Introduction: "The Lost Decade"

This book examines the impact of developments in the energy industry, and the associated political dynamics, in Central Appalachia – primarily West Virginia – over the ten years from 2009 to 2019, a period I refer to as "the lost decade." At the outset, it is worth answering the questions that are raised by the scope of this book: Why the energy industry? Why West Virginia? Why the years 2009 to 2019? And what does the "coal trap" mean? This introduction answers those questions, and provides a preview of what I will cover in the remainder of the book.

WHY THE ENERGY INDUSTRY?

It's what I know best. I grew up as the son of a utility regulator in Iowa; my father, Maurice ("Maury") Van Nostrand, was chairman of the Iowa Commerce Commission (now the Iowa Utilities Board), the agency charged with regulating the rates that energy utilities (electric and gas companies) can charge their retail customers. He had that job for over eight years, while I was in high school, college and law school (all within the state of Iowa). He was also known as the "energy czar" during that period, serving as a high profile and colorful energy advisor to a very popular fourteen-year governor, Robert D. Ray. That period included the nation's first "energy crisis" – the Arab oil embargo of 1973 – and my father toured the Hawkeye state touting the benefits of energy conservation and explaining why a fifty-five mile per hour speed limit used less gasoline than the seventy mile per hour limit that had existed prior to the energy crisis. He frequently carried around his utility bills during speeches across Iowa, bragging about his achievements in practicing energy efficiency and conservation in our family home on Willowmere Drive in Des Moines.

It seemed like the *Des Moines Register* was always calling Maury on a slow news day. He would give them some quotable comments for the next day's edition, ranging from the unknown costs of storing nuclear waste – he was sued by one of Iowa's major utilities for being biased against its proposal to build a nuclear plant – to the pressing

need to price gasoline and other petroleum products to reflect their true costs so as to ensure that consumers received the correct price signals about the perceived scarcity of the resource. He had an amazing grasp of energy economics for a guy who never graduated from college, and he served Governor Ray and the state exceedingly well during a period of great transition in the energy industry.

My father stimulated my interest in politics and energy and, for better or worse, I also inherited from him my innate urge to speak out when I have something to say, regardless of the political consequences. The long-time *Des Moines Register* political columnist Jim Flansburg was spot-on when he wrote the following after my father's passing in October 1991: "He was capable of bad judgment and rash actions. But not deviousness. So his sense of honor and a solid intellect carried him out of holes his emotions had dug, holes where a dishonest man would have been buried and forgotten. Van Nostrand worshipped facts and didn't fear where they'd take him."[1]

I followed in my father's footsteps, more or less. After graduating from the law school at the University of Iowa, I spent five years learning the business of utility regulation at one of the best public utility commissions in the country, the New York Public Service Commission, including over a year as Assistant to the Chairman of that agency. I learned a great deal about thinking like a utility regulator. It is a difficult job; it requires balancing the interests of utility ratepayers – who want reliable utility service at reasonable rates – against the interests of utility shareholders – who want to earn a reasonable return on their investment in utility stock. The issues in a typical utility rate case are very complex, and require the regulators to exercise considerable judgment – the testimony from the competing experts is conflicting, and usually there is not one correct answer, but a range of reasonable outcomes.

From New York, I moved to the Pacific Northwest, where I changed sides, so to speak: rather than working for the regulators, I represented electric and gas companies in Washington and Oregon in rate cases before state commissions for over two decades, trying to convince regulators to strike the balance more on the side of utility shareholders than utility ratepayers. I was well-served in my career from my experience of thinking like a regulator; I had an appreciation for their difficult task, and a helpful perspective in crafting arguments that would resonate in convincing them, on behalf of my clients, of our view of what the "public interest" requires.

Over the course of my career in private practice, I had the good fortune to represent some great clients, including Puget Sound Energy in Washington, Northwest Natural Gas in Oregon, and PacifiCorp throughout its six-state service territory in the northwest and Rocky Mountain region. I also had the challenge of representing Berkshire Hathaway when it acquired PacifiCorp in 2005, and came to respect the management skills of that organization as one of the best utility

[1] James Flansburg, *The Last Frontiersman*, Des Moines Register, Oct. 12, 1991.

operators in the country. Unfortunately, part of the Berkshire Hathaway strategy for holding down utility rates was to move away from representation by the high-paid lawyers from the big-name law firms in the Pacific Northwest, so it was an opportune time for me to make a career switch. I had received national recognition from the Energy Bar Association as the State Regulatory Practitioner of the Year in 2007, so it seemed like I didn't have much more to accomplish in private law practice.

