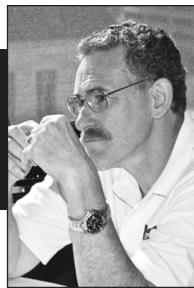


Who's On Our Side?

By Tom Chamberlain



Congratulation to all of you who responded to the alarm, calling your Congressional delegations to beat back an attack on America's safety net. Make no mistake, Social Security, Medicare, Medicaid, and other programs to help the disabled and poor were in the cross-hairs of the December lame-duck session.

Thanks to you, our Democratic Congressional members drew a line in the sand and just said "no."

Understand that special interests were counting on Americans to be off enjoying the holiday break. They didn't anticipate the rapid response of America's unions and our allies. The AFL-CIO and its affiliates, independent unions, and others worked together to implement a strategy that motivated tens of thousands of members to e-mail and phone members of the U.S. Senate and U.S. House. Local union leaders were in Washington, D.C., the Monday after Thanksgiving holding face-to-face meetings with our elected leaders to remind them that it is high time that the rich and powerful pay their fair share and that continuing a practice that cuts spending at the expense of the middle class and poor is unacceptable.

The entire union movement has successes to celebrate from our

massive efforts in the 2012 election. Workers proved that people-power trumps an onslaught of cash from the 1 percent. But to turn around a week later and marshal an army of activists who were tired — and looking forward to a holiday break, reveals the true power of the American union movement and the dedication and perseverance of union members, their families, and union leaders.

I believe this is the template for the future of our movement at the national, state, and local levels.

It begins with union leaders being willing to develop strategies that push our members to get involved — including members who haven't always been active. Then it takes early education to make sure our co-workers and fellow union members understand how these issues affect our daily lives, and our economy as a whole. Then we have to be ready for rapid mobilizations that allow us to respond to issues as they break — no matter how busy we are or what time of year it is.

The December 2012 strategy worked because we worked it. We worked it in spite of election burnout. We worked it in spite of a much needed rest during the holiday break. We worked it because

Americans had too much to lose if we didn't.

I remember my first emergency as a rookie firefighter. I was 22, and a man close to my age had fallen into a machine and his leg was wrapped around an auger. It was horrific. I remember thinking for a split second: Who is coming to help this guy. Immediately, it dawned on me it was my responsibility. I had to be ready to do my job.

The lesson of the election and lame-duck Congress is the same one I learned over three decades ago: Help isn't on the way, help is you and I. It is our responsibility to act, to respond to the emergency, time and time again. We are the only advocates for the middle class and the working poor. We are up against massive wealth and power whose vision for America is the opposite of yours and mine.

Together we have proven that massive mobilization of people beats wealth and power. We must continue to prove that the power to win is on our side.

Tom Chamberlain is president of the Oregon AFL-CIO.

Giant coal companies form spinoffs to dump health and pension debts

MORGANTOWN, West Virginia — Over the past decade, Peabody Energy and Arch Coal, the nation's largest coal companies, have off-loaded large amounts of retiree health care obligations to new companies that now face bankruptcy. In These Times magazine reported.

The United Mine Workers of America says the spin-offs were designed to fail in order to clean the companies' books of their retiree debts.

According to In These Times, in 2007, Peabody Energy spun off a new company, Patriot Coal, which inherited 10 unionized mines in Kentucky and West Virginia. Along with the mines, Patriot took on \$557 million in health care obligations to UMWA retirees. In 2008, Patriot bought Magnum Coal Company, which had been similarly spun off from Arch Coal three years earlier. From Magnum Coal Company, Patriot inherited another \$500 million in obligations to retired miners.

"Oddly, for a 5-year-old company, Patriot wound up with nearly three times as many retirees as active employees, more than 90 percent of whom never worked for the company. Overburdened by its debts, in July of 2012 Patriot declared bankruptcy," In These

Times reported.

In bankruptcy court, Patriot is seeking to be released from its pension and retirement obligations to some 10,000 retirees covering more than 20,000 beneficiaries, which total more than \$1.3 billion.

The union is suing Peabody and Arch Coal, which has been operating for nearly 130 years.

"You talk about a well-conceived plan to shed themselves of promises and commitments that they made over 60 years. This had to be done with a team of lawyers that studied this forever in order to make the value of Peabody go up, and the liabilities that they carry on their balance sheet when they are publicly traded be reduced dramatically," said union President Cecil Roberts. "I have never seen a situation like this, where every single liability that a company had ever committed to in any kind of negotiations with the union in the past 60 years now somehow gets handed to [a spin-off] company."

The union has mobilized to put public pressure on the bankruptcy court, with rallies of 3,000 and more retirees and Patriot miners attending meetings in Evansville, Ind., and Charleston, WV. The Charleston meeting was fol-

lowed by a 2,500-person demonstration to persuade the judge to move the bankruptcy trial from the New York court — which is considered more friendly to corporations in bankruptcy cases — to a more neutral venue closer to where the miners live. [Patriot Coal set up two New York subsidiaries with no employees one month before filing for bankruptcy, which allowed the company to file in New York, In These Times reported.]

After reading hundreds of letters from coal miners, U.S. Bankruptcy Judge Shelley C. Chapman agreed to move the trial to St. Louis. She wrote in her decision: "The corporate headquarters of Peabody are also in St. Louis; this fact is significant in light of the issues that have been raised by the UMWA with respect to its spin-off of Patriot and its responsibility to provide promises cradle-to-grave health care benefits to Patriot employees and retirees who worked for Peabody prior to the spin-off."

Retired Patriot miner Bill Lemley said if Patriot is successful in shedding its obligations, "what's to say that coal companies and other companies won't get away with this? There will be a domino effect across industries."

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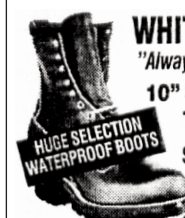
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