

KFTC and the Broad Form Deed: How the Homeplace Was Saved

The Broad Form Deed caused substantial problems for the citizenry of Eastern Kentucky in the time of its existence, from the mid to late 1800s until the late 1980s. Not until two dually successful campaigns by Kentuckians For The Commonwealth in the 1980s were the broad form deed's problems finally resolved.

The broad form deed is a document which split the ownership of a piece of land between multiple people (May, 2004). Folks no longer owned the land "hell deep and heaven high," for with the advent of the broad form deed, the surface rights were divorced from the mineral rights of a piece of property and put into different deeds (May, 2004). Families would sell the mineral rights to their land, often in order to finance their retirements. The price at which the land was sold was typically a meager 50 cents an acre.

John C.C. Mayo: King of the Broad Form Deed

In the late 1800s, a man named John Caldwell Calhoun Mayo developed this practice (Turner, 1983). Mayo's story begins in rural Eastern Kentucky, along the Big Sandy River. Mayo was one of seven children born to a family of teachers in Eastern Kentucky on September 16, 1864 (Turner, 1983). Though Johnson County failed to provide him adequate educational facilities and opportunities, his parents quickly discerned that Mayo was a mathematical genius (Turner, 1983). Because of his abilities, he was able to attend Kentucky Wesleyan College (May, 2004).

In college, Mayo did many things of note, two of which are applicable to his life later as king of the broad form deed. First, Mayo took up geology as a field of study. Second, Mayo formed the "Big Sandy Club," a social club competitive with the "Boys of the Bluegrass" (Turner, 1983). These two groups pitted two regions of the state against

each other: Eastern Kentucky and the Bluegrass Region. Mayo believed deeply that because his region of the state was the most blessed with mineral wealth that it should also be the economic center of the state (Turner, 1983).

Mayo spent his first few years out of college as a school teacher. In that profession he made only a meager salary (Turner, 1983). However, in 1888, Mayo put together the firm that would be his life's work: Turner, Castle, and Mayo. This firm specialized in real estate, especially the mineral rights of Eastern Kentucky (Turner, 1983). It was through this company and the other two firms that Mayo managed that Mayo became the king of the broad form deed.

In Mayo's mind, it was profitable for him to buy only the minerals in a tract of land. By wording the contracts in such a way that typical mountain folk were unable to understand the language (the deeds were often five pages or more, hence the name 'Broad Form'), Mayo was able to garner deeds in which the "mineral estate" was much more powerful than the "surface estate" (May, 2004). For example, timber, which is on the surface of land, became controlled by the owner of the mineral estate (May, 2004). In addition, the contract stated that the surface owner of the land was responsible for keeping squatters off the land and also, adverse possession did not apply to the mineral rights owner under the broad form deed. In other words, if squatters came and lived on the land for seven years, they became the rightful owner of the surface land, but not the mineral rights (May, 2004).

Mayo also ensured that the broad form deed was protected by working behind the scenes to ensure that the broad form deed was protected in the 1891 constitution. The first issue with the constitution was the "Virginia Compact" (May, 2004). This section of

the constitution ensured that land grants which originated in Virginia were protected by Kentucky law. Since Mayo bought the mineral rights from agrarians in Kentucky, he obviously wanted this provision left out of the Kentucky constitution (May, 2004). Luckily for him, some of the more prestigious and powerful members of the convention argued against the Virginia Compact, saying that the compact made Kentucky out to be little more than Virginia's vassal. Although the constitution of 1891 let a watered down version of the Virginia Compact stand, the legislature totally nullified it in 1911 (May, 2004).

Although Mayo was probably in the clear at this point, he still used his considerable influence on some of the constitutional delegation (he was not himself a member) in order to protect the broad form deed (May, 2004). Section 19 of the Kentucky constitution banned ex post facto laws and also laws "impairing the obligation of contracts," making it nearly impossible to challenge a deed, including a broad form deed, written before the ratification of the new constitution (May, 2004).

