Western Kentucky University TopSCHOLAR®

Honors College Capstone Experience/Thesis Projects

Honors College at WKU

2010

Learning to Talk to an Other: Stories and Thoughts on Community Organizing in a Divided Nation

Greg James Capillo
Western Kentucky University

Follow this and additional works at: http://digitalcommons.wku.edu/stu_hon_theses

Part of the Philosophy Commons, and the Religious Thought, Theology and Philosophy of Religion Commons

Recommended Citation

Capillo, Greg James, "Learning to Talk to an Other: Stories and Thoughts on Community Organizing in a Divided Nation" (2010). Honors College Capstone Experience/Thesis Projects. Paper 233. http://digitalcommons.wku.edu/stu_hon_theses/233

This Thesis is brought to you for free and open access by TopSCHOLAR*. It has been accepted for inclusion in Honors College Capstone Experience/ Thesis Projects by an authorized administrator of TopSCHOLAR*. For more information, please contact topscholar@wku.edu.

LEARNING TO TALK TO AN OTHER

STORIES AND THOUGHTS ON COMMUNITY ORGANIZING IN A DIVIDED NATION

A Capstone Experience/Thesis Project

Presented in Partial Fulfillment of the Requirements for

the Degree Bachelor of Arts with

Honors College Graduate Distinction at Western Kentucky University

By: Gregory James Capillo

Western Kentucky University
2010

| CE/T Committee | Approved by |
|----------------------|------------------------------|
| Eric Bain-Selbo, PhD | |
| Alan Anderson, PhD | |
| Paul Markham, PhD | Advisor |
| | Department of Philosophy and |
| | Religion |

Copyright by

Gregory Capillo

2010

ABSTRACT

Unlike other fields of philosophy, we cannot simply agree to disagree about morality as practiced in politics. At some point, our moral values become policies that those who may not share those values must follow. The way we construct these disagreements and agreements then are vital to the continued functionality of our nation. In this essay, I will examine how John Rawls, Alasdair MacIntyre, and Jeffrey Stout construct the concept of justice and apply their thoughts to the dispute surrounding mountain top removal coal mining in Eastern Kentucky. John Rawls believes in a universally applicable, rationally generated form of justice. MacIntyre believes that concepts like justice cannot be constructed meaningfully using rational means alone as all of these concepts are supported by arational traditions. Finally, Jeffrey Stout sees that while we may never discover a rationally indefeasible definition of justice, we must continue to search, carrying with us the virtues of humility and charity.

Keywords: Politics, Activism, Environmentalism, Coal, Democracy, Virtue

Dedicated to

My father, for teaching me what justice was

and

My mother, for giving me the courage to stand up for it.

ACKNOWLEDGEMENTS

First I would like to thank my advisor, Dr. Bain-Selbo, for his understanding that inspiration might show up anywhere from 15 to 30 minutes late on Friday mornings. I'd also like to thank my readers, Dr. Markham and Dr. Anderson, for their willingness to work with haste once inspiration finally finished striking a few weeks later in the semester than it probably should have.

I would also like to thank the members and staff of Kentuckians for the Commonwealth, specifically: Nancy Reinhardt, Jessica Hays, Nathan Hall, and Nina and Mickey McCoy. So many emails with the heading "KFTC Member in Bowling Green Needs Help!" were answered swiftly and my project would not be the same without them.

Finally, I would like to acknowledge all those who waited out the public officials to speak at the NWP 21 hearings in Pikeville. Many people stayed up very late to have their voices heard to make this democracy work. Even if I didn't agree with many of them, it takes courage to stand up and speak out.

VITA

| January 19, 1988 | Born in Lexington, KY. |
|------------------|---|
| 2006 | .Graduated from Lexington Catholic High |
| | School |
| 2010 | Graduated from Western Kentucky |
| | University |

FIELDS OF STUDY

Major Fields: Philosophy and Mass Communications

TABLE OF CONTENTS

| <u>Page</u> |
|---|
| Chapter 1: Which Side Are You On? Pikeville and the NWP 21 Hearings8 |
| Chapter 2: John Rawls and the Light of Natural Reason Clear Everything Up10 |
| Chapter 3: Alasdair MacIntyre and A Good Mom Pose Challenges to |
| Rationality21 |
| Chapter 4: Jeffrey Stout and the Difference Between Trolls and "Todd"33 |
| Chapter 5: Towards a Meaningful Hole; Appalachian Transition and Beyond46 |
| Appendix 1: Full Text of Nina McCoy's Comment to the Army Corps of |
| Engineers50 |
| Appendix 2: Todd's Comment on NWP Live Blogging Site53 |
| Bibliography54 |

CHAPTER 1

WHICH SIDE ARE YOU ON? PIKEVILLE AND THE NWP 21 HEARINGS

I was in Pikeville, Kentucky the first time I thought I might be physically attacked because of my political beliefs. A carload of friends and I took the day off school to drive across the Commonwealth to attend a hearing on a rule change that might end mountain top removal coal mining. Mountain top removal involves blowing the tops off of mountains to extract coal and then dumping the often toxic waste on critical watersheds.

I had no idea what to expect. I thought that it would be like a lot of hearings I'd watched video of on the internet, where coal miners and activists sit on opposite sides of a conference room in some county extension office and take turns making appeals to a group of bored looking officials whose decision was paid for by the coal companies weeks before. Yet this was different. The Obama administration's Environmental Protection Agency had already held up dozens of mining permits that year. They were putting pressure on the Army Corps of Engineers to hold this very hearing. Things were looking like they were going to

change. That was why I wanted to go. I thought I was going to see history made.

When we got there, I was shocked to find that my sense of scale was all wrong. We were not inside a small county extension office. We were inside a convention center that could hold over 4,000 people. The convoy of three cars we had joined outside of Lexington with bumper stickers reading "I Love Mountains" and "Not One More Mile" was dwarfed by the endless lines of SUV's with "Friends of Coal" stickers and giant buses filled with men in blue jump suits with neon orange trim. The coal companies were busing in men from the mines straight from their shifts. There were thousands of miners, all briefed by their bosses that the little group of 100 outsiders from Lexington and Louisville wanted to take their jobs and impoverish their families to save some brown bat. Our green shirts were surrounded on all sides by men and their families who thought we wanted them to starve to save a few trees. They were angry and scared and there was a sea of them between us and law enforcement. The line outside of the convention center was charged as rumors swirled of activists being beaten outside of a similar hearing in Charleston.

I had been called a tree hugger before. This was different. These men around us whispered the word in low, sharp, conspiratorial breaths; this was very different from motorists yelling it at me while I ride my bike. It felt like they were planning something. There were many more of them than there were of us, and many more of them than there were police. We never made eye contact with any

over my body as my stomach knotted upon itself. My heart beat its way up through my throat until I could hear it in my skull. I could feel the foreman behind me point at me when he whispered, "They're lying when they say they just want to stop the surface mines. They're going after the deep mines next." The foreman was changing the issue. It wasn't about one relatively new, extremely destructive mining practice that actually decreased jobs in the coal fields by 60%¹. The foreman was making this about outsiders coming in to change an entire way of life. I knew that wasn't true but I also knew I had to keep my mouth shut. This was not the place to have a conversation.

