

The Buffalo Creek Flood: An Act Of Man Transcript

Scene:
Interview with survivor
Intercut with actual
Film of the flood moving
Down the creek

Title Card: At 8:00 a.m., February 26, 1972, a coal-waste dam collapsed at the head of a hollow in Logan County, West Virginia. Over 132 million gallons of water and one million tons of sludge barreled along the 16 coal mining communities along Buffalo Creek. 125 people were killed, 4,000 were left homeless.

Shirley Marcum: Well, at 8:30 sharp my house lifted up off the foundation and floated into my neighbor's house. The house on the upper side of mine come in, floated in against my house, knocked my house off of its foundation, they both went into my neighbor's house. And the water, I could not, I could not see over the top of that when it first came in sight!

The only warning we had was just a neighbor woman had, uh, spotted it and just pulled in front of our house and hollered, "Run, the dam has broke!", and then you could hear the roar of it and uh, well, you could see it. I saw my neighbors' houses leave. I watched them crumble. I seen trees, logs, cars, slate, slush, you name it and it was in that.

After we got through to safety and all and turned around, I saw five houses floating down the creek and you could walk on, from one to the other. One house particularly, I don't know who they were, at the time I didn't know who they were, but, I found out later, they was the Ballard and Janice Lou Carter family. They was five of them in the house.

Filmmaker: They never got out?

Shirley: No, They're all gone.

Title Card: An official of the Pittston Company, owners of the dam, stated, "We're investigating the damage which was caused by the flood, which we believe, of course, was an Act of God." The dam was simply "incapable of holding the water God poured into it." – *Coal Patrol*

Survivor: Well, my neighbors cane and woke me and my wife up on Saturday morning. We, I'd got up to fix the fires up and was watching television with my kids and the power went off. And they come a-knockin at the door and hollering and said the dam broke up. Well, we'd we'd been expecting maybe, maybe to hear this word 'cause we'd stayed up 'til 2:00 that night watching for a flood 'cause the waters was high and we were afraid we might get washed out then. But, it still hadn't dawned on us until we looked around and saw our neighbors running like crazy trying to warn everybody that the dam had broke. Well, we got ready and I ran out on the creek back with a bunch more of the men there. There was about five of us. We'd heard that there was a woman and a baby floating down the creek on a part of a house. Well, we stayed out there until there was no longer any need for us staying there 'cause the creek was getting up high and they all took off and left me there by myself. My wife had got the kids in the car as was started up waiting on me and it was just as I happened to look up out of

the corner of my eye I saw it coming and I took off running for the car and I warned the people down the creek as I went that the water was coming. They wouldn't believe me and I told them, "Well, look, look out there. You can see a house coming down the creek", but still they didn't believe. They was just a few took off and we went on down the road then warning more as we come along to them. Then we got our kids to safety and then we took off back to where we could see what was happening as damage was coming down the creek. We seen eighteen, about fourteen houses destroyed as they hit the bridge, and about five cars, and they was many lives lost but this is the most tragic thing I've even seen in my life. I'm sorry that God let me live to see it.

The destruction on Buffalo Creek

Song: "The Buffalo Creek Flood," written by Doug Yarrow and Ruth Yarrow, sung by Jack Wright

In Logan County where coal is the King,
Where the people work hard for most everything,
On Buffalo Creek it was cloudy and gray,
And the people were rising to meet a new day.

The bacon was sizzling, the coffee was poured,
But the dam up the holler couldn't hold any more.
And the water raged down, smashed town after town.
Homes dashed to pieces and whole families drowned.

Interview in an office

W.A. Wahler, Consulting Engineer to the Bureau of Mines: In uh, in about 1960 to 1964, there were various efforts made throughout the United states and, uh, including the Appalachian coal area, to clean up the streams, as an environmental improvement act.

The dam and refuse pile after the flood

And, uh, the so-called coal-water dam, as personified by the Buffalo Creek dam, was invented as a tool for filtering the, uh, solid wastes invented as a tool for filtering the, uh, solid wastes from the stream water, so that the water that was, uh, contaminated with the, uh, coal-waste would come out clean. It was a field invention. Somebody pushed some waste across a stream. The water on the up-stream site was black and the water on the down-stream side was clean and, based on this success, bigger and better, uh, filtration dams were built and they were successful for a number of years and, uh, eventually, uh, this one was big enough to fail in a hazardous manner.

