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A STUBBORN COURAGE: MEAN AND ORNERY JOURNALISTS IN EASTERN KENTUCKY

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A STUBBORN COURAGE: MEAN AND ORNERY JOURNALISTS IN EASTERN
KENTUCKY

DISSERTATION

A dissertation submitted in partial fulfillment of the
requirements for the degree of Doctor of Philosophy in the College of Arts
and Sciences at the University of Kentucky

By
William Farley

Lexington, Kentucky

Director: Dr. Tracy Campbell Professor of History

Lexington, Kentucky

2017

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ABSTRACT OF DISSERTATION

A STUBBORN COURAGE: MEAN AND ORNERY JOURNALISTS IN EASTERN KENTUCKY

In most ways, The Mountain Eagle is an ordinary community oriented weekly newspaper, and indeed, a close examination of the paper will reveal that it focuses mostly on community news in Letcher County Kentucky, a small county in the mountains of eastern Kentucky. It carries holiday recipes, neighborhood news, and coverage of local government, school boards and sporting events. But a closer examination of the paper and its history reveals a different kind of community weekly. The Mountain Eagle is one of the most recognized, commented upon, and decorated community newspapers in the United States. Since Tom and Pat Gish took the paper over in 1957, the Gishes and their newspaper have been shunned by their neighbors, boycotted, and the paper's offices were fire-bombed in 1974. And yet, the paper survived and continues to report the news, honesty and without bias.

Although Tom Gish was born and raised in the coal fields of Letcher County both Gishes were "city journalists" when they came to Whitesburg. Pat worked for The Lexington Leader and Tom managed the United Press Desk in the state capital of Frankfort. They met while studying Journalism at the University of Kentucky, and pursued careers in the field. Their desire to run a small-town newspaper brought them to Whitesburg, Tom's hometown. Their insistence on doing their jobs the way they had been trained soon put them at odds with the Fiscal Court, the School Board, the coal operators, and the elites who ran Letcher County. Coal mining drove the economy, and the county operated on a near feudal basis, with people owing fealty to elected officials and coal companies, and none of the controlling interests liked the idea of seeing their activities on the front page.

This dissertation is a chronological examination of The Mountain Eagle and its publishers during period between 1957, when the Gishes took over the newspaper, to 1977, when the Federal Surface Mining Reclamation and Control Act was signed into law. During that period, Letcher County and the United States experienced the assassination of a president, the War on Poverty, the Vietnam War, and the widespread use of strip mining to gouge rich veins of coal out of the Appalachian Coalfields. Strip mining soon became the most common method of extracting coal in the country, and its effects on the steep hillsides of eastern Kentucky became the focus of much of The Eagle's news and editorial activity.

Both Gishes said many times that it had never been their intention to become crusaders or to take on any particular group. But as they began to undertake what they saw as their primary

job, that of reporting on the news of the county, they began to experience obstacles in reporting on civic activities, which by Kentucky law were supposed to be open to the public. In an introductory speech delivered to the Rotary Club in the county seat of Whitesburg, Tom Gish pointed out that while there were a lot of things about the newspaper that he liked and intended to keep, there were other areas where he thought the paper could be improved. One of those areas was in the coverage of civic events, primarily the meetings of the fiscal court, the various city councils, and the board of education, the first of the controlling bodies to come into conflict with the newspaper.

Pat Gish did most of the reporting, and when she started attending school board meetings, she learned that while she might be tolerated, she would certainly not be welcomed. The board initially told the paper that their meetings were closed, only one person at a time was allowed into the board chamber, and they were there to discuss their business with the board and then leave. Tom Gish informed them that the Kentucky Open Meetings Law gave the press access to public meetings and grudgingly, the board allowed Pat to attend. But they refused to provide her with a chair, so she had to stand during meetings that often lasted for several hours, even while she was pregnant with her second child. Tom Gish also began to attend meetings to provide a basis for the editorials he wrote asking for improvements in county-wide education. This came during a period when Kentucky Schools were under investigation by the state legislature and Whitesburg Attorney Harry Caudill, who represented the county in the General Assembly, chaired a committee that delivered a scathing report on Kentucky schools, and called particular attention to education in eastern Kentucky. Caudill's guest editorials and Letters to the Editor began to appear in The Mountain Eagle during this period and marked the first phase of a long collaboration between Caudill and Gish that addressed a broad range of issues that affected the region. Not long afterward, one of the board members, the physician who had delivered Tom Gish and owned several businesses in the county, announced that he would withdraw his advertising from the paper and the "word went out" that teachers had been forbidden to purchase the paper. Tom Gish later said that newsstand sales had skyrocketed during this and subsequent boycotts.

Tom Gish joined his wife in covering the Letcher County Fiscal Court and they soon angered the judge and magistrates by reporting that magistrates had voted themselves a substantial pay raise. Although the court had initially welcomed the newspaper at meetings, they soon passed an ordinance to make at least part of their meetings closed. This was another violation of the Open Meetings Act and the Attorney General weighed in on the newspaper's behalf. A long-running feud developed between The Eagle and the court that included several efforts to de-certify the paper as the newspaper with the largest circulation. This meant that all legal documents, including ordinances and other court actions had to be published in The Eagle before they became law. These publications, along with bond advertisements from coal companies and other legally required publications were a significant source of the newspaper's income. The feud with the court finally came to a head in 1974 when the County Judge Executive and Sheriff ignored threats to blow the newspaper's offices up just weeks before the paper was fire-bombed by a former Whitesburg City Police officer, who had resigned after being named in several articles concerning police brutality.

The Mountain Eagle's involvement with the War on Poverty and its advocacy for strip mine regulation brought the paper into the national spotlight. Many of the national reporters who

published articles on Appalachian poverty that captured the nation's imagination and sympathy came directly through the offices of The Mountain Eagle, and the Gishes often served as their guides to eastern Kentucky. The New York Times' initial report on the endemic poverty that plagued eastern Kentucky, which captured Senator John F. Kennedy's attention during his campaign for the 1960 Democratic presidential nomination, came after Times Reporter Calvin Trillen spent time at the Gish home in Whitesburg and toured the region with them. Tom and Pat Gish became deeply involved in efforts to alleviate suffering in the region and spent so much time testifying before congressional committees and on other poverty related activities during the War on Poverty, the paper often came out late and suffered financially. Tom Gish frequently wrote editorials that praised the federal government's efforts, but just as often, his editorials were among the most scathing in the country, when he felt that it was too little, too late.

The newspaper had a complex relationship with the coal industry. Tom Gish's father was a mine superintendent with South East Coal Company, one of the larger companies in the county. Tom saw underground coal mining as the logical basis for the economy in the region, but he also advocated for diversifying the economy so it would not be entirely dependent on a single industry. When he visited a strip mine in eastern Letcher County with his father Ben, both men were horrified at the destruction visited on a small community there and Tom began to call for strip mining to be outlawed all together or at the very least, strictly regulated. This began a twenty-year struggle that finally came to fruition with the 1977 Federal Surface Mining Reclamation and Control Act. But the legislation was far from perfect and not only codified strip mining in federal law, but also opened the door for the even more destructive practice of mountain top removal.

The Mountain Eagle's involvement with the War on Poverty, along with their opposition to strip mining, angered some people in Letcher County, and the Gish family was shunned by many of their neighbors, and the paper was boycotted by some advertisers. Efforts to undermine them were rampant and threats from coal operators were frequent. When a Molotov Cocktail was finally thrown through the window of the newspaper's offices in 1974, many of the residents of Whitesburg turned their backs on the Gishes. They still managed to get the next edition out the week following the fire, although the paper was put together in the family's living room, and the family moved their home to a rural part of the county, but kept the offices in Whitesburg because it was the county seat. For the next three years, the paper devoted a significant amount of space to the events surrounding the prosecution of the arsonists, but they still focused heavily on county news. The 1976 Scotia Mine disaster, when two methane explosions claimed the lives of 26 men at Oven Fork in Letcher County took their full attention for much of the entire following year.

The Mountain Eagle has survived into the 21st Century, and the Gishes and their paper won a number of national awards for excellence and courage in journalism, along with several major awards for their contribution to freedom of the press. Both Tom (2008) and Pat (2014) have since died and their son Ben is the Editor and the only member of the Gish family still working at the newspaper. Letcher County has experienced many of the same changes as the rest of the country, but the economy never expanded past coal mining, so when the coal industry collapsed in 2015, the rest of the county economy failed with it. Unemployment is high now and many of the younger families have left seeking employment elsewhere. Tom Gish's prediction that eastern Kentucky could eventually find itself mostly with very young and very old recipients

of government assistance living there has come true and the region is currently struggling to find a way to manage. The Mountain Eagle has suffered too, but it still manages, and it still adheres to the masthead slogan, “It Screams.”

William A. Farley

June 21, 2017

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June 21, 2017

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2017

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William Farley

A DISSERTATION

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Director Dr. Tracy Campbell

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Introduction

Newspapers across America in 1974 were consumed with the Watergate Scandal and the demise of Richard Nixon's presidency. The press, of course, had not just reported on the scandals but because of the investigative journalism of the *Washington Post* and other papers, it had been essential to exposing the dark side of the Nixon White House. The *Post* in particular had famously pursued the story in spite of the administration's threats to retaliate against it. It waged its battle day after day, week after week with the American public and the nation's political institutions caught up in the drama. Ultimately, the *Post*, led by Katherine Graham, the paper's matriarch, triumphed and emerged from the crisis as one of the world's most respected and powerful newspapers.

In the eastern Kentucky county of Letcher, meanwhile, another newspaper was waging its own battle against what it saw as the abuse of public authority. This was *The Mountain Eagle*, a weekly published out of the county seat of Whitesburg in the heart of the Appalachian coalfields. The paper had existed since 1907 and for much of its history it was typical of most weekly papers in that it carried news of births, weddings, deaths, and graduations; it passed along items about local schools, and it advertised county businesses. For many years, its slogan was "A Friendly Non-Partisan Weekly Newspaper Published Every Thursday," and until 1957 this aptly stated *The Mountain Eagle's* modest aspirations. In 1957, however, Tom and Pat Gish bought the paper and began building it into a nationally admired community newspaper. The Gishes did not consider themselves crusaders, but they aimed to make *The Mountain Eagle* something more than a weekly shopper. With a new slogan – "It Screams" – the paper began investigating and reporting on Letcher County's Fiscal Court, the Board of Education, and just about every public institution within the county. These bodies for years had been dominated by coal operators and local political elites who did public business behind closed doors free of the scrutiny of the county's voters or its few newspaper reporters. Appalled by the region's high level of poverty, its isolation, and its limited

public resources, the Gishes also began to press for economic and political change, and this meant open access to public meetings, addressing health and environmental issues, and advocating for intrusive state and federal policies to develop the eastern Kentucky economy.

By the 1974, the Gishes and *The Mountain Eagle* had become both deeply admired and bitterly reviled, reviled in particular by elected officials who despised the paper's demands for open meetings and public transparency. As the Watergate crisis raged, the Gishes launched still more of their own investigations. One concerned the refusal of county officials to enforce the mandated weights of coal trucks, a regulation despised by the coal operators. Another involved city, county, and state police officers, who, the paper charged, had long engaged in unlawful intimidation and even brutality. Most recently, local officers had begun harassing and arresting Whitesburg teenagers (including the Gishes' son) for "smarting off." The combination of Tom Gish's editorials and contentious public meetings produced a toxic atmosphere and when one police officer resigned over the harassment charges, he vowed revenge. He carried through with this a few weeks later when he hired two young men to send a fire bomb through the glass door of *The Mountain Eagle* offices. The building survived, but the fire destroyed thousands of dollars of equipment and the newspaper's files.

Tom Gish was shaken by the fire, but he would not back down. A stubborn, courageous man, he quickly began typing out copy for the paper's next edition, which when it appeared carried a slightly revised slogan on its masthead. Instead of "It Screams," it now defiantly proclaimed: "It Still Screams."

The story of the firebombing was briefly national news, in part because it was so unusual for such a dramatic act of destruction to be aimed at a weekly newspaper with a circulation of about 5,000. But it also made news because Tom Gish had emerged since 1957 as one of Appalachia's most respected advocates for reform and social activism. The Gishes had taken over *The Mountain*

Eagle at a time when Kentucky's coal economy was struggling with declining demand, the consequences of mechanized production, and the emergence of low-cost strip mining. At the time, Appalachia was a largely forgotten region, but this would soon change, and the Gishes would play an important role in this. When *New York Times* reporters Homer Bigart and Ben Franklin brought the plight of Appalachian coal miners to the attention of the nation, they sought out Tom Gish for guidance. When John F. Kennedy toured Appalachia in the 1960 presidential campaign, he met with the Gishes. When Harry Caudill, the Whitesburg lawyer, state legislator, and author of the searing expose *Night Comes to the Cumberlands* (1963) needed a forum for one of his many attacks on the powerful of eastern Kentucky, he knew that his friend Tom Gish would publicize his views in the pages of *The Mountain Eagle*. Through his newspaper and his advocacy, Gish fought battle after battle – Black Lung compensation, curbs on strip mining, improved public schools, accountability for public officials, and much more. He was a central figure in the “rediscovery” of Appalachian poverty in the 1960s and an important supporter (and critic) of federal programs of efforts to lift Appalachia out of its poverty.

And perhaps above all else, Tom Gish was an editor and journalist. Together with his wife Pat, he made an obscure weekly paper a voice of reform and serious news in an isolated part of eastern Kentucky. He maintained the paper's independence in the face of boycotts, threats, angry confrontations, and, ultimately, a fire-bombing. *The Mountain Eagle* would never remotely achieve the circulation numbers of the *Washington Post* or even of Kentucky's larger daily papers, but the Gishes and their newspaper were nationally recognized and respected by their peers for their fierce integrity and gritty perseverance.

This dissertation will examine the first two decades of the Gishes and *The Mountain Eagle*. It covers their move to Whitesburg and the early history of their tenure as publishers and editors, their role in the rediscovery of Appalachian poverty, their alliance with mountain activists such as Harry

Caudill, the advent of area development programs and the War on Poverty, and emerging concerns over the environmental consequences of coal mining. It aims to make three major contributions: 1) to tell the story of how the Gishes made *The Mountain Eagle* a distinguished rural community paper; 2) to explore the challenges of how a small paper confronts the powerful in a region where the powerless have few resources; 3) and to explore the Gishes role in encouraging a new generation of activists. In doing so, I hope to contribute to the recent literature on post-World War II Appalachia, including John Gaventa's 1980 *Power and Powerlessness*, and Ron Eller's 2013 *Uneven Ground*, both of which cover a broad span in addressing issues of inequality in Appalachia, and Henry D. Shapiro's *Appalachia on Our Mind: The Southern Mountains and Mountaineers in the American Consciousness, 1870-1920*, which addresses the mythology of Appalachia, I hope to offer a fuller understanding of the place of community newspapers in rural America for the period of the 1950s to the 1970s. One thing to note in reading, I was born in Jenkins Kentucky and have lived in Letcher County most of my life. I worked for Beth-Elkhorn Mines for almost ten years and have worked as a reporter covering local government for *The Mountain Eagle* since 2004, so the local references come from that. Call it hometown knowledge.

The dissertation is organized largely in a chronological fashion. Chapter one examines Letcher County when the Gishes arrived during the terrible 1957 flood that did an enormous amount of damage, although Whitesburg was mostly spared. It moves from his initial coverage of the flood to his introductory talk to the Whitesburg Rotary Club, when he outlined his goal of more open and comprehensive coverage of local government, and into the newspaper's first controversy, when the Letcher County Fiscal Court voted to defy Kentucky law and close portions of future meetings after Gish criticized magistrates who had voted a raise for themselves. The stage was set for the struggle for open access.

Chapter two continues through the early years, when media attention focused on Central Appalachia during the 1960 presidential campaign. Following President Kennedy's election, Kentucky Governor Bert Combs became an important figure in economic development efforts in the region, and Gish frequently addressed his hopes for development through job creation, tourism, and road construction, and a partly farcical "secession" of eastern Kentucky from the rest of the state, which highlighted the real perception that state government ignored eastern Kentucky. The Letcher County School Board joined the court in their own attempt to deny the newspaper access to their meetings, and educational reform, spurred by the (Harry) Caudill Commission Report on Education from the Kentucky House of Representatives, became an important topic for *The Mountain Eagle*.

Chapter three examines *The Mountain Eagle's* efforts to focus attention on the stark reality of the region's rural poverty. As they became acquainted with the depth of the situation, both Gishes began their efforts to alleviate the hunger and poverty that plagued many in the region, through reporting and editorials, and occasionally by testifying before congressional committees. Chapter three also marks the early days of the collaboration of Tom Gish and Harry Caudill. As the federal government began its efforts in the region, the differences became apparent between their approach and those of the (Governor Bert) Combs Administration as both Combs and his top state poverty warrior John Whisman figured prominently in the President's Appalachian Regional Commission.

Chapter four moves into Lyndon Johnson's War on Poverty and the many changes new federal programs brought to eastern Kentucky. As *The Eagle* continued to advocate for the region's poor, the Gishes faced resentment from city-dwelling neighbors over the portrayal of eastern Kentucky as uniformly poor. Gish also became frustrated by the paucity of aid to the region and the slow pace of bureaucratic efforts that were compounded by the slow-moving state and local

government agencies. During that period, both Gishes participated in developing anti-poverty programs while continuing to run the paper, but when the paper's earnings fell, Pat took an administrative position in one of the Community Action Agencies. Gish and Caudill worked with federal appointees and elected officials to use coal mining as a platform for expanded industrial development in eastern Kentucky, but both were frustrated and angered by official duplicity and broken promises. Gish began to suspect that the lack of local participation in programs designed to aid the area would be their downfall, and Caudill feared that the "dole" would lead to dependence in the people of the mountains.

Chapter five is an examination of *The Mountain Eagle's* relationship with the coal industry and how the newspaper became one of the region's most vocal adherents for regulating strip mining. In the early days, Tom and Pat Gish were unaware of how destructive strip mining was to the steep hillsides in eastern Kentucky, but as *The Eagle* began to advocate for regulation, it was increasingly seen as anti-coal. As the anti-strip mining movement grew, Gish wrote some of his most powerful editorials in favor of its strict regulation, but the industry's adherents in various legislative bodies helped design laws that normalized the practice.

Chapters six and seven continue with *The Eagle's* ever more strained relationship with the coal industry and its increasingly toxic relations with the fiscal court and Whitesburg's city government. The newspaper's opponents finally resorted to violence and terrorism while local officials ignored threats that led to the Molotov cocktail being thrown into the paper's office. Coverage of the Brookside Mine Strike in Harlan County angered the Kentucky State Police and offended a powerful judge in Letcher County. *The Mountain Eagle's* reporting was also among the most incisive on the struggle for justice within the United Mine Workers. A significant part of the conspiracy to murder UMW reform candidate Jock Yablonski, who sought to replace John L. Lewis'

hand-picked successor Tony Boyle, involved local districts in eastern Kentucky, and reports and editorials in *The Mountain Eagle* made a strong case against Boyle. Along with its calls for strip mine regulation, the newspaper became a strong advocate for mine safety legislation, and in-depth reporting and editorials on mine explosions in Clay County and Letcher County helped lead to federal legislation that eventually resulted in the creation of the Mine Safety and Health Administration.

The dissertation closes with a short examination of the *Mountain Eagle* during the period between 1977 and the present. It includes awards and honors made to the paper and the Gishes, as well as some of the positive effects the newspaper had on Letcher County and eastern Kentucky.

Chapter One

In his recollection of the early years he and his wife Pat owned *The Mountain Eagle*, Tom Gish said neither had thought that by taking over the small Letcher County newspaper in Tom's hometown would lead them to years of conflict with county government officials and the coal industry. After serving as Bureau Chief of the United Press Frankfort Bureau, Tom Gish turned down the London UPI Desk to return to his hometown and purchase *The Mountain Eagle* from W. Pearl and Martha Nolan.¹ Although the Gishes wished to blend in with the local fiber of the community, their insistence on honest reporting and open government soon put them at odds with the local power structure. At the first presentation of the Gish Award in 2007, sponsored by the Institute for Rural Journalism and Community Issues at the University of Kentucky, Rudy Abramson recalled that after the Gishes began to examine the Letcher County Board of Education, the school board chairman, who had been the attending physician at Tom Gish's birth, withdrew his advertising from the paper and told school board employees not to buy *The Mountain Eagle* any longer or they would be fired. *The Mountain Eagle* became a powerful voice for honest government and for the common people of Letcher County and this stance guaranteed an adversarial relationship with the county courthouse elites who, along with other elected officials and coal operators, dominated the county economically and politically. Freedom of the press came at a high price in Letcher County.

Letcher County in 1957 was typical of many mountain counties in Central Appalachia, isolated by poor roads and the terrain, and almost totally dependent on coal mining. Covering 339 square miles, the county was full of twisting curvy roads, more than a few of which were

¹ Writer's note: W.P. Nolan always identified himself with his initials but his middle name was Pearl. He and his wife Martha owned *The Hazard Herald* and *The Mountain Eagle*.

unpaved. It was rich in resources, yet many of the people lived in poverty and as the coal economy continued on in its cycle of boom and bust, Letcher County lost large chunks of population every Census. By the time University of Kentucky Sociologist Thomas Ford edited his 1962 study, *The Southern Appalachian Region: A Survey*, Appalachia had come to be recognized as a definite problem area in the national economy, and Ford and others who participated in the study pointed to population loss as a major problem for the Appalachian region.² George A. Hillary and James Brown presented statistical evidence that eastern Kentucky, southwest Virginia, and southern West Virginia were the biggest losers in regional population shifts, and Ford wrote that the most striking feature of his study had been the large number of people, particularly young people, leaving the region. The largest losses in Kentucky came in Harlan County, Letcher County, Perry County, and Bell County.³ In 1950, the population of Letcher County stood at 39,522⁴, and in 1960 it was 30,012.⁵ The loss of 9,510 in Letcher County represented a loss of 25 percent of the county's total population in ten years.

Letcher County was economically dependent on the coal industry, with several large mining companies in the county, along with many smaller ones. Southeast Coal Corporation, the independent coal company where Tom Gish's father worked, still employed just over 280 union workers at the two mines it operated in Letcher County in 1962, when Southeast began its

² Thomas Ford, *The Southern Appalachian Region: A Survey*, (University of Kentucky Press, Lexington, Kentucky, 1962), 3.

³ George A. Hillary and James Brown, "The Great Migration, Thomas Ford, *The Southern Appalachian Region: A Survey*, 67.

⁴ U.S. DEPARTMENT OF COMMERCE BUREAU OF THE CENSUS 1950 CENSUS OF POPULATION ADVANCE REPORTS, April 11, 1951 Washington 25, D. c. Series PC-8 1 No. 16A, POPULATION OF KENTUCKY, BY COUNTIES APRIL 1, 1950, <https://www2.census.gov/library/publications/decennial/1950/pc-08/pc-8-16.pdf>.

⁵ KENTUCKY, Population of Counties by Decennial Census: Population Division US Bureau of the Census, <https://www.census.gov/population/cencounts/ky190090.txt>.

attempt to modify its contract with the United Mine Workers of America.⁶ Blue Diamond Mining operated several mines as well, including Scotia Coal Company, the site of the terrible methane explosion that claimed the lives of 15 miners on March 9, 1976 and a second explosion that killed 11 more including three federal mine inspectors two days later.⁷ Blue Diamond had other mines including one in Leatherwood, just over the Perry County line. The largest mining operation was Bethlehem Steel's Beth-Elkhorn Division in Jenkins, which had been purchased from Consolidation Coal Company in 1956, and employed 1,400 people.⁸ The county seat of Whitesburg had no mining operations within the city limits but had a thriving middle class made up of bankers, lawyers, county government employees, elected officials, teachers, and other school board employees. Although Jenkins had a significantly larger population, 3,202 in 1960 against 1,774 for Whitesburg, as county seat Whitesburg was the center of political power and housed the courthouse and the Letcher County Board of Education, which had tremendous purchasing power and was the largest non-coal employer in the county.

There were three incorporated cities in Letcher County, Jenkins, Whitesburg, and Neon. All three had city councils and under the ownership of the Gishes, *The Mountain Eagle* covered events in all three cities, including city government meetings. The Gishes did their best to cover meetings of the Fiscal Court and the Letcher County Board of Education as well, although both groups sometimes tried to keep their meetings closed to reporters or to make it difficult and uncomfortable to cover them. In a 2000 interview for Kentucky Educational Television's

⁶ Tom N. Bethel, *Conspiracy in Coal*, Reprint of an Article originally published in *Washington Monthly*, re-published by Appalachian Movement Press, Huntington, WV, 1970, 28.

⁷ Dori Hjalmarson, "Scotia Mine Disaster Remembered," <http://www.kentucky.com/2010/03/10/1174671/scotia-mine-disaster-of-76-remembered.html>.

⁸David A. Zegeer biography, <http://www.coaleducation.org/zegeer/bio.htm>.

“Kentucky Life,” Tom Gish referred to a ten-year struggle to force the fiscal court and board of education to adhere to open meeting and record laws, saying “happily, we won that battle.”⁹

Jenkins was something of an anomaly in Letcher County in that it was not only a union town, but a company town as well, and most of its needs were addressed by Beth-Elkhorn. Jenkins was the headquarters of Beth-Elkhorn Corporation, a division of Bethlehem Steel’s coal mining arm, and as such, it was not as dependent on the county government as the rest of the county. Jenkins had been built as a model town by Consolidation Coal in 1912, and after Consol signed a contract with the United Mine Workers, the miners living in Jenkins enjoyed union wages and benefits. Dave Zegeer, Beth-Elkhorn Division Superintendent, had served as assistant superintendent for Consolidation Coal Company before it was sold to Bethlehem Steel in 1956, and under his direction, Beth-Elkhorn followed a very similar relationship with Jenkins. The “Company,” as Beth-Elkhorn was called, took care of most of Jenkins’ needs and Jenkins had an excellent independent school system under the direction of nationally recognized educator Charles Victor Snapp. Jenkins was located in the far eastern end of Letcher County and the 20-mile drive to the county seat took nearly an hour, winding alongside three different “forks” of the Kentucky River. The combination of isolation, an independent school system, and the presence of Zegeer and Beth-Elkhorn kept Jenkins out of a good deal of the county’s political machinations. However, that is not to say that Jenkins was not politically connected. Jenkins City Police Judge and sometimes Letcher County Democratic Party Chairman Jesse Bates was a long-time operative in the Democratic Party as well as being the uncle of three-term County Judge Executive Robert Collins.

⁹ *Whitesburg Mountain Eagle*, Producer, Charlee Heaton Pagoulatos, Kentucky Life, Kentucky Educational Television, 2000.

Neon was a bustling mining town during the 1950s as well, with a number of businesses, including the original store of the Dawahares department store chain. Workers from Beth-Elkhorn, Southeast, and a number of smaller mining companies lived in Neon, and its closest neighbor Fleming also housed mostly coal miners and their families. The two towns combined in 1977 to form the City of Fleming Neon.¹⁰

The county the Gishes chose for their new home was unlike anything they had expected, even though Tom had grown up in Seco. While Kentucky is one of the northernmost states in the upper south, Letcher County had a good deal in common with the post-Reconstruction deep south, and like the Cotton Belt counties, Letcher County, and most of hard core Central Appalachia, were totally dependent on a single "crop" economy. In the deep south, it was cotton, but in eastern Kentucky, southwest Virginia, and most of West Virginia, the "single crop" was coal. The economic life of the region was totally dependent on the cyclical nature of coal mining, and like the old south, most of the investment dollars went into coal. Like cotton in Mississippi, coal was as close to a sure thing in eastern Kentucky as a man with money to invest could find. It didn't take a lot of capital to start a small underground mine, if mining rights were available, but developing other industry was less certain. The amount of capital it would take to develop an industry unrelated to coal mining would vary according to the industry, and the regional infrastructure was already in place for mining. So, like cotton in the south, coal enriched a few in Central Appalachia, but it kept many more living in poverty, subject to the boom and bust nature of the industry. The miners lived and died in much the same way as the poor whites and African American share-croppers of the post-war south. Debt peonage put the same yoke on them, whether it was the plantation store, or the company store, or the coal company that owned their

¹⁰ Fleming Neon City Charter, located in Fleming Neon City Hall, Fleming Neon, Kentucky.

poor-quality housing. When Tennessee Ernie Ford sang, "I owe my soul to the company store," it was a lot more than a country song to most Appalachian coal miners.

The nature of the coal economy, with a few big companies and a few more big men, contributed to economic dependence on one set of employers, another similarity with the post-war south. The coal operators ran the county, either directly or through elected officials who were beholden to them, and they brooked no dissention. Alliances came through economic bonds, and when favors were called in, the county officials knew where their fealty lay. Most of Central Appalachia was on the wrong side of capitalism, and sent its extremely valuable raw material out on the coal trains that carried the wealth out, while the region was dependent on the northeast and Midwest for manufactured goods, processed foods, and capital. The coal companies' need for a docile and relatively dependent work force made it advantageous to keep competition for labor low and most of the industrial operations that existed in Central Appalachia were those that co-existed easily with the coal industry and served it in some manner.

The company-built model towns like Jenkins in Letcher County and Benham and Lynch in Harlan County, were built close to the thick coal seams and the residents enjoyed advantages their neighbors in the rural parts of the county had little or no experience with. Municipal utilities such as electricity, along with city water and sewer treatment systems, comfortable company owned housing, independent schools, and theaters and recreation centers kept the miners and their families comfortable and happy. Company-owned or company-sponsored businesses like bakeries and dairies provided bread and milk, and company stores or commissaries brought in the latest fashions and conveniences for the miners' wives and children. This largess developed strong loyalties to the company and created a relatively happy work force. However, it came at a cost. When everything served the interests of the coal company, it had the effect of retarding the

normal development of a small business economy in the company towns, and it created strong feelings of dependence on the company. The railroads provided a way to move the coal out and the workers in. Stone quarries, brickyards, and lumber mills met construction needs and provided mine timbers. Rebuild shops for mining machinery and service industries such as dairies and water works all combined to serve the mining communities. Even in the model towns, the corporate socioeconomic model was implemented so that every business either put money directly into the company's pocket or served its interests. From bakeries to bus lines, coal was the business of eastern Kentucky, and trouble makers and slackers paid a high price if they found themselves outside the protective umbrella of the company for various reasons, sometimes including organizing or supporting labor unions.

