

ROBERT F. KENNEDY, JR

On the Ravages of Coal and the Fight for *The Last Mountain*

BY ANDREW FISH PHOTOGRAPHY RAINER HOSCH

Though few would associate toasting a slice of bread with blowing the tops off of the Appalachian Mountains, this kind of explosive coal mining plays a major role in providing the daily electricity needs of the United States. Director Bill Haney's new documentary, *The Last Mountain*, makes clear that roughly half of the electricity in the U.S. is derived from coal-fired power plants and that "mountaintop removal" — which has been practiced since the 1960s — has become a prevalent extraction method in Appalachia, where a third of our coal comes from. The film follows a group of activists as they fight to stop the blasting on West Virginia's Coal River Mountain, contending that coal and silica dust in the air, coal-derived contaminants in their well-water, and the mining waste that's poured into adjacent valleys are severely and sometimes fatally impacting the health and livelihoods of local residents. Citing asthma, a lung disorder called silicosis, brain tumors, and disastrous flooding among the detriments of mountaintop removal, they organize and protest to save the mountain, which they consider the last intact peak in the vicinity and home to many headwater streams still unpolluted by mining waste. In place of the high-impact operation, they campaign for a wind farm on the mountain as an alternative power source. Their passion, tenacity, and sense of purpose had created momentum, and what they needed was someone with the legal knowhow, political clout, and iconic stature to get people listening. Enter Robert F. Kennedy, Jr. With a keen ability to highlight individual struggles as symptoms of larger issues, the author, activist, public speaker, broadcaster, and environmental lawyer galvanizes the local residents' battle to safeguard their health and save their backyard, while working to turn the country as a whole toward renewable resources and long-term, sustainable power.

Seeing great danger in the influence corporations have over government, Kennedy considers his environmental advocacy a fight against the subversion of democracy. With corporations' tendency to choose profit and shareholder confidence over public interest, coupled with their support of political candidates and influence on legislation, he speaks out and prosecutes as a challenge to both pollution and wealth-derived authority. The other part of the equation, as he sees it, is the control that corporations have over the media. With the repeal of the Fairness Doctrine in the mid-1980s, broadcasters no longer have a

legal obligation to present controversial issues of public relevance and to offer opposing viewpoints. Thus, Kennedy contends, the U.S. is presented with television and radio programming that scarcely discusses issues like mountaintop removal and the environmental impacts of coal consumption.

With a firm view that "good environmental policy is identical to good economic policy," Kennedy points out in the film that federal environmental legislation has, in the past, been a bipartisan effort. The film notes, for example, that it was Richard Nixon who created the Environmental Protection Agency in 1970, as a result of the patently obvious effects of air and water pollution at the time. Kennedy believes that if the public at both ends of the political spectrum could actually see the impact of coal mining in Appalachia, "there would be a revolution in this country." Hence the desire of Kennedy, Haney, and the Coal River Mountain activists to bring *The Last Mountain* into the national spotlight.

The son of Senator Robert F. Kennedy has activism in his blood, having discussed the environment with the staff of his uncle, the President of the United States, at the age of 10. He follows in the footsteps of his father, who was campaigning against Appalachian strip mining and the funneling of profit to out-of-state companies back in the '60s. Kennedy is currently vice chair and chief prosecuting attorney for Riverkeeper, a non-profit organization that halts and prevents pollution of the Hudson River and the water supply of New York City and Westchester County. The success of Riverkeeper led to his founding of the Waterkeeper Alliance, which unites over 150 local Waterkeeper projects internationally. He is the co-director at Pace University Law School Environmental Litigation Clinic, which brings students in to participate in Riverkeeper's legal actions. Kennedy is also senior attorney for the Natural Resources Defense Council. As a senior advisor and venture partner at Vantage Point Capital Partners, he is involved with the building of BrightSource Energy's Ivanpah Solar Power Facility in the Mojave Desert, scheduled for completion in 2013. It will be one of the world's largest solar thermal farms with the stated capacity to power 140,000 California homes.