Interview in office.

Thomas N. Bethell, Research Director, United Mine Workers of America: The Interior Department investigated the fatalities, or investigated the disaster, uh, starting really immediately after, or within a few hours. And three separate reports were produced. Uh, one which was out of the Bureau of Mines and was handled pretty much by the standard Bureau of Mines people who are not particularly skilled in dam construction but they do investigate all mine-related fatal accidents. A second was, uh, produced by a man named Fred Walker who had been the, uh, head of the earth dam section of the Bureau of Reclamation, and was very much an expert in this kind of dam that was used at Buffalo Creek, in other words, a loose, non-impervious kind of dam. And then there was a third investigation by the Geological Survey also headed by experts in this kind of dam construction.

The dams and ponds

Their reports are, are lengthy, but they all find basically the same the

after the flood.

same thing which is that the dam simply was not built to impound, successfully, large quantities of water, certainly nothing like 120 or 130 million gallons, which was backed up there on the morning of February 26. All of the reports, uh, uh, express in bureaucratic terms, uh, the real shock that the investigators felt personally as they slowly became aware of just how totally inadequate the dam was and how inevitable it was that it was going to break.

(Instrumental music in the background.)

Diagrams showing how
The dams collapsed

Narrator: Looking upstream at Buffalo Creek at dams 1, 2, and 3 and the pools of water backed up behind them on February 1, 1972.

February 26, at 6:00 a.m., the water behind dam 3 is rising. Cracks in the dam indicate early signs of distress and weakness.

Two hours later at 8:00 a.m., dam 3 begins to fail causing overtopping of dams 2 and 1. Slush from pool 2 is thrown to the left side of dam 2.

8:02 a.m., progressive failure continues to destroy the remaining sections of dam 3. The initial flood water subsides exposing the break in dam 2.

8:03 a.m., dam 3 collapses completely which releases the major flood wave.

8:04 a.m., the flood wave overtops dam 2 and destroys dam 1.

8:05 a.m., the flood waters break through the refuse pile and destroy the first town on Buffalo Creek.

The remnants of the dams after the flood.

Interview in office.

Bethell: Pittston knew twenty-four hours in, in advance that the water was rising, ominously and steadily. The rain was continuing. There was no probability of a let-up. There were no forecasts that it was going to, uh, that, uh, that the situation was going to improve. Jack Kent, the head of strip mining for Pittston in that area, was up at the dam on an hourly, or more than hourly, basis. He had a measuring stick in the dam. He could see the water rising. He called, uh, uh, Steve Dasovitch who was the general boss for Pittston in the, in the area, and, uh, expressed his concern that it was going to go. And then, of course, I think the rest I history, but, but Dasovitch, for reasons known only in himself, decided to reassure people down-stream that nothing was going to happen and left the area and was on his way out of the valley when the dam did go.

Footage of dams and
ponds.

Interview outside the
survivor shelter.

Kathy Bryant: We just kept climbing up the mountain and everything. Uh, I looked back. I heard someone screaming for help and I looked back and there was a yellow house going down the water. And I could see through the window. The house wasn't torn apart. I could just, you know, but I could see through the window. People were in the house. Uh, they were trying to get out of it an' it just broke my heart 'cause there wasn't anything we could do. We were trying to save our own lives.

Interview at survivor shelter..

Shirley Marcum: The way I felt, actually felt about the dam, the confidence that I had in the, in the officials of the company, I couldn't, I just couldn't figure out why they didn't send us a warning. I couldn't. It's still a mystery to me. That's why I'm hurt.

I saw a deputy sheriff go down the road at, oh, maybe 25 miles an hour, at ease in his cruiser, because he had been turned back and assured that everything was under control. He had nothing to fear either, but a few minutes after, all hell broke loose.

Interview in office.

