# blue-tail fly

25¢
number eleven

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people: Guy Mendes, Darrell Rice, David Holwerk, Sue Anne Salmon, Julie Mendes, Irving Washington, Chuck the Trucker, Skip Taylor, Don Pratt, Jonathan Greene, Tony Urie, Rick Bell, Gretchen Brown, Dick "Dirk" Klausner, Gene Meatyard, John Polk, Harold Sherman, Diana Ryan, Harold Gage and that inseparable pair, Virgil Sturgil and King Creole. Invaluable Assistance by The Venerable Bede and Colleen Bean, the Dream Machine.

## tidings

### Peabody goes West

*"From the beginning the indigenous North Americans told the invading white man the Euro-american way of life was dangerous to all land and life on Earth. They were not heard–they were massacred. Now, all that they have warned us of has come to pass: the waters we drink are poisoned, the air we breath is poisoned, the food we eat is poisoned, our agricultural lands are dead and dying, the people in our cities have gone insane and the whole of the cycle of life is being destroyed by the way we live. . ."*

*–Committee for Traditional Indian Land & Life*

PAGE, Arizona (LNS)–Peabody Coal Co., already responsible for devastation in Appalachia, is now going to strip-mine 100 square miles of sacred Indian land on the Navajo and Hopi reservations in northwestern Arizona. Peabody, wholly owned by the Kennecott Copper Company, will make over $775,000,000 while feeding the low-grade, dirty coal into one of the largest power complexes in the country.

Some of the coal ripped from Black Mesa will be sent 80 miles by rail to the Navajo Power Generating Station near Page, Arizona. The rest will be crushed, mixed with precious desert water and pushed 272 miles through an 18 inch pipeline to the Mojave Power Generating Station near Bullhead City, Nevada. These two plants are part of a grid called W.E.S.T. (Western Energy Supply and Transmission Associates), which officially involves 23 major state, municipal and federal power companies and agencies.

The complex sprawls over California, Nevada, Arizona, New Mexico and Utah, and it includes the Los Angeles Department of Water and Power, the Salt River Project of Arizona, Southern California Edison, the U.S. Bureau of Reclamation and the Arizona Public Service Company. Other corporations involved in the project are Southern Pacific, Shell, Westinghouse and General Electric.

The conglomerate is in the process of creating a wasteland out of the Southwest, under the guise of the "Four Corners Development Project." The spread of devastation will be wide. The once-lush Imperial (Calif.) and Mexical (Mex.) Valleys could easily be rendered completely unproductive. An area extending from Southern California to the Rocky Mountains will be as smoggy as the Los Angeles Basin in a few years.

The government and Peabody claim that they got their property rights fair and square though an agreement signed with the Indian Tribal Council. The Council, set up in 1935, is made up of Indian men who are considered "progressive" enough for the white Bureau of Indian Affairs which appoints them.)

One month after the Peabody Coal Company was granted a 'drilling and exploration permit' by the Navajo and Hopi Tribal Councils, the Secretary of the Interior recommended enactment of legislation to sanction building of the Glen Canyon Dam. Construction of the dam and the formation of Lake Powell, which were actually early steps in the Four Corners Development, were begun only after voters, taxpayers and consumers had been convinced the lake was "recreational." (There were already plans to build one large power station and one monstrously large power station almost on the shores across the lake from each other–plants that would pump vast tonnages of smog-producing chemicals and poisons into the air around the lake and that would dump pollutants, chemicals and hot and salinized water into the lake.)

Two years before the Navajo Tribal Council voted to permit the Salt River Project to build the Navajo station at Page, the turbine-generators ($100,000,000 worth) had already been ordered from General Electric. Waters from the Navajo Dam on the San Juan River, originally alloted to the "Navajo Irrigation Project" have been cut, and are now being alloted to large power stations in northwestern New Mexico.

During 1966, an estimate was made by federal government workers of the extent of damage done to fish and wildlife habitats by strip-mining. There had been *12,890 miles* of streams damaged. Of our lakes and resevoirs, 145,000 acres had suffered damage from strip miner's digging. And wildlife habitats had been destroyed–more than 1½ million acres. At least 39 states had miles of ruined streams and acres of ravaged land to add to the total.

When the Department of the Interior "warned" Peabody about the "dangers" of strip-mining, Peabody agreed to: exercise "diligence" in the mining operations; to carry on development and operations "in a workmanlike manner and to the fullest possible extent" and to surrender and return the premises on termination of the lease in as good condition as received "except for ordinary wear, tear and depletion incidental to mining operations and unavoidable accidents."

A represenative of the Peabody Coal Company has stated that the operation piping the coal from Black Mesa to Bullhead City "won't take much water." Another representative has even tried to claim the strip-mine line operation will improve the water table. Actually it requires a considerable amount of water to push six to ten tons of coal per minute through a 272 mile pipeline. Between 3,000,000 and 7,500,000 gallons of water will be pumped each day from beneath Black Mesa, not including water for on site-operations.

The water being removed is fossil water, deposited eons ago when the Southwest was much wetter. It will not reaccumulate unless nature readjusts climatic conditions in the region. Its reaccumulation now would depend directly upon the scant rainfall of the area–currently 6-15 inches a year.

Corn cultivation is the prime source of livelihood and food to the Hopi. If the natural equilibrium of the underground water is upset, the water from the crops supporting water table will be depleted, destroying the delicate balance of the arid desert environment. Hopi corn, as many desert-adapted plants, is short-rooted; a drop of only a few inches in the water table would be enough to end its cultivation.

When completed and fully operative, the five units of the two power stations receiving coal from Black Mesa will receive, consume, and convert over 38,000 tons of coal per day into smog and power.

It is well known that coal-burning power plants are dangerous sources of air pollution. Under current standards and projected plans, these power plants will daily emit more ash particulate matter than is released in Los Angeles and New York *combined*. (Southern Californians refused to permit the construction of similar plants in their cities because of the air pollution they would cause.)

The one plant now in operation near Farmington, New Mexico, is daily spewing forth hundreds of tons of fly ash and invisible poisonous gasses. Aerial tracking of the visible pollution shows that this single plant, not yet in full operation, daily soils the air, water, land and people over an area of *100,000 square miles*. What will happen when this plant is joined by an identical plant, San Juan, and by those proposed in Utah, and the ones at Page and Mojave?

***"I only wish they could take into their hearts and souls what we see in the evening in our Hopi land; the mountains***

*and valleys of the Great Spirit, the sky, the setting sun, the stars, the moon and all of our brothers and sisters who inhabit this beautiful world with us; the animals, the birds, the plants, the trees, the stones."*

# Great oaks from little acorns

By Scott Kaufer
The Oakwood High School *Gorilla*

Los Angeles, Calif. (CPS)-Q: Do you think that a lot of the people who were killed in My Lai were Vietcong?

F. EDWARD HEBERT (Chairman, House Armed Services Committee; was chairman of the House Subcommittee that investigated My Lai): There's no doubt about it.

Q: There also is no doubt, though, isn't there, that a lot of people who were killed there were not Vietcong, couldn't possibly have been?

HEBERT: What were they doing in that village, for 25 years a Vietcong stronghold?

Q: Well, I'm talking about the women and children, though.

HEBERT: What were they doing there?

Q: Well, they were living there.

HEBERT: That place had been cleaned out several times, and they went back to the Vietcong.

Q: Right, I mean there's no question that some of those who were killed at My Lai could not possibly have been Vietcong; they were little children, they were 1 year, 2 years old...

HEBERT: They were just growing up to be big Vietcong. Those little children throw grenades...

Q: Yeah, but there were some children there who were 1 year old and 2 years old...

HEBERT: That's going into testimony which we didn't take. All we said was that Vietnamese in civilian clothes were killed, wantonly killed, unnecessarily killed. That's what we said.

Q: Those two things seem to be in conflict. On the one hand your report saying that they were unnecessarily killed, and on the other hand you're saying now that they just would have grown up to be big Vietcong.

HEBERT: I can't resolve that either...I've said they're little Vietcong who'll grow up to be big Vietcong.

Q. So why was their killing unnecessary?

HEBERT: You can kill, in an atrocity, unnecessarily, even the enemy. Just because you kill them doesn't mean you can slaughter the enemy.

Q: So then your real objection to the event at My Lai was not that it happened, but how it happened.

HEBERT: How it happened.

Q: The way in which they were killed, not that they were killed?

HEBERT: That's correct. I think that would be fa[illegible].

# People's Party

As an outgrowth of the Alternative America Conference held at UK last month, plans are being made to form a People's Party in Kentucky. A statewide convention for the party is to be held in either Louisville or Lexington the first weekend in April. Watch for further details.

Following is a 10-point "Statement of Principles for a People's Party of Kentucky" drawn up by a group consisting mainly of activist professors:

1. The people as a whole shall have democratic control over the government and other institutions that affect their lives. These shall include the means of communication, the courts and the educational system at all levels.

2. The people shall assert control over the land and the industries that produce the goods needed for a decent standard of living for all people. This shall include the power to end the destruction of our human and natural resources.

3. Control shall include the power to remove those elected to public office and replace them with men and women who will abide by the decisions of the people.

4. Control shall include the power to decide issues by vote of the people, instead of decisions being made by one or a handful of men.

5. Labor and farm unions shall be free of limits on their right to organize and bargain collectively. All laws limiting their freedom, including so-called right-to-work laws, shall be repealed. Every person shall be guaranteed a job or adequate income.

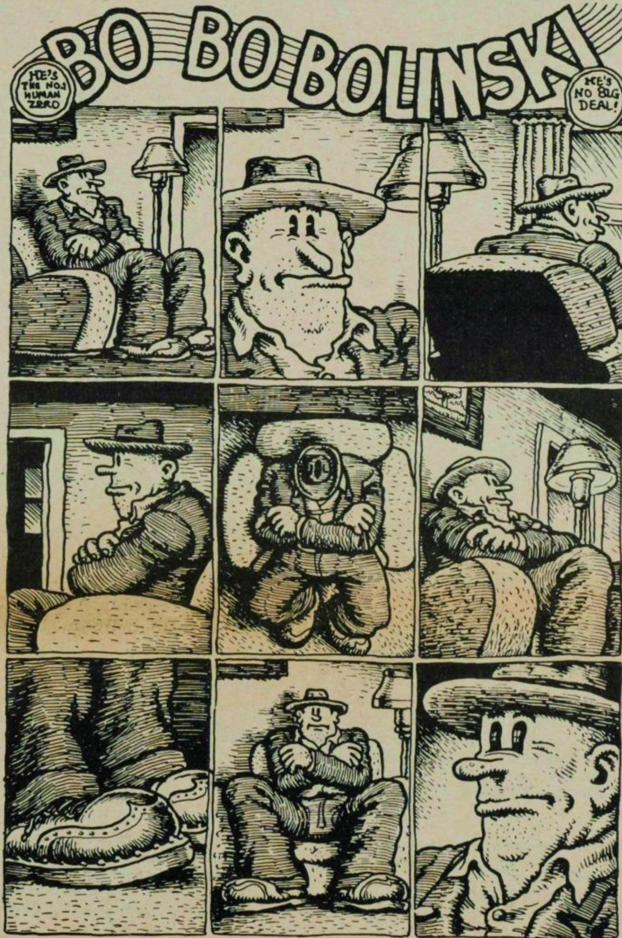
6. Every person and every family shall have the minimum income needed to insure enough food, housing, clothing, education, medical care and cultural and recreational facilities. This shall be theirs as a matter of right, by the fact that they are human beings. As of 1971 the minimum need is $5,500 a year for a family of four.

7. All students shall be paid from the public treasury while they are in school. They shall receive enough to take care of all their needs, including books, tuition, food, housing, clothing, and cultural and recreational activities.

8. Every person shall be free of limits on her of his right to speak and organize, to belong to any organization one chooses and to exercise all other rights guaranteed under the Constitution of the United States and the United Nations Declaration of Human Rights.

9. War shall be abolished as a means of settling disputes and the money used to build homes, hospitals, day-care centers, museums, libraries, schools, cultural and recreational facilities and all other buildings needed by the people. The military draft shall be ended and never again imposed on the people of this nation.

10. None of the rights set forth above shall be denied to a person because of race, color, sex, religion, national origin, economic condition or political belief. There shall be affirmative action to end racial injustice in all forms and totally remove its effects from our society.




# Acapulco Gold®

SAN FRANCISCO (CPS)–Marijuana is now as American as Spiro Agnew's daughter–or so say forward-thinking executives of U.S. tobacco firms who have been covertly eying the underground market in "grass," officially valued at better than a billion dollars a year.

The real figure, say Western entrepreneurs, is nearer three times that sum, and now that the possibilities of legal manufacture are being discussed in the boardrooms, bootleg suppliers are organizing to safeguard their interests.

Long before New Years Day, when the government shut down a $250 million advertising industry by banning cigarette commercials on television, the tobacco men had been busy on contingency planning–one firm is allegedly running a furtive sale test scheme in Hawaii. At the start the big manufacturers would market their joints at about 25 cents each, well undercurrent black market prices.

Business sources predict the end of the marijuana ban will follow the close of the Nixon era, for the soundly all-American reason that the swollen costs of the "new prohibition" exceed any good it may do. Enforcement costs in California alone are running at $32 million a year and courts are clogged with untried cases. Already 23 states including Kentucky have eased penalties, with more to follow.