About the same time, the energy industry was also undergoing a transition. In April 2007, the US Supreme Court issued its opinion in *Massachusetts* v. *Environmental Protection Agency* (EPA) which concerned the authority of the EPA under the Clean Air Act to regulate "greenhouse gases" or carbon emissions (the heat-trapping gases that were alleged to be responsible for climate change and sea-level rise). Because the generation of electricity was the largest source of carbon emissions at the time, much more attention began to be focused on how electricity was generated, and on the role that utilities could play in achieving reductions of carbon emissions to minimize the impacts of climate change. As a result, energy law converged with environmental law: An energy lawyer needed to know about the environmental impacts of energy production, and an environmental lawyer needed to know enough about energy law to be able to represent energy clients. Law firms began to market their practices in "climate change law," as the impact of climate change cuts across many practice areas in large law firms (energy, environment, real estate, securities, and insurance, for example).

My transition away from private law practice in the Northwest took me to Pace University, one of the leading environmental law programs in the country, where I accepted an appointment as Executive Director of the Pace Energy Project (which I soon renamed as the Pace Energy & Climate Center), an environmental nongovernmental organization (NGO) operating primarily in New York but also throughout the Northeast. The Center advocated on "clean energy" issues in various New York administrative proceedings, including rate cases at the New York Public Service Commission, which was definitely within my comfort zone. While at Pace, I also took classes in the "climate change track" of its environmental law program, and received my LL.M. in environmental law from Pace (now the Elisabeth Haub School of Law at Pace University) in 2011, at the age of fifty-five.

In the interests of full disclosure, I had my "road to Damascus" experience with respect to climate change while at Pace. As a lifelong Republican, I was relatively hostile to Al Gore and his "Inconvenient Truth" when it came out in 2006. While I hadn't studied the issue closely, I was skeptical that human activity had anything to do with the climate trends that we began to see in the 2000s, and I really did not appreciate what all the fuss was about. I never bothered to learn what a "greenhouse gas" was, even though my partners at Perkins Coie began to talk about it quite a bit after *Massachusetts* v. *EPA*, given the business opportunities created by climate change in the practice of law.

At Pace, however, I was able to take classes from some outstanding professors in environmental law (Joe Siegel, a senior attorney from the EPA on the adjunct faculty at Pace, comes to mind, as does Alexandra Dapolito Dunn, formerly the Assistant Dean in the environmental program at Pace and, more recently, the Assistant Administrator for EPA's Office of Chemical Safety and Pollution Prevention during the Trump administration). I was also inspired by the climate activism of some of the "old lions" in the business like Dick Ottinger (the founder of the Pace Energy Project in 1987 following his retirement after fourteen years in Congress) and Nick Robinson, one of the most outstanding environmental law professors in the nation, with whom I had the pleasure of traveling to the Republic of Georgia for a ten-day trip in May 2011 to encourage Georgia's policymakers to participate in the global effort to address climate change. During that trip, I began to see Nick as an ambassador for planet Earth, and the breadth of his knowledge about, and the depth of his commitment to, the urgency of this issue provided me with a solid foundation as I prepared for the transition from the "blue state" environment of New York – where no one seriously debated the issue of climate change, or the role of human activity in contributing to it – to ground zero on the issue, the state of West Virginia.

WHY WEST VIRGINIA?

In July 2011, after receiving my LL.M. in environmental law from Pace, I accepted a tenure track position at West Virginia University (WVU) College of Law to teach energy and environmental law, and to establish and direct what became the Center for Energy and Sustainable Development. The Dean at WVU College of Law at the time, Joyce McConnell (who later went on to become Provost at WVU and then President of Colorado State University), had a vision about providing a counterbalance, of sorts, to the dominant role of the extractive industry in West Virginia, and the associated adverse environmental impacts on air and water quality. While the role of the Center was not to challenge the historical and ongoing reliance of the state on the extractive industry – primarily coal – the hope was that the Center could create a forum to facilitate conversations about the trade-offs between environmental protection and economic prosperity (a false dichotomy, I must admit) and offer a perspective favoring the minimization of environmental impacts while not jeopardizing the profitability of the extractive industries. The Center's first conference, in October 2011, which featured US Senator Joe Manchin as the keynote speaker, focused on "balancing preservation and profitability in the development of shale gas resources," as the various states in the Marcellus Shale play (West Virginia, Pennsylvania, Ohio, and New York) grappled with creating the environmental regulations necessary to address the issues presented by hydraulic fracturing and horizontal drilling, commonly referred to as "fracking."