Prior to the arrival of the Gishes, *The Mountain Eagle* had not been a troublesome newspaper to the county elites or to the coal companies. According to Tom and Pat Gish: *The Mountain Eagle* in 1957 was like many other community newspapers in that it was owned by publishers who first and foremost made their living as printers and not as reporters. They made their living printing letterheads and business forms. The newspaper was put together after all the orders for printing had been taken care of. Little or no reporting was done. Instead there were long columns of weekly meeting reports from the Rotary Club, the Lions Club, the Garden Club, 4H, and other clubs, and endless obituaries, often half a newspaper page long, in which every sermon was reprinted. News consisted mostly of columns of items from local community correspondents, mailed in from volunteer writers at Jenkins, Mayking, UZ, Ice, Hot Spot, Kingdom Come, and a dozen other places around the county.¹¹

In a valedictory editorial in the January 10, 1957 edition, W. Pearl Nolan wrote that he and his wife Martha had started in Letcher County publishing the *Neon News*, which was absorbed into *The Mountain Eagle* when he purchased the paper in 1938. Mr. Nolan referred to himself and his wife in the article as printers and publishers more frequently than as newspaper people but he also expressed great pride in the newspaper. He did not mention any adversarial

¹¹ "We Still Scream: The Perils and Pleasures of Running a Small-Town Newspaper," ed. William Serrin, *The Business of Journalism: 10 Leading Reporters and Editors on the Perils and Pitfalls of the Press*, (The New Press, New York, 2000), 9.

relationships within Letcher County and said he and his wife had been happy to be considered part of the overall community. He wrote that although the paper had struggled before he took over, it had expanded during his tenure as owner and had gone from a four-sheet paper published irregularly to one that was published weekly with as many as sixteen sheets and a few over twenty. “We have done our best to publish clean, wholesome, constructive issues, always trying to build for a greater citizenship and a progressive county.... We have been happy in the thought that we were part of the community performing a public service and doing something worthwhile for our people here in the mountains.”¹²

The Mountain Eagle’s first month under the ownership of Tom and Pat Gish did not lack for news. Eastern Kentucky and Letcher County were hit by devastating floods not long after the New Year, and flood coverage and pictures of the high water and the destruction it wrought dominated the paper for the first few weeks of 1957. These floods or “tides” were common features of life in the steep mountain counties of eastern Kentucky, but while the flooding itself was commonplace, the damage that was done to the lives of the residents, businesses, and towns in the mountains in 1957 was remarkable.

Flood waters reached a depth of thirty-nine feet in nearby Hazard, Kentucky, nineteen feet above flood stage. Many of the city’s businesses were under water for days, a number of homes near the river were flooded, and over fifty houses were swept away. An explosion at the city’s power plant shut the city’s electricity off for several days and the UMWA Hospital was without electricity or fresh water.¹³ According to a report prepared by the United States Geological Survey, twelve and a half inches of rain fell between January 27 and February 1 in

¹² W. Pearl Nolan, Editorial, *The Mountain Eagle*, January 10, 1957, 2.

¹³ “Devastating Flood Hits Hazard,” January 29, 1957, *A Year in Our Lives, 1957 Time Capsule*, <http://1957timecapsule.wordpress.com/2011/01/29/january-29-1957-devastating-flood-hits-hazard/>.

the headwaters area of the North Fork (running through Whitesburg), the Middle Fork, and the South Fork of the Kentucky River. Letcher County is home to the headwaters of the Kentucky River, the Cumberland River, and Big Sandy River, and flooding was at its peak near Hindman in neighboring Knott County. Although the rains inundated most of Appalachia, the heaviest flooding of the 1957 Flood was in Kentucky, and roads, houses and towns running along the rivers and situated in the flood plain flooded so rapidly many of the residents were never warned because the rapid rise of the water so disrupted communications. In some cities and towns water supplies were contaminated and food shortages developed as well. The death toll for Kentucky was nine and the Red Cross reported that 597 homes were destroyed and 2,932 suffered major damage. Roads were washed out and thirty state and federal highways were blocked by rock and mudslides. Ninety percent of the coal mines in Pike, Floyd, Letcher, and Perry Counties were forced to close by the flooding and 900 mines in the twelve counties, employing 28,000 people, either shut down or curtailed operations. Schools were closed either due to damage or high water and the \$373,000 vocational school at Hazard in Perry County was a total loss. While Hazard was hardest hit, “damage was particularly notable,” in Whitesburg, Fleming Neon, and Blackey, and forty bridges were washed out in Letcher County. Areas adjacent to the many tributary streams in Letcher County were also flooded with heavy damage along Leatherwood Creek, Line Fork, Rockhouse Creek, Troublesome Creek, and Carr Fork.¹⁴

The mountains had witnessed winter and spring “tides” before but rarely with the destruction and loss of life of the 1957 floods. Strip mining and logging had ravaged much of the countryside in the most severely devastated counties, and there was little vegetation on the

¹⁴ “Floods of January – February 1957 in Southeastern Kentucky and Adjacent Areas” Geological Survey Water-Supply paper 1652-A, Prepared in Cooperation with the states of Kentucky, West Virginia, Virginia, and Tennessee with the United States Government, United States Government Printing Office, Washington D.C., 1964, online access at <http://pubs.usgs.gov/wsp/1652a/report.pdf>.

hillsides to absorb the heavy rains.¹⁵ By the 1870s, selling timber had become an important source of revenue in the mountains of southeastern Kentucky but had been limited by the necessity of moving the logs in the spring tides. That changed when speculators in northern commercial centers became aware of the massive stands of yellow poplar and hardwoods around the same time geologists had begun to report rich seams of bituminous coal in the region. By the advent of World War I, railroad construction had begun in earnest and agents of speculators began to search the region for the best stands of timber as well as the richest coal seams. New companies were organized to extract the timber, and existing companies began to look at the railroads as an easier means of getting the timber out of the mountains. The poplars, some as tall as one hundred and seventy-five feet and eight feet in diameter, were great prizes to the timber men, and tens of thousands of acres were clear-cut. In 1937, a poplar measuring eleven feet in diameter was felled in Leatherwood.¹⁶ Strip mining came to the region after World war II, bringing heavy equipment and "augers," large corkscrew machines that drilled into the exposed side of mountains to extract coal. The augers, which ranged in size from 24 inches to six feet, required a flat "bench" to sit on. The bench also provided a haul road for the coal trucks that carried the coal to "tipples" to be loaded on to trains. Bulldozers removed top soil and the rock was blasted so it could be removed in order to create the bench. Coal seams were also uncovered on the benches by the bulldozers, and the coal would be loaded directly into trucks with front end-loaders. The strip mine companies usually pushed the rock and dirt, which they referred to as overburden, over the hillside. The long benches that ringed the sides of the mountains were as flat as table tops with no trees or grass to control rainwater, so the topsoil was lost and the

¹⁵ Ron Eller, *Uneven Ground: Appalachia Since 1945*, (The University Press of Kentucky: Lexington, Kentucky, 2008), 40.

¹⁶ Harry Caudill, *Night Comes to the Cumberlands: A Biography of a Depressed Area*, (Little, Brown and Company, Boston, 1963), 65.

overburden was carried into valleys during the rains, often reducing the depth of the streams by several feet. The U.S. Forest Service Survey conducted after the flooding blamed poor logging practices and strip mining for the excess sedimentation and the erosion that had exacerbated the flooding.¹⁷

The response by federal and state relief agencies as well as the Red Cross were subjects for articles and editorials, as was the flooding itself, and *The Mountain Eagle* immediately reported on programs and plans laid out by Kentucky's U.S. Senator John Sherman Cooper and Governor A.B. "Happy" Chandler. Cooper attended a meeting of the Whitesburg City Council on Monday, February 4, and Chandler met with Letcher County Judge Executive James Caudill that week as well. Chandler estimated Kentucky had suffered damages in the one billion dollar range and promised to send highway engineers to Letcher County to supervise bridge construction, road clearing, and re-construction work. Cooper released a three step Civil Defense Administration program which promised to lend the equipment and supplies necessary to rebuild to state and local governments and to distribute food, medical supplies, and other necessary aid thorough the American Red Cross. Step three involved lending and donating equipment and supplies.¹⁸

The February 14 edition of *The Mountain Eagle* also carried flood-related stories, including headlines such as "Whitesburg Water Termed Safe: Shots still needed" and "Red Cross Seeks Children's Clothing: Workers to be in County Several Weeks." In an insert titled "Letcher Damage," details of the flooding included 125 homes damaged in Letcher County with ten being destroyed. Fifteen to twenty cases of extreme hardship were reported by the Red Cross. The City

¹⁷ Ron Eller, *Uneven Ground*, 40.

¹⁸ "Senator, Governor Visit County and Promise Disaster Recovery Aid," *The Mountain Eagle*, February 7, 1957, 1.

of Blackey was listed as hardest hit.¹⁹ The editorial page praised the Red Cross and said the organization should never have any trouble collecting donations in the county again. Gish detailed the efforts of Red Cross workers from across the country and their efforts in restoring communications in the county.

For some time, Red Cross communications were the only connection between Letcher County and other parts of the state. Red Cross even used its facilities to carry messages between the Bank of Neon and its correspondent banks so checks could be cashed at Neon. That's only a brief picture of the work of the Red Cross as it applied to Letcher County. It was multiplied many times for our harder hit friends and neighbors in Hazard, Pikeville, Barbourville, and other places. It's one thing to give to a fund drive when you've never seen where the money goes. It's quite another when you've seen how the money can be spent to help you or your friends or your family.²⁰

Flooding had been common in the steep mountain valleys of Central Appalachia well before strip mining came along, and the federal and state responses had been adequate by the standards of the day. But America in 1957 was flush with the successes of World War II and the social programs of the New Deal. The 1956 National Interstate and Defense Highways Act had shown that the Eisenhower Administration was willing to spend money on infrastructure, and the repetitive cycle of flooding showed that mountain towns would never be secure as long as they sat in the flood plain. Most of commercial centers in eastern Kentucky, including Whitesburg, Hazard, Harlan, and Pikeville, had all been hit hard and property losses were high. Kentucky also had long-serving and powerful representatives in Congress, so the possibility of federal aid to address flooding was likely if not inevitable. It came in ways that were standard and those that were not anticipated.

The U.S. Army Corps of Engineers had eyed the region for hydroelectric dams well before the floods, and the idea of flood control lakes that could generate electricity as well

¹⁹ "Letcher Damage," *The Mountain Eagle*, February 14, 1957, 1.

²⁰ "The Red Cross," *The Mountain Eagle*, February 14, 1957, 2.

surfaced not long after the waters went down. Various plans for flood control dams were floated around eastern Kentucky for years afterward calling for everything from electricity generation and tourism development to supplying drinking water to the growing cities of Central Kentucky. Tom Gish saw the need for flood control as well as anyone, but he also understood the effects of the Tennessee Valley Authority on the area, including the changes wrought in the coal fields as TVA turned toward coal-generated electricity, and the subject of flood control dams was one that appeared frequently in *The Mountain Eagle* for many years. The complexities placing the overall public good against individual property rights was fodder for a number of editorials.

All the flood reporting took place as the Gish family was setting up housekeeping in Whitesburg. Tom Gish later said he had actually believed that he was buying *The Hazard Herald*, which the Nolans also owned, and had intended to move his family to Hazard. However, Nolan decided to keep the Hazard paper, which was later totally destroyed by the spring floods. When the Gishes took over *The Mountain Eagle*, it was a hectic period for the family. Pat Gish stayed in Frankfort with the children and Tom lived with his parents until he could find a house for his family. Much of the early part of 1957 was devoted to getting settled, and Pat continued to work at *The Lexington Leader* until they got everything set up. By the time the family finally moved to Whitesburg, the changes to *The Mountain Eagle* had created a good deal of interest in Letcher County and the business community of Whitesburg.²¹

In an introductory address to the Whitesburg Rotary Club Tom Gish promised the Rotarians that he would address local government and identified the lack of attention to civic matters as the paper's greatest weakness. "We have set ourselves a very high goal down at *The*

²¹ Tom and Pat Gish, August 1995 Interviewed by Mimi Pickering and Maxine Kenney, at the office of *The Mountain Eagle*, Tape 1, Interviews Deposited at Appalshop in Whitesburg, Kentucky.

Eagle," Gish said. "We want to make it into a newspaper." He went on to say he wanted to build the paper into one that would serve Whitesburg and Letcher County as well as *The Courier Journal* served Louisville and the *Herald Tribune* and *New York Times* served New York.

Gish told his audience that he had been approached by people who wanted more out of the paper as well as by people who liked it just the way it was, and for those reasons, most of the changes he intended for the paper would be in adding to it rather than changing or deleting features, to make it a complete paper. "By a complete paper we have in mind one that will entertain you, inform you about everything that goes on in the county that can be printed in a family paper...and somewhere along the line, stimulate the county and its officials into taking action where action is needed. I am convinced that you cannot have a great community without a great newspaper." Gish said that the cities and counties in Kentucky that had made the most progress were those that had good newspapers to "gently prod them along."

Gish added that his most important goal was to draw attention to civic issues. He told his audience that the weakest point he had found in *The Mountain Eagle* was common to many weeklies: the coverage of public affairs, "such things as the doings of the mayor and city council, the various county officials and the courts." He added that it was in the area of local and county government that the additions would be seen, covering Whitesburg and the county government first and then expanding to Jenkins and Neon. "As we do more detailed reporting we undoubtedly are going to start stepping on toes. We will be a very poor newspaper unless we do."

He closed by saying he had no axes to grind and had no vendettas but was pro-Letcher County and would support whatever was in the common interest. "We have many problems in

the county. I think the best thing we can do is face them realistically and try to do something about them, and not just shut our eyes and hope they go away.”²²

Pat Gish was a full partner in *The Mountain Eagle*, and like other married women of her time who worked outside the home, in addition to reporting, copy editing, typesetting and all the other tasks it took to put out a newspaper in the days before computers, she was also responsible for household duties and raising the children. The Gish children grew up in the offices of the newspaper and stayed late with their parents on the night of press runs. When economic circumstances eventually made it difficult for them to make ends meet, Pat took a job at a War on Poverty agency that eventually led to her becoming the director of an agency that built hundreds of homes for low income Appalachians. This carried over until the Reagan Administration, when funding was terminated and she returned full time to the newspaper, but she was usually present in the office after her “day job” at HOMES was over anyway, reading copy and doing whatever she was needed for.

The Gishes hadn’t come to Whitesburg to stir things up, but they had come to practice their craft, and practicing their craft would mean stepping on a few toes and airing some things that been kept quiet in the past. Their insistence on doing their job the way they saw fit put them in harm’s way economically and sometimes physically, and unlike the newspaper's previous owners, they were never embraced by the power brokers in Whitesburg. They would eventually be called radicals and communists, and they endured boycotts, threats, and attempts to either keep them out of fiscal court and school board meetings or attempts to make it as uncomfortable and inconvenient as possible for them to do their jobs. When Pat Gish was pregnant with her son Ben, the current editor of *The Mountain Eagle*, she was forced to stand while covering school

²² "Tom Gish address to the Whitesburg Rotary Club," reprinted in *The Mountain Eagle*, August 8, 1957, 2.

board meetings. She was told that there was only one chair aside from the board members' chairs and that was for whichever guest was in the session at the particular time.²³

With what we now recognize as either stupidity or ignorance, we set about doing what we knew how to do. We started reporting on public affairs in the county. As reporters, we attended meetings of two school boards, three city councils, and the county governing body, known as the fiscal court. We wrote and printed detailed stories of what happened at those meetings. There were quotes of what public officials said, accounts of how they voted, and explanations of what was being considered – the kind of reporting commonplace in newspapers everywhere.²⁴

The Mountain Eagle's approach to journalism was definitely not the approach the county elites were used to, and the paper paid a high price for it. The relationship between the paper and the school board went sour early on when editorials about low teachers' salaries and articles about the decrepit and filthy schools in the outlying areas of the county began to appear, complete with pictures. This set up a running confrontation between Tom Gish and Dr. Benjamin (B.F.) Wright, one of the leading Democrats in the county and a member and later chairman of the Letcher County Board of Education. As the doctor who had presided at Tom Gish's birth, Wright was a powerful man, and not used to opposition. He was not only a major political figure in the county, he was an economic force as well and operated his own clinic in Neon.

B.F. "Doc" Wright was elected chairman of the Letcher County School Board in 1959, but he had been a powerful figure in county politics for years. Although Wright had an unsuccessfully run for county judge in 1949, he was considered one of the leading figures in Democratic politics in the region. He was a member of a powerful political family and served as a board member with the UMWA Hospital in Whitesburg, which was dedicated in 1956. And Wright and "his people" held their offices once they got them. His nephew, Charlie Wright,

²³ William Farley, "Award Formally Given to Eagle Publishers," *The Mountain Eagle*, March 2, 2005, 12.

²⁴ "We Still Scream: The Perils and Pleasures of Running a Small-Town Newspaper," ed. William Serrin, *The Business of Journalism: 10 Leading Reporters and Editors on the Perils and Pitfalls of the Press*, (The New Press, New York, 2000), 9.

served as County Court Clerk from 1954 through 1998, and his brother, S.T. was the director of the probation and parole office. “Doc” Wright initiated his first of several boycotts by the school board when he issued a statement telling teachers and staff in the county school system they would be fired if they were found to have purchased a copy of the newspaper, and withdrew advertising from the hospital and from several local businesses he controlled. However, according to Ben Gish, the current editor of *The Eagle*, Tom Gish always said the boycotts never hurt the paper. “Dad always said that anytime somebody tried to boycott us, or to force other people to stop buying the paper, our sales would go up by a thousand a week.”²⁵

The Mountain Eagle’s reporting opened eyes and shone a light not only on the county’s problems, but on the lack of impetus on the part of county officials to solve them. If it was a breath of fresh air to Letcher County residents who had long been in the dark about the workings of their county government, it was not so well received by the officials who had done so little to alleviate the situations being revealed in the newspaper, and a number of elected officials found great fault with the paper’s habit of covering meetings, reports, and news stories just as they had taken place. The first confrontation with the Letcher County Fiscal Court came in the form of an attempt to force Gish to take back supplies that had been purchased from *The Mountain Eagle* during the administration of former Judge James M. Caudill, because the paper had aroused the court’s ire by reporting on a feud between Sheriff Robert Collins and the fiscal court. Collins served three terms as county judge executive in addition to his term as sheriff and one in the state legislature. Neither the court nor Collins were friends to *The Mountain Eagle* and when the paper reported on accusations made by court members against Collins, the court refused to continue purchasing paper and other supplies from *The Mountain Eagle* and attempted to force Gish to

²⁵ Conversation with Ben Gish at the offices of *The Mountain Eagle*, January 10, 2010.

take back supplies which had been purchased by James M. Caudill, whose term had ended in 1957. The report of the conflict appeared on the front page, much to the agitation of the magistrates.²⁶

The issue that angered court members was the newspaper's coverage of their refusal to pay a \$4,000 claim Collins had submitted for money he said he was owed. County Attorney Gordon R. Lewis said Collins had failed to show he was entitled to all the money he claimed. The claims were presented over a period of two years in differing amounts, but Lewis recommended not paying any of the claims because he said not all of them were valid.²⁷ The paper had reported on the court's claim that the county's audit proved that Collins had not presented the necessary receipts to validate his claim.²⁸ Very little else transpired in the case for several months until, like so many issues involving elected officials in eastern Kentucky, it "went to court," and Collins sued the fiscal court for his legal fees. The August 15, 1957 issue reported that Judge Ray Shehan had been named special judge in the matter when Letcher County Circuit Judge Courtney Wells declined to participate in the case. The issue was settled later in the year, and in October *The Eagle* reported that the county would have to pay Sheriff Collins \$2,500 in back fees, but Judge Shehan had ruled that an additional \$1,639 in Collins' claims were not valid.²⁹

Early in 1958, Collins told the court the paper should be "required to repossess an excess of supplies bought by former County Judge James M. Caudill and that *The Mountain Eagle* should be required to refund the money (\$1,500) from those supplies." The court formed a committee of two magistrates, along with Letcher County Attorney F. Byrd Hogg, to look into

²⁶ "Court Sends Supplies Back," *The Mountain Eagle*, February 7, 1958, 1.

²⁷ "Fiscal Court Refuses to pay Sheriff's Claim," *The Mountain Eagle*, February 14, 1957, 1.

²⁸ "County Officials Release Audit of Sheriff Collins' Account," *The Mountain Eagle*, February 21, 1957, 1.

²⁹ "County Must Pay Sheriff \$2,500 in Back Fees, Special Judge Rules," *The Mountain Eagle*, October 13, 1957, 1. (One of Collins' attorneys was Harry Caudill of Whitesburg.)

the matter.³⁰ The article in *The Mountain Eagle* describing the incident stated that “The court’s action followed a *Mountain Eagle* editorial attacking the court’s January decision to hold its meetings partly in private.” The court’s move to hold meetings in private had come not long after *The Eagle* reported in December 1957 that the magistrates had voted to increase their salaries from \$15.00 per month to \$150.00 per month.³¹

Gish responded by inviting the court to inspect his records and by saying he had only furnished those supplies requisitioned by the court. He also pointed out that County Judge Arthur M. Dixon had recently paid The Superior Printing Company of Cromona, Kentucky, which published *The Community Press*, \$21.25 for 1,000 letterheads and \$24.95 for 1,000 printed envelopes, which was substantially higher than *The Mountain Eagle*’s price of \$7.61 for printed envelopes and \$11.50 per 1,000 for bond paper. The March 6 edition reported that *The Mountain Eagle* had been exonerated of charges of selling an excess amount of supplies to the fiscal court.³²

The ill feelings from these beginnings led to a long-running confrontation between *The Mountain Eagle* and the Letcher County Fiscal Court, one that lasted almost 40 years and led to several attempts to have *The Mountain Eagle* decertified as the county’s newspaper with the greatest circulation. In December, an article detailing a dispute between outgoing County Judge Executive James M. Caudill and the magistrates over a salary increase they had voted in further fueled tension between the court and the newspaper. The raise was the result of a 1957 ruling from the Kentucky Court of Appeals that magistrates could no longer try traffic and minor

³⁰ Hogg later gained notoriety in Barbara Kopple’s film “Harlan County USA,” about the 1973 Brookside Mine Strike in Harlan County.

³¹ “Fiscal Court to Investigate Supply Buys from Eagle,” *The Mountain Eagle*, February 13, 1958, 1.

³² “No Surplus of Supplies Bought From Eagle, Fiscal Court Committee Says,” *The Mountain Eagle*, March 6, 1958, 1.

criminal cases in their role as Justice of the Peace. The magistrates felt this denied them their chief means of earning a living although they could still act try minor civil cases, for which they received \$4.50 each. At the court's December meeting, the magistrates voted to increase their salaries from \$15.00 per month to \$150.00 per month, which Judge Caudill said would cost the county an additional \$14,400 a year.³³ This was exactly the type of story that would probably have never seen the light of day in the pre-Gish *Mountain Eagle*, and it created a good deal of public interest. Although the magistrates eventually backed down on the matter of the raise, they were infuriated that the newspaper had revealed their action to the public. At the next meeting of the fiscal court, the magistrates voted to hold their sessions partly in private, by adopting all the rules of procedure from the previous court, including one calling for private sessions to transact parts of the county's business. After each individual who wanted to bring something before the court had his or her say, County Court Clerk Charlie Wright would ask, "all the public to leave after everyone who wanted to bring something before the court had been heard." Most spectators left, with the exception of Sheriff Robert Collins and "a *Mountain Eagle* reporter," both of whom remained in the courtroom for the entire session. The motion to adopt all the previous court's rules was approved unanimously even though Magistrate Cleamond Scott said he had nothing to hide and did not believe the court could legally have a private session. The article, "Squires Vote To Hold Sessions Partly in Private," concluded by saying that the Kentucky Constitution called for all voting by elected officials to be conducted by voice vote, and that "the State Court of Appeals has interpreted the voice vote provision to mean that votes must be taken in the public session in order for the action of the voting body to be legal."³⁴

³³ "Magistrates Vote Themselves Pay Raise; Judge Says Illegal," *The Mountain Eagle*, December 12, 1957, 1.

³⁴ "Squires Vote To Hold Sessions Partly in Private," *The Mountain Eagle*, January 16, 1958, 4.

Gish responded to the privacy vote with a pointed editorial in the same issue, writing: “We are sorry that the Letcher Fiscal Court decided this week that the business of Letcher County is private and of no concern to you.....Members of the court appear to have forgotten just exactly who and what they are. We should like to remind them.” He went on to remind the “squires” that they were elected officials and served at the pleasure of the public, a public which had the right to expect their business to be conducted honestly and openly. Gish wrote that he understood the court was just following the example of previous courts, but added that being customary doesn’t equal being right. “Members of the court indicated by their action that they have forgotten that a free and open discussion of public issues – and anything affecting our county government is a public issue – is basic to our way of life. It is the stuff that democracy is made of.”³⁵

Gish stated that each and every citizen had the right to participate in his government and to witness its operation, and asked the court members if they wanted to bring four years of doubt and mistrust on themselves by holding secret sessions. He finished by describing other instances of censorship in the United States and abroad. This public criticism of the fiscal court set a precedent that *The Mountain Eagle* would stand firm for the rights of the people and the principles of the United States Constitution.

In February 1958, after Gish filed a complaint with the Attorney General’s Office, *The Mountain Eagle* reported that Attorney General Jo. M. Ferguson had ruled the previous week in favor of Tom Gish in the dispute over public meetings, and that the fiscal court must conduct its meetings in public. The Attorney General also ruled that all actions taken in the private portions

³⁵ "Your Right to Know, *The Mountain Eagle*, January 16, 1958, 2.

of the meetings were invalid.³⁶ The next week's paper led with the headline, "Dixon Will Ask Fiscal Court to Revoke Rule Making Its Meetings Closed to Public."³⁷

Several different fiscal courts attempted to deny *The Mountain Eagle's* status as the newspaper with the greatest circulation over the years. If they could make this stick, it would mean all government notices, ordinances, and other public documents, including city, county, and school board budgets, which by law had to be published before they became official would no longer appear in *The Mountain Eagle* and would result in a significant loss in revenue. The county's other newspaper, *The Community Press* in Cromona, had less than one quarter of *The Eagle's* circulation, which Tom Gish estimated at between 3,500 and 4,000 in 1958.³⁸

(Circulation varied because in addition to mail subscribers, the newspaper derived a good deal of its sales from newspaper stands and from racks placed at local businesses.) This was the first of several attempts by the Fiscal Court to supplant *The Mountain Eagle* as the county's newspaper of record.

As relations continued to deteriorate, some court members began to openly question the integrity of *The Mountain Eagle's* reporting, and at the May 1958 Fiscal Court meeting, several of the magistrates accused Pat Gish of lying in her coverage of court proceedings. Magistrate J.C. Day said that less than half of what was in the paper was true and accused her of reporting on things before they had been addressed by the court. Day did not say what he meant, but Pat Gish wrote that he was apparently referring to reports that the county might have to cut services in order to pay the raise the magistrates had recently given themselves. Another magistrate who

³⁶ "Attorney General Says Fiscal Court Must Meet in Public," *The Mountain Eagle*, February 13, 1958, 1.

³⁷ "Dixon Will Ask Fiscal Court to Revoke Rule Making Its Meetings Closed to Public," *The Mountain Eagle*, February 21, 1958, 1.

³⁸ "Eagle Stories are False, Magistrates Claim," *The Mountain Eagle*, May 29, 1958, 1.

was not identified, said "that *Mountain Eagle* woman has been making false reports," and another said that if it was not for the court, the paper would have nothing to write about.³⁹

The same tactic was adopted by the Board of Education later that year, when Letcher County Schools Superintendent William B. Hall accused Tom Gish of being a "liar by the clock," and said "75 percent of what you've had in the last two issues of the *Eagle* is a lie." When the accusation was made at the September 1958 school board meeting, Gish told Hall he would let the people of the county judge the accuracy of what had been written and added that Hall did not specify which 75 percent of what the paper had to say was lies. Neither man defined what "lying by the clock" meant."⁴⁰

Like the school board, the fiscal court didn't like to see its affairs made public. For years, the judges and magistrates had cultivated their power and had made themselves into a powerful agency with the ability to reward their friends and punish their enemies, and the ordinary citizens of eastern Kentucky were expected to show a good deal of deference to fiscal court officers. This was illustrated by the custom of referring to county officials as squires, an antiquated term for young men of noble birth apprenticing to be knights, harkening back to feudal England. *The Mountain Eagle* also used the term in several instances when reporting on the fiscal court. A number of Kentucky governors had seen the power of the fiscal courts and county officials, often to their chagrin, and federal and state officials in programs from the New Deal through the War on Poverty ran into the political power of the fiscal courts. Long-serving state and federal legislators who cheerfully voted to send federal money to create infrastructure or make-work jobs to their states' poorest regions also saw opportunities to pay back political debts by insisting that program funding and the distribution of jobs be either run directly through the courts or set

³⁹ Ibid.

⁴⁰ "Superintendent says editor 'liar by the clock'," *The Mountain Eagle*, September 11, 1958, 3.

up so the squires and judges played integral roles in the various programs and sat on the boards that administered them. The county judge sat as probate judge per se, acted as judge of the juvenile court, and tried all civil and penal matters that fell under the jurisdiction of the county court. He was also a board member for all county agencies and sat on the board of the local and regional Area Development Districts established by the Appalachian Regional Commission. The judge executive also exercised executive and legislative powers within his county.⁴¹

Each county was ruled by a czar into whose hands power had been devolving for a quarter of a century and who called the governor, the congressmen, and the United States Senators his friends. These czars and their retainers had grown rich and comfortable with things as they were and desired above all things to preserve the status quo.... The general run of the people ...were in the main, satisfied with their political overlords and thought of them as their friends, and sometimes, as their close and powerful kin as well.⁴²

The courthouse elites controlled machine politics, regardless of party, in most Appalachian counties, and were closely allied with the coal companies to protect their interests and to prevent them from being taxed or regulated too heavily on the county level. The eastern Kentucky machines were described by gubernatorial candidate Louie Nunn in 1963 in the following manner: "The political system (in eastern Kentucky) is probably comparable to a fiefdom...it's like a consortium of various chiefs and clans, they join together for their own benefit. This is reflected in the elected leadership that stays on and on."⁴³

With the exception of judicial offices, state officials had little power over county governments in eastern Kentucky. Power was centered in the county courthouse and the ability of any given official to deliver votes determined his or her place in the pecking order. Most salaries, especially those in the sheriff's office, were paid by fees and state officials lacked the means to remove "fee grabbers" from office or to punish them for wrongdoing. Magistrates, or

⁴¹ John Calhoun Wells, "Poverty Amidst Riches: Why People are Poor in Appalachia," (Doctoral Thesis, Rutgers University, New Brunswick New Jersey, 1977), 274.

