Byrd's decision to step down and his multiple hospitalizations sparked speculation about what would happen if the senator retired or could no longer perform his

job. When asked in 2009 about the possibility of replacing the senator, Governor Joe Manchin said that there had been no serious conversation about who to appoint.⁶ In fact Manchin remained silent on the possibility of replacing Byrd and continued to maintain optimism about the senator's health. Hours before the senator's death, Manchin was asked about Byrd's health and said, "he's always rallied, and I'm depending on him to rally again."⁷ While Manchin maintained his silence about Byrd's potential replacement public speculation over the appointment continued. In an interview with *The Journal*, Bob Bastress, a law professor at the University of West Virginia, said that while the governor could legally appoint himself to the position it was unlikely that he would do so. Instead, Bastress predicted that Manchin "would appoint a caretaker until he could run in 2012 when Byrd's term and Manchin's gubernatorial term expire."⁸ During Byrd's many 2009 and 2010 hospitalizations speculation that Manchin would attempt to maneuver himself into Byrd's seat increased.

In April of 2010 the governor formed a national political action committee (PAC), confirming his further political aspirations. Manchin's long-term friend and advisor Larry Puccio said of the PAC, "The governor is forming a political action committee to allow him to have a greater impact nationally on issues important to West Virginia....This coincides with his leadership role in the National Governor's Association and his higher profile nationally."⁹ Manchin claimed that he did not intend to use the PAC for a personal campaign, but would instead use it to "promote West Virginia on a national stage."¹⁰ He planned to use money in the PAC for political travel outside the state and for contributions to other campaigns, which could indirectly increase his national visibility and popularity. One political observer told West Virginia's *Metro News*: "it's a way for

Manchin to campaign without looking like he's campaigning."¹¹ Manchin was limited to serving two terms as West Virginia's Governor and said of his decision to form a PAC, "I'm going to put myself in the best position possible to serve, and this gives me the vehicle to do that."¹² Because of the two-term limit imposed on the governor, Steve Kornacki, an editor for the popular online news source *Salon*, wrote that Byrd's senate seat may be Manchin's only option to further his "national ambitions."¹³

In the early morning hours of June 28, 2010 Senator Robert Byrd passed away. Immediately upon receiving news of the senator's death, the media began bombarding Manchin and West Virginia Secretary of State Natalie Tennant with questions about Byrd's successor. Both unsuccessfully attempted to avoid questions about Byrd's replacement until the late senator had been laid to rest, with Tennant saying: "I would have preferred to have allowed a little longer grieving and mourning period before the question of who would replace him and how it would be done were asked."¹⁴ The state succession law was reviewed and Tennant determined that when the unexpired term had no more than two years and six months remaining it fell to the governor to appoint a replacement to serve out the remaining portion of the term.¹⁵ Byrd's unexpired term had two years six months and five days left, in which case the law called for a special election to fill the seat. However, the legal filing period for a primary election had closed more than two month before Byrd's death. West Virginia Law stated that a candidate could only be elected in a special election after being "nominated at the primary election next following such timely filing and has thereafter been elected."¹⁶ The next filing period was not scheduled until 2012, causing Tennant to rule that the governor should appoint someone to fill Byrd's seat until a candidate could be legally elected.

Tennant's ruling, although backed by a West Virginia Supreme Court of Appeals decision requiring candidates to file during an official filing period, was received unfavorably.¹⁷ According to Tennant's office the appointed senator would remain in office until the November 2012 general election, nearly 28 months away. During the general election there would be two races; one to fill the remaining five weeks of Byrd's term, and one for the six year term beginning in 2013.¹⁸ Many of the state's leading republicans were dissatisfied with Tennant's decision, among them Shelly Moore Capito whom the GOP considered a frontrunner for Byrd's seat if a special election were held. In a public statement regarding Tennant's ruling, Capito said: "The power of our vote should never be limited or delayed in selecting our elected officials, and 28 months is too long for any person to serve in an elective office through appointment."¹⁹ Troy Berman, executive director for the West Virginia GOP told *Fox News* that attorneys for state Republicans were reviewing the law to see if it would be possible to challenge. The GOP viewed this special election as an opportunity to take another Democratic seat in the November election, and claimed to have "four or five candidates who can win Byrd's seat."²⁰

State Republicans were not alone in their hope that Tennant's ruling would be changed. Manchin also expressed his concern over the current situation saying, "I believe in the election process, I also believe that two-and-a-half years for me to appoint somebody to replace this giant person, Robert C. Byrd, is far too long."²¹ He also indicated that if the special election were moved up that he might enter the race, disregarding a gubernatorial campaign statement in which he had pledged to serve his full term as the state's governor.²² Kornacki argued that Manchin's main motivation in

pushing for a 2010 special election was based on self interest. He explained that Manchin's popularity was currently high, with an approval rating of 70%, which put him in a good position to beat a Republican candidate. However, there was no way to predict whether his popularity would be high enough to beat a top Republican candidate in two years.²³ Manchin's refusal to release the name of the person he would appoint to Byrd's seat until the date of the special election was clarified also increased speculation that he would enter the race. Although Manchin could legally appoint himself to the seat, it was speculated that he would not do so because of the possibility of a backlash from a self-appointment.²⁴ Linda Feldman, writing for the *Christian Science Monitor*, took up Kornacki's argument and concluded that Manchin would most likely appoint a close friend who would agree not to run for the seat in 2012.²⁵

In response to calls for an earlier election, Larry Puccio, the state Democratic chairman, said that law makers were looking at different options and might add the issue to the special session agenda and challenge the law in court.²⁶ Then in a press conference on July 7, 2010, Manchin announced that he would ask the state Attorney General Darrell McGraw to review the law preventing a 2010 special Senate election.²⁷ He also alluded to the possibility of changing the law during a special session of the state legislature. Just one day after the governor asked West Virginia Attorney General McGraw to review the state succession law, McGraw overturned Tennant's interpretation and ruled that Manchin could call a special election for 2010 under the current law.²⁸ In his decision he wrote: "The Legislature authorized the Governor to proclaim an election to fill the vacancy where, as here, the vacancy exceeds two years and six months in duration."²⁹ Further clarifying his decision, he also wrote that when the law is unclear officials must

interpret it with the U.S. Constitution in mind, and that the interpretation must “embody the principle of popular sovereignty... the people’s right to vote.”³⁰

McGraw’s decision clarified the legal ability of Manchin to call a special election. The decision did not, however, clarify the date or shape of the election, causing Tennant to call for further legislative action.³¹ Tennant began drafting legislation to “clean up state code” shortly after Byrd’s death, and began pushing Manchin to call a special session of the state legislature.³² House Speaker Rick Thompson disagreed with Tennant and in a statement said:

The opinion also points out that the Governor has the power to set these elections without the need to call a special session— thus saving the taxpayers money— and allowing for the Legislature to more properly deal with the complexities of election law during the regular session rather than under the artificial time constraints of a special election.³³

On Friday, July 9, 2010, Manchin called for a special session of the state legislature to meet on Thursday, July 15, at noon. Justifying his decision to defy House Speaker Thompson and call a special session, Manchin said:

After receiving opinions from both our state’s Secretary of State and Attorney General, it is apparent that we must have clarity in the law or we risk judicial intervention, which would cost much more than a special session and could delay West Virginians from having representation. The most precious thing that our citizens have is their vote--and the last thing that I want is for a citizen to go to the polls to cast a vote, only to realize that his or her vote did not count because a judge had declared the election process invalid.³⁴

On July 15, two days before the legislative special session was to open Manchin released a draft of a succession bill to lawmakers. The bill put within the power of the Governor the right to pick the election date, set nomination procedures, and specify the

requirements of the proclamation of election.³⁵ It also gave the secretary of state the power to modify dates, procedures, or deadlines.³⁶ The bill stipulated that the state would pay for both the special election primary as well as the general special election.³⁷ One of the more controversial clauses of the governor's bill indicated that if only one candidate were to file for a party nomination, then there would be no primary election and that candidate would be automatically nominated in the general election.

Some lawmakers saw Manchin's draft as a power grab, especially the clause to eliminate a primary if only one candidate were to file. Senate Judiciary Chairman Jeff Kessler said of Manchin's proposal: "If we make a decision to have a special [primary] election, we have a special election.... We don't have a special election lite. That opens it up to mischief."³⁸ Of the same clause, Senate Minority Leader Mike Hall said, "I think that opens up a whole set of possibilities for creative minds to think of ways to manipulate the process."³⁹ Lawmakers were also concerned about the amount of power that the bill granted to the governor's office and the secretary of state's office over calling and holding elections. Tim Miley the House Judiciary chairman, said, "We're trying to work with the governor's staff to get a bill that accomplishes the governor's goals while maintaining the proper separation of powers."⁴⁰ Still others, like House Minority Leader Tim Armstead, a Republican representing Kanawha County, questioned whether the legislation was needed at all. Manchin maintained that he was pushing the bill to avoid a court challenge to the special election. However, Armstrong argued that a court challenge could still be brought against the special election noting: "You could have a legal challenge to this whether we meet or not.... The governor has already been authorized to call an election. What we do or don't do won't stop that."⁴¹

Responding to lawmakers' feedback, Manchin changed the bill from the draft that he released earlier in the week. The new bill included a mandatory primary regardless of how many candidates entered the race and limited the governor's power in setting election dates.⁴² In addition to the succession bill, Manchin introduced an appropriations bill to cover the cost of the special election by using funds from a budget surplus in the 2009-2010 fiscal years.⁴³ Manchin also asked that the Legislature suspend a rule stating that a bill must be read over three separate days before it can be voted on, and the legislature agreed.⁴⁴ The special session was on a tight time schedule because of federal deadlines regulating the general election in November. To hold a special election in 2010, Manchin's succession bill had to be passed into law before Tuesday, July, 20th. Manchin did not give a clear answer as to whether he would call for a special election on his own authority if the bill failed to pass.

On the second day of the special session the state Senate voted 29-1 to pass the succession bill. Edwin J. Bowma, a Democrat representing Hancock County, was the only nay vote.⁴⁵ Manchin's bill had more difficulty in the House where the House Judiciary Committee amended it to expire after the November election, and to specify that no primary would be held if only one candidate filed. The committee justified its amendment to the bill regarding the primary as a cost cutting measure and indicated that the expiration amendment was intended to speed up passage of the bill.⁴⁶ Both amendments proved to be controversial in the House. In addition to the two controversial amendments, the committee made several amendments that were widely accepted. They amended the bill so that notice of the special election was not left in the care of the governor but filed accordingly as a legal advertisement to be published in each county of

the state.⁴⁷ They also set the primary election date for August 28, established a four-day filing period, and provided that early voting would begin eight calendar days prior to the primary election.⁴⁸ Because of the Federal laws constraining the timing of the election, the House amended the bill to clarify several deadlines as well as the role of the secretary of state: "Under the amended bill absentee ballots must be mailed 15 days prior to the special primary election, military and overseas ballots must be mailed 30 days prior to the special primary election, the secretary of state, by administrative order must set all procedures for the special election and "undertake all actions necessary to assure for the orderly administration of the special primary election authorized by this subsection."⁴⁹ Of the four-day filing period Senator Oliverio said: "The timelines are obviously very compressed, and a [typical] filing deadline of three weeks was just not practical."⁵⁰

When the House voted on the bill on Saturday, July 17, it failed. Delegates defeated the bill 42-45 because of unresolved disagreements about the cost of the special election, the timetable, and the need for a special election at all. Many Republican delegates were also concerned that the bill was intentionally worded to discourage Shelly Moore Capito from entering the race.⁵¹ Later in the day Manchin made several phone calls pushing for the bill's passage. On a motion to reconsider, the bill passed 46-37.⁵² One of the delegates who initially voted against the bill and then changed after speaking with the governor was Kevin Craig, a Democrat from Cabell. Craig's main issue with the bill was its exclusionary potential if candidates were not allowed to run in both elections: "What I'm not for is precluding anybody from taking part in the special election," he said. After talking with the governor Craig changed his vote saying that he felt the governor would work toward a fair solution.⁵³ However, an effort to make the bill

effective immediately failed in a 50-34 vote. Republicans, aided by a few Democrats, were able to stop the bill from going into effect immediately. Passage would have taken a two-thirds super majority. Without a supermajority the bill would take 90 days to go into effect and would prevent a November general election.⁵⁴ The main point of contention which prevented the bill from going into effect immediately was the amount of authority over the election that was given to the secretary of state. Republicans charged that the bill gave Tennant “unconstitutional authority.”⁵⁵

On Sunday, July 18, both the House and the Senate passed different versions of the Byrd Succession Bill. The senate took up the house’s version late Saturday afternoon and made several amendments. Senator Mike Oliverio offered a strike-and-insert amendment which included a special primary election, and a provision to sunset the legislation in July of 2011 upon a report from the Secretary of State confirming the “success of the provisions of the election.”⁵⁶ Senator Mike Hall added language that would allow anyone to run in the election regardless of their participation in any other election.⁵⁷ The senate version also mandated a primary election regardless of how many candidates filed to run, and made the bill effective immediately, but the house refused to concur. Attempts between members of the House and Senate to reconcile the two different versions of the bill failed Sunday afternoon. A six person committee was formed and met on Monday, July 19, in an attempt to resolve differences between the two versions of the bill.⁵⁸ On Monday morning, while the committee was meeting, Manchin visited the House to raise support from House Republicans and the seven Democrats who voted on Saturday against making the bill effective immediately.⁵⁹ Manchin had the

power to call a special election if the bill failed to pass on July 19, but did not make any comments indicating what his action would be.

Conferees from the House and Senate who met to discuss a compromise were able to agree and released the bill on Monday evening for both the House and Senate to vote. This version of the bill was amended in the following ways: it only applied to the special election for Byrd's senate seat and would expire after the election, it required Natalie Tennant to submit a report to the legislature in January analyzing the 2010 special election so that problems encountered with the senatorial succession law could be amended, and it clarified a number of filing dates.⁶⁰ Language in the bill was also changed to limit Tennant's power in the election:

The Secretary of State may issue emergency administrative orders to undertake other ministerial actions that are otherwise authorized pursuant to this code when necessary to assure the preservation of the voting rights of the citizens of this state and avoid fraudulent voting and election activities and otherwise assure the orderly and efficient conduct of the election: *Provided, that* such emergency administrative orders may not contravene the provisions of this section.⁶¹

Another important aspect of the compromise was wording that made it clear that the special election was a separate election from the general election and wording that allowed candidates to file in both elections. Around 8:15 on the evening of July 19, the House passed the compromise bill with no discussion in an 83-7 vote and then, on a key vote, made the bill effective immediately in an 85-5 vote.⁶² At 8:50 the senate unanimously passed the bill and sent it to the governor to be signed into law, which Manchin did immediately.⁶³

During the four-day filing period, beginning at 8:00 a.m. on Tuesday, July 20, and concluding at 5:00 p.m. on Friday, July 23, fifteen candidates filed to run in the primary

election. Charles Railey was dropped from the ballot on July 28th because of filing errors.⁶⁴ There were three Democratic candidates running in the election: Governor Joe Manchin, Sheirl Fletcher, and Ken Hechler. Running in the Republican primary were ten candidates: John Raese, Harry C. Bruner Jr., Kenneth Culp, Albert Howard, Frank Kubic, Lynette Kennedy McQuain, Daniel Scott Rebich, Thomas Ressler, Mac Werner, and Scott H. Williams. The Mountain Party had one candidate file: Jesse Johnson. The following is a short description of the candidates and their platforms, following the official ballot order.