Bethell: At the time of the Buffalo Creek disaster, Pittston was the fourth largest American coal company and probably was unique in the industry in having cornered a very substantial part of the metallurgical coal reserves in the United States. And, uh, basically what that means is that that they were able to determine the price of coal with much more, uh, much more on their own ability rather than waiting to see what the market would do, because, in, when you're selling coal to utilities you're selling it in competition with oil. When you're selling coal to a steel company, you're not selling it in competition with any other fuel, because they have to buy coal. It's the "cream of the crop" so to speak. So that you, you could fairly say that it was a company which was in a, a unique financial situation, uh, and by no stretch of the imagination could use the excuse that you often hear in the coal industry about how, "times were tough" and "we would have done it better if we could have". That was a company that could have done it as well as it needed to be done.

Destruction after the flood.

Traveling up Buffalo Creek

From the standpoint of safety, the company was, was typical to a considerable extent and slightly worse than average. In 1971 there had been, had been nine fatal accidents in Pittston mines, and there had been, according to Bureau of Mines' statistics, 743 serious disabling non-fatal injuries, which means that, uh, Pittston was second in the country both in terms of fatal frequency and non-fatal frequency, and that, that uh, is a bad safety record by any stretch of the imagination. The company's attitude on safety was very typical. There had been some five thousand safety violations found by federal inspectors in 1971 and, uh, a very substantial number of fines, uh, imposed tentatively imposed against the company. Pittston fought every single one of them, even where no principle was involved, and at the time of the disaster, had, uh, paid out about \$275.00 in fines, total. Uh... basically a kind of, of attitude that you find throughout the whole industry of obstructions and opposition to the law just on the principle of opposing it.

Song: "The Buffalo Creek Flood"

The bacon was sizzling, the coffee was poured,
But the dam up the holler couldn't hold any more.
And the water raged down, smashed town after town.
Homes dashed to pieces and whole families was drowned.

How could it happen? How could it be?
That dam it belonged to the coal company.
An "Act of God" the bosses did cry.
But God ain't that cruel, we can see through your lie.

Interview in the Office

Rev. Jim Somerville, Secretary of the Citizens' Commission to Investigate the Buffalo Creek Disaster: The Citizens' Commission to Investigate the Buffalo Creek Disaster was an independent organization of people in West Virginia called into being really by the West Virginia Black Lung Association, to look very carefully and fully into the, the Buffalo Creek flood of Feb. 26, 1972.

Clean-up activities, survivors at their ruined homes

The most tangible, lasting result of the Citizens' Commission is, of course, the report, which was published, And we wrote it on the basis of what we learned in our own investigation in the community through the public hearings which we held, as well as the investigation that we did by trying to go to the record that the public agencies themselves made as they went about the course of their investigation. We were suspicious of the report that takes so long to write, and has so many "ifs, ands, and buts" that it really says nothing. And so the Citizens' Commission began to say quite early. "We think that this coal company, Pittston, has murdered the people, and we call upon the prosecuting attorney and the judge in Logan County, the county where the thing occurred, to prosecute and bring to trial this coal company, and we call upon the federal government to do its part, and we charge the federal government with being negligent and we charge the state government with being negligent." We tried to document that and I think what we documented will stand.

Interview in office.

Bethell: The dam as it turned out later was in violation of at least three state laws and, and, and federal regulations drafted in connection with the 1969 Coal Mine Health and Safety Act.

Uh, this is not to say that if the company had complied with all these laws, it would necessarily have uh, have uh, have built a dam which was safe. None of these laws necessarily guarantee that there would have been a, a properly engineered dam. But the fact of the matter is that these are all laws on the books which the company felt completely free to ignore, which says something about the relationships between coal companies and state governments, and particularly about the uh, the uh, West Virginia state government and its relations with coal companies; just this complete freedom to ignore these laws with no fear of any kind of prosecution.

Photo montage of West Virginia Governor Arch Moore speaking to Buffalo Creek citizens.

(Instrumental music in background.)

Title Card: It's easy to turn your back and say it shouldn't have been there, but it's been there for 25 years – West Virginia Governor Arch Moore.

Title Card: The Governor's commission to investigate the disaster included the director of the State Department of Natural Resources, the director of the State Department of Mines, and the chairman of the Public Service Commission – all agencies legally responsible for preventing disasters like Buffalo Creek – *Black Lung Bulletin*.

Title Card: The only real sad part is that the State of West Virginia has taken a terrible beating which far overshadowed the beating which the individuals that lost their lives took, and I consider this an even

greater tragedy than the flood itself. – West Virginia Governor Arch Moore (commenting on press coverage).