Kennedy has authored several books, including *The Riverkeepers: Two Activists Fight to Reclaim Our Environment as a Basic Human Right* (1999), and *Crimes Against Nature: How George W. Bush and His Corporate Pals Are Plundering the Country and Hijacking Our Democracy* (2005), as well as

the children's books, *St. Francis of Assisi: A Life of Joy* (2004) and *Robert F. Kennedy Jr.'s American Heroes: The Story of Joshua Chamberlain and the American Civil War* (2007). As a broadcaster, he co-hosts the syndicated radio program, "Ring of Fire." Venice spoke with Kennedy via telephone. The following is an edited transcript.

Venice: Tell us about the Coal River Mountain controversy and the importance of the new film, *The Last Mountain*.

Robert F. Kennedy, Jr: The story is a template for what's happening all over Appalachia. It's one of the last great mountains in that part of southern Appalachia that has not been bombed. And it's a template for what's happening elsewhere, where a handful of large companies, for their own profit, are coming into this region where they can dominate the political landscapes and subvert democracy. They're detonating 25-hundred tons of ammonium nitrate explosives every day, the equivalent of a Hiroshima bomb once a week. They've blown off the tops of 500 of the largest mountains in West Virginia over the past 10 years, they've buried 22-hundred miles of rivers and streams, and they're getting away with it because democracy has been subverted and trampled in that state. They've been able to capture the agencies that are supposed to protect West Virginians and Americans from pollution. They've been able to corrupt the public officials, as you saw in the movie. Both Republicans and Democrats are in the pocket of coal. They've been able to get rid of transparency in government because what they're doing is illegal, so they have to do it in secrecy. [*The Last Mountain* is about] a really courageous group of local citizens who are just normal people — it's a Marine, it's a waitress — they're people who come from coal-mining families or were coal miners themselves. They believe in our country, they believe in their government, and they believe that corporations are there to benefit them, and all of a sudden everything that they believe in turns on them and begins to crush them. And instead of lying down and being trampled, they are radicalized and they decide to fight back. It's really an inspiring story of people standing up for their democracy. And ultimately, this is a battle that all of us have to be fighting now, particularly after the Citizens United case last year which released a tsunami of corporate money into the American political system. All of us have to be on guard against the milestones of corporate tyranny.