Republican Party

Harry C. Bruner graduated from The University of Charleston with a B.A in Political Science, and went on to receive a Masters in Public Administration as well as a Juris Doctorate from the University of West Virginia.⁶⁵ He had worked in both the public and private sectors practicing law for 35 years. Rather than a specific platform, Bruner had 60 principles listed on his official website. The principles were situated around his ideal of a small transparent government, and economic liberalism based on his pledge to “Support free market competition principles of Adam Smith and Milton Friedman” rather than government intervention.⁶⁶ His principles’ fall into the following categories: personal character, the character of the government, reducing taxes and government spending, and religious principles. In a personal statement of candidacy for the *Herald-Dispatch*, Bruner said:

If you're fed up with the horrible mess our entrenched incumbent politicians have created with endless wars, big government programs to take care of you "free"? From the cradle to the grave, their tax and regulate everything philosophy, and attempts to bailout, borrow, and spend America back to prosperity, elect me. I have

experience in both the private and public sectors. I will set my salary at the average West Virginian's salary of about \$37,000 -- not \$174,000 & self impose a two-term limit.⁶⁷

Kenneth A. Culp was a Vietnam veteran and a retired CPA with 30 years of experience. Culp held a MBA from Golden Gate University as well as a degree in economics and a degree in accounting from West Virginia University. He was running on a platform of social and fiscal conservatism, smaller national government with increased states' rights, regulation of the income-tax system, and his ability to increase jobs. In a personal statement written for the *Herald-Dispatch* Culp said:

I am proud to be a conservative Republican. I stand for the conservative, Christian values of our founding fathers. I support the Constitution. I support smaller government, reducing the deficit, states and individual rights and a fairer income tax system. I am opposed to government mandated health care, Cap & Trade, government bail outs and suing Arizona over immigration enforcement. I know that businesses create jobs -- government does not! I believe that government is the problem -- not the solution.⁶⁸

When the *Herald-Dispatch* asked Culp to give his position on safety regulation of the coal industry, he said that mining safety is “a state's rights issue. The Federal government has no right telling the states how to regulate these businesses.”⁶⁹ On his website, Culp gave his position on several issues. On the issue of environmental regulation, he said “We need to rethink the conservation movement in the United States. The environmentalists are restricting the development of new businesses with unrealistic demands on businesses and property owners.”⁷⁰ On July 28, 2010, Culp officially joined and was endorsed by the Parkersburg Tea Party.⁷¹

Albert Howard filed to enter the race as a Republican candidate from his home in San Pedro, California. If elected in the primary, Howard would have had to become a resident of the state prior to the November general election. Albert Howard first became

interested in politics in 1991 when, he claims the voice of God spoke to him and told him “You will be the next president of the United States.”⁷² His reasons for wanting to be elected a West Virginia senator remained unclear. His official website jerusalemisraelcars.com said nothing about the election, and instead told Howard’s personal story, and promoted Howard’s transportation services. Howard did have a facebook page dedicated to the election. After filing posted this statement: “Campaign Slogan: But if it is from God, you will not be able to overthrow us. You may even find yourselves fighting against God! I'm Albert Howard and I approve this message.”⁷³ In an interview with the *Times West Virginia*, Howard said: “One of the reasons I am running is to break the spirit of racism represented by the office of the late Sen. Robert C. Byrd. In 1964, Sen. Byrd filibustered for 24 hours on the Senate floor regarding civil rights. He was also a member of the KKK at one point in his life. As an American, I don’t like it that his name can be seen on many buildings.”⁷⁴ In another interview, Howard was asked about job creation and the coal industry, he responded: I believe the safest and most innovative form of mining would be surface mining....The integrity of the mountain is preserved and what the state of West Virginia is doing is preserved,” he held.⁷⁵ Later, he changed his position “After witnessing a viewing of the movie ‘Coal Country’, I have had a change of heart. I am fully persuaded and my new position is: End Mountain top Removal.”⁷⁶ Five days before the primary election Howard stated that if elected his top two issues would be clean coal technology and alternative energy.⁷⁷

Frank Kubic’s was an epigrammatist author whose major platform in the primary election was decreasing the national debt and economic reform. According to Kubic, his desire to run as well as the strategies that he would use if elected could be found in his

five published books. He called the “prime” issue in the election the “financial integrity of the United States” and said that the country was failing because of what he called “idealism economic laws,” and “Money backed by work” he wrote, “must have absolute priority over hypothetical money or this country will also be no more.”⁷⁸ In a statement on his facebook page, he listed “coal mining” as well as “the theory of Global Warming” as examples of idealist issues.⁷⁹ Kubic’s motto was “Limited government as the founding fathers intended in the constitution is the best insurance to have an economy that pays for government.”⁸⁰ In a written statement for the *Herald-Dispatch*, Kubic said:

Many people in West Virginia are feeling pain. They know that this country is on the wrong path. A lot of people think that government restrictions (county, state and federal) on personal behavior are out of control. Some feel this election is a \$5 million shoe in for the governor. Candidate Frank Kubic says we do not need another governor in congress. The present congressional \$13 trillion debt is a terrible inheritance for our children.⁸¹

Lynette Kennedy McQuain worked as a teacher’s aid for children with special needs. Of her desire to become a senator she said: "I see the struggles here, and I want to take my ideas to Washington, D.C....The Founding Fathers never meant for the rich or the elite to take the positions. They wanted people who had been tested and tried and could stand against tyranny. I have had to make hard decisions in my life, like choosing between peanut butter and the electric bill and sometimes cutting back on both."⁸² She said that if elected she would vote no on climate change as well as Cap and Trade. Her platform was situated around prolife values, business promotion, and elderly care.⁸³

John Raese worked as an industrialist and businessman and said that he was running to protect West Virginia jobs. This senate election was the third time that Raese had run for a Senate seat. Raese was the president and chief executive officer of Greer

Industries, which included Greer Limestone, Greer Steel and Preston County Coal and Coke. Of the current administration in Washington he said: “The professional politicians even want to impose a 'cap and trade' law that will take away even more West Virginia jobs and increase our utility bills.”⁸⁴ He opposed both the cap and trade bill as well as healthcare reform and increases in the minimum wage.

Dan Rebich was a self employed contractor who said he was running to remove special interest groups and lobbyists from Washington. In a campaign statement, Rebich challenged voters to "Ask yourself why multimillionaires spend millions to run for an office that pays \$174,400 a year?" and pledged, “I am campaigning so you have a voice, not special interests, lobbyists. He said that if elected, “I pledge to vote the will of the people, whether you are Republican, Democrat or Independent....Any major bill that I'm to vote on,” Rebich promised, “I will poll West Virginians to determine where you stand on the issue. It is my duty to vote the will of the people. Isn't that the way it's supposed to be?.... I am not asking for contributions, campaigns are expensive, but votes should be free.”⁸⁵

Thomas Ressler owned a real estate company and retired from the Maryland Department of Corrections after 20 years. He ran on a platform to increase jobs through domestic manufacturing and in support clean energy. He said that he was against “mountaintop mining” but noted that “compromises” would be necessary to meet America’s energy needs.⁸⁶ Developing his opinion further he said: "The alternative energy solution is wind turbines and solar panels...For these to work, they will have to be placed on mountaintops. We have to choose—more mining and drilling for oil, gas and coal? Or clean energy through the use of solar and wind?"⁸⁷

Mac Werner was a career military officer, international attorney, Islamic law expert, and businessman. His campaign platform was to create jobs and economic prosperity through the growth of private industry. In a comprehensive statement Werner discussed how he would ensure economic prosperity: "The solutions to our economic problems are reducing taxes, market uncertainties and overburdensome regulations. The proper role of government is to level the playing field, not pick winners and losers. We need to secure our borders, develop an energy independence policy, win the war on terror and live within our means."⁸⁸

Scott Williams received a degree in Safety engineering from Fairmont State University and was a facilities supervisor for Weatherford International. He said that he was running because he understood and empathized with the needs of voters. When asked how he would approach Washington Williams responded: "I am pro-life, pro-family and pro-Second Amendment. Send me to Washington and I will vote for what is best for West Virginia and our country, not what's best for a political agenda. Let's take back the Senate."⁸⁹

Democratic Candidates

Sheirl Fletcher was a Democrat from Magnolia County, who had previously served two terms in the West Virginia House of Delegates. She lost the U.S. Senate primary race in 2008 to Senator Jay Rockefeller. After graduating from West Virginia University with a B.S. in Geology, she worked for several years as an environmental specialist for CONSOL Energy. While serving in the House, Fletcher participated on the West Virginia Infrastructure and Jobs Development Council.⁹⁰ When asked what she would stand for if elected to Congress, Fletcher replied: "I oppose 'cap and trade' and will

fight to protect West Virginia coal mining jobs. Job creation, the budget deficit, health care, education and protection of the environment are equally important issues to me.”⁹¹

Ken Hechler was a political veteran running for office at the age of 95. Hechler said that he was not racing “against anybody,” but instead to bring public attention to the issue of MTR. Of his decision to run, Hechler said: “It prompted me to give people an opportunity not to vote for me, but rather to vote against mountaintop removal.”⁹² He did not intend to raise campaign funds he said, but observed that “I’m used to financing my own campaigns. I hate to ask people for money....I’m going to campaign for the issue, not for myself.”⁹³ Hechler had served in Congress from 1959 to 1977. He was also the West Virginia Secretary of State for 16 years. During his many years in office he had been an outspoken advocate for coal mine safety, campaign finance regulation, and against the practice of MTR. Hechler campaigned in his signature red jeep, which he had used as an identification campaign tool in his eight campaigns for the U.S. House of Representatives and four campaigns for West Virginia Secretary of State. He said the vehicle symbolized his vision to “help pave the way for a better West Virginia.”⁹⁴ He had decided to drop the campaign jingle he had used in many elections— “There’s a red Jeep in the mountains, and it’s coming round the bend. It’s bringing you a message, from a West Virginia friend”—to focus campaign attention on the issue of MTR.⁹⁵ Hechler said of the change “I want to narrow the issue,...After all, they’re not voting for a Jeep; they’re voting for Ken Hechler and against mountaintop removal, which is my number-one issue.”⁹⁶ His new jingle went— “Be sure and vote Ken Hechler, on Aug. 28. Vote to save the mountains, before it is too late.”⁹⁷ Of his age, Hechler said, “I’m 95, but I have the head, the heart and the passion of a 35-year-old.”⁹⁸

Joe Manchin, the third Democratic candidate on the ballot had been Governor of West Virginia since 2005. Prior to his gubernatorial election Manchin filled the role of secretary Of state, house of delegates, and state senate representative. In a press conference, Manchin said that if elected he would “continue to be fiscally conservative, pro-business and supportive of the state’s coal industry.”⁹⁹ When asked by the *Herald-Dispatch* about his position on MTR Manchin said: “I believe there has been a lot of mistakes made over the years...if somebody’s going to put an application in to alter the surface, then they should show how they’re going to leave the land in a more productive value than before they started altering it. If they can’t do that, then they shouldn’t be able to do it.”¹⁰⁰ Manchin was endorsed by the NRA as well as the state AFL-CIO and National Mine Workers Association.

Mountain Party

Jesse Johnson was a 10th generation native West Virginian and the only candidate running on the Mountain Party ticket. He worked as a lobbyist, freelance writer, and lecturer on political and environmental issues. The two main issues that he lectured and wrote about were MTR and multinational corporation abuse of communities and their health. In 2004, he was nominated the first Mountain Party candidate in the gubernatorial election. One of his main motivations to run for public office was to bring attention to the issue of MTR. In a personal statement about his decision to run for office, Johnson wrote:

Jesse Johnson rallies behind his message asking fellow citizens and Mountaineers, "Are you sick enough yet of having only a two corporate political party power system that is robbing you, your children and grandchildren of their future? Ignoring the Constitution, Wall Street Bailouts, wars for profit, prisons for profit,

selling your private banking & medical information, health care sellout to pharmaceutical and insurance lobbies, private corporate armies, corporate personhood, domestic spying, privatization and poisoning of our water sources, corporate welfare, just to name a few. If you are then I would humbly ask for your vote of support.¹⁰¹

Johnson was the Mountain Party's nominee for governor in both 2004 and 2008 and had received more independent party votes than any other candidate in West Virginia. In both gubernatorial elections Johnson was endorsed by the Sierra Club. He was the only third party candidate that the environmental organization has ever endorsed.¹⁰²

The fourteen candidates vying for Byrd's empty seat came from diverse backgrounds and represented a variety of stands on the issues. The campaign period for the special senate primary was just over five weeks, placing strict time constraints on candidates who needed to rally support. The expected frontrunner for the Democratic Party was Manchin. However, the Republican Party had no clear front runner in this election since Rep. Shelly Moore Capito decided not to enter the race. Political anticipation of Byrd's death as well as the various maneuvers that led to the establishment of a special election give important insight into the motivations and expectations of the candidates in the race, as well as the political parties represented. Byrd's vacant seat was seen by both Democrats and Republicans as an important opportunity to either gain or maintain control. The three Democratic candidates as well as the one Mountain Party candidate can be divided into two categories: one that would use the seat to change the status quo, and one that would use the seat to maintain the status quo. Both Hechler and Johnson were running on environmentally progressive platforms; while Manchin and Fletcher ran on more traditional platforms, promoting economic stability and job creation. The ten Republican candidates ran on very similar platforms; each said that they would seek to reign in federal spending, promote job creation, and

limit the control of the federal government over States' and individual rights. The establishment of a special election created an avenue for change in West Virginia. The next section in this thesis will examine how and why the candidates argued for change, and how those arguments inform our understanding of environmental issues, specifically MTR.

Notes

¹ "America Votes 2006," *CNN Online*, <http://www.cnn.com/ELECTION/2006/pages/results/states/WV/> (Accessed January, 2011).

² "Longtime Sen Byrd in Hospital, Seriously Ill," *ABC News/Politics*, June 27, 2010. <http://abcnews.go.com/Politics/wireStory?id=11027894> (Accessed January, 2011).

³ Carl Hulse, "How Do You Tell the Oldest Senator to Slow Down? Very Carefully," *New York Times*, April 17, 2008. <http://www.nytimes.com/2008/04/17/washington/17byrd.html> (Accessed January, 2011).

⁴ Andrew Taylor, "Byrd Relinquishes His Post as Chairman," *Winchester Star*, November 8, 2008, 6.

⁵ Taylor, "Byrd Relinquishes His Post as Chairman," 6.

⁶ Andrew Springer, "Gov Manchin Addresses Talk of Replacing U.S. Sen. Byrd," *The Journal*, September 6, 2009. <http://www.journalnews.net/page/content.detail/id/524841.html?nav=5006> (Accessed January, 2011).

⁷ "Longtime Sen Byrd in Hospital, Seriously Ill," <http://abcnews.go.com/Politics/wireStory?id=11027894>

⁸ Springer, "Gov Manchin Addresses Talk of Replacing U.S. Sen. Byrd," <http://www.journalnews.net/page/content.detail/id/524841.html?nav=5006>

⁹ Hoppy Kercheval, "Hoppy's Commentary," *Metro News*, May 27, 2010. <http://www.wvmetronews.com/index.cfm?func=displayfullstory&storyid=37276> (Accessed January, 2011).

