

# **The Pittston Mentality: Manslaughter on Buffalo Creek**

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and  
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737 National Press Building  
Washington, D.C. 20004

This article was first published in the Washington Monthly of May, 1972. We publish it with the permission of Tom Bethell. It is unauthorized by the magazine.

published by:

Appalachian Movement Press, Inc.  
P.O. Box 8074  
Huntington, West Virginia 25705

Buffalo Creek, in Logan County, is reasonably typical for the southern part of West Virginia—a long, winding hollow, snaking between steep ridges on both sides for more than 20 miles from the town of Saunders, at its headwaters, to the town of Man, where the creek empties into the Guyandotte River, which flows north to join the Ohio River at Huntington. The narrow valley is just wide enough for the creek, the railroad, and an almost unending line of company-built houses stretching along both sides of the tracks. There are occasional wide places in the valley where tributaries flow into Buffalo Creek, and in the wide places there used to be towns—small towns that nobody ever heard of, places like Kistler, Crown, Accoville, Braeholm, Fanco, Becco, Amherstdale, Robinette, Latrobe, Crites, Stowe, Lundale, Crane-co, Lorado, and Pardee. Some of the names come from coal companies that no longer exist. As coal towns go, these were old, most of them built before World War I. They were in varying stages of decline. Some of them were not much more than post-office addresses. The old frame two-family houses were settling unevenly. Some had collapsed altogether. Others, considering their age and the haste with which they had been built, were in surprisingly good shape. As a general rule, if a house was freshly painted you could assume that a working miner lived there.

The population of Buffalo Creek has fluctuated with the times, declining when the industry declined, recovering when the industry recovered. In 1970, coal had its best year since 1947, and a rosy glow of optimism suffused National Coal Association predictions for the future. Big companies opened new mines along Buffalo Creek and stepped up production in their old ones.

When coal comes up out of the ground, the impurities that come with it are separated out in preparation plants—tipples, as they are more commonly called. The coal rolls away in long, black trains; the impurities stay behind, and something has to be done with them. They have a way of accumulating with staggering speed: a ton of raw coal generally contains up to 25 per cent of extraneous material, and a good-sized tipple, handling the production of several mines at once, will separate out thousands of tons of waste every day. Miners have different names for it—“gob” or “slag” or “culm”—but whatever you call it, it still has to be piled somewhere. In the crowded hollows of West Virginia, finding places to pile slag is a problem of major proportions. As a general rule, no engineer is ever called in to consult on the best and safest locations. Instead, the company superintendent simply hunts around for some vacant space convenient to his tipple, and the slag is dumped there, either by trucks climbing up a mountainside

and dumping down the slope, or by an aerial tramway strung between peaks and dumping in the middle. Whatever system is used, the slag is piled up until it is higher than the dumping spot, and then a new pile is started.

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### **Facing the Gob**

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Since 1946 a tipple has been in operation at the head of Buffalo Creek. The plant was built by the Lorado Coal Mining Company, a mostly local outfit that sold out to the Buffalo Mining Company in 1964. Buffalo Mining, in turn, sold out in 1970 to the Pittston Company, which is headquartered in New York and is the largest independent producer of coal in the United States. All this time the tipple continued in operation. And all this time it grew. Originally designed to process coal from a single mine, it was expanded periodically as new mines were opened nearby. By 1972 Pittston was operating a total of eight mines in the Buffalo Creek vicinity—five of them underground, three of them stripping jobs. The coal from all eight was processed in the single tipple. On average, the tipple operated six days a week, two shifts a day, handling about 5,200 tons of raw coal daily, shipping out about 4,200 tons of cleaned coal on the long Chesapeake and Ohio trains. That meant that every day a thousand tons of gob, more or less, had to be dumped.

Three tributaries run into Buffalo Creek near the Pittston tipple. From 1947 until about 1955, the refuse was dumped along the hillside a few hundred yards upstream from the tipple, but by 1955 the available space was mostly exhausted and the tipple began dumping a little farther away, across the mouth of a small hollow where the Middle Fork tributary met the creek. At first the gob pile grew slowly—it had to, because most of the hollow behind it was occupied by miners living in company houses. But when production at the tipple increased, the growing gob pile began to menace the houses, and the miners were forced out. The houses were abandoned—some of them were knocked down for the lumber—and the gob was dumped where they had stood. The families moved away, some of them out of West Virginia entirely, some of them only a few hundred yards, settling in vacant houses in the small community of Saunders, which stood facing the gob pile at the intersection of Middle Fork and Buffalo Creek.