Aside from purely personal reasons involving my career trajectory, West Virginia makes sense as the focus of this book because of the disproportionate impact of the

regulation of carbon emissions on the coal industry and the skepticism that West Virginians had – and still have – regarding climate change and the contribution of human activity to it. Once the federal government began to focus on the role of carbon emissions in contributing to climate change, West Virginia, the second largest producer of coal in the nation (behind only Wyoming), would bear harsh consequences from any regulation of carbon emissions; coal was by far the largest contributor to carbon emissions in the electric industry, and the electric industry was the largest contributor to carbon emissions. Rather than being identified as an "energy" state, West Virginia had traditionally defined itself as a "coal" state. How would the policymakers in West Virginia respond to this threat? Would West Virginia be able to make the transition as coal's dominance as the primary fuel for generating electricity rapidly faded?

WHY THE DECADE FROM 2009 THROUGH 2019?

The year 2009 represents a logical starting point for several reasons. First, it marked the start of the eight-year term of Barack Obama as President. His election in 2008, followed by his inauguration in January 2009, was deeply opposed in West Virginia; Hillary Clinton defeated Obama by forty-one points in the May 2008 Democratic primary, followed by Obama's thirteen-point loss to John McCain in the general election. Upon President Obama's inauguration, the EPA moved quickly to begin to regulate carbon emissions under the Clean Air Act. Following the "roadmap" laid out by the US Supreme Court in *Massachusetts* v. *EPA* in 2007 – stating that the EPA has the authority to regulate greenhouse gas emissions as a "pollutant" under the Clean Air Act if it makes a finding that such carbon emissions "endanger" public health and welfare – in April 2009 the EPA promptly issued a proposed "endangerment" finding, which it formally adopted in December 2009.

The EPA thereafter quickly adopted a comprehensive scheme for regulating carbon emissions, ultimately leading to the adoption of the Clean Power Plan in August 2015, a highly controversial rule in West Virginia as it would have required reductions in carbon emissions from coal plants. Other significant EPA initiatives with impacts on coal plants followed, including the Mercury and Air Toxics Standard (MATS) rule,[2] adopted in February 2012; the MATS rule led to the closure of dozens of coal plants throughout the country, including several in West Virginia. Billboards through the state along Interstate 79 referred to "Obama's no-job zone," and the coal industry (and its political supporters) began referring to the Obama administration's "war on coal."

[2] National Emission Standards for Hazardous Air Pollutants from Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial–Commercial Institutional, and Small Industrial Commercial–Institutional Steam Generating Units, 40 CFR Parts 60 and 63, 77 Fed. Reg. 9304, Feb. 16, 2012.

Second, apart from the initiatives of the EPA, in June 2009 the US Congress passed its own regulatory scheme for regulating carbon emissions, the American Clean Energy and Security Act (ACES), also known as the Waxman-Markey bill, named after its primary sponsors in the House of Representatives (Henry Waxman) and Senate (Edward Markey). ACES infamously called for a cap-and-trade program – carbon emissions would be reduced by 80 percent by 2050 through a complex market-based approach requiring carbon emitters to purchase allowances to cover their emissions; by reducing the number of allowances over time, the desired reduction in carbon emissions would be achieved. The measure ultimately went nowhere in the US Senate, and Joe Manchin, who was running for the US Senate in November 2010 in a special election to fill Robert Byrd's seat, received notoriety for filming a campaign commercial in which he used a rifle to shoot a copy of the cap-and-trade bill, thereby demonstrating his commitment to both gun rights and taking "dead aim" on things that are "bad for West Virginia."

Even with the demise of cap-and-trade legislation, however, it was clear that under the Obama administration, carbon emissions were going to be regulated one way or another, and this had clear implications for the coal industry and the West Virginia economy.