⁴² Harry Caudill, *The Watches of the Night*, (Little, Brown and Company, Boston, 1976), 27.

⁴³ John Calhoun Wells, *Poverty Amidst Riches: Why People are Poor in Appalachia*, 272.

"squires," held court in their own districts for misdemeanors and traffic offenses and received a fee from whatever fine was levied. The County Judge Executive sat at the center of power in the county as chief executive, and in addition to presiding over the Fiscal Court, he also directed the spending of county funds and had the ability to hire and fire county employees, although well connected squires could generally get their candidate hired as well. The judge was inundated with favor seekers all day long and his secretary would go to great lengths not to offend voters. By the 1950s, many eastern Kentucky citizens had come to look not so much to the national government for help, but to the county judge, from whom all favors flowed in the county. Many of the favors were determined by how a person voted and how many votes they could deliver, and county jobs were apportioned accordingly. The spoils system was fully in effect in county governments in eastern Kentucky, and with the exception of elective offices, the court was all powerful in apportioning county jobs. As the federal programs came in, judges and magistrates were able to expand their patronage to federal make-work and training programs.⁴⁴

The county business and courthouse elites also influenced the hiring and appointment of functionaries, such as attorneys, who were dependent on county judicial officials for their courtroom success, or for appointments as Master Commissioners and other lucrative judicial appointments. County businessmen did business with county agencies and the school board, and at meetings of both the fiscal court and boards of education when bids were opened, the stakes were no less important than in larger counties where bidding procedures were followed according to state statutes. Bids for coal to heat schools and county buildings, milk for school lunches, fuel, gravel, asphalt, and other road supplies, and a score of other supplies could mean a profitable year for county businesses, and political favor and expanded patronage were part of

⁴⁴ Harry Caudill, *Night Comes to the Cumberlands*, 354.

the process. Those business elites who regularly did well from the largess of county officials had little interest in changing the status quo or shaking things up, and the others looked for ways to get themselves on the gravy train.

A 1973 report on elites in Appalachia, conducted by H. Dudley Plunkett and Mary Jean Bowman surveyed the attitudes of the “Appalachian Elite,” including changes resulting from the War on Poverty. The study measured the attitudes of doctors, bankers, elected officials, teachers, and clergy and sought their opinions on a wide range of topics. It found that resistance to change took various forms, including economic, attitudinal, and cultural.⁴⁵

The elites opposed the involvement of the poor and the young in affairs they had come to regard as their own particular reserve, such as government and community affairs, and they had a low opinion of their competence. They also believed representation by the poor on local economic development boards would retard economic progress. Not surprisingly, the elites strongly defended local institutions against outside intrusions and expressed a pervasive resentment of national institutions and outsiders who came to look, advise, or help. Three-quarters of the respondents agreed that “One of the biggest problems in trying to plan and coordinate local development efforts is that the Feds don’t understand the situation here.” They viewed change primarily as growth in yield from natural resources and from the development of physical infrastructures. There was limited support for programs that concentrated on the development of human beings.⁴⁶

Tom Gish learned early that taking on the local elites would bring quick retaliation, and the lack of sympathy for the poor and downtrodden in Letcher County, as well as the willingness

⁴⁵H. Dudley Plunkett, Mary Jean Bowman, *Elites and Change in the Kentucky Mountains*, (The University Press of Kentucky, Lexington, 1973) 13.

⁴⁶ Ibid, 43 - 54.

to punish the paper for pointing out uncomfortable facts extended to many in the medical community. When the Gishes came to Letcher County, there was a groundswell among local physicians against the United Mine Workers Hospital because the excellent medical care the UMW hospitals provided for union workers and their families smacked of “socialized medicine” in the minds of the local doctors who were not affiliated with the union hospital, even though no one but union members and their families received the free medical care. Tom Gish’s willingness to travel to Frankfort with a group of United Mine Workers and speak in behalf of the hospital set off one of many boycotts and incidences of advertising pulled from the paper.

That kind of thing just goes on and on. It also happened with the UMWA Hospital. Local doctors were upset about the hospital, and said it could move in on our physicians. The largest automobile agency in the county was owned by a guy, a local doctor, who was a supporter of private physicians and opposed “socialized medicine,” which is what he thought the UMWA hospital was. So an effort was made in Frankfort to outlaw it. I was just here from Frankfort and a group of UMWA people asked me to go to Frankfort with them to help them save the hospital. We met with state officials and (Lt. Governor) Waterford and he agreed to ask the Senate to refuse to allow the issue to come to a commission for study and a vote. The next session was in two years so it killed the issue. It cost us big. The financial impact was we lost all advertising from the Goodyear Tire Distributor, the Ashland Oil Distributor, the Buick dealer, the Pontiac dealer. It was a huge loss. We had run ads from most of them but we haven’t had a nickel from them since. We made up for it by moving in with my parents. They fed us for a while.⁴⁷

Ray Collins, who ran the local RC Cola Distributorship, was a great friend to the paper and to the Gish family. During the hard times that came as the paper stood up to the local political elites and the coal industry, along with the Gish’s advocacy for the poor, Collins proved to be a savior, as the boycotts started to take their effect.

We were saved by Ray Collins. He was an Old Regular Baptist minister who happened to believe strongly in free speech, freedom of the press, and our right to editorialize, express opinions, attend meetings, and report the news. The Old Regulars don’t pay their ministers and Ray made his living as the RC Cola bottler. He saw to it that RC bought a four-page ad in *The Eagle* every week for years. It bought enough newsprint to do that

⁴⁷ Tom and Pat Gish, August 1995 Interviewed by Mimi Pickering and Maxine Kenney, at the Gish home in Thornton, KY, Tape 2, located at Appalshop, Whitesburg, Kentucky.

week's paper. It kept us in business, and we had all the RC Cola we could drink. He didn't waste his money though. They (the Whitesburg RC plant) got special recognition from RC nationally because their per capita RC sales were the highest in the nation.⁴⁸

The reference to Ray Collins' belief in a free press was mirrored in everything the Gishes and *The Mountain Eagle* did. A large part of the obligation they felt to provide clear and concise reporting concerning the activities of local government agencies and businesses was anchored in their knowledge that a free press is necessary to a democratic form of government. In order for the people of Letcher County to overcome the deficiencies they faced from incompetent and often corrupt local governments as well as predatory coal companies, they would need to have free access to the facts. *The Mountain Eagle* reported on all the issues in the county, and regardless of their relationship with the power structure, the paper was a tireless supporter of local business. While that support included the coal industry, the advent of surface mining caused rifts with the paper and those mining companies in the county that were operating strip mines. Tom Gish had come back to Letcher County with the idea that a solid tourism industry could be established there and was one of the most vocal supporters of tourism initiatives for the county. This included advocating for a state park to be located in Letcher County as well as "Cloud City," a hotel project which was to be located on top of Pine Mountain above Whitesburg, and feature first class accommodations. Gish felt that strip mining would ruin the tourism potential of Letcher County and fought a bitter print war against it.

The coal industry dominated Letcher County in every way. Not only were coal mines the largest employers in the county, they were by far the biggest consumers of products sold by a number of satellite businesses. There had been little resistance to anything the coal industry had done to the people of Letcher County or to eastern Kentucky, so the idea that a small county

⁴⁸ Ibid.

weekly would take it on, in a county almost totally dependent on coal mining, came as quite a shock, particularly to the industry. By the end of World War II, the coal industry completely dominated politics in Kentucky and there was very little anybody could do about it. But in the 1950s, the industry itself was in a state of transition,

While much of life in the coalfields and in Letcher County in particular had gone on in the boom and bust cycles and rhythms of extractive industry, 1957 found both the country and the coal industry poised on the cusp of change.

Despite the re-entrenchments (between the UMWA and coal operators) mining corporations fell like weeds before a sickle.... In hollow after hollow, trains ceased to run, tipples rotted and rusted, boarded up country stores sagged into ruin, and entire rows of houses were abandoned to bats and vandals. Never in American history was an industry as battered as was Appalachian coal in the decade of the 1950s.⁴⁹

The leading chronicler of this transition was Harry Monroe Caudill, who was prominent in Whitesburg well before he wrote *Night Comes to the Cumberlands* in 1962. Caudill practiced law in Whitesburg for twenty-nine years, and he served three terms in the Kentucky House of Representatives before becoming a professor of history at the University of Kentucky in 1977. He was a colorful speaker, and in his trials as well as in the state legislature, he frequently quoted Shakespeare, Dickenson, and *The Bible*. In addition to writing nine books, he was published in *The Atlantic Monthly*, *Audubon Monthly*, and *The Nation* among others.⁵⁰ Caudill also contributed numerous articles, and “letters to the editor” to *The Mountain Eagle*. Tom Gish re-published a number of articles Caudill wrote for other publications as well as several arguments he made on legal issues in *The Mountain Eagle*. Gish and Caudill had a collaboration that lasted

⁴⁹ Harry Caudill, *A Darkness at Dawn: Appalachian Kentucky and the Future*, (University Press of Kentucky, Lexington, 1976), 26.

⁵⁰ Glenn M. Fowler, “Harry M. Caudill, 68, Who Told of Appalachian Poverty” (obituary) *The New York Times*, December 1, 1990, www.nytimes.com/ref/membercenter/nytarchive.html.

through Caudill's death in 1990, and the two obviously shared a number of ideas as an examination of their respective works reveals.

Caudill based his perspective on poverty in eastern Kentucky on the post-war decline in coal caused by the scaling back of the smokestack factories that had powered the American war machine. He also attributed this decline on the move to diesel fuel rather than coal to power trains, a transition that had been encouraged by federal funds that had gone to improve the locomotives. As the engine fuel market for coal declined, the market for eastern Kentucky coal began to fail. Caudill wrote that "A measure of coal's decline and of the depression that rumbled in the coal country can be gained from the abrupt fall of production. In 1947 United States pits produced 631 million tons. In 1949 the total was 438 million tons. Kentucky's drop was even more precipitous."⁵¹

While this string of events led to massive cutbacks in the underground mining economy that had so long sustained the eastern Kentucky and Central Appalachian coalfields, the push for rural electrification in the upper south led to the advent of strip mining. The Tennessee Valley Authority had originally been created during the New Deal years to control the fast-flowing rivers of Kentucky, Tennessee, and other states in the mountain south, and to use the powerful waters to generate electricity for the region. However, after the first twenty years of its creation, the TVA had moved beyond the capacity of water-generated electricity and decided to turn to coal to generate the electricity the rural south now demanded. As a result, TVA became the largest consumer of coal in the United States and burned about five percent of the total coal output in America.⁵²

⁵¹ Harry Caudill, *A Darkness at Dawn*, 25.

⁵² *Ibid*, 27.

Although TVA had initially been conservation-oriented, it changed its direction in the 1950s after it became apparent TVA could not operate as a government owned electricity company for much of the American south. At that point, concerns with people and the environment became secondary to profit, and TVA became cost conscious, using gigantic coal fired furnaces to generate steam for electricity. The deep mines of Central Appalachia could no longer meet its price demands, even after wages fell to six or eight dollars a day with companies willing to settle for little more than operating expenses, yet TVA demanded even cheaper coal.⁵³

In truth, relentless exploitation and oppression stared down from every ridge. The hills were gashed and scarred by strip mining and the “spoil” rolled and washed onto yards and agriculture patches, polluted wells and desecrated family cemeteries. Huge land companies combined with the mining companies to drive wages to the rock bottom levels so that their prime customer, the Tennessee Valley Authority could continue to generate the world’s cheapest electricity⁵⁴

The demand for cheap coal by TVA did not mean the end of deep mining in central Appalachia. The “captive” mines attached to big corporations like United States Steel, Bethlehem Steel, International Harvester, and Ford, among others, continued to mine the high grade metallurgical coal they turned to coke to burn in their blast furnaces. They not only prospered, as the steel industry and associated industries prospered, they continued to operate under contracts with the United Mine Workers of America. The model towns like Jenkins, Lynch, Benham, and others that had been built for the captive mines’ workers prospered and produced lifestyles appropriate to the industry with the highest paid union workers in the world.

It was a different story for the underground mines that sold their coal on the open market or on the risky and fluid spot market. They withered and died, but their deaths did not mean the death of Appalachian coal. They just led to the strip and auger mining that was common in the

⁵³ Ibid.

⁵⁴ Harry Caudill, *The Watches of the Night*, 28.

western United States, but had not been practiced in the steep hollows and narrow mountain ridges of the Appalachian highlands. In the 1950s a new breed of miner came to Appalachia.

Again, as Caudill described them:

They were strip miners who used immense diesel powered shovels, augers, and bulldozers to take a mountain apart for its coal in an inexpensive operation requiring few employees. Since TVA was willing to sign long term contracts, the machinery makers could afford to sell their costly tools on credit. New corporations sprang up with millions of dollars worth of contracts and a burning desire to get rich. TVA thus cold-bloodedly decreed the destruction of a broad region adjacent to the territory it was mandated to protect in order to supply its customers with the cheapest electricity in the world.⁵⁵

The invasion of the strip miners into eastern Kentucky did untold environmental damage to the region, and it also set the table for Tom Gish to carry a battle against unchecked and unregulated strip mining in Letcher and surrounding counties that lasted for over twenty years. Gish's original complaint with strip mining was that it was unregulated, but as *The Mountain Eagle* continued to document the ravages to Letcher County, it became apparent it was antithetical to one of Gish's pet projects, using tourism as an engine for economic development and job creation. But the new strip mining went well beyond the ruination of tourism opportunities. As the old mineral rights deeds were- reinterpreted to allow surface rights, once the property of the land owner, to become subservient to the mineral rights, new meanings were attributed to the old mining deeds.

After all, the old deed that bore his grandfather's X contained a covenant that the surface of the land was reserved to the grantor for such agricultural purposes as were not inconsistent with the right to mine. This produced a clash of interests with coal winning every round in the contest. The courts ruled that the surface rights were "subservient" so that the minerals could be extracted without any obligation to compensate the landowner for the ensuing ruin."⁵⁶

⁵⁵ Ibid.

⁵⁶ Ibid, 29.

The Mountain Eagle was painted by the coal companies as anti-coal and anti-business, but Tom Gish had coal in his family DNA. His father Ben had risen through the ranks of Southeast Coal Corporation (SECO) from a regular miner to become the superintendent of the SECO mine. Gish was born in a coal camp and had a real feeling for the working miner. In the KET documentary, he described his relationship with the coal industry as one of oversight, with the interests of miners at heart, by describing the working man in eastern Kentucky as “the victim of the coal industry.” “I always felt that if the paper has an obligation, it is to look after the miner and his family.”⁵⁷

The Mountain Eagle's first brushes with the industry were not over strip mining. Rather it happened through the ongoing struggle for better schools, and the need for local school revenue, which almost certainly would have to come from taxes on coal property and production. Raised and educated in the schools of Letcher County, Tom Gish was always deeply concerned with educational issues in the county, and he and his wife made important contributions to education in Letcher County as well as in the rest of Kentucky through their reporting, editorials, and later through Tom Gish's participation with the Kentucky Department of Education during the Kentucky Educational Reform Act of 1990. One of the first things that came to the attention of the paper in 1957 and later years was that the coal companies that controlled such huge chunks of mineral wealth in Kentucky paid very little in local and state taxes. The low tax base in Letcher County deprived the county schools of much needed funds and led to a repeating cycle of poor infrastructure and poorly paid teachers. Harry Caudill described the effects of the under-taxation of coal companies and the unmined minerals they owned, stating that the coal companies used their political clout to keep property taxes low, a practice that dated back to the

⁵⁷ *Whitesburg Mountain Eagle*, Producer, Charlee Heaton Pagoulatos, Kentucky Life, Kentucky Educational Television, 2000.

initial opening of the Big Sandy Valley for exploitation by the coal companies. It became the standard for dozens of east Kentucky counties and blighted education and county infrastructure projects. Poor schools, bad roads, shoddy medical services, and poorly educated, embittered and cynical educators were the fruit of the tax policies.⁵⁸

Like so many of the issues that brought the wrath of courthouse elites and coal operators down on *The Mountain Eagle*, the issue of a tax increase was first addressed by reporting, and while the reporting opened eyes, the editorials made them water. Tom Gish was one of the finest editorial writers of his time, and the most telling trait of his writing was that it just made sense and was deeply seated in traditional American values like self-reliance and personal dignity. In the October 13, 1957 editorial, “Is There Nothing We Can Do,” Gish assumed a congratulatory note concerning a county meeting which sought to address problems with county schools, where “200 concerned individuals, mostly parents, met to discuss the crisis faced by those who want their children to have a good education.”

Gish wrote that the meeting clearly demonstrated that the citizens of Letcher County were concerned about the state of the schools and recognized the need for improvement in buildings and curriculum. Then he added that almost everyone also agreed with Schools Superintendent William B. Hall that, “there’s nothing wrong with our school system that money won’t cure.” Gish wrote that ideas about federal aid had been floated, along with sales and occupational taxes, and some had even broached the idea of state-owned liquor stores in the notably dry county, but “there was a noticeable lack of suggestions that at least part of the money might be raised locally.” He also wrote that Letcher County Schools and many other schools nationally had hoped for federal aid, but “the proposed federal aid program fell victim during the

⁵⁸ Harry Caudill, *A Darkness Before Dawn*, 30.

last session of Congress to the North-South integration-segregation problem,” and federal aid remained a dead issue. Gish then mentioned Governor A.B. “Happy” Chandler’s plan to further lower taxes in the coming legislative session and added that “if state taxes are reduced the chances of any substantial state aid automatically go out the window.”

It narrows down to this, if we in Letcher County are going to have better schools, then we are going to have to pay for them ourselves. Those who attended the courthouse meeting shied away from the question of increased local taxes, except to voice belief that the people of Letcher County would never vote for an increase in school taxes. We are not convinced the people of the county would turn down a school tax proposal, assuming the need is fully understood. It is no solution to decide that something can’t be done, and then stop there without so much as making an effort to see if it could be done. Do the people of Letcher County want new school buildings and better teachers? If so, are they willing to pay for them? Let’s ask and see.⁵⁹

Letcher County Schools were generally in poor condition and *The Mountain Eagle* reported on studies done on county schools by state agencies as well as those conducted by local groups appointed by the Fiscal Court. The results were not pleasing to the school board nor did they please coal operators when the paper reported and editorialized on the need to raise taxes, particularly taxes on coal property, in order to provide more support to the schools. Like school boards in most other Appalachian counties, the Letcher County Board of Education, had a great amount of power in the local political arena. The sheer number of employees gave the board a large block of voters that was either beholden or easily intimidated, and the purchasing power of the school board made the members very popular among local businesses. In 1957 *The Mountain Eagle* published the school board’s 1957 – 1958 budget of \$1,067,110. Property tax revenues for 1957 – 1958 were estimated at \$165,000 against receipts of \$159,844.58 the previous year.⁶⁰ At

⁵⁹ Tom Gish, “Is There Nothing We Can do?” *The Mountain Eagle*, October 3, 1957, 2.

⁶⁰ “57-58 School Budget of \$1,067,110 Set by County Board,” *The Mountain Eagle*, October 10, 1957, 1.

the same time, coal production rates for the Big Sandy Coalfields stood at 5,224,620 tons in 1957 and 4,961,770 in 1956.⁶¹

Two weeks later the paper revealed that a high number of teachers in the Letcher County system did not possess college degrees, and less than seven percent of teachers held graduate degrees. In the 1957 – 58 school year, Letcher County Schools employed three teachers with Rank One (twenty-four hours or more beyond a Master's Degree), twelve with Master's Degrees at Rank Two (bachelors and masters' degree), and 68 with bachelors' degrees. This stood against thirty-five teachers at Rank Four, 112 to 128 hours of college credit without a degree and 100 teachers at Rank Five, teachers with 68 to 95 hours, which the paper termed the equivalent of achieving junior class standing in college. Out of 218 teachers, more than half (135) had not graduated from college.⁶²

In an article that was originally published in "The Appalachian Review" in 1966, Peter Schrag, former editor of *Change Magazine* and a contributing editor to "The Saturday Review," wrote that "Education in the mountain counties of Appalachia is the product of a nearly perfect system. Poverty, politics, and the catatonic consequences of depravation and exploitation have left most of the mountain schools generations behind the rest of the nation."⁶³ Schrag wrote that schools in Appalachia educated their students to the standards of the community rather than by the standards of the nation and that many Appalachian schools lacked the personnel and facilities for modern instruction. He found that instruction in foreign language and science was particularly lacking. Many schools had no libraries or laboratories and he laid the blame at the feet of regional politicians, finding that they had appointed unqualified relatives and supporters

⁶¹ "Coal's Future Stable, Reed Tells Institute Members at Award Dinner," *The Mountain Eagle*, May 30, 1957, 3.

⁶² "School Board Sets Pay of Teachers for 1957-58," *The Mountain Eagle*, October 24, 1957, 1.

⁶³ Peter Schrag, "The School and Politics," *Appalachia in the Sixties: Decade of Reawakening*, eds., David S. Walls, and John B. Stephenson, (The University of Kentucky Press, Lexington, Kentucky, 1972), 220.

to positions in schools. While there were good and conscientious school administrators and school boards, these leaders had not addressed the roots of the problem and had conducted “rescue operations” rather than opposing the “system.”

Schrag described the system as a self-contained social mechanism that was isolated physically and culturally, although it was also sustained at least partially by public funding. The elements, perpetuated by the educational and political system in the Central Appalachian area, included chronic unemployment in an industrial population, a historic neglect of formal education, lack of cultural capital, and a paternalistic political system based on family connections and nepotism, with an exploitative coal industry controlled by absentee owners as the sole means of relatively high wage employment. In that system, education was a sideline, but schools were a source of power and income. Political dynasties were founded on the offices of school superintendents who controlled not only jobs within the school system but other county offices as well.⁶⁴

The region’s school systems were hopelessly bogged in politics with elected board members hiring superintendents who were themselves not subject to popular election. The superintendents were among the most powerful political figures in the county, with budgets of hundreds of thousands of dollars at their disposal, and very little state oversight. The budgets could be spent on education or for political purposes, and the three percent sales tax enacted by Kentucky General Assembly in 1960 for the purpose of funding education had enabled the superintendents to “fortify themselves with massive patronage dispensations.”⁶⁵

⁶⁴ Ibid, 221 - 223.

⁶⁵ Harry Caudill, *Night Comes to the Cumberlands*, 337.

School board cliques were often interwoven with courthouse political machines that spent county funds and oversaw the local management of state aid programs with the main objective of perpetuating political control. Schools were continually enmeshed in political disputes and political allies were so well financed that they were very difficult to dislodge. Political tensions were reflected in highly cynical teachers who knew their job security lay more with their ability to deliver votes than in their classroom performance. Palatial gymnasiums that catered to the public's desire for sports success revealed the cynicism of the system, with the expenditure reflected in dilapidated school buildings, tattered and outdated textbooks and libraries and generations of educationally stunted high school graduates.⁶⁶

The Mountain Eagle became an ongoing advocate for better education in Letcher County, and that brought the paper into a contentious relationship with the Board of Education. The reporting that informed Letcher County residents about problems in education, teacher quality, and school infrastructure was taken as a challenge by the school board, and several superintendents and board members took exception to articles in *The Mountain Eagle*. Among the early articles concerning the schools were reports of complaints by citizens about the physical state of the schools and reports such as the annual budget and financial statement that were required by Kentucky law. While these legal documents had been buried in the back pages before, they now had front-page status and were often the subject of editorials such as one that appeared in the August 22, 1957 edition calling attention to teacher's salaries listed in the school board's financial statement.

We doubt that anyone concerned about Letcher County, its youth, and its schools can read the financial statement published by the school board this week with anything but a feeling of shame.

⁶⁶ Ibid.

Looking over the list of teachers and the salaries they received last year, it is obvious that we are asking our teachers to live on salaries hardly large enough to buy food for an average sized family.⁶⁷

Gish went on to compare the salary of a teacher in eastern Kentucky with that of a truck driver or coal miner and said that if the trend continued, eastern Kentucky would eventually be without qualified teachers. He wrote that while it was not likely the county could ever match the national or state average, Letcher County Schools must find some way to increase teachers' salaries. Gish also pointed out that only a small portion of the teachers' salaries came through local taxation and suggested "asking ourselves if we are doing all we can locally."

The Mountain Eagle also published state and national reports on education and compared conditions elsewhere with those in the county. The results were rarely pleasing to local school board officials or to the other forces of the status quo. Gish was relentlessly local in his approach to solving problems and always relished community action to address the problems of Letcher County. For example, in October 1957 *The Mountain Eagle* reported that a seven-person committee was appointed by a citizen's group that had come together the previous year to study the county schools. The panel, which included both Harry Caudill and Pat Gish, was formed during a meeting held at the courthouse the previous week that had been called by a group of concerned citizens to continue the work of a citizens' committee that had been formed the previous year to examine conditions in county schools. The new group was charged with bringing back a more comprehensive report on the state of the schools. In his coverage, Gish drew attention to the glaring lack of tax revenue coming into county schools. Coy Holstein, a local businessman who had resigned as chair of the committee appointed the previous year, told the meeting that the old committee's major accomplishment had been to develop a new formula for assessing coal land that increased the amount of the school system's tax revenues.

⁶⁷ Tom Gish, "Teachers Deserve More," *The Mountain Eagle*, August 22, 1952, 2.

Nevertheless, Gish noted that Property Tax Revenue receipts for Fiscal Year 1956 and 1957 stood at \$159,844.68, down slightly from the 1955 – 1956 total of \$162,502.72.⁶⁸

County Tax Commissioner Otis Amburgey told the committee that the school rates of \$.42 per \$100 of real and personal property were considerably higher than in neighboring counties and that Letcher County's school tax rates were in the top 75 in the state. Amburgey added that a state sales tax would be a good solution to the problem and told the meeting that what little there was to tax in Letcher County had been taxed to death.

"It sounds simple to go into a tax appraisal," he (Amburgey) said. "But actually, it didn't bring in much money. One thing that impressed us most was the magnitude of the problem."⁶⁹

Reverend John R. Howard told the group that he had recently spoken with several former residents who had left the county because of the poor condition of the schools. "Responsible citizens are coming to me every day and saying, 'I'm getting out of Whitesburg because of the schools...Ten years from now your property won't be worth half what it is today if people keep moving out as they have been, and your store income will be down also.'" *The Mountain Eagle* helped to draw attention to this issue 24 years before the Kentucky Fair Tax Coalition unsuccessfully lobbied the state legislature to raise the unmined minerals tax. The Coalition later won in a Kentucky Supreme Court decision that set tax rates on unmined minerals at the same rate as other real property.⁷⁰

Letcher County Superintendent of Schools William B. Hall was at the meeting too, and said that school consolidation should take care of most of the county's problem. He said the

⁶⁸ "57-58 School Budget of \$1,067,110 Set By County Board," *The Mountain Eagle*, October 31, 1957, 1.

⁶⁹ "Citizens Group Starts Work on Problem of Schools; report Due in Six Months," *The Mountain Eagle*, October 21, 1957, 4.

⁷⁰ Ron Eller, *Uneven Ground*, 227.

school system was short of classrooms in some buildings but had more room than it needed in others, and that the system failed to meet guidelines for full Minimum Foundation Aid and lost about \$99,000 a year on that account. Hall also told the meeting that he did not believe the residents of Letcher County would be willing to vote in an additional \$1.50 tax on real property, an amount he said would be necessary to solve the system's financial problems under the current conditions.⁷¹

The intensity of school board politics in Letcher County was not surprising. As a result of job reductions resulting from the mechanization of the coal industry, the county board of education in many Appalachian counties was often the largest and most stable employer in the entire county. Economic decisions made at school board meetings often meant profit or loss to county and regional businesses and the superintendents and board members, who sometimes served in more than one public position, operated patronage machines that had the power to reward loyalty and punish political enemies. Steve Daugherty, Field Coordinator for the Appalachian Volunteers, wrote that in Harlan County, School Superintendent James A. Cawood controlled not only the Harlan County Board of Education, but also the Harlan County Community Action Program, and the Harlan County Planning and Development Board, both of which funneled state and federal funds into projects in the county.⁷²

In mining areas, coal companies took a special interest in boards of education since the board had the power to assess school taxes and could influence overall property taxes. Due to this threat to the power base, the industry made every effort to expand its influence onto the school boards and school systems in Central Appalachia where schools were chronically

⁷¹ Ibid.

⁷² Appalachian Volunteers Inc., "Work Crews," Program of the Appalachian Volunteers, April 1969, 1, Berea College Special Collections and Archives, Berea, Kentucky.

underfunded, primarily because coal companies influenced board members to keep property taxes low.⁷³

Due to concerns over the undue influence coal companies had over regional politics as well as the boom and bust nature of mining, *The Mountain Eagle* began to advocate for a more diverse economy that would be partly industrial and partly based on natural attractions. This held a strong appeal for Tom Gish, and he became a keen advocate for developing the tourism industry in the region as part of an overall plan for economic development that would move east Kentucky away from a one industry economy. Most of his tourism-related plans and efforts were directed toward using the stunning skyline views rather than damming the rivers and streams to develop recreational lakes, but he also recognized the need for flood control. Gish was a true believer in the New Deal ethic of public works programs, and *The Mountain Eagle* carried numerous articles on tourist possibilities as well as other economically and environmentally sustainable development ideas. Accounts of every development conference held in or about the region appeared in *The Mountain Eagle*, and plans were endorsed and condemned in editorials and in articles written by Harry Caudill and others who had taken Central Appalachia as their area of concern.

Regardless of the topic, *The Mountain Eagle* was relentlessly dedicated to providing factual information to its readers. While the paper often included coverage of national issues and editorials concerning them, Gish was always aware of how important local news coverage was to his paper, and he learned early on that it wasn't just courthouse or school board news that interested his readers. They wanted to hear about themselves, and the people who had followed

⁷³ Jim Branscome, "Annihilating the Hillbilly," *Colonialism in Modern America: The Appalachian Case*, ed., Helen Lewis, Linda Johnson, Donald Askins, (Appalachian Consortium Press, Boone, North Carolina, 1978), 217.

the highways of the Appalachian Diaspora to the industrial cities of the Midwest and Atlantic Coast wanted to know not just what was happening in the county seat, but in their community right down to the hollow in which they were raised. The community correspondents, who wrote the neighborhood news stories that appeared in the paper each week, were not as polished as the young reporters who came under the tutelage of Pat Gish and were sent at a staggering rate to larger papers, but the Gishes soon learned that their columns were cherished by Letcher County transplants living in Detroit, Cleveland and the other “big towns” where many of the locals had moved looking for work.