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### Saunders Was Gone

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The gob pile grew, and grew, and grew more swiftly as the tipple kept expanding production. At first this grotesque black mountain was only an eyesore. Later it became a source of air pollution and a fire hazard. Gob piles may be nothing but waste, but

much of that waste is flammable, and a combination of compaction and oxidation can result in spontaneous combustion. Once a fire gets going deep within a gob pile, extinguishing it is nearly impossible. The fire smoulders, sometimes bursts into open flame, fouls the sky with acrid smoke, and occasionally produces an explosion. The federal Bureau of Mines has spent millions of dollars in research on the problem, but the end result is that hundreds of gob piles are smouldering in the Appalachian coalfields right now, and nothing is being done about them. The gob pile at Middle Fork began burning years ago and kept on smouldering.

As the dumping continued, another problem arose. Tipples require vast quantities of water in the cleaning-separating process, but water can be a scarce commodity at times in West Virginia. Partly to provide itself with a reliable year-round supply of water, partly to comply with new state regulations governing stream pollution, Buffalo Mining began to build a series of settling ponds in 1964 (previously the contaminated wash water had simply been sluiced directly into Buffalo Creek, despite the objections of people who liked to fish there). The ponds were created by building retaining dams in the most immediately convenient location—on top of the huge Middle Fork gob pile. By that time the pile had reached stupefying proportions: as high as a

10-story office building, 600 feet across, stretching back into the hollow more than a quarter of a mile. Seeping down through the pile and wandering across the top, the waters of Middle Fork ran sluggishly to join the main stream of Buffalo Creek. Damming the water was a relatively easy task, using the material closest at hand: mine waste. No civil engineer in his right mind would permit the construction of a dam from such materials—as many a civil engineer would later confirm—but no engineer, it now appears, was consulted.

In operation, the settling ponds not only contained runoff water from the hills, but refuse-filled water piped from the tipple. The solid refuse would settle out and clear water could be piped back to the tipple. The first of the ponds impounded a relatively small volume of water, however, and it silted up within a couple of years. A second dam was built in 1967, slightly farther upstream. When the tipple was operating full blast, it required 500,000 gallons of water a day, pumping back between 400 and 500 gallons of waste-filled water every minute. Some of the water would seep out through the porous dam, but the waste settling to the bottom—500 tons every day—rapidly filled the pond, and a third dam was built in 1970. Again, no engineering was involved—just truckloads of mine waste, a bulldozer to push them around, and *presto!* a dam grew across the hollow,

built of nothing but junk, standing on a foundation of slime and silt and dead trees. The trees were there because nobody had bothered to cut them down. It was simpler and faster just to dump on top of them.

In West Virginia, February means snow and rain. February meant it this year, as always. In Logan County, there were heavy snows and flash floods—but they were, as the state meteorologist would later point out, “nothing uncommon.” At the head of Buffalo Creek, the waters rose behind Pittston’s makeshift dam. Early on the morning of February 26, Pittston’s local mine boss, Steve Dasovich, sent a bulldozer operator up the access road to the dam with instructions to cut a drainage ditch to relieve the pressure from the swollen lake. The access road winds around a mountainside, with the dam out of sight much of the way. When the bulldozer operator finally came around the last bend and looked through the rain at the dam, he saw with a sudden, terrible shock that it wasn’t there.

The dam was gone, and 21 million cubic feet of water and an immeasurable mass of mud and rock and coal wastes were charging through the narrow valley of Buffalo Creek. From where he sat on his suddenly useless machine, the bulldozer operator could look down toward the little town of Saunders—a town consisting of nothing more than a church and some two dozen houses. Now it consisted of

nothing at all. Saunders was gone, eradicated completely. Beyond Saunders, the valley curved away out of sight, but the air was filled with the terrifying sound of the flood bearing down on the 15 communities in its path.

