

KeyOpinion

Coal Miners' Slaughter

Richard L. Hershatter
Contributing Columnist

**Leaders have no greater chore,
Both in peacetime and in war,
Than to keep the people safe and free from harm.
That means children in their schools,
Also workers with their tools,
Miners under ground and farmers on the farm.**

News item: Twelve miners die after explosion at Sago Mine.
News item: Two miners killed in Alma Mine fire.

News item: West Virginia Governor orders safety checks.

The nation needs coal, has always needed coal, and very likely will need that dependable source of energy forever.

It fell into disfavor with the widespread use of oil, but when the price of a barrel of crude started to skyrocket, anthracite came back into widespread use, and many old mines were reopened and staffed with workers.

Unfortunately, the mining of what has been termed "black gold" is one of the dirtiest, most dangerous jobs known to mankind.

Americans have been tunneling into the bowels of the earth almost since the country was founded, and those lucky enough to survive through lives spent blasting, digging and chipping their way through dark miles of ore, breathing in noxious air and coal dust, often found themselves at a relatively early age ill with the terminal disease known as "black lung."

Safety has always been an issue, what with dangers of collapsing tunnels, spontaneous explosions caused by mixtures of methane and sparks, and, most insidiously, the invisible build-up of carbon monoxide in the mines.

Before the technological era, it was a common practice to bring caged canaries down into the mine shaft. If the canary died, the indication was that the air was poisonous, and miners were quick to evacuate.

Nowadays, there are sensors to evaluate the air and heavy machinery to substitute for much of the back-

breaking work, but a career spent underground in the dark, damp recesses of the earth remains one of the most perilous of occupations.

Old-timers will remember the late John L. Lewis — a pioneer in the unionization of mine workers and a leader in demanding and obtaining government regulations safeguarding, to the extent possible, the health and welfare of the coal miner.

Lewis began as a miner in the bituminous coal fields himself, at the age of fifteen, but ultimately left the mines to help organize the United Mine Workers of America, where he rose to the presidency. He held that position for 40 years and took an active role in demanding fair wages and government-mandated safety standards for millions of American miners.

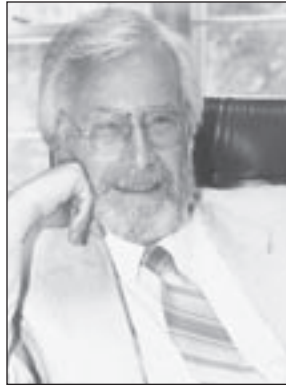
Noted for his bushy eyebrows and leonine countenance, he became a confidante of presidents from Roosevelt to John F. Kennedy. He had an almost Churchillian gift for rhetoric and once described a rival union as having no head: "its neck has just grown up and haired over."

Upon his retirement in 1960, Lewis was awarded the Presidential Medal of Freedom, but remained active in union affairs and helped influence Congress to enact the Federal Coal Mine and Safety Act.

Under that law, the Mine Safety and Health Administration was empowered to issue rules governing the safe operation of all mines, as well as authority to hire and train inspectors and fine mine operators for violation of the rules.

Unfortunately, the record of that agency has been less than stellar.

There are approximately 100,000 coal miners in the United States, working in 2,000 mines, 700 of which are underground, and therefore, most dangerous. They manage to extract over one billion tons of coal per year.



In 2003, the Federal General Accounting Office did a comprehensive study which found that there were only 200 inspectors nationwide who were underground specialists, and 44% of them were eligible for retirement within five years.

It also concluded that although the Mining Safety and Health Administration devoted "substantial effort to approving mine plans, it does not provide adequate oversight of the approval process."

The recent rash of fatal accidents in the mines of West Virginia have highlighted what many miners and miners' widows deplore as a failure on the part of federal authorities to maintain adequate safeguards or to impose suitable penalties on mine owners where they short-circuit regulations.

The claim is made that current Washington officials are "in bed with the mine owners," and that the latter tolerate ridiculously low fines as a cost of doing business.

The record would seem to bear out the charge.

In one West Virginia mine, Federal inspectors issued a total of 50 citations for safety violations, assessing penalties for 37 of them in the total amount of \$3,677. That is an average of slightly over \$99 for each offense.

A second mine did slightly better, with 63 annual citations drawing \$14,830, for an average penalty of \$235 for breaking the law. Since the mine in question yields 2.7 million tons of coal per year, earning over \$16 million for the owners, the fines in question are almost laughable.