Mayo made a substantial sum of money by selling his massive mineral right holdings to east coast mining and commodity firms. By consolidating dozens of companies and selling literally millions of acres of mineral rights, Mayo made himself a multi-millionaire in the early part of the 20th century (Turner, 1983). He rubbed elbows with the great Robber Barons of the day, even selling many of his real estate firms to John Rockefeller (Turner, 1983). He died in 1914 in the Waldorf-Astoria Hotel in New York City. Many prominent newspapers (including the New York Times) ran obituaries for Mayo. The mourners at his funeral numbered in the thousands and included the then-

current Governor (McCreary), a former Governor (John Beckham), and a future Governor (then-Treasurer Thomas Rhea) (Turner, 1983).

It has long been the subject of debate whether John C.C. Mayo should be loved or reviled for his life and work in Eastern Kentucky. On one side, Mayo did a lot to provide income to people living in poverty in Eastern Kentucky. The amount of money paid to the landowners numbered in the hundreds of thousands of dollars in a time in which that money was quite substantial (Turner, 1983). Before the coal boom, Eastern Kentucky was in effect cut off from the rest of the world. Due in no small part to the work of John C.C. Mayo, railroads came to Eastern Kentucky (Turner, 1983). In this often forgotten land transportation has always been a problem, one on which Mayo made quite a bit of progress during his lifetime. A case can easily be made that John C.C. Mayo was an early hero in Kentucky's history. A vocational school is even named after him in Paintsville (Marsh, 2007).

However, the price which was paid for the broad form deed would not be truly felt until long after the death of John Mayo. Families who lived in the Eastern Coalfields of Kentucky assumed when they sold their mineral rights that the mining companies would live peacefully beside them in a symbiotic relationship (May, 2004). This proved not to be the case. When the coal companies did come, they came with force. The deeds often outline the ability of the mineral rights owner to build any structure necessary, do any necessary demolition, and divert any water source deemed necessary to procure the minerals in the most cheap and easy manner (May, 2004). Farming the land became secondary to mining, and the folks living on the land became little more than tenants with a deed for the thinnest layer of soil on top of the ground.

One thing both proponents and detractors of John C.C. Mayo can agree upon is that Mayo was the king of the broad form deed. Early in the life of this deed, it was known not as the broad form deed, but as the Mayo form deed (Turner, 1983). This type of land ownership was entirely foreign before Mayo came and revolutionized the deeding process (Turner, 1983).

The True Price of the Broad Form Deed

Resistance to the broad form deed began very soon after coal companies began to mine the land. A litany of court cases popped up in the late 19th and early 20th century challenging the broad form deed (May, 2004). Many of these cases were settled in favor of the plaintiffs, by the “concept of unconscionable contract,” or the idea that the document was written in such terms that people had no idea what they were doing when they signed away their mineral rights (May, 2004). Although there were some early victories for the folks living in Eastern Kentucky, these victories were often not enforced (Zuercher, 1991). Also, after just a few early victories, the coal companies quickly solidified their influence in the legislature and in the courts, leading to fewer and fewer victories for the people of Eastern Kentucky (May, 2004).

The industrial revolution brought a new set of problems for people living under the broad form deed. The rapid increase in demand for energy brought with it a monumental rise in the demand for coal. Coal companies sought new and cheaper ways to get at the coal which they owned, which led directly to the surface mining boom (Montrie, 2003). Strip mining began to overtake the landscape, thanks in large part to the broad form deed. The broad form deed allowed companies to continue to mine past the end of the land to which they owned on the surface and in term of mineral rights—indeed

they could mine right up to the residence of the surface owner without overreaching their bounds.