Third, in addition to these unfavorable developments on the environmental front, by 2009 the impact of larger market forces on the viability of the coal industry in Central Appalachia was becoming apparent. The biggest threat was the availability of natural gas from the Marcellus Shale play, which began to be extracted in massive quantities at relatively low cost as a result of fracking. Natural gas production in the Marcellus Shale play scaled up considerably between 2007 and 2010. The Pennsylvania Department of Environmental Protection, for example, reported that only 27 Marcellus Shale wells were drilled in that state in 2007, but by 2010 the number of wells drilled had increased fifty-fold, to 1,386. The impact on the electricity markets was rapid and significant, as it was much cheaper to generate electricity with natural gas than with coal.

Two factors contributed to the price disparity: the low cost of the fuel source itself (natural gas versus coal), and increased efficiency (i.e., how efficiently the plants turn the fuel source into electricity) of new natural gas plants versus the relatively inefficient coal plants in the region, many of which were over forty years old. As more of these new natural gas plants came online, the wholesale price of electricity in the region began to decline, and the older coal plants were simply "out of the money" in the highly competitive power markets. Utilities began to abandon plans to build new coal plants, and many existing coal plants were converted to use natural gas or closed. Later in the decade, coal was losing ground to renewable energy sources as well; utilities across the country were finding that it was cheaper to install wind farms or solar photovoltaic (PV) arrays than to continue operating existing coal plants, even if the renewable resources incurred the additional costs of being backed up by battery storage.

The year 2019 represents a logical ending point for "the lost decade"; the energy industry across the United States was transformed during this ten-year period. Coal ceased to be the primary means of generating electricity: while it had produced

48 percent of the nation's electricity in 2008, that figure had been reduced to 23 percent by 2019, and coal dropped behind natural gas (38 percent). By 2019, the Marcellus Shale region would prove to be the largest source of natural gas in the United States, producing nearly 40 percent of US supply. During the second quarter of 2019, even renewable energy surpassed coal as a source of electricity in the United States. The expected new generation additions in the United States in 2019 were dominated by renewable sources, both wind and solar, followed by natural gas, and no utility in the nation was considering new large coal plants. Nine states had gone so far as to adopt "clean energy" goals, with the objective of eliminating carbon-based sources (both coal and natural gas) from their generation mix by mid-century.

With respect to environmental regulations, candidate Donald Trump ran on a platform of ending the EPA's "war on coal" and bringing coal jobs back. The promised rollback was largely accomplished by 2019, through the efforts of Scott Pruitt (Trump's first EPA Administrator) and thereafter his successor, Andrew Wheeler. The Clean Power Plan was replaced with the ineffectual (and later found to be illegal) Affordable Clean Energy rule, and the EPA also began the process of rolling back the MATS rule, even though many of the coal plants shuttered as a result of MATS were unlikely to ever operate again. The promised renaissance of the coal industry never occurred; more coal plants were retired during the first two years of the Trump administration than during the first four years of the Obama administration. In 2019, US coal production had fallen to a forty-year low.

WHAT IS THE "COAL TRAP"?

As West Virginians, our birthright is coal. The ancient fossil is abundant here, and is as emblematic of our heritage and cultural identity as the black bear, the cardinal, and the rhododendron.

US Senator Robert Byrd[3]

It is likely that no state and industry are as closely identified with one another as West Virginia and coal.

Friends of Coal website, 2005[4]

The "coal trap" reflects the implications of West Virginia's close identity with the coal industry on potentially limiting its path forward. The Cambridge Dictionary

[3] Ken Ward, Jr., *New Commentary from Sen. Robert C. Byrd: Coal Industry Must Respect Miners, the Land and the People Who Live in the West Virginia Coalfields*, Coal Tattoo (May 5, 2010), http://blogs.wvgazettemail.com/coaltattoo/2010/05/05/new-commentary-from-sen-robert-c-byrd-coal-industry-must-respect-miners-the-land-and-the-people-who-live-in-the-west-virginia-coalfields/.

[4] Shannon Elizabeth Bell & Richard York, *Community Economic Identity: The Coal Industry and Ideology Construction in West Virginia*, 75 Rural Sociology 129 (2010).

defines "trap" as "a dangerous or unpleasant situation which you have got into and from which it is difficult or impossible to escape."[5] Does the coal industry have an inescapable grip on West Virginia that limits the state's future pathways? Can West Virginia continue to embrace and honor the heritage of the coal industry – and the distinct respect commanded by coal miners – and still move beyond that identity for the sake of the broader well-being of the average West Virginian?