Former U.S. Attorney, John Kaplan, a Stanford University law professor, and an authority on the subject, said last January that marijuana "could and should" be legalized. He inclines to a government monopoly which would rule out advertising. Packets of the weed, graded by strength and heavily taxed, might be sold in government-licensed shops. Mr. Kaplan believes this open system would discourage use, particularly by teen-agers. Revenue would help to step up control of "hard" drugs.

But the underground does not mean to yield its rich, quasi-sacred grass market to the big-money men. "It's the economic basis of the counter-culture," says Blair Newmen, a prominent San Francisco pot advocate. "We have to keep it out of the hands of the tobacco tycoons."

Believing legislation will come "within three years," Newman and his friends have formed a "philanthropic," nonprofit organization called Amorphia, to stake their claim.

More confident still is a San Francisco consortium of pot dealers known collectively as Felix the Cat. "Marijuana is legal," they say in publicity for their bold new venture–a packaged, filter-tipped brand of pot cigarettes named Grassmasters.

One "Mr. Felix" spokesman n for the group told a radio station interviewer that 320 dealers in the Bay area are handling his first consignment of 5,000 cartons. A packet of 18 joints now sells at $7.50, but he hopes to pass on savings to the smoker as the business grows. By early spring they plan to have an automated rolling factory in Mexico and two more, underground, in San Francisco and Berkeley, with distribution centers from coast to coast.

Wouldn't the police object? "Oh, sure. But the government just isn't willing to push this thing. It's like the last days of prohibition when beer trucks drove openly around. I hope to have some trucks painted with our Felix symbol soon."

How was business?

"We turn about a ton of grass a month in the San Francisco area. That's worth $250,000."

Mr. Felix claims to have a bail fund reserve of $125,000 and is prepared for two supreme court appeals in the next couple of years. "Then we'll be out in the clear."

# J. Edgar Hoover as Clark Kent

By Ron Dorfman
From the *Chicago Journalism Review*

CHICAGO (LNS)–Two reporters showed up at a recent peace demonstration in De Kalb, Illinois, home of Northern Illinois University, claiming they worked for WJJO-TV, "the cable TV station in Lawrenceville."

Local reporters were a little curious about the pair, since Lawrenceville is 250 miles south of De Kalb, and the peace demonstration hardly seemed worth the long-distance effort by a tiny TV station. When they checked, they learned that there is no station whose call letters are WJJO-TV–except in the files of the IBI, the Illinois Bureau of Investigation.

The incident was only the latest example of a current trend.

* In Wichita, during a visit by Vice President Agnew in October, press credentials were issued to at least one and probably four local cops who took pictures of persons engaged in a spoof of the V.P.'s speechmaking outside an auditorium. One of the policemen was exposed by local reporters.

* A Detroit policeman posed as a photographer for the *Grand Rapids Press* to observe the action at the General Motors' stockholders' meeting. He was exposed by a reporter for the paper.

* In Washington recently a reporter received a tip that U.S. Army Intelligence had purchased equipment for its agents to use while posing as a television crew. The Pentagon issued a denial.

* Policemen and FBI agents posing as newsmen became so numerous in Washington a few months ago that more than two dozen *Washington Star* reporters issued a statement saying they would expose, on the spot, any agent they found using such cover.

The press corps itself is not immune from being spied on. Former correspondents report that a year ago, the CIA suggested to the privately-owned servicemen's newspaper, *Overseas Weekly*, that its problems in getting PX distribution could be overcome if the paper would take two agents ("highly qualified men") on its Saigon staff. The paper refused.

Shortly after, two reporters exposed two Saigon correspondents for the "American University Press," as intelligence agents; the two had never been on the payroll of American University, and their press credentials were revoked.

# tidings

But not all journalists are complaining. Some news organizations have decided that part of their calling is to supply material to police agencies. The Sacramento (Cal.) local of the American Newspaper Guild has protested the practice of the local newspapers of sending, unsolicited and routinely, staff photographers' pictures of demonstrations and other activities to the FBI. Russell Pigott, news director of radio station WLBK in De Kalb, covers the news with a camara–so he can provide law enforcement agencies with the pictures that can't be shown on the radio.

What is the rationale for such surveillance activities? On a very practical level, as Mitchell Ware (director of the Illinois Bureau of Investigation, IBI) puts it, it can provide hard evidence for prosecution. "The Supreme Court has said that you can use pictures to identify suspects; it's a corroborative technique like marked money or fluorescent powder. In situations like mass demonstrations on campus, it's useful to have pictures of any criminal behavior that takes place because you may not be able otherwise to identify the one kid with long hair and a beard and blue jeans out of hundreds of kids who look like that."

Ware was quick to assure that he had nothing against long hair and beards, and to point out that half his agents wore long hair and beards.

## Abortion warnings

NEW YORK (LNS)–There are only four safe abortion methods:

1) D. and C. (dilation and curettage), the gentle scraping of the uterine lining, is used in aborting women who are less than 3 months pregnant.

2) Vacum aspiration, also used in early pregnancies, involves the insertion of a vacum tube into the cervix and the withdrawal of fetal and placental tissue by suctioning.

3) *Hysterotomy is a miniature* caesarean section–the fetus is removed from the uterus by incision. The woman is anesthisized during the operation and is usually hospitalized for a week.

4) Salting out is the newest method and is most often used in aborting women between 14 and 22 weeks pregnant. Saline solution is injected into the uterus, replacing the amniotic fluid which protects the fetus. The displacement of the amniotic fluid induces labor and a woman will usually miscarry within 25 hours.

*NEVER USE THE FOLLOWING METHODS. THEY ARE EXTREMELY PAINFUL AND CAN LEAD TO PERMANENT DISABILITY, INFECTION OR DEATH.*

*ORAL MEANS*

*Ergot compounds. Overdoses can cause fatal kidney damage.

*Quinine Sulphate. It can cause deformities in fetus or death to mother.

*Estrogen is useless.

*Castor oil is useless.

Nothing that is swallowed can cause abortion without also causing death or severe disability to the mother.

*SOLIDS INSERTED INTO UTERUS*

Do not put these solids into your uterus. They may burst your womb and bladder or cause infection or hemmorhaging that might kill you.

Knitting needles
Coat hangers
Slippery Elm Bark
Chopsticks
Ballpoint pen
Catheter tubes
Gauze (packing)
Artists paintbrushes
Curtain rods
Telephone wire

*FLUIDS INSERTED INTO UTERUS*

Do not put the following fluids into your uterus. They can severly burn uterine tissues, cause hemorrhaging, shock or death.

Soap suds
Potassium Permanganate
Lysol
Alcohol
Lye
Pine Oil

*AIR PUMPED INTO UTERUS*

The uterus will collapse from the air bubbles created in the blood stream. Death comes suddenly and violently.

*INJECTIONS INTO UTERINE WALL*

Ergot and Pitocin are poisons. Any injection is fatal.

Sodium Pentothal–any overdose is fatal.

*OTHER MEANS*

Vacuum cleaner, which is connected to uterus–not to be confused with vacuum aspiration–is fatal almost immediately. It will extract the uterus from the pelvic cavity.

Physical exertion such as lifting heavy objects, running, etc., is useless.

Falling down stairs severly injures the mother, and rarely brings about an abortion.

## Notices

Lexington Women's Liberation is offering free pregnancy tests, birth control information and abortion counseling. Call 252-9358 T–W–Th 2–5 & 6–9, F 2–5 and Sat. 9 a.m.–2 p.m. In Louisville call 425-9640, 895-8806 or 635-6244. For more information about the Louisville Problem Pregnancy and Abortion Counseling Project, call, or write (PPACP). P.O. Box 94, Louisville 40201.

* * *

Volunteers are needed for the cooperative Day Care Center. Line up, sign up and join up (or just get more information) at 252-9358.

* * *

TRACES is a new coffeehouse in Lexington. No charge to get in nor out nor to listen and rap. Friday and Saturday nights, 9 to 1, third floor of the Canterbury House.

* * *

The Medical Committee on Human Rights at UK has several things going now with more to come soon. It's still offering thorough exams for men with upcoming draft physicals every Thursday after 7 p.m. in the Third-Floor Clinic of the Med Center. Street Medicine Classes streesing first-aid skills are conducted Wednesday at 8 p.m. in Room 319 of the Classroom Building. The class is a late addition to the Free U. MCHR also advises that people suffering drug freakouts should call 233-5000 and ask for Student Health then make an appointment with a psychiatrist. Especially useful during the day but also at night on an emergency basis. The point of this procedure is that you can obtain help without fear of having the police notified, as will happen if you just go to the Emergency Room. See if you can remember that should the occasion demand.

* * *

The Grovesner Street Zoo is a clearing center for the student radical community. If you need to know something or have information you want others to know, call the Zoo at 255-9425 or 255-9426.

A special subscription is now available to students to **FTA**, a GI newspaper at Fort Knox. If interested in the paper, or you just want to find out what we are all about, write to us at P.O. Box 336, Louisville 40201.

* * *

If you would like to help the *fly* stay out of trouble with Uncles Sam, Louie and E. Lawson and are willing and able to straighten out our backlog of tax forms for $50, call 255-3596. Do it now.

* * *

A place called "Things" has opened up right near the corner of High and Limestone (105 High) and will be selling art and craft work on consignment. If you have something you make that you might want to market friendly-like, stop in and talk to James Cooper, the fellow who runs the place.

* * *

The Peoples' Food Collective in Lexington should begin operating soon. Annual fees are only $3.30 per member-unit (any group of people turning in their orders together), and application forms are available in the Student Government office. The more people who sign and pay up right away, the sooner we eat.

* * *

Those thinking of starting a high school newspaper or other alternative media may be interested in an illustrated "Tool Kit" recently published by the Southern News Media Project. The "Tool Kit" includes information on technical matters, Movement resources in this area and other helpful hints. You can get a copy by sending a quarter to: Southern Media Project, Box 3125 University Station, Charlottesville, Va. 22903.

## Late flash

While in the final stages of putting this issue together, we received word that the People's Party, mentioned earlier in these columns, has set its founding convention for April 2 to 4 in Louisville at the Sacred Heart School, 1621 W. Broadway. Registration begins at 6 p.m. on Friday. Housing will be available. Everyone is invited.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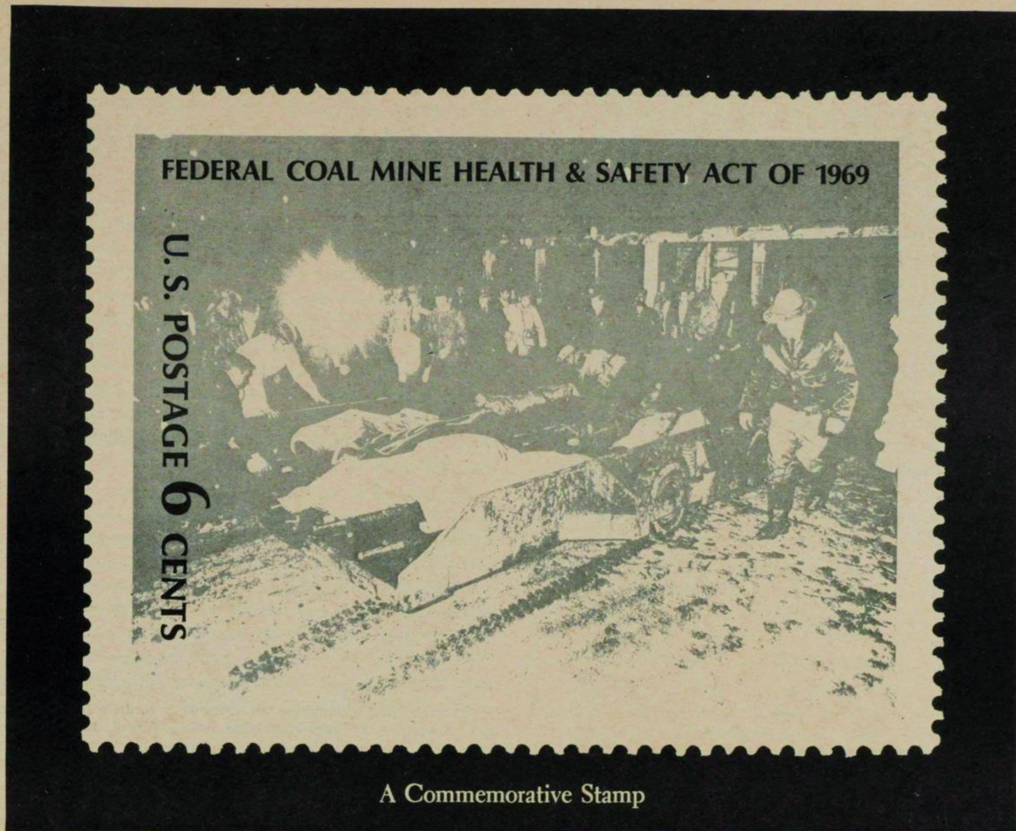


A Commemorative Stamp

Ellsworth Taylor, from a photo by Michael Coers

# THE HURRICANE CREEK MASSACRE

**MASSACRE,** n. 1. The killing of a considerable number of human beings under circumstances of atrocity or cruelty, or contrary to the usages of civilized people. 2. Murder, especially of a helpless person.