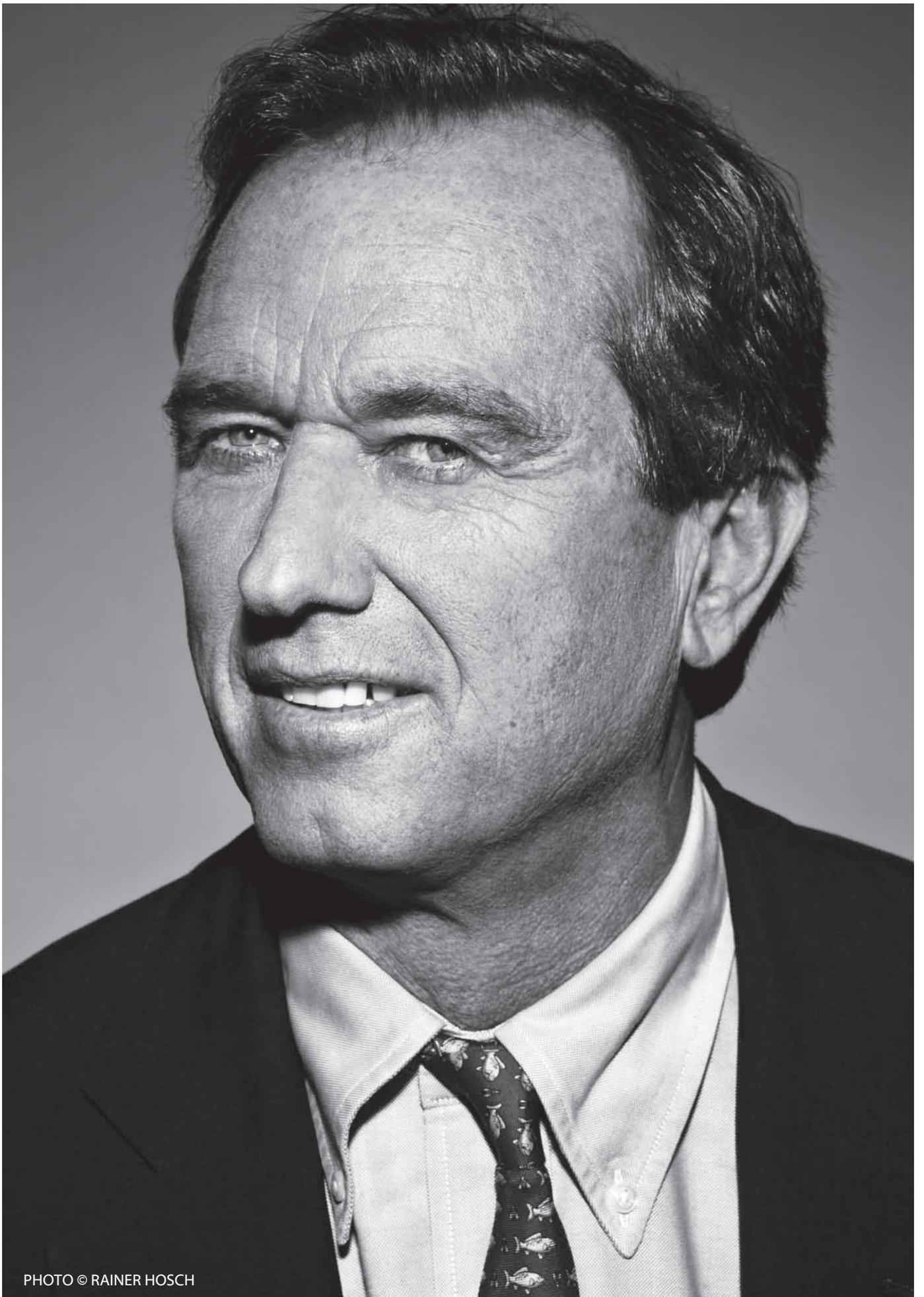


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What specific laws are being broken by the coal companies?

When I debated [Massey Energy Co. CEO] Don Blankenship last year, I confronted him just with his Clean Water Act violations. Over the past five years Massey Coal has had 67-thousand violations of the Clean Water Act. Plus they've violated the Resources Conservation and Recovery Act and the various labor laws and mining laws, and have been cited for it. Thousands of violations. They also can't get coal to market without escaping the discipline of free-market capitalism. They're completely reliant on billions of dollars of annual subsidies, direct and indirect, and they can't compete against more efficient, more local, renewable, and more patriotic forms of power like wind and solar unless they get these giant subsidies. And one of the subsidies they get is the capacity to cut down America's oldest mountain range and bury streams and pollute waters and do all the damage to public health that they're doing and get away with it, and make the public pay the cost of their production.

I've heard you speak about how coal companies wouldn't be able to survive if they had to internalize their costs like they internalize their profits.

Right, and that's what these people in West Virginia are saying. I think one of the messages of the movie is that they shroud themselves with the American flag, with this idea that somehow coal is good for prosperity and is good for America, when in fact it's damaging our country, it's damaging our people, it's damaging our public health, and we've got much better alternatives. Anywhere you see environmental injury of this size, you're going to see a subsidy. You're going to see fat-cats using political clout to escape the discipline of the free market and force the public to pay their production costs — and that's what the coal industry does. There's a study out of Harvard this year by Paul Epstein that shows that the healthcare costs of coal to this country amount to 345-billion dollars every year. So you could pay for the entire Obamacare five or ten times over just by getting rid of all the emissions from coal-burning power plants. Those are part of the hidden costs of coal.

What are the long-term impacts of coal-burning as a source of electricity?