¹⁰ "Manchin Wants to Create Committee to Improve State's Reputation," *WHSV 3*, May 28, 2010. <http://www.wHSV.com/westvirginiaap/headlines/95113484.html> (Accessed January, 2010).

¹¹ Kercheval, "Hoppy's Commentary," <http://www.wvmetronews.com/index.cfm?func=displayfullstory&storyid=37276>

¹² Tom Miller, "Manchin Run for State Senate Seems Certain," *Lincoln Journal Online*, No Date. <http://lincolnjournalinc.com/manchin-run-for-senate-seems-certain-p5229-87.htm> (Accessed January, 2011).

¹³ Steve Kornacki, "Robert Byrd's Health and Joe Manchin's Ambition," *Salon*, June 27, 2010. http://www.salon.com/news/politics/war_room/2010/06/27/byrd_senate_appointment (Accessed January, 2011).

¹⁴ Mannix Porterfield, "Manchin to Appoint Successor; Says he Won't Select Himself," *Register—Herald*, June 28, 2010 <http://www.register-herald.com/byrd/x1671031468/Manchin-hasn-t-decided-on-Sen-Byrd-successor> (Accessed January, 2011).

¹⁵ David Beard, "Manchin Mum on Successor," *The Dominion Post*, June 30, 2010. 2011. <http://ehis.ebscohost.com.ezproxy.baylor.edu/ehost/detail?hid=2&sid=e8a33262-c166-4fe5-87c6ea842f8eee96%40sessionmgr12&vid=5&bdata=JnNpdGU9ZWhvc3QtbGl2ZSZzY29wZT1zaXRl#db=nfh&AN=2W6730840560> (Accessed January, 2011).

¹⁶ Paul Kane, "Filling Senator Robert C. Byrd's Senate Seat," *The Washington Post*, June 28, 2010. <http://voices.washingtonpost.com/44/2010/06/filling-sen-robort-c-byrds-sen.html?hpid=topnews> (Accessed January, 2011).

¹⁷ Kris Alingod, "Special Election to Byrd's Senate Seat Will Be in 2012," *All Headline News*, June 29, 2010. <http://www.allheadlinenews.com/articles/7019135462?Special%20Election%20To%20Byrd%27s%20Senate%20Seat%20Will%20Be%20In%202012> (Accessed, January 2011).

¹⁸ Beard, "Manchin Mum on Successor." <http://ehis.ebscohost.com.ezproxy.baylor.edu/ehost/detail?hid=2&sid=e8a33262-c166-4fe5-87c6ea842f8eee96%40sessionmgr12&vid=5&bdata=JnNpdGU9ZWhvc3QtbGl2ZSZzY29wZT1zaXRl#db=nfh&AN=2W6730840560>

¹⁹ Aaron Blake, "W.Va. Gov. Joe Manchin to Push 2010 Special Election to Replace Byrd," *Washington Post*, July 7, 2010. <http://voices.washingtonpost.com/thefix/wva-gov-joe-manchin-to-push-fo.html> (Accessed January, 2011).

²⁰ "West Virginia Republicans Eye Special Election for Byrd's Seat Despite State Law," *Fox News*, June 29, 2010. <http://www.foxnews.com/politics/2010/06/29/west-virginia-republicans-eye-special-election-byrds-seat-despite-states/> (Accessed January, 2011).

²¹ Walt Williams, "Manchin Wants Special Election for Byrd's Seat," *The State Journal*, July 7, 2010. <http://www.statejournal.com/story.cfm?func=viewstory&storyid=82516&catid=182> (Accessed January, 2011).

²² Blake, "W.Va. Gov. Joe Manchin to Push 2010 Special Election to Replace Byrd." <http://voices.washingtonpost.com/thefix/wva-gov-joe-manchin-to-push-fo.html>

²³ Kornacki, "Robert Byrd's Health and Joe Manchin's Ambition." http://www.salon.com/news/politics/war_room/2010/06/27/byrd_senate_appointment

²⁴ Miller, "Manchin Run for State Senate Seems Certain," <http://lincolnjournalinc.com/manchin-run-for-senate-seems-certain-p5229-87.htm>

²⁵ Linda Feldmann, "Who Might be Tapped to fill Senator Byrd's Seat, Fast?," *Christian Science Monitor*, June 28, 2010. <http://www.csmonitor.com/USA/Politics/2010/0628/Who-might-be-tapped-to-fill-Senator-Byrd-s-seat-fast> (Accessed January, 2011).

²⁶ Aaron Blake, "West Virginia Pols Weigh Moving Byrd Special Election to November," *Washington Post*, June 30, 2010. <http://voices.washingtonpost.com/thefix/senate/byrd-special-could-be-moved-to.html> (Accessed January, 2011).

²⁷ Blake, "W.Va. Gov. Joe Manchin to Push 2010 Special Election to Replace Byrd," <http://voices.washingtonpost.com/thefix/wva-gov-joe-manchin-to-push-fo.html>

-
- ²⁸ Robert Hendin, "West Virginia Special Election Could Be This Year," *CBS News Politics*, July 8, 2010. http://www.cbsnews.com/8300-503544_162-503544.html?keyword=Special+Election (Accessed January, 2011).
- ²⁹ Hendin, "West Virginia Special Election Could Be This Year," http://www.cbsnews.com/8300-503544_162-503544.html?keyword=Special+Election
- ³⁰ John Fritze, "Special Election Cleared to Fill Byrd's Seat," *USA Today*, July 9, 2010. http://www.usatoday.com/news/politics/2010-07-09-west-virginia_N.htm (Accessed January, 2011).
- ³¹ Ry Rivard, "McGraw: Byrd's Seat Could Go On The Ballot this Fall," *Charleston Daily Mail*, July 8, 2010. <http://www.dailymail.com/News/201007070920> (Accessed January, 2011).
- ³² Rivard, "McGraw: Byrd's Seat Could Go On The Ballot this Fall," <http://www.dailymail.com/News/201007070920>
- ³³ Rivard, "McGraw: Byrd's Seat Could Go On The Ballot this Fall," <http://www.dailymail.com/News/201007070920>
- ³⁴ Shane D'Aprile, "Manchin Calls Special Legislative Session on Byrd Succession," *The Hill*, July 9, 2010. <http://thehill.com/blogs/ballot-box/senate-races/107971-manchin-calls-special-legislative-session-on-byrd-succession-> (Accessed January, 2011).
- ³⁵ Joe Manchin, "Governor's Call," *West Virginia State Legislature*, July 15, 2010. http://www.legis.state.wv.us/Bulletin_Board/Proclamation/2010/2ndSpecialSessionCall.pdf (Accessed January, 2011).
- ³⁶ Manchin, "Governor's Call," http://www.legis.state.wv.us/Bulletin_Board/Proclamation/2010/2ndSpecialSessionCall.pdf
- ³⁷ "Governor Releases Legislation for Upcoming Special Session," *Manchin Press Release*. <http://tpmdc.talkingpointsmemo.com/2010/07/manchin-releases-proposal-for-special-election-to-replace-byrd.php> (Accessed January, 2011).
- ³⁸ Lawrence Messina, "Lawmakers Question Senate Vacancy Plan," *The Register-Herald*, July 15 2010. <http://www.register-herald.com/todaysfrontpage/x540033238/Lawmakers-question-Senate-vacancy-plan> (Accessed January, 2011).
- ³⁹ Messina, "Lawmakers Question Senate Vacancy Plan," <http://www.register-herald.com/todaysfrontpage/x540033238/Lawmakers-question-Senate-vacancy-plan>
- ⁴⁰ Messina, "Lawmakers Question Senate Vacancy Plan," <http://www.register-herald.com/todaysfrontpage/x540033238/Lawmakers-question-Senate-vacancy-plan>
- ⁴¹ Messina, "Lawmakers Question Senate Vacancy Plan," <http://www.register-herald.com/todaysfrontpage/x540033238/Lawmakers-question-Senate-vacancy-plan>
- ⁴² Beth Gorczyra Ryan, "Senate Passes its Version of a Succession Bill," *WVNS*, July 16, 2010. <http://www.cbs59.com/story.cfm?func=viewstory&storyid=82970&catid=3>. (Accessed January, 2011).
- ⁴³ Ryan, "Senate Passes its Version of a Succession Bill," <http://www.cbs59.com/story.cfm?func=viewstory&storyid=82970&catid=3>

-
- ⁴⁴ Messina, “Lawmakers Question Senate Vacancy Plan,” <http://www.register-herald.com/todaysfrontpage/x540033238/Lawmakers-question-Senate-vacancy-plan>
- ⁴⁵ Ryan, “Senate Passes its Version of a Succession Bill,” <http://www.cbs59.com/story.cfm?func=viewstory&storyid=82970&catid=3>
- ⁴⁶ Ryan, “Senate Passes its Version of a Succession Bill,” <http://www.cbs59.com/story.cfm?func=viewstory&storyid=82970&catid=3>
- ⁴⁷ “Committee Substitute,” *West Virginia House of Delegates*, July 15, 2010. http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=HB201%20SUB.htm&yr=2010&sesstype=2X&i=201 (Accessed January, 2011).
- ⁴⁸ “Committee Substitute,” http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=HB201%20SUB.htm&yr=2010&sesstype=2X&i=201
- ⁴⁹ “Engrossed Committee Substitute for H.B. 201,” *West Virginia House of Delegates*, July 15, 2010. http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=HB201%20SUB%20ENG.htm&yr=2010&sesstype=2X&i=201 (Accessed January, 2011).
- ⁵⁰ Kabler, “Lawmakers Approve, Sign Compromise Special Election Bill,” <http://wvgazette.com/News/201007190487>
- ⁵¹ “W.Va. Lawmakers Near Compromise of Byrd Vacancy Bill,” *Wall Street Journal*, July 18, 2010. <http://online.wsj.com/article/SB10001424052748704201604575373801673107936.html> (Accessed January, 2011).
- ⁵² “W.Va. Lawmakers Near Compromise of Byrd Vacancy Bill,” <http://online.wsj.com/article/SB10001424052748704201604575373801673107936.html>
- ⁵³ Rivard, “Manchin Could Call a Special Election Today,” <http://www.dailymail.com/News/statehouse/201007180347>
- ⁵⁴ Rivard, “Manchin Could Call a Special Election Today,” <http://www.dailymail.com/News/statehouse/201007180347>
- ⁵⁵ Rivard, “Manchin Could Call a Special Election Today,” <http://www.dailymail.com/News/statehouse/201007180347>
- ⁵⁶ Peterson, “House, Senate Still Don’t Agree on Succession Bill,” <http://www.wvpubcast.org/newsarticle.aspx?id=15718>
- ⁵⁷ Erica Peterson, “House, Senate Still Don’t Agree on Succession Bill,” *West Virginia Public Broadcasting*, July 19, 2010. <http://www.wvpubcast.org/newsarticle.aspx?id=15718> (Accessed January, 2011).
- ⁵⁸ “W.Va. Lawmakers Near Compromise of Byrd Vacancy Bill,” <http://online.wsj.com/article/SB10001424052748704201604575373801673107936.html>
- ⁵⁹ Phil Kabler, “Lawmakers Approve, Sign Compromise Special Election Bill,” *Charleston Gazette*, July 19, 2010. <http://wvgazette.com/News/201007190487> (Accessed January, 2011).

-
- ⁶⁰ Kabler, “Lawmakers Approve, Sign Compromise Special Election Bill,” <http://wvgazette.com/News/201007190487>
- ⁶¹ “Enrolled Committee Substitute for H.B. 201,” *West Virginia State Legislature*, July 19, 2010. http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=HB201%20SUB%20ENR.htm&yr=2010&sesstype=2X&i=201 (Accessed January, 2011).
- ⁶² Kabler, “Lawmakers Approve, Sign Compromise Special Election Bill,” <http://wvgazette.com/News/201007190487>
- ⁶³ Kabler, “Lawmakers Approve, Sign Compromise Special Election Bill,” <http://wvgazette.com/News/201007190487>
- ⁶⁴ “UPDATE: W.Va. GOP Hopeful Dropped From US Senate Race,” *WTAP*, July 28, 2010. <http://www.wtap.com/home/headlines/98051664.html> (Accessed January, 2011).
- ⁶⁵ “U.S Senate Candidate Profile—Harry C. Bruner Jr.,” *Herald-Dispatch*, August 10, 2010. <http://www.herald-dispatch.com/news/x1358799178/U-S-Senate-candidate-profile-Harry-C-Bruner-Jr> (Accessed January, 2011).
- ⁶⁶ <http://www.HarryBruner.com>
- ⁶⁷ “U.S Senate Candidate Profile—Harry C. Bruner Jr.,” <http://www.herald-dispatch.com/news/x1358799178/U-S-Senate-candidate-profile-Harry-C-Bruner-Jr>
- ⁶⁸ “U.S Senate Candidate Profile—Kenneth A. Culp,” *Herald-Dispatch*, August 9, 2010. <http://www.herald-dispatch.com/elections/x1358798794/U-S-Senate-candidate-profile-Kenneth-A-Culp> (Accessed January, 2011).
- ⁶⁹ “U.S Senate Candidate Profile—Kenneth A. Culp,” <http://www.herald-dispatch.com/elections/x1358798794/U-S-Senate-candidate-profile-Kenneth-A-Culp>
- ⁷⁰ Kenneth A. Culp, “Balance Between environment and Economic Growth.” Official website [wvsenate2010.com](http://www.wvsenate2010.com). http://www.wvsenate2010.com/index.php?option=com_content&view=article&id=72&Itemid=68 (Accessed January, 2011).
- ⁷¹ “14 Vie for Senate Seat Formerly Held by Byrd,” *Wierton Daily Times*, August 23, 2010. <http://www.weirtondailytimes.com/page/content.detail/id/548175/14-vie-for-Senate-seat-formerly-held-by-Byrd.html> (Accessed January, 2011).
- ⁷² Albert Howard’s official website <http://www.jerusalemcars.com>
- ⁷³ Albert Howard official campaign facebook page. <http://www.facebook.com/pages/Albert-Howard-for-US-Senate-West-Virginia-2010/140090939342170#!/pages/Albert-Howard-for-US-Senate-West-Virginia-2010/140090939342170?v=wall> (Accessed January, 2011).
- ⁷⁴ J. Miles Leyton, “Newcomer Howard: Changing Image is Key,” *Times West Virginia*, August 18, 2010. <http://timeswv.com/local/x107495963/Newcomer-Howard-Changing-image-key> (Accessed January, 2011).
- ⁷⁵ Kallie Cart, “West Virginia Senate Race,” *WSAZ*, August 17, 2010. <http://www.wsaz.com/home/headlines/100491219.html> (Accessed January, 2011).
- ⁷⁶ Cart, “West Virginia Senate Race,” <http://www.wsaz.com/home/headlines/100491219.html>