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### Father of Strip-Mining

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There are no slag heaps on Park Avenue and no floods will ever wash through the offices of Joseph P. Routh unless the island of Manhattan sinks into the sea. Thirty-five floors up in the Pan American building, the chairman of the Pittston Company has a commanding view. When he looks down to the street below, he can see Brinks armored trucks moving the wealth of America from place to place. The trucks belong to Joe Routh. A good deal of the money does, too.

Routh is 79 now, and he has been making money longer than most men have been alive. He was already a power to be reckoned with when the Pittston Company, which then operated a dozen anthracite mines in Pennsylvania, stumbled into bankruptcy during the Depression. A friend at Manufacturers Trust suggested to Routh that he take over the company and lead it out of the wilderness. The bank sweetened the offer with a \$10-million loan—essentially unsecured, since there would be no way to recoup the loss if Pittston went under—and Routh moved in.

Anthracite, he concluded, was a dying industry. The future lay in the vast bituminous fields of Virginia and West Virginia. He unloaded most of Pittston's properties in Pennsylvania and began buying up tracts of coal in central Appalachia.

At a time when coal prices fluctuated wildly, he had discovered that the best way to tear loose a chunk of coal in time to take advantage of favorable trends was to strip it from the mountainsides, rather than go through the difficult, two-year-or-more process of engineering and constructing a deep mine. By 1950, when strip-mining was still an infant industry in Appalachia and conservationists hadn't the foggiest notion of the plague to come, one of Routh's companies, Compass Coal, was profitably tearing the hills of Harrison County, West Virginia, to shreds. Since there were no state or federal reclamation requirements, no money had to be spent on binding up the wounds. It must have been the best of all possible worlds, unless you lived near one of Routh's mines. He, of course, didn't.

Routh kept himself busy with other conquests, picking up coal companies in Kentucky, West Virginia, and Virginia, buying up trucking companies and warehouses in New York, enlarging his oil-distributing operations, hatching long-range plans for a giant refinery on the Maine coast. Money flowed from Routh's various holdings into his Manhattan office in a

never-ending stream, and Routh bought Brinks, Inc., to carry the cash in his own armored cars.

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### **An Act of God**

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Despite abundant evidence that he was in no danger of going soft, Routh decided in 1969 to bring in a new president. He looked around for a man to match his own toughness and found one—a 53-year-old native of West Virginia named Nicholas T. Camicia who had already made a mark in the industry as a notable scrambler. “The coal industry is run by men who got where they are by not being nice,” says one former federal official in a position to know, “and when Camicia smiles, you can hear his jaws making a special effort.” Routh liked him fine.

But Camicia already had a good job when Routh approached him about taking over Pittston. Routh reportedly told him to write his own ticket, possibly remembering his own reluctance to sign on until Manufacturers Trust gave him the \$10 million to play with. Camicia did, in fact, write his own ticket, putting his signature to a contract that has never been publicized, but makes fascinating reading in the archives of the Securities and Exchange Commission. The contract runs until 1976 and guarantees Camicia not only a minimum salary of \$100,000 (increased now to \$134,000), but stipulates that a deferred salary of \$25,000 will be set

aside each year, compounded, and paid out to him in 120 monthly installments whenever he quits or gets fired; if he reaches retirement age before that happens, he also qualifies for a hefty pension. The contract also appears to have included some highly attractive stock options; SEC records show, for example, that Camicia picked up 7,200 shares, worth approximately \$270,000, for a price of \$78,000—less than a third of their market value. That wasn't all. Camicia was living comfortably in an exclusive Chicago suburb when Routh signed him up; in return for agreeing to move to New York, Camicia got Pittston to buy his house for \$90,000 and furnish him, cost-free, an equivalent home within commuting distance of Manhattan. He went to work for Joe Routh, reportedly satisfied with the terms of his employment.

If ever there was any doubt that Routh and Camicia were a pair of industry touchdown-twins, it was dispelled early in 1970, when Pittston signed a contract with the Japanese steel industry. The Japanese wanted a long-term contract and were willing to make concessions to get a reliable supply of American coking coal. By 1970 Pittston had gained control of a third of all the available commercial metallurgical coal in the U. S., and no one could offer more reliability than Routh and Camicia. They would not offer it without certain stipulations, however. The contract they signed

with the Japanese calls for Pittston to deliver 140 million tons of coal over the next 10 years at a reported average of \$15 per ton, which is about twice the going rate elsewhere.