The learning curve was sharp in the early years and the Gishes made lots of mistakes, but they never let go of the principles that drove their work, or of the basics of journalism. The stubborn idealism that drove their efforts made them heroes to a generation of journalists, but there was a price for that idealism and although they had felt the pinch in the first years of operation, it was just the beginning. Just as the Gishes got better at understanding the rhythm of life in Letcher County, their continued insistence on doing the work they were trained to do continued to exacerbate the differences between *The Mountain Eagle* and those who controlled the county for their own benefit.

Chapter Two

The advent of the 1960s brought challenges and opportunities to *The Mountain Eagle*. A young president with different priorities, tragically murdered in Dallas, was followed by an experienced New Deal politician who managed to ram many of the reforms Kennedy had envisioned through Congress, and ushered in an era of change for Central Appalachia. As the War on Poverty brought federal largess to the mountains and the hollows it also brought renewed interest from federal agencies and the media. It was also a time of great challenge for *The Mountain Eagle*, as resentment from the Letcher County Board of Education and powerful local political groups and factions over reports in the newspaper and what they considered the newspaper's encroachment on their private business caused relations to go from bad to worse. The increase in strip mining activity continued to drive a wedge between the newspaper and the coal interests. Freedom of the press would come at a high price and many of the adversarial relationships that developed in the 1960s came from the simple act of accurately reporting the news, and using words spoken by powerful men to reveal their intentions. Others came from editorials that were sharply critical of practices Tom Gish saw as destructive or improper, and some came from honest attempts by the Gishes to make better lives for their neighbors. The events that were reported and the editorials that appeared in *The Mountain Eagle* in the late 1950s and early 1960s set a pattern that has continued to be the standard of the newspaper. Boycotts and other attempts at intimidation, shunning the family, and attempts to ruin the paper through financial means escalated until they culminated in violence, as powerful forces in the county and the region did their best to silence *The Mountain Eagle*.

America was poised for change in the late 1950s and the changes that moved through the rest of the country were reflected in Central Appalachia and Letcher County. The Eisenhower

Administration was winding down and the nation found itself faced with the prospect of choosing a new leader. John F. Kennedy's 1960 presidential campaign placed Appalachia and eastern Kentucky in the national spotlight, and he made Appalachian poverty a major campaign issue, while criticizing Republicans for opposing programs designated to relieve poverty in America. Robert F. Munn, Director of Libraries for West Virginia University, wrote that Kennedy's epiphany in the bleak coal camps of West Virginia marked the fourth "discovery" of Appalachia since the late Nineteenth Century.¹

The 1950s had been a time for America to flex its military and economic muscle and assume the position of leader of the free world. However, some parts of the country had not enjoyed the economic benefits or seen the dramatic rise of the middle class. With the passage of the Interstate Highway Act of 1956 and the media rediscovery of poverty in the United States, previously isolated areas came into view for mainstream America. The Highway Act improved public access to rural areas, and it opened up places that had been isolated by bad roads and bad politics. The national media's attention to poverty made America uncomfortably aware that parts of the country, particularly in Appalachia, were not taking part in the American Dream or the great post-war prosperity.

As national and international media sources began to focus on Appalachian poverty, conditions in the region became a public relations problem for the nation and an issue the Soviet Union could use as a propaganda whip against the United States. In the Cold War environment of the 1950s, the failure of the free market in places like Appalachia was a national

¹ Robert F. Munn, "The Latest Rediscovery of Appalachia," *Appalachia in the Sixties*, eds. David S. Walls, John B. Stephenson, (University Press of Kentucky, 1972), 29.

embarrassment.² Ideas about the American path to progress through modernization had already been widely applied to the third world in the Cold War client-state economic competition with the Soviet Union. Earlier confrontations between modernity and tradition in Appalachia made the region an ideal proving ground for lessons that were potentially applicable to other “transnational” societies at home and abroad.³ Harry Caudill and others called for the creation of a southern mountain authority that would plan for the future and work like a more modern version of TVA, while providing electrical power for the rest of the country.⁴ The Eastern Kentucky Planning Commission, under the leadership of John Whisman, developed Project 60, a program designed to alleviate problems that plagued eastern Kentucky and bring improvements in infrastructure, roads, water systems, and industrial sites, as well as building human capacity in education, job training and housing.⁵ Eastern Kentucky native Bert Combs was elected as governor of Kentucky in 1959 after winning the Democratic primary over Harry Waterfield. Tom Gish supported Waterfield, with whom he had become friendly during his time with the Associated Press in Frankfort, and served as his press representative during the campaign. In 1960 Combs adopted Project 60 and became active in the Council of Appalachian Governors, convening the second Conference of Appalachian Governors in Lexington in October of 1960. At that time, Combs and four other Appalachian Governors, Luther Hodges of North Carolina, Buford Ellington of Tennessee, Lindsey Almond of Virginia, and Millard Tawes of Maryland,

² Ron Eller, *Uneven Ground: Appalachia Since 1945*, (The University Press of Kentucky, Lexington Kentucky, 2008), 43.

³ James Brown and George Hillary, “The Great Migration,” ed. Thomas Ford, *The Southern Appalachian Region: A Survey*, (University of Kentucky Press, Lexington, Kentucky, 1962), in John A. Williams, *Appalachia, A History*, (University of North Carolina Press, Chapel Hill, 2002), 327.

⁴, Ron Eller, *Uneven Ground*, 44.

⁵ Ibid, 48.

met to discuss problems facing Central Appalachia, including highway construction and flood control. At the meeting, Combs called for the passage of federal legislation to address unemployment in the region.⁶

Many Appalachians hoped that building new roads and participating in other federally funded projects would put their towns and counties in a more competitive position and allow them better access to medical care and economic opportunities, but others were reluctant to accept federal and state funds and the oversight and legal requirements that came with them. A number of county governments also lacked the means to implement the programs. On the other hand, many county leaders hoped for new opportunities to exercise power by acquiring new methods of dispensing patronage. This included the enhanced ability to place men in jobs on roads and make work projects to solidify their political allegiance, to increase the value of land by determining rights of way for new roads, and by handling state and federal funds in the time-honored tradition of taking a little off the top. Other federally funded projects like flood control and building community colleges or satellite campuses for established colleges also offered opportunities for court officials and regional politicians to expand their power and enrich themselves and their friends. The road issue served to illustrate one of many differences in approaching economic development in eastern Kentucky that Governor Combs and later, John Whisman had with Gish, Harry Caudill, and Carl D. Perkins. Combs and Whisman saw the development of an arterial system of highways to serve Appalachian Kentucky as the principle solution to the regions isolation and economic woes. However, although it was obvious that improvements to the highway system would do a great deal to relieve the isolation, Gish,

⁶ Ibid, 56.

Caudill, and Perkins understood that the base economy of coal mining would have to be the principal building block in creating a more diverse economy, and the starting point would be in developing new businesses that were related to coal, lumber, and other products of the extractive economy. And when the eastern Kentucky highway system was finally complete, they were eventually proven right, because by the time the roads Combs believed would bring new industry and jobs to the region were finished, both had already bypassed Kentucky and either moved to the "right to work" states in the south or re-located out of the United States. The "regionals," Gish, Caudill, and Perkins also understood that the rest of the infrastructure, education, treated water, sewer services and other quality of life issues would have to be strengthened to bring in the kind of jobs that would move the region away from its dependence on extractive industry, and particularly on coal. It's not that Combs and Whisman didn't understand these things, but they had to take a more expansive state-wide view and both placed a good deal of emphasis on the benefits of a modern road system to foster change. By the nature of Combs' position, he was concerned with the entire state rather than one section. Gish also understood how the vagaries of government funding could extend the development of a complete system well past the point that it could really affect serious economic change and he wrote several editorials to that effect. One of his more bitter disputes with Governor Combs came when Combs acquiesced to a plan to allow for renewable funding by congressional and general assembly sessions rather than locking it in from the start, and he was proven right. The road plan commenced in the early 1960s and wasn't complete until the turn of the next century.

In 1958, a headline in *The Mountain Eagle* summed up the problem for eastern Kentucky in graphic terms, warning the residents to "Change or Be Left Behind." The headline illustrated

the consequences for counties like Letcher if they chose not to follow the path of counties with only slightly better economic bases but more progressive leadership. “We’re going to have to change in eastern Kentucky if we’re going to keep up with the rest of the United States and the world,’ said Hobart Wooten, city manager of Hazard in 1958.”⁷

Mr. Wooten touched on a subject that plagued many Appalachian communities and retarded change in Letcher County for generations, because it wasn’t just those who stood to benefit from retaining the status quo who opposed change. While the stereotypes of the apathetic mountaineer have proven to be largely untrue, many Appalachian people continued to cling to their own self-imposed stereotype of highly individualistic hill folk beholden to no one, even as many of the same people became caught up in cycles of dependence on the federal dole that lasted for generations. The mountaineer’s philosophy was never more plainly revealed than in the belief that a person has the right to do what he wanted to do with his own land without oversight or interference. That belief went as deep as religion and patriotism and often led to reactionary opposition to even the most beneficial change. Throughout the Central Appalachian region, people who would benefit from zoning laws, flood insurance, the expansion of public utilities, and numerous other programs to benefit the general good, stood firm against change because of even the slightest possibility of interference from government of any kind in their affairs. “Letters to the Editor” in *The Mountain Eagle* often reflected a near primal fear of being told what to do with one’s own property and this attitude kept “city water” from being made available in Letcher County until the 21st Century because many feared that Federal Flood Insurance,

⁷ “Change or be left behind Rest of the World Planners Tell Eastern Kentucky Cities and Counties,” *The Mountain Eagle*, March 6, 1958, 3.

which would be required to obtain the bond issues and loans needed to extend water lines, would limit their ability to use their land as they wished. As late as September 1979, the Letcher County Fiscal Court's inability to pass a flood insurance ordinance threatened a \$3 million HUD grant that would have allowed the City of Fleming Neon to complete the funding package for an \$18 million sewer project.⁸

The “Change or be Left Behind” article was one of many to appear in *The Mountain Eagle* that promoted economic development and change for the region but it was very frank about the need to accept outside funds, and along with them, outside supervision. City Manager Wooten addressed an audience of 50 eastern Kentucky leaders at a meeting of the Eastern Kentucky Planning Commission in 1958 and told them they could expect to receive criticism if they accepted federal aid as Hazard had accepted it under flood relief programs, because eastern Kentucky residents are “reluctant to accept aid,” and “reluctant to change.” After the downtown area was nearly destroyed by the 1957 floods, Hazard accepted the aid to allow for the introduction of low income housing, a new sewer system, and funding to build a new parking lot that Wooten said would relieve traffic congestion. He warned that getting funding for the projects would be hard work and would invite a lot of red tape but added that the red tape could be overcome. Planning Commission Chairman B.F. Reed of Drift, in Floyd County, told the meeting that poor roads and schools were the main objection he heard from industries

⁸ Alvin Grider, "Sewer plan could go down drain," *The Mountain Eagle*, September 27, 1979, 1.

considering locating in eastern Kentucky. “I never saw any place (that was) prosperous that didn’t have good roads or transportation.”⁹

But in Letcher County and much of Kentucky, road funds were as tight as Governor A.B. “Happy” Chandler’s fist, and tighter still in light of a series of county road scandals that had led Chandler to nominate University of Kentucky Professor James W. Martin to replace Robert Humphreys as State Highway Commissioner, with the charge of reorganizing the State Highway Department and eliminating corruption and waste in relations with county road departments. One of Martin’s first acts was to restrict the use of state funds to state highways, and draw a line in the sand against their use on county or private roads. This went against previous policies that had allowed state workers to use county equipment to work county roads with the state picking up the cost of the fuel and paying the workers. Letcher County Judge Executive Arthur Dixon and County Road Foreman Homer Stamper travelled to Frankfort early in 1958 to meet with Chandler, Martin, and Rural Highways Commissioner J.B. Wells Jr. to discuss the situation. Stamper admitted that his record keeping for billing fuel for county road work to the state hadn’t been as accurate as it might have been and added that the county had paid a county employee to operate equipment.¹⁰

Judge Dixon said the county could not afford to staff an entire road department but the county owned enough heavy equipment to allow the court to work the roads with state help as they had in the past. But the reorganization of the State Highway Department under Martin

⁹ “Change or be left Behind Rest of the World Planners Tell Eastern Kentucky Cities and Counties,” *The Mountain Eagle*, March 6, 1958, 3.

¹⁰ “Dixon and Stamper Plan Talks in Frankfort to See About Roads for Country,” *The Mountain Eagle*, January 16, 1958, 2.

showed that Chandler would not stand by and allow counties to loot state funds. Chandler had run on a platform of cutting taxes and that would mean belt tightening and increased oversight. As plans for new roads in eastern Kentucky were drawn up and Letcher County was left out, editorials began to appear in *The Mountain Eagle* questioning Judge Dixon's campaign claims that he had special inroads into the highway department. By 1959, Gish had become convinced that tourism was one of the keys to economic development in eastern Kentucky and began to promote the tourism industry heavily in articles and editorials. However, Gish understood that tourism would not be viable if the highways leading into eastern Kentucky were not significantly improved, and *The Mountain Eagle* became a strong proponent of including Letcher County in plans for new roads and for the development of a turnpike leading from Lexington to the West Virginia border. He continually prodded county and local leaders who were often reluctant to participate in meetings held by the Eastern Kentucky Development Commission to take part in them, along with other regional efforts to promote economic development and to make certain that Letcher County was included in the planning.

Gish believed it was foolish to continue to ignore opportunities to obtain state and federal funding for economic development or infrastructure, and as a strong advocate for development, he believed the county and city leaders had an obligation to compete for programs that could provide opportunities to enhance the economy and diversify employment opportunities. And like Combs, he believed that improved highways would be a key to awakening the potential of eastern Kentucky. In a 1958 editorial, Gish wrote that people who had participated in a recent Eastern Kentucky Development Conference had been impressed with the determination of some city leaders to take positive action to better their communities. Although Judge Executive Arthur

Dixon of Letcher County had been there, no one from Whitesburg, Jenkins, or Neon had bothered to attend the meeting. Gish came away from the meeting with the feeling that while some of Letcher County's neighbors would take positive action to improve their lot, Letcher County would just fall further behind, and he pointed to numerous federal aid programs available to the counties for development and renewal, although no city in Letcher County had indicated any interest in participating in them. His greatest concern was a report from Forrest Johnson, head of the state highway department's Division of Planning indicating that long range plans for Highway 15 would bypass Letcher County entirely, further increasing its isolation.

The plan, if carried through, would by-pass Letcher County completely. Virtually all traffic would be routed around the county. We don't want and can't afford to have that happen to us. The only way we can do anything about it is to start speaking out and making our wishes known. But if we in Letcher County can't find the time to start attending meetings and showing an interest in state and federal help when it was offered to us, then we shouldn't be surprised if we are forgotten.¹¹

Gish believed that if there were federal and state programs that could move Letcher County forward by providing jobs and improving roads, the county's leaders should compete for them. Their unwillingness to participate in these programs, for whatever reason, was one of the primary reasons he was often critical of the quality of leadership in Letcher County, which contributed to the ongoing animosity between the paper and the county's leaders, primarily because Gish saw the failure of leadership as the driving force to Letcher County's lack of progress. In a scathing June 1958 editorial concerning Letcher County's exclusion from a \$750,000 five year state road construction plan, Gish laid the blame squarely at the feet of Judge

¹¹ "The lord helps those," *The Mountain Eagle*, March 6, 1958, 2.

Arthur Dixon and was unsparing in his criticism of the job Dixon had done to secure the county's share of road funds.

Because this program is what it is – a once in a lifetime affair – it is tragic that Letcher County is being left out. Beyond question, schools and roads are the county's greatest needs. Without an adequate through highway connecting Letcher County and the rest of the world we have no hope of either tourists or new industry. Our economy stands to continue its gradual decline as our coal mines work out.

Gish blamed Dixon for losing access to a share of the overall \$750 million in state funding for new roads, and wrote that Dixon had made roads and his alleged influence in Frankfort the centerpiece of the previous year's campaign when he (Dixon) said, "Either we get roads or we don't, depending on who is elected county Judge." Dixon had had circulated a letter from Deputy State Highway Commissioner J.B. Wells saying that Letcher county would have "a road program second to none" if Dixon was elected. Dixon also boasted of support from other state officials for roads in Letcher County, if he got elected, and claimed that his opponent could not get the same cooperation. The editorial closed by noting that while the county had bought into Dixon's promises, "it is getting less from the state highway department than any other county in the state. We would be interested in hearing an explanation from the judge."¹²

In the next edition, Gish addressed recent criticism of the newspaper when he wrote an editorial to clear up any possible misunderstanding that readers might have between "Editorials, Advertisements and News," in which he said some readers and officials had a lack of understanding of the three functions of a newspaper. He wrote that in a news story, it was not the job of a reporter to pass judgment on what he or she wrote, but that an editorial was the means

¹² "We're left out again," *The Mountain Eagle*, June 5, 1958, 2.

through which a newspaper expresses its opinion. “What you are reading now is an editorial, appearing on the editorial page. It is mostly a matter of opinion.” He used coverage of the fiscal court as an example and said the paper had a duty to express its opinions of the court’s actions on the editorial page and not in news coverage. He described advertisements as something that had been paid for by a business or an individual in order to promote a product or an idea, and make it attractive to others. It may seem strange that Gish felt it was necessary to make these distinctions to his readers, but the previous editor had done little in the way of editorializing or any kind of controversial reporting, and part of the friction with the fiscal court and school board came from accusations that the paper gave opinions in news articles rather than reporting facts.¹³

Editorial descriptions of the county’s elected leadership as ineffective and self-serving in *The Mountain Eagle* editorials frequently angered the fiscal court and city councils, while Pat Gish’s reporting continued to reveal individual incidences of greed, incompetence, and a strong desire to keep the people’s business out the view of the people, and leadership, particularly on the local level, was an ongoing issue. Not long before the 1960 presidential election, the paper featured the call for effective local leadership issued by a group of governors from the upper southern states, which later became known as the Council of Southern Governors. In an informal 1960 meeting set up to discuss ways to solve common regional problems, the governors identified “alert local leadership” as the Appalachian area’s greatest need in the push for redevelopment. It must have pleased Tom Gish to be able to report the words of North Carolina Governor Luther Hodges, who said that effective local leaders were not necessarily elected officials but were people who had already started accomplishing things for the public good and

¹³ “Editorials, Advertisements and News,” *The Mountain Eagle*,” June 12, 1958, 3.

not “as people who declare themselves to be leaders and then just sit with their hands out, doing nothing.” Hodges concluded that the right kind of leadership in a community could help to bring industry and added that tourism couldn’t be accomplished in dirty areas. Along with cleaning up the region, Hodges called for educating locals in effective tourism etiquette and pointed to the necessity of accommodations for tourists when they came.¹⁴

The Mountain Eagle rarely endorsed candidates in local races but it was vocal in criticizing the failures of local and state leaders. In national races, the candidate who was perceived as doing the most to help eastern Kentucky would generally receive the most favorable editorial mentions. In the statewide election year of 1961, Gish's editorial castigated Letcher County’s current political leadership and begged for voters to do the right thing and elect leaders who would actually serve the public rather than serving county elites and filling their own pockets while feeding at the public trough. It started by telling Letcher County voters they only had a short while to decide what they wanted out of their leaders and warning them that the coming election was crucial in determining what the future would hold for the county. Without mentioning names, Gish cautioned voters against continuing to elect the semi-literate and backward lot that currently held many county offices and urged them to elect men who would have the vision to work with President John F. Kennedy, and the education and the intelligence to work with federal representatives to make positive change a reality. Gish told his readers they really had two choices, to maintain the status quo or to accept change and move ahead.

Actually, Letcher County has but two choices during the years ahead. We can sit idly as the county continues to lose jobs at the rate of more than 1,000 a year. Or we can enter

¹⁴ “Appalachians need leaders, governors say,” *The Mountain Eagle*, October 20, 1960, 1.

wholeheartedly in whatever programs of aid are offered to us by private groups, the state, or federal government, hoping thereby to reverse the present downward trend. It doesn't matter too much what type of program President Kennedy works out for depressed areas unless we in the first instance have enough determination, willpower, and leadership to participate actively in the president's program.¹⁵

By 1960 the county's population had "soared" to 30,012 according the 1960 Census and the increase in population meant that magistrates could, under Kentucky law, be paid \$200 a month. But under a recent redistricting order, the county would only have three magistrates rather than the eight previously seated.¹⁶ The magistrates finally had their long-desired pay raise and the paper had very little to say about it. However, Gish did hold businessmen in Whitesburg who had refused to take part in efforts to obtain help from state and federal officials for economic development to account. He also castigated the citizens and business people for their poor attendance at meetings of the Whitesburg Community Development Association, saying that four previous development groups had already failed for lack of interest. Only three people had attended the most recent meeting and that included a *Mountain Eagle* reporter and a representative of the state Department of Economic Development.¹⁷ Later that year, State Representative Harry Caudill was the only person who attended another meeting of the Community Development Association, and the same week, only Chamber President Cossie Quillen showed up for a meeting of the Whitesburg Chamber of Commerce Board of Directors. The meeting had been called to develop plans to send a motorcade delegation to meet with Governor Bert Combs to make the city's case for a state park, a junior college, and road aid. The editorial stated that although Governor Combs was generally sympathetic to eastern Kentucky,

¹⁵ "Only the best will do," *The Mountain Eagle*, February 21, 1961, 2.

¹⁶ "Magistrates' jobs gain in appeal—by \$100 a month," *The Mountain Eagle*, December 1, 1960, 1.

¹⁷ "Has Development Died A-Borning?" *The Mountain Eagle*, April 31, 1961, 2.

the business and political leaders of Letcher County were unwilling to take the trouble to meet him halfway. Other cities had secured projects they had asked for, but Letcher County had received only a single bridge, to replace one that was no longer safe. By 1961, the paper's relationship with many local businessmen had deteriorated and increasingly larger numbers had withdrawn their advertising at the behest of powerful political and business leaders who took exception to *The Mountain Eagle's* insistence on doing its job.¹⁸

While Gish did not blame Governor Bert Combs for Letcher County's lack of access to state largess, he was by no means a fan, and in September, just over a month from the 1961 elections, he called on Letcher Countians to show the Democrats in Frankfort they were not going to take their neglect any longer by taking the radical step of voting Republican. It was a bold proposal but one the paper saw as justified, especially since Hazard and Perry County had announced, "presumably with the knowledge of Governor Combs that they wanted to 'steal' the proposed Junior College at Blackey and locate it in Hazard." Following a meeting of the Hazard Chamber of Commerce, a Hazard radio announcer had reminded Perry Countians that Harlan had wanted a college and Cumberland had stolen it. According to the editorial, the only logical reason to move the college to Hazard was political, because while Hazard and Perry County were politically in play, Letcher County was "safe" for Combs. If that was true there was no reason for Combs to do the county any favors and Gish said that while Letcher County had stayed "safe" for Democrats, Combs had done nothing for the county, but had used state funds and projects to sway counties that were not so secure. "As Democrats we believe there should be

¹⁸ "How long are we going to sit on our backsides and watch Letcher County die?" *The Mountain Eagle*, August 24, 1961, 2.

some other answer to Letcher's problems than voting Republican. But right now we can think of none."¹⁹

As it became apparent that Letcher County had not benefited very much from local or state elected leadership, a number of businessmen and other non-elected leaders became increasingly frustrated with the lack of progress in eastern Kentucky, particularly the lack of state involvement in economic and infrastructure development. In August 1958, a group of those community leaders got together in the City Café in Whitesburg for what started with a cup of coffee and ended in a fully-fledged secession movement. In a rare article bearing Tom Gish's byline, *The Mountain Eagle* reported that a new state of East Kentucky had been proposed by a local group including Harry Caudill, Bill Adams, Dexter Dixon, Ray Collins, Pearl Dixon, Steve Adams, Emmet Fields, Steve Caudill, Lindsey Webb and Jesse Holbrook. The group's motto was, "Roads or a New State" and they pointed to separation of West Virginia from the rest of Virginia during the Civil War as an example of the possibility of a group of counties separating from their state. The primary targets for secession were the Seventh and Eighth Congressional Districts, which included most of Eastern Kentucky and were represented by Eugene Siler (8th) and Carl D. Perkins (7th.).

The fact that Gish used a byline for the article is of note, because he rarely did. He made it plain that he wrote the editorials but neither he nor his wife Pat, who did most of the reporting, used bylines, except on rare occasions. But the secession issue was just the kind of thing that appealed to Gish and it revealed his sense of humor and his willingness to use a not entirely

¹⁹ "We may have to show Frankfort we're not absolutely safe anymore," *The Mountain Eagle*, September 28, 1961, 2.

serious issue in order to draw attention to other very serious ones. The problems that led to such a radical step were real and important, so it allowed him to make important points, and it was just far out enough to fall between the realms of humor and serious reporting. In a later discussion with U.S. senators holding hearings on poverty in the region, Gish said the movement's intent had not been to form a new state, but was a device to draw attention to problems that had been ignored by Frankfort and Washington. But the articles Gish wrote were serious, and it is obvious that the participants had serious intentions, whether they actually meant to form a new state or to showcase how badly eastern Kentucky had been ignored. And there was always an element of possibility in each article, a "what the hell" attitude that maybe if the movement actually took off, America would gain another state from the Appalachian counties of Kentucky and later, from Virginia.

A plan by the state to erect cabins without toilet facilities at Dewey Lake (which later became Jenny Wiley State Park) was the tipping point for the Letcher County men and Ray Collins, who was later elected chairman of the secession committee, said that eastern Kentuckians had been treated like second class citizens long enough. He initially suggested a motorcade to Frankfort to protest the lack of progress on roads, particularly since Letcher County residents had paid over \$1 million in road taxes the previous year.²⁰ The article drew national attention and was featured in the August 13, 1958 edition of *The New London Connecticut Evening Day*, which quoted Kentucky Governor A.B. Happy Chandler as saying that as far as he was concerned, eastern Kentucky was in the Commonwealth to stay. "I am obliged to keep

²⁰ "New State of East Kentucky considered by local men tired of second class ration," *The Mountain Eagle*, July 31, 1958, 1.

them.” Whitesburg was identified as the center of the secession movement and the article reported that about 100 people had recently met to protest a 125 year state pattern of taxing the residents of eastern Kentucky “to the benefit of the lush bluegrass area and the wealthy western counties.” Ray Collins said the movement was gaining momentum, but Chandler, with his characteristic lack of modesty, said, “I have just returned from a wonderful program in Hazard (the proposed capitol of the new state). Several thousand citizens turned out at the courthouse for a special day they gave for me. I never saw a finer spirit or people in a better humor.”²¹

Gish promoted the second meeting and printed a statement from Chairman Ray Collins, who owned the Whitesburg RC Cola Bottling Plant. In his statement, Collins hinted that the true purpose of the movement was to wake state officials up to eastern Kentucky’s problems by saying unless state officials ended their discrimination against eastern Kentucky the region should break away.²² Gish also mentioned the meeting in an editorial and said that the importance of the effort had become clear when Letcher County wasn’t even mentioned in a discussion on roads at the prior week’s meeting of the Eastern Kentucky Regional Planning Commission. Regardless of the seriousness of the secession movement, the possibility that Letcher County would be entirely bypassed by Route 15 when it was rebuilt was very serious and represented a potential disaster to the county.

Collins said that eastern Kentucky had never received the necessary funding from Frankfort for roads or other projects and called for Letcher County to present a united front with a large turnout at the coming meeting. He said secession and the formation of a new state would

²¹ “Eastern Kentucky Weighs Secession,” *The New London Connecticut Evening Day*, August 13, 1958, 3.

²² “Courthouse meeting Friday to draw large crowd,” *The Mountain Eagle*, August 7, 1958, 12.

be a last resort but he also emphasized that eastern Kentucky had never received its fair share from the state.

This would be the worst tragedy that could happen to us. We can't sit idly by and let it happen. But it is almost certain to happen unless we speak up loudly and effectively for ourselves.²³

Another article reported that an argument had broken out between Hazard and Pikeville as to which city would be the capital of the new state. Ray Collins said he was receiving a lot of support from other eastern Kentucky counties but there were numerous legal arguments as to the ability of the counties to actually break away and form a new state, along with other debates concerning whether the region would be better off as an independent state or would do better to join with Virginia. Pat Gish was named as secretary of the secession group and State Representative Hilliard Kincer of Neon was named vice chairman. The group was described as non-partisan and a planning committee was appointed that included Whitesburg businessman Archie Craft (later elected to the state Senate), Dee Dawahare of the Dawahare's chain of clothing stores, and Attorney Lindsey Webb of Whitesburg, who was asked to see how much Letcher County was paying into state road funds compared to the amount the county received from the state.²⁴

The lack of good roads in eastern Kentucky and the failure of the state to plan for building them in the southeastern part of the state near the borders with Virginia and West Virginia quickly emerged as the dominant issue driving the secession movement. Ray Collins made that clear when he said "if we set up our own capital and our own officials, we can dare

²³ "We Must Holler or lose our Roads," *The Mountain Eagle*, August 7, 1958, 2.

²⁴ "Move to form new state gains support all over mountain area," *The Mountain Eagle*, August 14, 1958, 1.

them to take our east Kentucky tax money and spend it to build roads in the Bluegrass.” Gish wrote that “there is not a single good mile of road in Kentucky east of Winchester,” and complained that out of a \$100 million bond issue, no plans had been made for roads in eastern Kentucky. He also mentioned the neglect of the area in plans for the interstate highway system, which left eastern Kentucky south of Ashland and east of London completely out.