_

¹ Eric Reece. <u>Lost Mountain</u> Penguin Group New York City 2004. 61

CHAPTER 2

JOHN RAWLS AND THE LIGHT OF NATURAL REASON CLEAR EVERYTHING

UP

At the same time, however, it was probably the place where we needed a conversation most of all. Something seems to have changed in America in the past half century. It feels as if we cannot agree on anything, or even agree to disagree. Some may say the stakes are higher in the issues at hand when it comes to problems like climate change, healthcare, and mountain top removal coal mines. Yet the stakes are always high when a democracy engages in public discourse to determine its future. The very gravity of the conversation is exactly what makes it so necessary to take place. Yet the importance of this moment in time seems to have the very opposite effect as every issue gets polarized into two sides: Christians vs. homosexuals, socialist revolutionaries vs. corporate lackeys, ecologists vs. economists. Yet if that is the case, what hope does our nation have to be able to solve the critical problems at hand? What resources do we have to help in our struggle to live with one another? Looking through the lens of my experience as an activist and community organizer, as well as the experiences of my friends and allies, I will examine the works of Alasdair McIntyre, John Rawls, and Jeffrey Stout in an attempt to see what we can do to have conversations again. The most striking thing about Pikeville to me was how

vehemently these miners disagreed with a position I had always held as a matter of objective injustice. While proponents often argue that coal mining is vital to the regions economic health, 31% of the region remains in poverty. Liquid waste from coal processing leaches into ground water to such an extent that, according to a study conducted by Eastern Kentucky University, over 70% of the regions water tests "bad" for high content of heavy metals like mercury and iron. Flyrock, the debris from illegal blasts that can be as big as boulders, regularly rains down on communities near mine sites. A boulder even killed three year old Jeremy Davidson in Inman, Virginia in 2004.² The loss of vital trees and topsoil leads to increased erosion and dangerous floods. There were seven hundred-year floods from 2001 to 2004 in Eastern Kentucky that killed 14 people.³ Robert Kennedy summed up the issue pretty well when he visited Eastern Kentucky, four months before his death. "Today I saw a strip mine, and the land was devastated. So what happens is, the people of eastern Kentucky are three-way losers. The minerals are gone, the money is gone, and the land has been despoiled."⁴ To paraphrase a poem by my friend Jacob Turner, who lives below a surface mine in Perry County, "Give me the land/when the mountains have returned/and I will be home."

One would think, then, that going to Pikeville would be easy. While the miners seemed to regard our presence as unjust, we could easily dismiss that.

¹ Reece. 61

² Reece 222

³ Raaca 221

⁴ Dagge 204

As Upton Sinclair said, "It's difficult to make a man understand something when his salary depends on him not understanding it." Justice must be something outside the realm of human particulars such as where you are employed or where you live. It must be blind to these so that it can fairly weigh out who's right and who's wrong.

Yet it is human beings that must do this weighing out when it comes to specific instances. When individual concerns and interests become too involved, justice cannot be done. One could argue that the story of America in the 20th century was the story of a country dealing with the different injustices it had programmed into itself: women and African Americans struggled for voting rights, the disabled struggled to get equal access, and gays struggled simply to be acknowledged. One could also argue that this story was not a very pretty one. So much talk of centuries old injustice required that someone explain just what was being discussed. This justice should apply universally in all cases so that whatever this new America would look like, it could avoid the structural inequities that pervaded earlier conceptions of the American nation state. Harvard Philosopher John Rawls spent his career observing these changes and trying to develop just such an overarching sense of justice that would work for all people everywhere. Rawls' conception of contract theory, combined with his "original position," yields "justice as fairness," a concept which may help us to begin our conversation with the miners.

⁻

⁵Upton Sinclair, <u>I</u>, *Candidate for Governor: And How I Got Licked* (1935), University of California Press, 1994, p. 109.

Rawls describes his theory of justice as a "contract" theory. Rawls writes, "The merit of the contract terminology is that it conveys the idea that principles of justice may be conceived as principles that would be chosen by rational persons, and that, in this way, conceptions of justice may be explained and justified." Rawls is not articulating a theory of justice that he received through some divine revelation. He is not referring back to ancient traditions handed down through the ages. For justice to be meaningful for Rawls, it must be articulated rationally from the human intellect. Rawls is looking for a theory that is universally applicable to any rational agent. He wants to work with something that is objective, independent of human particulars, while at the same time avoids dealing with concepts that are foreign to the common human experience. Rawls does not need any deity to inform his sense of justice. Everyone must be able to understand it and assent to it for it to work, just as everyone must understand and assent to rules of logic to have a productive philosophical dialogue.

The comparison with dialogue is not accidental. Rawls writes,

Furthermore, the principles of justice...apply to the relations among several persons or groups. The word 'contract suggests this plurality as well as the condition that the appropriate division of advantages must be in accordance with principles acceptable to all parties. The condition of publicity for principles of justice is also connoted by the contract

⁶ John Rawls. A Theory of Justice. Harvard 1971. 16

phraseology. Thus if these principles are the outcome of an agreement, citizens have a knowledge of the principles that others follow.⁷

Not only must everyone understand the contract, but it must be written in such a way that everyone agrees to it as well. Whatever the content of Rawls' theory may be, it must be written in such a way that all people can get behind it. Rawls' insistence on rooting the contract in rational principles helps universalize it in this instance because in addition to everyone understanding the principles, they can assent to them as well. The contract must be treated the same as any other conversation because, ideally, that is exactly what it is. Justice is the result of a conversation that society has with itself (whether literal or figurative) in which everyone can come away feeling satisfied. Otherwise, society ceases to function. Living and writing in the wake of the Civil Rights Movement, Rawls had already seen the result of a conception of justice cobbled together without every member of the citizenry considered and wanted to avoid that.

Rawls takes this commitment to universality very seriously. He wants the citizens theoretically generating his universally acceptable justice to do it in such a way that their skin color or where they get their pay check is of no matter. To that end, he develops the "veil of ignorance." In it, people developing this system of justice are kept entirely ignorant of all of their particular human characteristics. They know nothing about who they are as individuals and are only aware of the

⁷ Rawls 16

human condition in universal terms.⁸ While any real example of this would be impossible to achieve, it does not matter. The veil of ignorance has vital, rationally necessary consequences. Rawls describes these, writing:

There follows the very important consequence that the parties have no basis for bargaining in the usual sense. No one knows his situation in society nor his natural assets, and therefore no is in a position to tailor principles to his advantage.⁹

There will be no inequalities built into this system when it is developed in this way. It would be in no one's interest to stack the deck one way or the other, because they will be completely ignorant of every thing particular to themselves, even there own natural abilities. Whatever the individuals inside the original position generate will be acceptable to all parties because they will not have the capacity to consider the particular peccadilloes that prejudice other human enterprises.