Title Card: There is never peace in West Virginia because there is never justice – Mother Jones.

Interview in office

Bethell: The, the sad part really about the federal regulation situation is that the Bureau of Mines, when confronted with this regulation which existed for the purpose of being enforced, uh, tried to take the narrowest possible view of what this, what this regulation was designed to do and to, and to say, in effect, “Well, this isn’t a situation that was designed to be covered by this regulation, uh, therefore, it wasn’t our responsibility to go in there and do anything about it”. And in the Senate hearings you had nothing but this kind of, kind of washing of hands by supposedly responsible officials, all of whom said, “Well, hum uh, it wasn’t my agency that was supposed to take care of this, it was that agency over there”, and then that agency would get on and say, “Well, we weren’t aware it was our responsibility to do it; it must have been somebody else’s”, and the buck was always passed. Uh, the agencies were never willing to take and kind of responsibility for having failed to do a job, and the company never took any responsibility for having failed to comply with what they were supposed to do.

(Instrumental music in background)

Title Card: We might have jurisdiction if it was a refuse pile. If it was a dam, per se, I guess we don’t. – Donald Schlick, Deputy Director, U.S. Bureau of Mines.

Scenes of destruction

Title Card: Almost five years before (the disaster). . . nearly a score of state and local officials were officially warned by the Interior department that this waste pile and 29 others in the state were “unstable or could be topped by high waters”. The letter (from the Interior Department) reported on a survey of coal-refuse banks undertaken following the waste-bank slide at Aberfan, Wales, that killed 116 schoolchildren in 1966. – *The New York Times*

Title Card: More than two years after the Buffalo Creek disaster, federal and state officials still rate at least eight coal-waste piles as “severe hazards: and about 132 as “Potential or minimal” hazards in seven Appalachian States. – *Appalachian News Service*

Title Card: From the Stockholders’ Report of the Pittston Company, May 1972: Pittston “is heavily committed to natural resources...aware of our responsibilities to preserve the air, water, and land that we use. Throughout the company, at all operating levels, we have active programs designed to protect the environment.”

Interview in office.

Somerville: One of the things that the Citizens’ Commission found as it did its work on Buffalo Creek was that there was more to do on Buffalo Creek than merely find out the facts of the disaster. We felt that if we were a citizens’ commission, then we could not be merely a fact-finding group but that, somehow, our membership on that Commission had to support the effort on that creek by people to do something about that disaster.

Citizens' Commission Hearings and community meetings.

We were trying to say to West Virginians that bodies of citizens need to bring the government to, uh, accountability. We knew that the Annual stockholders' meeting was coming up. We discussed this in a community meeting and we said, "How would you like to go ahead and just lay out to the officials of the company and members of the Board and the stockholders, the kind of tragedy that's happened to you? How would you like to do this?" And people wanted to do that. Now we then worked as the Citizens' Commission to find some money to get a bus and take some thirty people, citizens of that creek, to Richmond, Virginia to that stockholders' meeting.

Buffalo Creek folks in Richmond, Virginia attending the Stockholders' meeting.

And I think people had a strong feeling that they could do something direct. And, uh, they could at least go look somebody in the face and say to him, "Look, mister, you've killed my mother, you've destroyed my house, you took away everything that I've ever worked for. And look, we're hardworking coal miners and we've suffered a hellish kind of disaster, and we ain't asking much, but we would like for you people to understand that at least you owe us compensation for our losses, and we don't want any 'ifs, ands, or buts' about it. We would like for this company to do one little decent thing and settle claims with people whose lives have just been run over by that company-created disaster."

Press conference

Nicholas Camica, President, Pittston Company: I agreed to meet with this delegation from Buffalo Creek. Uh, these are people who live in an area that I was born and raised in. I lived there for many years so I understand their problems very well. They are my friends, and we sat down and talked about the problems that they have, and they have one chief concern that I was not aware of and that concern was that their, uh, claims were not being processed fast enough, that their settlements were not being made as rapidly as they thought they should be.

Uh, I assured them that the company policy was to make restitution to everyone affected that lived on Buffalo Creek. We plan to expedite the settlement of claims as rapidly as possible and we intend to do that. They, I'm sure felt that, that after our discussion that the Pittston Company and Buffalo Mining Company will do this and we will pay the claims as rapidly as we can process them.