Pittston's directors were so happy last year that they boosted dividends twice and voted themselves a three-for-one stock split to boot. The company now has more than 50 mines working, with nine more under development, and there is no end to the good times in sight.

Is everybody happy? No. Federal mine inspectors in Appalachia are not pleased with Pittston's safety record; they never have been particularly pleased with it, but the past couple of years have been especially bad. Nine miners lost their lives in 1971 in Pittston mines (two of them in the newly acquired Buffalo Mining division), another 743 were seriously hurt, and the company's accident frequency rate was one of the highest in the coal industry. The record in 1970 was even worse: 18 dead. Investigators found that in a solid majority of the fatal accidents bad management practices (rather than personal carelessness) were to blame. "The company appears to be sincere in its desire for health and safety throughout its mines," one inspector wrote. "This desire," he added drily, "is not always fulfilled." Not always. All told, some 98 men have been killed in Pittston's mines in the past decade, and a 1963 explosion in which 22 men died still

ranks as one of the worst of recent disasters. Three or four thousand men have been seriously injured or maimed in the company's mines since 1962, and the U. S. Public Health Service estimates that as many as 5,000 Pittston miners may have developed pneumoconiosis during that time. The profit margin of the new Japanese contract is a reported 24 per cent, almost three times the normal profit margin in the coal industry; you can't help marveling at how much of that money will be going back to the disabled derelicts living out their lives in Appalachia after destroying themselves to help make Joe Routh a millionaire for the third or fourth time.

Pittston's stockholders don't have to concern themselves with such things, because they don't hear about them. The company's handsome four-color annual reports talk about money, not about people. There are pictures of freshly painted oil storage tanks, spotless armored trucks, gleaming computer banks—and aerial pictures of the long, black coal trains winding their way through seemingly virgin Appalachian valleys. The pictures are taken with care: on the inside back cover of the 1971 report there is a color shot of lovely hills and hollows with a sturdy complex of mine buildings prominent in the foreground. "Aerial view of the Lorado Mine of newly acquired Buffalo Mining Company," the caption reads.

Beyond the mine, railroad tracks stretch away, disappearing behind a hill. If you could see beyond that hill, you would see the massive, smouldering gob pile that stood at the head of Buffalo Creek, and on top of it the jerry-built dams that Pittston used with its preparation plant. But those things are not part of the picture, not part of the annual report. As far as Pittston's stockholders were concerned, they never existed—not until the morning of February 26, when suddenly the dams collapsed and the burning gob pile erupted and all hell broke loose.

Helicopters were still thrashing back and forth between Buffalo Creek and the nearest hospitals when reporters began calling Pittston's New York headquarters to find out what the company had been doing to cause such a monstrous disaster. Camicia and Routh weren't available, wouldn't answer the telephones, wouldn't return calls. Finally, Mary Walton of the *Charleston Gazette* flushed out a Pittston lawyer who insisted on remaining anonymous, but was willing to give the company's point of view. "It was an act of God," he said.

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### Dasovich's Yardstick

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"'Act of God' is a legal term," Robert Weedfall remarked when he heard about Pittston's explanation of the flood. "There are other legal terms—terms like 'involuntary man-

slaughter because of stupidity' and 'criminal negligence.'” Weedfall is the West Virginia state climatologist, the man who keeps track of basic acts of God such as rain and snow. He was in a better position than anyone else to know whether there could be any possibility that Pittston's dam had collapsed from natural causes, and he was convinced that it had not—could not have—not by any stretch of the imagination. There had been heavy rainfall in Logan County during the week of February 26, and considerable flooding. But it was nothing uncommon for February, Weedfall said, and he had the statistics to prove it. When reporters called him they were impressed with his conviction. Pittston officials had called, too, looking for ways to document their private theory of divine intervention. Weedfall wasn't much help.

Nor were the technical specialists of the Department of the Interior who arrived from Washington and, in the aftermath of the disaster, poked and probed among the ruins in search of clues. The U. S. Geological Survey sent a crew, as did the Bureau of Mines; the Bureau of Reclamation summoned a former chief of its Earth Dams Section from retirement. The investigators examined the remains of the dam in microscopic detail, interviewed Pittston workers and company officials (who would not talk to reporters), and pieced together a convincing account of what had happened

and why. None of the investigators showed any doubt that the dams had been badly engineered. Fred Walker, the retired Bureau of Reclamation expert, went further, refusing to use the word "dam" to describe the structures. "Locally these barriers are called dams, but to me this is unacceptable nomenclature," he wrote. "These structures were created by persons completely unfamiliar with dam design, construction, and materials, and by construction methods that are completely unacceptable to engineers specializing in dam design."