The coal miners would not know they were coal miners in the original position, so they could not consider that in their decision to label our presence in Pikeville as unjust. We as activists could not come with our love for trees and natural things that color our view of strip mines. We could sit down and have an honest conversation with each other and find an almost mathematically

⁸ Rawls 138

⁹ Dawle 140

perfect compromise. This compromise would not allow one side to win over the other. It would be truly objective. Justice would finally be blind.

With only the broadest knowledge of what it means to be human, the original position only generates two principles of justice. The first principle seems fairly obvious: "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. 10" This first liberty applies to the rights of citizenship, most clearly articulated in the Bill of Rights and the 14th, 15th, and 19th Amendments to the Constitution of the United States. This guarantees that everyone has the freedom to live their life as they choose to the greatest extent possible, so long as they do not deprive others of their liberties. This idea is hardly revolutionary in the 20th century. Obviously, viewing this from the original position, one would want as much liberty for themselves as possible. Yet any inclination towards total individual liberty from the original position must be tempered by an equally strong urge to protect oneself from others. One does not need to be under a veil of ignorance to understand this. Many of the pro-coal speakers in Pikeville started their statements with "While I respect the environmentalists' right to speak, I must say that..." In this instance we were all equal under the eyes of the Army Corps of Engineers. Any shift in the balance of power that would prevent one side from speaking could just as easily prevent another.

¹⁰ Rawls 60

Obviously, then, the idea of the first principle was nothing new to most American citizens. Yet the second principle, and its justification, makes Rawls strikingly innovative:

Second: social and economic inequalities are to arranged so that they are both (a) reasonably expected to be to everyone's advantage and (b) attached to positions and offices open to all.¹¹

This is the real result of the veil of ignorance. If one truly does not know if they are going to be Bill Caylor, President of the Kentucky Coal Association, or Carl Shoupe, a former miner and union organizer disabled by a mine cave in, one is going to want to make sure that the lots of these two men are as similar as possible. This idea seems so adverse to the American mindset because it speaks in honest and forthcoming terms about the statistical falsehood of the "American dream." There are always going to be a lot more Shoupes than Caylors. Moreover, the argument seems nearly invulnerable. While one may like to aspire to great wealth without worrying about those beneath them, it simply cannot be rational when paired with such a stringent call for objectivity.

Yet while Rawls could not be called an unqualified capitalist, he is no communist either.

Thus, the parties start with...an equal distribution of income and wealth.

But there is no reason why this acknowledgment should be final. If there

¹¹ Rawls 60

are inequalities in the basic structure that work to make everyone better off in comparison with the benchmark of initial equality, why not permit them?¹²

Rawls allows for inequalities in income that would raise the general good for all people. Inequality is not permitted if it brings about the greater good for the *most* people. No one is left behind for the sake of efficiency. However, if there is a way that one could be given more resources and income in order to achieve more for everybody, Rawls encourages that. This is not the same thing as tolerating inequalities that lead to some sort of net gain in happiness for society. The inequalities must benefit all parties. In this way, these inequalities make sense for everyone to an extent, even if they are not the one's receiving the greater portion. So, for example, it might make sense to put someone through school longer to become a doctor. It may even make sense to pay them more once they are doctors in order to encourage them to take on what can be a stressful and demanding career. Yet, it is unclear at what point the inequalities become so great that they outpace the total gain for society. In principle however, the argument works. Rawls does not insist that every human being is in fact equal in every way, but he does insist that every human being be treated as equal in principle.

Mountain top removal mining, then, would not pass a Rawlsian test. The massive poverty rates generated by the regional coal mono-economy certainly

¹² Rawls 151

serve the interest of those employed by the coal companies and the companies themselves. Yet it's obviously not serving the community as a whole as it destroys the potential for new and more sustainable economic models to be put in place. One cannot practice sustainable forestry on a bare mountain side.

There are only so many golf courses on top of reclaimed mountains that a community can support. Beyond that, the environmental cost being paid in real terms by those suffering from elevated rates of asthma, kidney disease, and cancer create more inequality. The fact that most of the wealth flows out of Appalachia and into corporate executives living as far away as Tampa Bay, Florida is perversely anti-Rawlsian. Often, coal companies use their tremendous economic advantage to engender political inequality, using connections as far up as Senator Mitch McConnell to harass those government monitoring officials trying to do their job and enforce the law.

_

¹³ Charles Duhigg. "Toxic Waters-Clean Water Laws Are Neglected, at a Cost in Suffering." New York Times. September 12 2009. http://www.nytimes.com/2009/09/13/us/13water.html? r=1

¹⁴ Reece 116

¹⁵ Sludge. Film. Directed by Robert Saylor. Whitesburg, KY. Appalshop, 2008.

CHAPTER 3

ALASDAIR MACLNTYRE AND A GOOD MOM POSE CHALLENGES TO RATIONALITY

But it wasn't as if we didn't present arguments discussing the water quality and the corresponding rates of cancer and kidney disease to the very hostile audience in Pikeville that day. Most of those who spoke from our group had very carefully prepared statements accompanied with file folders of documentation describing their water, their asthma, their lost wells. Maybe they didn't hear us because, either by design or accident, most of our comments were delivered toward the very end of the hearing. The coal miners had trickled out by then, as those who had worked eight hours on second shift went home to get some sleep and those about to work third shift got ready for another long night.

Or maybe our disagreement had its root in something too deep to be reconciled at any public hearing. We had been in the convention center for almost five hours, and after the first few of our speakers were deafeningly booed and heckled, it seemed as if our stack of comment requests we had filled out before the hearing that dictated the order of speakers were found almost immediately after the last coal bus pulled out for the third shift. As one after

another of my friends and allies got up to speak, I counted down until we could finally head home after a very rough day. Then, a blonde woman sitting by herself was called up. I didn't hear her name, but the conviction with which she spoke with demanded my attention. She talked passionately about how hard her husband worked during third shift to put food on the table for her kids. She talked about how hard it was to raise a family when nights and days are reversed. It was hard, she said, but her family were coal miners and always had been. They were doing everything they could to say that what they had was theirs and not a hand-out from the government. She turned around at the mic and looked straight at us, with fierce tears in her eyes and said, "What the hell are you all going to do that's going to feed my kids?"

She had heard our arguments and chosen not to respond to them. John Rawls himself could have got up and expounded on the intricate system of injustice that brought all of us to that room at that moment and she would still have said what she said. She was definitely emotional, but she was not being irrational. She was being arational. Her kids were the most important thing in the world to her, and she was going to fight anything she saw as a threat to them with the universally recognized ferocity of a good mom. There is no 900 page book of philosophy in the world that would have made a damn bit of difference.

It would seem that the argument that mother was making was incompatible with the argument we were making. We said "Clean drinking water is important for life. Mountain top removal coal mining damages our ability to get clean

drinking water. Mountain top removal coal mining is a hazard to life." She said "Good paying jobs are important to my children's future. Coal jobs are the only good paying jobs here. Coal jobs are important to my children's future." While this is a vast oversimplification of the very extensive conversation happening around Appalachian transition, it does reflect a very fundamental and important truth. We have very real differences in what we value and how much we value it. While these values participate in a vast network of different justifications and arguments, ultimately they all trace back to arational ideas that cannot be adequately dealt with analytically. It may just be that at the end of the day, I really like trees and flying squirrels and she really likes the economic security mining coal has given her family, and our conversation stops.

