



**Appalachian  
Voices**

**NEWS RELEASE**

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**ATTORNEY GENERAL, DELAWARE COURTS ASKED TO REVOKE  
MASSEY ENERGY'S CORPORATE CHARTER**

**LETTER TO DELAWARE ATTORNEY GENERAL BEAU BIDEN  
FOLLOWS THE RELEASE OF INDEPENDENT REPORT ON  
THE UPPER BIG BRANCH MINE DISASTER**

**FREE SPEECH FOR PEOPLE AND APPALACHIAN VOICES CITE REPORT FOR  
DESCRIBING 'A SHOCKING CORPORATE CULTURE OF ILLEGALITY'**

WILMINGTON, DELAWARE -- In the wake of a new independent report on the Upper Big Branch mine disaster in West Virginia that killed 29 coal miners on April 5, 2010, two public interest organizations have asked Delaware Attorney General Beau Biden to investigate Massey Energy Company and initiate an action to revoke its corporate charter. The groups, Free Speech For People and Appalachian Voices, released a letter they delivered today to Delaware Attorney General Beau Biden urging that he investigate Massey Energy following the report, which determined that the April 2010 explosion was preventable and was caused by the company's pattern of disregarding safety laws and undermining law enforcement. Massey Energy, the fourth largest coal company in the country, is chartered in the State of Delaware.

"We respectfully urge you to investigate whether, as seems clear, Massey Energy Company and its subsidiary corporations have forfeited the privilege of their corporate charters," the groups state in their letter to Attorney General Biden.

Following the Upper Big Branch mine disaster, then-West Virginia Governor Joe Manchin appointed an independent investigation panel to determine the cause of the explosion, and to find impartial facts that would help prevent similar disasters in the future. The panel, led by former federal Assistant Secretary for Mine Safety and Health J. Davitt McAteer, found that Massey repeatedly placed profits ahead of worker safety and compliance with the law, and has a long history of criminal and civil violations of law. The groups cite the report as describing "a shocking corporate culture of illegality."

"It is well established that the corporate charter is a privilege, not a right," says Jeff Clements, co-founder and general counsel for Free Speech For People. "Delaware, as with other states, reserves the right to revoke or forfeit state corporate charters when they are abused or misused,

as in cases of repeated unlawful conduct. The Massey Energy Company presents a classic case of a corporation whose charter should be revoked.”

In addressing the recent merger of the Massey Energy Company and Alpha Natural Resources, Inc., Jeff Clements says: “Massey cannot merge its way out of accountability for its corporate misconduct. Massey represented to the US Securities and Exchange Commission that the Massey corporation would survive the merger as a wholly-owned subsidiary of Alpha Natural Resources. Alpha itself is a Delaware corporation and is subject to Delaware corporate oversight. The Delaware Attorney General and Courts have responsibilities to ensure accountability to the people with respect to all of the Delaware corporate charters associated with Massey and Alpha, and these responsibilities do not end because the companies merged. In fact, this action would help ensure that Alpha Natural Resources, Inc. changes the culture of corporate deviance in the corporation with which it has merged.”

“Massey Energy has demonstrated a gross disregard for workers and communities in Central Appalachia by systemically ignoring mine safety regulations as well as basic clean air and clean water laws,” says Willa Coffey Mays, executive director of Appalachian Voices. “Bad actors like Massey should not be afforded the same privileges as businesses that play by the rules.”

Launched on the day of the US Supreme Court’s January 2010 ruling in *Citizens United v. FEC*, Free Speech For People is a national non-partisan campaign challenging the fabrication of corporate rights under the US Constitution and pressing for a constitutional amendment to ensure that people, not corporations, govern in America. Appalachian Voices is an award-winning, environmental organization committed to protecting the land, air and water of the central and southern Appalachian region.

The groups’ letter issued today to Attorney General Biden can be accessed here:

<http://www.freespeechforpeople.com/sites/default/files/FSFPAPPVOICESlettertoAGBiden060811.pdf>