They do understand too, that I, that you can't do it in an hour, that it is a large number of claims, and I think they do understand that it takes some processing, some uh, order of going through certain procedures.

Interview on Buffalo Creek, three survivors sitting outside a house.

1st Survivor: Uh, uh, we haven't had no help on Buffalo Creek at all. The only help we've had is from the, uh, Red Cross and Salvation Army. And we went to Richmond, Virginia, to find out what they were going to do about the losses on Buffalo Creek, we, to our people.

They assured us that they would make all claims reasonable and fair. And, uh, people that completely lost their homes, uh, they ask for, uh, \$15,000 and so, their lawyer, the lawyer Staker that they have for Pittston Coal Company cuts their claim from three to five thousand dollars and more and he tells them if they don't want that, un, settlement for them to go get them a lawyer and, uh, fight it, and if they

do that it's gonna cost 'em more than, more than they would get if he would make, if they would take what he offered them.

2nd Survivor: We, well, we don't like where we're at, although we are thankful for a trailer, but, I mean, it's a, it's not like, uh, where we were accustomed to being. And we had a big two-story house and a big yard, and now we got about a 2'x4' trailer and it's quite a bit of difference.

3rd Survivor: Camica guaranteed me, and he assured me and my committee, that when we left there, to come back here and tell these people that they would be compensated and they would be fully satisfied when this thing is all over. Well, how can you satisfy people if they file a just and honest claim and then his adjusters come along and cuts them ten and twelve thousand dollars when they've lost their life's earnings? It just doesn't work that-away.

Press conference in
Richmond

Reporter: There has been at least the implication of negligence on the part of the company but you mentioned that the people who built the dam and inspected it actually had a part in it. Could you explain that for me?

Camica: Well, I think I can say briefly what I said in the shareholders' meeting and that tis that the people that built the dam, who supervised the impoundment and the filtration system, are people who live in that hollow below the impoundment and certainly if they thought that it was an unsafe situation, they first, wouldn't live there; secondly, the supervision would not build it.

Reporter: You said the people on Buffalo Creek were responsible for any negligence. Doesn't the Pittston Company have some responsibility?

Camica: What did I, what did you say I said?

Reporter: The, the people that built the dam and constructed it, engineered it, were responsible?

Camica: No, I did not say that. I'm sorry if you misinterpreted what I said.

Reporter: Who do you feel is responsible?

Camica: Well, I don't think that that's a proper question at this time because there are a number of investigations going on and certainly our own isn't concluded and I know the government's investigation isn't, and it would be out of context for me to comment. Thank you very much.

Reporter: Could you spell your name before . . .

Camica: (laughter) Well, that's the most difficult question you've asked me. (laughter)

Interview in office

Bethell: In the first days after the flood, the company tried to stick with the initial response which a vice-president named Palamara had

given to a reporter from the *Charleston Gazette*, that it was an “Act of God”. Uh, and the, the, the basic company attitude which at one point I think was put in almost exactly these words was, uh, that, uh, “God simply dumped more rain into, into the pond behind the dam than the dam could hold”, and that was how it was an “Act of God”.

Survivors being airlifted
To temporary shelter at
Man High School

And then finally, of course, the company’s attitude changed as it had to. The company really acknowledged, although never in so many words, its liability for a non-designed dam that just was, just was allowed to grow. And they acknowledged responsibility for it, and of course they really acknowledged it when they settled out of court for thirteen million dollars, and some change, uh, from the, in the, in the suit that was brought against them. But basically the company has never really taken the attitude, uh, of feeling real guilt for this whole thing, never expressed any guilt for it, and has never done anything in the way of rebuilding the community or offering, you know, real assistance to people in other communities to indicate any kind of change of heart. There’s been no change.

(Instrumental music in background.)

Photo montage of clean-
up agencies and HUD
trailer courts.

Title Card: 125 people killed...1,100 treated for injuries...4,000 people left homeless...502 homes and 44 mobile homes completely destroyed...268 houses and 42 mobile homes severely damages and condemned... 633 other homes suffered some damage... 1,000 cars and trucks demolished...property damage exceeded 50 million dollars.