Scottish philosopher and former Marxist turned Catholic Alasdair MacIntyre responds to Rawls' idea of universal applicability in just this way. MacIntyre feels that the Enlightenment project of rationally grounding our notions of justice or morality has failed because, ultimately, they come down to just such arational points. MacIntyre feels that as a culture we have lost the ability to have meaningful conversations about moral issues because we've lost the vocabulary of morality when we seek to ground it only in rationally constructed arguments. Instead, MacIntyre see's a much greater value in looking for moral concepts like justice from traditional sources and argues for the reestablishment of a virtue-based ethics.

MacIntyre says that arguments of the kind I listed above have three salient characteristics. First they are conceptually incommensurable: "every one of the arguments is logically valid...the conclusions do follow from the premises. But the rival premises are such that we possess no rational way of weighing the claims of one as against the other." Activists are making a claim about water quality and that mother is making a claim about economic health. That does not mean that in reality the two groups are part of a mutually exclusive dichotomy. It does mean that the argument has no rational terminus when the discussion of the two is applied to mountain top removal coal mining. Neither one of our premises can trump the others. We are left very quickly to assertions and counter assertions. There is productive conversation in the sense that as we talk to one another we can build on each others' shared premises to construct a mutually gratifying solution. It's not a conversation at all, really, if one defines conversation as the interchange of ideas. It's merely one side presenting an argument immediately following another but not replying in any meaningful way. It's as if we were playing a game of tennis where each side served simultaneously but was unable to hit the other's ball. Needless to say, it's a pretty poor game of tennis.

Yet what is more disturbing is that if I don't have any good rational argument to convince you of my position, I might not be able to claim that I am justified in holding it myself. MacIntyre writes, "Corresponding to the interminability of public argument there is at least the appearance of a disquieting

¹ Alasdair MacIntyre. <u>After Virtue</u>. University of Notre Dame Press. Notre Dame, IN 2007. 8

private arbitrariness."² Since neither of us can convince the other of the soundness of our position by rational means because of the incommensurability of our premises, it suggests that neither of us have rationally grounded premises. This does not mean that our arguments are irrational nor that that either of us are idiots. It just means that within the criterion of rational discussion, neither of us have the ability to prove that we are superior. This speaks to the fact that our own argument probably has some arational element to it. It is not irrational, it does not break the rules of logic, it just cannot follow those rules.

That marks the second characteristic of the modern debate. Even though these arguments must be personal at some level, they "purport to be impersonal rational arguments and as such are usually presented in a mode appropriate to that impersonality." These are not disagreements where we can just agree to disagree. We each know that we are right and justified in our belief for ourselves, but we are arguing for policy positions that extend that belief onto those that disagree with us. We are arguing for policy matters that affect each of us and we should hope that there would be some ability to make them "universally applicable," so that no matter the outcome each of us can understand and accept it. This lends "shrillness" to the debate. We not only cannot agree, we cannot agree to disagree, because at the end of the day a decision will be made that will affect all parties involved and all parties involved will probably not be happy with that decision. In a very real sense, the directly affected people like Nina McCoy

² MacIntyre 8

³ MacIntyre 8

are fighting for their lives. She lives in Martin County where she saw the largest environmental disaster in the history of the United States after a coal sludge pond flooded her county. In the same very real sense, the coal miners are fighting for their livelihood. And short of physical violence or arbitrary decision, there doesn't seem to be any way to end this disagreement meaningfully.

The debate got this way because of the third salient trait of modern conversations; each side comes from different historical traditions that have seen the meanings of words like justice and virtue change drastically as time passes. "Moreover the concepts we employ have in at least some cases changed their character in the past three hundred years; the evaluative expressions we use have changed their meaning" This was perfectly illustrated during the hearing when Nina McCoy got up to speak. She began by quoting Proverbs and discussing how we are given a divine imperative to speak for those who cannot speak.⁵ Throughout her comment she hearkened back to her deep-seeded Methodist faith to justify her position. After she sat down, a few more pro coal speakers stood up and one said. "Well, I don't know about you, but in my Bible it says, 'Let my people go!'" Nina comes from a tradition where her conception of divinity is intimately tied with her conception of social justice. The meaning of that passage in Proverbs seemed to explicitly back up her beliefs on the issue. Yet this other gentleman comes from a different biblical tradition, one in which the

-

⁴ MacIntyre 10

⁵ Nina McCoy. Comment to the Army Corps of Engineers. Nationwide Permit 21 Hearing, 13 October 2009.

Bible justifies his use of the Earth and the resources around him as direct gifts from God for his consumption, and there was no way he was going to let the government stand in the way of him and his gifts. They are talking about the same text but looking at it from the perspective of vastly different and complex threads of tradition and history that informs both of their positions and feelings on the issue, which has nothing to do with universally accepted rational process. Both are being rational, but the sources of their information forming their premises are radically different and completely incommensurable with one another.

The reason moral debates like this ultimately fail is that, to MacIntyre, ethics must be grounded in some concept of human ends in order to move intelligibly from the "is" statements in the premises to the "ought" statement in the conclusion. One can observe that this watch is several minutes slow and safely move from there to say that, "'I ought not to use this watch. "It fails to meet the criteria for a functional watch and so can be fairly and easily evaluated as a bad watch. For MacIntyre, moving from "is" to "ought" is not totally impossible; our lack of synchronicity on moral discourse is not a prevailing aspect of the discourse itself. Rather, there must be evaluative criterion first by which to judge man's functionality. MacIntyre writes

Moral arguments within the classical, Aristotelian tradition -- whether in its Greek or its medieval versions – involve at least one central functional

20

⁶ Macintyre 58

concept, the concept of man understood as having an essential nature and an essential purpose or function; and it is when and only when the classical tradition in its integrity has been substantially rejected that moral arguments change their character so that they fall with the scope of some version of the 'No "ought" conclusion from "is" premises' principle.⁷

The notion of a watch accurately keeping time is essential to our notion of a watch. We can evaluate the status of the watch and even understand what the watch itself is by our definition of its function. Without an agreed upon essential nature for what makes human beings human beings, it is no surprise that we cannot come to hard and fast conclusions about what would be best for the human beings in question.

It is only within the context of a tradition that one can generate meaningful answers about what makes a human being functional, because it is only within the concept of a tradition that such concepts can be generated. One cannot articulate them from rationality alone because rationality itself can only be made intelligible when viewed in the historical context within which it participates.

MacIntyre writes,

For the story of my life is always embedded in the story of those communities from which I derive my identity. I am born with a past; and to try to cut myself off from that past, in the individualist mode, is to deform my present relationships. The possession of an historical identity and the

21

⁷ MacIntyre 58

possession of a social identity coincide. Notice that rebellion against my identity is always one possible mode of expressing it. ⁸

What it means to live a good life, the very question of morality, is dependent on a tradition to be sensible because our very identities themselves are dependent on tradition. To think that we could pull something intelligible out of thin air about these issues by rational means alone is folly.