Eastern Kentucky’s entire economy for years has been hampered by a lack of highways. We are isolated to a degree that is almost unbelievable in this day of the hydrogen bomb and rocket trips to the moon. Roughly half of eastern Kentucky’s geographic area and at least a third of its population are a part of that isolation.²⁵

The secession group drew up a list of objectives that focused on roads, developing Kentucky Route 15 into a “good road” to Winchester, and building good high speed roads into the Cumberland River and Big Sandy areas. Kentucky Attorney General, Jo M. Ferguson issued an opinion stating that while it would be legally possible for the eastern counties to withdraw from the state, it would not be easy. Ferguson quoted the establishment clause of the Kentucky Constitution as evidence that it was possible but also wrote that the process of secession would have to originate in the state legislature, which meant the state would have to grant permission for secession. Ferguson also opined that the state could submit a constitutional amendment to cede the counties to the state of Virginia. Happy Chandler said it was not true that eastern Kentucky was being mistreated and showed that he was decidedly unhappy with the whole thing by refusing to comment on the “peeves of one disgruntled citizen,” although he neglected to identify the disgruntled citizen.

²⁵ “Which comes first -- the roads or the traffic,” *The Mountain Eagle*, August 14, 1958, 2.

The second secession meeting drew an estimated 300 participants who voted by show of hands to proceed with the efforts to secede, unless the east Kentucky counties received more state support. The motto, “Something specific soon or secede,” was adopted and Ray Collins said that instead of promises, “We want contracts.” Collins presented figures to the meeting showing that Letcher County residents paid approximately \$650,000 each year into the state road fund but were slated to receive only about \$400,000 per year in the next five year road plan. He also complained that the region had been shortchanged in schools and particularly in the development of colleges. “They put in a college called Eastern State and located it in Richmond only 25 miles from Lexington. It’s 150 miles from here,” said Collins, who also charged that eastern Kentucky had been exploited by “outsiders” who had stripped the region of its coal and timber until, “We’ve got nothing left.”²⁶

Harry LaViers Sr., president of South East Coal Company and a member of the East Kentucky Planning Commission, issued an apology to “his friends and neighbors in Letcher County” for the omission of county roads in the planning document. LaViers said he had intended no slight to the county when he proposed a road to serve the region and that when the road was proposed, he “picked up a yardstick and drew a line from a point near Winchester to the Eastern most tip of Eastern Kentucky, in Pike County.” He said he understood the road would miss a lot of cities but added that access roads should alleviate the problem. LaViers said he would “perhaps be the last person in Kentucky to deliberately slight Letcher County on roads

²⁶ “Secession talk still prevalent in Letcher after meeting at courthouse draws 300,” *The Mountain Eagle*, August 28, 1958, 1.

or any other matter,” but added that he believe that a centrally located road was the best plan and that tourism and satellite roads and factories would follow.²⁷

At what turned out to be the secession group’s final meeting, Chairman Ray Collins defined the movement as one of the people and not one for politicians. “It seems like most politicians start running for cover whenever the subject is mentioned,” said Collins. He told the gathering that the chief aim of the movement was to “let the rest of Kentucky know that the mountains of Kentucky exist,” and said the movement was really designed to get the attention of the governor and state legislators and to remind them they had neglected the region of eastern Kentucky for over 150 years, adding that he expected the movement to attract attention from different parts of the state. The participants also discussed the possibility of petitioning the 1960 (biennial meeting) of the Kentucky legislature to allow the counties in eastern Kentucky to break away and set up a new state as well as the possibility of trying to get the east Kentucky counties to cross the state line and join Virginia.²⁸

The movement added the weight of the voice of Charles Victor Snapp, Superintendent of Schools in the Jenkins Independent School System and a nationally recognized leader in education. Snapp said that although the area’s physical beauty was second to none, he agreed with the secessionists that the region could not prosper due to bad roads and poor education facilities. He said the purpose of the secession group was giving “to every child in the mountains an education the equal to that of the Bluegrass City of Lexington or the river city of Louisville,”

²⁷ “No slight intended, LaViers tells Letcher,” *The Mountain Eagle*, August 21, 2.

²⁸ “Third meeting of secessionists biggest, most interesting yet,” *The Mountain Eagle*, September 25, 1958, 1.

and warned that if the education of the children was neglected they would lose the entire generation, and he challenged the county to “cast aside all lethargy.”²⁹

Orby Cantrell a member of the Virginia House of Delegates from neighboring Pound, Virginia, also met with the secessionists and told them his state congressional district in Wise County had received \$1,500,000 in the previous session of the House of Burgesses and pointed to similarities between Letcher County and Wise County, including a common border and a similar coal based economy. Cantrell also asked the citizens of Letcher County to join him in seeking a skyline drive along the state border from Cumberland Gap to the Breaks of the Mountains in Elkhorn City, Kentucky. The map Cantrell proposed would run along the state line on Black Mountain and cross Pine Mountain at Jenkins. This was significantly different from a similar project proposed by gubernatorial candidate Wilson Wyatt, whose map stayed on Pine Mountain and was mostly in Kentucky. He said the cost as estimated by the Virginia Department of Highways would be \$80,000,000. Cantrell was the first Virginia official to speak to the secession group and told them that regardless of the outcome of their efforts, the residents of eastern Kentucky and Southwestern Virginia should voice their dissatisfaction and “show their neighbors in the Bluegrass and Tidewater regions.”³⁰

Other newspapers, as well as the Associated Press showed interest in the secession issue and published several articles in support of secession as well those that spoke out against it or just saw it as a novelty. *The Mountain Eagle* featured the reprint of a *Floyd County Times* article which included secession-related comments from a number of Floyd County residents. The

²⁹ “Secession group seeking good things of life for hills,” Snapp says,” *The Mountain Eagle*, October 2, 1958, 1.

³⁰ *Ibid*, 1.

comments ran in both directions but most expressed frustration with the treatment of the east Kentucky counties by Frankfort, and a number of them expressed a deep resentment over the mountain counties' outcast status. One resident pointed out that Kentucky would have two additional senators if a new state was created and that possibly many of those who had left the region might return to help build the new state. A common theme that generally summed up the feelings of those who favored secession was suggested by Forrest Burchett, a construction worker, who said "We are a forgotten section. The rest of the state remembers us only at election time." Businessman Blaine Hall summed up the opposition, saying, "It's not practical to form a new state. We don't have the industry and resources to form a new state." Prestonsburg Mayor Bill Napier was decidedly unique in his honesty when he said, "We can't blame anyone for our troubles but ourselves. We had a chance to elect a governor (Bert Combs, elected in 1959) and we didn't. We failed ourselves."³¹

The issue drew advice and opinions from as far away as Daytona Beach Florida, in an article from *The Daytona Beach Evening News* that said while it was no surprise to see secession rear its head in the United States, it was something of a surprise for it to be coming from Kentucky, "which stayed in the Union in the War Between the States." While the article did admit that Kentucky wasn't actually looking to secede from the United States, it narrowly attributed eastern Kentucky's discontent to being from the excess taxation of the mountain region

³¹ "Secession proposal draws pros and cons from Floyd County residents," *The Mountain Eagle*, August 28, 1958, 2.

to benefit the Bluegrass and tied it to taxation issues in Florida, ignoring the general neglect that had permeated the secession conversation.³²

The Dickensonian (newspaper) of Clintwood, Virginia became interested in the issue and wrote that joining Virginia would be a mistake for the eastern Kentucky counties, and that Virginia's mountain counties should join their Kentucky counterparts in forming a new state. Orby Cantrell said that while he did not endorse the proposal, he admitted the Tidewater and Bluegrass residents did not understand the mountaineers either. He advised the group to "camp on the doorstep of Frankfort and Washington" and to cooperate with their neighbors in Virginia to work cooperatively for road and flood control projects. The secession group voted to invite all the Kentucky candidates for governor to meet with them, and Lt. Governor Harry Waterfield was invited to come to the next meeting. The group also expressed its desire to meet with senators John Sherman Cooper and Thurston Morton during their visit to eastern Kentucky that was planned for later in October.³³ Gish wrote later that he was disappointed that Morton had not chosen to take part in "The Eastern Kentucky Development Tour," and that Cooper had left it after attending "Cooper/Morton Appreciation Day" in Hazard.

The Mountain Eagle took its first plunge into state-wide politics in 1959, when Tom Gish agreed to travel with Lt. Governor Harry Lee Waterfield as press representative during Waterfield's tour of Kentucky as he sought the Democratic nomination for governor.³⁴ When he announced that he was taking a couple of weeks off to join Waterfield on his tour, Gish said "the

³² "Dividing a state is no answer," *The Mountain Eagle*, "1958, 2.

³³ "Secession group seeking good things of life for hills," Snapp says," *The Mountain Eagle*, October 2, 1958, 1.

³⁴ "Editor of Eagle to serve as aide to Waterfield," *The Mountain Eagle*, January 15, 1959, 3.

newspaper would maintain a neutral editorial policy concerning the gubernatorial race” and would make every effort to give equal news coverage to all the candidates. On the editorial page, it was another matter, and *The Eagle* published a number of editorials in favor of Waterfield and a few that were critical of Combs.

The Democratic primary at that time usually served as the de-facto governor’s election in Kentucky and many other southern states, so great was the power of the Democratic Party in the post-Civil War south. Two weeks before the primary, Gish wrote an editorial claiming that Waterfield was eastern Kentucky’s only chance for the future and outlined Waterfield’s three point “line of attack” to alleviate some of the region’s problems. He endorsed Waterfield and wrote that Combs had nothing but the “usual trite phrases and promises” to offer the region, and went into detail to outline Waterfield’s “three-point plan” of road development, lowering freight rates on coal hauled out of Kentucky by rail, and building flood control dams. He finished by saying Combs had not come up with any new ideas or positive approaches for eastern Kentucky and accused him of getting ahead of issues before taking care of the fundamentals. “First things first Mr. Combs.”³⁵

Then, five days before the May 26 primary, *The Mountain Eagle* reprinted an editorial from *The Kentucky Post and Times Star* in Frankfort that sharply criticized Combs for attempting to tie Waterfield to outgoing governor A.B. Happy Chandler. The writer said he had known both Combs and Waterfield for a long time, and in his opinion, Waterfield, would be his own man and would not take orders from Chandler. Then he explained the rivalry that split the Democratic

³⁵ “Eastern Kentucky’s one chance for the future is Harry Lee Waterfield,” *The Mountain Eagle*, May 14, 1959, 2.

Party in Kentucky by emphatically tying the “Combs-(Wilson) Wyatt faction” to former U.S. Senator Earle Clements.

We have observed Mr. Waterfield when he served with distinction in the Kentucky House of Representatives for 12 years and more recently as presiding officer of the Senate. We have known him to be a man who thought for himself, made decisions for himself and was HIS OWN MAN. We are sure he is HIS OWN MAN...A lot of heat-generated and trumped up hatred against the present governor, A.B. Chandler has been used by the bitterly opposing Combs-Wyatt faction of the Democratic Party against Mr. Waterfield....As everybody knows, this state is torn in the campaign by the old rivalry that has existed for years between the forces led and dominated by former U.S. Senator Earle Clements and what has been dubbed the Chandler faction of the Democratic Party. When one digs to the bottom of this argument, that unfortunately is what this governorship race is about – a lot of personal and selfish ambition for power. Shall the shadow of Earle Clements return to Frankfort or shall the wisdom and the experienced judgment of Mr. Waterfield, the man who is HIS OWN MAN, prevail.³⁶

Even after Combs secured the Democratic nomination, *The Eagle* had a little fun by reprinting an editorial cartoon in the May 30 issue (just after Combs won the primary) titled “Small Boy on an Elephant.” The cartoon showed Combs dressed in a sailor suit trying to ride an elephant with “Clements” written on its side. The caption read, “Bert Combs is riding on the shoulders of the wily, burly, ‘whispering Earle’ Clements....Like a small boy on an elephant, Mr. Combs rides uneasily.” Then not long before the November election, Gish once again made fun of the Combs campaign, accusing Combs of not knowing anything about Letcher County, including its name, after Combs’ campaign chairman John C. Watts congratulated the Democrats in Boone County for uniting the Democratic forces in the county to support Combs. The announcement mentioned the appointment of Letcher County Judge Executive Arthur Dixon, Banker and former judge executive James M. Caudill, and businessman J.S. Holbrook as county-

³⁶ “Waterfield’s the man,” reprinted from *The Kentucky Post and Times Star*, in *The Mountain Eagle*, May 21, 1959, 12.

co-chairmen for the Combs campaign in Boone County in northern Kentucky. While Gish probably understood it was a mistake, he took the opportunity to skewer the Combs campaign nevertheless.

Any day now we expect to receive an announcement from Watts that he has appointed three co-chairman from Boone County to work together for Letcher County. We just hope that if Combs is elected, somewhere along the line he and his manager will learn a few lessons in geography. We hate to think that all those roads promised to Letcher County will be built in Boone County.³⁷

Gish never really warmed up to Combs and in December, an editorial summed up his position when he wrote that he had been approached by a group of Letcher County businessmen asking him to write an editorial “pointing out to Governor Bert Combs that Letcher County should not be left out of his plans for new highway construction.” He expressed his reluctance to write such an editorial, writing that the paper had supported Waterfield in the primary that year because it believed he would do more for Letcher County and eastern Kentucky and finished by writing, “And now, even though the evidence points to the conclusion that we were right, we are reluctant to say ‘We told you so.’” Gish pointed out that the state highway department couldn’t build roads connecting eastern Kentucky with the rest of the state without generally following the riverbeds of the three main rivers, the Kentucky, the Big Sandy, and the Cumberland Rivers, and since all three had their headwaters in Letcher County, the terminus of the roads would have to be situated there. A new US 119 would have to run along the Cumberland River, a new US 23 would have to follow the Big Sandy and the new Route 15 planned by Combs to run from Campton to Hazard as a two-lane road was the same road laid out by the Eastern Kentucky

³⁷ "What's that again?" *The Mountain Eagle*, September 17, 1959, 2.

Planning Commission and promised by Waterfield except that Combs planned to stop in Hazard instead of Whitesburg.

This newspaper says to Governor Combs, Come on Governor. Nothing would make us happier than for you to prove we were wrong in the primary. Build us that road. Don't let anybody tell you the road should stop in Hazard.³⁸

The timing of the governor's race coincided with efforts by regional businessmen to promote tourism as a vital part of the eastern Kentucky economy, and when the East Kentucky Planning commission proposed a \$25 million project to create "Skyline Drive" on the ridge of Pine Mountain from Elkhorn City to Pine Mountain State Park near Pineville in Bell County, *The Mountain Eagle* was enthusiastic in supporting the idea.³⁹ The possibility of a state park running the length of Pine Mountain was appealing to Gish but he was also interested in a state park that took advantage of the old trail between Letcher and Harlan Counties, which he felt would be much easier and less expensive to accomplish. The trail crossed the historic Scuttle Hole Gap, and had the appeal of the panoramic view from Pine Mountain, the waterfall at Bad Branch Falls, and endless caves running through the limestone in Pine Mountain. It would require the dual efforts of Letcher and Harlan Counties and would only require slight improvements to the existing trail, later called "The Little Shepherd Trail."⁴⁰

The construction of the luxury hotel, "La Citadelle," in nearby Hazard also excited Gish and he praised the developer, Lawrence Davis for his vision and for his faith in the region.

³⁸ "We hate to say it," *The Mountain Eagle*, December 17, 1959, 7. (Route 15 was finally completed in the late 1970s when the Hazard and Whitesburg by-passes were finished.)

³⁹ "Proposal for Skyline Drive along Pine Mountain gets tentative approval of East Kentucky Planners," *The Mountain Eagle*, August 21, 1958, 1. (The Pine Mountain Trail State Park was finally realized in 2003 when Governor Paul Patton designated the ridge of the mountain as a linear state park, running its entire 120-mile length.)

⁴⁰ *Ibid*, 3.

Davis' comments at the hotel's opening struck a chord with Gish, particularly Davis' statement that the only thing wrong with eastern Kentucky was the people that live in it. He said the people who lived there had no faith in themselves or in Eastern Kentucky, concluding "They are not willing to invest their own money in it. The people in Hazard laughed at me when I started this motel, and they wished it would fall off the cliff."⁴¹

To Gish, La Citadelle was much more than a motel, it was "the foundation stone for development of the long dreamed of tourism industry in Kentucky." He saw it as a step that would help tourism to become an important piece of the economy and help to provide the badly needed jobs that were lost when underground mining failed. An earlier editorial had assumed a similar note, saying that most eastern Kentuckians failed to see the beauty of their home region and that "We can't see the forest for the trees," when he wrote that while other counties in the region were starting to see the possibilities of a tourist economy, Letcher County characteristically lagged behind, "Other areas are turning scenery into a profitable business. We could do the same."⁴²

Tourism was an ongoing theme in *The Mountain Eagle* and when a bus tour of state and national leaders, sponsored by the east Kentucky Planning Commission, visited Letcher County in 1958, Gish was quick to point to the possibilities offered by tourism. The front page article on the visit quoted National Parks Service official Allyn P. Bursley as saying that "he saw no reason Eastern Kentucky could not be developed into a top tourism center." Bursley, who served as Regional Chief of Recreational Resource Planning, must have been impressed by what he saw

⁴¹ "Big need of Eastern Kentucky is faith of residents," *The Mountain Eagle*, August 21, 1958, 2.

⁴² "We're Beautiful Too," *The Mountain Eagle*, May 15, 1958, 3.

because he repeated Gish's mantra, "All the area has to do is to develop what it has." Another federal official said he was sure Whitesburg would qualify for federal assistance under Urban Renewal and low income housing programs. Williamsburg Congressman Eugene Siler, a Republican from Kentucky's 8th Congressional District who accompanied Bursley, was a strong advocate for the Depressed Areas Legislation that was currently being debated in Congress and was enthusiastic about helping Letcher County increase tourism opportunities, particularly to generate job opportunities. He was quoted as saying he was "proud that the area had no communism," adding that he had consistently voted against foreign aid since he had entered congress, preferring to spend Congressional funds in eastern Kentucky.⁴³

Gish knew tourism and highway development would have to run hand in hand and often expressed doubts that tourists would be willing to follow the winding mountain roads to Letcher County. He also knew that without highway development there would be no opportunity to expand industry in the county past the already prevalent coal mining. *The Mountain Eagle* began to report and editorialize heavily on the marriage of road development and tourism in the late 1950s and it was a constant theme for years. Gish's most common complaints with the Combs Administration were that Combs did not see Letcher County as the logical center for road development in southeastern Kentucky, and the governor did not support locating a state park in the county. Gish wrote several editorials expressing doubts about Combs' State Highway Commissioner Henry Ward's assurances that the Whitesburg-Hazard section of the "Eastern

⁴³ "State and federal agency heads visit Letcher, see great potential for tourist trade in mountains," *The Mountain Eagle*, October 16, 1958, 1.

Kentucky Turnpike” would ever be built, and editorials expressing his disappointment that state parks were located in other eastern Kentucky counties but not in Letcher.

In 1961 Gish stung Ward to the point that the Highway Commissioner wrote a long letter to the editor in defense of Combs’ plans for building the Eastern Kentucky Parkway. Ward took exception to Gish’s allegation that the use of federal funds would cause too many delays after Gish wrote that the announcement that Kentucky would share the costs of the highway with the federal government meant the possibility of long delays due to congressional debate and meant that the work would extend through several administrations. It also predicted the downscaling of the stretch from Campton to Prestonsburg to a two lane road with portions of it following the existing roadbed, and accused Combs of misleading the voters of eastern Kentucky who had supported the \$100 million in state road bonds approved in the 1959 election.⁴⁴ Ward wrote that the estimated \$50 million cost of the road would be too much for Kentucky to bear and also promised that the road from Hazard to Whitesburg (Route 15) would be rebuilt.⁴⁵ Gish replied with a short editorial saying he appreciated Ward’s assurances, and that he welcomed “Ward’s firm insistence that we have been wrong – that the Whitesburg – Hazard section of the East Kentucky Turnpike would be built.” With tongue in cheek, he said Ward had convinced him that the road would be built and added the he would also go along with Mr. Ward in his statement that Kentucky was among the national leaders in statewide highway construction, with the caveat,

⁴⁴ “Federal Funds Threaten to Delay Eastern Kentucky Turnpike,” *The Mountain Eagle*, November 11, 1961, 2.

⁴⁵ Letter to the Editor “Ward says that road will be built,” *The Mountain Eagle*, December 14, 1961, 2.

We doubtless were blinded by the conditions of roads leading out of Letcher County. They are so bad we seldom get beyond the county limits, and our eyes tell us that highway construction has been at an all-time low under Governor Combs.⁴⁶

The selection of state park sites was another bone of contention for *The Mountain Eagle*.

As much as Tom Gish lobbied for a park in Letcher County it was not until late in his lifetime that a state park was located there and that was the linear Pine Mountain Trail State Park in 2003. The paper's first expression of disappointment over Combs reluctance to locate a park in Letcher County came in the last edition before the new year of 1961, when Gish told his readers that bitter past experiences with Kentucky governors had taught Letcher County residents not to expect anything from Frankfort "except higher taxes," and excoriated Combs for a broken campaign promise to locate a state park in Letcher County as part of the road and parks bond.

As we all should have known when Governor Combs stood before a community-wide meeting here a few months ago, and assured the county he wanted us to have a park, Letcher County was completely left out in the cold.... So much for Combs' promise to build a new Eastern Kentucky.⁴⁷

Gish's disappointment was even more bitter because the Kentucky State Senate had passed a proposal earlier that year, introduced by Senator Archie Craft of Whitesburg, to urge the Department of Conservation to "give all consideration to the establishment of a state park on Highway 119 between Whitesburg and Cumberland at the top of Pine Mountain."⁴⁸ In an editorial in the same edition, Gish praised the appointment of Kentucky Journalist John Ed

⁴⁶ "We welcome Mr. Ward's assurances," *The Mountain Eagle*, December 14, 1961, 2.

⁴⁷ "Reckon we'll ever learn," *The Mountain Eagle*, December 18, 1960, 2.

⁴⁸ "State resolution calls for park on Pine Mountain," *The Mountain Eagle*, February 25, 1960, 1.

Pearce as “Our friend on the parks board,” and said Letcher Countians could be assured that Pearce would “speak every good word possible on our behalf.”⁴⁹

In early December of 1960, Governor Combs announced what he called the "greatest parks expansion and construction program ever undertaken by any state at any time." The announcement was part of a project that Combs called "our plans for developing Kentucky into the recreational center of America." Five new parks were to be developed initially in Grayson County, Breckinridge County, Perry County, Greenup County, Boyd County, Pendleton County, and Boone County. Three others, in Bell County, Floyd County, and Russell County were to be expanded, but nothing for Letcher County. However, Combs said that other parks might be in the making, but the projects he presented had been given priority because of "a long and careful survey" which had been underway since the previous spring. "I want to make it crystal clear that the program now being developed is not the entire parks expansion program.....The many parks-minded Kentuckians who have proposed state development beyond this program should not assume that their proposals are not under consideration." Combs also tied the parks to highway development and clean-up efforts, as well as lakes and a vacation development program.⁵⁰ But the writing was on the wall, and at least, for Gish, it was plain that Combs had no plans for any recreational development in Letcher County.

The first indication that the park issue might not go Letcher County's way had come in May when Governor Combs spoke at a meeting in Letcher County and said that while he wanted

⁴⁹ “Our friend on the parks board,” *The Mountain Eagle*, February 25, 1960, 2.

⁵⁰ Plans for State Park Development, Frankfort, December 7, 1960, *The Public Papers of Governor Bert T. Combs 1959 - 1963*, ed., George W. Robinson, (University Press of Kentucky, 1979), 159.

to see a park located there, it would be up to a commission to decide. Combs said he didn't know what the commissioners would recommend "but I can tell you one thing, I'm on your side." The speech came after a tour of the area on top of Pine Mountain.⁵¹ The final decision excluded Letcher County as well as Cumberland in Harlan County. The article announcing the decision stated that a source had told *The Eagle* there had been considerable feeling that a park should be located on Pine Mountain and that the competition between Whitesburg and Pineville as the park site had much to do with both towns being left out.⁵² Gish and many Letcher County residents felt that Combs had betrayed them and the feeling lingered throughout his term. Combs' 1961 announcement that a new state park would be located in Cumberland didn't ease the tension.

The failure to obtain a park was not the end of the tourism issue and the announcement by Lt. Governor Wilson Wyatt in May 1961 that construction of a "Skyline Drive" along the ridge of Pine Mountain in Letcher County would begin soon brought renewed hope. Wyatt made the announcement at the commencement speech he gave to the Whitesburg High School Senior Class and said it was the result of an idea "born in Letcher County three years ago in a conversation with Tom and Pat Gish." The route would follow the logging road leading from US119 at the peak of Pine Mountain to Baxter in Harlan County, a route Wyatt said he planned to travel the next day with several representatives of the highway department. He said he hoped to eventually extend Skyline Drive all the way to the Breaks of the Mountains in Pike County. Gish was enthusiastic about the prospect and said that the possibility of tying Whitesburg and Cumberland together with the trail would "offer the state the rare opportunity to tie two highly

⁵¹ "Combs says he's for park but commission must decide," *The Mountain Eagle*, May 5, 1960, 1.

⁵² "County not included in new park plans," *The Mountain Eagle*, December 18, 1960, 1.

desirable park areas into one major site.” He wrote a series of editorials through the rest of 1961 endorsing the idea and offering advice but he warned that the park by itself would not bring industry to Letcher County, reminding his readers that Florida’s prosperity had initially come through tourism and that industry had come later.⁵³

Gish had become so disgusted with Bert Combs that even when Combs was doing something Gish thought desirable, it was very difficult for him to praise the governor, so meeting with President John F. Kennedy, who Gish supported and admired, didn’t gain Combs any praise from *The Mountain Eagle*. In a 1961 editorial, Gish criticized Combs a for spending too much time in Washington meetings with Kennedy and for his appearances before Senate Committees examining poverty in eastern Kentucky, by saying that Combs and Lt. Governor Wilson Wyatt had the means to “do something of vast importance for Eastern Kentucky” without taking a single trip to Washington. Several weeks before the editorial was written, Combs and Wyatt, amidst great fanfare, had held the groundbreaking of the “East Kentucky Turnpike” at Winchester.

The start was made at the Winchester end of the project, in the heart of the Kentucky Bluegrass, one of the richest areas in the United States. The money being spent on the turnpike, and the jobs that will be provided may be great for Winchester, but they don’t do a thing for depressed Eastern Kentucky.⁵⁴

Gish argued that Combs could create a minor construction boom in eastern Kentucky if he would just go ahead and build the roads that would bypass the downtown areas of Hazard, Whitesburg, Jackson, Pikeville and other cities in the region and that the newly opened areas

⁵³ “We can still have our own park, with work,” *The Mountain Eagle*, July 27, 1961, 4.

⁵⁴ “Wrong End Started,” *The Mountain Eagle*, March 9, 1961, 2.

would also provide a boon for business development. He also blamed the lack of business development in the eastern Kentucky cities on Combs' decision, saying that until solid plans for the bypasses were in place it would be foolish for motels, restaurants, or businesses to go ahead and build, since they might build on the wrong site and miss out on the bypass traffic. By then, Gish had given up on Combs and turned his attention to an issue that placed *The Mountain Eagle* in the middle of a power struggle between two powerful political factions.

Education was always at the top of the list of *The Mountain Eagle's* main concerns and the conditions of Letcher County Schools not only affected economic development, the poor quality of the schools concerned the Gishes as parents. Indeed, Tom Gish later admitted that the poor educational opportunities in the county had been one of the worst things about his decision to move back to Whitesburg. One of the prices the Gish family paid....and it was a cost borne by his children.⁵⁵

The Letcher County school board was not accustomed to public scrutiny and positively detested the idea of having a reporter present during meetings. The board went to extraordinary lengths to keep all except carefully chosen visitors out of its meetings and treated Pat Gish particularly poorly during her pregnancy with her son Ben, when she was forced to stand during entire meetings as she covered them. There was only one chair aside from those used by board members and it was assigned to whoever was addressing the board at that time.⁵⁶

Problems with Letcher County schools had long been an issue in the county and had recently drawn the attention of state officials as well. The act of reporting the business at school

⁵⁵ Tom and Pat Gish, August 1995 Interviewed by Mimi Pickering and Maxine Kenney, at the Gish home in Thornton, KY, Tape 2, located at Appalshop in Whitesburg, Kentucky.

⁵⁶ Ibid.

board meetings and publishing reports from county and state oversight groups, as well as re-printing reports from the Kentucky Department of Education, caused a rift between the newspaper and the school board that didn't go away. *The Mountain Eagle* started 1959 with an editorial concerning an article that had appeared in the New Year's Day edition that listed Letcher County teachers' salaries as being fifth from the bottom in Kentucky, 211 out of 215. The editorial added that out of the then 48 states, Kentucky stood at 47th in teachers' salaries and referenced the familiar and ironic "thank God for Arkansas and Mississippi," mantra that permeated Kentucky educational circles for years.

And according to (*Courier Journal* columnist) Allen M. Trout's figures Letcher County is at the bottom of Kentucky's scale, which puts us at the bottom of the bottom. We can't get much lower.... How can these things happen, you ask with the minimum foundation program in effect to help the poorer school districts? Apparently, the answer lies in the qualifications of the teachers we are hiring, lack of adequate classroom space and the lack of 'extra' programs in our schools. When officials of the State Department of Education spoke here last year they told us we were losing thousands of dollars every year because we made no provisions for 'extras' such as art, music, etc., for which the state will pay extra salaries. And they said we are losing because we do not have enough classroom space to hire the teachers we really need...The question is, what are we going to do about it? ⁵⁷

The struggle that split the board was not one of reformers replacing corrupt officials or a dispute between progressives and the forces of the status quo. Rather, it was an all-out fight between two political factions for control of the school board, the county school superintendent, and all the opportunities for patronage that came with that control. Much to the disgust of both parties, that struggle played out in the pages of *The Mountain Eagle*. The struggle between the (Dr. Benjamin) Wright faction and the (Superintendent William B.) Hall faction had gone on for

⁵⁷ "Our schools, at the bottom of the bottom," *The Mountain Eagle*, January 8, 1959, 2.

quite a while, with Hall in the ascendancy, by way of wielding the considerable powers of the superintendent over Wright, who was merely a board member. It came to a head when Dr. Wright, a longtime board member and Democrat political operative in Letcher County, was elected as Chairman of the Letcher County Board of Education in January 1959 as part of a reorganization of the board that resulted from the November 1958 election.