Title Card: Dr. Albert Recio, a psychiatrist with the county mental health agency, has observed guilt feelings among those that lived while so many died. Cases of extreme headaches, bodyaches, and hypochondria are common. A dozen elderly people, in whom symptoms constituted acute neurosis, have been sent to state mental hospitals. – Mary Walton, *Harper’s Magazine*

Title Card: Dr June Church... has described children who refused to bathe for months after the flood or who screamed if floods were shown on television. One patient won’t acknowledge that there was a flood. – Appalachian News Service

Title Card: Because of the disaster and the inability of people to recreate their normal lives, psychiatrists reported a myriad of social problems in the valley. “Survival syndrome” is what they call it, but what it means in simple terms is alcoholism, drug abuse, nervous breakdowns, nightmares, divorce, and violence between neighbors, between husbands and wives, and between parents and children. – Appalachian News Service

Heavy Equipment cleaning up
the wreckage

Bethell: I don’t think that there is any evidence that the company has been hurt at all financially by the disaster. First of all, the standard insurance policies picked up a large part of the liability in terms of the early claims settlements. Secondly, while \$13 million sounds like an enormous settlement, if you look at what Pittston is producing now, and what it’s selling for, you, you just can’t help but feel that the company has not been hurt. The company is producing more than twenty million tons of coal a year. It’s selling that coal at prices now as high as \$125, \$140 a ton to the Japanese steel industry. Uh... \$13

million, when you factor it into that kind of coal production, is somewhere in the neighborhood of fifty cents, seventy-five cents, maybe a dollar a ton. Uh, with the coal market the way it is, it just doesn't even appear as a blip on the uh, on the Pittston financial picture. You just don't even see it. The company just goes on making money.

And uh, and the people who really end up paying for the disaster when it all comes back, I think, are people who are buying Japanese manufactured products. You get the little old lady in California buying a Toyota made out of Japanese steel which is made out of Pittston's coal, in her own way is, uh, making the final settlement on Buffalo Creek, but it's coming out of Pittston's pockets.

Ruined family possessions

And the company is considered to be a really premium investment now by Wall Street analysts. We get a lot of their reports. We we see them. It's kind of sickening to read them. They never mention Buffalo Creek except in a favorable way. They say that the company has settled and the company has not been adversely hurt, and, "We think Pittston continues to be an outstanding investment," you know, that kind of thing. That's, that's how much Pittston's been hurt.

A funeral for two of the victims **Song:** "The Buffalo Creek Flood"

How could it happen? How could it be?
That dam, it belonged to the coal company
An 'Act of God' the bosses did cry,
But God ain't that cruel, we can see through your lie.

Who ordered the dozer to build that dam?
And who's living high off the work of our hands?
Who takes out coal but don't share in the fear?
And who's greed for money has cost us so dear?

Yes, who's greed for money has cost us so dear?

Interview in office

Bethell: There were various estimates of what it would have cost to build the dam properly, ranging from about \$ 50,000 to about \$200,000. Whichever figure you choose, it's obviously not very much. And the question that comes up about why Pittston didn't do it probably is a, is a very large question in terms of why the coal industry has never done anything more than it has absolutely had to do in the whole area that it works in. You know, why do people strip mountains in Appalachia and not put it back, aside from the fact that you can't put it back from gravity, but why don't they even make the effort? Why, why do people not make the effort to clean up their mines until you have a Farmington disaster that causes such a storm of outrage that you get a federal law passed, finally, and they have to do something? Why don't they do it? Well, they don't do it because this industry has a long tradition of, uh, getting by on the cheap. You just keep on producing coal until something goes wrong, and you hope you're going to get by.

Destroyed homes and communities

Survivors at their ruined homes

And you sit up there in New York, and you look at the figures, and you forget all about the people living down there. Camica probably never knew that dam existed, probably never had any idea that it existed, and if told about it, probably would have put it in his basket,

you know, to be dealt with at some point, and, you know, it wasn't relevant. It just wasn't relevant.

Interview at Man High School

Shirley Marcum: I didn't see God a-drivin them slate trucks up there and wearin' a hard-hulled cap. I didn't see that at no time when I visited the dam. That's the way I feel about it. I don't believe it was an "Act of God," it was an "act of Man."

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