--Webster's New International Dictionary, 2nd Edition

## Coal and Leslie County

Leslie County, Kentucky, is one of the four or five poorest counties in the United States. More than three-fourths of the county's expenses are paid by federal and state agencies; the county pays less than 10 per cent of its school budget. Most Leslie County adults never got beyond the sixth grade, and more Leslie Countians are on welfare than working. Average annual family income is less than $3, 000, and housing surveys show that only one house in ten is fit for habitation by national standards. National standards are a luxury in Leslie County.

The county has only one industry of importance: coal. Timbering was once important, too, but the great trees have long since been cut and the best topsoil has long since washed away, leaving only scrubby second growth to cover the hills. Coal is the only remaining resource, and mining is the only available work, except for a scattering of service jobs.

The county is in the middle of Appalachia, but at the edge of the recoverable coal reserves. The coal is high-quality but difficult to mine because it lies in narrow seams, sometimes less than three feet thick. To work in seams like that, a man must lie on his side and travel in a crawl. Mechanization came late to Leslie County mines because of the difficulty of developing heavy-duty, battery-operated, rubber-tired machines less than three feet high. Most of the mines in the county are primitive operations in which the work is still largely done by hand.

Partly because of the narrow coalbeds, Leslie County traditionally has been last to feel the benefits of a boom and first to feel the effects of recession. There is a second reason. Decades back, coal prospectors working for Henry Ford bought up more than two-thirds of the county's reserves. The idea was that they would be held in reserve until Ford needed them to make steel for his cars. Both the coal and the county were kept in reserve -- a private colony, a little feudal fiefdom -- until the great day when the call would come from Detroit. It never came. The company bought coal from other, more convenient sources, and the colony was left undeveloped. Until the 1930's there were no paved roads, and still today there is no railroad line into or out of the county -- which means that the cost of mining is increased by having to truck the coal over the county's miserable roads to railroad loading points in neighboring counties. Along with a few other baronial operations, Ford Motor Company still holds onto its coal -- exactly how much, no one knows, because the county tax assessor has no system for determining holdings, and accepts whatever figures Ford happens to give him. He does not believe they are accurate, but once when he tried to increase the assessment, Ford went to court and beat him. Meanwhile Ford leases its coal to small truck-mine operators. Federal figures indicate that Leslie County produces about 1.8 million tons of coal per year, worth about $6.5 million. Ford pays the county about $1, 700 per year in taxes. . .

Once, when coal was king, it was possible to make a decent living in Leslie County (although the hourly wages there for miners always seemed to run about a dollar be-

**by Tom Bethell**

hind the neighboring counties, where the United Mine Workers succeeded in organizing the mines in the late 1930's). But after 1947, when national production surpassed 600 million tons, the industry declined as other fuels made inroads and as the largest of the coal companies began to concentrate their power. The Eastern Kentucky coal industry as a whole was composed of smaller companies; for the past 25 years they have fought a losing battle to compete for markets against corporate giants like Consolidation Coal, which produces more coal per year than all the companies of Eastern Kentucky combined. The recession which hit the country in 1958 never left the Kentucky coalfields; it is still there today.

Faced with a skidding economy and a baronial landlord, Leslie Countians did the only thing they could do. They left. From 1950 to 1960, the county lost more than 30 per cent of its population. During the past decade the population loss has slacked and, finally, held about steady at 10,000. From time to time it fluctuates wildly; in 1970 the population increased by several hundred, as Leslie Countians who had left to work in Dayton or Cincinnati or Detroit were laid off at Frigidaire and National Cash Register and Ford -- and came home.

Some of them went on welfare. Some got jobs driving the 60-ton coal trucks that move the coal to Manchester, in Clay County, where the Finley brothers live. Others went underground to work. The past couple of years have been booming for the coal industry: the electric utilities are gobbling coal as fast as it can be produced, and national production for 1970 ended at 590 million tons, the best year ever since 1947. Leslie County was the last to feel the boom, but the boom came, and some of the men who couldn't find work in the cities could find it at home.

If they were young, like Lee Mitchell, they couldn't remember a time when so much coal had been run in Leslie County. You could go ask for a job, and there was a reasonable chance of getting it. In fact there was enough work so that men were coming over from Clay, the next county to the west, to work in Leslie County's mines. It was miserable work, worse even than assembly lines, but for a young man it was better than sitting at home, rocking on the porch, waiting for the welfare check.

Lee Mitchell went to the Finley brothers to look for a job, and they gave him one over on Hurricane Creek, in the No. 16 and 15 mines. He went to work there on December 30, 1970. It was his first day on the job.

And his last.

## The Mines on Hurricane Creek

Charles and Stanley Finley have been in the coal mining business together for 20 years, operating more than a dozen different mines during that time in coal leased from owners in both Leslie and Clay counties. Technically they own more than one company; in Leslie County their name is Finley Coal Company, in Clay they call themselves the New Big Creek Mining Company. Their most stable operation has been a Clay County deep mine that operates in 56-inch coal and produces anywhere from 65,000 to 300,000 tons of coal a year, which makes it a small mine by national standards but big for Eastern Kentucky. That mine is more than a decade old and has reportedly been working out -- coming to the end of its leased reserves -- in recent years.

The Finleys' more recent operations have not had that kind of life expectancy. Generally they have followed the pattern of most small Eastern Kentucky truck mines: lease the rights to a few hundred thousand tons, bulldoze a road to the mine-site, blast and burrow a few entries deep into the hillside, install a conveyor belt and some rebuilt coal-cutting and loading machinery, get the coal out as quickly and cheaply as possible, and move on. Mines like these are sometimes worked out in a year or less; at the other end of the scale, they may be workable for three or four years. If the market is good, the operators work them two or three shifts a day, five or six days a week, and go through the coal pretty quickly. When hard times hit, the mines go down to a single shift, four or five or even three days a week, and the crews sink to half-size. The variables in Eastern Kentucky mining are many, and truck mines feel them all.

On December 19, 1969, the Finley brothers applied to the Kentucky Department of Mines and Minerals for a license to operate two adjoining deep mines to be designated No. 15 and No. 16. They were to be driven into a tract to coal under a steep hillside along the middle fork of Hurricane Creek about five miles from Hyden -- a town of 600 people which is both the largest community and the seat of government in Leslie County.

By March 1, 1970, the No. 15 mine was producing coal. No. 16 went into production a few weeks later, in late April or early May. Soon after getting No. 16 into operation, the Finleys decided that it would make sense to connect the two mines so that coal could be loaded on a single main conveyor belt, and breakthroughs were driven into the wall of coal that divided the two mines. By late spring, 39 men were working underground in No. 15 and 48 in No. 16. No. 15 was producing about 600 tons of coal per day and No. 16 was producing 800 tons; both were working three shifts -- two shifts for production, one for maintenance and clean-up -- and both mines were working five days a week. The combined tonnage for the year would run between 300,000 and 350,000 tons, and the two mines, taken together, would account for about a sixth of all the coal produced in Leslie County. Depending on the state of the market, the coal would be worth $1.2 to $1.8 million, and the profit for the Finley brothers might come to $250,000 -- maybe twice that if the boom in coal kept going.

Among the men who worked for them, the Finleys seem to have had a good reputation, mostly. "They done all right by me," one of their men said later, and in Eastern Kentucky that's close to high praise. The men grossed about $24 a day, sometimes more; that worked out to between $7,000 and $8,000 a year, which is low by union scale but good for Leslie County -- which has never been union territory.

Kentucky's Department of Mines and Minerals employs about 25 inspectors who are responsible, under state law, for visiting each of the 1,800 licensed Kentucky mines once every three months and inspecting them thoroughly for conditions which could lead to accidents or explosions. Most of Eastern Kentucky's mines are above the water table, which means they do not have the kind of trouble with methane gas that mines in other areas have -- notably West Virginia, where methane apparently triggered the massive explosion which destroyed Consolidation Coal Company's No. 9 mine, a mine as big in square footage as the island of Manhattan, in November, 1968. The blast killed 78 miners, of whom 69 are still entombed in the wreckage.

The Kentucky Department of Mines and Minerals is generally thought to be pro-industry, an attitude that seems to be borne out by listening to its commissioner, Harreld N. Kirkpatrick, who is a mine owner himself -- or was, before being appointed to his post by Gov. Louie Nunn; there is some conflict about the current state of Mr. Kirkpatrick's holdings. In conversation about coal mine health and safety, Mr. Kirkpatrick seems to take a quickly defensive stance, pointing out that coal is a $400,000,000 "cash crop" in Kentucky, one of the state's three big income-producers (the others being tobacco and bourbon), and that it is unwise to do anything "economically destructive."

After the November, 1968, explosion in West Virginia, at a time when a growing chorus of critics was crying out for new regulatory legislation, Mr. Kirkpatrick said he thought that existing laws were "basically sound" and not much in need of change. Doubters asked how that

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*Tom Bethell worked for the MOUNTAIN EAGLE in Whitesburg for awhile and now runs Appalachian Information out of Washington, D.C., putting out a biweekly watchdog called COAL PATROL. The above is excerpted from a well-documented report that will soon be made into a paperback book. Copies of the full report can be obtained for $1.50 [a sub to COAL PATROL is $5 a year] from Appalachian Information, 741 Nat'l Press Bldg., Washington, D.C. 20004.* *Copyright 1971 Appalachian Information.*

could be so, if 60 men on the average were dying every year in Kentucky mines; the commissioner characterized that as "a very good record, we think." Mine explosions, in his view, were basically a product of human carelessness: "perhaps someone lighting a cigarette when he shouldn't have. How do you regulate human carelessness?"

Miners have mixed feelings about the state inspectors, but for the most part they are critical, and suggest often that inspectors can be bought. The price might be a new pair of snow tires, they say, or a weekend trip to Louisville or Roanoke with someone picking up the tab. Operators and inspectors meet regularly together in the small towns of Eastern Kentucky, know each other well, see each other socially. Inspectors see nothing wrong in that. "Well, what would you like for us to do?" one of them asked recently. "You want us to close all those mines? You want everyone in Eastern Kentucky on the dole?"

No state inspectors visited the Finley mines while they were being developed, and the first inspection after they were producing coal came on April 16, 1970, when inspector Paul Sexton visited the No. 15 mine. He found seven violations of the state law "of a serious nature" and reported them to Commissioner Kirkpatrick, who wrote to Charles Finley on April 22, asking him to correct the violations. Timbers, used to hold up the roof of the mine, had become dislodged and were left lying by the main roadway; rock dust (powdered limestone) was not being applied as required to the walls, roof, and floor of the mine close to the working areas, with the result that too much potentially explosive dust was being allowed to circulate in the air; the mine exhaust fan was not housed properly to protect it from damage in an explosion; there was insufficient fresh air circulating through work areas; explosives were being improperly handled and stored; the roof-bolting machine wasn't grounded and someone had wired around the safety fuse so that it wouldn't automatically disconnect the machine in case of trouble; and no protective covering had been built over the mine entry to protect men against rockslides from the hill above.

"In the interest of safety," wrote the commissioner, "we expect you to carry out these recommendations immediately and notify this Department when you have complied."

Nothing in the Department's records indicate that Finley did so, nor is there any indication that the Department contemplated any disciplinary action against the Finley Coal Company (under the Kentucky Mining Law, for example, Commissioner Kirkpatrick could have revoked the mine's permit until the violations were corrected).

No state inspector was seen on Hurricane Creek for months, until August 20, when inspector Albert Alexander visited both the No. 16 and No. 15 mines. From his report -- which is limited in detail -- it appears that the "recommendations" of April 22 were being ignored, that conditions in No. 15 were in fact worse than they had been earlier, and that No. 16 was no better.

Despite a combined total of 17 violations of law found at the Finley operations on this inspection, Commissioner Kirkpatrick dispatched the same mild message. In this case it seemed even more polite, in view of the fact that eight days previously No. 15 mine had suffered a serious accident which the state unaccountably chose not to investigate (the accident is described in the next section of this report) despite the fact that management apparently was responsible for it.

Regardless of the circumstances, the message to the Finleys was the same. There was the same reply: none. There was the same follow-up by the state: none.

From then until December 30, there were no further state inspections of the Finley mines. From then on, the only time a state inspector visited Hurricane Creek was after someone had been killed.

## The 'Federals'

"If there was any real danger," Charles Finley said, a couple of days after his mines had exploded, "the federals would have closed my mines down instantly."

"The federals" he was referring to are the mine inspectors of the Bureau of Mines, Department of the Interior. Under the terms of the 1969 Federal Coal Mine Health and Safety Act, they are charged with inspecting each working mine in the nation four times per year. The same law gives them -- in theory -- broad power to close mines which operate in violation of the law.

The Bureau operates out of district and subdistrict offices throughout the coalfields. The Finley mines came within the purview of the subdistrict office at Barbourville, Kentucky. The office has responsibility for inspecting 300 mines, more or less (the exact number fluctuates constantly as new mines open and old ones close); it has a staff of 27, some of whom work out of so-called "satellite" offices in Harlan and Hazard. At the Barbourville office there are four inspectors, according to the subdistrict manager, T.R. Mark. At any given time, they are checking up on 70 to 90 mines.

Theoretically, the Bureau inspectors keep track of every mine that operates in the state. In actuality they may or may not. No law requires an operator to notify the Bureau when he is about to open a mine; instead the Bureau relies on lists of licensed mines received periodically from the state Department of Mines and Minerals. The inspectors check through the list, when they have time, looking for mines that are unfamiliar to them. When they find one, they make a note to inspect it, next time they have a chance. There is no special system for guaranteeing that each mine will be inspected at such-and-such a time or with any special frequency -- despite the federal law requiring four full inspections for each mine every year. Would it be possible -- Mr. Mark was asked -- for a man to open a mine and run it, say, a year, without ever seeing a federal inspector? "The way things are now," he said, "it would be possible."