The impacts are that today, according to the National Academy of Science, every freshwater fish in America now has dangerous levels of mercury in its flesh. And according to CDC [Centers for Disease Control], one out of every six American women now has dangerous levels of mercury in her womb. And according to CDC, there are 647-thousand children born every year who have been exposed to enough mercury in their mother's womb to cause brain damage. Twenty percent of the lakes on the high peaks of the Appalachians are sterilized from acid

rain. [According to the] study that they use in the film, 47,000 Americans die every year from inhaling ozone and particulates. Plus, there are over 600 coal-ash ponds in America that are leaching some of the most toxic substances known to man into local aquifers and waterways. Those are just some of the costs of coal.

In your book, Crimes Against Nature, you discuss the anti-regulation corporate lobbyists who were put in charge of regulatory bodies during the Bush administration. What has changed in the Obama administration, and how has Lisa Jackson done as Administrator of the EPA so far?

I would [name] Lisa Jackson as the best EPA Administrator that we've had in the history of the agency. But the EPA Administrator isn't operating in a vacuum. She's operating within an administration that has large priorities: ending two wars, restoring the American economy, and getting national healthcare passed. And with a president who, I think, is probably forced occasionally to spit out the words "clean coal" in order to bring in the Democratic senators and Republican senators from 22 coal states into his broader political agenda. The administration has done a lot better. The Bush administration, part of its legacy was 84 proposed permits for new mountaintop removal mines, which were all on track for approval, and the Obama administration shut down 79 of those, and the five that were allowed to continue are very, very small, almost insignificant operations. So the administration has done much, much better, and of course we'd like to see it do even better.

The film holds up wind power as the key to detaching ourselves from coal as our source of electricity, but it seems that wind power is more of a supplemental energy source that can't be used as a steady source of power. What are your thoughts on a stable, constant, and sustainable energy source?

You need a mixed portfolio. Wind certainly is a factor. Wind does not, as you point out, track peak load very well. Solar does, and I'm involved right now in a company that's building one of the biggest solar power plants ever built in this country. The wind tends to blow at night and the sun, of course, shines during the daytime and shines brightest when you need the most power. We're building a plant now in the Mojave desert. It's taking us three years to build the plant; it takes ten years to build a coal plant. The plant costs three billion dollars a gigawatt; a coal plant costs three billion dollars a gigawatt, a nuke plant costs between 11 and 14-billion a gigawatt, so it's a quarter the cost of building a nuke plant. But once you build our plant, it's free energy forever because the photons are hitting the earth every day for free. So the wind is never going to stop blowing, the sun is never going to stop



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shining, but the mountains are going to run out of coal. Once you build that coal plant for the same three billion dollars, now your big energy costs are just beginning. Because now you've got to go to Appalachia, cut down the mountains, ship them across the country in coal trains, warp every rail line in America so we can't have a high-speed rail, burn the coal, poison every fish in the country, poison 647-thousand children every year, kill 47-thousand people, cause 10 million asthma attacks, et cetera. So the real costs of coal begin *after* you build the plants... The project that we're building in the Mojave [is] being built by Bechtel; we have power purchase agreements with the two biggest utilities in California for 20 years, and this is the kind of project that can be scaled and replicated all over the country. We have, now, storage solutions that are ready to be deployed across the country so we can better use the wind. The Midwest is the Saudi Arabia of wind. We have enough wind, according to Scientific American, in North

democracy — particularly a failure of the press. It's a mark of the devolution of the American press, where you have large numbers of people, up to 60% of the American public, who simply won't believe the science. And why is that? It's because of the industry propaganda. Because of hundreds of millions of dollars that are spent by the carbon cronies, by Exxon, the Koch brothers, and large corporations who are making money by poisoning our people and our planet, and whose strategy has been to manipulate public opinion. And the best guardian for that is an independent press that's willing to stand up and speak the truth to power. It's not an accident; people don't just stop believing in global warming. That's the product of a very, very concerted and expensive propaganda campaign that involves the creation of hundreds of think tanks on Capitol Hill, funded by coal and oil money, and that are stocked with armies of scientific "biostitutes," these tobacco scientists. And then an irresponsible