Wright replaced the former Board Chairman, Daniel Johnson, at a special meeting and two new board members who were both Wright allies came in as well. With the help of Basil Hall, who had defeated Johnson in November, and Kern Whitaker, Dr. Wright immediately called a special meeting and recommended laying off 12 maintenance workers who he said were mostly idle during the winter months. He also heard an appeal from a cook who had been fired by Superintendent William B. Hall. At the last meeting of the old board, Dr. Wright, Daniel Johnson, and Superintendent Hall had argued about several matters including the firing of the cook, Lillian Raleigh, whom Hall had fired for insubordination. Wright had responded, “wasn’t that insubordination on account of how she voted? Wasn’t she told her bread and butter depended on how she and her family voted?” Hall denied the accusation and said the woman hadn’t attended cooking school.⁵⁸ Mrs. Raleigh was reinstated in a 3 – 0 vote with Wright and the two new members voting yes, over Hall’s objection that they couldn’t re-hire her without his recommendation.⁵⁹ Regardless of affiliation in the intra-board disputes, the school board members did not care for Pat Gish’s in-depth coverage, or for seeing themselves quoted in the county newspaper, and they obviously didn’t like what it revealed about their intentions. It was

⁵⁸ “Dr. Wright elected school board head,” *The Mountain Eagle*, January 8, 1959, 1.

⁵⁹ “Board reinstates cook fired by Hall,” *The Mountain Eagle*, January 15, 1959, 1.

far more to their liking for their squabbles over control of the school system to be done in private so they could present a more favorable picture of the board in public. When *The Mountain Eagle* covered the meeting in detail, Wright took it as a personal affront.

The factional dispute showed no signs of cooling off, and at the February school board meeting, another clash erupted between Hall and Wright over teacher placement in county schools. This time both sides asked the paper to report on the dispute, although each side wanted to see the paper support their position. When board member Arnold Hall asked that each teacher be asked to list “her” preference of schools in which to be placed as 1,2, or 3, it initiated a bitter exchange between Wright and Superintendent Hall. When Hall reminded the board “that the superintendent places the teachers,” Wright responded, “You’re immune to the request of the board are you? I wish the paper would say that.” Hall said he wished the paper would report that the superintendent is attempting to preserve the superintendent’s authority and Wright replied “Well, you may as well get ready. There are a few little things left to the board, and you’re not going to get any emergency teachers until you place the qualified teachers.” Hall replied, “Old righteous Doc.”⁶⁰

Later that year, another messy dispute was carried out in the pages of *The Mountain Eagle* over the employment of Superintendent Hall’s wife Nora Hall as County Lunchroom Director. Although it was presented by the Wright faction as simply Superintendent Hall’s attempt to hire his wife Nora, the situation involved a good deal more. By 1959, even rural schools in Kentucky usually had budgets of over \$1 million, and a significant portion of that

⁶⁰“Teacher placement by May 15 asked,” *The Mountain Eagle*, February 12, 1959, 1.

budget ran through the lunchrooms. But the money involved was insignificant when compared to the opportunity to expand patronage and cement relationships in the old boy system that permeated purchasing agreements in school board politics. The Lunchroom Director oversaw the day to day operations and made recommendations to the board on where to purchase foodstuffs and supplies. Although the items were generally required to be bid out, there were ways to influence the bids including making requirements for quantities and sizes that would influence who received the final bid. One of the most prized was the highly lucrative milk contract, through which schools regularly purchased thousands of gallons of milk in half pint cartons each year. Regional dairies competed feverishly for the bids and getting a county school system's bid could guarantee a profitable year. Collusion between the Lunchroom Director and superintendent could make that happen and guarantee a very grateful bid recipient. The Lunchroom Director also had a good deal of influence in hiring and firing cooks and other cafeteria workers and in purchasing food other than the institutionally packaged items that came through state contracts. The Lunchroom Director, when working with the board and superintendent, had considerable power and influence, controlled a significant budget, and offered many opportunities to enhance patronage.

School Superintendents serve as Board Secretary and keep minutes in Kentucky and at the May board meeting, Dr. Wright pointedly told Superintendent Hall he was very adept at coloring board minutes to suit himself. Wright's comments carried over from an argument about the purchase of coal to heat schools from the April meeting when Dr. Wright had said coal could be bought cheaper than the \$5.50 a ton the board was paying. At that meeting, Hall had said the coal was not "mine run" but was hand-picked block coal. Wright said he had visited every school

in the county and had not found a single lump of hand-picked coal in any coal house.⁶¹ Hall then said Wright had promised to find coal companies that would sell the board its coal for \$3.80 per ton but Wright said he hadn't made that promise, prompting a heated exchange in which both men questioned the other's integrity. The question of Superintendent Hall's wife serving as Lunchroom Director was again raised and Hall told Wright, "I don't have too much respect for what you think is right." Wright replied, "Nor I for you." Board member Arnold Hall then told the superintendent he was not capable of running the schools, which led to an exchange between the two in which each called the other "a dirty liar" and Board Member Hall told Superintendent Hall that if he would take off his glasses, he would hit him, but the superintendent refused to remove his glasses.⁶²

It became clear why the board wanted to keep their disputes over money and power out of the public eye. As the conflict with the board continued, *The Mountain Eagle* revealed an embarrassing attempt to remove board member and Hall supporter Arnold Holbrook from his position on the grounds that he could not prove he had at least an eighth grade education. Under Kentucky law at the time, this disqualified him for board membership. In June the Holbrook matter came to a head with a second dispute concerning a paycheck for Kingdom Come Principal Reuben Watts. Holbrook and his family had moved to Cumberland in Harlan County earlier that year, and other board members indicated that between the residence dispute and the lack of an eighth-grade certification, they did not believe Holbrook should continue to serve.

⁶¹ Tom and Pat Gish, 1995 Interview, at the offices of *The Mountain Eagle*, Pickering and Kinney, Tape 1, located at the Appalshop, Whitesburg, Kentucky. (This was not a minor issue. An investigation in 1995 that started as a dispute over coal purchases brought down the County Judge Executive, Jailer, District Court Judge, and several other officials. The judge executive in question was Reuben Watts, who at the time was Principal at Kingdom Come High School.)

⁶² "Verbal exchanges punctuate board meeting," *The Mountain Eagle*, May 7, 1959, 3.

Over Holbrook's objection, the board voted to hold a special meeting to determine if his seat was open. *The Mountain Eagle* raised the question of implications for Superintendent Hall because Holbrook was a consistent vote in favor of Hall's positions. Holbrook filed a lawsuit and obtained a temporary restraining order funded by a \$500.00 bond put up by former Sheriff Robert Collins that prevented the board from holding the meeting. Dr. Wright and the other board members were represented by Harry Caudill. *The Mountain Eagle* noted:

The hearing holds implications for County School Supt. William B. Hall as well as for Holbrook. Three members of the board - (Dr. B.F.) Wright, Arnold Hall, and (Kern) Whitaker - make no bones about the fact they want someone other than Hall as superintendent. Warfare at board meetings has been open since (Arnold) Hall and Whitaker took office in January. But under state law, a vote of four members is required to remove a school superintendent from office and even then, he may only be removed for cause. With Holbrook, a supporter of the superintendent out of office, the anti-Hall board members, who are in the majority, could name someone of their own choosing to replace Holbrook and thus be assured of the four votes necessary to remove Supt. Hall if they could sustain charges against him.⁶³

Once again both sides set out to bring the paper into the issue and each side wanted it to promote their own version of events. The board sent a letter to *The Mountain Eagle* stating that while it objected to Nora Hall serving in the lunchroom position, board members did not object to her serving as a classroom teacher at Whitesburg High School. The letter alleged that Hall had sent out a letter to his supporters asking them to come to board meetings and instigate in his behalf. Then Wright, Arnold Hall, and Kern Whitaker sent another letter to the paper stating that Hall and his wife were receiving \$13,000 annually in salaries and expenses from the school system and accused Mrs. Hall of using her position as County Lunchroom Director to influence the outcome of county school board elections. The letter from Hall was included in the statement

⁶³ "School board membership dispute taken to court," *The Mountain Eagle*," June 18, 1959, 1.

and hinted that if the Lunchroom Director's position was abolished, the entire county lunch program would be threatened. In the letter, Hall had reminded his supporters that "The schools are yours and the lunch programs are yours. The health of our boys and girls is important. You as citizens owe it to yourselves not to stand by and see our Lunch Program destroyed." Wright's statement reminded the citizens that the letter had been mailed at taxpayer expense and explained his position.⁶⁴

Whitesburg physician Dr. Lundy Adams wrote "Letters to the Editor" in support of Mrs. Hall and alleged that the board had failed to make its case for removing her, saying that the only charge the board had made stick was that Mrs. Hall was the wife of the superintendent, but it did little to change the board's mind.⁶⁵ At the next meeting, Dr. Wright and his supporters said they would vote to do away with the Lunchroom Director position rather than hire Nora Hall for the job, and Superintendent Hall said he would not recommend anyone else. Mrs. Hall requested that sheriff's deputies be present at the special called Saturday meeting, which had drawn so much interest it had to be moved to the Whitesburg High School gym instead of the superintendent's office, where the board usually met. The board had already been forced to hold its May meeting in the board's reception room, due to size of the crowd when it voted to abolish the lunchroom job and to employ Mrs. Hall as a teacher at Whitesburg High School. The change in venue prompted Superintendent Hall so send letters to his supporters urging them to attend the meeting, where he read a recommendation that the board rescind its vote to abolish the lunchroom position. After Hall concluded, Alvin Holbrook moved that the board accept Hall's

⁶⁴ "Hall letter brings reply from three board members," *The Mountain Eagle*, July 2, 1959, 3.

⁶⁵ *Ibid*, 2.

recommendation, and Wright said, “We are not opposed to a lunch director but we are opposed to Mrs. Hall,” adding that if Hall would recommend someone else for the job the board would reinstate the position. Wright went on to say that the county had been misled by Hall’s suggestion that the lunchroom program would be abolished if Mrs. Hall was not re-appointed, but that was not the case.⁶⁶

This contentious exchange revealing the power struggle between the two factions was the kind of thing that had gone unreported before the Gishes came to town. Although both sides acknowledged the newspaper's right to report, and attempted to use the paper to present partisan positions on other matters, it was an embarrassing example of something that would have previously been handled behind closed doors. Whether or not the board members actually felt any embarrassment is unknown, but the board continued to make efforts to keep *The Mountain Eagle* out of meetings and failing that, to make it as uncomfortable as possible for the reporters to cover the meetings. The important point that came from the newspaper’s ongoing coverage of the bitter and contentious wrangling of the board meetings was that it represented a clash between two political factions who sought control of the board and with it, control of the school system and all the employees for political power and personal gain. *The Mountain Eagle* paid a heavy price for its insistence on First Amendment rights, as Dr. Wright used his considerable influence to limit advertising in the paper even though his attempts to boycott the paper caused an increase in circulation. Circulation is important, but advertising pays the bills for newspapers.

⁶⁶ "Board and superintendent refuse to change minds," *The Mountain Eagle*, June 16, 1959, 1.

The chairman of the board of education ordered the teachers not to buy *The Mountain Eagle* or to read *The Mountain Eagle*. We printed that little fact in the paper. The end result was that we sold more papers than we had in a long time.⁶⁷

A July report concerning an audit initiated by former Kingdom Come Principal Reuben Watts was considerably more serious than wrangling for position among board members and the superintendent. Watts hired an auditor from his own funds after Superintendent Hall's wife had reported a shortage in lunchroom funds of nearly \$400 and accused Watts of failing to correctly report the number of lunches served at his school. This turned out to be the reason Watts' check had been held up and the board ordered it to be released at the June meeting.⁶⁸ In the August board meeting Dr. Wright and Superintendent Hall accused each other of trying to be the (Soviet Premier Nikita) Khrushchev of the school board. Superintendent Hall also criticized Dr. Wright's cousin, County Court Clerk Charlie Wright, for becoming involved in the job search to replace Hall's wife as Lunchroom Director. In a separate article, Reuben Watts was mentioned along with several others as having been hired to teach at Jenkins Independent Schools.⁶⁹ Later that month the paper printed an editorial which featured a letter from Cora Addington, who had left for a higher paying job at a school in Florida. Addington had been one of the minority of teachers in the school system with a college degree, and had written that "It is no longer funny to be kicked around or to have to bow to someone for a particular job you are qualified to hold when everyone is pleased with your work, except this particular clique."⁷⁰

⁶⁷ Tom and Pat Gish, 1995 Interview at the offices of The Mountain Eagle, Pickering and Kinney, tape 1, located at Appalshop in Whitesburg, Kentucky.

⁶⁸ "Watts says he's having audit made," *The Mountain Eagle*, July 24, 1959, 1.

⁶⁹ "Russians get into act at school board meetings," *The Mountain Eagle*, August 6, 1959, 1.

⁷⁰ "Letcher County loses another degree teacher," *The Mountain Eagle*, August 20, 1959, 2.

A more serious report concerning an audit conducted by State Auditor Mary Louise Foust revealed that the board was not following state laws concerning competitive bidding. At that time any public funds over \$250 spent by a government entity required the submission of competitive bids and the audit reported 21 instances where bid laws had been ignored, including coal purchases and the legal services of Board Attorney Harry Caudill. State law was changed after the period the audit covered to make the amount requiring a bid \$500.⁷¹ The audit also revealed that mileage and other expense records for employees who traveled on school business were not itemized and that the employees got gas out of the school system's main gas tank for their private vehicles in lieu of mileage payments. The audit showed that two high school principals had gotten their jobs through emergency certification and each one had teachers working under him who were more qualified for the position. It also revealed that no records had been kept for rent being received for two apartments at Kingdom Come School, which were rented by teachers. Another revelation showed that the board had been paying federal tax (although the school system was exempt) on gasoline at several local dealers.⁷²

Much of the contentious nature of the board meetings dissipated when Superintendent Hall's tenure in office ended with his resignation in June 1961 to become Superintendent of London City Schools, and Sanford Adams was hired as Letcher County superintendent. The Hall/Wright feud came to an end, and *The Mountain Eagle* began to report on state as well as local education issues. Harry M. Caudill was appointed to head a Senate Committee investigating education in Kentucky, that delivered a scathing report on educational problems in

⁷¹ "Auditor scores board failure to seek bids," *The Mountain Eagle*, August 27, 1959, 1.

⁷² "State auditor questions actions of former board in school audit report," *The Mountain Eagle*, August 27, 1959, 1.

the state. Many of the problems identified by the report mirrored problems in Letcher County. Caudill was elected to the Kentucky Senate in 1959 after replacing the established Democratic candidate Hillard Kincer, who died following a heart attack five days before the November 3 election. Over 2,000 ballots had already been printed and stickers bearing “Harry M. Caudill” were placed over Kincer’s name on the ballots. Kincer had been the incumbent State Senator from Letcher County and according to *The Mountain Eagle*, was “closely identified with the Chandler-Waterfield faction of the Democratic Party.”⁷³

From his days in Frankfort, Gish understood that rural areas in Kentucky had been left out of state funding for schools and that the entire state needed educational reform. The Kentucky Senate understood this as well and in the 1960 biennial session, a special investigating committee was convened to examine education throughout the state. One of the members of the Caudill Committee was Marlow Cook, a Republican from Webster County, who ran successfully for the United States Senate in 1968, becoming the first Catholic to win statewide office in Kentucky. Cook was defeated in 1974 by Wendell Ford but played a major role in the Watergate Scandal as one of the first Republicans to call for President Richard Nixon’s resignation. *The Mountain Eagle* covered the committee report and follow-up legislation in depth and Gish wrote a number of editorials concerning the issue of statewide education.

The Caudill Committee recommended a complete overhaul of public education in Kentucky, including changes in the way state education leaders were chosen, and asked Governor Bert Combs to call a special session to enact their recommendations into law. The

⁷³ “Hillard Kincer’s death puts Harry M. Caudill on Democratic ticket,” *The Mountain Eagle*, October 29, 1959, 1.

report called for the election of board members by district within the county rather than at-large, and recommended that the Attorney General be empowered to proceed in Franklin Circuit Court against local board members who misused public funds or violated other laws, removing them from the friendly confines of their local courts. The committee found widespread and continued misuse of school funds and indicated that removal procedures were inadequate. Other recommendations were for the creation of citizens' committees in every school district to "exercise constant surveillance over school activities," a requirement that board members have at least two years of high school, the use of merit and quality of performance as determined through testing to determine teachers' salaries, and the creation of an advisory committee on public education at the state level. The Caudill Committee also recommended that teachers have the right to appeal local transfers to the school board and that it would require a vote of at least three board members to uphold the transfer. The committee found that superintendents frequently used transfers to penalize teachers for political or personal purposes by assigning them to remote schools.⁷⁴

The reaction from what Tom Gish referred to as the state's "organized school lobby" was swift, and *The Mountain Eagle* printed a long editorial condemning the lobby and calling for reform. Since many of the findings from the committee were issues that had been raised in *Mountain Eagle* reports, it is no surprise the paper took the stance it did.

The Kentucky public school system is infested with politics, to the degree that corruption appears to be the hallmark of education in Kentucky. School superintendents connive to elect their supporters to school board membership thus perpetuating a school system spawned in corruption and fed on blood let from Kentucky teachers and their pupils. The level of instruction and curriculum in Kentucky has been weakened to the

⁷⁴ "Lawmakers call for change in Kentucky's education setup," *The Mountain Eagle*, March 17, 1960, 1.

point that high school graduates often are not fit for college training or even for ordinary jobs in industry.

Kentucky educators have reacted in a manner predictable. Instead of attempting to answer the charges with cold facts they have resorted to name calling. The chief of the name calling cult is Dr. Harry Sparks, head of the Department of Education at Murray State College and head of the Kentucky Education Association. Dr. Sparks, in fearless fashion, charged that it was all Catholic propaganda....Actually by making such a wild charge of Catholicism, Dr. Sparks proved dramatically that indeed there is much wrong with education in Kentucky. He had the rope and he hanged himself.⁷⁵

The editorial also criticized Governor Combs because he made the comment that he had traveled throughout Kentucky for two years (during his gubernatorial campaign) and had heard no comments complaining about the quality of the schools, although Combs had later asked the legislature to appropriate an extra \$103 million for education. It went on to say that unless the sales tax program Combs had pushed through produced significant results in highways, medical, and educational programs, he would go down in history as Kentucky's worst governor. It named schools as Kentucky's number one problem and warned that Kentucky school superintendents would use the additional funds as a slush fund to build an empire such as no one had seen. The committee report had noted there was no indication that the extra funds would result in a significant improvement of education or in the quality of public instruction. The editorial pointed to the fact that the average rural school system had a budget of over \$1 million already, which made it possible for the superintendent and his allies on the school board to "derive a tremendous amount of political benefit from the sagacious expenditure of these funds." It closed by asking for further study on the committee's recommendations and stating that it was no surprise that

⁷⁵ "Every man, woman and child in Kentucky has a personal stake in battle over schools," *The Mountain Eagle*, March 17, 1959, 5.

large amounts of taxpayer money were being spent with no positive effect on education and that “if any area of government should be non-political, it is in the public schools.”⁷⁶

The committee's finding that there was no indication that additional funding would result in the improvement of public education in Kentucky, and the call for keeping politics separate from education in the final paragraph of *The Mountain Eagle* editorial were both important points. Although officials at any Kentucky school would have no doubt told state officials that they could produce better results with additional funding, very few could honestly say they were immune from the corrosive effect of politics. That was particularly true in eastern Kentucky where stories of school board bag men and county school superintendent's slush funds influencing the outcome of elections were common. The real finding of the Caudill Commission and conclusion drawn by Tom Gish was that no matter how much money could be funneled into education in Kentucky, it would never be enough until politics and political corruption could be removed from public education.

The Mountain Eagle eventually printed the entire Caudill Committee Report and featured a number of editorials supporting its findings. The paper was particularly interested in the committee's findings on rural schools and while the editorials did not use problems mentioned in other school systems as examples of similar problems in Letcher County, the comparisons were there for readers to make. During the remainder of the year and into 1961, the paper continued to report on issues in Letcher County Schools as well as in Jenkins Independent Schools, which was in the midst of a prolonged drama over replacing long time Superintendent Charles Victor (C.V.) Snapp. Gish admired Snapp, whom he credited with making the Jenkins system “one of the

⁷⁶ Ibid.

finest in Kentucky – one that is known and respected throughout the state,” but Snapp had lately experienced a contentious relationship with the Jenkins School Board over the board’s desire to hire less qualified, and less costly teachers. Gish’s editorial on the possibility that Snapp would be dismissed observed:

Reports we have heard indicate that many of Mr. Snapp’s difficulties with the board stem from his outright refusal to hire teachers of lesser qualifications to fill posts when better qualified personnel is available. We feel sure that Snapp will continue to insist that quality be the first consideration of the school personnel—even if his insistence does cost him his position. Eastern Kentucky has produced no more outstanding public servant than Snapp, whose judgment and experience have earned him statewide and national respect as an administrator and as a true citizen.⁷⁷

The Jenkins board declined to renew Snapp’s contract at their next meeting and hired Lee Johnson, from Pike County as superintendent. To add fuel to the fire, the discussion took place in a closed meeting. The process was contentious and Snapp was hired almost immediately as superintendent by the highly-rated city Pikeville Independent Schools, in nearby Pike County. There was a good deal of backlash in Jenkins and the three board members who went against the legendary Jenkins physician and school board chairman Dr. T.M. Perry in removing Snapp received a good deal of public and private criticism. *The Mountain Eagle* saved its most scathing condemnation for the closed door meeting. In an editorial in the same issue as the article featuring Snapp’s termination, Gish was adamant that public entities did not have the right to conduct their business in private.

⁷⁷ Snapp’s departure would be loss,” *The Mountain Eagle*, June 16, 1961, 2.

Regardless of the particular merits of C.V. Snapp, members of the Jenkins Board of Education should be condemned for the manner in which they ousted Snapp as superintendent of schools and the manner in which they have conducted business since. To our way of thinking, no public agency, charged as the school board is with spending thousands of dollars of money belonging to the taxpayers, has the right to conduct any business except in an open, public manner. We always suspect the worst when we see a public agency hide behind closed doors to conduct its business---and long experience in many situations has convinced us of the wisdom of that suspicion. The result of the closed door, meet-in-secret procedure of the Jenkins Board is that no one in Jenkins has yet heard a full public explanation of the board's reasons for not re-employing Snapp.

The editorial explained that the lack of public disclosure raised speculation about the board's motives, and while the closed door meeting may have been legal since it was on a personnel matter, Gish pointed out that "Board actions taken in secrecy are generally believed to be illegal." In what must have seemed like high irony to Gish, he used the Letcher County Board of Education as the counter-balance to Jenkins in the area of open meetings.

By contrast the Letcher County Board of Education now conducts all its business in open public session. This, we believe has much to do with the air of harmony that now hovers over the public school system and the general public. By hiding nothing, the Letcher County board has done away with the widespread distrust that used to exist.⁷⁸

While the newspaper and the Letcher County School Board reached a temporary accommodation, at least on open meetings, the board's dislike of *The Mountain Eagle* hadn't diminished and was one of the issues that dominated the rest of the decade. Neither did the contentious relationship with the fiscal court subside. But as national policies increasingly engulfed the mountains in the War on Poverty, *The Mountain Eagle's* role in challenging traditional institutions, practices, and power structures would continue to grow.

⁷⁸ "Public business should be public," *The Mountain Eagle*, July 13, 1961, 12.

Chapter Three

As poverty became a national issue, dozens and then hundreds of reporters, photographers, and agency workers streamed into eastern Kentucky, and a significant number made *The Mountain Eagle* their first stop. However, politicians and reporters were not the only ones who were shocked by the endemic poverty they saw in eastern Kentucky. When Tom and Pat Gish relocated to Letcher County in 1957 to purchase *The Mountain Eagle*, they were altogether unprepared for the destitution they were greeted with, even though Tom Gish had grown up there. President Johnson told America that he would prosecute a "war on poverty" during his state of the Union Speech in 1964, but the main announcement came later in the year when Johnson, followed by herds of reporters and TV cameramen, finally declared his war at an unemployed sawmill worker's home in Martin County Kentucky. Tom and Pat Gish may well have wondered if the announcement would have been made in Letcher County if John F. Kennedy was still president, since Homer Bigart's *New York Times* report which had galvanized Kennedy to actually do something about Appalachian poverty had been written following his visit to Letcher and surrounding counties and in consultation with *The Mountain Eagle*. Indeed, much of the reporting that alerted Kennedy to the crisis of Appalachian poverty came from reporters who had visited *The Mountain Eagle*.

In an interview conducted by Appalshop filmmakers Mimi Pickering and Maxine Kinney in 2005, Tom Gish commented he and Pat were shocked when they were confronted with the extreme poverty in the region firsthand. Gish grew up in Seco, a relatively prosperous coal mining community where his father was the superintendent of the of the Southeast Coal Company, which the town was named for. Gish had a comfortable life, which included a college education at the University of Kentucky. Most of the people in Seco worked for Southeast Coal,

and the miners were members of the United Mine Workers, who at that time were among the best paid industrial workers in the nation. After college, the Gishes lived and worked as reporters in Central Kentucky for ten years. When they returned to live in Letcher County, the reality of the situation in Letcher County came as a shock. Tom Gish said that although he had been raised in eastern Kentucky, he knew very little about the region as a whole. “I grew up not knowing how people were struggling. I thought I knew something about the mines, but in fact I knew absolutely nothing. Eastern Kentucky was a vast unknown in Frankfort.”¹ But, Kennedy's 1960 primary campaign had shown the national media spotlight on poverty, and a number of the academics who had been able to do graduate work at American universities through the GI Bill began to address racial, ethnic, and class based issues as they moved through American universities.

When anthropologist Oscar Lewis introduced the term “culture of poverty.” it completely changed the discourse on poverty.² Lewis’ studies of Chicanos and Mexican - Americans informed later studies on poverty in both rural and urban America and the idea of a distinct culture of poverty in America became a watchword in the social sciences. Within the economic boom that drove American domestic expansion through the 1950s and 1960s, there was a growing awareness of pockets of economic decline and isolation that an otherwise thriving economy had left behind.³ This was true in rural as well as urban areas. It wasn’t long until Lewis’ term was applied to Appalachia as well as the inner-city poor. Later studies show that culture of poverty theories are misapplied in greater Appalachia, which was too large and diverse

¹ Tom and Pat Gish, 1995 Interviewed by Mimi Pickering and Maxine Kenney, at the Gish home in Thornton, KY, Tape 2, located at Appalshop in Whitesburg, Kentucky.

² Oscar Lewis, *Five Families; Mexican Case Studies In The Culture Of Poverty*, Alice O’Connor, *Poverty Knowledge: Social Science, Social Policy, and the Poor in Twentieth Century U.S. History*, (Princeton University Press, Princeton, 2001), 99.

³ O’Connor, *Poverty Knowledge*, 101.

for a narrow description to apply, although some similarities to Lewis' theory did exist in the coalfields. His indicators of poverty, a cash economy, absence of bank accounts, low wages, and frequent periods of unemployment were all shared by many of the eastern Kentucky poor, but these were primarily the result of economic conditions rather than part of their culture. The eastern Kentuckians who were able to relocate and find jobs in smokestack industries such as steel mills, auto plants, and their subsidiary industries often found their way to a middle-class life.

Lewis was not writing about eastern Kentucky when he coined the term "culture of poverty," and his study was conducted in a very different place, although some others including Harry Caudill applied cultural applications to Appalachian poverty. In 1963, Caudill linked his globalizing treatment of Appalachia as a culture of despair in *Night Comes to the Cumberlands*, but other Appalachian scholars have found active forms of resistance and struggle that are ignored in culture of poverty accounts.⁴ While some of Lewis' hallmarks applied as evenly in eastern Kentucky as they did elsewhere in 1957, the culture of Appalachia was not monogamous in the coalfields of Central Appalachia, and although they had been hard hit by the decline in coal production, the culture was still very diverse. The poverty that America saw in Appalachia was not rooted in the culture, which had been based in subsistence agriculture and extractive enterprises. This poverty was structural, since coal mining, which was by far the most lucrative element of the economy, had supplanted other forms of enterprise and also led to land distribution patterns that left displaced miners without the means to return to agriculture, even if it had been sufficient to support their families.⁵

⁴ Karen Tice, Dwight Billings, "Appalachian Culture and Resistance," *The Journal of Human Services*, Volume 2, 1991.

⁵ Ibid.

In *Appalachia on our Minds: The Southern Mountains and Mountaineers in the American Consciousness, 1870 – 1920*, Henry D. Shapiro’s 1978 study of the American idea of Appalachia, he pointed out that while the “myth of Appalachia” might embrace the idea that an area as geographically, economically, and ethnically diverse as the Appalachian Mountains can be seen as a monogamous region with one culture, it is not realistic, and is part of a stereotype that dates back to local color fiction.⁶ Since the opening of the coalfields, migrants from rural areas in the upper south, and a substantial number of African-Americans had made their way into the coalfields to seek work. Newly arrived immigrants from eastern and southern Europe had been recruited “off the boat,” as they came into America, and there were ethnic neighborhoods in most coal towns, along with “colored” neighborhoods and segregated schools in the Jim Crow states like Kentucky and Virginia. One feature of the migrations out of the coalfields was that when jobs became scarce in Central Appalachia, the economic migrants from other regions or nations who lacked the deep roots of the native born Appalachians were among the first to move on and the most likely to stay away, either along the more common routes of U.S. 23 or other highways to the Midwest, or to the Atlantic seaboard. Later migrants also traveled south, to the burgeoning industry of the sunbelt, to Atlanta and Charlotte, or to growing cities such as in Knoxville and other areas in the upper south. These economic migrants followed age old patterns of kinship or community networks by helping those who came to cities to find work, and relatives or neighbors often were happy to “lend a hand,” by letting recent arrivals sleep in a spare room or basement until they got established, or to help them get a job at their own place of work. Others, who remained in the coalfields did not adopt patterns of passivity more common in a culture of poverty. Some of those who stayed took lower wage jobs and other patterns of

⁶ Henry D. Shapiro, *Appalachia on Our Minds: The Southern Mountains and Mountaineers in the American Consciousness, 1870 – 1920*, (Chapel Hill, University of North Carolina Press, 1978), referenced in Tice and Billings, “Appalachian Culture and Resistance.”

resistance emerged, including the micro economic enterprises of flea-marketing and quilting circles, and militancy developed among retirees who opposed corporate and union indifference to their plight, along with activism in the Miners for Democracy movement which sought to retake the UMW from the corruption of the Tony Boyle era.⁷

Although there were pockets of persistent poverty in Central Appalachia, they existed alongside areas of middle class affluence in the cities and towns. The rediscovery of Appalachian poverty in the late 1950s brought increased scrutiny from outside the region, and it wasn't news to the poor people who made eastern Kentucky their home. Many of the middle class union miners and residents of county seats did not see themselves as poor and came to bitterly resent the coinage of poverty related language to describe their homeland. The poor of Appalachia were very similar to the poor of other areas in some ways, the old, the sick, and those who were unable to adapt when the post war boom bypassed the mountains of Central Appalachia. The decline in coal mining jobs was brought on by the changeover from coal to diesel fuel to power trains, along with a large reduction in the coal mine workforce as mechanization replaced men with machines and displaced thousands of coal miners in mines too small to adapt. As coalfield residents left the region, those who were unwilling or unable to take part found themselves working at low wage jobs in other extractive industry such as quarrying, or timber, and some found it difficult to provide even the basics of food and shelter for their families. As state governments began to expand the qualifications for state-administered programs for the poor, it led to even greater opportunities for patronage for county elites as relief increasingly came through county governments.⁸ However, these slight efforts were not sufficient to address the deep seated poverty of the coalfields, and the boom and bust cycles of

⁷ Karen Tice, Dwight Billings, "Appalachian Culture and Resistance."