The advent of surface mining also added new drama to the broad form deed. When the mineral rights to a piece of property were sold previous to surface mining, mining meant digging a large pit and scraping the coal out from under the surface. While this is obviously not the best case for the surface owner, it is considerably better than the situation the surface owner faces when the land is strip-mined (Montrie, 2003). The idea of completely scraping the surface away in order to get at the minerals beneath the land was completely inconceivable to the folks who signed away their mineral in the broad form deed (Turner, 1983), and it was often their children or grandchildren who bore the brunt of the surface mining that eventually would take place on the land which the coal companies possessed broad form deeds (Zuercher, 1991).

The problems of surface mining came to an awful head in the spring of 1977. In April of that year, between 15 and 18 inches of rain fell in Appalachia (Zuercher, 1991). Had this much rain fallen in any year, it would have produced major flooding. However, because this was the first major flood since the advent of strip mining, the devastation was horrendous. In Kentucky, \$175 million of property was destroyed. Hundreds of people were left without homes, and four people tragically died (Zuercher, 1991). The reason that the flooding was so awful in 1977 was clear: strip mining.

Strip mining is a type of surface mining in which the land above the coal is completely removed in order to get at the minerals underneath. Deep mining had been the predominant style of mining previously (Montrie, 2003). Deep mining is the style of mining in which the minerals are removed without destroying the surface. This poses

very specific problems in terms of water drainage. Trees, brush, leaves, and other organic matter act as nature's sponge. When rain falls, it is by and large absorbed by this material. Surface mining removes this material (Montrie, 2003). When the rains came, they were unimpeded and ran directly through town, destroying everything in their path. Also, topsoil runoff came down the mountains, filling the creeks with silt and causing them to rise much more quickly than they would normally (Zuercher, 1991).

The bottom line was this: a human caused situation resulted in the deaths and displacement of a large number of people. The time was ripe for a new citizens group to form and to begin addressing the problems facing the region of Eastern Kentucky. Although dozens of groups formed that would effect change locally, no other group left a larger mark than the Kentucky Fair Tax Coalition (now Kentuckians For The Commonwealth).

The Birth of KFTC: A New Voice for Kentucky

KFTC was born from the merger of two groups (Zuercher, 1991). The first was Concerned Citizens of Martin County. This group had long been involved in local issues such as school reform, infrastructure repair, and land ownership issues. However, the floods of '77 and the resulting events truly created a situation in which the CCMC was able to shine. After the flood, Martin County applied for a block grant for flood relief. Despite the pleas of the people to involve them in the planning of how the money would be spent, the city's leadership made plans to entirely move the town of Beauty (in Martin County). Beauty had not been badly flooded, but it was understood that a coal company wanted to mine the land under the town. The group was successful in keeping the town in its original location (Zuercher, 1991).

The second group responsible for the birth of KFTC was the Cloverfork Organization to Protect the Environment (Zuercher, 1991). This group formed in Harlan County to attempt to declare Clover Fork and Crank's Creek (the two overflowing streams that caused much of the flooding) "unsuitable for mining." This group was small, and realized that the task ahead of it was very large. COPE quickly found out that if it hoped to achieve its agenda, it would need some pretty substantial help (Zuercher, 1991).

Truly the issue that did the most to bring these two groups together was land ownership. The Appalachian Land Ownership Study took place in 1981, and uncovered some disturbing facts about the ownership of the land in Eastern Kentucky. The study found that

"25 corporate and individual owners owned more than a million acres of land, mineral rights or both. All but three of these 25 were headquartered outside the mountains, all but six [were headquartered] outside the state. Corporations alone held 42 percent of that million acres." (Zucherer: Making History 11-12).

Further, the study found that the absentee land owners bore nearly none of the property tax burden (11% is the actual figure) (Kentucky Fair Tax Coalition, 1983). This study's coordinator presented these facts to both COPE and CCMC, who decided to merge together and form KFTC.

KFTC was formed out of outrage at this tax differential. Unmined minerals in Kentucky were not being taxed at the same rate as surface property, again the cause of the broad form deed (Kentucky Fair Tax Coalition, 1983). A stand in favor of equal and

equitable taxation was made. 25 citizens met in Hazard in 1981 in order to form a new group whose purpose was to work on the unmined minerals tax issue. They gave themselves the name Kentucky Fair Tax Coalition (Zuercher, 1991).