The first element of the coal trap is understanding the legacy and heritage of coal in West Virginia. Upon my arrival in Morgantown in July 2011, I quickly learned about the profound connection between coal and West Virginia. Quite simply, the history of coal in the state is a source of great pride, and it is a measure of your patriotism, in a sense, to see how well your views align with the interests of the coal industry. Coal was first discovered by Peter Salley, in what is now Boone County, in 1742, more than a century before West Virginia became a state.[6] In the minds of many West Virginians, the United States achieved industrialization on the backs of the coal miners in the Mountain State; the large-scale Appalachian mining that started in the late 1800s fueled everything from iron and salt furnaces, to kilns and steam engines.[7] "[C]oal fueled the Industrial Revolution in the United States"[8] and, until the post-World War II era, "virtually all coal mined in the U.S. came from the Appalachian fields."[9] The great pride of West Virginians in the state's role in the industrialization of America is thus understandable.

Apart from the essential role that West Virginia coal played in the industrialization of America, the coal industry dominated the West Virginia economy for decades. West Virginia continues to be one of largest producing coal states in the country – a distant second to Wyoming. Coal mining in West Virginia began in 1745, and production was first recorded in 1863 when 444,648 short tons were reported. Production has varied dramatically, reaching peaks in 1924 (156.6 million tons), 1947 (173.7 million tons), 1990 (171.2 million tons), 1997 (181.9 million tons) and then beginning a steady decline during the twenty-first century, although as recently as 2008 West Virginia production was 165.8 million short tons.[10]

Coal employment figures tell an entirely different story, as the impact of mechanization (primarily the continuous mining machine, which was introduced in 1948) and modern strip-mining techniques – including mountaintop removal – allowed production levels to be maintained with about one-sixth the number of

[5] Trap, Cambridge Dictionary, https://dictionary.cambridge.org/dictionary/english/trap.
[6] Stuart McGehee, *A History of Coal in West Virginia*, Friends of Coal, https://www.friendsofcoal.org/education/a-history-of-coal-in-west-virginia.html.
[7] Geoffrey L. Buckley, *History of Coal Mining in Appalachia*, *in* Concise Encyclopedia of the History of Energy 17 (Cutler J. Cleveland ed., 2009).
[8] Crandall A. Shiffett, Coal Towns: Life, Work and Culture in Company Towns of Southern Appalachia 1880–1960 27 (1995).
[9] Buckley, *supra* note 7, at 18.
[10] Calvin A. Kent, *Crisis in West Virginia's Coal Counties*, NACo (Oct. 17, 2016), https://www.naco.org/articles/crisis-west-virginia%E2%80%99s-coal-counties.

miners, as discussed further in Chapter 5. The year 1948 saw the greatest numbers of coal miners in West Virginia's history, at 125,669, and coal miners lived and worked in more than 500 company towns built to house them and their families.[11] By the end of "the lost decade," however, that figure had declined to fewer than 14,000,[12] and the decline in both coal production and coal prices decimated the coal industry and the coal-producing regions of the state in particular.[13]

In addition to the historical economic domination of the coal industry, there is the lure associated with the distinct respect commanded by coal miners in West Virginia. Former Senator Robert Byrd, the longest serving Senator in US history, tapped into this sentiment in his speech on the floor of the US Senate following the Sago and Aracoma mine disasters of 2006, which claimed the lives of fourteen miners:

> Our Nation's coal miners are vital to our national economy. During World War I, coal miners put in long, brutal hours to make sure that the Nation had coal to heat our homes, power our factories, and fuel our battleships. In World War II, American coal miners again provided the energy to replace the oil that was lost with the outbreak of that global conflict. During the oil boycott-induced energy crisis of the 1970s, our Nation once again called upon – yes, our Nation once again turned, yes, to the coal miners to bail the Nation out of trouble, and the coal miners did.[14]

Even Hillary Clinton, in her infamous statement from the 2016 presidential campaign about "put[ting] a lot of coal miners and coal companies out of business," quickly followed her gaffe with an acknowledgment of the critical role, historically, that coal miners had played in America's industrialization: "Those people labored in those mines for generations, losing their health, often losing their lives to turn on our lights and power our factories."[15]