Charles Finley, however, saw federal inspectors with some frequency during the year. They made six inspections and investigated two accidents, one of which resulted in the death of a miner. During the entire course of the year, however, they did not make a single comprehensive inspection of either No. 15 or No. 16.

Inspector C.E. Hyde visited the No. 15 mine for the first time on June 19, 1970, and conducted a so-called PBR investigation. The letters stand for "Partial But Representative" and are used to describe an inspection in which the inspector thoroughly checks one part of a mine but does not visit the rest. The idea is that the inspector gets enough of a feel of the mine to evaluate its safety, but has adequate time left to check out other mines that he would miss if he spent the time in each mine necessary to check out every square foot. That's the idea; it was a concept that was not included in the new federal law by Congress, and many critics of the Bureau, including several inspectors, believe that there is no such thing as "partial but representative" in a mine.

One of the inspectors who reports to Mr. Mark explained it this way: "If you go in on a PBR they know right off which section of the mine you're going to check. They can move things to other sections, they can hide stuff from you, they can stay ahead of you and make sure everything's pretty where you're going to be, because they know you aren't going to be running all around. What you see is what they want you to see. And all the inspectors I know, they have to think sometimes about what's going to happen if a mine blows after he's been there, and it was in a section he never looked at. How could you call that partial but representative?"

If the Finleys or their employees were hiding things on the day Inspector Hyde visited No. 15, they overlooked a number of items. He found 14 violations, ranging from minor to major to potentially disastrous. On the minor side, there was no drinking water underground and there were no toilet facilities either above ground or below. The mine map was insufficiently detailed and no map of the mine's electrical system was available. In the

medium-serious range, there were no daily examinations being made of the fan; no weekly inspection for hazardous conditions; no weekly ventilation examinations. Power connection points were improperly located. There was no evidence that qualified people were maintaining the electrical equipment. In the danger range, there was electrical equipment being operated without grounding; and management had provided only nine self-rescue devices for the 39 men underground.

Self-rescuers, as they are commonly called, are small gas masks designed to help a miner survive the "afterdamp" of an explosion -- the period afterward when oxygen is low (because of being consumed in the blast and fire) and carbon monoxide is high (because it replaces oxygen in such a situation). The older models provided 30 minutes of breathing time. Newer models provide 60 minutes.

The most serious violation that Hyde found was what he reported as "dangerous accumulations of loose coal and coal dust" along the roadways. Along with that, rock dust had been insufficiently applied, so that the dust was present in explosive quantities in the air. To make matters worse, Hyde found that "trailing cables were run over unnecessarily" -- i.e., machine operators were driving back and forth over their power cables running the risk that the cables would snap and start a fire in the loose dust. "Evidence of smoking was present," Hyde noted; that made matters even worse. He found further that there was no short-circuit protection on the equipment in the working areas, and that trailing cables on the mining machine and mobile drill contained three uninsulated splices apiece -- an invitation to trouble. Beyond that, no one was testing for gas -- a fundamental precaution even in a supposedly gas-free mine. Citing Section 104(a) of the mine law, which permits an inspector to close a mine if there is an "imminent danger" of explosion or fire, Hyde ordered the men out of the mine and issued a penalty notice to the Finleys.

Theoretically the closing of a mine under such circumstances can have serious economic consequences for an operator. The Finleys' mine was closed for two days; at 600 tons of production per day, that meant a tonnage loss of 1200, which could amount to about $5,000 worth of coal. Theoretically an operator who had just lost $5,000 because of a sloppy mine operation would be greatly motivated to clean it up, and to keep it clean. In this case, however, theory and fact got in each other's way, because Inspector Hyde closed the mine over a weekend, when it would not have been producing coal anyway. The clean-up crews did their work, and on Monday, June 22, Hyde permitted the Finleys to open mine No. 15 again.

A little less than two months later, early in the evening of August 12, Inspector Gordon Couch got a call from Charles Finley, who reported that there had been an explosion in mine No. 15, and two men were injured. Couch and another inspector, H. A. Jarvis, went to the mine two days later and conducted an investigation that was completed August 19. On the afternoon shift of August 12, they reported, a mobile-drill operator named Rufus Whitehead and his assistant, Mack Collins, were moving their drill from one location to another when it became caught on a high place in the floor of the mine. Wrestling with the machine, they snagged it on its trailing cable, and the cable short-circuited. The arc "ignited coal dust, lubricants, and other combustible materials" on the drill. Collins and Whitehead went to one of the mine entries and asked to have the power shut off. Then they went back to the drill and put out the fire, using rock dust, which they poured over a burning container made out of an inner-tube. When the container stopped smoking, they settled down to wait for a repairman to come and fix the cable.

Suddenly there was a blast, and "metallic fragments and other materials were blown into the face, chest, and right arm of Whitehead," according to the report. Collins was luckier, suffering only a ruptured eardrum and a few cuts; he went for help for Whitehead, who was blinded and had been badly injured in the chest and right arm.

Hyde and Jarvis could not find the rubber inner-tube and no one seemed to know where it was or what had been in it. But Charles Finley told them that "in the past he had observed detonators in prepared explosive charges being transported on the drill" and had told the crews that it was a dangerous business. He "believed this practice had been discontinued," according to the inspectors' report. The inspectors assumed that the container had been on the drill and that even after being rock-dusted by Whitehead and Collins had remained hot enough to set off the explosives. The blast severed hydraulic hoses connected to the drill, and sent pieces of hose and drill smashing into Whitehead.

In the opinion of the inspectors, the principle cause of the explosion was "improper handling and transportation of explosives" and "failure to protect the trailing cable." But they also noted a "lack of proper supervision in the mine." In their recommendations they warned against letting coal dust accumulate on electric equipment.

Couch visited Hurricane Creek again on October 19 to make a "Partial But Representative" inspection of No. 16 mine. This one produced a long list of violations -- 20 in all, and a few more less serious ones, many involving deadlines for ventilation plans and similar items required by the new law. Couch spelled them out and ordered them corrected on a variety of dates. He checked back at the mine on October 26, made a spot inspection, found some of the earlier violations corrected and others not, and cited the mine for an additional violation: there was no plan for emergency medical assistance, an item considered important by Congressmen who knew that mines are often remote from towns and hospitals. Couch ordered Finley to put together a plan by November 17, and went back to Barbourville.

About 8 o'clock on the evening of November 9, the Barbourville office got another telephone call from Charles Finley. It was about another accident. This time a miner was dead.

Inspectors Hyde and Couch took down the details and went out to the mine the next day. Joined by Everett Bartlett, district supervisor of the state Department of Mines and Minerals, they conducted an investigation which they completed November 13 and submitted to their supervisor, T. R. Mark.

The dead miner was Charlie Wagers, who had been working for Finley in the No. 15 mine for three months. The evening he died, he was operating a battery-operated tractor used to tow a trailer with coal from the work areas to the conveyor belt. He was 24; he had been mining coal about three years; he was married, no children.

There was nothing very complicated about the accident, as Hyde, Couch and Bartlett soon found. The tractor that Charlie Wagers was using was operating defectively and giving him trouble: when he put it into forward, it went backward. (The inspectors looked at the machine and found accumulated coal dust in the electrical contacts, indicating that the machine had not been properly maintained; they found also that it had been re-wired and the safety fuses removed, and there was no protection against short-circuits. Checking other tractors, they found several without safety fuses and two with defective brakes. Citing the tractors as an imminent danger, they ordered them taken out of the mine. Again, it might seem that this would serve as a spur to the operator to train his men and keep the mine in shape, since the loss of the tractors meant that coal could not be moved to the conveyor belt. But the order was written on a Friday; the mines were not working over the weekend, while the tractors were repaired; and they went back into use on Monday, so there was no loss of production.)

Wagers had trouble with his tractor three separate times on the shift. The first two times, a repairman came and tried to fix the machine, but it kept acting up. The third time, Wagers was trying to negotiate a corner with his trailer coming behind, and got stuck. He tried to maneuver out. After backing and filling a couple of times, he was about free of the obstruction -- the coal wall -- and put the tractor into forward gear. It lurched backward, catching his head between the end of the tractor and the coal wall, and crushing his skull and killing him.

The federal inspectors minced no words in defining the

cause of the accident: "Management's failure to take the defective tractor from service for repairs, and to assure that the battery-operated equipment was in good mechancal condition before being placed in service." They ordered Finley to institute a maintenance program and stressed that "mine officials shall use closer and more strict supervision at all times in this mine." Other than ordering the tractors out of the mine for repairs, however, they took no other action against the mine operator.

Bartlett, the state inspector, wrote a separate report which he sent to Commissioner Kirkpatrick. It was quite different. There was no suggestion that the operator was at fault. Instead, Bartlett simply observed that the tractors had been removed from service, and wrote out, in long-hand, as his solitary recommendation:

"Operators of mobile equipment must face the direction of travel."

* * *

Presumably, Inspector Couch was due back at mine No. 16 on November 17, since he had set the day as the deadline for several important safety measures designed to protect the men in the mine against disaster. But he didn't get there. Two days later, however, he stopped off at the No. 15 mine and made a spot inspection of two sections. This time he found five violations, some of them which had been cited previously.

In one section, dust-sampling revealed that there were 33.9 milligrams of respirable dust per meter in the air -- 11 times the permissible limit. Couch ordered this corrected by December 22, but Charles Finley decided instead simply to stop working in that section. There were no qualified people maintaining electrical equipment. Couch ordered this corrected by December 22. Electrical equipment was not grounded. This, too, Couch ordered corrected by December 22. There were no self-rescue devices provided for the miners underground. Finley told Couch they were on order but hadn't come yet. Couch ordered Finley to have them in the mine by December 22.

December 21 -- the day before Finley was to meet Couch's deadline, if in fact he intended to meet it -- Inspector Hyde dropped in at the No. 15 mine, apparently only to check and see if Finley had prepared a dust-control and ventilation plan, as required some months previously. Hyde found that he had not; wrote out a notice of violation, requiring that Finley submit a plan by January 4, 1971; and left.

The next day, neither Couch nor Hyde visited either of the mines, so there was no check to see whether Finley had met his deadline at No. 16 on all or any of the violations.

In fact, there were no more visits from federal inspectors until the afternoon of December 30. Then, they came hurrying to the mine because their office had received a telephone call from Charles Finley. There had been an accident, he said, and this time -- this time it was not going to be one man blinded, or one man with a crushed skull. This time there had been some kind of explosion, and 38 men were inside the mine, and he was pretty sure that all of them were dead.

When Inspector Couch arrived at Hurricane Creek he joined the rescue effort, and later in the afternoon he was among the men who found the bodies. The first miner he found was his uncle.

* * *

Three days after the explosion, Charles Finley was talking about it with a friendly reporter.

"If all this enforcement continues," he said, "I don't know if I can continue. . . I'll bet we've spent $60,000 on equipment already. . .

"And we've had more inspections than ever."

## The Law

Fighting against passage of the feeble Coal Mine Act in 1941, the National Coal Association fulminated that it would mean nothing but "more red tape, more reports, a higher cost of doing business, less tonnage produced, less work for all unconcerned. . . more relief funds. . . more unemployment. . . The coal industry needs help from the government rather than a law. . ." By 1969 the lyrics had changed a little but the melody was familiar; NCA president Stephen Dunn said that "everybody, including the coal industry, wants a good bill" but stressed that if the bill failed to meet his definition of good, it would undoubtedly "close thousands of coal mines and threaten a power blackout which would be devastating not only to the economy but to the public safety." This kind of thing had its effect, as did dire warnings from John Kilcullen, lobbyist for small operators, that a new law would cost 100,000 jobs. Kilcullen could give precise (if undocumented) figures for any part of the country -- Eastern Kentucky, for example, would suffer the loss of 15,480 mining jobs -- and Congressmen from already depressed areas listened and fretted.

The administration's bill, introduced in March, might have been watered down beyond recognition if a small group of Congressmen -- Hechler, Dent, Phillip Burton of California -- had not fought to strengthen it in the House, while Sen. Williams fought for it in the Senate. It was notable that neither Williams nor Burton were from coal-mining states. For the most part, coal-state legislators either stayed out of the fight or weighed in with the operators.

Although some key provisions of the bill were lost en route to a vote -- for example, a section giving miners the right to sue operators in cases of negligence -- the bill went through House and Senate hearings, floor arguments, and a conference committee without being gutted, thanks primarily to the fact that the key Congressmen stayed with it. The House cleared the bill late in October by a vote of 389-4; the Senate had already approved it, 73-27; it emerged from a conference committee in mid-December. Meanwhile, the administration, having struggled unsuccessfully to gut the bill, remained sullenly silent, but on December 17, after the Congress had culminated nearly a year of debate by accepting the bill, the White House sent over word that the President might veto it. For two weeks the mine law remained in uncertainty on the President's desk. When a delegation of widows from the Farmington disaster came to see him, the President refused to see them. Finally, on December 30, 1969, the President signed the bill -- foregoing the traditional bill-signing ceremony -- and when the White House announced the fact he was already in mid-air en route to a vacation in San Clemente. Thus, the Federal Coal Mine Health and Safety Act became law.