The unmined minerals issue was truly the catalyst that brought KFTC together. It was decided from the start of KFTC that a law that taxed unmined minerals would be in the forefront of KFTC's agenda until it passed (Zuercher, 1991). This task proved to be very arduous and KFTC learned many lessons about citizen organizing during this campaign.

KFTC's Campaign for an Unmined Minerals Tax: Lessons Learned

The campaign for an unmined minerals tax began right after KFTC was born. Members of KFTC went to Frankfort in 1982 during the legislative session in order to work directly with legislators on this issue. The campaign started strong, with the bill quickly finding a sponsor and moving through the Appropriations and Revenue committee by an 11-1 margin. However, after the bill moved on to the Rules committee, KFTC learned how Kentucky politics truly work. The bill was moved to a different committee (Agriculture and Small Business), where no amount of citizen lobbying could save it. It never came to a hearing in that committee. Although two attempts were made to revive the bill, it died an inglorious death in 1982 (Zuercher, 1991).

KFTC, however, was alive and well. Undeterred by their loss in 1982, the group quickly geared up for 1984. KFTC realized that there was a gross amount of misinformation and outright lies circulating about the unmined minerals bill. A short document was published for this purpose, entitled (curtly enough) "Taxing Unmined Minerals in Kentucky." This short publication boiled down the bill and the surrounding

questions into a question and answer document that was easy to read and print, and therefore able to be circulated widely (Kentucky Fair Tax Coalition, 1983).

The publication did several effective things: first, it laid out in detail the case for an unmined minerals tax in Kentucky. Additionally, the publication explained why its detractors were wrong. For example, coal companies and the Chamber of Commerce claimed that an increase in property tax on unmined minerals would be born by the consumer instead of the producer. To this point, KFTC commissioned a study which showed that only 1% of the tax increase would be born by the consumer (Kentucky Fair Tax Coalition, 1983). KFTC was coming up with good answers to the bad questions being asked about the unmined minerals tax. Finally, the publication did something that KFTC became known for—it addressed the root cause of the problem, in this case broad form deeds (Kentucky Fair Tax Coalition, 1983). By pointing out that broad form deed abuses could be curbed by the adoption of this tax, KFTC showed that it was not just treating a small symptom of a problem, but was ready to address the problem as a whole.

The unmined minerals campaign came up again in 1984, but was put down after what seemed to be a very promising beginning (Zuercher, 1991). It received its biggest beating in 1986, when massive political maneuvering by folks as high up as Governor Martha Layne Collins and House Democratic Floor Leader Greg Stumbo. Although the unmined minerals bill never ended up passing, the bill focused KFTC. Because of work done on this issue, KFTC was able to start an endowment fund, adopted a steering committee, and buy and remodel a run down house in order to have an office. Additionally, Kentucky Fair Tax Coalition changed their name to “Kentuckians For The Commonwealth.” These actions signaled that KFTC was working on many issues and

was no longer an amalgamation of many groups, but was itself a force in Kentucky politics (Zuercher, 1991). The lessons learned during the unmined minerals campaign positioned KFTC well for its first major victory: a major reform for the broad form deed.

The Broad Form Deed: Success in 1984

KFTC would obviously be a group that saw the broad form deed and its resulting abuses with the advent of strip mining as a big problem. In fact, KFTC placed broad form deed reform high on its list of legislative priorities early in its life (Zuercher, 1991). And unlike the unmined minerals tax, broad form deed reform found quick success in the Kentucky Legislature.