⁸ Ron Eller, *Uneven Ground: Appalachia Since 1945*, (The University Press of Kentucky, Lexington Kentucky, 2008), 33.

coal mining and the lack of diversity in other job producing businesses made steady jobs that paid a living wage difficult to find for the unskilled miners.

The rise of national interest in Appalachian poverty produced a predictable response from many middle-class Appalachians who were not poor themselves and who resented the picture painted by national studies depicting their home region as a pocket of poverty. When Tom Gish when he returned to Whitesburg with Pat, they were largely unaware of the depth of the problem. That was especially true for the residents of the larger towns, and for the union miners who lived in relatively prosperous coal towns and who rarely saw the grinding poverty of the smaller camps where work was scarce and surrounding land was owned by coal companies. Others, such as Harry Caudill deplored the welfare programs of the New Deal for the corrosive effect they saw on self-reliance among their mountain neighbors, even though Caudill worked for increased relief as a state legislator. He was torn between a desire to see people be able to feed their families and his fears of generational poverty exacerbated by the dole. In Harry Caudill's campaign for the 1960 Kentucky House of Representatives election, a campaign ad stated that he had worked to bring what he referred to as the "Fourth Category" of funds, financial help paid for by the federal government for to people who were permanently and totally disabled. It also reminded voters that Kentucky was one of the few remaining states that did not take advantage of the "Fifth Category" of federal funding that would provide for medical assistance to old age pensioners, and Caudill called for the legislature to provide the matching funds which would allow the state to "help our aged people in their illness."⁹

⁹ Political ad, "Harry Caudill, Democratic Candidate for Representative offers a progressive program to the voters," *The Mountain Eagle*, May 21, 1959, 11.

Yet, in *Night Comes to the Cumberland*s, Caudill wrote that "The administration of any system of aids, gifts, grants, or loans is fraught with peril to character or integrity." He believed that many recipients of federal and state benefits had not earned them and even if a person had earned benefits through a lifetime of labor, those benefits looked to others, and perhaps to the recipient, as "unearned gifts. "It is unthinkable that a rich and enlightened society should permit its unfortunate members to starve in the midst of plenty; but once the justifications are admitted the difficulties still stand undiminished."¹⁰

Caudill wrote that by providing cash, food, and clothing to the unemployed and their families, the government would establish a pattern of dependency that would deprive mountaineers of the drive to provide for themselves and create generations of people who would gladly subsist on the dole. Citing the prolific reproductive rates of the mountaineers, he wrote that he believed having children would become just another way to increase the government's largess and that a WPA make-work program would be much preferable to direct welfare, because at least in the WPA, the recipient had to work for his check.¹¹

The Mountain Eagle took a personal view of the inequities involved in financial aid to poor and disabled people in a series of articles that addressed problems faced by Whitesburg resident Kelly Turner, who was forced to abandon his job selling *The Eagle*, which paid him \$10.00 to \$15.00, along with additional income from doing odd jobs, in order to obtain \$43.00 a month in state aid after he qualified for permanent disability. After several articles concerning

¹⁰ Caudill, *Night Comes to the Cumberland*s, 275.

¹¹ Ibid, 279.

Turner's situation, a May 1959 editorial posed the question, "why does he have to quit his job in order to draw public assistance?"¹²

When the Gishes began to address the county's problems in the pages of *The Mountain Eagle*, Harry Caudill was practicing law in Whitesburg and representing the county in the Kentucky House of Representatives. He had established himself as an attorney of exceptional skill and he had dabbled in writing, initially with a history of Letcher County. An unbound copy of his "History of Letcher County" in the Harry Caudill Library in Whitesburg contains some of the ideas he carried over into his later work, including his thesis that the extractive economies of coal and timber were not conducive to long term prosperity. Caudill was prosperous and had developed a reputation as a free thinker and he was not beholden to the power structure. He and his wife Anne became friendly with Tom and Pat Gish and the two couples enjoyed many evenings drinking iced tea and exchanging ideas, a number of which found their way into Caudill's writing as well as *Mountain Eagle* editorials. Certainly Caudill and Gish understood that while economic diversity was vital to the long term future of eastern Kentucky, they also agreed that the beginnings of that diversity must be based around the coal industry. It simply made sense that the region's largest economic generator be used to develop other industry, by first basing development around coal mining, and then expanding the industrial base and developing a small business economy as well.

The Gishes and Caudills also enjoyed entertaining out of town guests, and a steady stream of reporters, academics, and others came through both homes as each man's writings gained a national following. The Gishes and Harry Caudill served as tour guides and interpreters

¹² Editorial: "Why can't Kelly have both? " *The Mountain Eagle*, May 8, 1959, 2.

for the national press that descended on Letcher County as the rediscovery of Appalachian poverty made its way onto the front pages of *The New York Times* and *Life Magazine*. The teachers were also students, who learned by seeing the stark reality of poverty over and over, although poverty was a word that was rarely seen in *The Eagle* in the early years after the Gishes took over. When it was, it was used in articles like a 1959 editorial supporting "Clean-Up Week" in Whitesburg as an admonishment to county residents to clean up their cities and their own property. When Gish praised the Jenkins Kiwanis Club for their annual efforts to clean their city up and urged county residents to take advantage of the opportunity to have their old lumber and other large trash hauled away free during the cleanup efforts, the editorial ended by reminding readers that "Poverty is no excuse for dirtiness."¹³ Other references to the county's need included an article that appeared later in the same year to the effect that Social Security payments, old-age pensions, disability payments, and aid to families with dependent children added \$1,485,264 to the Letcher County economy, and that amount not only helped the recipients, but "helps businesses in the community because generally most of the money is spent immediately on food."¹⁴

Tom and Pat Gish became close to a number of Kennedy and later, Johnson Administration officials in their role of guide, host, and sometimes interpreter to visitors from Washington. Tom Gish carried on a regular correspondence with a number of officials, including Franklin Roosevelt Jr., who served as Undersecretary of the Department of Commerce. In January, 1963 Gish was forced to cancel a meeting with him in Lexington due to family circumstances, Gish wrote explaining his absence, and thanked Roosevelt for the administration's winter relief program for eastern Kentucky and invited him to consider Whitesburg to serve as

¹³ "Our poverty is no excuse for our uncleanliness," *The Mountain Eagle*, May 7, 1959, 2.

¹⁴ "\$1,485,264 a year paid in Letcher by Social Security," *The Mountain Eagle*, November 17, 1959, 7.

headquarters for the program. He told Roosevelt that the city lay in the heart of eastern Kentucky spiritually as well as geographically, and suggested that Washington staffers would get a more accurate representation of the region in Whitesburg than more urban and prosperous areas.

The further downstream you get from Letcher County, in any direction, the more you go from poverty to prosperity. The problems of eastern Kentucky reach a climax here and fade as you move downriver to Lexington, Ashland, or Bristol-Kingsport.¹⁵

When Caudill published *Night Comes to the Cumberland's: The Biography of a Depressed Area*, in 1963, it focused national attention on the problems of Appalachia and created what seemed like a cottage industry that brought well-meaning outsiders to the area to redeem the locals. Caudill was generous in spreading blame for the poverty and hopelessness he saw, and his explanation implied more structural roots to the poverty of the region instead of a culture of despair. His two main targets were the coal industry and the corrupt and ineffective county governments that were dominated by the coal operators and enthroned officeholders. By the 1920s, the coal industry had solidified its control over every aspect of life in the coalfields. The scrip system kept wages firmly in the hands of the company by issuing metal coins which could only be redeemed at the company store as all or part of the miners' pay and easy credit for miners at company stores led to a system of debt peonage that was very similar to the system in the post war South that kept sharecroppers dependent on merchants and land owners. The coal companies' most important public interest lay in electing county officials who would do their will, especially those who set tax rates on coal property.¹⁶ This lack of fair tax assessment, Caudill argued, was one of the factors responsible for the poor quality of schools in the coal

¹⁵ Tom Gish, Letter to Gordon Ebersole, Gordon Ebersole Congress of Appalachian Development papers, East Tennessee State University Library, Johnson City, Tennessee.

¹⁶ Harry Caudill, *Night Comes to the Cumberlands: The Biography of a Depressed Area*, (Boston. Little Brown and Co., 1962), 125.

producing counties, and one that led to the increasing poverty in the area, as the coal mines either played out or moved toward the mechanization that put thousands of miners out of work.

Caudill pointed to the mechanization of the coal industry as a prime factor for the increase of poverty in central Appalachia, and he was emphatic in stating that it was accomplished with the full cooperation of UMWA President John L. Lewis. As cutting machines, hydraulic drills, shuttle cars, and continuous mining machines reduced the demand for labor, unemployment and poverty increased. Along with poverty came the relief programs, beginning in the Great Depression. Caudill wrote that "the Depression Dole was one of the most significant factors in the demoralization of the mountaineer," and after the first ten years, it became the standard rather than the exception, as welfare replaced work, and "giveaway lines ceased to be shameful."¹⁷ According to Caudill, as institutionalized welfare replaced the dole, the process of demoralization continued and the mountaineers sunk deeper into depression and poverty. The lack of jobs in the only industry they knew led older miners into a life of dependence and caused younger and better educated mountaineers to leave the hills in search of work in industrialized cities. Out-migration expanded throughout the region, and for many of those who remained, life on Public Assistance took hold. The high birth rate and low employment in the mountains caused the welfare economy to materialize, and taboos against unwed birth were put aside.¹⁸ Due to welfare rules concerning the availability of government assistance to families with fathers living at home, many families were split and Appalachian society became more tolerant of illegitimacy, although Caudill observed that mountaineers had always been rather relaxed in that respect. Social Security, Union Pensions, and medical cards

¹⁷ Ibid, 185.

¹⁸ Ibid, 285.

became a cottage industry among mountain people and the easy availability of “nerve pills” and pain medication laid a pattern for later problems with drug addiction.¹⁹

Very few Americans embraced government welfare payments as the key to reducing poverty, and Tom Gish and Caudill both took the New Deal approach of promoting the creation of jobs and the diversification of economic opportunity through federal and state programs, which Gish promoted in his editorials. Both men believed that working for a paycheck was important to the quality of life for the individual and family as well as that of the community, even if the paycheck came from the federal government in the form of make-work programs like the Civilian Conservation Corps or the Works Public Administration that had built so many of the region's post offices and schools. And there was work along those lines that needed to be done in the region. Gish wrote many editorials advocating that federal spending on economic development and job creation programs would alleviate poverty, and the money spent on welfare programs would be reduced if the government also invested in the region by developing industry in Central Appalachia in order to put the people to work. Then, a small business economy could be developed around coal mining and the government sponsored industrial development. However, his point of view smacked of socialism and central planning in the Cold War decade of the 1960s, and many of the local businessmen and coal operators disliked it intensely. Others took exception to reports on state and federal economic development conferences, along with reprints of articles from state and national newspapers that highlighted the economic woes of the region, because it associated the county's middle class and business community with the poor. These grievances were reflected in Letters to the Editor and in the withdrawal of ads by local businesses.

¹⁹ Ibid, 291.

Gish and Caudill were both aware of the poor quality of education in eastern Kentucky and how it handicapped the region's youth. The Caudill Commission Report had made the inadequacy of education in Kentucky a major legislative issue and Gish conducted a long running editorial conversation concerning the need to improve education. Both men also understood that simply providing money from welfare payments without helping the recipients develop skills that could be used in industrial applications would not alleviate poverty, whether industrial jobs became available in eastern Kentucky or they sought work in other places. John Kenneth Galbraith expressed a similar opinion in *The Affluent Society* when he wrote that simply increasing income would not eliminate poverty, but that improving the condition of the individual in poverty would be necessary whether they stayed in the region or not. Those who could not leave, due to poor education or a lack of skills, would be left to rot on the vine of the welfare state.

"The most certain thing about this poverty is that it is not remedied by a general advance in income," wrote Galbraith. Poverty would not disappear because the poor had inadequate skills and methods of coping with their situation which made it difficult to manage even after finding work. That was particularly true if the individual remained in the ghetto or could not get away from the rural slum. If they could not find jobs and build lives outside the zone of poverty, "none can escape."²⁰

When Gish was called to testify before the U. S. Senate Special Committee on Unemployment Problems in 1959, which was convened in Pikeville and Harlan, he pointed to the tax assessment of Bethlehem Steel's vast holdings in Letcher County which were listed at \$3 million, although Bethlehem Steel had paid Consolidation Coal \$25 million for their property.

²⁰ John Kenneth Galbraith, *The Affluent Society*, (Houghton, Mifflin, Harcourt Boston, 1958), 238.

He had first addressed the issue of taxation to pay for better education in an editorial that was published not long after he and his wife took control of the newspaper. When the Letcher County Board of Education released their budget for the 1957 - 1958 fiscal year in October 1957, an editorial titled "Is there nothing we can do," challenged the county's methods of property tax assessment and criticized county officials for failing to address the issue of raising property taxes to fund education. The school budget for the entire county system was \$1,067,110, while property tax revenues for 1957 – 1958 were estimated at \$165,000 against receipts of \$159,844.58 the previous year.²¹ At the same time, coal production rates for the Big Sandy Coalfields stood at 5,224,620 tons in 1957 and 4,961,770 in 1956.²² Harry Caudill and Pat Gish were appointed to serve on a citizen's board to examine the issue of increasing funding for county schools. In the report issued by the committee, it was revealed that property tax revenue receipts for 1956 and 1957 stood at \$159,844.68, down slightly from the 1955 – 1956 total of \$162,502.72.²³

As Appalachian poverty and how to address it became a political issue in the late 1950s, the political divide was much the same as it had been during the latter days of The New Deal, with conservative southern Democrats allying themselves with Republicans to oppose social welfare programs. An ambitious bill aimed at alleviating the severe poverty of the coal fields through economic stimulation and improvements in vocational education was passed by both houses of congress, but vetoed by President Eisenhower. When congress failed to override the veto, it became an important issue in the 1960 presidential campaign. The bill had been introduced and was first passed in the Senate. In the House, it was championed by United States

²¹ "57-58 School Budget of \$1,067,110 Set by County Board," *The Mountain Eagle*, October 10, 1957, 1.

²² "Coal's Future Stable, Reed Tells Institute Members at Award Dinner," *The Mountain Eagle*, May 30, 1957, 3.

²³ "57-58 School Budget of \$1,067,110 Set by County Board," *The Mountain Eagle*, October 31, 1957, 1.

Representative Eugene Siler, who initially brought the issue of poverty in eastern Kentucky up in a 1958 House floor speech proposing the enactment of the Depressed Areas Bill. Siler described eastern Kentucky by saying,

Such an area is one where the levee of misfortune is so high that the floodtide of prosperity never spills over into its little valley of despondency. It is a place where the jam is never quite down on the lower shelf. It is a hungry breadline in the midst of a land flowing with milk and honey.

His comments were delivered during the closing days of the 85th Congressional Session in 1958 when he described the \$375,000,000 Depressed Area package approved by the Senate as legislation that would “stimulate new factories, public facilities, technical help, and vocational training in hard hit areas.”

In language that has often been used to describe the paradox of eastern Kentucky poverty, Siler described eastern Kentucky as a place, that “rolls in verdant beauty, (and) rises high in magnificent mountain peaks. Yet paradoxically, it is something of a barren desert, that is to say it is a desert in the matter of employment opportunities for its citizens.” Siler told his colleagues in the House that the region had lost about 92,000 in population (more than 10 percent of the total) between 1950 and 1956 and that joblessness had increased by 75 percent “during the very time when most of the remaining parts of America had so many jobs and so much currency their people were buying two TV sets for their homes, two cars for their garages, and two pots for two hens to cook on brand-new electric stoves.” He referenced foreign aid to Afghanistan and Great Britain against the paucity of help for eastern Kentucky and finished by asking “Then, why can we not approve this little measure to help our own flesh and blood...The wolf has not only been at the door in my part of the country, it has come inside and now has a full litter of pups.”²⁴

²⁴ “Congress hears of poverty in mountains of east Kentucky,” *The Mountain Eagle*, August 21, 1958, 2.

At the time of Siler's speech, the House Rules Committee had not scheduled the corresponding measure from the House Banking Committee, on which Siler served, and Congress faced adjournment soon. The bill passed the House and passed again in committee, but was vetoed by President Eisenhower in May of 1959. The veto override failed, but all three candidates for the 1960 Democratic presidential nomination, Lyndon Johnson, John F. Kennedy, and Stuart Symington of Missouri voted to override. Kennedy said his campaign trip to West Virginia had shown him the need for the bill but Eisenhower, in his original veto message, said it was too broad and would waste taxpayer's money.²⁵

As the presidential campaigns gained momentum, and the media began to examine poverty and unemployment in Appalachia, differences in approach to the problem became an issue for the upcoming elections. The first of many hearings that were called by both houses to address the issue were held when the U.S. Senate Special Committee on Unemployment Problems convened hearings in Pikeville and Harlan, deep in the mountains of Kentucky, and Gish's testimony was reprinted in *The Mountain Eagle* with the caveat that the paper felt the people had a right to know what their spokesmen said to "a body as important to us potentially as the Senate Committee," and because "what Gish had to say indicates again and with renewed emphasis the things *The Mountain Eagle* hopes to see take place in eastern Kentucky, the things the editorial policy stands for and the things it works for publicly and privately."²⁶

Gish began his testimony by saying that while he did not wish to be overly melodramatic, he wanted to tell a true story he that felt summed up the situation in eastern Kentucky. The story concerned a man he had known all his life, an unemployed coal miner with eight children who

²⁵ "Depressed Areas Bill Veto by Eisenhower Upheld in Senate Vote," *Schenectady Gazette*, May 25, 1958, 1.

²⁶ "Special government help needed to solve Eastern Kentucky's problems," *The Mountain Eagle*, December 17, 1959, 7.

had shot and killed himself two weeks before Christmas the previous year. The man had been out of work for three years, displaced by the mechanization of the eastern Kentucky coal mines and at the age of 55, had been unable to find work in Ohio or Michigan. His wife had gone to work as a cook in a local restaurant for 25 cents an hour but the family couldn't make it on that wage, and even if she worked 18 hours a day, they could just exist. The man watched this for two years and realized his family would be better off, and eligible for more assistance if he was dead. Then they would be able to qualify for any survivors benefits he had coming, as well as the widows and orphan benefits available from the state. With the father alive, there were very few benefits they could receive except charitable ones.

And so, as a Christmas present to his wife and eight children, the man took out his shotgun and calmly shot and killed himself. It was the best Christmas present he knew how to give. Living he was of no help to his family. By dying, he could feed them. That man's plight is typical of thousands of men in Eastern Kentucky. The only difference is that he did figure out a way to feed his family.

Gish told the senators that out of a labor force of 12,000 in Letcher County, only about 3,000 were gainfully employed, and that one-fourth of the population was carrying the burden for the rest of the county. He declared that capitalism, which had brought prosperity to the United States, had failed eastern Kentucky and that "we can't ever really be sure of our system unless it is made to work everywhere." Gish pointed to eastern Kentucky as a place with a great abundance of natural resources which should make everyone in the region wealthy. Anticipating the words of Harry Caudill and many others in the 1960s, Gish added:

But to a degree that is shocking, Eastern Kentucky was robbed by eastern financial interests and that robbery goes on today. Most of the coal lands in this area were purchased fifty years ago by sharp talking Easterners who came in and purchased coal rights for one dollar an acre even if the purchase had to be made at times at the point of a gun.

He then pointed out the true villain of the Appalachian epic, structural factors such as inadequate tax assessment and the lack of investment in a broad-based economy by absentee owners who drained the profits from the region and left it with the waste and spoil of extractive industry. This argument discredits culture of poverty arguments placing the fault with the residents of the coalfields, and places the blame on the political and economic structure.

In my county of Letcher – one of the nation’s leading producers of coal – there is not a single coal operator or coal land owner who makes his home there. They make their money and they move out, taking the wealth of the county. Letcher County has built some fabulous homes in Louisville, Lexington, Cincinnati, Pittsburgh and on the French Riviera or in Florida. But you won’t find a single one in Letcher County.²⁷

Gish told the committee of the purchase of Pittsburgh Consolidation Coal’s Letcher County holdings by Bethlehem Steel, and reminded the group that both companies were located in Pennsylvania. Consol sold its holdings to Bethlehem Steel for \$25,000,000, but Bethlehem’s Letcher County properties were only listed for tax purposes as being worth \$3 million, which was \$2 million more than Consolidation had listed it.²⁸

Gish also spoke of the “rape of Letcher County by U.S. Steel Corporation,” with the strip mining of Black Mountain, Kentucky’s highest mountain, and how the overburden was dumped over the hill to eventually make its way into the Poor Fork of the Cumberland River, and create a situation ripe for flooding.

By the time U.S. Steel completes its stripping of the 40 mile length of Black Mountain, the entire Upper Cumberland River area will be gutted and largely unfit for human habitation. And enough mud and dirt will have been dumped into the Cumberland River to create flood and navigation problems that will stretch from here to the mouth of the Mississippi.²⁹

²⁷ Ibid, 7.

²⁸ Ibid.

²⁹ Ibid.

Gish said it was a long way from Pittsburgh to eastern Kentucky and he suspected the executives of Bethlehem Steel and U.S. Steel either didn't know or didn't care about the misery they were causing. He pointed out the exploitation by the absentee owners because he considered it central to the problem of unemployment in the region and added that if only a fraction of the money taken out of eastern Kentucky had been reinvested in the region, ample opportunity for the unemployed would exist. He told the committee that the eastern Kentucky secession movement of the previous year had brought a good deal of attention to Letcher County and as one of the leaders of the movement, he wanted to make it clear that nobody actually wanted to secede, but to call attention to the ongoing poverty and unemployment in the midst of the depletion of billions of dollars of resources from the region. He said he still had faith in America and believed if the problems of eastern Kentucky were plainly laid out, solutions would come, but outside help would be the only way for the region to take its place at the American table.

And while I would like to believe there is a way eastern Kentucky can pull itself up by its bootstraps, I know that is not the case. Outside help on a vast scale is needed....Eastern Kentucky is 50 years behind the rest of the United States in development. Our children still go to school much in the manner of Abraham Lincoln but they don't receive as much education as Lincoln got. Eastern Kentucky people are not equipped by training or by heritage to live in this age of rocket trips to the moon. There is at least a 50 year gap between this area and the rest of the country -- and it is to close that gap that we need outside help.³⁰

Gish painted regional education problems with a broad brush, neglecting to point out that there were also better performing schools in eastern Kentucky and other parts of Central Appalachia that were turning out students who were well suited to compete. He might have used this opportunity to reinforce his point that the tax structure was designed to keep taxes on property and minerals low, and conspired to deprive coal county schools of the revenue

³⁰ Ibid.

necessary to keep them on a par with better funded independent city schools and those in urban areas. In making his case, he could have refined his aim to target the structural inadequacies of the system that favored the interests of coal corporations. But in presenting a solution, he called for outside funding, presumably from the federal government, and laid out a seven point program very similar to one developed by the Eastern Kentucky Regional Planning Commission in September 1959 to initiate positive changes in the region. He called for increases in funding for education that would help to bring eastern Kentucky schools up to par with the rest of the country and for a vocational education system to train young people to find jobs in other parts of the country, with a formal relocation bureau that would help the residents of eastern Kentucky relocate and including moving expenses. He also requested federal funding for flood control and the expansion of every federal program available to the residents of eastern Kentucky, including FHA loans, along with the heavy involvement of the Small Business Administration and the Department of Commerce to help develop sustainable models of business in Eastern Kentucky. Gish said that small business and economic diversity could develop a sound economy, but that the businesses that could be generated in eastern Kentucky would require capital and “know how” to be successful, and added that for far too long regional leaders had gone begging to state and federal government only to be told that nobody could do anything about eastern Kentucky, so many were left with the attitude of “why bother?”

Somebody had better bother with Eastern Kentucky. It is sick, sick with a failure in our national way of life. This area must either get well or die and if it dies, the United States will die too, for our way of life in this country will have failed.³¹

The programs Gish proposed were likely taken from a plan that was initiated by the Eastern Kentucky Regional Planning Commission in September 1959, and was named Program

³¹ Ibid.

60 when it became the official state action plan for the region. The EKRPC was chaired by John Whisman and had been created by Gish's ally and friend Harry Waterfield. It was the result of cross agency planning with a series of two meetings to set the agenda, and Gish had not only participated in the planning sessions, but had been influenced by the results as well. In February 1960, *The Mountain Eagle* carried the release of Program 60 in a front page article stating that EKRPC Executive Director John Whisman had released the entire program at a meeting in Frankfort that was attended by Governor Bert Combs, Lieutenant Governor Wilson Wyatt, Economic Development Commissioner E.B. Kennedy, and other officials. The article carried a statement from Whisman referring to the 32 Appalachian counties in eastern Kentucky as an "underdeveloped but not under-populated region," and indicated that the reason for the chronic poverty that plagued the region was the lack of development, or under-development, which became a theme in the Whisman/Combs work to improve economic conditions. Program 60 called for the establishment of a federal planning agency for the region and the establishment of an "Appalachian States Development Authority." It asked for the broadening of the Kentucky state government's program to improve leadership in the region, a review of the criteria of federal programs that affected the construction of economic centers, the determination of Kentucky's resource evaluation and priorities, and special programs for planning and construction of highways.³²

In June 1960, at a conference of governors held in Montana, Governor Bert Combs called for federal assistance to Appalachia where he told the gathering that just as it had made sense to strengthen the economies of America's allies in western Europe through the Marshall Plan so that they might stand with the United States against communist aggression and develop the free

³² "Planning Commission offers Eastern Kentucky Action plans," *The Mountain Eagle*, February 11, 1960, 1.

world economy, then "surely it makes equally good sense to rebuild the underdeveloped areas of our country, so that these people who are loyal Americans can become economic factors in our way of life." If it made sense to rebuild France and West Germany, surely it made sense to rebuild eastern Kentucky, which had an acute shortage of food and shelter. Combs also pointed out the decline in population in the ten state Appalachian area, with out-migration greater than in any other area in the nation, and referenced the 33 percent decline in coal production in the past ten years, with a corresponding 20 percent unemployment rate for eastern Kentucky.

Substandard housing, under-employment, and a lack of trained medical personnel, were all reasons for the out-migration of eastern Kentucky residents, mostly to what Combs referred to as "the manufacturing belt," and he added that the immigration from Appalachia led to problems in the urban areas where they sought work as well. Combs called for federal aid for flood control and for soil conservation but pointed to automation in farming and the coal industry as the two main reasons for the lack of jobs in the eastern region of the state. He said he didn't want to criticize the men who had drafted the depressed areas legislation, but that it had failed to recognize the basic problems of the Appalachian Region. "Trying to make one bill cover conditions in Nashua, New Hampshire and eastern Kentucky is like trying to mix a salve that will kill a dog's fleas and cure its distemper at the same time."³³

Combs also returned to the theme of underdevelopment in Appalachia at a conference called by John F. Kennedy "to consider the problem of new jobs and economic growth," during his presidential campaign. At that conference, Combs criticized the Eisenhower Administration, which included Kennedy's opponent Richard Nixon, describing them as having "no

³³ "Governors' Conference, Federal Aid to Appalachia, Glacier National Park, Montana, June 28, 1960," *The Public Papers of Governor Bert T. Combs, 1959 - 1963*, ed., Robinson, George W., (University Press of Kentucky, 1979), 105.

understanding of our problems, and no desire to deal with them." He added that they regarded federal aid as something self-respecting people would not want, and referred to administration officials speaking scornfully of "handouts." "But catchwords are of no help where people are hungry and children need clothing and families need homes." Combs stated that although Kentucky had many prosperous areas, with an average income of \$1,425 per annum, it also had areas with an average income of under \$400 per year, where underemployment was well above the national average and that during a recession, it grew at a faster rate where the problem was already present. He gave the loss of 31.2 percent of the mining jobs in eastern Kentucky in the past 15 years as an example. Combs again referred to the problem areas in Kentucky as "underdeveloped," as opposed to being simply depressed, and called for a program with new vision to "realize the potential of these regions and their people rather than a program aimed primarily at relief." While Combs' speech was primarily intended as a campaign vehicle for Senator Kennedy, it affirmed his own programs and his belief that underdevelopment was the real problem that had to be addressed, and made a strong case for federal aid to Kentucky. "Underdeveloped areas -- I prefer to call them underdeveloped areas rather than depressed areas... But in eastern Kentucky, for example...it is almost impossible to obtain federal aid." Combs finished his speech by tying eastern Kentucky's future to the election of a Democratic administration in 1960, saying there was no alternative.³⁴

Two years after Program 60 was released, Whisman gave the keynote address at the Whitesburg Chamber of Commerce Banquet. He was listed as the state's Redevelopment Administrator on the agenda, although his official title was Coordinator of Appalachian

³⁴ "Appalachia: Huntington West Virginia, September 19, 1960," *The Public Papers of Governor Bert T. Combs, 1959 - 1963*.