* * *

For the first time, coal operators were required by law to protect the health as well as the safety of their employees. The mine law provided tough requirements for the reduction of respirable dust in mines and set up a full-scale Black Lung benefits program that put the federal government into workmen's compensation for the first time.

The law also spelled out in great detail the increased enforcement powers of federal inspectors and provided a schedule of fines up to $25,000 for operators who failed to comply. The law required that particularly dangerous mines must be inspected every five working days, and spelled out mandatory safety standards that the operators would be required to meet.

But unquestionably the most important feature of the law lay in its administrative language, particularly in the use of the verb, "shall." Administration of the bill -- and enforcement of its stringent safety provisions -- was the province of the Secretary of the Interior, but Congress was explicit in outlining its functions. Most bills leave much to a Secretary's discretion, through language which states that "the Secretary may authorize. . ." "the Secretary may appoint. . ." and so on. In the federal mine law, in section after section, Congress specified that "the Secretary shall appoint. . ." "the Secretary shall promulgate. . ." and went still further, giving him exact deadlines -- 31 in all -- within which he was required to implement this or that feature of the act. No one from the Interior Department had suggested to Congress that this could not be done, and

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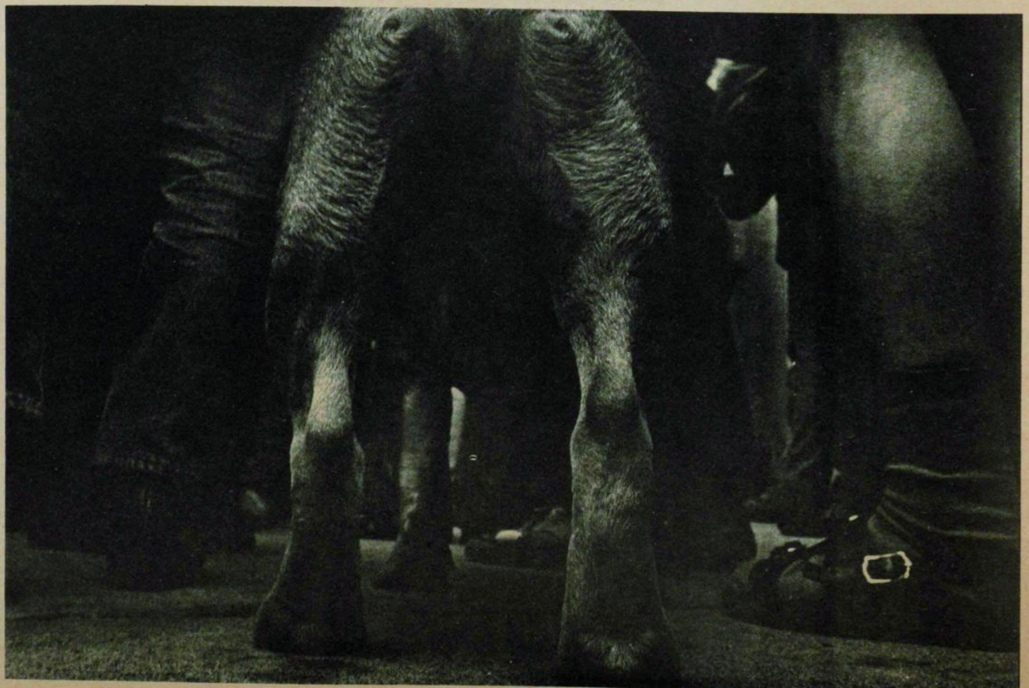
Gary Pye Goodenough

**Goodenough, Kronengold, Sparks and Levi** are students at San Francisco State



Levi

Harry Sparks

sco State College under Robert Keuhnert.

Eric Kronengold

Guy Mendes

# THE COWBOY STEVE TAYLOR SHOW

By GUY MENDES

It came as if by magic out of the cool Madison County night, high, wide and handsome, staking claim to a sizable portion of a young black kid's imagination. The Grand Ole Opry. Every Saturday night brought with it such greats as Oscar Stone and the Possum Hunters, Uncle Dave Macon, George Wilkerson and the Fruitjar Drinkers and many more, all fading in and out of an old second-hand Crosley Showbox radio; their sounds giving form to a world that was a far sight different from that of a poor auto mechanic's son. It couldn't be too long before young Steve Taylor, his head filled to the brim with Music City, U.S.A., would strike out for other parts; like up to Lexington, for instance--just the first stop, you understand ...

But wait, that was years ago, close to forty in fact, and there are other things to think about right now; there's a show to do tonight.

The old radioman steps out of the restaurant on Lexington's southside where he clears tables for a living and heads for the bus stop in a slow, rheumatic walk. A smile plays across his face and his head bobs slightly, obeying the dictates of a nervous tic, or maybe just following the rhythm of a tune that's playing way back in his head. Resting on his ears, fairly covering half his head is a large brown cowboy hat, pushed back at an angle, looking like some kind of frontierland nimbus.

A short bus ride, a few words with the driver and he is downtown, where he stops in to visit his friends at the Esco Hankins Record Center, the best place in town for country music. There he looks over the new 45s, thinking on which ones he might buy come next payday, exchanging pleasantries with Esco and "Miss Jackie" (Mrs. Hankins) and maybe taking time for a plate of brown beans that Miss Jackie has cooked up in the back. Then it's back on to another bus for the ride to his one-room walkup in the west end, where he takes the stairs one at a time, removes the little padlock on the door, goes in and immediately flips on a couple of old switches that are worn like rocks under a waterfall. It's a little late, so he hardly has his coat off and the bare On-The-Air bulb screwed in when he leans into a professional-looking microphone and says:

"Good evening. This is radio station WSEV signing on the air at seven minutes past six o'clock, Eastern Standard Time. WSEV is owned and operated by Steve Taylor and WSEV is located on Jefferson Street, near Fourth. And now, we begin our one and only broadcast here on the Country Jamboree." The theme song, Flatt and Scruggs's "Shuckin' the Corn" blares out for a minute and then, in a rough voice-over, "Well, we're a little late getting started tonight friends, but we're gonna carry on here until 'long about seven o'clock, Eastern Standard Time. Right now we're gonna start the program off with one of the old ones, a little number by the Stanley Brothers, Carter and the late... Ralph and the late Carter Stanley, called 'Stone Walls and Steel Bars.' Come on in here, boys."

When they do, he fishes a transistor radio out of his coat pocket, puts it to his ear and adjusts the tuner. "There it is," he says handing it to a guest, who takes it, listens to the beleaguered signal and wonders, "But is there anyone out there?" hoping there is and not pausing to consider that maybe it isn't a vital concern.

The old radioman continues on with his show just as he's done for nearly ten years, three or four or five nights a week, an hour a night, commanding his simple array of unhealthy-looking equipment: two worn turntables that look like they might have come out of children's record players; a poorly-made wooden workbench that is brightened by a coat of pink paint and some leftover Christmas wrapping paper; an old amplifier with a metal cover that got a coat of that same

pink paint; a frayed "Rockola" speaker that sits on top of a wardrobe on the other side of the room; a clock radio that, in spite of its cloudy dial and the weak eyes of the disc jockey, always gives the correct Eastern Standard Time; and the tiny build-it-yourself transmitter that would be hard pressed to deliver even the one-tenth of a watt that the FCC limits unlicensed broadcasters to; on a good day it will push Steve's signal out four or five houses up and down the street, about three-quarters of a block in all. Which suits him fine.

"It's just a tiny little station, you can knock it out real easy," Steve says with a grin. "But I have me a time with it, yessir, I have me a time."

Compared to the station he had when he lived "over on Brown Street, where there isn't even a building now," it's a vast improvement. "You could hardly pick that one up outside the house," he says, and friends say that was only what was coming through the cracks, because it was little more than a make-believe station. He played live music into that "station" five nights a week and for awhile had a few friends who came over and played with him. But they gradually stopped coming and left Steve playing his guitar, fiddle and mandolin (he's self-taught on all three) into his make-believe microphone.

The "studio" is nicer, too. For a long time he lived in a garage that had a dirt floor and a lot of rats. "I had to declare war on those rats. When you're sleeping, they think you're dead, you know, and they crawl up on you and bite you."

And of course there's someone out there listening; there are the letters that come into his post office box. They don't come terribly often, and when they do they're not from folks within range of his weak signal, but rather from old friends in other parts of Lexington and other towns. Even so, he dedicates tunes to them, saying, "Maybe someone can tell 'em about it, or maybe...maybe they'll be driving by."

And then there are his Country & Western friends lined up on the wall above his workbench looking down on him day after day, smiling their fetching smiles and saying things like "Best wishes" and "Thinking of you this holiday season." They're listening. There's Miss Loretta Lynn ("the Decca Doll, the little Coal Miner's Daughter"), Marty Robbins, Miss Peggy Sue ("You know who she is, don't you? She's Loretta Lynn's sister"), Ernest Tubb, Miss Lynn Anderson, Miss Dottie West, Lefty Frizzell, Miss Loretta Lynn, and Esco and Jackie Hankins--recording stars in their own right. Elsewhere in the room are a few dime store picture frame portraits that seem a bit incongruous: one of June Allison and two of Eva Marie Saint.

They all know that Steve is one of the best radiomen around. Sure, he may cue up a record badly now and then, but that's only because his eyes are bad. And so what if the show doesn't get started on time? When he gets to talking that radio talk, he's as good as any licensed DJ. He'll tell you with pride that his advertisements are "just like the real thing." Actually, since WSEV is not a commercial station, it doesn't have to air advertisements and can't be paid for them if it does. But all the radio stations he has known have had advertisements, so Steve rambles through long ad lib commercials (the best kind, according to some pros) that can run a full five minutes, extolling the virtues of one of several concerns that he either does business with, works for, or is run by friends; and he caps them all by saying, "...and remember, tell 'em Cowboy Steve Taylor told you to come in."

He even advertises for a local finance company: "By the way, how's the money situation out at your house, friends? Need a little cash to work on your home, or to get those bills paid off? If you do, stop in to see..." all of which grates on your ears like bad chalk on a blackboard when you know that a large slice of Steve's small paycheck is bound for that company for many months to come, leaving Steve little to spend on his big appetite and records ("Yeah, I buy a lot of records, but I have me a time with 'em.")

He knows country music as well as any bigtime DJ; he can rattle off the birthdates of the big stars as easily as he could tell you the brand names of the different radios he's had through the years. And it's no wonder, he's been with it a long time. He started his first country music band when he was 14 ("Hank Williams was only 14 when he got started, don't you know"). For a number of years he played where he could around Lexington and now and then in little night spots in Cincinnati, where he got 25 cents a song--hardly enough to cover the roundtrip busfare involved. To support himself he worked as a household servant, a tobacco cutter, at eateries around town, and in campus hangouts in later years, where drunk frat boys would talk him into getting out his guitar for a few songs and would then howl with laughter and throw pennies at him as he performed.

Through it all Steve had three of his songs recorded. Esco and Jackie did a hymn called "Fall on Your Knees and Be Born Again" on one of their albums, and the Rogers Sisters, a pair of Lexington girls who never really made it, did a 45 for Excellent Records (a Cincinnati company that also didn't make it), both sides of which Steve wrote. He even did a recitation on the side called "Jealous Hate." "That was recorded on October 11, 1955--I'll never forget that night; boy, was I ever nervous."

Quite possibly Steve's is a case of having been born a little too soon. It has only been in the past few years that a black fellow like Country Charlie Pride could think of making it to the Opry--if not Tex Ritter's "Hillbilly Heaven" itself. Times have definitely changed, and if ever anyone deserved a complimentary ticket to the great C&W hereafter that Ritter sings about, Cowboy Steve Taylor does; for he embodies the best elements of country music. The simplicity of emotions--the goodtime joys and the mournful sorrows that stem from the lives of real people, like truckers on their way home after six long days on the road, or the embattled partners in a sour marriage--and the clear, primitive perceptions of the earthly, they're there in the best of the music and they're there in Steve Taylor.

When Loretta Lynn and Conway Twitty croon, "Love is where you find it/ when you've found no love at home/ there's nothing's cold as ashes/ after the fire is gone," you know exactly what they're getting at. Similarly, when Steve tells you, "You know, we used to hear a lot of bad things about the Germans and the Italians and the Japanese back during World War II. And after the war was over I met some of those people and you know, they weren't as bad as we'd been told. Now I'm not talking about their leaders, just the people, you know. And well, what I mean to say is, a lot of people these days been running the hippies down. And well, some of you folks been awful nice to me, and anyone that's nice to me is my friend. People say that all the people with long hair are bad, but you can't say that; there's bad people in all groups and there are good people in all groups"--when he tells you that, you know what he means, you know he's talking in his plain way about the very nature of prejudice.

Or when he's just sitting around playing his guitar for a few friends and he starts talking about how glad he is to be "up on the show tonight," you know that, for him, being with friends is one and the same with being "up on the show."

Steve's sense of friendship and loyalty verges on the heroic, especially his efforts on behalf of Miss Jeanie Pruett, a songstress with such hits to her credit as "King-Size Bed" and "Make Me Feel Like a Woman Again" (not much on women's liberation, this girl). She's been Steve's favorite of late, rivaling even Loretta Lynn and Lynn Anderson. Like Loretta, Jeanie Pruett records for Decca, but Steve thinks someone there is "doing her dirty" because she doesn't get a very good promo job. So Steve has been writing letters to radio stations all over the country requesting songs by Jeanie Pruett. Every so often he will call down to

Nashville, to the Decca offices to find out if she has any new songs out, so he can keep his requests up to date.

