

A news analysis

# Politics and the flood

By Tom Kaib

GOV. MOORE



● One of the land scars that is evidence of the 200-year rape of West Virginia's mountains burst at the head of Buffalo Creek valley the morning of Feb. 26, killing perhaps 110 persons and destroying 1,400 homes. Although he can hardly be blamed for the disaster, that deadly wall of coal dust sludge and water will be a factor, spoken or unspoken, in Gov. Arch A. Moore Jr.'s bid for reelection in November.

His opponent will be John D. Rockefeller IV, West Virginia secretary of state and a modern carpet-bagger who many think is using the state as a springboard to the White House.

There is probably little prospect for fixing the legal liability and moral accountability for the disaster, as in most coal field catastrophes. Buffalo Mining Co. officials and insurance people immediately cried "act of God." But Moore has been up against the wall, holding almost daily news conferences to explain, deny, elaborate—whatever. The dam was declared unstable. The next day newspapers retracted that and said the dam had been declared stable. It went on and on and all Rockefeller had to do was sit back and watch Moore squirm.

A perfect example of the political traps that snapped at Moore is the trout vs. people controversy.

Right after the flood, Ben Tudor, superintendent of the Buffalo Mining Co., owner of the dam, was quoted as saying there had been repeated requests to the state to release some of the water behind the dam to take the pressure off. He said the state refused because it was concerned that the drainage would kill off the trout in Buffalo Creek. And now the trout and people are both gone, Tudor reportedly said.

Gov. Moore, at an early news

conference, heatedly denounced the press for running the story without checking. Irresponsible, he charged. He produced a tape recorded phone conversation between his aide, Norman Yost, and John Kebblish, executive vice president of the Pittston Co., New York conglomerate that owns Buffalo Mining. Yost told Kebblish what Tudor reportedly said, actually blaming the state for the disaster.

"No such request was ever made," Kebblish said. What Tudor told newsmen, according to Kebblish, was this: A few years ago it was an industry practice that when a sludge dam got full of water during heavy rains, it was released into a stream. The regulatory agencies no longer allow this water to be released into streams.

Moore then added that Buffalo Creek was a warm water stream in which trout would not normally live.

Then he dramatically ended the news conference. "Gentlemen, excuse me, I've got bodies to recover."

But there were trout in Buffalo Creek, notably West Virginia's hybrid golden trout, stocked by the Department of Natural Resources. Many survivors of the disaster told of fishing for trout in the stream. When questioned later, Yost explained that the governor had meant it was not a breeding stream.

Frank Ashley, a reporter for the Louisville Courier-Journal, was the first to break the Tudor story. He gave a carbon copy of his story to Craig Ammerman, a reporter from the Charleston bureau of the Associated Press.

Ammerman looked up Tudor at Lorado. "Did you say this?" he asked Tudor. "Yes I did," Tudor replied and then paraphrased the same quote. United Press International ran

the same quote from Tudor, substantiated by a bulldozer operator from Buffalo Mining. At the same time, however, the UPI story quoted Ed Henry of the State Department of Natural Resources that such a request to relieve pressure on the dam had never been made.

The dam itself is 30 to 40 years old. It cracked in 1963 and flooded the valley. There was damage but no one drowned. At the time, residents sent letters to then-Gov. Hulett Smith, a Democrat, asking that the dam be drained periodically. As far as residents know, nothing was done.

Every coal mine produces slag piles. Consumer and safety advocate Ralph Nader said one-fifth of the population of West Virginia—nearly 350,000 persons—live in narrow mountain hollows that may be under threat from such coal mine dams.

On the day of the disaster, Gov. Moore ordered the Department of Natural Resources to survey every similar impoundment in the state. The next day he ordered the Department of Mines to do the same.

Then he went to Civil Defense officials for pumps and pipe, even flying pumps in from Ohio, to lower the level of every pond in the state that was even suspect. He ordered more than 100 ponds pumped dry.

For the record, the Pittston Co. acquired the mine and dam in 1970. The dam had been patrolled around the clock since the 1963 break.

At that time and until 1968, Moore was in Washington as an effective and energetic congressman from the northern panhandle—often the only Republican holding office from the state. Due to a change in law, he will be the first governor who can succeed himself.

Enter Rockefeller, young, hand-

some, rich and eminently well-connected, both in his family and through his in-laws. He's married to Sen. Charles Percy's daughter, Sharon. Rockefeller came as a poverty worker, turned Democrat and was elected secretary of state, which is mostly ceremonial and usually non-controversial.

Rockefeller has been a loud and constant critic of strip mining. He wants it abolished—period. Moore has sought stronger regulations on the industry but has not opposed surface mining. It means too many jobs and too much to the state's economy. Often, Rockefeller has been booed loudly when he speaks in such strip mining areas as Beckley.

Then comes Buffalo Creek. The slag pile that broke is a product of deep mining. But nearby the mountains are being stripped.

"This won't hurt Arch," said Jim Comstock, editor of West Virginia's only statewide newspaper, the weekly Hillbilly. "Look at the people cheering Nixon coming back from China. Why, they could turn on him in a minute."

A year ago Comstock was high on Rockefeller. He's changed his mind.

"Well, Jay has made no bones about the fact that he's using this state merely as a springboard to the White House. He came down here and changed parties to get an edge. Heck, Arch proved a Republican can win in West Virginia. And Jay's stand on surface mining is totally unrealistic."

It must be pointed out that Comstock folded the Hillbilly last May due to lack of revenue. It was restarted within a month and Comstock candidly announced that it was being underwritten by the West Virginia Surface Mining & Reclamation Association.

So goes politics in West Virginia.



ROCKEFELLER IV

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