



**CATHOLIC CONFERENCE of WEST VIRGINIA
THE DIOCESE OF WHEELING-CHARLESTON**

Monsignor P. Edward Sadie, Executive Director
1114 Virginia Street East
Charleston, West Virginia 25301
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APR 01 2013

U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI

Reverend Brian O'Donnell, S.J.
Executive Secretary
Diocesan Offices
1116 Kanawha Blvd. East
Charleston, West Virginia 25301
Phone: (304) 280.5858

G. Nicholas Casey Jr.
Registered Lobbyist
Post Office Box 1746
Charleston, West Virginia 25326
Phone: (304) 345.2000
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The Honorable Kathy A. Surratt-States
RE: Case NO. 12-51502
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, 4th Floor
St. Louis, MO 63102

March 20, 2013

Dear Judge Surratt-States:

The Catholic Conference of West Virginia wants to share with you letters it has sent to the CEOs of Peabody Energy, Arch Coal, and Patriot Coal explaining our support of House Resolution 28 of the West Virginia House of Delegates which expresses the determination of those legislators to work against the annihilation of pension and health care benefits for 22,000 retired employees of Patriot and their dependents.

As you will read, the long social justice tradition of the Catholic Church, based on scripture and lived experience, finds such a termination of benefits abhorrent. That tradition, also finds that "indirect employers" of labor – Arch Coal and Peabody Energy fit in that category – have obligations to their workers.

We pray you will rule in a way that enables coverage of retirement obligations by the three corporations named.

In the name of Jesus the Carpenter,

A handwritten signature in black ink, appearing to read "Brian O'Donnell S.J.", written in a cursive style.

Brian O'Donnell, S.J.
Executive Secretary Catholic Conference of WV

HOUSE RESOLUTION NO. 28

(By Delegates Caputo, Mr. Speaker, Mr. Thompson, Ambler, Arvon, Azinger, Barill, Barrett, Boggs, Border, Campbell, Canterbury, Diserio, Eldridge, Ellem, Ellington, A. Evans, D. Evans, Ferns, Ferro, Fleischauer, Folk, Fragale, Frich, Guthrie, Hamilton, Hamrick, Hartman, Hunt, Iaquina, Jones, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, Miley, Miller, Moore, Morgan, Moye, J. Nelson, Pasdon, Paxton, Perdue, Perry, Pethel, Phillips, R., Pino, D. Poling, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, Sobonya, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Wells, Westfall, White, Williams Young and Ashley)

Calling upon Patriot Coal to live up to their obligations to active and retired miners, their families and widows.

WHEREAS, The United Mine Workers of America has secured health care and pensions for retired coal miners and widows, through decades of collective bargaining; and

WHEREAS, The gains made for working miners as a result of collective bargaining are now being threatened through the use of the bankruptcy proceedings; and

WHEREAS, Peabody's spin-off of Patriot Coal jeopardizes the current collective bargaining agreement for active UMWA members at Patriot operations; and

WHEREAS, Peabody's spin-off of Patriot Coal jeopardizes retiree pensions and health care via Patriot's bankruptcy action; and

WHEREAS, Actions taken by Peabody and Arch to shed themselves of promised health and retirement benefits through corporate schemes could also hurt coal retiree's pensions and health care; and

WHEREAS, The loss of promised health care and retirement benefits jeopardizes the health and security of UMWA active, laid off and retired members and their dependants; and

WHEREAS, The loss of promised health care and retirement benefits, if not addressed, could push many local communities into a financial crisis; and

WHEREAS, All coal field communities have a significant interest in fighting to maintain retiree pensions and health care for our citizens; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates pledges the United Mine Workers of America and its membership to join in the fight to protect and maintain mine workers' pensions and health care from assaults by these and other coal operators; and, be it

Further Resolved, That the House of Delegates calls upon Peabody, Arch and Patriot to live up to their obligations to provide coal miners' health care and retirement security; and, be it

Further Resolved, That the House of Delegates calls upon others to assist in preventing these corporations from stripping from active, laid off, and retired coal miners their contractually-promised lifetime health care benefits.