with them. My book doesn't really mention global climate change because I'm directing it towards people who I'm assuming are already out of reach of that debate. [But I] instead pose the other questions from a national point of view, from an economic prosperity point of view, from a democracy point of view, from a free market point of view. If we care about any of those things, we want to get off of coal! Because our deadly addiction to carbon is destroying America's national security, it's robbing us of prosperity, it's subverting our democracy, it's eroding our values, and it's contaminating — not necessarily with carbon, but with mercury and ozone particulates — it's contaminating public health and the environment. The industry propaganda campaign has been so effective, and these are people who have decided ideologically or intellectually to close their ears to climate science.

So what's the solution to getting ourselves off of coal?

Our deadly addiction to carbon is destroying America's national security, it's robbing us of prosperity, it's subverting our democracy, it's eroding our values, and it's contaminating public health and the environment.

Dakota, Montana, and Texas, to provide 100% of the energy grid for our country for all of the conceivable future. We have transmission issues with wind and we have storage issues with wind because it doesn't track peak very well, and we can't do long-haul transmission of energy at this point because of the way the grid is structured. But we need to rebuild that grid in any case, and that's what we should be focusing on — not cutting down mountains.

You feel we should be focusing on advancing the technology so we can maximize the potential of renewable resources?

That's what our national energy policy should be, transitioning to a new-energy economy, and the federal government has to do its part by encouraging the construction of a modern grid. Most of this is going to be market driven because wind and solar can produce energy cheaper than coal. If you took the subsidies away from coal, it wouldn't last one day in the marketplace.

A friend of mine is a climate change and global warming researcher at a university, and he's having a hard time engaging people who aren't already listening. He wanted me to ask you what the plan is to reach out to those who don't believe the research and evidence of global warming.

There are number of answers to that question. The fact that people don't believe in science is, in many ways, a failure of our

press who allows these people on TV, rather than doing independent research and dismissing them the way that they would dismiss a flat-earther. Those of us in the advocacy community who are trying to speak the truth, we don't have the bullhorn, and the press is supposed to do its job. And it's because of the decline of journalism in this country, and because Ronald Reagan abolished the Fairness Doctrine in 1986, we're no longer getting news from the media. You had a huge consolidation of the press, so five companies now basically own all 14-thousand radio stations in America and all 22-hundred TV stations, 80 % of our newspapers, all of our billboards, and most of the large Internet content providers. There are five guys deciding what we hear as news. They don't have to serve the public interests; they serve the shareholders' interests, and they do that not by giving us news and truth, but rather by entertaining us. By appealing to the prurient interests that all of us have in the reptilian core of our brains for sex and celebrity gossip, so we know a lot about Charlie Sheen, but we don't know much about global warming.

Have you tried to reach out and engage those who don't believe the science behind global warming?

I don't focus on the global warming issue because if people believe that there's no such thing as global warming, they're already out of reach. You're not going to argue the science

The solution is democracy. Getting rid of the Citizens United case and working to heal and restore our democracy and perfect the Union so that corporations aren't running [it]. That's what I think this movie is really about. It's about what happens when corporations begin running a democracy.

From a practical standpoint, what do people need to do to make that happen?

People need to get involved in the political process, and that's what these people do in this film. These are people [who] believe in our country and our democracy and they believe their government is there to protect them and that corporations are beneficent organisms, and they learn that all those things that they learned in civics class are lies. And that their government is serving corporate interests, and that their rights to transparency and to participate and to petition have been subverted, and instead of being crushed, they stand up and start fighting for democracy. It's an inspiring story, and that's really the story of this film. And that's the answer to your friend's question. It's more important to change your politician than it is your light bulb. ▼

The Last Mountain is in theaters now. For more information about the film, visit www.thelastmountainmovie.com. To learn more about Kennedy, visit www.robertfkennedyjr.com. Special thanks to Jennifer Lootens and Dr. Matthew Huber, who contributed to this story.