Our concept of who we are comes from the traditions and patterns around us and so too must any concept of what we aspire to be. Of course values like those my friends and I put forth did not seem to resonate with the people at the NWP21 hearing. The good life for us is one where humans and nature exist seamlessly together with neither detrimentally impacting either. Many of us may have grown up in suburbs of large cities and feel a painful disconnect from the natural world. We find refuge in the few remaining wild places, like those in Appalachia, and it is integral to our conception of ourselves to do all that we can to make sure that these places continue to exist. On the other hand, for those who grew up in Eastern Kentucky, one of the poorest parts of the nation, their history is completely different. In areas with unemployment and poverty regularly in double digits, the economic security that comes from mining coal by whatever means necessary is the difference between being able to have pride in your work, food for your children, and maybe even a good education. The fact that some people would rather use the mountains and their contents that you depend

8 MacIntyre 221

on for survival to "recreate" would probably infuriate you. Since both of us have such radically different understandings of what it means to live the good life, then both of us have radically different concepts of what the moral thing is to do in this situation.

So what hope does MacIntyre have in way of a solution to this moral stalemate? Not much. MacIntyre compares out current state to that of Rome during the early Middle Ages, with morality in turmoil as massive cultural shifts take place. He writes:

What matters at this stage is the construction of local forms of community that with which civility and the intellectual and moral life can be sustained through the new dark ages which are already upon us. And if the tradition of the virtues was able to survive the horrors of the last dark ages, we are not entirely without grounds for hope. This time however the barbarians are not waiting beyond the frontiers; they have already been governing us for quite some time....We are waiting not for Godot, but for another—doubtless very different—St. Benedict.⁹

He does not give us virtues to run our community because he doesn't have to.

He feels that the Aristotelian tradition is rich enough as it is to guide our ventures from now on. In fact, MacIntyre probably wouldn't have a problem with most virtue-based ethics. Ultimately, he is only interested in our culture ceasing to look for grand rationalist solutions to problems that go beyond the scope of rationality.

⁹ MacIntyre 263

He does not want to solve the deep divisions that separate us and make real progress on the debates of our time impossible. He seeks instead for us to realize that we will never find these solutions and instead retreat into our separate camps and stop pretending that we were ever one coherent culture. For MacIntyre, our struggle with diversity is not a credit to our cultural resources; rather, it is the sign of wasted time and energy trying to get several differently shaped pegs into several differently shaped holes. It is only when we retreat back into smaller communities with intelligible and recognizable traditions that we will be able to begin the process of recognizing our own latent traditions and rearticulating them in this new context. Just as Augustine transformed Platonic and Aristotelian ideas to conform with medieval Christianity, someone needs to look to our common past and rearticulate those ideas for our new age.

CHAPTER 4

JEFFERY STOUT AND THE DIFFERENCE BETWEEN TROLLS AND "TODD"

While MacIntye's vision of the collapse of large scale and incoherent cultural artifices transitioning to small scale communities deeply rooted in tradition seems idyllic, that simply will not cut it with where we're at today. For one, there are very large and very relevant questions pertaining to the continued survival of the species before us right now. Half of Congress seems to doubt widespread scientific consensus that human caused climate change will affect life on the planet. This makes the other half so blindingly mad that they fail to listen to views of those that though they may agree with the premise of anthropogenic climate change, are unsure of the size of its impact on climate change as a whole. The end result involves the politicization of critical scientific data undermining the credibility of the whole endeavor. Global warming aside, 70% of water samples

taken in Eastern Kentucky are rated as toxic for their Ph and heavy metal content¹ and the US Geological Survey projects that there are only 20 years of

_

¹ Alice Jones with Evan Smith and Jeff Combs. "The 'Big Dip:' A Diagnostic Field Analysis of Water Quality in Eastern Kentucky." *Eastern Kentucky Environmental Research Institute* (2007).

coal left to mine in Central Appalachia.¹ These issues need to be addressed now. Second of all, most of the people that spoke against NWP21 in Pikeville were local residents themselves. While there were a great many low-landers in attendance, the dialogue itself was undertaken mainly by Appalachians with Appalachians. They shared the same traditions and cultural heritage, and in fact both groups drew heavily on that to make their points.

Take Nina McCoy's comment to the Army Corps of Engineers for example. She refuses to make the issue coal miners versus tree huggers.

We all know and respect our miners. Those of us with families who have been in this area for the last 100 years or more, we know the coal companies and are well aware of what they are willing to do to make the almighty dollar. However, we don't know you. And we have lost respect for you and faith in what you are supposed to represent. ²

No one can claim that Nina is a tree hugger unable to sympathize with the miners. She begins her comment by making this issue about something else other than them. While she may wish they would preserve the strong union tradition of the UMWA in the face of union hostile companies like Massey Energy, she acknowledges that is not pertinent to the discussion at hand. She even reluctantly lets the coal companies off the hook; after all, they are only

26

¹ Robert C. Milici and Kristin O. Dennen. Production and Depletion of Appalachian and Illinois Basin Coal Resources. Chapter H of <u>The National Coal Resource Assessment Overview</u>. US Geological Survey. 2009
² McCov. Nina.

doing what comes natural to corporations: making as much money as quickly as possible. Nina turns the responsibility directly on the Army Corps of Engineers. "We don't know you," she says. She does not know what they do, since it is obviously not enforce the law. Beyond that, they are not members of her community. The Corps does not get the same benefit of the doubt as the miners and coal companies do because at the very least, Nina knows the faces behind those labels. They are part of her daily life, part of her family and her history.

Yet there is still the issue of the glaring differences between her arguments and that of the miners. While MacIntyre's solution does not seem feasible, if his challenge to our capacity to agree with one another is not met, it does not matter. We are still in trouble. We must find some common ground with one another to begin to have meaningful conversations about such things as soon as possible. The work of Jeffrey Stout does just this. Coming of age during the Civil Rights and Anti-War movement and working alongside secular Jews, dissenting Protestants, and radical Catholics. He writes, "I have known since then that it is possible to build democratic coalitions including people who differ...and to explore those differences deeply and respectfully without losing one's integrity as a critical intellect." Stout refuses to argue, as Rawls does, that all of these problems can be solved rationally and that it's only a matter of time before everyone gets on board; each individual retains their integrity as a critical intellect. Yet given that information, he also refuses to believe that there is no

³ Jeffrey Stout. Democracy and Tradition. Princeton, 2004. Princeton, New Jersey 229

common ground on which to have these conversations. As a veteran of movements as opposed to an adherent of ideologies, Stout knows this is not true. He has seen it happen himself. By examining what all moralities have in common, he finds that ethics can remain objective and non-authoritarian while not calling for uniform agreement of truth, and providing guidelines for the virtues that would facilitate these important conversations.

To say that two different conceptions of morality have absolutely nothing significant in common is absurd for Stout.