At the same time, the broader implications of this heavy reliance on one industry throughout a state's history are problematic. Scholars have occasionally referred to a "coal trap" in the context of coal being the "fuel of choice" for developing nations – referred to by one author as "the lure of a dirty watt"[16] – because of its abundance throughout the world, its ease of transport and storage, and relatively low cost.[17] Coal was the "global workhorse of large-scale electricity" during the last two centuries,[18] and remains the biggest source of electricity worldwide today, largely due to its use

[11] McGehee, *supra* note 6.
[12] *Coal-Mining Employment in West Virginia from 2010 to 2019, by Mine Type*, Statistica, https://www.statista.com/statistics/215786/coal-mining-employment-in-west-virginia/#statisticContainer.
[13] Kent, *supra* note 10, at 9.
[14] Cong. Rec., S1552, Feb. 5, 2007.
[15] Eliza Relman, *Hillary Clinton: Here's the Misstep from the Campaign I Regret the Most*, Insider (Sept. 6, 2017), https://www.businessinsider.com/hillary-clinton-biggest-campaign-mistake-2017-9.
[16] Omar S. Cheema, *Pakistan's Coal Trap*, Dawn (Feb. 4, 2018), https://www.dawn.com/news/1387151.
[17] Will Wade, *Quick Take: Coal Power*, Bloomberg (May 7, 2019), https://www.bloomberg.com/quicktake/confronting-coal.
[18] Cheema, *supra* note 16.

by developing countries – notably India and China – to lift millions of people out of poverty.[19] In other words, coal is a "necessary evil for cheap electricity and competitive industrialization."[20] Over time, however, we have learned much more about the climate change impacts of continuing to burn coal to generate electricity and have become less accepting of the other environmental impacts associated with modern methods of coal extraction. Moreover, during "the lost decade," coal lost its economic advantage as natural gas became cheap and plentiful due to the shale gas revolution, and renewables began to provide a cost-competitive alternative to coal. Yet West Virginia seems unable to move past the "lure of the dirty watt," notwithstanding the availability of a cheaper and more sustainable path, much like the "coal trap" ascribed to developing nations.

Another potential trap arising from heavy reliance on one industry throughout a state's history is a phenomenon commonly identified as the "curse" of natural resources – the relatively poor economic performance of regions rich in natural resources, due largely to the failure to diversify to provide broader economic opportunities for their workers. While the natural resource curse is commonly applied at a national level – to countries with oil, mineral, or other natural resource wealth, for example – the analysis is equally applicable on a regional level. In fact, numerous scholars have referred to Central Appalachia as an "internal colony"[21] or an "internal periphery" that was created in the early nineteenth century by large corporations in America to provide cheap resources to fuel the rest of the country.[22] Others have written extensively about corporate ownership of the majority of the land and resources in West Virginia, the effect of which was to effectively block industries other than coal from entering the region so as to maintain this part of Appalachia as a "mono economy."[23]

The impact of the coal industry in "crowding out" the economic diversification that might otherwise have occurred is apparent from the economic devastation experienced by the leading coal producing counties in southern West Virginia: Those counties that have produced the most coal over their history today lead the state in levels of poverty. Boone County, for example, was featured in a December 2015 article in the *Wall Street Journal* as the county that had lost the greatest number of coal miners (2,700) in the country between 2011 and 2015; it was forced to close three of its ten elementary schools when coal severance tax revenues to the county declined from $5.5 million in 2010 to

[19] Wade, *supra* note 17.

[20] Cheema, *supra* note 16.

[21] Bell and York, *supra* note 4, at 119 (citing J. Gaventa, *Property, Coal, and Theft*, *in* Colonialism in Modern America: The Appalachian Case 141–59 (H.M. Lewis, L. Johnson, & D. Askins, eds., 1978); and citing H.M. Lewis, & E.E. Knipe, *The Colonialism Model: The Appalachian Case*, in *id.* 9–31).

[22] *Id.* (citing D.S. Walls *Internal Colony or Internal Periphery? A Critique of Current Models and an Alternative Formulation*, *in* Colonialism in Modern America: The Appalachian Case 319–49 (H.M. Lewis, L. Johnson, & D. Askins, eds., 1978)).

[23] *Id.* (citing H.M. Lewis & E.E. Knipe, *The Colonialism Model: The Appalachian Case*, *in* Colonialism in Modern America: The Appalachian Case 9–31 (H.M. Lewis, L. Johnson, & D. Askins, eds., 1978)).