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Mr. Bennett K. Hatfield
President and Chief Executive Officer
Patriot Coal Corporation
12312 Olive Boulevard
St. Louis, Missouri 63141

March 28, 2013

Dear Mr. Hatfield,

The Catholic Conference of West Virginia supports the recent Resolution 28 of the West Virginia House of Delegates, a Resolution which urges your corporation, along with Patriot Coal Corporation, and Peabody Energy, to live up to your obligations "to provide coal miners' health care and retirement security." We applaud our West Virginia legislators' determination to prevent the taking "from active, laid off, and retired coal miners their contractually-promised lifetime health care benefits."

Denying such contractually-promised benefits flies in the face of the principle of Catholic social justice teaching which Blessed Pope John Paul II summed up in his encyclical letter on human labor and laborers, "Laborem Exercens," as "capital should be at the service of labor and not labor at the service of capital." Desire for profit should not annihilate health care coverage for retired miners.


The bishops of this nation, drawing upon the social justice tradition of the Church and the writings of Blessed John Paul, declared in "Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy," that

The dignity of workers also requires adequate health care, security for old age or disability, unemployment compensation, healthful working conditions, ...

Please heed the resolution of the WV House of Delegates. We urge you to join in dialog with the United Mine Workers, a dialog aimed at preserving as much as possible of the health care promised to those who have worked so hard for your business.

In the name of Jesus the Carpenter,

Rev. Mr. Todd Garland
Exec. Dir. Office of Social Ministries


Rev. Brian O'Donnell, S.J.
Exec. Sec. Catholic Conference of WV



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Mr. Gregory H. Boyce
Chairman and CEO, Peabody Energy
Peabody Plaza
701 Market St.
St. Louis, MO 63101-1826

March 28, 2013

Dear Mr. Boyce,

The Catholic Conference of West Virginia supports the recent Resolution 28 of the West Virginia House of Delegates, a Resolution which urges your corporation, along with Patriot Coal Corporation, and Arch Coal, Inc., to live up to your obligations "to provide coal miners' health care and retirement security." We applaud our West Virginia legislators' determination to prevent the taking "from active, laid off, and retired coal miners their contractually-promised lifetime health care benefits."

Denying such contractually-promised benefits flies in the face of the principle of Catholic social justice teaching which Blessed Pope John Paul II summed up in his encyclical letter on human labor and laborers as "capital should be at the service of labor and not labor at the service of capital." Desire for profit should not annihilate health care coverage for retired miners.

In Section 17 of his famous labor encyclical, "Laborem Exercens," Blessed John Paul II explained that not only do direct employers have obligations to their workers, but also "indirect employers":

the indirect employer substantially determines one or other facet of the labor relationship, thus conditioning the conduct of the direct employer when the latter determines in concrete terms the actual work contract and labor relations.

A review of the history of Peabody and of Patriot establishes that your corporation has responsibilities to the pensioners of Patriot Coal as an indirect employer of these workers.

Please heed the resolution of the WV House of Delegates. We urge you to join in dialog with the United Mine Workers, a dialog aimed at preserving as much as possible of the health care promised to those who have worked so hard for your business.

In the name of Jesus the Carpenter,

Rev. Mr. Todd Garland
Exec. Dir. Office of Social Ministries

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Exec. Sec. Catholic Conference of WV



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Mr. John W. Eaves
President and CEO
Arch Coal, Inc.
One City Place Drive, Suite 300
St. Louis, MO 63141

March 28, 2013

Dear Mr. Eaves,

The Catholic Conference of West Virginia supports the recent Resolution 28 of the West Virginia House of Delegates, a Resolution which urges your corporation, along with Patriot Coal Corporation, and Peabody Energy, to live up to your obligations "to provide coal miners' health care and retirement security." We applaud our West Virginia legislators' determination to prevent the taking "from active, laid off, and retired coal miners their contractually-promised lifetime health care benefits."

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Please heed the resolution of the WV House of Delegates. We urge you to join in dialog with the United Mine Workers, a dialog aimed at preserving as much as possible of the health care promised to those who have worked so hard for your business..

In the name of Jesus the Carpenter,
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