-
- ⁷⁷ “14 Vie for Senate Seat Formerly Held by Byrd,” <http://www.weirtondailytimes.com/page/content.detail/id/548175/14-vie-for-Senate-seat-formerly-held-by-Byrd.html>
- ⁷⁸ Frank Kubic, “Statement of Candidacy for U.S. Senate,” *Official Facebook Page of Frank Kubic*. <http://www.facebook.com/notes/frank-kubic-for-us-senate/frank-kubic-statement-of-candidacy-for-us-senator/102793043110573> (Accessed January, 2011).
- ⁷⁹ Kubic, “Statement of Candidacy for U.S. Senate,” <http://www.facebook.com/notes/frank-kubic-for-us-senate/frank-kubic-statement-of-candidacy-for-us-senator/102793043110573>
- ⁸⁰ Kubic, “Statement of Candidacy for U.S. Senate,” <http://www.facebook.com/notes/frank-kubic-for-us-senate/frank-kubic-statement-of-candidacy-for-us-senator/102793043110573>
- ⁸¹ “U.S Senate Candidate Profile—Frank T. Kubic,” *Herald-Dispatch*, August 5, 2010. <http://www.herald-dispatch.com/news/x812096563/U-S-Senate-candidate-profile-Frank-T-Kubic> (Accessed January, 2011).
- ⁸² “14 Vie for Senate Seat Formerly Held by Byrd,” <http://www.weirtondailytimes.com/page/content.detail/id/548175/14-vie-for-Senate-seat-formerly-held-by-Byrd.html>
- ⁸³ “14 Vie for Senate Seat Formerly Held by Byrd,” <http://www.weirtondailytimes.com/page/content.detail/id/548175/14-vie-for-Senate-seat-formerly-held-by-Byrd.html>
- ⁸⁴ “14 Vie for Senate Seat Formerly Held by Byrd,” <http://www.weirtondailytimes.com/page/content.detail/id/548175/14-vie-for-Senate-seat-formerly-held-by-Byrd.html>
- ⁸⁵ “14 Vie for Senate Seat Formerly Held by Byrd,” <http://www.weirtondailytimes.com/page/content.detail/id/548175/14-vie-for-Senate-seat-formerly-held-by-Byrd.html>
- ⁸⁶ “14 Vie for Senate Seat Formerly Held by Byrd,” <http://www.weirtondailytimes.com/page/content.detail/id/548175/14-vie-for-Senate-seat-formerly-held-by-Byrd.html>
- ⁸⁷ “14 Vie for Senate Seat Formerly Held by Byrd,” <http://www.weirtondailytimes.com/page/content.detail/id/548175/14-vie-for-Senate-seat-formerly-held-by-Byrd.html>
- ⁸⁸ “14 Vie for Senate Seat Formerly Held by Byrd,” <http://www.weirtondailytimes.com/page/content.detail/id/548175/14-vie-for-Senate-seat-formerly-held-by-Byrd.html>
- ⁸⁹ “U.S. Senate Candidate Profile-- Scott H. Williams,” *Herald-Dispatch*, August 7, 2010. <http://www.herald-dispatch.com/news/x1358798432/U-S-Senate-candidate-profile-Scott-H-Williams> (Accessed January, 2011)
- ⁹⁰ “Sheirl Fletcher Announces Run For Senate Seat,” *WOWK*, July 21, 2010. <http://wowktv.com/story.cfm?func=viewstory&storyid=83216> (Accessed January, 2011).

⁹¹ “14 Vie for Senate Seat Formerly Held by Byrd,”
<http://www.weirtondailytimes.com/page/content.detail/id/548175/14-vie-for-Senate-seat-formerly-held-by-Byrd.html>

⁹² Shira Toepfritz, “Manchin Gets Veteran Dem Challenger,” *Politico*, July 21, 2010.
<http://www.politico.com/news/stories/0710/40030.html> (Accessed January, 2011).

⁹³ Toepfritz, “Manchin Gets Veteran Dem Challenger,”
<http://www.politico.com/news/stories/0710/40030.html>

⁹⁴ Jared Hunt, “Hechler Ready for Rough Terrain,” *Charleston Daily Mail*, August 12, 2010.
<http://www.dailymail.com/News/statenews/201008110941> (Accessed January, 2011).

⁹⁵ Hunt, “Hechler Ready for Rough Terrain,” <http://www.dailymail.com/News/statenews/201008110941>

⁹⁶ Hunt, “Hechler Ready for Rough Terrain,” <http://www.dailymail.com/News/statenews/201008110941>

⁹⁷ Hunt, “Hechler Ready for Rough Terrain,” <http://www.dailymail.com/News/statenews/201008110941>

⁹⁸ Hunt, “Hechler Ready for Rough Terrain,” <http://www.dailymail.com/News/statenews/201008110941>

⁹⁹ “Manchin Says Country Has to Get Financial House In Order,” *The Herald-Mail*, August 3, 2010.
Accessed through Manchin’s official website <http://www.joemanchinwv.com/news/the-herald-mail-manchin-says-country-has-to-get-financial-house-in-order-> (Accessed January, 2011).

¹⁰⁰ “Manchin Says Country Has to Get Financial House In Order,”
<http://www.joemanchinwv.com/news/the-herald-mail-manchin-says-country-has-to-get-financial-house-in-order->

¹⁰¹ “US Senate Candidate Profile—Jesse Johnson,” *Herald Dispatch*, August 18, 2010. <http://www.herald-dispatch.com/news/x254023058/U-S-Senate-candidate-profile-Jesse-Johnson> (Accessed January, 2011).

¹⁰² “US Senate Candidate Profile—Jesse Johnson,” <http://www.herald-dispatch.com/news/x254023058/U-S-Senate-candidate-profile-Jesse-Johnson>

CHAPTER FIVE

Analysis

From West Virginia's initial interactions with the coal industry, a relationship premised on expanding the industry's wealth and power was established. Early events, such as the sale of mountaineer land to developers, evidences that the state privileged economic development over the rights of citizens. With the state government's enthusiastic support, the coal industry quickly became the most profitable aspect of West Virginia's economy. The wealth and power of the industry facilitated the transition of many powerful coal operators into local and state politics. As noted in chapter one, most government officials were either also coal operators or had financial ties to the industry during the coal boom. As the industry continued to develop, government privileging of coal interests also continued. This relationship was especially evidenced during the many attempts to unionize West Virginian miners. Despite the extreme violence and lawlessness which occurred on both sides, the state government allowed hundreds of Baldwin-felts guards and weapons to enter the state, while restricting miner's access to weapons.

When dealing with the contemporary issue of MTR, the state has continued to follow a pattern of kowtowing to industry demands. Federal regulation aside, West Virginia has done very little to attempt to regulate MTR. When forced by federal laws to provide regulation, the mechanisms established are often rife with conflicts of interest. Take for example the OSM and the Task Force on Surface Mining Practices (TFSMP); the OSM receives two thirds of its funding from taxes paid by the coal industry, which

means that if the office establishes a regulation that could be economically damaging they could lose a portion of their funding; on the TFSMP's board more than half the members are coal industry employees whose salaries depend directly upon the financial success of the industry. The appointment of individuals who have ties to the coal industry, as well as the conflict of interest in the OSM's funding, has effectively neutralized all attempts to regulate MTR. Similarly, each successful legal suit which has threatened the legality of MTR has been overturned in the 4th Circuit Court of Appeals.

The modern environmental movement began in the 1960s and is characterized by concerns over air pollution, water pollution, and the impact that humans have on the environment. It was at this time that legislation attempting to regulate pollution increased. On several occasions, Senator Byrd tried to block or voted against environmental legislation he believed would have a negative effect on the coal industry. Bills such as the Clean Air Act and the Clean Water Act were seen by many in the coal industry as attempts to overregulate and there were fears that "environmental regulations [would] impose significant cost and slow productivity growth."¹ The modern environmentalist movement has been incredibly successful and has changed public policy to be increasingly more protective of environmental resources.² Byrd, ahead of his time, foresaw that increased environmental regulations were inevitable and attempted to stall regulations while preparing the coal industry for change. The coal industry was not receptive to Byrd's urgings to develop coal technology that would be more environmentally friendly. In response to Byrd's editorial, "Coal Must Embrace the Future," Don Blankenship, CEO of Massey Energy, said: "They don't appreciate coal. In fact, they think coal is a bad thing. They're exporting our jobs and destroying our

economy and telling us not to be worried about it."³ The practice of surface mining first came under public scrutiny in 1965 when a study commissioned by the Appalachian Development Act proclaimed, "Elementary principles of resource management dictate that our nation put a stop to unnecessary damage from future mining, and begin an orderly program to repair damage from past mining."⁴ Since that time, coal operators and energy companies have been locked in an escalating battle with environmentalists over MTR, the most destructive type of surface mining. Legislators have also been pulled into the conflict; they face pressure from environmental groups and lobbies as well as from coal interests. Each side has one fundamental argument that they campaign for vehemently; for environmentalists, it is that MTR is so ecologically destructive that the practice must be outlawed; coal interests argue that the economic benefit of MTR is the cornerstone of coal companies' financial viability.

The rhetoric dealing with MTR in the West Virginia special senate primary is the product of the dialectic between historical patterns and growing environmental concern. Candidate and veteran politician Ken Hechler ran on a platform of abolishing MTR. Bitzer notes that "an exigence is an imperfection marked by urgency;" Hechler's campaign added the element of urgency in this particular situation because his focus on MTR forced the exigence between historical patterns and environmental regulation to be a focal point of the campaign. Throughout the campaign Hechler's exclusive focus on MTR created a situation which "strongly invited utterance," and I will argue obligated candidates to respond.⁵⁶

The next section will be an analysis of the various campaigns. I have elected to analyze the candidates first by political party, then by examining the rhetorical tactics employed by each candidate.

In addition to Hecher, thirteen other candidates were running in West Virginia's special senate primary campaigned on a variety of issues, most of which focused on: smaller government, job creation, and economic stability. During the span of the five-week campaign, the majority of candidates elected to campaign using non-traditional methods. Only Hechler, Johnson, Bruner, Culp, Raese, Ressler, Manchin, and Warner had campaign websites. Even more surprising, only two of the candidates, Raese and Warner, ran television advertisements. All of the candidates chose to campaign using less formal methods. The statements that I have compiled from the candidates are from candidates' participation in interviews, forums, Facebook, and Twitter. Many of the candidates did not discuss MTR in specific terms, but instead presented their views as part of the following four issues: overregulation and government control, energy, the economy, and balance. In the following section, I will first discuss the Democratic Party candidates, then the Republican Party candidates, and lastly the Mountain Party candidate. I will then analyze the candidates' rhetoric related to MTR, as they presented it in the context of the four issues listed above.

Democratic Party Candidates

Joe Manchin

It is clear from the events discussed in chapter three that Joe Manchin had every intention of campaigning for, and winning, Senator Byrd's open seat. Even before the election was called there was speculation from state Republicans and many Democrats that Manchin was attempting to rig a future election in his favor. When the election was called, Manchin filed to run and then proceeded to remain shockingly quiet throughout the campaign. Manchin did not attend any of the candidate forums, earning him the nickname "no-show-Joe," and spurring anger from some of his fellow candidates. Bruner was especially displeased with Manchin's lack of participation, and, in an attempt to encourage his participation, hand delivered an invitation to participate in a Lincoln-Douglas style debate to the Governor's mansion.⁷ Expressing his frustration at Manchin, Bruner said: "He has avoided every opportunity to explain his positions and defend his record."⁸ While Manchin was seemingly absent from the campaign in West Virginia, he was busy campaigning in Washington. During the five week campaign, Manchin held several private campaign events and fundraisers at Senator Jay Rockefeller's home. In one of his only public appearances during the campaign, Manchin appeared on *Good Morning America* to discuss the mine accident in Chile. During his short appearance, Manchin said of miners:

They're the strongest people that I've ever met. The miners of West Virginia, the mining Families of West Virginia kind of bond with miners all over the world, they have one thing in common they are willing to take, you know the difficult jobs and do the hard jobs to provide for their families. But that patriotic duty they do, especially in coal mining in West Virginia, the energy that we supply for this

nation, and have done it for a hundred years. It has made us strong and free as we are.⁹

While not a formal campaign opportunity, Manchin used his appearance on *Good Morning America* to voice his support for miners and the coal industry. In the context of the campaign, Manchin's statement takes on additional meaning and communicates a broader message about his stance on MTR. Manchin refers to coal mining as a "difficult" and "hard" task, but also as a task that is necessarily "patriotic." These words, applied to the ongoing discussion of MTR, imply Manchin's stance that the practice of mining may not be acceptable to all, but is a necessary duty. He also uses the statement to communicate his sense of camaraderie toward the miners and the need for mining by saying that the energy "we" supply is what keeps the nation "strong and free." As stated in chapter three, Manchin entered the senatorial race with a 70% approval rating. Up against Hechler and Fletcher, Manchin believed that his high approval rating would be sufficient to win the primary. From Manchin's perspective, participation in the campaign could only hurt his approval rating. By choosing to abstain from all public campaign events, Manchin avoided having to answer difficult policy questions or solidify his stance on controversial issues. He did, however, use his brief television appearance to identify with miners, and West Virginians in general, while confirming his support for the coal industry and its practices.

Ken Hechler

Ken Hechler, a veteran politician and environmental activist, was one of the first candidates to enter the special senate primary. At the age of 95, some questioned Hechler's ability to participate actively in the campaign and serve in office if elected. Hechler, however, had no question about his ability or purpose for campaigning in the

special election. In a press conference shortly after filing, Hechler said, “I entered this campaign with great enthusiasm and vigor. The major issue, the number one issue I’m stressing in this campaign is opposition to MTR.”¹⁰ Throughout the five week campaign, Hechler rhetorically distanced himself from the stereotypical identity of a campaigning politician and framed himself as an activist instead. I will argue that Hechler reframed his identity through three techniques found in his campaign rhetoric: (1) repetition, (2) non equivocation, and (3) strategic comparison. These specific strategies are grounded in a broader understanding of confrontation as a rhetorical strategy. The varied contemporary uses of the word confrontation encompass a wide array of meaning and, as Robert L. Scott and Donald K. Smith have articulated, the contemporary connotation of the word confrontation has taken a more “radical and revolutionary” meaning.¹¹ However, for the purpose of my analysis I will rely on the conception of confrontation as a method “to discern truth” and gain attention.¹²

Repetition

Political campaigns are created for candidates to discuss and promote their position on a wide variety of issues. Discussing multiple positions allows candidates to weave their campaign into a cohesive message that allows voters to identify with and select a candidate that most closely resembles their ideals. For many candidates, focusing on a variety of issues allows them to convey meaningful messages without having to discuss the details of their positions. W. Lance Bennett notes that “Campaign statements and promises are notoriously poor predictors of policies and programs in the forthcoming administration....It would be an analytical mistake to take campaign discourse at face value. The most obvious reason for this is that symbolic features of

campaign appeals serve pragmatic, or vote-getting, functions in the political context of the election.”¹³ In the case of the West Virginia special senate primary, Hechler defied campaign norms by focusing on the sole issue of MTR. When asked by journalists why he entered the campaign, Hechler repeatedly said: “I’m running to give people an opportunity to cast their votes against mountaintop removal”.¹⁴ When introducing himself at forums throughout the campaign Hechler would say: “I’m against the devastating practice of MTR....I stand for the Mountains of West Virginia and against mountaintop removal.” As Hechler used it, repetition became a means of engendering confrontation. Scott and Smith note that confrontation may be used as a tool “for achieving attention and an importance not readily attainable through decorum;” Hechler used repetition as a means of confrontation, elevating the attention and level of importance of MTR as an issue in the campaign. When asked questions about job creation, energy policy, or environmental regulation, Hechler always began his discussion by focusing the question on the issue of MTR. The Parkersburg Tea Party hosted a forum for all of the candidates, and when asked about job creation and the economy Hechler responded:

Let me talk for a second about MTR. That requires less and less people employed, [and] many of them are explosive experts rather than real coal miners. In 1959 and 1969 I wrote the federal coal mine health and safety act which found that the safest mines are underground mines, that’s the safest way to mine. It will employ far more miners. In Southern West Virginia where most of the MTR occurs we have the highest unemployment, the lowest per capita income, the worst roads, and the worst clinics. Southern West Virginia would make us the richest state in the world if MTR were so good for employment.¹⁵

The other candidates were forced to respond to Hechler's focus on MTR or risk disrupting campaign norms by not responding to his claims. Using repetition, Hechler was able to frame MTR as an issue demanding attention in the special election.