Steve has been down to see the Opry three times to date; some friends got some money together and sent him down for the first time in 1968. "Oh boy," he says, his face lighting up, "they have themselves a time down there, they sure do!" Last summer, on his third visit, he was going to get to see Jeanie Pruett for the first time, but his bus got caught in traffic and he arrived just a little too late to see her perform. "I sure hated to do that," he says now.

Esco and Jackie are on now, doing a fine job on "Mother Left Me Her Bible to Guide Me to Heaven," and the old radioman is rooting through a large pile of his "sacred" records --it being time for the final quarter hour of the Country Jamboree, the Country Hymn Program. The routine varies only once a year, for the Easter show on Good Friday when the "sacred" portion of the show runs a full half hour; "I look forward to that one all year."

He ran into an embarrassing situation recently when he put a new record called "Help Me Make It Through the Night" on during the final segment, figuring that it was surely a hymn. "Oh boy, I had to take that one off right in the middle," he chuckles. "That wasn't no hymn."

Tonight he decides on Dolly Parten's "Daddy Was an Oldtime Preacherman," Skeeter Davis's "Need a Whole Lot More of Jesus and a Lot Less Rock and Roll" (which he dedicates to me) and a fine rendition of the old spiritual "Amazing Grace" by "Miss Judy Collins, a little lady fast comin' up in the country music field."

"Well, that's all we have time for tonight, folks. If the good Lord's willin', we'll be back with you again tomorrow night 'long about six o'clock, Eastern Standard Time. This is Cowboy Steve Taylor saying kneel at your bedside and say just one little prayer before saying good night. Join us again tomorrow afternoon at the same time. Until then, this is Cowboy Steve Taylor saying thank you and good night and stay happy, everyone."

With that the old radioman quickly begins to put away his records and turn off his equipment; he wants to catch a ride back across town because the city buses don't run at night anymore and cab fare is a dear expense.

As I wait for him to finish up I sift through a few loose thoughts and decide:

that the title of "Cowboy" is not something assumed, but something conferred, like the "Country" in Country Charlie Pride;

and that the Cowboy Steve Taylor Show has something to impart--something very basic--to my own show and to a lot of other folks' shows, especially when those shows start ballooning around full of self-importance, certain in the knowledge that they are the most significant and most tormented of shows.

Tomorrow I'll come back down and park on Jefferson Street, near Fourth, set the tuner a little to the 900-side of 1000 and try to weed out the whistles and buzzes and whines that cling to the WSEV signal like so many strands of a parasitic vine. If the day is right and the buses haven't gotten held up in traffic, maybe I'll be able to hear the voice of Cowboy Steve Taylor, sounding like it's being filtered through a bullhorn and several pillows, like it's coming from a very faraway place, saying, "...and remember, tell 'em Cowboy Steve Taylor told you to come in."

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## Massacre continued from page nine

the Congressmen most responsible for the bill assumed that their instructions would be followed.

It was an unsafe assumption, as they were soon to discover.

* * *

The director of the Bureau of Mines, John O'Leary, a Johnson appointee who had been in office only four weeks when the Farmington disaster happened, seemed to be the first man to hold the job who understood that the Bureau was supposed to be a regulatory agency and not just the Washington office of the coal industry. There was hope that he could make the new law work -- and O'Leary, for his part, seemed to believe that the administration would support him; in January 1970 he told reporters that "there is every indication that the administration will forcefully enforce this law. There is no effort of any kind to hold back." So saying, he settled down to draft the complex new safety regulations required by the law -- regulations due to go into effect at the end of March.

But like many other people, O'Leary may not have fully appreciated the extent to which the Interior Department had become the captive of men who saw its function in life largely as a support for major industries -- principally the oil industry.

Like all Democratic appointees, O'Leary had submitted a <u>pro forma</u> resignation on January 20, 1969, as the government changed hands. The resignation had never been acknowledged. Throughout 1969, there had been rumors that he would be fired as soon as the new bill became law. But in January and February of 1970 there was no sound of an axe falling from the White House. On February 28 O'Leary was working in his office, drafting safety regulations scheduled to go into effect the following month, when a messenger arrived from the White House with a letter accepting his resignation. He was given 24 hours to clear out.

Those who remained at the Bureau began to demonstrate the kind of foot-shuffling approach to mine safety that Congress had so recently tried to legislate out of existence. March was the month when the new inspection schedule was supposed to go into effect (four full inspections of every U.S. mine per year), and when the Bureau was supposed to publish a penalty schedule coordinated with the different types of violations that inspectors might impose. There were countless indications that the Bureau would miss its legal deadlines; it had already done so in the areas of dust-control and other regulations, and there was maximum confusion among the Bureau's inspectors. O'Leary had been bringing them together in cram courses on the new law when he was fired; the cram courses were cancelled, and the inspectors waited for instructions that didn't come.

They may have been prepared to inspect every mine four times a year, but the Bureau was not going to authorize them to do so. Late in March, Wheeler devised a system of "Partial But Representative" inspections (PBR), under which, as he described it, "we would inspect enough, but only enough, of a mine to be representative of the entire mine insofar as health and safety are concerned." What that meant was anyone's guess; within two weeks after the PBR system went into effect (directly contradicting the Congressional mandate), one man was killed and three others injured in an explosion at a Pennsylvania mine that had been PBR'd two days previously. Wheeler and other Bureau officials claimed that the agency had not nearly enough inspectors to meet the requirements of Congress.

Late in March, angered at the inability of Interior and the Bureau to meet the time schedules passed by Congress, Reps. Hechler, Dent, and O'Hara (Democrat, of Michigan) joined a tough UMW reformer named John Mendez and went to court to try to force compliance with the law. The suit became bogged down in details (nine months later, when a federal judge got around to ruling on it, he concluded that the plaintiffs had no standing to sue, and denied the suit) and the health-and-safety situation continued to deteriorate. While the Bureau went into its second month without a director, Interior undersecretary Russell put into effect an arbitrary penalty schedule which flatly ignored the law (which required that penalties be worked out case-by-case, using several criteria) and was declared effective as soon as it was

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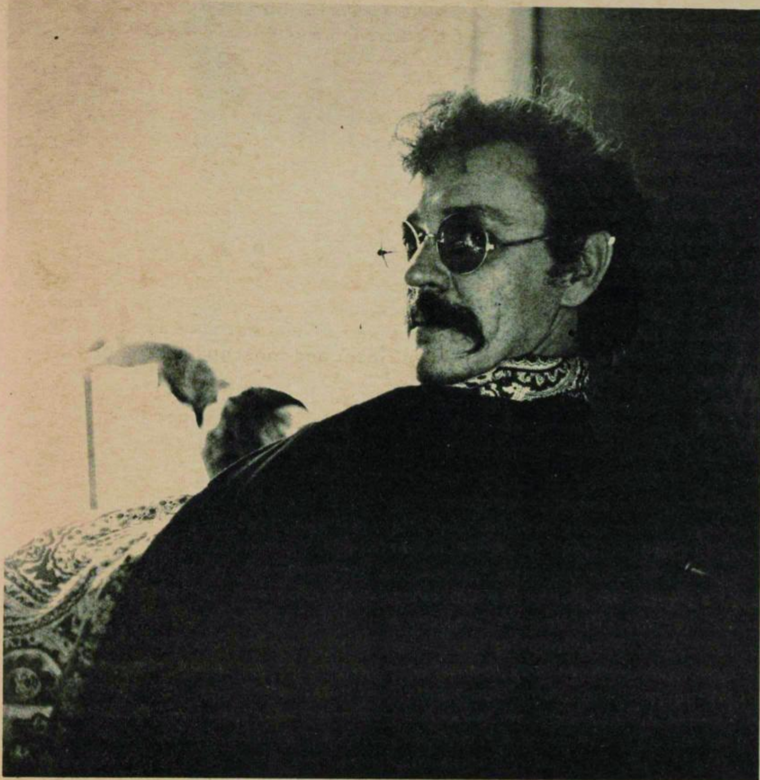


Presenting (tah dah!)
a group of poems 'n
pictures having to
do with that ole
sike-o-deelik dandy

# CAPTAIN KENTUCKY

brought to you by
James Baker Hall
(and Percy P. Cassidy)

1. Road House, Saturday Night, Momma Comes After Her Boy
The Burly Bikerider, In Rambler American

Nobody hear her toot except him.
He keep quiet, nobody know maybe.
But he up and slam down bottle,
Shout, Go home goddamn you Momma!
He got sixteen inch biceps.
He got black leather jacket with buckles.
He got big black stomping boots.
He got tattoes! Just shut up
Burly Bikerider and nobody know!
But she toot more, louder he shout.

Now why he do that, you reckon?

For all the boyscouts in the basements of Baptist churches.
For all the little league coaches and umpires.
For all the sheriffs in Florida.
For all the class presidents and parachutists.
For all the full dress Marine sergeants in post offices.
For all the poets and teachers and lonesome truckdrivers
coffee stops with magnetic dogs from the vending machine
For all the drivers of souped-up GTO's named The Judge.
For all the pro football fans.
For all the Jewish doctors.
For all us who got our pictures in the paper, for all us who didn't.

We file out, form double line
From road house to Rambler American,
Raise cocks like sabers in ceremony,
And every time she toot we salute,
And every time he shout we salute,
And so there we are in tapestry forever, all us
Saturday night roadhouses lined up across America,
Wasting out substance in riotous living!

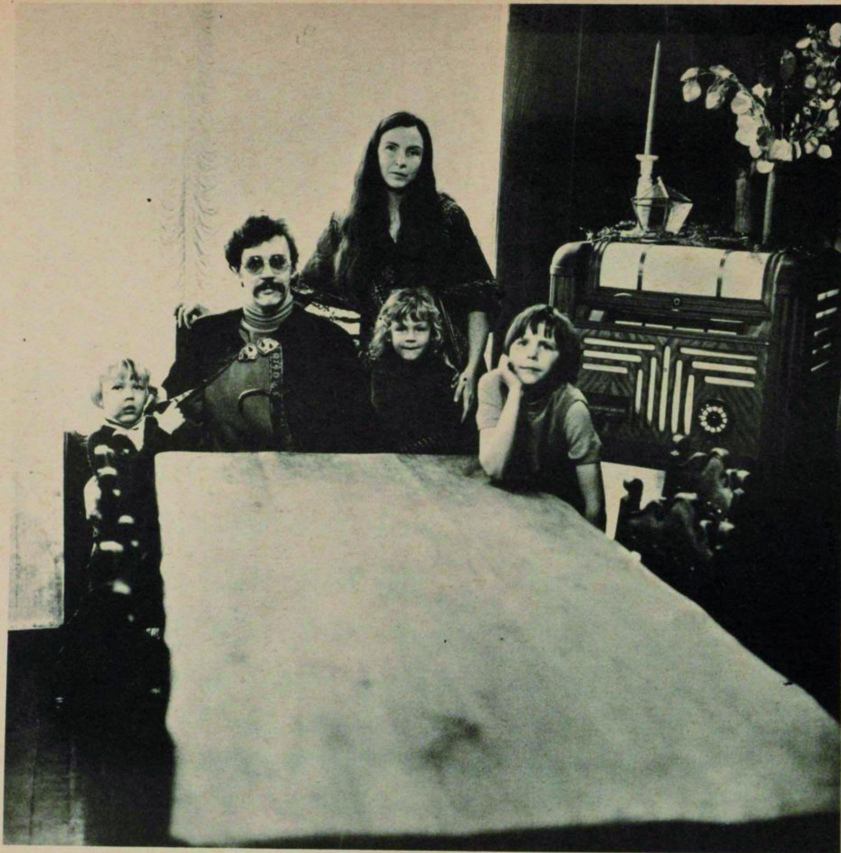
2. Captain Kentucky Is A Bomb Scare In Palo Alto

In real life, Momma finally leave, and guess what,
The B.B. follow her right out of the parking lot
Into eternity yelling, Goddamn you Momma!
But in poem here he return to bar and grow long hair,
get freaky glasses, go off to college, join SDS,
And Momma back home puts pepsodent in the cookie box
To send her son the revolutionary, she buy black linens
For him and his chick at white sale, she demonstrate for peace,
She nurse the sick, and when he scream about being
Co-opted at every turn, she understands,
And lets him turn her on.

Now why she do that, you reckon?

For all the family albums with dates beneath the pictures
For all the women reading much read magazines at the hairdressers.
For all the gossips and gardeners and lady golfers.
For all the girl darkroom technicians.
For all the fat women named Norma.
For all the women in the liberation movement.
For all the secretaries named Mrs. Dubois.
For all the lady scholars in girls' schools.
For all the school teachers who take aspirin for arthritis.
For all the women who wear white socks to the supermarket.
For all those who took piano lessons, and all those who didn't.

So when she comes to see me
I paint over the graffiti in the john
But leave the American flag curtains,
And when she asks whether that's patriotic,
I say, well, Momma, either it is or it isn't!
I'm a man now, Momma, and I'm so happy!