Anybody's morality resembles everybody else's in some respects...the possibility of adjudication in a given case does not depend on a guarantee of adjudication in all cases. And it seems likely that adjudication will succeed in more cases if it allows itself to rely on local similarities, not merely on the ones that are also global uniformities.⁴

Rather than immediately write off a dispute between two codes of ethics as intractable, it can pay to look at basic commonalities that the two might share. Nina McCoy's comment shares much in common with that of the woman who spoke up for her children; Nina values miners and even understands the coal companies. She is not fighting them. All Nina wants is for the government agencies that we pay to enforce laws do just that. She is not trying to stop coal mining at all or prevent anyone from having a job; she merely wants the laws that are on the books to be enforced fairly. If enforcement of those said laws makes

28

⁴ Stout 229

life more difficult for that woman and her family, then they have just as much right to organize and ask for them to be changed as Nina does to organize and ask for them to be enforced. Yet by Nina framing her argument in terms of miners and coal companies, she may have opened up room for a conversation. She might not "know" that woman, but she knows how to have a better conversation with her than some Army Corps of Engineers Lieutenant from who-knows-where.

What is doubly important to Stout is that this remain a true conversation. He does not believe in any kind of moral realism whereby ethical precepts are extant entities that can be discovered and made known to those unwashed masses still ignorant enough to dispute them.⁵ Yet he still believes that ethics and morality can be objective even if we do not necessarily agree on the metaphysical or traditional supports that spawn them.

Democratic ethical norms were instituted, then, in the same way that soccer players instituted the normative statues associated with fouling. Before there was a rule against fouling, soccer players acquired a habit of stopping play in response to instances of hacking. By the same token, democratic ethical norms originally took shape in shared disposition to respond in certain ways to behavior of certain kinds.

Ethics in democracy then are objective in the sense that rules of a game are objective; they are part of a shared social practice. Hitting someone while you're playing soccer with them disrupts play and takes away from the practice of

⁵ Stout 224

soccer; you have an advantage but not because you are faster or nimbler. Therefore, collectively, all soccer players can get behind the idea that hitting people during soccer must be discouraged. In a similar manner, rules of democratic discourse come about as we find the ways to have conversations and live our lives that allow for the smoothest functioning society. That does not mean that the community in question is the ultimate authority, handing down decisions. "Rather, it is social in the sense that it needs to be understood in terms of what the individual members of a group do when they keep track of their interlocutors' commitments from their own perspectives." The discourse is maintained by the participants in the discourse without having to appeal to any ultimate judge or authority. We are our own referees as we go about exchanging reasons with one another for why we believe certain things and don't believe others. We do not have to agree with each other about the content of our views but we must monitor one another and insure that we maintain a productive discourse.

This valuing of discourse over specific ethical injunctions demonstrates that Stout has a much different understanding of truth than either MacIntyre or Rawls. To Stout, truth is an ongoing process, not a treasure to be discovered. For Stout, there is a great deal of difference between saying that a claim is justified and saying that a claim is true. One can be justified in believing something—being entitled to believe it—is a status that can vary from context to

⁶ Stout 279

⁷ Stout 247

context." So coal miners who repeatedly stood up and gave comments to the Army Corps of Engineers saying that there were 250 years of coal left to mine in Central Appalachia because that was what everyone that they knew and trusted believed were totally justified in believing that. They had no other context available to them that would allow them to believe anything differently. The purpose of discourse, though, is to change that context. They need to hear that those numbers indeed cannot be supported by empirical evidence, as the US Geological Survey (not dirty, tree-hugging hippies) projects that substantial coal production in Central Appalachia only has a few decades left. That reason to support continued coal mining then disappears and the conversation can continue.

This notion of truth entails certain implications, however. While one may be able to see that their position is truer than another (i.e. I can objectively state that there is not 250 years of coal left to mine in Central Appalachia) I cannot say that my position has exclusive claim to all truth in a discourse. I never know what holes in my context that might be that might lead me astray. Pikeville was a shining moment of this. Before I went to Pikeville, the solution to Appalachian transition seemed clear. Rather than mortgage the future on a temporary energy source, we should use these tall mountains for their more renewable potential for wind and solar energy. The mountain is saved, the coal miners all have jobs, and the coal operators could even invest in these new technologies. The earth stops

⁸ Stout 231

⁹ Robert C. Milici and Kristin O. Dennen

warming, the streams are not poisoned, and everyone lives happily ever after. While KFTC was at the hearing, they live blogged about the event. The KFTC blog is open to comments, and while certainly there is the spam and trolling of any public comment site as people try to bait each other into internet shouting matches, two commenters calling themselves "F" and "Todd" made some very illuminating comments. My friend Meredith couldn't go with us but was checking the live blog for updates. F and Todd made some preliminary remarks about jobs and Meredith responded, discussing how a wind farm can provide longer term jobs. Todd responded in a polite, but challenging way, saying

Wind Farms? Are they a viable option in Floyd County? How many people are they going to employ? Over 4,000 miners came out last night, some have already been laid off and the remaining ones will be by the end of the year unless the company's [sic] can obtain permits.¹⁰

I had heard the stories of my friends and neighbors in Eastern Kentucky bathing their children in water filled with arsenic or losing land that had been in their family for generations to blatantly illegal mines. I knew that mining was important to the economy but it just made sense that if we lose one energy job we would replace it with another. Right? Not necessarily. There are no wind jobs right now for the miners being laid off as they await a decision from the Federal Government that could drastically change the way they do business. The

¹⁰ Comment by Todd on KFTC live blog. http://www.kftc.org/blog/archive/2009/10/13/live-blogging-the-pikeville-valley-fill-hearing. Accessed on 20 April 2010Comment by Todd on KFTC Live Blog.

company is trying to maximize profits, and in the face of uncertainty, they chose to cut costs. Todd was aware of the stories of his friends and neighbors that were being laid off in the middle of the worst recession since the Depression in a region with a legacy of high poverty. For Todd to get behind "Green Jobs," they have to be a real thing.

Todd performs the self policing that Stout argues happens in healthy democratic debate. He monitored our claims and audience and addressed those that he felt may not be true. In so doing, he forced me to think hard about what I really thought about the issues. While I still feel that mountain top removal coal mining and the coal mono-economy are wrong, Todd has forced me to make my arguments and therefore my solution to these very problems better. Todd and I are even on agreement here. In responding to another KFTC member he says, "I'm agreeing we need economic diversity! I don't deny that. I'm not fighting or voicing my concern on adding more jobs."11 He might work for the coal industry, but he is certainly no lackey. He is educated enough to understand the damage that the region's mono-economy has wrecked on its ability to develop. He is not an internet troll, only trying to make inflammatory comments to stir up the ire of other commenters. He only wants to have legitimate and honest conversation that can lead to solutions that improve the quality of life in the place he calls home. He only wants what we only want, and it only makes our discourse stronger.

_

¹¹ Comment by Todd On KFTC Live Blog

Indeed, this discourse itself maybe the arational tradition that we as

Americans share, and if that is the case, then there are virtues that come out of
that we can all agree on. Stout has those at the ready.