**When people die in far off places,
Why should locals make a fuss?
The answer's plain, as nose on faces,
Government is really us.**

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The Educational Raw Deal

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Contributing Columnist

School reform in Florida suffered a stinging defeat last week when the Florida Senate failed to muster the two-thirds necessary to place a constitutional amendment on the November ballot. The amendment would have allowed voters to constitutionally protect school vouchers. The program some hoped to save through Constitutional amendment is Governor Jeb Bush's "Florida A+ School Accountability and Choice Program."

If there was ever any doubt that the Florida teacher's union, with the aid of legislative allies, is the major block to school reform it was put to rest by two items in the Sarasota Herald Tribune on Sunday.

First the victory: "Sen. Rod Smith, the Alachua Democrat running for governor, was...credited for organizing bipartisan opposition that ultimately doomed...constitutionally protected vouchers." Then the story moved to the reward. When discussing whether his legislative success would aid his candidacy for governor, the Tribune writer opined, "One bellwether may be the decision last week by the Broward County teachers union, which represents 17,000 teachers, to endorse Smith. They cited his role in defeating the education initiatives."

The stage for all this was set by one of the most absurd legal decisions in modern time. The Florida Supreme Court ruled 5-2 the voucher program violated the "uniformity clause" of the state constitution guaranteeing a high-quality system of public schools because the performance of the voucher students was superior to those in public schools. They seem to say, "If you are superior you are violating our constitution which we believe mandates mediocrity." They also seem to believe the Florida Constitution guarantees every kid in Florida an equally deficient education. Only some judges and Sen. Smith seem to accept such bilge.

Governor Bush, along with many minority families, appealed to the state legislature to change the constitution and provide for a referendum, a vote of the people. It was not to be. The measure needed a three-fifths vote — 24 of 40 senators — to go on the November ballot,

but died when it could muster only 23. In a terse statement, Bush said it was wrong that voters would not get to decide the fate of voucher programs. Bush was not quite right. It was more than wrong. It approached criminal. It also displayed the moral bankruptcy of the position taken by the teacher's union. When you don't dare put it to a vote, you're probably on the wrong side of the issue.

It is a shame because the program was worth saving. According to the Manhattan Institute for Policy Research, vouchers are provided to students in chronically failing public schools. The theory being, "These schools will have an incentive to improve if they must compete with other schools for students and the funding they generate." The executive summary of the Institute report gives the Florida program an A+. It states:

- Florida's low-performing schools are improving in direct proportion to the challenge they face from voucher competition.
- Schools already facing competition from vouchers showed the greatest improvements.
- Schools threatened with the prospect of vouchers showed the second greatest rate of improvement."

Who is the most contemptible in this drama? The Florida Senate Democrats as a group, or the four Republicans who, like all but one of the Democrats, buckled under union pressure, ignoring the pleas of the poor and minority parents whose children will now be returned to the education warehouses from which they only recently escaped. As Rep. Joe Pickens (R-Palaska) told the Miami Herald, "To the students and parents that are recipients of a voucher, there is absolutely nothing that has a greater impact on their lives." Now several thousand poor and minority kids have lost their



chance to escape failing schools and that will also have a big impact on their lives. Hopefully they will come to believe their sacrifice on behalf of Smith's candidacy was worthwhile.

This drama is not unique to Florida. Mayor Anthony B. Williams of the District of Columbia, backed by over 70% of the parents in the District, have repeatedly petitioned Congress for the right to supply vouchers to students in repeatedly failing schools. Enter the usual suspects. The anti-voucher Congressional windbags immediately trot out the shop-worn arguments provided by the National Education Association: vouchers will draw needed funds from public schools, or take only the best students, or show disrespect for the system. Needless to say, the DC voucher program was killed in Congress, condemning thousands of poor and minority students in the District to substandard education. Oh, don't worry about any Congressmen's kids; they're in private school. But thank you for caring about them.

Democrats have much to be proud of. They promoted programs that lifted the country out of the Depression, brought electricity and communications to rural American, developed the major river basins that now provide needed hydro-electricity, fought and won World War II, rebuilt the world and helped pay for the education of several generations of veterans after the war. They also had courage. Presidents Roosevelt and Truman, while political friends of organized labor, opposed labor during the little steel strike of 1938 and the threatened steel and rail strike of 1947. They simply refused to subvert the national interest just to accommodate their supporters.

Unfortunately, this is not the case today. The major block to serious education reform is the Democratic Party, both nationally and in the several states because they have become beholden to the teacher's unions. It is too often the story of late and the party now seems nothing more than the handmaiden to special interest groups, busy promoting their own narrow agenda without regard for the broader needs of the country, the

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