**Is It Captain Kentucky In The Bracken County Jail Or What?**

Brooksville, Oct. 1, 1969, four brothers play basketball
At a hoop fixed to the white fluted column of the court house.
The jail is in the jailer's house next door,
A handsome old white brick house, newly painted,
With high windows, unlikely for bars. The kids come over
To see the Captain and to get into the picture,
Sit on the bench under the window where the Captain himself
Sat a generation ago talking to two-nose Lucas.
An oval STP sticker looks at first like the Captain's face
Pressed to the glass, but it's not: all you can see
Of him is one hand gripping the bar, like a wedding ring.
Wendell is in Henry County with his wife and kids,
High on birds and bees. Gurney is on the coast
Making tapes of his own moon trips. I'm in my colorful
Darkroom in Connecticut, with an unlisted number,
Making freaky pictures. What are we in for?
For possession, of course, possession of ourselves!
We're all bald, but our hair's too long. The whole
Country's gone insane. You reckon it'll be cathartic?
The jailer's wife, plump, in pedal pushers and sneakers,
Her hair just done up, leans on the back porch railing
And watches me suspiciously as I make this picture.

*Poems 1 & 2 originally appeared in FIELD literary magazine*

## The authorities furnished us with this surveillance report on the 'Captain':

Washington, D.C.
March 22, 1971

Mr. B. T. Fly
Lexington, Kentucky

Dear Mr. Fly:

In re yr request for information regarding the activities and whereabouts of one "Captain" Kentucky, the facts, as they have been brought to light by the untiring efforts of two of our finest agents, Rudy du Toot and Reed S. Petite, are simply these:

The elusive self-anointed "Captain" is in reality one Harold Warp, a scrawny weakling long known to his infinitesimally small circle of friends as "the world's oldest living adolescent." He has, however, lately begun to suppose, after the classic pattern of the criminally insane paranoid schizophrenic pinko feeb with delusions of grandeur, that the mere utterance of certain "magic" words render him (ha ha) invincible. The so-called "magic" words are (interestingly enough) "<u>Fingerlickin' good</u>!" and he apparently believes, does this Warp, that he has only to utter this timeworn and honorable phrase and there appears, instantaneously emblazoned upon the heavens in full-color 3-D, an enormous manifestation of a "Colonel" Saunders ("The only officer who outranks me!" Warp has been heard to boast), who bears in his right fist a scepter in the shape of a gigantic chicken drumstick, which he extends to said Warp, intoning, in a voice like thunder, the words "<u>Heah y' go, son, have y'self a li'l toke on this</u>!" And instanter, as it were, <u>that</u> is to say, on the spot, so to speak, the feeble Warp is transmogrified into his supposedly omnipotent "altered ego," the so-called "Captain" Kentucky, in which guise he goes about inscribing his odious motto (his "mantra," he calls it--whatever <u>that</u> means) on the walls of mens' rooms, to wit:

REMEMBER!
ONLY
U
CAN MAKE A
PISSANT
PUISSANT!

As evidence of the absurdity of this Warp's claim that he possesses the power to transform himself from a poltroon of the first water into some kind of a weirdo sike-o-deelik so-called superhero, I submit the enclosed unretouched snapshots, taken with the aid of telefoto ultraviolet x-ray lenses under the most difficult conditions (which accounts for their lack of any semblance of "artistic" merit, incidentally) by our former agent James Baker Hall. Some of these fotos were taken <u>before</u> Warp's supposed metamorphosis into "Captain" Kentucky, some <u>after</u>, and I challenge you and your readers to determine which is which. I might add, however, that as Agent Hall snapped these pix, something apparently snapped in his mind as well; he became obsessed with the mad notion that the aforementioned Warp is in fact a reincarnation of the late great Kentucky poet James Willian Jewell (who can forget his immortal "All Hail to Our Kentucky Legislature!" with such stirring lines as "These men have passed the laws to make our state great / They always do the best thing for their great state"?), to the point that he actually attempted to transcribe a number of so-called "poems" which, he believes, this Warp transmitted to him via some secret method of extra-sensory perception. The ludicrousness

--2--

of this contention is adequately illustrated by the ~~two~~ three (enclosed) samples of Hall's attempts to render Warp's communiques into verse form, and the point needs no further amplification. Agent Hall was, of course, immediately retired from the Bureau when his delusion became apparent (he is currently residing at the Batson Belfry Rest Home, New Bedlam, Conn.), and the Warp case was at that time put in the very capable hands of Agents du Toot and Petite.

To date, as far as du Toot and Petite have been able to determine, Warp has engaged in no overt criminal activity. Lately, however, he has taken to running with a very fast crowd--among them: the depraved jet set pacifist and internationally despised chickenshit Count Down, his patron and <u>inamorato</u> the notorious faggot Prince Nezz, the high society courtesan "Lady" Ophelia Titfer-Tatt, the degenerate vaseline heir playboy Dillingsworth R. "Dill" Doe, the unrepentant former Nazi death camp commandant Horst Petard, the infamous sexual athlete Oliver Sudden (leading contender for the record held jointly since 1947 by Johnny Puckerfaster and the south-of-the-border swinger Speedy "Zeep Bet Down an' Wheep Bet Out" Gonzales), and the mysterious Tijuana herb exporter known only as "the Veja Dude" (because, according to the underworld grapevine, "once you've seen him, you keep running into him wherever you go") --but, Mr. Fly, you and your readers may rest assured that our office is keeping <u>very</u> close tabs on this Warp, and on his friend the "Colonel" too, for that matter, and the first time they step out of line, <u>Splat!</u>, boy, no questions asked!

Yours for a Better America,

[signature]

Percy P. Cassidy, Director
Federal Bureau of Lawn Ordure

# music

## On the lives of Kate Smith, Albert

By Irving Washington

Remember Dylan?

Bob Dylan has become the Greta Garbo of rock. Since his near-fatal (2nd near-fatal) 1966 accident, the one-time motorcycle black madonna two-wheel gypsy queen has almost vanished, like some idiot child forgotten and locked away in the attic.

That '66 motorpsycho nightmare, leaving Dylan sprawled and partially paralyzed on a Woodstock highway, was as steeped in futility as another '60's highway disaster, the latter snuffing out the life of Albert Camus after thirty years of fervent denial of the existence of the absurd.

The paper-back waif of a Woody Guthrie who drifted into Greenwich Village to edit himself down to hard-back Dylan quickly established himself as the master of the acerbic polemic that characterized the civil rights era. Dylan created the lyric fiber for the Great American Apocalyptic either/or paridigm. His mutation to electrified rock was greeted with typical American schizophrenia (Adulation at Newport, tomatoes and garbage at Forest Hill. Remember schizophrenia? Yes. No.), but his brilliant surreal lyric flights elevated rock from tennybopdom. (Robbie Robertson of The Band, Dylan's former back-up entourage, probably most succintly summed up his mammoth influence on rock: "We were used to backin' up guys who sang things like 'Wa bob a lu bop.' When all those words started tumblin' out of Bob's mouth, we didn't know what to think.")

Yet, in '66 it appeared that Dylan, like some electric-haired Richard Corey, had done himself in, had crushed the framework of his own impossible equation. Dylan had taken, as Jerry Garcia said of Janis Joplin "that skyrocket trip. . .all the way up. . .and out."

Dylan's debacle came at the apex of his career, shortly after the release of *Blonde on Blonde*, perhaps the finest two-record set in rock history. The vacuous year that followed was filled with ricocheting rumors: Dylan was dead, Dylan was paralyzed, Dylan was a vegetable with a face totally covered with hair.

Dylan finally emerged in late '67 at a Woody Guthrie Memorial, quite alive, unparalyzed, with a softer, acoustic approach, a deeper, richer, smokeless voice and a bearded, gnarled face that spoke of too much knowledge, too fast.

The superb, subdued *John Wesley Harding* was released shortly, followed a year later by *Nashville Skyline* in which Dylan turned a throughly country corner, dragging half of his contemporaries with him.

Dylan's personal appearances continued to be almost non-existent, but his two post-wreck albums offered both promise and hope. He seemed to be happily puttering along on the slow train through his back pages, turning out interesting, competent music, though not quite up to the quality level maintained in his first seven albums through *Blonde on Blonde*. (Dylan, in an otherwise throw-away interview in *Rolling Stone*, admitted "I thought I'd get up after that wreck and start doing what I'd always been doing. I found out I couldn't do that." The remainder of the interview consisted of the compendium of put-ons and "aw shuck's" that have earmarked Dylan interviews. Once, when cornered by tv creature Les Crane's pointed search for "meaningful dialogue," ("Do you consider your career a success?") Dylan stared blankly at his hands, squinted, blinked hard, looked up and deadpanned, "Well, no, I always wanted to be a movie usher, and I haven't done that. I'd have to say my life has been a complete failure.") Then came *Self-Portrait* and Dylan seemed to falter, then stumble and fall beneath the thunder of Pamplona. The two-record set was clearly his Bay of Pigs. I heard it and went out to my favorite wall and wrote "WHAAAAAAAT?"

The album was filled with Dylan's new mellow, boring-as-hell crooning, tackling such vapid gems as "Blue Moon" (Exchangeable at your local Memory Lane Mart for four Perry Como v-neck sweaters, one Bing Crosby briar, a Guy Lombardo pocket hankerchief, or Kate Smith's training bra.).

True, *Self-Portrait* flashed occasional muscle in "Minstrel Boy," "Days of 49," and in an inexplicably effective piece of cotton candy, "Copper Kettle." On the whole though, Dylan sounded like one of his tired horses in the sun, totally unable to get any runnin' done. Suprisingly few of the compositions were Dylan originals, and several of those ("Alberta" and Little Sadie") were repeated in several outtakes of the same songs, an obvious device used to fill the album. Dylan even mustered the temerity to steal the ancient "It Hurts Me Too" and claim authorship. The cruelest cut, through, came in Dylans throw-away rendition of the classic "Like a Rolling Stone." When there's too much of nothing, nobody should look.

*Self-Portrait* sounded sadly like the sound track for a Cecil B. Demille production based on a Wayne Newton nocturnal emission.

Public reaction was widly divergent. For an album decidely steeped in mediocrity, response was heavily hyperbolic. Critics either fell all over themselves praising Dylan's "new art form" or proclaiming "The Death of Bob Dylan."

The intensity of public reaction can only be understood against a background of the role Dylan has been meted by the public. He, like the rest of us, is a prisoner of his own dimensions. Yet, his brilliant scribblings on the fourth wall of the prison gave the illusion of possible transcedence. Dylan somehow enunciated the hopes and fears of an entire race, a one-man t-group, and somehow I don't think any of us will ever feel so alone again. (Or, as the Dylan lyric in a cut from his first album, "Talkin New York" says "New York Times said it wuz the coldest winter in 17 years. I didn't feel so cold then.")

So, Dylan, a Jewish kid from Minnesota, scaled the cold cliffs of American mythology. Short, scrawny and sporting a voice one early critic called "the howl of a dog, its' rear leg caught in barbed wire," his excellence was sheer triumph of the will. Yet, his left-handed charisma became defied, and we all know what happens to a good diety gone bad. Makes you want to wash your hands of the whole mess.

We expect inordinate, superhuman efforts from our golden calves, and when we don't get them, as in *Self-Portrait*, we are often vicious, brutal, and violent, a pack of wild bitches, spurned in heat.

Dylan has never been comfortable in this role of super-culture hero. He was visibly shaken when people began to touch him. The Band's "Stage Fright" was written for Dylan and just about says it all: "See the man with the stage fright?/Just tryin' to get in on with all his might/but he got caught in the spotlight/but when he gets to the end/he wants to start all over again. . .Now when he says that he's afraid/take him at his word/and for the price that the poor boy's paid/he has to sing just like a bird."

His disdain for the role thrust upon him was only exacerbated by the Woodstock highway breakdown. With *Self-Portrait* it appeared the Garbo analogy had been realized, that Dylan's music was to be as monastically distant as its maker, sliding into the realm of myth, with only a past to look forward to.

With the release of *New Morning*, though it appears that Dylan's back, though not as far as I'd prefer. With *New Morning* we get back about as far as the three kings of Dylan's surreal fable from the *John Wesley Harding* liner notes: "Not too far, but just far enough so's we can say we've been there."

Dylan's early music came from the edge of the abyss; *Self-Portrait* tried to fill the abyss with things. *New Morning* seems based on home movies of the abyss.

*New Morning* was recorded predominantly in Nashville, with arrangements occasionally reminiscent of *Blonde on Blonde*. The album leans much more toward rock than in the previous two outings, though in the products of artist such as Dylan, Van Morrison, etc., searches for the sources prove fruitless. It

## Massacre continued from page 14

published in the Federal Register: that was on a Saturday, and inspectors were told to collect fines the following Monday, even though not a single coal operator had been given copies of the penalty schedule or provided an opportunity to comment on it. The operators had not, in fact, even received copies of the law.

In mid-April, representatives of the small operators from the National Independent Coal Operators Association went to Washington and met quietly with Senators Cook and Cooper of Kentucky. They were predicting "economic ruin" if the new law were enforced; they said they were considering testing the law's constitutionality. Over at the Interior Department, they met with an attorney named William Gershuny, who had drafted the penalty schedule. Gershuny -- who later told a member of Hechler's staff that he knew the schedule was "illegal" when he drafted it, but needed to get something in writing -- apparently encouraged the idea of testing the law. With no need for further encouragement, the operators filed suit in federal district court in Abingdon, Va., charging Interior with "arbitrary and capricious" enforcement of the law and asking a restraining order against many of the safety regulations -- and the penalty schedule.