Humility is the best policy....How can we claim to be justified in believing something and also suitably humble in what we claim to know? By saying that being justified is relative to context and that the relevant features of context might change in unexpected ways....The possibility of change is not yet a reason to abandon any particular belief...If being justified in believing something depends on context, and context can change, perhaps for the better, then we should do our best to remain open to the possibility.¹²

We must be humble as we talk to each other. We have to be prepared to have our contexts shifted at all times and we must be open to it. No good is done if I read Todd's comment, get mad at him for being some coal flunky, and return to my dream world of hundreds of mountains with their tops still on bristling with wind turbines and progress. That does not mean that I should abandon the idea of wind turbines all together, or even my beliefs about mountain top removal. My context is changed; total transition to renewable energy in the immediate short term may not be feasible. I am still justified in believing that mountain top removal and the coal mono-economy are wrong. Yet my solution needs some fine tuning. It's certainly not comfortable realizing you may live in a fantasy world, but in my

¹² Stout 234

experience, it always works out for the better. Just as it was painful to realize that energy does not come from a switch on the wall, it was painful to realize that Appalachian Transition may be more complicated than I realized. Yet every time context shifts like this occur, they get easier for me because they serve as reminders to stay humble in how I perceive the world and my discursive partners.

Hand in hand with humility in regard to our own position comes charity for those of our discursive partners. Rather than assume that their beliefs are unjustified and therefore must be written off, we should grant that their context justifies their beliefs just as much as our context justifies ours.

Unless we are prepared to give up our beliefs at the points of conflict, we shall have to say, on pain of self-contradiction, that some of their beliefs are false. But unless we can show that they have acquired their beliefs improperly or through negligence, we had better count them as justified in believing as they do. And while we're at it, we had better consider the possibility that their context affords them better means of access than we enjoy to some truths.¹³

Again, charity and humility are not to be confused with relativism or nihilism. In acknowledging our shared fallibility we are not acknowledging the pointlessness of the endeavor of seeking truth. We must recognize that just as we may be wrong, our partner may be right and that the two positions are not mutually exclusive. At the very least, we should assume that they are just as justified as

35

¹³ Stout 234

we are in believing what we believe. Unless we can change some aspect of the context that supports their justification, it is probably better to take their claims at face value and respond to them directly rather than attempt to tear them down. My response to Todd regarding wind turbines cannot be merely a rehashing of previous arguments about the damage that coal does to the community and the land; he's heard that already. Maybe I should discuss the numbers of how many wind turbines could be built if the state chose to subsidize renewable energy more than the millions of dollars spent for coal. That way, the conversation keeps moving forward as both of us continue to amend our positions in response to the other. We have a complicated volley where we rely on each other to call our fouls as well, resulting in an interesting and good natured game of tennis; no more simultaneous serves without responses.

CHAPTER 5

TOWARDS A MEANINGFUL HOLE; APPALACHIAN TRANSITION AND BEYOND

Fortunately, there are people working on this right now. Many of the politicians and coal officials tried to paint all KFTC members in attendance as "outsiders" only interested in saving an Indiana brown bat. In reality, almost all of those who commented were native Appalachians or people otherwise directly affected by mountain top removal. Indeed, even though I was not comfortable saying this at the time, we are all directly affected because all live downstream from the creeks that become the rivers from which we drink. The coal companies have long used divisive tactics to subjugate the people of Appalachia. The obvious answer to this mono-economy that forces people to take highly risky jobs, wreaking havoc on their ancestral land, and pitting them against their neighbors must be one of reunification. We must not only learn how to converse with one another again with the virtues of charity and humility always with us, we

¹ Chad Berry. "Miners Take Heat To Give Us Light." Lexington Herald-Leader.

April 18 2010

must use those to find real solutions. Both sides of the debate strongly invoke their shared Appalachian and mountaineer tradition. Rather than view this as two

intractable views on the same idea, we should view it as the starting point for common ground for what the future can look like.

Contrary to popular belief, coal mining in Appalachia has not been going on forever. Native Americans lived off the land and white settlers blended old world techniques to "create a unique culture that was intrinsically informed by their dependence on the land for sustenance." This shared heritage and unique culture is part of what each side draws from when they justify their position with allusions to their ancestry. Using this common ingenuity and sense of place, solutions can be found all over. And while no single economic endeavor will replace coal mining, that is exactly the point.

Nathan Hall, a KFTC member from Floyd county and former miner working on alternative green energy issues in Appalachian wrote, "Holistic, multi-faceted systems should be stressed that can create economic and environmental benefits beyond direct energy production." Rather than follow the models of the coal companies by sucking resources, capital, and potential out of Appalachia to the rest of the nation, solutions must depend on Appalachians working together to generate capital that creates strong jobs and safeguards the land. Through

¹ Nathan Hall. "The Inextricable Bond: Central Appalachia's Relationship to Land and Energy in the 21st Century." 7 January 2010. Appalachiantransition.net. Accessed 20 April 2010

² Hall 2

talking to one another, we can realize that these categories are not incommensurable but indeed must be essentially linked so that all people can have decent quality of life.

We do not need to fight the coal companies. That will get us nowhere. That only feeds the division that allows the people that hold power to keep it. It's futile anyway, because we have firm evidence suggesting that coal's future is limited. We need to look to each other and our conversations to create a community where people don't have to mine coal to survive. What if we used reclaimed mountain top removal sites to grow the components of biomass? What if we encouraged local entrepreneurship to market cultural artifacts like home canned preserves? What if we trained workers to weatherize homes for some of those 30% of people in the region below the poverty line? All of these are projects that communities are taking action to implement right now.

Each of these alone won't do much to make a sustainable community in Appalachia, just as one voice alone calling for change won't do much to make a difference. But a conglomeration of diverse projects working for progress that respects the past and the future, that is change. A choir of voices that takes time to listen to itself to find a harmony out of discord, that is power. In some ways, it's a new power. It challenges the way things are and business as usual. It refuses to grant that we cannot get along with our neighbors anymore and that it's no use

to work for a better tomorrow. Yet it may be as old as the hills of Eastern

Kentucky itself, because fundamentally it is the power of people to work together
to transform their given landscape into something better for their children. Dr.

King said, "The arc of the moral universe is long, but it bends toward justice."

This is a statement of great faith, but it is not blind faith. It is in all of our common
interest's to live in a just society and the volumes written on the subject attest to
how much we strive to do so. Even though we may argue with one another about
justice and even though we have yet to find an absolute and infallible unified
concept of justice, that does not mean we should cease looking. It just means we
should keep talking to one another because involving everyone in our vision for
the future is the best way to create a future that in which all can live together.