West Virginia law, Walker noted, "requires permits, approval of plans, and inspection during construction for impoundments more than 10 feet deep. I was unable to find that such requirements had ever been complied with." Suggesting that similar potentially disastrous situations could be found elsewhere in the coalfields, Walker commented scathingly that "fortunately most of these barriers are built in valleys that have small watersheds above them, as apparently little if any consideration is given to the flood hazard involved."

Pittston's consideration of the flood hazard at Buffalo Creek seems to have begun at 4 p.m. on February 24—exactly 40 hours before the so-called dam collapsed—when Jack Kent and Steve Dasovich drove up to survey the situation. Kent was superintendent of Pittston's stripping operations in its Buffalo Mining division; Daso-

vich was superintendent of the tipple. The water was rising behind the newest of the three dams. A federal mine inspector had driven past on the previous day and recalled later that the water seemed to be about 15 feet below the top; now it was within five or six feet. According to the Bureau of Mines report, Kent and Dasovich "agreed that neither the dam nor the rising water presented danger of collapse or flooding at that time." The report makes clear that they were concerned only with the possibility of water overflowing the dam; they seem to have been untroubled by the possibility that the dam might simply give way, even though it was settling visibly in places—and even though part of it had given way almost exactly a year earlier during the rains of February, 1971. (It had been under construction then, with not much water backed up behind it, and there was little damage.) Kent stuck a measuring stick into the sludgy surface of the dam, with the top of the stick about a foot below the top of the dam. It was raining; Dasovich and Kent decided to keep an eye on things.

Kent was back at the dam 24 hours later to check his measuring stick. The water was up about a foot and a half. Rain was still falling. Kent, who lives in an imposing home a few miles below the dam, decided to start checking the water level every two hours. He found that it was rising about an inch an hour. At 3:30 a.m.

on February 26, peering at the stick with the aid of a flashlight, Kent saw to his alarm that the water was rising faster—two inches an hour, maybe more. An hour later the level was up three inches more and the measuring stick was almost covered. Kent telephoned Dasovich and asked him to come take a look. By the time Dasovich arrived the stick had disappeared entirely and the water was only about a foot below the top of the dam.

According to the Bureau of Mines investigators, Dasovich decided to cut a ditch across the dam; he had some drainage pipe on hand and intended to use it to relieve the pressure. He called some of Jack Kent's strip-mine bulldozer operators at home and told them to go to the stripping operation—some three or four miles away—and bring their machines to the dam. Kent, meanwhile, made some calls, too; "he telephoned several families in the Lorado and Saunders area after his 4:30 a.m. examination," Bureau investigators reported, "and advised them of the rising water and the possibility of the dam overflowing." Three hours before the dam broke, in other words, the disaster had been foreseen by someone in a position to do something about it. A telephone call to the state police—who could have traveled the entire length of Buffalo Creek by 7 a.m., ordering a general evacuation—might have saved more than a hundred lives. But the call was never made. And the drainage

ditch was never dug, because the dam had given way before the bulldozers arrived.

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### Walking in Soup

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You can find Jack Kent at home—his house is on high ground and survived the flood untouched—but he doesn't like to talk to reporters. His eyes tell everything; there is no need for words. Dasovich seems to have disappeared entirely—he was in a nearby hospital after the flood, being treated for shock, and nurses said later that he was hysterical, blaming himself for the tragedy. Still later he was reported to have been admitted to a private psychiatric clinic—still later, released. The federal investigators have not yet talked to him and some of them, knowing now what they do about the dam, see no need. “He knows what was up there,” one of them said. “He'll *always* know what was up there.”

Other men knew, too. In the community of Saunders there was general concern about the safety of the dam, and on the night of February 25, most of the families who lived nearby decided, on their own, to take refuge in a schoolhouse five miles down the creek at Lorado. The decision saved their lives; the schoolhouse survived the flood, but when the families returned to Saunders to look for their homes, there was nothing to be found. No homes, not even the foundations;

everything was gone, everything except an appalling sea of slowly settling, black, foul-smelling sludge.