Citizen lobbying was and continues to be one of the most important elements of any KFTC campaign (Newton, 2007). By using the stories of real Kentuckians who had faced the full wrath of King Coal, KFTC found a real audience in Kentucky's Legislature (Chapman-Crane, 2007). Everett Akers, a man whose cable business was all but destroyed by blasting by coal companies, served as a senior spokesperson for the bill (On Our Own Land, 1988) (Kentuckians For The Commonwealth, 1990). Sidney Corbitt, a man whom had served two terms of duty in Vietnam, came home to find that coal companies were taking away his home (On Our Own Land, 1988) (Kentuckians For The Commonwealth, 1990). Evelyn Williams, a black woman whose life had been a continuous search for racial and social justice in the mountains, was facing losing her land as well (Headwaters, c1995). With these folks serving as mouthpieces of the broad form deed bill, it is no wonder that Greg Stumbo, who had placed serious roadblocks in the way of the unmined minerals tax, even stood up on the House Floor and said "To

allow this [broad form deed abuses] to continue is to allow involuntary servitude” (On Our Own Land, 1988).

KFTC put together modest legislation which stated that the only mining that could be allowed under a broad form deed was the mining that was common at the time in which the minerals were sold, thereby ending strip mining abuses. The bill even included a provision that allowed strip mining to continue if the surface owner of the land agreed to it. The bill sailed through committee and passed with overwhelming support in the legislature: by an 87-10 margin in the House of Representatives, and by the unanimous count of 34-0 in the Senate (Zuercher, 1991).

However, the fight did not stop there. The Governor made very clear that the bill would not be enforced when the Environmental Protection Cabinet continued to issue strip mining permits (Zuercher, 1991). It was at this point that KFTC realized that the reason that the bill had passed by such a large margin was because the coal companies knew that a court challenge was the only way in which they were going to be able to win this fight (On Our Own Land, 1988).

The Wooten’s and the Supreme Court: A Case Study in Profits over People.

Elizabeth Wooten’s husband had died long before the broad form deed bill had become law. He was buried on the property where he spent his life, and his last request was to protect the family’s land from strip miners (On Our Own Land, 1982) (Kentuckians For The Commonwealth, 1990). In the early 1980s, coal companies offered the Wooten family \$150,000 to move their paterfamilias to a different spot so that they could strip mine their land. The family refused. The coal companies then stated that

they would mine the land anyway, because they owned the mineral rights to it (Zuercher, 1991).

Before the broad form deed bill passed, the Wooten's filed suit in Perry Circuit Court to try to protect their land. Their case got quite a boost when the broad form deed bill passed. KFTC decided to use the Wooten's court case as a test case for the constitutionality of the Broad Form Deed bill (Zuercher, 1991). The Wooten's amended their answer to use the broad form deed law as reason for keeping the coal company (Marandco Coal) off of their land. The circuit court upheld the constitutionality of the law. Additionally, Everett Akers, the man whose cable business was nearly destroyed, filed suit with several others in federal court against the Environmental Protection Cabinet for not enforcing the broad form deed. They, too, won their case. All strip mining permits since the bill became law were declared in violation of the law (Zuercher, 1991).

The case looked like it was over. Though the case was before the Supreme Court, it looked as though it would not be taken up by them (Chapman-Crane, 2007). However, two years after the final appeal, the Supreme Court of Kentucky took up the case. KFTC knew this was not a good thing. On July 2, 1987, the Supreme Court declared the broad form deed law unconstitutional in a 4-3 decision. Although the bill had the support of 121 legislators, every other judge whom it had come before, and millions of citizens of Kentucky, four white men in black robes were able to derail this entire movement (Kentuckians For The Commonwealth, 1990). Though KFTC was disappointed by the decision, they were not surprised. Although KFTC faced another setback, they knew they had to continue the fight. KFTC decided to take the next and final step—passing a

constitutional amendment. KFTC showed great resiliency. In the words of Mary Jane Adams, a KFTC Chairperson, “We’re just going to work harder and keep fighting until justice is done” (Zuercher, 1991).

