

Former Massey CEO Don Blankenship announces run for US Senate

Clement Daly**21 December 2017**

Late last month, former Massey Energy CEO Don Blankenship announced his candidacy for the US Senate in West Virginia. Blankenship, who oversaw the deadly Upper Big Branch (UBB) mine disaster in 2010, will run against West Virginia Attorney General Patrick Morrisey and US Representative Evan Jenkins in next year's Republican primary. The winner will challenge incumbent Democratic Senator Joe Manchin in the November 6, 2018 election.

Blankenship headed Massey when the UBB mine in Raleigh County, West Virginia exploded on April 5, 2010, killing 29 coal miners. Blankenship is currently on supervised release from prison until May 9, 2018—the day after the primary election—after serving a year in prison on conspiracy charges to willfully violate federal mine health and safety standards and defraud the US Mine Safety and Health Administration (MSHA).

The former coal baron has yet to provide any specific details of his campaign outside of his general support for corporate and environmental deregulation coupled with his embrace of Trump's chauvinist and right-wing America First rhetoric.

When asked in an interview with WVVA-TV earlier this month what his first move in Washington would be, Blankenship answered: "Sit down with President Trump and others and make sure we know how we compare to other places in the world ... We've got to take care of the people in the United States. Trump understands that, whether it's the wall or illegal immigration or trade policy. But we have to move now if we have any chance of catching up."

In a state dominated by the Democratic Party for the better part of the last century, Senator Manchin is now West Virginia's last Democrat holding office above the level of the state legislature. West Virginia's billionaire Governor Jim Justice—himself a major coal operator in the state—was elected on the Democratic ticket in 2016 only to announce this past August that he was joining the Republican Party.

With the West Virginia Democrats' decades-long support for the coal bosses, promotion of austerity measures and indifference to the plight of the state's working class and

poor residents, Manchin's seat is certainly vulnerable to a Republican challenge.

While Blankenship remains deeply unpopular in the state, he has no doubt been emboldened by the ultra-right politics of the Trump administration. Blankenship hopes to exploit and divert, as Trump did, social anger over the state's depression-like conditions and popular alienation towards the Democratic Party. He will also use his personal wealth and business connections to buy a US Senate seat, or, failing that, to shift politics in the state even further to the right and remove whatever obstacles to corporate profit-making remain.

Four separate investigations into the UBB disaster all agreed that sparks from a longwall mining machine ignited a minor methane gas explosion, which was transformed into a massive coal-dust explosion due to the dangerous levels of accumulated coal dust in the mine. The mine's poor ventilation, inoperable sprinklers, worn and unmaintained equipment, and inadequate rock dusting all contributed to the deadly explosion. These reckless conditions, in turn, were the product of the criminal corporate culture at Massey, which placed coal production ahead of miners' health and safety.

That such a corporate murderer even has the opportunity to run for a US Senate seat next year is entirely due to the Obama administration. In the aftermath of the UBB disaster, Obama's US Department of Justice (DOJ) dragged its feet for more than four and a half years before securing a grand jury indictment against Blankenship in November 2014.

Rather than charging Blankenship with causing the UBB disaster—for which there was overwhelming evidence—the Obama administration charged the Massey boss with lesser crimes, which carried only minimal prison time. He was tried for conspiracy to willfully violate federal mine health and safety standards in the lead up to the explosion, and with two other counts related to false company statements to the US Securities and Exchange Commission and investors.

Over the course of Blankenship's two-month trial in late 2015, federal prosecutors not only took testimony from more

than a dozen former UBB miners and employees confirming the appalling conditions in the mine. They also demonstrated that Blankenship was intimately aware of, and involved in, the maintenance of these conditions for the sake of boosting Massey's corporate profits and amassing his own multi-million-dollar fortune.

Evidence at the trial showed that between January 2008 and April 2010, UBB was cited by MSHA for federal health and safety violations 836 times, 311 of which were classified as significant and substantial (S&S), where there existed a "reasonable likelihood" of serious injury. Over the same period, UBB was issued 59 unwarrantable failure orders, where sections of the mine were shut down due to "aggravated conduct constituting more than ordinary negligence."

However, in December 2015, Blankenship was only convicted on one misdemeanor count of conspiring to willfully violate mine health and safety laws, and sentenced the following April to just one year in prison and a fine of \$250,000. He served ten months of his sentence at the Taft Correctional Institution in Southern California—a minimum-security facility for white-collar criminals—before completing his time at a halfway house and his residence in Las Vegas.

Through it all Blankenship denied any responsibility and to this day claims the explosion was caused by an unnatural inundation of methane gas, aided by poor ventilation from an inadequate ventilation plan, which he claims, was forced upon Massey by MSHA inspectors. The federal prosecution, he claims, was a legal vendetta conducted by Obama, Manchin and the Democratic Party because of his outspoken Republican politics.

Over the years he has used his fortune to fund a right-wing public relations campaign aimed at clearing his name. While in prison, Blankenship published and distributed 250,000 copies of a 67-page pamphlet entitled "An American Political Prisoner."

Blankenship also appealed every ruling against him. In January, a three-judge panel of the Fourth US Circuit Court of Appeals reaffirmed his conviction and denied an additional rehearing in February. Blankenship then appealed to the US Supreme Court, which declined to hear his case in October.

Following the UBB disaster, federal and state officials and politicians, the United Mine Workers of America (UMWA), and the media did their best to present Massey and Blankenship as anomalies in an otherwise healthy industry led by responsible corporate executives. In doing so, they hoped to block any broader inquiry into the socioeconomic and political roots of the UBB disaster: the subordination of miners' lives and limbs to the relentless drive for profit by

all the coal companies and energy giants.

The presentation of Blankenship as a "rogue employer" also served to whitewash the federal and state regulatory agencies, which allowed, and continue to allow, rampant violations of basic health and safety regulations; the failure of the UMWA to defend the most basic interests of the coal miners; and the role played by the Democratic Party, which has overseen the deep poverty and exploitation in the coalfields for the better part of a century.

When Obama's Mine Safety and Health Administration (MSHA) conducted an internal review into its own role in the disaster, it admitted in March 2012 to "several instances where enforcement efforts at UBB were compromised because MSHA and District 4 did not follow established Agency policies and procedures." MSHA, concluded, however, that these actions and "inadequacies" did not cause the explosion. An independent review by the National Institute for Occupational Safety and Health (NIOSH) of MSHA's internal review, concluded shortly after, found, "If MSHA had engaged in timely enforcement of the Mine Act and applicable standards and regulations it would have lessened the chances of—and possibly could have prevented—the UBB explosion."

The Trump administration, with the full backing of coal bosses like Blankenship, want to eliminate whatever nominal health and safety and environmental protections remain. This includes Trump's proposal to eliminate coal dust standards belatedly implemented in the final years of the Obama administration to reduce the number of miners contracting the most deadly form of Black Lung disease.



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