Non Equivocation

The second tactic present in Hechler's campaign was his use of unequivocal language when discussing the issue of MTR. Ambiguity and equivocal language are rampant in many political campaigns.¹⁶ Often the ambiguous language found in political campaigns is attributed to the concept that "politicians are ambiguous because it is in their rational self-interest to be so. By shunning clear standards they avoid offending constituents who hold contrary opinions."¹⁷ Unlike many of his opponents, Hechler never missed an opportunity to take an unequivocal stand on MTR. I argue that Hechler's unequivocal rhetoric represents another way in which Hechler used his campaign in a confrontational manner.

Bennett writes that politicians' rhetorical presentation of what he terms "issues" follow a predictable set of characteristics, "(a) They are seldom defined to the degree necessary to debate clear policies or programs, that might derive from them, (b) they are generally linked to familiar characterizations of the candidates and the parties rather than to conditions or causes that fall beyond the scope of the election, (c) they may be defined by the candidates in different terms for different audiences, (d) they are seldom defined in terms that arouse controversy or will risk damage to the candidate's public image."¹⁸ Bennett established these characteristics as a mechanism for politicians to engage one another over issues while attaining the pragmatic goal of appealing to the broadest

audience possible and collecting the most votes. Each strategy identified by Bennett is rooted in ambiguity, and indicates a method by which candidates can interact with issues without taking a firm stand. Hechler's discussion of MTR during the campaign violates each of Bennett's four characteristics and takes a decidedly unambiguous stand on the issue. At his first official election press conference, Hechler vividly described the process of MTR and some of its unintended consequences saying:

Mountaintop removal is strip mining on steroids. When they blast the tops off mountains and dump the trees, the rocks, and soil down into people's front yards and the valleys frequently destroying the aquifers so that people who have their own water wells will find that those water wells go dry. And young people particularly those who are affected by asthma, or emphysema, or bronchial problems cannot live in all this dust and smoke. And their parents have to sell their homes that are reduced cost because nobody wants to live in those areas where MTR is occurring up above.¹⁹

By detailing the specific process of MTR, Hechler provides a concrete definition. Clearly defining MTR separates it from the broader category of surface mining or strip mining. In discussions of MTR, those in favor of the practice frequently use the terms surface mining or strip mining which are less inflammatory and used to describe broader mining methods. Using the broad terms to discuss MTR allows for information on the specific environmental devastation of MTR to be omitted and replaced with more environmentally favorable information. Avoiding definitional ambiguity, Hechler prevented other candidates from discussing MTR as a process encompassed in the more regulated practice of surface mining. Clearly defining the practice of MTR also makes it possible for candidates to discuss specific policy changes, which Bennett says candidates typically try to avoid.²⁰ Taking the opportunity, on several occasions, to describe MTR in detail forced other candidates to accept Hechler's description or forward an alternative

description, and enter into a debate with Hecher over the actual process of MTR. In addition to clearly defining the issue, Hechler took a firm position on the issue saying, “casting their[a] vote for Ken Hechler will be casting a vote for what is tantamount to a vote against MTR.”²¹ Using unambiguous language to state his opinion and plans to ban MTR, Hechler created a discursive void for the other candidates to fill with their stance on the issue. Jonathan Langué argues that political campaigns typically “mirror” one another, and Hechler’s unequivocal opinion created a rhetorical expectation for the other candidates to voice their unambiguous stance.²² Bennett’s last characteristic, describing issues while avoiding controversy, is another expectation that Hechler’s rhetoric violates. When discussing how the problem of MTR arose, and why current regulations fail, Hechler placed blame on the coal industry, saying: “In West Virginia Coal is King, and Coal always wins.”²³ In West Virginia the coal industry has important cultural significance, and blaming the industry is a dangerous political move and could be seen by some voters as an offensive statement.²⁴ However, by placing blame, Hechler established what Bitzer notes are two important aspects of the rhetorical situation: he “specifies the audience to be addressed and the change to be effected.”²⁵ Through his rhetoric, Hechler clearly established that the people of West Virginia were the only audience who could effect change, and that the change would stop the pattern of coal interests “winning” over the interests of West Virginians.

Strategic Comparison

As a veteran politician, Hechler had an arsenal of political experiences to draw upon to strengthen his argument about MTR. In 1965, Hechler was the only member of

Congress to march with Dr. Martin Luther King Jr., in Selma, Alabama. The experience is one that Hechler is proud of, and when interviewed, he is frequently asked about his ardent support of the civil rights movement. During the campaign, Hechler frequently compared the civil rights movement to the current fight against MTR. In an interview with *Salon*, Hechler compared his role in the civil rights movement to his current one, saying: “Here again, I have been eager to be in the front lines of democracy when protesting mountaintop removal.”²⁶ By framing MTR as an issue that is “on the frontlines of democracy,” Hechler changed MTR from its limited characterization as an environmental issue to an issue encompassed in the struggle for justice. Later in the interview, Hechler further framed MTR as an issue of justice, similar to the civil rights movement, saying: “Well, I think justice should involve the abolition of mountaintop removal and anything that discriminates against a group of people in this country.”²⁷ The word justice is what Kenneth Burk defines as a “god-term,” which functions to establish a hierarchy of a society’s value system.²⁸ Although he does not reference Burke, Richard Weaver also notes that the use of these powerful terms “will validate almost anything,” and that “It would be difficult to think of any type of person or of any institution which could not be recommended to the public through the enhancing power of this word.”²⁹ By using the god-term justice to describe the nature of opposition to MTR, Hechler subordinated all other terms that may be used to characterize the struggle against MTR while simultaneously elevating the ethical urgency of his cause. By framing MTR as an issue motivated by justice, Hechler appealed to a huge constituency of voters who, because of the god-term nature of the word, automatically identified themselves with Hechler’s cause. Similarly, Hechler described MTR as a mechanism of “discrimination,”

which is a devil-term frequently connected with justice, racism, and the civil rights movement. When talking about his motivation to enter the campaign, Hechler said: “I’m also an enemy of discrimination and an enemy of the devastation of God’s creation; the mountains of western Virginia. I’m an advocate of protecting the environment.”³⁰ Using the devil-term discrimination to describe MTR implies that supporters of MTR are also supporters of discrimination, which is not a connotation that will help the image of any candidate opposed to Hechler’s position.

Using the confrontational tactics of repetition, non equivocalness, and strategic comparison, Hechler established his identity as an activist rather than a campaigning politician. Establishing himself as an activist enabled Hechler to focus his campaign around the issue of MTR, rather than following a strategy more likely to win votes. Hechler was very clear about his reason for doing this, frequently saying throughout the campaign: “I have no intention of winning. I just want to give people the opportunity to vote against MTR.”³¹ As an activist, Hechler’s goal changed from winning the election to “raising awareness about mountaintop removal.”³² He no longer had to abide by typical campaign etiquette and loosely define the issue while trying not to arouse controversy. As an activist, arousing controversy became part of Hechler’s strategy. By confronting the issue of MTR as an activist instead of a politician, Hechler invited the other candidates to enter a debate about the issue premised on searching for truth instead of gaining popularity. As an activist, Hechler was able to use the confrontational tactics of repetition, non equivocation, and strategic comparison to draw attention, define the issue, and arouse controversy. These tactics created an environment that invited the other candidates to enter into a discussion about MTR with the intention of discerning truth.

Sheirl Fletcher

Sheirl Fletcher also remained in the shadows during the campaign, she was one of the only candidates to not have a website, facebook page, or twitter account dedicated to the campaign. The public comments that Fletcher made regarding MTR were all indirect, and discussed MTR using an ambiguous rhetoric of balance. In a written statement regarding coal mining and the environment Fletcher said:

Energy independence is crucial to our economy and our national security and West Virginia coal will play a major role. But we must mine coal in a way that is both safe and with minimal impacts upon the environment... If elected I will fight for West Virginia's coal industry and coal mining jobs. I have many friends in both the coal and environmental communities and each serve an important role in our state. I love the natural beauty of West Virginia and I will fight for every West Virginia job.³³

Unlike the other candidates, Fletcher did not use the term balance to describe the relationship that she would seek between the coal industry and the environment. Instead she implied balance in the relationships she discussed. The first relationship that indicated a rhetoric of balance was her goal of energy independence while mining with "minimal impacts." Another relationship indicated by Fletcher that forwarded the promotion of balance was the relationship between coal and environmental communities, each of which, she states: "serve an important role." The last relationship that Fletcher discussed was valuing the state's beauty while fighting for every job. Fletcher's rhetoric very clearly indicates how the rhetoric of balance could be used ambiguously by a candidate to avoid scrutiny from environmentalists, while maintaining a value hierarchy that placed economic needs over environmental concerns.

Republican Party Candidates

John Raese

John Raese, a wealthy industrialist, did not discuss MTR specifically. Instead he used the broader issue of government overregulation to indicate his stance on the issue without having to discuss specifics which may have drawn negative attention. At a candidate forum Raese used his personal experience to villify the regulation process, saying:

Energy and private property rights are the cornerstone of capitalism that's what we base capitalism on. And look at the assault that we've had on both of those. I'm in the mining business, the EPA, the department of energy, ah my goodness the Army Corp of Engineers, It's like an ongoing session. In order to make America great again we have to look at the permit schedules. Look at all the permitting schedules in business and what that does to business. You have to go on a mission to do what's right for America what's right for our children.³⁴

Raese first characterized environmental regulations as an “assault” on capitalism. The term assault is defined as “a violent physical or verbal attack,” using this word to describe regulations and implying that these regulations must be scaled back to protect capitalism.³⁵ Alluding to his personal experiences, Raese described the regulation of industry through permits as invasive, constant, and having a negative impact on businesses. Raese then argued that scaling back environmental regulation was “what’s right for America,” and “what’s right for our children.” Raese’s last statement implied that his motivation is based in the higher calling of creating a better world for children. Justifying action based on the needs of future generations is a powerful rhetorical strategy in West Virginia, and was one of the major motivations for coal miners to unionize. However, Raese gave no warrants to support why reducing environmental regulations

would be beneficial. Using this historically powerful rhetoric, Raese attempted to elevate his stance to a noble and selflessly motivated cause. He also effectively communicated his support for deregulating the coal industry and MTR, without ever having to talk specifically about the advantages or disadvantages of the practice. Throughout the campaign, Raese indicated his support of MTR through the issue of regulation, saying: “More government, more regulation and more taxes are never the answer.”³⁶

Characterizing MTR as an issue of overregulation, Raese attempted to classify MTR as a symptom, an indication of a more serious threat. Overregulation, as a concept, is incredibly ambiguous. There is no clear standard to determine when a regulation is appropriate or invasive, it is simply based on individual interpretation. As result of this, Raese was able to rely on the concept without ever having to define or justify his position. In addition to being ambiguous, the concept of government overregulation is tied to the founding of the United States as something to be feared and avoided regardless of the cost. Using the ambiguous nature of overregulation as well as the cultural fear that is built into the concept, Raese’s rhetoric attempted to: overshadow problems associated with MTR, characterize the regulation of MTR as overregulation, and place emphasis on his desire to shield the West Virginian people from the harm of government overregulation.

Harry Bruner

Harry Burner also chose to discuss MTR as an issue of overregulation. Bruner, in response to a questionnaire circulated by journalists, said:

The coal industry is one of our most heavily regulated industries. Washington overreacts by acting first and thinking second. It’s important to document why existing environmental and safety laws are ineffective or unenforced. Senators appear ignorant about the

WV coal, oil and gas industry, its history and importance to the WV economy, and other energy issues.³⁷

In this statement Bruner characterizes the present regulations of the coal industry as a product of being ill informed about West Virginia and bureaucratic overreaction.

Bruner's rhetoric sent two important messages to voters. First, that politicians trying to regulate the industry do not know what is best for West Virginia, and second, that the industry was already overregulated. This statement functioned as an indirect affront to Hechler and his stance, first by calling Hechler's knowledge into question, and then by implying that MTR, as a part of the coal industry was similarly overregulated. After attacking the current system and regulations, Bruner framed himself as the solution, saying:

I will protect all WV industry from nutty politicians. I will protect our WV coal industry from the Obama, Reid and Pelosi agenda to tax and regulate it out of existence.... I understand the coal industry and its importance to WV and the world. Career politicians Obama, Reid, Pelosi, Kerry, Manchin, Heckler, Kennedy, Jr. and their like do not. The average West Virginia worker has more real work experience and common sense than this bunch of Democratic nincompoops combined.³⁸

Using the word "protect," Bruner implied that the coal industry was under attack from politicians and regulations, and that the industry was in need of help. He also attempted to distinguish himself as being an antidote to the political problems that the industry faced. Bruner placed himself as the protector, which was a historically positive role and was associated with characteristics of strength and nobility. He then further juxtaposed himself to "politicians" by indicating that he was informed about West Virginia and its relationship to the coal industry. Lastly, Bruner elevated the importance and ability of the "average West Virginian worker," encouraging listeners to trust their opinions of those

“Democratic nincompoops” currently in office. By characterizing the coal industry as needing protection from ill-informed politicians, Bruner was able to indict the status quo’s opposition to MTR, and present himself as a solution without ever having to directly discuss the issue.

Bruner also discussed MTR in the broader context of energy demands and overregulation, stating: “West Virginia Coal fuels this nation we have a president and a governor that support cap and trade that will drive up energy costs between 24-28 percent. The Obama attack dog, the EPA killed West Virginia Coal....we’ve got to stop economic insanity.”³⁹ By stating that the coal mined in West Virginia “fuels this nation,” Bruner emphasized the importance of coal to the rest of the nation and also established pride that his state was of such vital importance to the rest of the country. He then blamed regulations for increasing energy costs and said they “killed” the state’s industry. Bruner used the statement to identify himself as a proud supporter of the industry and placed blame for the state’s economic woes on energy regulation. Combining the issues of overregulation and energy Bruner attempted to identify a tangible negative outcome of overregulation, while continuing to use ambiguous language and make claims without voicing any warrants.

Kenneth Culp

Kenneth Culp also characterized MTR as an issue of overregulation and government control. Rather than adopting Bruner’s approach and indicting the entire system, Culp couched his opinion of MTR as an issue of jurisdiction, saying:

Government is not the solution - Government is the problem. I would push for states to regulate mining operations. Mountain top removal is a states’ rights issue and should be decided by each state.