Appendix 1: Full Text of Nina McCoy's Comment to the Army Corps of Engineers

Statement to the Army Corps of Engineers

Pikeville, Kentucky Hearing

Tuesday October 13, 2009

I am a Biology teacher from Sheldon Clark High School. It is the only high school in Martin County where 25% of our land has been stripped by coal mining and 70% of our students qualify for free or reduced lunch. Obviously these students are not supported by the coal company. I am here on their behalf. I am not being paid to be here and I am not here on behalf of the school system. I am simply fulfilling my duty according to Proverbs 31: 8-9:

Speak out for those who cannot speak, for the rights of the destitute. Speak out and judge righteously, defend the rights of the poor and needy.

Now I have no quarrels with the working coal miners who are here. These people are doing exactly what they ought to be doing. They are working to provide for their families. I would like to see them honor their forefathers who fought and died for a union, but that is another battle for another day.

As much as I hate to admit it, I can't really fault the coal companies either. They are doing exactly what a corporation is supposed to do. They are making as much profits as they can just as fast as they can. If this means not having unions so that they can give less benefits and have greater control over their workforce, and if their workers are willing to do that, then that is exactly what they ought to do.

If they need to use machines and dynamite to get the coal faster and cheaper, then that is exactly what they ought to do. If they have to skirt the law and they can get by with it, then we expect that to be done.

The group I can find fault with is yours. The regulators, no matter what their titles, who are paid by taxpayers to act as our experts to prevent the coal companies from overstepping their bounds and ruining our land, air, and water have been (for way too long) acting like they work for the corporation.

Your presence here shows that someone has noticed this. And I really appreciate whoever that was. However, I am here to remind you how important it is to make your workers (our workers) do what they were meant to do in the first place.

We all know and respect our *miners*. Those of us with families who have been in this area for the last 100 years or more, we know the *coal companies* and are well aware of what they are willing to do to make the almighty dollar. However, we don't know you. And we have lost respect for you and faith in what you are supposed to represent. I want to remind you that you are our sentinel. We have appointed you to sound the alarm when something is not right. We need to be able to call on you when we think something is not right.

Stopping the nationwide permit process for coal mining would be an excellent first step, Thank you. However, I have a few other suggestions for your agency.

First of all when a coal company puts in request, to remove a mountaintop the people in a democracy have the right to find out what this will entail for them and there should be a period of public comment, which there is **if it is not** a nationwide permit. However, we need to know about the process that citizens must use to have public input. We need your expertise.

Secondly, when you get a request for a higher use of the land, don't allow any corporate welfare cases. Putting a federal prison, a public airport (mainly used for corporate jets), or a pig farm run by a local university on top of an MTR site is just subsidizing the coal company's responsibility with public money. If they can't afford to fix it back then they can't afford to blast it away.

Thirdly, once you issue the permit, if the people come to you to tell you that something is not right, there must be someone there to listen. If land is being mined that shouldn't be, if homes, wells, or waterways are being affected, then you, as the issuer of the permit, should be the ones to hold the company liable. Our citizens do not have the resources to sue the company, let alone to win the case, but that is your agency's responsibility.

And finally, as you look at each individual permit, think very hard about the cumulative effect of this whole thing. As our "Corps of Engineers", you are the *only* ones we can depend upon to do this. If a coal company tells you we need the flat land for a new

Wal-Mart Super Center, think about the hundreds of square miles of flat land that has already been created by previous MTR work.

Remember you are our sentinel, and Ezekiel 33 gives this warning to the sentinels:

"If the people of the land take one of their number as their sentinel;... And if the sentinel sees the sword coming and does not blow the trumpet, so that the people are not warned, and the sword comes and takes any of them...their blood I will require at the sentinel's hand"

If your bosses don't give you the resources to do what is right by the people, especially that 70% that cannot afford a school lunch, then you need to blow the whistle on them.

Keep in mind, we may not be able to afford to take you to court, but you will eventually answer to a higher authority.

Nina McCoy

Appendix 2 Todd's Comment on NWP Live Blogging Site

Cari

Posted by Todd at October-15-2009 09:19 AM

Have you read any of my comments? Im agreeing we need economic diversity! I dont deny that. Im not fighting or voicing my concern on adding more jobs. If you have read any of my comments on this blog, Im for the right to work. Im against the suspension of the NWP 21 for the simple fact that companies cannot adequately plan. The coal companies have no idea when they may get a permit and without them they will lay off workers. Im all for the Corps doing their job and reviewing permits, just give the coal companies a set form and some kind of idea on timing.

My opinion is we need coal in the short term future (10 to 15 years) to bridge the gap to alternatives. Why not take some of the coal severance money and provide incentives for Alternatives Energy? Heck lets give them since incentives to come to Appalachia to do some feasibility studies. Lets look to build factories on these old strip jobs. I agree more can be done and we do need choices.

When you talk about history and heritage you are preaching to the choir. Ive lived it, my roots run as deep here as anyone. Im not going anywhere, Ive spent just as much time exploring this hills as anyone. MTR is an emotional subject and i know for certain, my emotions get the best of me sometimes but we dont make good sound decisions based on human emotion.

For me, working in the coal industry was my decision. My dad and mom tried every way in the world to keep me from it. I guess you could say that energy related work is in my blood. My dad has worked 35 + years in the coal industry and my mother worked 30 years in the Natural Gas business. I have multiple aunts and uncles that work in both industries. My great grandfather worked 40 years in the Natural Gas industry. Ive worked on Gas Wells, Oil Wells and in the Coal industry. I love it!

Bibliography

Eric Reece. Lost Mountain Penguin Group New York City 2004.

Nathan Hall. "The Inextricable Bond: Central Appalachia's Relationship to Land and Energy in the 21st Century." 7 January 2010. Appalachiantransition.net. Accessed 20 April 2010

Chad Berry. "Miners Take Heat To Give Us Light." Lexington Herald-Leader. April 18 2010

Comment by Todd on KFTC live blog. http://www.kftc.org/blog/archive/2009/10/13/live-blogging-the-pikeville-valley-fill-hearing. Accessed on 20 April 2010

Jeffrey Stout. Democracy and Tradition. Princeton, 2004. Princeton, New Jersey

Robert C. Milici and Kristin O. Dennen. Production and Depletion of Appalachian and Illinois Basin Coal Resources. Chapter H of <u>The National Coal Resource</u> <u>Assessment Overview</u>. US Geological Survey. 2009

Alice Jones with Evan Smith and Jeff Combs. "The 'Big Dip:' A Diagnostic Field Analysis of Water Quality in Eastern Kentucky." *Eastern Kentucky Environmental Research Institute* (2007).

Nina McCoy. Comment to the Army Corps of Engineers. Nationwide Permit 21 Hearing, 13 October 2009.

Upton Sinclair, I, Candidate for Governor: And How I Got Licked (1935), University of California Press, 1994, p. 109.

Charles Duhigg. "Toxic Waters-Clean Water Laws Are Neglected, at a Cost in Suffering." New York Times. September 12 2009. http://www.nytimes.com/2009/09/13/us/13water.html? r=1

Sludge. Film. Directed by Robert Saylor. Whitesburg, KY. Appalshop, 2008.

Alasdair MacIntyre. <u>After Virtue</u>. University of Notre Dame Press. Notre Dame, IN 2007.

John Rawls. A Theory of Justice. Harvard 1971. 16