The Campaign for a Constitutional Amendment: Saving the Homeplace

The process of amending Kentucky’s constitution is notoriously difficult. The process first requires a 3/5rds majority in each house. Even if that is successful, there are only two constitutional amendments that can be placed on any ballot (which must be on an even year). Then, with the majority support of the people of Kentucky, the amendment can be added to the constitution. KFTC knew this process would be difficult, but also knew that they were up for the task (Zuercher, 1991).

In 1988, KFTC members again invaded the halls of Frankfort in order to get a constitutional amendment on the ballot. They came bearing long petitions protesting the broad form deed, they rallied in the rotunda, they spoke to their legislators, and they made sure that each member of the legislator was well informed about the legislation (Zuercher, 1991) (On Our Own Land, 1988) (Fighting For Justice, 1990). By now, they knew the drill. Additionally, Eastern Kentuckian KFTC members were able to pick up the help of Jefferson Countian KFTC member by tying two bills together. A hazardous waste incinerator was being proposed for Southern Jefferson County, which the Jefferson County chapter of KFTC was lobbying against. KFTC members decided to speak to each legislator about both the hazardous waste incinerator and the broad form deed amendment (Zuercher, 1991) (Fighting For Justice, 1990). This strategy became the KFTC norm later on, when the multi-issue approach was ramped up in the 1990s (Newton, 2007).

All the hard work by KFTC paid off in the legislature. The broad form deed amendment passed unanimously in both the House of Representatives and the Senate and was placed on the 1988 ballot, and the waste incinerator was never built (Zuercher, 1991). Though the first battle had been won handily by KFTC, it was well known that the war had just begun. The campaign for the 1988 constitutional amendment number 2 was about to begin.

KFTC's campaign was principally designed around clarifying the message of what amendment #2 really was. On the ballot, the amendment was a 162 word, long winded sentence. In order to clarify this language, KFTC produced a logo and a slogan—a bulldozer pushing a house down with the words “Save the Homeplace, Vote Yes on Amendment 2” (Chapman-Crane, 2007).

While KFTC knew that they would receive support in the Eastern region of the state, they had no idea what the Bluegrass and Western regions of the state thought of broad form deed reform (Chapman-Crane, 2007) (Zuercher, 1991). They set across the state, attending dozens of county fairs, setting up shop in the state fair, and even packing a bus with 3 senior women who went across the state detailing what the broad form deed had done to their homes (Chapman-Crane, 2007) (Zuercher, 1991). KFTC did all it could in order to procure a victory, however on November 8, 1988, all KFTC could do was watch as results came in.

To add to KFTCs nervousness, the coal companies came out swinging in their campaign as well. The industry funded campaign actually outspent KFTC and the Amendment 2 proponents by a margin of 3-1 (Zuercher, 1991). They used media via television and radio to portray the broad form deed amendment as a “cure all” for the ills

of Eastern Kentucky and by saying that it was in Kentucky's interest to have surface mining (Zuercher, 1991). The industry made the claim that the majority of new surface mining was a new type of surface mining, called mountaintop removal, which leveled out land thereby increasing its value (On Our Own Land, 1988).

KFTC was entirely unsure about whether or not the amendment would pass. As results poured in from Eastern Kentucky, they were not surprised to see amendment two getting off to a good start. However, the campaign was shocked to see that Jefferson County voted yes for amendment two by a margin of 4-1 (Zuercher, 1991). The margin continued to grow—the final count was 82.5% for and 17.5% against. 868,634 people voted in favor of this amendment—the highest margin in any election before or since, and the most votes for anything in Kentucky's history (Zuercher, 1991). In the words of KFTC members Jeff Chapman-Crane: “People gathered at the settlement school and had no idea what would happen, with the coal industries lobbying and money influence. We thought it had a good chance of passing, but the margin was a huge surprise. It was a high point in my career as an activist” (Chapman-Crane, 2007). The broad form deed was finally dead, and this time for good. Eastern Kentuckians could breathe a little easier that night, knowing that there was no chance that in the morning a bulldozer would be waiting for them.

