

Background to the West Virginia mine disaster

Massey Energy and the United Mine Workers union

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Massey Energy—which owns the Upper Big Branch Mine in Montcoal, West Virginia, where at least 25 miners lost their lives in a methane explosion Monday afternoon—has a long record of sacrificing the lives and limbs of coal miners in pursuit of profit.

The nation's fourth largest coal company, Richmond, Virginia-based Massey Energy made \$104 million last year, twice its 2008 profits, despite continued weak demand for coal. The profits were largely gained through a vicious cost-cutting campaign, including the elimination of 700 jobs, shutting down of higher-cost mines and "significant wage and benefit reductions," according to a report on the NASDAQ web site.

At the same time, the company told investors it anticipated increasing production to 50 million tons and would increase profits by exporting more metallurgical coal to Asian steelmakers who were recovering faster than their European and US counterparts. Thus the company intends to increase production and profits with fewer workers. These workers will be driven to produce even more, while safety regulations are largely disregarded.

Last year alone, the Mine Safety and Health Administration (MSHA) cited the Upper Big Branch Mine for 495 violations. During the same time production was tripled at the mine. Since 2005, the mine was cited for a total of 1,342 violations, including 50 in March. Asked if the mine had an unusually high rate of safety problems, Massey CEO Don Blankenship told a West Virginia radio station Tuesday that safety violations were "a normal part of the mining process," adding that there are "violations at every coal mine in America."

Monday's disaster—with the worst US mine death toll since 1984—is only the latest in a series of fatalities at Massey operations. In 2006 a fire at Massey-owned Aracoma Alma No 1 Mine in Logan County, West Virginia, killed two workers, Don I. Bragg, 33, and Ellery Elvis Hatfield, 47. Massey's subsidiary agreed to plead guilty to 10 criminal charges, including one felony of falsifying safety records, and to pay \$4.2 million in fines, the largest ever levied in a mine fatality case.

On January 15, 2009, the *Charleston Gazette* reported that Aracoma widows Delorice Bragg and Freda Hatfield urged US District Judge John T. Copenhaver to reject Massey's plea bargain and fine for the accident, with Bragg saying it was clear "that Massey executives much farther up the line expected the Alma Mine to emphasize production over the safety of the coal miners inside." Despite their pleas, government prosecutors agreed not to bring additional charges against Massey Energy or any of its executives.

Late last year, Massey signed a letter of agreement with Blankenship, guaranteeing the CEO a base salary in 2010 and 2011 of \$83,333 per month, plus a target cash incentive bonus award for each year of \$1,500,000, and millions more in performance-based stock incentives. While compensation figures are not yet available for 2009, Blankenship

made nearly \$24 million in 2007 and \$11.2 million in 2008. Earlier this year, he cashed in 200,000 shares of stock options—whose value had more than doubled, and pocketed \$3.8 million.

Massey is literally able to get away with murder because it has friends in high places. In 2002, former president George Bush named former Massey Energy official Stanley Suboleski to the MSHA review commission that decides all legal matters under the Federal Mine Act. West Virginia's Supreme Court justices have also received millions in campaign contributions, one even going along with Blankenship on a French Riviera vacation.

The United Mine Workers of America

While the company is notorious for buying politicians and judges, the most important factor that enables Massey and other companies to brutally exploit coal miners is the role of the United Mine Workers union (UMWA).

The UMWA established roots in southern West Virginia during the bitter Mine Wars of the 1920s and 1930s. Today, it represents only a small number of active miners in West Virginia, Kentucky and other Appalachian states. All told, the active membership of the UMWA has plummeted from over 120,000 in 1978 to 14,152 at present.

The struggles of coal miners led to a major increase in living standards, health care and other improvements. Today only Mississippi is poorer than West Virginia. Some of the most impoverished counties include McDowell and Mingo, two former strongholds of the UMWA.

The UMWA betrayal of the 1984-85 strike at what was then known as AT Massey set the stage for a drastic rollback in the working conditions and living standards of coal miners throughout the industry.

In September 1984, Massey refused to sign the Bituminous Coal Operators Association agreement—which set the standard for wages and benefits throughout the industry—and insisted that the UMW bargain separately with 14 different subsidiaries, maintaining the legal fiction that these were independent enterprises.

Historically coal miners would carry out a national strike and shut down the entire industry until every operator signed the BCOA agreement,—following the principle that "an injury to one is an injury to all." In December 1983, however, newly elected UMWA president Richard Trumka (now the head of the AFL-CIO), and the rest of the union leadership abandoned the principle of "no contract, no work" and industry-wide strikes in favor the policy of so-called selective strikes against individual companies. (See "AFL-CIO names new president: Who is

Richard Trumka?”)

In October 1984, 2,600 Massey miners struck company operations in Pennsylvania, Kentucky and West Virginia. After languishing on the picket line for nearly five months, the strike erupted into a full-scale battle with company thugs and state police in February 1985. President Reagan, like his British counterpart Margaret Thatcher, saw taking on and defeating the miners—long the most militant section of the working class—as crucial for imposing a permanent reduction in the living standards of the working class as a whole.