Off and on during the night, in the last few hours before the dam broke, miners went up to have a look at it—there were rumors spreading that it was going to go, but no one really seemed to know. Dasovich reportedly was telling people that things were under control. About 6:30 a.m., according to the federal reports, a miner saw ominous signs of what was coming. “The dam was moving like a bridge moves under heavy traffic,” he remembered later. “Water was coming through the dam. . . not much, but it was causing the lower lake to fill up fast.” By 7:30, according to another eyewitness account, “the top of the dam was moving back and forth. . . the dam was settling down and shoving forward.” Trying to walk anywhere in the vicinity of the dam was “like walking in soup—it had gotten real, real juicy, buddy, all the way down. I got in the car and got the hell out of there.”

The top of the dam was lower on one side than on the other, apparently from foundation settling, and now the top was slumping still further, with a momentum that could not have been stopped by an army of bulldozers. One of the several federal reports theorizes that the water level rose quickly during the night, not just because rain was falling, but because the dam had been collapsing slowly

into the lake for several hours. But even while the rain continued, the tipple went on pumping its 500 gallons a minute into the sludgy lake behind the dam.

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### 30-Foot Flood

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Whatever happened in the night, it was morning now, and there was enough light to see what was happening. Apparently no one saw the actual moment when the dam finally gave way. It seems to have happened very fast, the dam settling until water was running across the top, the water cutting a cleft into the dam, more water hurrying through, and then complete and total collapse, and millions of gallons of water and hundreds of thousands of tons of sludge streaming across the top of the slag pile at the beginning of catastrophe.

The water cascaded into the burning section of the slag heap and erupted in a volcanic explosion. Men were coming off shift at the tipple and saw what was happening; they saw a mushroom cloud burst into the air from the explosion, saw mud and rock thrown 300 feet into the sky, saw the windshields of their pick-up trucks covered with steaming mud. They raced back up the road and tried to use the telephone at the tipple to send out a warning, but the line was already dead. The tipple was safe—it was upstream, up another fork of the creek, out of the path of the destruc-

tion—but the men were cut off from the main stream of Buffalo Creek and there was no way they could help anyone. They could only watch as the water and sludge crested over the top of the exploding gob pile and burst into the valley, “boiling up like dry flour when you pour water on it.”

The flood traveled at first at a speed of at least 30 miles an hour—in a solid wall 20 or 30 feet high. People who saw it coming as they headed up the Buffalo Creek road barely had time to throw their cars into reverse, turn around wherever there was room, and head back downstream, leaning on their horns, flashing their lights, trying to warn other people who had heard the explosions but still did not know what was happening. There was very little time to do anything. It takes a few seconds to collect your wits when you see a wall of water bearing down on you, especially when you live in a valley where there are only a few exits—hollows running at right angles to the main valley. For most of the people who died, it was like being in the barrel of a gun and seeing the bullet coming. There was nowhere to go.

That so many people did escape is something of a miracle. Nearly 5,000 people lived in the path of the flood. Probably a thousand were caught up in it, battered, left shaken and sometimes badly hurt, but alive. From the wreckage of 16 communities, the bodies of 118 people have been

found. There are others still missing; the final toll may be close to 150.

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### **The Only Life They Knew**

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What happens after a disaster of such magnitude? There are inquiries, of course, and inquiries are under way in West Virginia. But in Appalachian affairs, the official response tends to have a common theme. After the Farmington mine disaster killed 78 miners, it was an Interior Department assistant secretary who said brightly: "We don't know why these things happen, but they do." After the 1970 mine explosion that killed 38 men in Kentucky, it was a newly installed director of the Bureau of Mines who said: "We can almost expect one of these every year." While the search for bodies was still continuing in Logan County, West Virginia's Governor Arch Moore was already defending the Pittston Company: the sludge-built dam had served a "logical and constructive" use by filtering mine wastes that would otherwise have gone unfiltered into Buffalo Creek. It didn't seem to matter much how the thing was built. The state legislature chose not to investigate, instead, leaving to the governor the selection of an official commission which would be told to report back by the end of summer. "It's easy to say that the dam shouldn't have been there," Moore said at one point. "But it had been

there for 25 years.” He was technically wrong, of course, but the inference seemed to be that if a hazard simply exists long enough, it has a right to be left alone. And by the same token, the Governor made it painfully clear that he would ask the same treatment for the problems of West Virginia. The real tragedy, he said, a tragedy greater even than what had befallen the people of Buffalo Creek, was the unflattering coverage of West Virginia in the national press.