Analyzing the Election: Creativity and Hard Work Pay Dividends

KFTC did a lot of things to make the 1988 election a success, but perhaps what they wound up being the most known for was their creativity. Jeff Chapman-Crane, a professional artist and KFTC member, designed the logo of the bulldozer and the slogan

stating “Save the Homeplace” (Chapman-Crane, 2007). These objects helped to simplify this complicated amendment process into something all voters were able to understand. In addition, KFTC built two parade floats, which they brought with them to all the county fairs which they attended. These 3-dimensional pieces (one of which was a rendition of Chapman-Crane’s logo) often sparked a dialogue about the amendment which helped people from different parts of the state understand what the campaign was all about. Also, a coloring book was employed as a campaign tactic (Zuercher, 1991). Perhaps by putting this campaign in the simplest of folks could see the true simplicity of this campaign (Zuercher, 1988). This ability to brand their campaign paid dividends. In an anecdote told to me by Jeff Chapman-Crane, a woman in Eastern Kentucky stepped out of her polling place and asked the poll worker “How do I vote to save the homeplace?” (Chapman-Crane, 2007).

Also helping KFTC carry the day was their hard work. Every bit of campaigning, from the building of the floats to the walking of the precincts was done by KFTC members (Chapman-Crane, 2007). Members wrote, designed, and printed every piece of literature in the campaign (Zuercher, 1991). In addition, members donated the materials and built the floats taken around the state (Chapman-Crane, 2007). Also, members appeared in every single one of the campaigns advertisement (On Our Own Land, 1988). When put in the context of the coal company’s campaign which was wholly produced and executed by paid, third party interests (Zuercher, 1991); KFTC came away looking substantially more genuine and believable. Certainly, this was a great advantage for KFTC, and helped the campaign a great deal. The work and perseverance of KFTC is one of the most identifiable features. To quote Elizabeth Wooten, the woman who lost

the court case which started the whole campaign, “As long as there’s a Wooten left alive, they won’t mine our land” (Kentuckians For The Commonwealth, 1990)

KFTC since 1988: Still Working for Justice

The broad form deed campaign was the first big success for KFTC, and KFTC was able to use that success as a springboard to the future. KFTC has worked since this victory on bills favoring local control and home rule (Zuercher, 1991). After the broad form deed amendment, KFTC discovered that it was substantially easier to gain an audience with even the highest officials since they had been victorious in the past (Newton, 2007). KFTC continued to develop in the 1990s with the goal in mind of protecting Kentucky citizens. It was in this decade that KFTC became a truly state-wide group. Again, by building on the victory of the broad form deed amendment, KFTC was able to establish chapters all across the state (Zuercher, 1991) (Chapman-Crane, 2007). Nowadays, there are chapters that work on issues of importance to both rural and urban constituents.

In the late 1990s, a new style of strip mining began to permeate the mountains of Eastern Kentucky. Mountaintop Removal, which had just started during the broad form deed debate, began to accelerate. This style of mining, which involves ripping the top off of a mountain to get at the coal seams, causes permanent damage to the landscape by destroying streams, as well as drastically reducing the amount of jobs needed to mine the coal. KFTC has been working very hard in the past legislative sessions to get a stream saver bill passed, and if their past successes are any indicator, this issue will get more and more attention (Newton, 2007).

KFTC's success in the broad form deed campaign has done much to change some of the typical stereotypes of Eastern Kentucky and of mountain people in general. In the words of Herbie Smith, founder of Appalshop, "Ten years earlier, people would not have gotten together, but that one issue affected enough people that they managed to unify" (Chapman-Crane, 2007). By building on this campaign's successes, KFTC has become a group truly focused on giving the people of Kentucky a voice. In Wendell Berry's words, "Here in Kentucky when we have had much evidence to doubt the will of the people, KFTC has shown us that we have much to hope for" (Kentuckians For The Commonwealth, 1990).