I admit that valley fills are an issue but I can't believe that this problem couldn't be addressed by having the coal operators excavate and re-create these areas. The government bureaucrats are gaining too much power in this country.⁴⁰

Culp attempted to avoid discussing whether MTR should be allowed or not by simply stating that the issue should be decided by each state. He even acknowledged that some aspects of MTR are not ideal, but reserved judgment on the practice as a whole. By characterizing the issue this way, Culp attempted to avoid controversy and confrontation and appeal to the largest constituency of voters. Acknowledging that “valley fills are an issue,” Culp attempted to appeal to voters who were concerned about environmental problems associated with MTR, while avoiding talking about specific policy changes that he would advocate. Characterizing MTR as a “states rights issue,” Culp also attempted to appeal to the large Republican-based constituency who favored of reducing the control of the federal government. When analyzed in terms of the historical relationship between the coal industry and West Virginia, Culp’s comments indicated that he was not prepared to change the pattern of coal interests influencing West Virginia’s policy decisions.

When discussing MTR both directly and indirectly the candidates all used ambiguous language and avoided talking about specific policies or problems associated with MTR. One of the most popular ambiguous terms used by candidates was the term balance. This term was of important rhetorical significance because it was frequently used to placate environmentalist concerns while supporting environmentally damaging practices. Robert Patterson and Ronald Lee note that “Balance evokes the powerful American value of pluralism without designating any mechanism for weighing competing claims,” which often leads to the privileging of economic concerns over environmental ones.⁴¹ The rhetoric of balance can be seen in the discourse of several of the candidates.

Culp, speaking about the need for environmental regulation of business said: “We need a balance between environmentalists and business. Because if we let environmentalists take over this country we wouldn’t have businesses we would only be living in tepees because that’s the only things that don’t pollute, there would be no jobs in this country.” While claiming a need for balance, Culp’s statement positioned the needs of business and the needs of environmentalists as being diametrically opposed. Stating that there would be no jobs and that people would have to live only in ways that do not pollute Culp rhetorically positioned environmentalists as having goals that were unbalanced as well as not viable for the current world.

Albert Howard

Albert Howard filed to run in the senate primary from his home in California. He had no formal website dedicated to his campaign, but did create a Facebook account for the campaign. Howard ran no television or radio advertisements. His only effort to introduce himself to West Virginians was a 41 second YouTube video of Howard with his family at the Grand Canyon. In the YouTube video, Howard introduced himself but did not make any statements regarding his stance on any political issue. During the campaign, Howard was the least visible candidate, and his comments were often nonsensical. On the issue of MTR, Howard was initially in favor of the practice, but after watching a documentary changed his stance. Because of Howard’s limited and often illogical and off topic statements, I have elected not to include his comments in my analysis.

Frank Kubic

Frank Kubic, who was one of the least visible candidates, did not talk about MTR directly during the campaign. Instead, Kubic focused his entire campaign on the economy and continued to repeat the phrase: “The financial integrity of this country is the most important thing.”⁴² By focusing exclusively on the economy and avoiding specific statements regarding any policies or action that he would take Kubic avoided having to interact with the other candidates or audience members at forums. However, in the context of the rhetorical situation his words conveyed additional meaning. Positioning the “financial integrity” of the nation as more important than any other issue, Kubic clearly indicated that he would not make any decision that could compromise the nation’s economy. Thus showing his support for MTR.

Lynette Kennedy McQuain

Lynette Kennedy McQuain also used the economy to talk about coal mining, saying: “Coal in West Virginia is a vital part of our economy, I refuse to allow laws to ruin our economy here and in the United States.”⁴³ Her statement, predicated on the misconception that the coal industry is still the largest contributor to the West Virginian economy, clearly indicates that she would not support any measure that could damage the industry’s economy. Characterizing the issue as economic in nature McQuain attempts to distinguish problems associated with the coal industry as less important than economic concerns. McQuain also indirectly discussed MTR as an issue encompassed in the broader issue of energy demands. During a forum McQuain was asked about the issue of coal and energy, she responded by saying:

My grandfathers and my Father were coal miners and you know I really get upset when I hear people say there is no more coal left in West Virginia, we need to go to alternative fuels. I have no problem with that but when was that last time you saw in West Virginia on a cold winter day, it could be two weeks before you would see the sun am I right? Two weeks before you might see the sun here, so solar panels I'm sorry maybe in California but not in West Virginia. I just passed the windmills going past Petersburg you know they were really an eye sore. People want to talk about MTR you should see these monsters on top of the hill, and they produce very little energy. Let's take the coal, lets produce and do other things with the coal we can become energy independent, lets drill for gas here and do it effectively efficiently West Virginia is abundant in resources, God even told Abraham and Moses to dig. We must continue to use West Virginia's resources.⁴⁴

In her statement McQuain used her identity as a coal miner's daughter and granddaughter to evidence her support for the coal industry. She then called into question the ability of alternative fuels to provide an adequate amount of energy and likened the sight of wind turbines to MTR. Comparing the two, McQuain suggested that people disliked MTR not because of the environmental damage it created, but because it created an eyesore. Using this comparison she established her stance as supportive of MTR, while trivializing its negative impact. After establishing her support for status quo mining practices, McQuain justified the continued mining of the state's coal as a practice sanctioned by God.

Daniel Rebich

Daniel Rebich, discussing MTR, said: "I love our mountains, so I am against MTR. But we need these jobs."⁴⁵ His statement further evidences Patterson and Lee's claim that utilizing the term "balance," without establishing a weighing mechanism, leads to the privileging of economic concerns over environmental concerns. In the statement Rebich's rhetoric positioned the "need" for the specific jobs associated with MTR as

more important than his “love” of mountains or the environmental devastation caused by MTR. His statement also carried a tone of helplessness which implied that the privileging of economic needs over environmental needs was inevitable.

Thomas Ressler

Thomas Ressler also used the rhetoric of balance to characterize his position on MTR. On his website Ressler wrote:

I am not in favor of mountaintop mining but we will need a compromise. The energy demands of our country continue to grow. Mountaintop mining is an easy way to reach the coal without mining underground. It is safer and less costly. The alternative energy strategy is to allow wind turbines on the highest reaches of mountain peaks. People do not want to see them because it takes away the majestic beauty of our state.⁴⁶

Ressler’s statement indicated that although balance was necessary he would pick the “easy” and “less costly” method over a method, such as wind turbines which could be an eyesore. While predicated on balance his statement indicated that he would promote policies that favored economic gain over the environment.

Ressler further indicated his position on MTR through his discussion of environmental regulations. Voicing his frustration with the impact that regulations have had on job availability, Ressler stated: “When we restrict the use of coal we are putting many of our fellow Americans out of work.”⁴⁷ He then shared his personal experience with joblessness because of environmental regulations,

I trained this Indian for 3 months. One day he came in and said give me the pass-word to your computer. I ask, what for He said, We are closing the plant and moving it to India. 300 American jobs lost because environmentalists want clean air in the United States but India has no air standards. So they pollute the earth and I am unemployed makes no sense to me.⁴⁸

Throughout the campaign, one of the major arguments against the abolishment of MTR was that banning the practice would destroy jobs. From the statistics in chapter one, it is clear that this argument was not based in truth; MTR has already lead to a massive decrease in coal mining jobs in West Virginia. Ressler used his personal story to blame “environmentalists” for the loss of American jobs. His statement reinforced the notion that environmental regulations had led to job loss. If we apply the coal industry’s argument that banning MTR would lead to job loss, Ressler’s statement show’s his support for the practice. By using the rhetoric of balance and not discussing facts regarding MTR and job creation specifically, Ressler attempted to appeal to voters who would endorse environmental policies predicated on “balance,” as well as voters who would privilege jobs and the economy over the environment.

Mac Warner

Mac Warner chose to discuss MTR as encompassed in the broader issue of the economy. In response to a journalist’s questionnaire asking for the candidates’ thoughts regarding coal mining and the environment, Warner responded:

A number of places around WV have enjoyed economic vitality as a result of using areas flattened by coal mining. Mylan Park in Morgantown is one such example, while the shopping mall in Clarksburg is another. Automatic requirements to restore land to natural contours ought to be reconsidered, especially when local communities join together to seek alternative uses for the mining sites. Certainly, coal operators have made vast improvements to their methods of removing, and means of restoring the land over the last 30 - 40 years. The solution to our energy needs is to push for all forms of energy production, all the while using technology and common sense to continually improve the restoration of land after minerals have been extracted.⁴⁹

Warner voiced his support for MTR by discussing the economic benefits of developing land that would have previously been too mountainous. Rather than discussing any

negative impacts of MTR Warner placed emphasis on positive improvements the mining industry had made, and argued that the industry would continue to improve. By discussing MTR under the positive guise of economic benefits and future improvements, Warner was able to show support without arousing direct controversy. Warner was one of the only candidates to directly support and defend MTR as an economically beneficial practice,

The very name, "mountaintop removal" is used to inflame passions, and generate emotions against a legitimate form of mining. Bench cuts, contour mining, and similar methods prove to be economically feasible means at getting at coal so as to keep costs down. Everyone benefits from lower utility bills, keeping lights on, a high quality of life, and having a dependable, affordable, flexible energy source such as coal.⁵⁰

Warner's strategy of blaming the term "mountaintop removal" for inaccurately prejudicing people against "a legitimate form of mining" allowed him to couch his support for the practice as based in its legality rather than in an ethical judgment. He then highlighted that the economics of MTR were something that "everyone benefits from." Warner's statement was used to appeal to the broad constituency of voters who might accept the logical fallacy that because a practice was legal it must therefore be beneficial or at a very minimum not detrimental.

Scott Williams

Similar to Raese, Bruner, and Culp Scott Williams chose to characterize MTR as an issue of state's rights and overregulation, saying:

This is a methodical, deliberate attempt to control our country. Control should rarely be in the hands of the few at the federal level. Instead, the federal government should return to allowing the individual states to govern themselves with the people who reside in those states.⁵¹

By characterizing regulations as “methodological” and “deliberate,” Williams framed environmental regulations as having ulterior motives and not being in the interest of the people. These words were used to create a fear-based image of the government slowly taking control of states in a totalitarian manner. Williams also directly indicted environmental regulation and the EPA, saying:

Unfortunately the EPA appears at the moment to be a political tool rather than an agency charged with helping industry comply with clean air and water regulations. By regulations I assume you mean the Spruce 1 mine permitting issue. If they start an approval process under one set of regulations, they need to complete that approval process under those same regulations. It is not fair to change the rules in the middle of the process. The EPA should have the authority to regulate contaminants but also the ability to assist industry in compliance.⁵²

In this statement Williams’s rhetoric communicated two messages about the regulation of MTR. First he indicted the EPA and environmental regulations as political tools. This characterization implied that environmental regulations were not necessary or beneficial, they were simply tools used in political schemes. The words “political” and “politician” were used by Republican candidates to symbolize the unfavorable condition of the status quo, which, they all indicated, could be removed by electing a candidate who was not politically motivated, not a “politician.” Using the contextually negative word “political” to describe MTR regulations, Williams clearly identified himself as more opposed to environmental regulations than he is to MTR, without ever having to directly voice his support.

Mountain Party candidate

Jesse Johnson

Jesse Johnson ran in the election unopposed as the Mountain Party's candidate. Aside from Hechler, Johnson was the only candidate firmly opposed to MTR. During the campaign Johnson did not focus on MTR as a major issue, but his campaign website was vocal about his opposition stating:

I am 100% against Mountain Top Removal. It destroys nearly half of our nation's potable drinking water. It's also ruining our air, ecosystems, property values and personal and community health. MTR's abolition will immediately create jobs for real underground miners and their communities. Less than 3% of mandatory reclamation has occurred.⁵³

His campaign website also has several pictures of MTR sites with the slogan: "Fighting For Every Inch of West Virginia."⁵⁴ Johnson, not under the pressure of winning the primary, used the campaign to publicize the Mountain Party and gain name recognition. Johnson did not discuss MTR with the same confrontational strategies as Hechler, but instead focused on positive future uses of coal:

Coal can rebuild this nation. But not by wasting it, not by destroying our water supply, not by destroying our eco system, not by destroying our opportunities and jobs in this state....Today we could be taking coal and creating over 5,000 products with it....coal is the new steel of the new generation super lightweight and fire proof, it can rebuild this middle class and it can do it now and it can do it under my leadership come November 2.⁵⁵

This statement from the Parkersburg Tea Party candidate forum was indicative of a strategy that Johnson employed to share his honest opinion while distancing himself from negative attention. Johnson took a more moderate

stance than Hechler by not using the inflammatory term MTR, or placing blame. Instead, he briefly referenced the damage caused by MTR and then quickly moved on to discuss the positive potential of coal. Using positive future-based rhetoric, Johnson was able to show his support for the continuation and strengthening of the industry without supporting current practices. By doing this Johnson was able to appeal to voters who were actively opposed to MTR, as well as to constituents who were concerned about electing a senator who would support the coal industry's best interest.

By discussing MTR not as its own issue but as an issue encompassed in (1) government regulation and control, (2) energy demands, (3) economic needs, and (4) Balance the candidates discussed were able to indirectly discuss MTR without committing to a position or specific policy action.

Notes

¹ Adam B. Jaffe, Steven R. Peterson, Paul R. Portney and Robert N. Stavins, "Environmental Regulation and the Competitiveness of U.S. Manufacturing: What Does the Evidence Tell Us?" *Journal of Economic Literature*, 33(1995):133.

² Jon Agnone, "Amplifying Public Opinion: The Policy Impact of the U.S. Environmental Movement," *Social Forces*, 85(2007), 1593-1620.

³ "Massey CEO Blast Senator Byrd on Coal," *The Journal*, December 5, 2009. <http://statejournal.com/story.cfm?func=viewstory&storyid=71471> (Accessed February, 2011).

⁴ "Bills Regulating Strip Mining Die in Senate." *CQ Almanac 28(1972)*. <http://library.cqpress.com/cqalmanac/cqa172-1249599> (Accessed December, 2010).

⁵ Bitzer, "The Rhetorical Situation," 4.

⁶ Bitzer, "The Rhetorical Situation," 6.

⁷ Phil Kabler "GOP Senate Candidate Calls Out Manchin on Debates," *West Virginia Gazette*, August 23, 2010. (Accessed January, 2011).

⁸ Kabler, "GOP Senate Candidate Calls Out Manchin on Debates," 2010.