Massey, then controlled by giant multinational conglomerates including Royal Dutch/Shell, hired a private army of paramilitary mercenaries and used armored personnel carriers and helicopters for its strikebreaking operations, while Democratic and Republican state governments and judges in the coal states sent state police to escort scabs through the miners’ picket lines and issued injunctions against the miners.

The center of the struggle was in Lobata, West Virginia, across the Tug River from eastern Kentucky and near the town of Matewan, where miners had fought hired gunmen during the Mine Wars of the 1920s. A contemporary account of the event, written in the *Bulletin*, the newspaper of the Workers League (forerunner of the Socialist Equality Party), cited the comments of Massey miner Bobby Thornsby. “This is the story here,” he said, pointing to the company thugs. “They have 70 armed guards in here and they are taking union members’ jobs. The men and women in the community are fed up with it. There have been incidents where armed guards go on people’s property with weapons and video equipment.

“The company has vicious attack dogs, helicopters that hover 20 feet over people’s houses, and we saw 15-20 guards with guns on that road on the hill the other day. This is something you would see in another country.”

Another Massey miner from Kentucky added, “Massey and the president want to break this union. AT Massey wants to take 700 men and put them on the street and hire 700 scabs to take our place. If Massey gets away with this, they will all try it.”

In the face of this assault, Trumka maintained the isolation of the AT Massey strikers, refusing to mobilize the strength of more than 100,000 working UMW miners throughout the coalfields. Instead, he ordered the miners to participate in fruitless civil disobedience stunts. Finally, after months of capitulating to the government’s strikebreaking operations, Trumka called off the strike on December 16, 1985.

Hundreds of miners were left fired and blacklisted while others were forced to return on the company’s terms and to work side by side with strikebreakers.

During the strike, on May 29, 1985, a scab coal truck driver named Hayes West was shot to death outside of Canada, Kentucky. The circumstances of the shooting indicate that it was a provocation staged by the company or its hired gunmen in order to brand the strikers as terrorists and create the pretext for the government to ban all picketing.

Five AT Massey miners were framed up for the shooting death of West in a government effort to railroad a group of militant miners into long jail sentences and thereby intimidate the rank and file. The miners were UMW Local 2496 President Donnie Thornsby, David Thornsby, Arnold Heightland, James Darryl Smith and Paul Smith.

The case, based entirely on the testimony of paid informants and stool pigeons, alleged that the shots that killed West were fired from the top of a nearby mountain. But West was killed by a blast from a shotgun, a close range weapon, and fatally wounded by ammunition that was generally available only to police and security companies. Witnesses reported seeing guards on the mountain at the time. None testified to seeing any

union miners there.

The key to the success of the frame-up was the complicity of the UMW and its president Richard Trumka, who refused to defend the embattled miners. The union magazine, the *UMWA Journal*, never carried an article on the arrest, trial, conviction or jailing of the miners. The union provided no financial or legal assistance to the miners or their families.

With the complicity of the UMW, the Reagan administration prosecuted and jailed four of the miners in a 1987 trial, and sentenced them to prison terms ranging from 35 to 45 years. The fifth miner, Paul Smith, was acquitted on federal charges and immediately re-arrested on state murder charges.

After serving 20 years, James Darryl Smith, 57, and David Russell Thornsby, 55, were released in November and December 2007 respectively. Arnold Ray Heightland, 68, was released in June 2009. Donnie Thornsby, 57, remains at a federal correctional facility in Nashville, Tennessee, with a projected release date of September 20, 2010.

These miners spent decades in jail for no other crime than fighting to defend the jobs and livelihoods of miners. In contrast, the owners and top management of Massey have never spent a day in jail for the disregard of the most elemental safety precautions that have led to the deaths of scores of miners.

The betrayal of the AT Massey strike by the UMW set the stage for a wave of violent union-busting, frame-ups and the murders of militant miners over the next decade. Time and time again, from the 1989 Pittston strike, to the frame-up of the Milburn miners, to the 1990 murder of former AT Massey miner John McCoy, to the 1994 frame-up of striker Jerry Dale Lowe, the pattern was the same—the UMW left its members defenseless and collaborated with management and the state authorities against them.

From the outset, Trumka and other UMW leaders, including current president Cecil Roberts, sought to defend their “partnership” with the coal companies and alliance with the Democratic Party. They set out to destroy the militant and class-conscious traditions of the miners and turn the UMW into an adjunct of management. Trumka’s reward for imposing the dictates of management was to be elevated to the presidency of the AFL-CIO.

The brutal conditions of exploitation—and the horrible loss of life seen in the West Virginia mine disaster—cannot be understood outside of this record of betrayal. Overcoming these conditions is only possible on the basis of building a new organization of miners, reviving the powerful traditions of class solidarity and developing a new socialist strategy that places the needs of the working class—including for safe and secure employment—above the profit interests of the wealthy few.

The author also recommends:

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Part One

[25 January 2006]

Part Two

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