The federal government's performance in its own defense in the courthouse at Abingdon was remarkable. The Justice Department lawyer who handled the case was either unfamiliar with the mine law or uninterested in it. He ignored Section 513, which states that

". . .no justice, judge, or court of the United States shall issue any temporary restraining order or preliminary injunction restraining the enforcement of (any mandatory health or safety) standard pending a determination of such issue on its merits."

No such determination was made -- and it could hardly have been made, because back in Washington, undersecretary Russell expressly prohibited any Bureau of Mines technical or legal experts from attending the Abingdon hearing. Thus the government offered no defense against the NICOA operators, and the judge granted a 10-day temporary restraining order. Although the Bureau still had the authority to make inspections and close mines in cases of imminent danger, all federal inspectors were ordered back to their offices over the following weekend to await "instructions" from Washington. The next week, the government waived its right to a hearing on a permanent injunction. The injunction was issued, and trial was set for November. Included in the injunction was Interior's penalty schedule -- and, in Interior's view, this meant that no fines would be collected for at least the next seven months. The collective sigh of relief among small operators was audible all across the coalfields.

All through the summer, inspectors -- feeling like federal yo-yo's as they were hauled up and down by the Bureau, Interior, and the courts -- visited mines and issued notices of violation which they knew would be ignored since no penalties were being collected (although other federal judges suggested that the Abingdon injunction was valid only in that district, Interior chose to apply it everywhere, arguing rather incredibly that to enforce the law against <u>some</u> operators, while others en-

# Camus, Irving Washington and others, including Bob Dylan

has all been assimilated and all the tracks are covered.

The album leans heavily on keyboard work, with Dylan laying down a competent piano on 7 of the 12 cuts. Likewise, Dylan's vocalese in *New Morning* is radically altered. He seems absorbed in the music (all orginals) this time out, his voice rasping, occasionally offkey, but very much *there*. (That is, except in Viennese "Winterlude," a waltz that finds Dylan in his crooner clothes, and in "Three Angels," a belladonnaish spoken rendition that buries potentially effective imagery in an understated, didactic monologue much like Wink Martindale's ancient "Deck of Cards.")

Suprisingly evident throughout the album is Al Kooper, formerly of Blood, Sweet, and Tears and perenially of the Draft-Kooper–For-Superstar movement (Remember Al Kooper? Al Kooper does.).

Yet, Kooper's pomposities are in check throughout and his work on organ, piano, and french horn (plus his assistance in production with Bob Johnson) is tasteful throughout, in and out of the right places perfectly. Kooper's walking jazz piano on the nightclubby, "If Dogs Run Free" is particularly effective, a backdrop for Dylan's cosmic chant: "If dogs run free, why not we?/. . .To each his own/It's all unknown."

Side one is solid throughout, save "Winterlude." "If Not For You" is fragile and friendly, with an acoustic guitar intro counterpointed by Kooper's soft, simple organ. Dylan sounds satisfied with vulnerability: "If not for you/I'd be lost and it's true." A long, long way from the femme fatales of "She Belongs To Me."

"Days of Locusts" follows, perhaps the strongest cut on the album, describing, it seems, Dylan's acceptance of his honorary degree at Princeton last summer ("Darkness was everywhere/it smelled like a tomb"). "Locusts" opens with an etheral whirring tone and then moves into it's deliberate, dramatic pace, with Dylan occasionally phrasing in that pent-up narrative style that earmarked his pre-wreck recordings.

Dylan's ability to vary his phrasing, his jamming together of words and unpredictable spacing of sounds has always been his strongest vocal suit. He still has it.

"Time Passes Slowly" sounds like a Band tune, with nebulous instrumental breaks floating away from the vocal and giving the song great apparent spatio-temporal dimension. Dylan clicks off places to go and concludes "Ain't no reason to go anywhere."

Side two contains the forgettable "Father of Night," a trite, repetitive prayer chanted over Dylan's tumbling piano figures. "One More Weekend," though, is a great ribald rock reworking of "Leopard-Skin Pillbox Hat," with session guitarist Buzzy Feiten contributing a tight, ballsy solo. "New Morning," the title cut, is happy and lilting, with Kooper's organ erect in its flight's weaving together the musical base as Dylan muses "So happy just to be alive/underneath this sky of blue". Another long, long mile from the Dylan who said in one of his few straight interviews, "Believe? What's there to believe in?" It seems the dog has freed his leg from the barbed wire. For now.

"Sign on the Window" is a sentimental reworking of the shibbolethic boy-loses-girl-to-other-boy bag that verges on the maudlin, but is saved by Dylan's sharp, resigned lyrics ("Looks like rain tonight on Main Street/Hope that it don't sleet"). He concludes "Build me a cabin in Utah/marry me a wife, catch rainbow trout/have a bunch of kids who call me Pa/that must be what it's all about."

Indeed, it appears that that is exactly what it's all about for Bob Dylan, walking wailing wall for a generation, 30, father of five, and, aside from the obvious improved musical quality of *New Morning*, this seems to be the album's strongest suit. Dylan seems content to be one fallible man, gazing into the void and contemplating his possibilities. However, the album does leave one with the suspicion that it may not wear well with time.

*New Morning* gives us Dylan's most personal vision since the motorcycle crackup. *John Wesley Harding* conveyed its brooding, vague hints of the apocalypse through a series of symbolic fools, outlaws and saints. *Nashville Skyline* was a series of simple love songs, more dedicated to country purity than personal reflection. *Self-Portrait* was, well, *Self-Portrait* was a three-hundred pound, dead-drunk Rudolph Nureyev dancing the hula with a lamp shade on his head.

*New Morning* though is intensely personal and open, molded of the slippery stuff of making sense out of this nightmare every day. It's all in there if you'll reach out and take it.

It is, as Ralph Gleason has called it, "a letter from home," and it comes at a critical time. In 1963 Dylan wrote "First of all. . .a lot of people get together and they want their doors enlarged. . . After this enlargement, the group has to find something to keep them together or else the door enlargement will prove to be embarassin'."

Primarily through the restructuring of our perceptual gear by a massive electronic environment, drugs, and sheer acts of the will, a lot of doors have been enlarged for a lot of people. But just at this moment when the interior sensoriums of so many are opening up, our White House is occupied by one of the shallowest, most synthetic men to ever occupy the post. Foaming mouthed dogs have been unleashed on the human spirit, our air is fouled, fear is King of the City, people are afraid to reach out, and everytime we shut someone out, we shut part of ourselves in.

Dylan's predicted 1963 door enlargement is 1971 fact, and we now begin to experience the frightening frenzy of perceptual freedom. For years human experience has been captured and caged in jars, like so many lightning bugs, bridled and categorized, cross-sectioned and chi-squared. The magic door enlargement, the extension of our perceptual facilities, the slow move of East toward West has created a collective interior space that defies such categories. We now begin to see that what has long been hidden behind the rubric of necessity (i.e. "Necessary Institutions"), is, stripped of rhetoric, little besides habit and laziness. The Siamese Twins, rationality and linearity, hold only a fraction of the full 360 degrees.

Another from the collection of Dylan dicta reads "The only thing this society has left me to be is an outlaw." One is occasionally plagued by such feelings, much like a theatre goer crawling under a seat to find a lost ticket and emerging somehow on center stage. Where are the chairs?

It is, dear friends, not a pretty time. Here in the ole Bluegrass, the University of Kentucky is well on its way to again becoming "The Country Club of the South." Qualified, involved professors are leaving in droves, either fired, scared off, or discouraged. The state press remains strangely silent, court jesters playing with themselves during the funeral.

So, what to do? The safety of previous modes of behavior is, and will continue to be, very strong. However, we must somehow remember that the issue goes deeper than kids v. pigs, black v. white, old v. young. The issue is the resistance of all of us to methodical dehumanization. Keep your mind free and don't forget to boogie.

And this, in circuitous fashion, is why I find *New Morning* so hopeful. I generally listen to the album when sitting in my chair and wondering "What's it all about, Irving?" Then I hear Dylan that open, that honest, that warm, and decide to shut off the gas and open the windows.

Perhaps this is all a little abstract, but I watched a Christian Scientist die very slowly after her marriage to a pharmacist failed and sometimes wonder what's going on down here and don't you? (Remember you?)

Dylan? Dylan is alive and well. He's come back out to remind us how badly we all need each other. He seemed on the brink of becoming a freak Frank Sinatra, but has plunged back into the forest of himself.

With *Self-Portrait* he seemed to get to the end. He wants to start all over again. Please don't make him stop. Let him take it from the top.

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joyed immunity under the injunction, would be "unfair"). Other violations they were forced to issue "for information only," since they pertained to health or safety standards barred from enforcement by the court action.

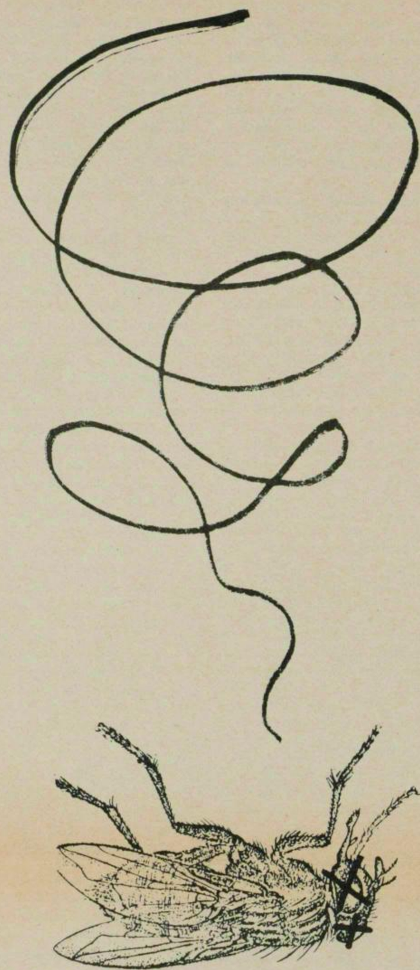
At Finley Coal Company's Mines No. 15 and 16, all 38 of the violations issued by federal inspectors during 1970 were thus nullified.

For three critical months the President suggested no new name for Bureau director to replace Lucas's. Then, in early October, he proposed Dr. Elburt Osborn, vice president for research at Pennsylvania State University, and he was confirmed by the Senate. Dr. Osborn was, of course, spokesman for the Bureau in the field of health and safety, and here, he seemed pleasing to the coal operators. After an inspection tour of the coalfields, Osborn told reporters that some of the regulations of the new law did not need such "rigid" enforcement, a remark which puzzled mine inspectors. The NICOA's lobbyist, John Kilcullen, "seemed pleased," according to Business Week, and said: "We definitely made some points." The magazine reported with approval that Dr. Osborn had shown "a flexibility that contrasts sharply with the unyielding, anti-industry stance of his predecessor, John O'Leary."

A few days later, the Abingdon suit was dropped by NICOA, five days before it was scheduled to come to trial. The executive secretary of NICOA said that relations between the small operators and the Bureau of Mines were characterized by "an atmosphere of cooperation," but said the suit would be re-instituted if the new law became "a burden on the small operator in any way."

There is evidence that the Bureau did not intend to impose any unnecessary burdens on anyone -- except possibly on their inspectors, and on the 96,000 men who mine coal underground in the United States. On November 10, the day before the NICOA dropped its suit, Bureau assistant director James Westfield wired his district managers advising them that the suit would be dropped, and telling them not to impose any penalties for violations; inspectors were to inform operators "orally" that the penalty, if any, would be imposed later, "when the Bureau announces its policy for assessment of penalties."

**A** few days later, Westfield wired the field offices again and ordered inspectors to give priority to studying roof control plans and getting them approved by February, 1971. Since the law had required such plans to be submitted by July 1, 1970, and since hardly any mines had complied, it was reasonable -- if unusual -- for the Bureau to be concerned. But Congressional critics have contended that the order effectively sidetracked inspectors and prevented them from checking mines they had been planning to re-visit after Christmas. In effect, this seemed to be what happened on Hurricane Creek in Leslie County. The federal inspector who was due to check the Finley mines on December 28 did not appear. Two days later, on December 30, the mines were shattered by the worst disaster since Farmington, and it was James Westfield who left his desk in Washington to go to Kentucky and see what, if anything, had gone amiss with the 1969 Federal Coal Mine Health and Safety Act.



# OFF THE FLY?

As you probably noticed, we went down for the count after our last issue, some three months ago. We're back now but our financial legs are rubbery and we still have a struggle with the taxman to look forward to. We need to come up with some money and we will probably fold if we don't--which would be a shame because we have some interesting things planned for future issues. Please send what you can--cash, checks, money orders, vitamin c tablets, crunchy granola, anything--to P.O. Box 7304, Lexington, Kentucky 40502. We'd be much obliged.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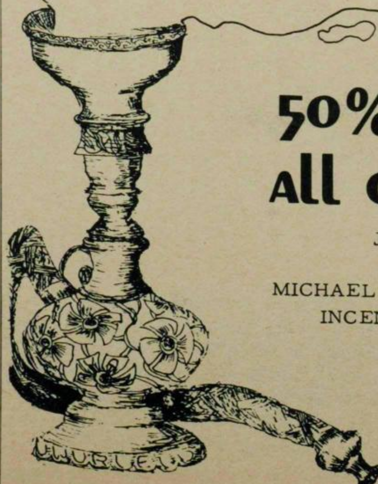

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