-
- ⁹ “W.Va. Gov. On Trapped Miners,” *ABC NEWS*, August 24, 2010. <http://abcnews.go.com/GMA/video/va-governor-joe-manchin-trapped-miners-chile-11466810> (Accessed January 20, 2011).
- ¹⁰ Ken Hechler, Press Conference, July 27, 2010. http://www.youtube.com/watch?v=DhRZ_Y1UVN4 (Accessed February, 2011).
- ¹¹ Robert L. Scott and Donald K. Smith, “The Rhetoric of Confrontation,” *Quarterly Journal of Speech* 55(1969): 1.
- ¹² Walter Lippman, *Essays in the Public Philosophy* (Boston: Little Brown, 1955), 128.
- ¹³ W. Lance Bennett, “The Ritualistic and Pragmatic Bases of Political Campaign Discourse,” *Quarterly Journal of Speech* 63(1977):219.
- ¹⁴ Alison Knezevitch, “Hechler Files for Senate Sole on Mountaintop Removal Issue,” *Charleston Gazette*, July 21, 2010. <http://wvgazette.com/News/201007210412> (Accessed February, 2011).
- ¹⁵ “Parkersburg Tea Party Candidate Forum” *Voxant News Room*, August 10, 2010. <http://www.thenewsroom.com/details/4307578> (Accessed January, 2011).
- ¹⁶ Benjamin I. Page, “The Theory of Political Ambiguity,” *The American Political Science Review* 70(1976): 742-752.
- ¹⁷ Page, “The Theory of Political Ambiguity,” 742.
- ¹⁸ Bennett, “The Ritualistic and Pragmatic Bases of Political Campaign Discourse,” 222.
- ¹⁹ Hechler, Press Conference, July 27, 2010.
- ²⁰ Bennett, “The Ritualistic and Pragmatic Bases of Political Campaign Discourse,” 219-238.
- ²¹ Hechler, Press Conference, July 27, 2010.
- ²² Jonathan Lange, “The Logic of Competing Information Campaigns: Conflict Over Old Growth and the Spotted Owl”, *Landmark Essays on Rhetoric and the Environment*, ed. Craig Waddell, (Mahwah: Lawrence Erlbaum and Associates, Inc.), 140.
- ²³ Joselyn King, “Hechler at WVU,” *Intelligencer: Wheeling News-Register*, August 26, 2010. <http://news-register.net/page/content.detail/id/541141.html?nav=510&showlayout=0> (Accessed January, 2011).
- ²⁴ Ian Urbina and John Leland, “A Mine Boss Inspires Fear, But Pride Too,” *New York Times*, April 7, 2010. <http://www.nytimes.com/2010/04/08/us/08blankenship.html> (Accessed February, 2011).
- ²⁵ Bitzer, “The Rhetorical Situation.”
- ²⁶ Ryan Deveraux, “Meet the World's Oldest Senate Candidate,” *Salon*, August 23, 2010. http://www.salon.com/news/2010_census/?story=/politics/war_room/2010/07/23/ken_hechler (Accessed January, 2011).
- ²⁷ Deveraux, “Meet the World's Oldest Senate Candidate,” 2010.
- ²⁸ Kenneth Burke, *A Rhetoric of Motives* (1950pt. University of California Press, 1969).
- ²⁹ Richard M. Weaver, *The Ethics of Rhetoric* (1953pt. Hermagoras Press, 1985), 212.

-
- ³⁰ Deveraux, "Meet the World's Oldest Senate Candidate," 2010.
- ³¹ Kallie Cart, "US Senate Special Primary Draws Early W.Va. Voters," *WSAZ 3*, August 23, 2010. <http://www.wsaz.com/news/headlines/97817894.html> (Accessed January 20, 2011).
- ³² Deveraux, "Meet the World's Oldest Senate Candidate," August 23, 2010.
- ³³ Adams, "Four Questions: U.S. Senate Primary Candidates Speak on Issues," 2010.
- ³⁴ "Parkersburg Tea Party Candidate Forum," 2010.
- ³⁵ Merriam-Webster Online Dictionary, <http://www.merriam-webster.com/dictionary/assault>, (Accessed February, 2011).
- ³⁶ John Raese Official Campaign Website, <http://www.raeseforsenate.org/> (Accessed January, 2010).
- ³⁷ Steven Allen Adams, "Four Questions: U.S. Senate Primary Candidates Speak on Issues," *Kanawha Valley Live*, August 23, 2010. <http://www.kvlive.net/index.php/politics-leftmenu-115/1146-politics-four-questions-us-senate-primary-candidates-speak-on-issues?showall=1> (Accessed January, 2011).
- ³⁸ Adams, "Four Questions: U.S. Senate Primary Candidates Speak on Issues," 2010.
- ³⁹ Adams, "Four Questions: U.S. Senate Primary Candidates Speak on Issues," 2010.
- ⁴⁰ Adams, "Four Questions: U.S. Senate Primary Candidates Speak on Issues," 2010.
- ⁴¹ Robert Patterson and Ronald Lee, "The Environmental Rhetoric of 'Balance': A Case Study of Regulatory Discourse and the Colonization of the Public," *Technical Communication Quarterly* 6(1997): 27.
- ⁴² "13 U.S. Senate Candidates Field Questions at Forum," *Herald-Dispatch*, August 20, 2010. <http://www.herald-dispatch.com/news/briefs/x628697712/13-US-Senate-candidates-field-questions-at-forum> (Accessed February, 2010).
- ⁴³ McQuain, *Twitter*, August 20, 2010.
- ⁴⁴ "Parkersburg Tea Party Candidate Forum," 2010.
- ⁴⁵ Adams, "Four Questions: U.S. Senate Primary Candidates Speak on Issues," 2010.
- ⁴⁶ Thomas Ressler's Official Campaign Website, <http://resslerforsenate.org/about.htm> (Accessed January, 2011).
- ⁴⁷ Thomas Ressler's Official Campaign Website, <http://resslerforsenate.org/about.htm> (Accessed January, 2011).
- ⁴⁸ Thomas Ressler's Official Campaign Website, <http://resslerforsenate.org/about.htm> (Accessed January, 2011).
- ⁴⁹ Adams, "Four Questions: U.S. Senate Primary Candidates Speak on Issues," 2010.
- ⁵⁰ Adams, "Four Questions: U.S. Senate Primary Candidates Speak on Issues," 2010.

⁵¹ Vickey Smith, "GOP Fields 10 Contenders for Byrd's Seat," *Charleston Daily Mail*, August 8, 2010. <http://www.dailymail.com/News/201008080179> (Accessed January 20, 2011).

⁵² Adams, "Four Questions: U.S. Senate Primary Candidates Speak on Issues," 2010.

⁵³ Jesse Johnson Official Campaign Website, <http://www.jesse4ussenate.org/> (Accessed January, 2011).

⁵⁴ Jesse Johnson Official Campaign Website, <http://www.jesse4ussenate.org/> (Accessed January, 2011).

⁵⁵ "Parkersburg Tea Party Candidate Forum," 2010.

CHAPTER SIX

Conclusion

On August 28, 2010, the West Virginia special senate election drew to a close. The five week campaigning period attracted 148,509 voters out of 1,216,023 total registered voters in the state.¹ Of the participating voters, 94,202 voted in the Democratic primary, 54,084 voted in the Republican primary, and 223 voted in the Mountain primary. Joe Manchin received 68,827 votes and was elected to represent the Democratic Party. John Raese received 38,568 votes and was elected to represent the Republican Party. Jesse Johnson, who ran unopposed, received 223 votes and was elected to represent the Mountain Party. Of the unsuccessful candidates, Ken Hechler received 16,267 votes and Mac Warner received 8,015 votes each becoming their parties' runner-up for the general election. Of the remaining Democratic candidate, Sheirl Fletcher received 9,108 votes. The remaining Republican candidates received the following number of votes:

Scott Williams-1,546
Kenneth Culp-1,389
Harry C. Bruner Jr.- 1,312
Thomas Ressler- 1,207
Lynette Kennedy McQuain-937
Frank Kubic-475
Daniel Rebich-459
Albert Howard-176

Early voter turnout and registration were both notably high, however, on the day of the election very few West Virginians voted. After the election, Secretary of State Tennant cited the fact that the election was held on a Saturday as a reason for the low turnout.²

In this project, I examined the rhetoric of the candidates participating in the West Virginia special senate primary focusing on their statements regarding MTR. My aim in completing this analysis was to develop a further understanding of how environmental concerns are presented in campaign rhetoric. The analysis found in the previous chapter demonstrates how candidates chose to rhetorically position environmental concerns in order to diminish and reframe the concern in a way beneficial to their campaign.

Before conducting an analysis of the campaigns, I presented three chapters with the purpose of establishing the rhetorical situation and context of the campaign. Chapter one introduced the historical relationship that the coal industry shares with West Virginia. This chapter was used in my analysis to exemplify how a relationship premised on expanding the coal industry's wealth and power was established early in West Virginia's development as a state. It paid particular attention to the way in which coal industry officials began to participate in state politics, creating conflicts of interest in many regulatory efforts. The chapter also examined the ways the state privileged the interests of coal operators over those of the West Virginian people. The last portion of this chapter gave a detailed description of MTR as well as contextual information regarding the practice's employment, revenue, and damages. The chapter concluded that MTR is an environmentally destructive practice which, in comparison to the infrastructure costs, produces very little economic benefit to the state, and has actually lead to a decrease in employment by the coal industry.

In chapter two, I provided a detailed account of the legal and regulatory expectations and challenges faced by Senator Robert Byrd. The chapter was used to evidence how the growth of the modern environmental movement impacted legislative

efforts and maneuvers. Senator Byrd's actions highlighted the emerging exigency between industry demands and growing environmental concerns. Throughout the chapter, it became clear that Senator Byrd's efforts to transition the coal industry into a more environmentally friendly technology-based industry were continually snubbed by the coal industry. In one instance that especially illustrated the resistance of the coal industry to change, Senator Byrd wrote an editorial about the need of the industry to evolve which prompted Massey Energy CEO, Don Blankenship, to accuse Byrd of not appreciating coal or the coal industry. The last portion of the chapter examined the developing legal opposition to MTR, and found that the industry, as well as Senator Byrd, had gone to great lengths to protect the mining practice. This chapter functioned to establish the status quo relationship between regulatory efforts and the coal industry, because, to a certain degree, each candidate was campaigning against the status quo.

Then, in chapter three, I examined the specific context in which the special election took place, paying particular attention to the political maneuvers of individuals and political parties as a method to illuminate the various motivations that shaped the election. The first three chapters worked in conjunction with one another to establish that the rhetoric dealing with MTR in the West Virginia special senate primary was the product of the dialectic between historical patterns and growing environmental concerns. The remainder of this chapter will be a discussion of the implications of my analysis.

My analysis of the statements made by the various candidates yields several important conclusions for the field of rhetorical criticism. When examining the Democratic candidates, I argued that Hechler rhetorically positioned himself as an activist fighting for justice through his deployment of the techniques of repetition, non

equivocation, and strategic comparison. The techniques employed by Hechler were evidence of his use of the broader rhetorical strategy of confrontation. Hechler's campaign did not use the strategy of confrontation in the contemporary sense of the word, as a radical or revolutionary gesture. Instead, Hechler used the strategy of confrontation to gain recognition and seek truth. Hechler's use of these techniques within the broader strategy of confrontation indicates some of the ways that confrontation can be used in the specific context of campaign-based environmental rhetoric. His specific deployment of repetition, non equivocation, and strategic comparison indicate how these techniques function within the broader rhetorical strategy of confrontation. Brant Short articulates how confrontation can function in the context of environmental protests and radical activist organizations. The conclusions in this project build upon Short's characterization of confrontation as a strategy used to draw public attention to the goals of the broader environmental movement and to force a response from mainstream environmental groups about controversial issues. I argue that confrontation can be used in the context of a political campaign to elicit similar responses of increased attention and forced response. This conclusion functions to broaden our knowledge of how confrontation can be used as a rhetorical strategy in political campaigns as well as in radical environmental organizations

Using the tactics of repetition and non-equivocation, Hechler positioned himself as an activist rather than as a politician. Within the context of a campaign candidates typically discuss a multiplicity of issues. The reason for this is twofold; first, candidates discuss a wide variety of issues to appeal to the broadest constituency of voters possible; candidates also discuss a variety of issues in order to avoid having to give too much detail

on any one issue. By focusing on the sole issue of MTR, and using the technique of repetition to emphasize his focus, Hechler violated the expectations of voters and fellow candidates. Hechler's use of repetition confirms Robert L. Scott and Donald K. Smith's argument that confrontation can be used to gain attention that cannot be readily accessed through decorum. The other candidates were forced to respond to Hechler's focus on MTR or risk disrupting campaign norms by not responding to his claims. Using repetition, Hechler was able to frame MTR as an issue demanding attention in the special election. Hechler used the technique of non-equivocation as a means to further disrupt campaign norms and attempted to frame votes as political activism and dissidence. The scholarship of Benjamin I. Page indicates that politicians typically use ambiguous language because it is in their self interest to avoid discussing specific policy actions or issues in detail. W. Lance Bennett builds on Page's scholarship and indicates that campaigns typically follow four general rules of campaign ambiguity. Hechler's use of non-equivocation intentionally violated each of Bennett's rules of campaign ambiguity; he defined MTR to a degree necessary to discuss specific policies and implications; he blamed the coal industry for the injustices caused by MTR; he never changed his position based on his audience; and lastly, Hechler used language which was intended to arouse controversy. Using non-equivocation to violate the campaign norm of ambiguity, Hechler positioned himself as an advocate with nothing to lose, rather than as a politician trying to win an election. Positioned as an advocate, Hechler was able to try to gain support for his cause without losing support for violating campaign norms. Continually saying that he would like to give people an opportunity to vote against MTR, Hechler reframed the role of a vote. His rhetoric positioned a vote as an opportunity for activism and a specific

statement with the sole meaning of banning MTR, rather than as an expression of support for an individual. To further emphasize his reframing of votes, Hechler frequently mentioned that he had no intention of winning the election. Through this emphasis, Hechler further distanced voting from its traditional function of electing officials and solidified voting's symbolic function as a form of activism. Hechler's motivation in changing the role of a vote was to provide constituents with a mechanism to voice their displeasure by using their ability to vote as a form of activism. Through this strategy, Hechler encouraged people who avoid traditional protest methods, such as rallies and protests, to become activists through their vote.

Through his employment of strategic comparison, Hechler framed opposition to MTR as a symptom encompassed in a broader and more fundamental desire and struggle for justice. Hechler used his experiences with the civil rights movement as an ultimate example of justice, and then categorized MTR as an issue with similar urgency. Hechler's strategic comparison of MTR and the civil rights movement implied that once again the virtue of justice was being challenged and needed to be defended. This implication functioned to couch the practice of MTR as an attack on justice. By establishing his opposition to MTR as a voice for justice, Hechler elevated the importance of the struggle as well as emphasized the need for the struggle to succeed and justice to prevail. Using the god-term justice and the devil term discrimination, Hechler polarized the issue, placing those against MTR on the virtuous side of justice and those defending the practice on the iniquitous side of discrimination. Using the technique of strategic comparison, Hechler also addressed the fundamental role of politicians as being obligated to strive for justice as a necessity to maintain democracy. This distinction

further agitated the exigency by implying that candidates not actively opposed to MTR were not fulfilling a fundamental aspect of their duty as politicians.

Similar to Hechler, many of the other candidates framed opposition to MTR as symptomatic. John Raese, Harry Bruner, Kenneth Culp, Scott Williams, and Mac Warner all translated opposition to MTR as a symptom of government overregulation. Raese used his personal experience with the EPA's permitting process to vilify environmental regulations as an assault on capitalism. He also justified his position as being in the best interest of future generations. However, Raese gave no warrants to support why reducing environmental regulations would be beneficial. Using this historically powerful rhetoric, Raese attempted to elevate his stance to a noble and selflessly motivated cause. He also effectively communicated his support for deregulating the coal industry and MTR, without ever having to talk specifically about the advantages or disadvantages of the practice. Harry Bruner characterized the present regulations of the coal industry as a product of being ill informed about West Virginia and bureaucratic overreaction. As a result of this characterization, Bruner implied that politicians favoring regulations were ill informed and not acting in the best interest of West Virginia. Culp characterized MTR as a specific symptom of overregulation; the federal government imposing regulations on an issue that should be within the jurisdiction of the states. Employing this particular symptomatic characterization of MTR, Culp avoided indicating his position on MTR, while trying to appeal to voters who would privilege state's rights over their opinion of MTR. Williams chose a more abrasive characterization of regulation as evidence of a methodological and deliberate attempt of the federal government to expand its control. Williams' rhetoric worked to frame environmental regulators as having ulterior motives

and their regulations as not being in the interest of the people. His rhetoric promoted a fear-based image of the government slowly taking control of states in a totalitarian manner.