In fact there had been precious little of that. The flood had been on page one for two or three days, but it was eclipsed by the President’s tour through China (from Shanghai, where he learned of the flood, Nixon sent an expression of regret, concluding from a distance of many thousands of miles that it was a terrible “natural disaster” and promising speedy federal aid), and within a week it would be forgotten, dismissed as one of those things—*Time*, for example, observed that the people of Buffalo Creek would have been well-advised to live elsewhere, but that they had stayed on in the shadow of the smouldering gob pile presumably because “that was the only life they knew.”

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### Passing the Buck to God

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The Interior Department, meanwhile, explained through Assistant Secretary Hollis Dole that there was, in its opinion, no federal responsibil-

ity in the matter, despite the fact that regulations within the 1969 Federal Coal Mine Health and Safety Act specifically cover the construction and use of gob piles and retaining dams. There were no indications that the government would move to take action against Pittston, unless it was prodded by an outraged Congress; on Capitol Hill there was no outraged Congress to be found.

There would be room for doubt, in any event, about the kind of action that Interior would take even if it were forced to do something. The Department is reluctant to think of itself as a regulatory agency, or as a federal cop, and among all of the subordinate agencies within Interior, the Bureau of Mines is a standout example of one that has refused to grasp the idea of representing the public interest. The problem might not be serious if a system of countervailing power were in operation—if, for example, the people of Buffalo Creek could have counted on the United Mine Workers to represent them against the overwhelming resources and indifference of the Pittston Company. There had been scattered efforts along Buffalo Creek to protest against the slag heaps and the sludge dams—petitions had been circulated, attention had been demanded. But the effort never went anywhere, and it never went anywhere partly because no powerful organization—like the union—chose to push it. The

union hasn't pushed much of anything in some time, except perhaps the fringe benefits available to its ranking officers. The result is that on one side of the equation there is a powerful industry deeply dedicated to its own interests; on the other side there is, most of the time, nothing at all. And in the middle, where there should be an even-handed government agency, there is instead the Bureau of Mines, an organization so encrusted with age and bureaucracy that it will not even support its own inspectors when they try to do their jobs.

They had, for example, been trying to do their jobs at Pittston's mines, trying to cut down the number of men killed in needless accidents. Over the past year they had slapped thousands of violation notices on the company. The idea is that the notices will cost money; get fined often enough and hard enough, the theory goes, and you will become safety-conscious in the extreme. It hasn't worked that way. Thanks to a highly complex assessment system set up in Washington by a former lobbyist who is now in charge of the Bureau's fines-collection operation, Pittston has been able to defer, seemingly indefinitely, any payment for its sins. Specifically, over the past year inspectors had fined Pittston a total of \$1,303,315 for safety violations. As of April 1, the company had appealed every one of the notices it had received, and had paid a grand total of

\$275 to the government.

Meanwhile, on Buffalo Creek, the investigations continue, the reports are compiled, the survivors try to plan a future; the mines, only briefly disrupted by the raging flood, are back at work, and the long trains roll. One month after the disaster, Pittston set up an office to process claims—without, however, accepting liability. The company's official view is still that God did it—and if, by any chance, God should pass the buck back down, “we believe that the investigations of the tragedy have not progressed to the point where it is possible to assess responsibility.” It's possible that such a point will never be reached. Who was responsible, for example, for deciding to spend \$90,000 to buy Nicholas Camicia's house, but *not* to spend the \$50,000 that it might have cost—according to one of the federal reports—to build a safe dam at the head of Buffalo Creek? There are sticky questions like that rising in the aftermath of the disaster, questions that will be hard to answer. “There is never peace in West Virginia because there is never justice,” said Mother Jones, the fiery hell-raiser of West Virginia's early labor wars. On Buffalo Creek these days there is a strange kind of quiet, a peacefulness of sorts, but it is not the kind that comes with justice. □

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P.O. Box 8074  
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West Virginia 25705  
(304) 523-8587