This analysis responds to my previous inquiry regarding the ways in which candidates' chose to frame regulatory issues regarding MTR. It establishes that candidates' chose to frame regulatory issues as attacking capitalism, as designed by ill-informed politicians, and as a states' rights issue. By positioning opposition to MTR as a symptom of overregulation, these candidates attempted to establish that MTR itself was not a problem. Instead, they framed opposition to and regulation of MTR as the problem, and further, a symptom of what they identified as a much more serious concern. This furthers Jonathan Lange's conclusion that political campaigns often rhetorically mirror one another through a process of framing and reframing an issue.³ It functions to further develop our knowledge of framing and reframing as rhetorical tactics by indicating how they could be deployed without the candidate having to directly interact with the issue. This indication is important because it broadens the way that framing and reframing can function as rhetorical tools. This classification allowed these candidates to not respond directly to any of Hechler's arguments while simultaneously implying that his position was not in response to a problem, but that his position was the problem. Overregulation, as a concept, is incredibly ambiguous. There is no clear standard to determine when a regulation is appropriate or invasive, it is simply based on individual interpretation. As result of this, the candidates were able to rely on the concept without ever having to define or justify their positions. The candidates' translation of opposition to MTR into a symptom of overregulation illuminated a deeper motivation to support MTR.

In addition to translating opposition to MTR as a negative symptom, candidates attempted to diminish the issue in relation to other concerns. Frank Kubic, Lynette Kennedy McQuain, and Mac Warner all indirectly discussed MTR by diminishing it as an issue in relation to concerns over the economy, energy, and employment. Kubic focused his entire campaign on the economy and avoided specific statements regarding any policies or action that he would take. By positioning the financial integrity of the nation as more important than any other issue, Kubic attempted to subordinate all other issues to concerns over the economy.

McQuain stated that coal was vital to the West Virginian economy and that she would not allow any measure that would damage the economy. Her statement, predicated on the misconception that the coal industry was still the largest contributor to the West Virginian economy, clearly indicated that she would not support any measure that could damage the industry. McQuain also used concerns over energy demands to diminish the issue of MTR. She emphasized that coal was key to energy independence and indicated that people disliked MTR not because of the environmental damage it created, but because it created an eyesore. McQuain's statements regarding energy production also indicate her position in what M. Jimmie Killingsworth and Jaqueline S. Palmer identify as a group of people who view nature "a warehouse of resources for human use."⁴ In statements at the Parkersburg Tea Party candidate forum McQuain promoted the use of coal saying: "God even told Abraham and Moses to dig" and "We must continue to use West Virginia's resources." These statements rhetorically position the mining of coal as inherent to the cultural context surrounding the word "coal," and thus framing mining and its consequences as normal and inconsequential. Her rhetoric functioned to magnify the

importance of coal to the economy and energy needs while trivializing MTR's negative impacts.

Warner differed from the other Republican candidates, who only focused on potential negatives, by discussing MTR in terms of how it benefits the economy. He emphasized the ability of reclaimed MTR sites to be developed and used for commercial interests. Warner also focused on improvements made by the coal industry to their mining methods. Implied in Warner's positive rhetoric regarding MTR and the economy was the threat that banning MTR would also eliminate the positive aspects he references. Although positive, Warner's rhetoric functions in the same manner as other candidates as a means to diminish the negative impacts of MTR. Warner's rhetoric implied that the positive economic benefits of land development trump any negative consequences associated with MTR. By discussing MTR under the positive guise of economic benefits and future improvements, Warner was able to show support without arousing direct controversy.

My analysis of the candidates' use of the term balance affirms Patterson and Lee's argument that the term balance is used to evoke positive feelings of pluralism while privileging economic needs. This is especially evidenced when Rebich notes that he is against MTR, but places emphasis on the need for jobs created by the practice. Ressler's statements also indicated that although balance was necessary he would pick the "easy" and "less costly" method, which is currently MTR. Fletcher was another candidate whose rhetoric implied the need for balance, while forwarding no mechanism to determine balance. The candidates' rhetoric of balance also positioned environmental concerns and financial concerns as diametrically opposed, suggesting that one would necessarily

prevail over the other. This prior conclusion stands in contrast to conclusions that Tarla Rai Peterson draws about the term “strategic development.” In her analysis Peterson concludes that statements which employ the rhetoric of strategic development represent a departure from environmental discourses that reinforce the dichotomy between participants that “win” and those who “lose.”⁵ She also argues that strategic development is defined as the view that “care for the environment is essential to economic progress; that the natural resources of our planet are the base of all agriculture and industry; and that only by sustaining that base can we sustain human development.”⁶ These differing conclusions are significant because the terms “balance” and “sustainable development” are often used interchangeably; however, articulating these differences functions to illuminate the motivations undergirding the meaning in each term.

The analysis provided in this chapter seeks to answer several of the questions posited in the introduction. In response to my inquiry regarding how the perceived dependence of the economy on the coal industry interacted with the candidates rhetorical choices, my analysis establishes that candidates either sought to change this perception or they sought to deepen the perception. Hechler used the rhetorical tool of non-equivocation to complicate and expose inconsistencies in the perception of MTR as an economically beneficial practice. Republican candidates sought to deepen this perception by trivializing the impacts of MTR in comparison to the potential economic impacts of abolishing or further regulating the practice. Their rhetoric relied on historical context and perceived economic dependence to justify unwarranted claims, which were pointedly against empirical data indicating that the coal industry is no longer the economic cornerstone of West Virginia. This analysis indicates how historical

perceptions can be used to justify a false dominant narrative. It expands our knowledge base regarding how candidates could use historical perceptions which were no longer true to justify both inaction and the continuation of environmental degradation.

This analysis also provides valuable insight into my inquiry regarding how the candidates chose to frame legal and regulatory issues. I argue that candidates used the rhetorical tool of framing/reframing to characterize MTR as a symptom of a larger problem, through their discussion of regulation. My analysis indicates that framing and reframing can be used to attach environmental issues to other concerns of overregulation which may be perceived as more important. Through their use of this rhetorical tool candidates characterized MTR as a symptom of the threat of government overregulation. Understanding how framing/reframing functioned in this campaign to characterize the nature of MTR regulation is useful to deepen our understanding of how regulatory issues are expressed in regard to environmental issues.

In statements regarding economic stability, employment, and energy, candidates indirectly voiced their support for MTR as a practice that, if abolished, would remove jobs and raise energy costs and damage the economy. The use of these issues develops and deepens our understanding of why candidates may chose to discuss environmental concerns as encompassed by these other issues. Focus on these issues functioned to supersede perceptions of the negative environmental impacts of MTR by emphasizing the potential negative results of regulations as the issue that voters should be concerned about. Many of the candidates' rhetorical choices indicated that the historical dependence of West Virginia's economy on the coal industry functioned as a justification to diminish environmental concerns. These candidates' characterization of MTR sought

to diminish concerns over the actual process of MTR by implying that the negative impacts of MTR were not as bad as the potential impacts of abolishing the practice. This analysis seeks to build on Christine Oravec's claim that arguments based on public interest are shaped on "the legitimizing force of predominant social and political presumptions."⁷ It indicates how candidates justify historical presumptions by characterizing them as fact in their articulation of future concerns. This analysis further deepens our understanding of how historical presumptions function as legitimizing rhetorical tools for future-based arguments.

Thus far, scholarly inquiry into the area of environmental rhetoric has largely focused on social movements, protests, other forms of activism, and specific legislation. My analysis of the West Virginia special senate primary provides valuable insight into the realm of environmental rhetoric in the context of political campaigns. First, my analysis indicates that a critical rhetorical history is an effective approach to analyze environmental campaign-based rhetoric. In this project, examining rhetorical history surrounding West Virginia's relationship to the coal industry illuminates the exigency which structures the candidates' motivations. This analysis is also valuable because it addresses environmental rhetoric in the specific contextual relationship between West Virginia and the coal industry. To date there is no literature in the field of rhetorical criticism which examines the specific relationship between industry concerns and environmental concerns within the context of a state whose politics and economy were largely developed by the industry in question. The benefit of this specific type of analysis is that it illuminates the rhetorical forms, techniques, and strategies employed in these historically based exigencies. Lastly, this project identifies specific strategies and tactics

and examines how they are deployed. Developing a detailed understanding of these strategies and tactics helps us to further understand how they function in rhetorical situations.

There are a variety of directions with which future research could approach environmental campaign-based rhetoric. In what follows, I have chosen to highlight two such areas that provide interesting ground for scholarly examination. First, the issue of culture and its role in constraining and motivating environmental campaign-based rhetoric is an area that merits further examination. Throughout this project, particularly in chapter one, I highlight the various ways in which the coal industry socialized early miners, who, along with their families, made up the majority of the state's population. Better examination aimed at examining the impact that early cultural socialization has on environmental campaign-based rhetoric is imperative to further understand how this rhetoric is called into being and deployed. Second, an examination of campaign-based environmental rhetoric in relation to the rhetoric of environmental movements would provide fertile ground for analysis. Developing an understanding of the similarities and differences between environmental campaign rhetoric and the rhetoric of environmental movements could function to further develop the ways in which tactics and strategies are deployed, and indicate specific motivations.

As with any study, this project encountered limitations which hindered its development. The most significant of these was access to campaign information, which was the result of three factors: campaign length, campaign location, and campaign visibility. Since the special election campaign period only spanned five weeks, candidates had less time to conduct interviews and participate in debates and forums. A future study,

involving a full length campaign, would have more candidate statements to analyze potentially resulting in conclusions with more depth. Writing from Waco, TX, I was limited in my ability to access information not readily available on the internet. At least two interviews with Republican candidates, as well as many campaign signs were inaccessible, and thus not incorporated into my analysis. Access to these materials would have been beneficial to develop the tactics and strategies that I identify as well as to potentially identify other strategies and tactics present in the campaigns. Lastly, the nontraditional campaign practices employed by many of the candidates, especially Republican candidates, made all of the campaigns less visible. Less than half of the candidates used a campaign website, and a few candidates established no online presence whatsoever during the campaign. Also, many of the candidates chose to campaign by attending fairs and other public events rather than running television or radio advertisements; only three of the candidates ran any television or radio advertisements. A more traditional campaign, where the candidates have a larger web presence and utilize television and radio as campaign tools would contain more information for analysis and would have added depth and breadth to the conclusions of this thesis.

Notes

¹ All of the numerical data in this chapter was collected from the West Virginia secretary of state's official website. It can be accessed online at <http://www.sos.wv.gov/elections/Documents/West%20Virginia%20Voter%20Registration%202010%20General.pdf>, and at <http://apps.sos.wv.gov/elections/results/results.aspx?county=Statewide&electionid=1&type=0>. (Accessed February, 2010)

² Leslie Barrett and Erin Pulsanti, "Voters Glad to Have Their Voices Heard," *WTAP*, August 29, 2010. <http://www.wtap.com/news/headlines/101728643.html>, (Accessed February, 2011).

³ Jonathan Lange, "The Logic of Competing Information Campaigns: Conflict Over Old Growth and the Spotted Owl," *Communication Monographs* 60 (1993): 240

⁴ M. Jimmie Killingsworth and Jacqueline S. Palmer, *ECOSPEAK Rhetoric and Environmental Politics in America*, (Carbondale: Southern Illinois University Press, 1992), 4., also see Kevin Michael DeLuca, "The Possibilities of Nature in a Postmodern Age: The Rhetorical Tactics of Environmental Justice Groups," *Communication Theory* 9 (1999): 176-197.

⁵ Tarla Rai Peterson, *Sharing the Earth: The Rhetoric of Sustainable Development* (Columbia: The University of South Carolina Press, 1997), 1.

⁶ Peterson, *Sharing the Earth: The Rhetoric of Sustainable Development*, 6.

⁷ Christine Oravec, "Conservationism vs. Preservationism: the 'Public Interest' and the Hatch Hetchy Controversy," *Quarterly Journal of Speech* 70 (1984), 444.

BIBLIOGRAPHY

- Shirley Stewart Burns, "Mountaintop Removal in Central Appalachia" *Southern Spaces*, September 30, 2009.
- Loyd F. Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric* 1(1968).
- David Allen Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922* (Manufactured in the United States of America: Illini books Edition, 1981).
- Erik Erikson, *Childhood and Society* (New York, 1963).
- Julia Fox, "Mountaintop Removal in West Virginia: An Environmental Sacrifice Zone," *Organization and Environment*, 12(1999): 163-183.
- Samuel Gompers, "Russianized West Virginia," *American Federationist*, 20(October 1913).
- Mark Hendryx and Melissa M. Ahern, "Mortality in Appalachian Coal Mining Regions: The Value of Statistical Life Lost," *Public Health Reports* 124 (2009): 541-550.
- M. Jamie Killingsworth and Jacqueline S. Palmer, *ECOSPEAK Rhetoric and Environmental Politics in America*, (Carbondale: Southern Illinois University Press, 1992).
- Jonathan Lange, "The Logic of Competing Information Campaigns: Conflict Over Old Growth and the Spotted Owl," *Communication Monographs* 60 (1993).
- Clayton D. Laurie "The United States Army and the Return to Normalcy in Labor Dispute Interventions: The Case of the West Virginia Coal Mine Wars, 1920-1921." *West Virginia History* 50 (1991): 1-24.
- Howard B. Lee, *Bloodletting in Appalachia*, (Parsons: McClain Printing Company, 1969).
- Ronald L. Lewis, "Appalachian Restructuring in Historical Perspective: Coal, Culture, and Social Change in West Virginia," *Urban Studies* 30(1993), 299-308.
- Stephen E. Lucas, "The Schism in Rhetorical Scholarship," *Quarterly Journal of Speech* 67(1981).
- Patrick C. McGinley, "From Pick and Shovel to Mountaintop Removal: Environmental Injustice in the Appalachian Coalfields," *Environmental Law* 34 (2004): 21-106.

- Martin J. Medhurst, "The Rhetorical Construction of History," in *Critical Reflections on the Coal War: Linking Rhetoric and History*, ed Martin J. Medhurst and H.W. Brands (College Station: Texas A&M University Press, 2000).
- Fred Mooney, *Struggle in the Coal Fields*, Ed. Fred Hess, (Morgantown, 1967).
- Christine Oravec, "Conservationism vs. Preservationism" The "Public Interest" in the Hetch Hetchy Controversy," *Quarterly Journal of Speech* 70 (1984).
- M. A. Palmer, E. S. Bernhardt, W. H. Schlesinger,⁴ K. N. Eshleman, E. Foufoula-Georgiou, M. S. Hendryx, A. D. Lemly, G. E. Likens, O. L. Loucks,⁸ M. E. Power, P. S. White, P. R. Wilcock, "Consequences of Mountaintop Mining", *Science*, 8(January, 2010).
- Tarla Rai Peterson, *Sharing the Earth: The Rhetoric of Sustainable Development* (Columbia: University of South Carolina Press, 1997).
- Mike Ross, "Life Style of the Coal Miner." *Appalachian Medicine*, (March, 1971).
- Leon Samson, *Toward a United Front: A Philosophy for American Workers*, (New York, 1972).
- David Zarefsky, "The Four Senses of Rhetorical History," in *Doing Rhetorical History: Concepts and Cases*, ed. Kathleen J. Turner (Tuscaloosa: University of Alabama Press, 1998).