Development for Kentucky.³⁵ In his speech, Whisman discussed Program 60 and talked about other development issues and told the Chamber that Kentucky would benefit from the Area Redevelopment Program. He also announced his plans for setting up Area Development Councils, adding that he hoped the upcoming legislative session would establish the councils on a statutory basis.³⁶

Issues concerning poverty were divisive in the mountains, and by calling attention to it, *The Mountain Eagle* angered a number of the courthouse elites as well as the coal industry, which touted coal as the economic force and job provider in the region. When statistics in national reports challenged their claims, many in the middle class resented the bleak portrayals they saw in federal reports and national publications. Industry leaders and local coal operators passed their disapproval down to the workers, and depictions of poverty, whether they appeared in *The Mountain Eagle* or the national media, were seen as an unfair portrayal of the of the region, and people who enjoyed good wages and middle class lifestyles deeply resented them. In the 2005 series of interviews with Tom and Pat Gish by Appalshop filmmaker Mimi Pickering and Radio Producer Maxine Kinney, Tom Gish said *The Mountain Eagle's* reporting on the conditions of poverty in Letcher County had been the issue that had first driven a wedge between the Gishes and their middle-class neighbors in Whitesburg.³⁷

Many of the courthouse elites and coal operators saw those who took advantage of relief programs as lazy. It was similar the view of many middle-class businesspeople in the cities and some union miners, and spoke to the willingness of people of adequate means to deny the

³⁵ "Agenda for Whitesburg Chamber of Commerce Banquet, August 15, 1961," The Papers of John Whisman, University of Kentucky Library, Lexington.

³⁶ "Craft city's "Man of the Year," *The Mountain Eagle*, August 17, 1961, 1.

³⁷ Gish, Tom, Gish, Pat, Interview by Mimi Pickering, Maxine Kinney, 1995, at the Gish home in Thornton, KY, Tape 2, Appalshop, Whitesburg, Kentucky.

problems of the poor. The rural poor were particularly invisible to those who didn't want to see. The willingness to look the other way prevailed even as the residents of Central Appalachia's more prosperous towns were reminded of the region's poverty when poor people came to town to shop, to receive commodities, or to beg.

The Mountain Eagle's reporting on poverty was part of a larger desire to emphasize national issues as well as local ones. Gish frequently indicated that he was proud that the paper was seen as the main source of news on local and county issues, but he also realized that coverage of state and national news was difficult for many county residents to access. Before leaving for college, he had earned extra money as a "paper boy," delivering the *Pittsburg Press* and the *Knoxville News-Sentinel* in Seco. The prominent Kentucky newspapers like *The Louisville Courier-Journal* and the Lexington papers didn't circulate in far eastern Kentucky until later, although *The Courier Journal* was available in Letcher County by 1957. The national news reported in *The Mountain Eagle* gave the paper a larger perspective and served as a source of information on national issues for the readers. Gish believed that the editorial page was an open space for discussion, and he was particularly proud of *The Mountain Eagle's* editorial diversity, where his editorials sat alongside national columnists. So although the reporting on the national recognition of poverty in eastern Kentucky may have discomfited some Letcher County residents, it did not exist in a vacuum, but ran alongside other issues including the Cold War, the War in Vietnam, and many of the same topics that appeared in newspapers with statewide circulations.

The Lexington and Louisville papers never got in here during my childhood. There were a couple of radio stations at some point that had local news. So it was a big responsibility.

We brought in news columns that represented the fact that if any Letcher County adult is to know anything about the world they will get TV news or *The Mountain Eagle*.³⁸

News about poverty in eastern Kentucky was intensely personal to local readers whether it was presented by in *The Mountain Eagle* or in national newspapers. Early in 1959, *The Eagle* featured an editorial that described a woman coming to a Letcher County Fiscal Court meeting to beg for money to feed and clothe her family. It ran alongside an editorial from the *Chicago Tribune* titled, "While the coal miners starve." *The Tribune* editorial referenced starving coal miners in Harlan County, "where four out of five coal mines have shut down," and went on to say that the miners' pleas for help from state and federal agencies were being inadequately addressed with shrugging references to red tape and lack of funds. It condemned President Eisenhower for vetoing the Depressed Areas Legislation and reminded readers that the United States had just lent "another \$5 million to (Josip) Tito, the communist dictator of Yugoslavia, (to) buy locomotives for his state owned railway system, adding that the U.S. "may as well give money to Russia and compliment ourselves on keeping her from declaring war on us."³⁹

In his editorial, Gish wrote that "there are a good many adults in Letcher County who don't deserve much more than they're getting because they're not trying to help themselves." But he added that the situation of the woman who had come to a fiscal court meeting to ask for aid for her invalid husband and starving children should not go unanswered.

How can we expect our county to improve if children can't go to school because they have no shoes to wear on their feet, no coat to keep them warm, no money to buy lunch?" If a child grows up in a situation like that, how can we expect him to become anything better? He's licked before he starts.⁴⁰

³⁸ Tom and Pat Gish, Interview by Mimi Pickering, Maxine Kinney, 2005, at the Gish home in Thornton, KY, Tape 2, located at Appalshop, Whitesburg.

³⁹ "While the coal miners starve," (From *The Chicago Tribune*), *The Mountain Eagle*," February 19, 1959, 2.

⁴⁰ "Together we can help each other," *The Mountain Eagle*," February 19, 1959, 2.

Gish went on to describe a story he had heard about a first grade teacher who had asked the students in her class to list what they had gotten for Christmas. One little girl hadn't gotten anything. The teachers in the school had known of the child's poverty and had thought that surely the neighborhood church would help the family, but it hadn't. The young teacher was shattered by the realization and immediately went out and bought the child a doll, but the gift came after the holiday, and lacked the meaning of a Christmas gift. Gish wrote that for every story like the teacher's that came to his attention there were probably dozens that went unheard. He praised the citizens of Harlan County for banding together to set up a united relief fund to help people throughout the county, while criticizing the sectionalism that divided Letcher County as retarding similar efforts to help the poor there.

The paper's coverage of poverty that characterized life in Central Appalachia increased in 1959, as the presidential primaries of that year gave the issue lots of national attention and drew interest from newspapers, magazines, and television networks. Their activism took so much of Tom and Pat Gish's time that the paper often went out late and sometimes had only three or four pages, as both Gishes began to spend much of their time in Washington, testifying before congressional committees. When they were in town, the newspaper offices became a gathering place for newspaper and television reporters from all over the United States and the Gishes became frequent tour guides.

During it all, *The Eagle* was pretty much overwhelmed with visitors from around the country and the world. We got so busy, the paper became a secondary occupation and sometimes we were four or five days late in getting it out. It became more or less our full time occupation, but the advertisers became disgusted. Pat and I had been reporting for 10 years in Central Kentucky before we came to Letcher County, and the Kentucky press

directed journalists and TV from around the nation our way. It is hard to underestimate the shock of the national press at how bad it had become.⁴¹

Many eastern Kentucky leaders hoped that the new decade beginning in 1960 would usher in a decade of progress for Appalachian Kentucky, and the Eastern Kentucky Planning Commission with newly appointed Executive Director John Whisman introduced "Program 60" late in 1959 to integrate planning and strategies to improve economic prospects for the region. The commission, which was originally known as the Eastern Kentucky Regional Planning Commission, was formed in 1956 as a joint project of the Kentucky Jaycees and other civic groups as well as business and state government agencies during Whisman's term as president of the Jaycees. The following summer, the Kentucky Department of Economic Development released its Action Plan for Eastern Kentucky that called for the creation of a permanent development commission with objectives similar to those of the EKPRC. In the absence of Governor Happy Chandler, Acting Governor Harry Lee Waterfield responded to the flooding that had ravaged the region by creating the nine member Eastern Kentucky Regional Planning Commission, chaired by eastern Kentucky coal operator B.F. Reed. All the members of the commission had all been active in Whisman's initial group and when they hired Whisman as director in 1958, he shifted its focus to long term economic planning for "Strategic Area Development."⁴² The commission was designed to promote new economic programs in a 32-county area in eastern Kentucky and was introduced to high hopes and much fanfare at the EKPC meeting in Frankfort in February 1960.

The plan called for the creation of economic agencies that could address issues such as key roads and water control facilities, the implementation of continuous overall planning and

⁴¹ Tom and Pat Gish, Film Interview by Mimi Pickering and Maxine Kenney, at the offices of *The Mountain Eagle* Tape 1, tape located at Appalshop, Whitesburg, Kentucky.

⁴² Ron Eller, *Uneven Ground*, 48.

development programs, and the organization of special programs on the state and federal level to work to eliminate the poverty that plagued the region.⁴³ That spring, the United States Department of Agriculture introduced a seven point plan that according to an *Eagle* editorial, “is no different than a series of others which various other government officials have announced over the past five years.”⁴⁴ Indeed, the USDA plan called for much that was familiar; the development of wood product usage, vocational education, luring small business into the area, water power from federal flood control dams, tourism and recreation development, the diversification of agriculture, and better education and health programs. However, no federal funding was proposed for any of the programs and most had been discussed and rehashed for years. Eisenhower’s veto of the Depressed Areas Bill in 1959 made it clear that eastern Kentucky would have to wait until a different administration sat in the White House before significant federal aid would accompany promises and plans from Washington.

Kentucky Lieutenant Governor Wilson Wyatt did not wait for the 1960 election to introduce his own plan for Central Appalachia. Wyatt was the former mayor of Louisville and had served in a number of New Deal posts during the Roosevelt Administration. Later, he had practiced law in Louisville, where he served as legal counsel to *The Courier Journal* and other media interests owned by the Bingham family. Wyatt considered running for governor himself before joining the Combs ticket as the candidate for Lieutenant Governor. In his commencement speech to the Senior Class of Whitesburg High School, he outlined a plan that was very like Program 60, calling for the development of roads, dams, and work projects that he said “would require no new program, no new agency, and no relief.” Wyatt said existing federal standards stood in the way of addressing many of the problems he saw and prevented “pockets of poverty”

⁴³ “Planning Commission offers East Kentucky action plans,” *The Mountain Eagle*, February 11, 1960, 11.

⁴⁴ “We find little hope in this ‘new’ program,” *The Mountain Eagle*, June 23, 1960, 3.

from qualifying for federal assistance, but said he believed it was nothing new to apply “the principle of special treatment of special problems in order to bring about special results.” Wyatt's program included eastern Kentucky, parts of Pennsylvania, Virginia, Tennessee, West Virginia, and Maryland, and he called on senators and representatives from the Appalachian states to cross party lines to “join hands in a great national effort to initiate and carry forward” his plan. Much of the plan addressed in Wyatt's speech had been part of the testimony he had given in a House and Senate Public Works Administration Subcommittee hearing, where he had appeared in an effort to seek additional funds for flood control and navigation.⁴⁵

A Gish editorial that appeared in the same edition as the Wyatt speech suggested that it might not be a bad idea to revisit the secession issue and said Eisenhower had “displayed an amazing ignorance of what is going on in the United States through his veto action,” and that ignorance was the only excuse, because the veto had been unforgivable.

We do not believe he knowingly would sentence the millions of Americans who live in the Appalachian Mountains to continued lives of poverty equaled only by the poverty found in Asia. And yet that is what Eisenhower has done.

The editorial contrasted Eisenhower's veto to his largess in providing foreign aid for underdeveloped nations overseas and said that Richard Nixon would pay for “Eisenhower's folly” in the November election. It also stated that the Conference of Southern Governors was as discouraging as the veto had been and blamed the result on West Virginia's Republican Governor Cecil Underwood who had reacted to unfavorable national publicity about poverty in West Virginia by “denying that anything is wrong and attempting to paint life in West Virginia as a bed of roses.” Gish attributed Underwood's denial as resulting from being bitten by the “vice presidential bug,” and wrote that he was unwilling to challenge Eisenhower or Nixon on the

⁴⁵ “Lt. Gov. Wilson Wyatt offers plan to help East Kentucky,” *The Mountain Eagle*, May 26, 1960, 1.

issue. He didn't spare Kentucky Governor Bert Combs either, writing that residents of eastern Kentucky were becoming concerned about the lack of progress on the promised highway into the region.⁴⁶

After the election of John F. Kennedy as president, but prior to his inauguration, Governor Combs attended the groundbreaking for the Eastern Kentucky Resources Development Project building at Quicksand, in Breathitt County. It was a joint state/federal project, directed through the University of Kentucky. Combs announced that \$147,000 was available for the building in the current fiscal year, with an additional \$60,000 for an agricultural substation. He also promised another \$100,000 in the coming year, as well as additional funds for the university's Cooperative Extension Service. Combs cited a 200-mile highway (the Mountain Parkway), along with other road projects, the expansion of parks and railroads, and water projects as evidence of progress for eastern Kentucky. He also mentioned Kennedy's proposed "special committee" that was tasked with preparing a program for "underdeveloped areas, some of which we have in eastern Kentucky due to the technological changes that have taken place in coal mining and agriculture." He promised to move quickly in implementing the projects and guaranteed the full cooperation of the federal government in implementing them. Combs credited Program 60 and John Whisman, director of the Eastern Kentucky Development Commission, for working to expedite the projects, saying that "The idea of bringing in teams of technicians to solve the problems of this area was included in the eastern Kentucky Development Commission's Project 60, and the commission has endorsed and recommended this important activity."⁴⁷

⁴⁶ "Maybe it's time to secede again," *The Mountain Eagle*, May 26, 1960, 8.

⁴⁷ "Ground Breaking for Eastern Kentucky Resources Development Building Quicksand/December 6, 1960, *The Public Papers of Governor Bert T. Combs, 1959 - 1963*.

Gish found the faith Combs and Whisman placed in technicians for development and studies to be distasteful. Although he understood that the process would be difficult and expensive, in his eyes, the answer was relatively simple. Build highways into the area, promote tourism, and develop industrial solutions around the coal industry, such as locating power plants in the region. Then work to develop a small business economy that would grow around tourism and the coal based industrial development. He and Harry Caudill had called for this kind of development many times. Combs and Whisman's approach of bringing in technicians from outside denied agency to the mountaineers the programs would serve and just created more delays. Although Gish understood that it would take time to accomplish his goals, he was less patient with Combs, particularly with the timeline and the necessity of crafting legislation that would pass in the General Assembly. Gish came to see the delays as broken promises on Combs' behalf, particularly in highway construction and Combs' failure to fulfill his campaign promise to locate a state park in Letcher County.

In 1961 Whitesburg was named as one of 11 Kentucky cities to participate in a federal test program to determine if urban renewal programs could work in small cities. The article announcing the program stated that Whitesburg could expect to see faster movement in housing, urban renewal, and other development programs, and the city would be the subject of intense national and statewide interest and publicity. The Kentucky Department of Economic Development furnished planning consultants, and grants came in from the federal Housing and Home Finance Administration. Whitesburg was selected because it already had a federally approved housing program and it was a fifth-class city in eastern Kentucky, which was suitable for the size and location upon which federal officials wanted to focus. The other Kentucky cities chosen were Barbourville, Glasgow, Mt. Sterling, Ashland, Walton, Lebanon, Fulton, Mayfield,

Earlington, and Mayfield. The program initially addressed seven housing related elements including building, plumbing, gas and electrical codes, city administrative organization, a housing program, a study of city finances, and a plan for citizen participation with a state organized staff that included specialists in each area.⁴⁸ An editorial that accompanied the announcement called the program “one of the best things that has happened in Letcher County in many years,” but added that being selected presented Whitesburg with responsibilities as well as opportunities. It also cautioned that the outcome would be uncertain and said the city would find itself under considerable federal scrutiny. “And so it is ‘Whitesburg, Test City, U.S.A.’ and the beginning of what we sincerely believe will be a better day for all of us.”⁴⁹

Regardless of eastern Kentucky's hopes and needs, real relief came slowly to most of Appalachia. The Area Redevelopment Act authorized the creation of the Area Redevelopment Administration in the Department of Commerce, funded at \$394 million over a four year period in order to provide low interest loans for industry, grants to local governments, and funds for worker training. The ADA was modeled on a "trickle down" approach and benefits mostly went to businesses. It did not distribute aid evenly and several states were left out entirely. But the national press kept the focus on Appalachian poverty and a flood of national writers and photographers made certain the American public never lost touch with the harsh realities of life there. In a 1960 essay *Washington Post* reporter Julius Duschka, echoed the Combs/Whisman theory that underdevelopment was the chief cause of Appalachian poverty, and was joined by other writers who followed up on the theme of an underdeveloped region in the midst of a prosperous and modern America.⁵⁰

⁴⁸ “Whitesburg one of eleven cities in nation to test aid program,” *The Mountain Eagle*, June 29, 1961, 1.

⁴⁹ Ibid, 2.

⁵⁰ Ron Eller, *Uneven Ground*, 59, 64.

Governor Combs did his part to promote the Area Redevelopment Bill (Senate Bill One) by testifying in its behalf early in 1961, when he called the bill "a necessary and effective part of the solution to the nation's economic problem." Combs stated that the special economic problems that faced America were especially severe in "distressed areas," and called attention to Kentucky's programs of assistance to local communities. He emphasized the need for federal assistance and asked that Kennedy's program be pushed forward with "all possible speed," pointing to Kentucky's 11.5 percent unemployment rate, and adding that in some counties, the rate exceeded 20 percent. Combs defined distressed areas as urban, semi-rural, and "underdeveloped." He pointed out that "underdeveloped areas" were not being classified separately in pending legislation, and outlined measures specifically for their recovery. Combs called for a type of Marshall Plan for Appalachia and once again contrasted U.S efforts at foreign aid against the paucity of aid to underdeveloped areas in the United States. His remarks were almost identical to those he delivered at the 1960 Governor's Conference in Montana, but he also went over the provisions of Senate Bill One, chapter and verse and made a sweeping recommendation for passage. "I know that these are strong recommendations. But I urge them without hesitation. The current flood of stories and pictures showing severe hardship suffered in many areas do not exaggerate the problems we have to face up to."⁵¹

Just as the American south had been termed a problem area in New Deal economic studies, Appalachia emerged as the problem area of the post war economic boom, A photographic essay in *Look Magazine*, published in December 1962, showed the stark reality of poverty in the region and echoed the theme of underdevelopment as well. The essay focused on poverty in the mountains and showed photographs of ruined and abandoned automobiles and

⁵¹ "Area Redevelopment Bill," Washington D.C, February 28, 1961, *The Public Papers of Governor Bert T. Combs, 1959 - 1963*, 174.

destitute people living in an affluent nation. The text that accompanied the article echoed Combs and Whisman, declaring that the people in "Appalachia, U.S.A." lived in an underdeveloped country, "No less than Latin Americans or Africans, and they can use more American aid. They are entitled to it because they are our own people."⁵²

Many middle and upper class residents of Appalachia, including businessmen and coal operators in Letcher County, were disgusted by the report and accused the media of focusing strictly on poverty and overlooking the middle class. While there was a relatively well situated middle class in the towns and county seats of eastern Kentucky, the endemic poverty in the rural areas and coal camps tied to the frequently idle truck mines was there for national cameras and reporters to see, and the cameras did not lie. Many of these national journalists passed through the offices of *The Mountain Eagle* on their excursions and the business people and county leaders reflected their bitterness for the portrayal of Appalachian poverty in decreased advertising in the newspaper, which resulted in lowered revenue. The frequent trips to Washington and Frankfort took time away from the newspaper as well. By the time Pat Gish took a job with LKLP, a Community Action Program that was formed in 1966 during the War on Poverty, the Gish family desperately needed the extra income. In her work at LKLP Pat Gish was tasked with overseeing the construction and refurbishment of houses in Letcher, Knott, Leslie, and Perry Counties. Her new job also opened doors into the inner workings of the boards of directors of LKLP and other CAP programs. Most boards were dominated by county elites, judge

⁵² Thomas B. Morgan, "Portrait of an Underdeveloped Country," *Look Magazine*, December 4, 1962, from Ronald Eller, *Uneven Ground*, 66.

executives, magistrates, and other elected officials, and like the boards that administered funds in the New Deal, they all saw to it that their political patronage increased as part of the exchange.⁵³

The nation's attention was increasingly focused on eastern Kentucky, and when CBS made the announcement that a nationally televised news documentary focusing on the plight of unemployed miners would be shown in December 1962, the network was swamped with phone calls, even before the show was broadcast, offering aid in the form of food and clothing. CBS officials contacted Governor Bert Combs and told him that thousands of calls had come in to the network with offers of aid early in the week after the announcement of the program on the previous Friday evening broadcast of "Eye-Witness." Combs designated Hazard as the main receiving point and said the aid would be distributed over a broad area including Letcher, Perry, Knott, Pike, and Floyd Counties. CBS Southeastern Bureau Manager Hughes Rudd reported that switchboards were flooded with calls in New York and Chicago for several days with offers of aid.⁵⁴

The Mountain Eagle had documented the various efforts to bring federal aid for Appalachia beginning with Kennedy's campaign epiphany in West Virginia with varying degrees of enthusiasm. However, by 1962, Gish had become certain that a combined federal and state effort would be required to address the problems of the Appalachian coalfields. He also understood that local economies couldn't bear the costs of economic development, and wrote that not only had the Area Development Program failed, new programs would also be doomed if they didn't recognize the dual reality that new jobs would have to be created, and local government could not afford to contribute matching money to federal and state funds. Gish

⁵³ Tom and Pat Gish, Interview by Mimi Pickering, Maxine Kinney, 1995, at the Gish home in Thornton, KY, Tape 2.

⁵⁴ "Telecast prompts aid offers," *The Mountain Eagle*, December 13, 1962, 3.

became adamant in his editorials that federally funded jobs, similar to those in New Deal programs, would be necessary if any real difference in the region's chronic unemployment was to be made, and federal funds should be spent on creating jobs, either with make-work programs to develop infrastructure such as trails and parks for tourism, or by the actual creation of industrial jobs by subsidizing corporations that would agree to locate in Central Appalachia. "Any new program that does not take the able bodied out of the welfare lines and food lines will be a mockery to our needs, just as any program that does not recognize the plight of local government will be a sham."⁵⁵

Late in 1962, John Whisman presided over a gathering of economic development specialists and staff members associated with the Council of Appalachian Governors, although aside from a brief appearance by West Virginia Governor W. W. Barron, no other governors attended the conference. Whisman opened the gathering by saying that the conference was intended to move toward a joint program to alleviate "domestic underdevelopment, which is not too well understood." Brook Hayes, Special Assistant to President Kennedy and George Levallee, Chief of the Appalachian Division of the ARA both attended the meeting. Paul Crabtree, special assistant to Governor Barron, added that there was a pressing need to continue the Appalachian public works program that had been set up in the last congress, which had authorized an overall expenditure of \$900,000,000. The program offered both long term and immediate benefits by putting people to work as well as making the area more desirable to business and industry and \$400,000,000 of that allotment would be released in the coming year. The committee offered a list of suggestions, which they called amendments, asking for the inclusion of regional highways into planning for the federal highway system, the establishment

⁵⁵ "Please – don't let us down again!" *The Mountain Eagle*, March 29, 1962, 2.

of an Appalachian Regional Institute, and underwriting increased technical assistance for the region through the Area Redevelopment Program⁵⁶.

Alternate expressions of doubt and hope concerning federal and state efforts toward economic development had come to mark many *Mountain Eagle* editorials, but the recognition of need was always evident. When President Kennedy announced a public works program early in 1962 that would provide funding for improvements in sewage systems, water supply, and other infrastructure improvements, Gish was cautiously optimistic. Then, when nothing had materialized in Kentucky by October, he questioned the fact that West Virginia was already receiving federal aid while “not a single public works project has been approved for the Bluegrass state.” His editorial initially asked if the fault lay in Frankfort or Washington, but laid the blame at the feet of state and local officials. It also suggested that competent state workers should be assigned to help with the paperwork for distressed counties that lacked staff workers with the necessary expertise.⁵⁷ In a speech to the Conference of the Council of Southern Mountains earlier in the year, Governor Bert Combs had addressed unemployment and called for an increase in public works projects in the area, asking for the development of highways, water facilities, forests, and community facilities. Combs suggested an amendment to the ARA that would designate Appalachia as underdeveloped and called for a “supplemental development fund,” from which key projects could be funded. Combs also asked for an increase in “self-development” programs for young people, along with unskilled, unemployed, and under-employed adults, and like Gish, he pointed to available remedies as being insufficient to the

⁵⁶ “Appalachian area goals listed,” *The Mountain Eagle*, December 13, 1962, 1.

⁵⁷ “Where are our public works projects?” *The Mountain Eagle*, November 8, 1962, 2.

need. "I am convinced that real solutions to the problems of our region require action far more comprehensive and intense than anything currently being contemplated." ⁵⁸

Gish was also frustrated by the lack of movement in public works and employment creation, and what he considered to be indifference shown by federal and state bureaucrats in the face of such great need. Even though he had seen the slow pace of state government in his ten years as a UPI correspondent in Frankfort, he found it hard to justify the endless meetings, reports, and applications it took just to get in line for government aid. When the City of Neon in Letcher County embarked on a program to seek federal aid for infrastructure improvements and public housing, Gish praised the mayor, department store owner Nicey Hazen, for his approach in attempting to halt the decline of the once booming coal town. But he noted that Hazen had been forced to abandon his private business in order to have time to deal with the mountains of paperwork and constant meetings with state and federal officials necessary to get the aid. He also cautioned the residents of Neon against becoming over-optimistic, pointing to similar efforts by Whitesburg that were only starting to pay off after eight years of planning. To address the issue, Gish called for state aid to small cities without full time mayors to file the necessary paperwork, and suggested that Governor Combs strip the Kentucky Department of Commerce and other state "promotional" agencies in order to provide "at least one state worker of reasonable intelligence to each depressed county on a full time resident basis for the next three to six months. Send someone full-time into each county until all the paperwork on each possible project gets done." ⁵⁹

The Mountain Eagle was ahead of the curve when it came to advocating for the development of something more sustainable than the boom and bust coal based economy, and

⁵⁸ Conference of the Council of the Southern Mountains, Coping with the Problems of Appalachia, Gatlinburg, Tennessee, February 23, 1962, Public Papers of Bert Combs, 269.

⁵⁹ "Where are our public works projects," *The Mountain Eagle*, November 8, 1962, 2.

Gish embraced efforts at sustainable agriculture and alternative economic development with considerable enthusiasm. He was also adamant that national models would not work well in the mountains and chided the ARA for its refusal to take the economic conditions created by an extractive economy based on absentee ownership into account, since the profits generated by coal and timber were not being re-invested in eastern Kentucky for the long term. In an editorial condemning the ARA for refusing to fund a greenhouse tomato production center based in Wolfe County because it didn't fit in with the USDA model of a family farm, he pointed out that not only did eastern Kentucky lack an economy that actually manufactured anything, but the nature of absentee ownership guaranteed that money made from the extraction of coal, timber and oil would not be reinvested in the region.⁶⁰ This contributed to the lack of development and corresponding poverty in the region by maintaining a single issue economy focused on coal without the benefits that a more diverse economy based on the entrepreneurial efforts of local business owners in addressing the economic needs of the region. Wages and revenue from business that went uncreated didn't turn over in coal counties. The wealth generated in eastern Kentucky was not spent in eastern Kentucky, but was invested in Pennsylvania and the Northeast, and was not returned to Appalachia except as a further investment in the coal industry, mostly to replace worn out machinery or to further mechanize the industry and reduce the need for manpower even further.

The lack of understanding of regional realities plagued government efforts to facilitate economic development throughout the 1960s, and Gish did not hesitate to point it out. Often, by showing the failures of local and state leaders, Gish found himself on the hot seat economically, either through boycotts, withdrawal of advertising, or attempts to decertify *The Mountain Eagle*

⁶⁰ "ARA must change rules or fail mission," *The Mountain Eagle*, September 20, 1962, 3.

as the paper with the largest circulation. The paper was once again forced to defend its status as the county's newspaper of record in October 1962, when School Board Chairman Dr. Benjamin Wright said he would have to see a list of paid subscribers to both Letcher County Newspapers, *The Mountain Eagle* and *The Community Press*, in order to determine which was qualified to publish legal statements such as school board financial reports. Although Wright was surely aware that *The Eagle* regularly sold three or four times more papers than *The Community Press*, he also knew a large number of *The Mountain Eagle's* sales came through local outlets like newsstands and grocery stores and would be more difficult to document. The October 18, 1962 edition carried a request that regular readers move from weekly purchases to subscriptions in order to be listed.⁶¹

After a second round of record breaking floods in six years devastated eastern Kentucky, Gish described the region as "flat on its back," and said it would never "be able to stand tall again, by itself." In a March editorial, he wrote that many eastern Kentucky businessmen, still heavily in debt from the 1957 floods, were ready to call it quits and leave the region. He pointed out that the people, and the businesses, were locked into eastern Kentucky, but while the business owners could cash out and leave, most of the people were stuck with no place to go and limited resources to take them there. He painted a bleak picture of the region without massive federal assistance and criticized past efforts at providing viable choices for the region.

We do not believe we are unduly pessimistic when we say we see the day coming when only the lame and blind, the old and the young, and those of limited intellectual and/or educational attainment will be left.⁶²

Gish went on to write that he did not see the future as impossible but said it would take a combination of the Marshall Plan and the TVA to alleviate eastern Kentucky's problems. He was

⁶¹ "The Eagle needs you," *The Mountain Eagle*, October 11, 1962, 1.

⁶² Tom Gish, "Time for decision," *The Mountain Eagle*, March 14, 1963, 2.

sharply critical of President Kennedy's promises of aid to eastern Kentucky, writing that they had amounted to nothing except for "the Area Redevelopment Program, which is so vague in purpose, so broad in scope, and so incompetently administered, it is something of a national joke." The main solution to the problem was a national determination to set things right and the first step would be flood control. Gish wrote that with properly planned development, the region's abundant water resources could be utilized by building a number of flood control dams that could also provide electricity. He wrote that TVA could serve as the agency in charge of the plan, but added that a new board of directors would have to be installed to replace the ones "who believe it is fine for the TVA to rape eastern Kentucky's landowners in the agency's insane search for cheap power by way of strip mined coal." The alternative would be to abandon eastern Kentucky and that option would show that "while the American system works fine in some parts of the country, it won't work in all the country."⁶³

As the national focus centered on poverty in eastern Kentucky, conditions in the mountains got worse. Bad winters and already low employment exacerbated conditions, and in 1962, the United Mine Workers revoked the health care cards that had allowed miners and retirees to enjoy a standard of health care that was unavailable to most eastern Kentucky residents. Numerous truck mine operators found themselves unable to meet the 40 percent royalty they had agreed to in the last contract, and as a result, the union could no longer afford to maintain the Health Care and Retirement Fund or the chain of modern hospitals they had only recently built in the coalfields.

Then in early 1963 spring floods devastated the region yet again, causing an estimated \$80 million in damages, and the natural disaster of flooding combined with the bad winter and

⁶³ Ron Eller, *Uneven Ground*, 12.

general low unemployment to raise the level of poverty and misery in eastern Kentucky to a degree that became a national source of embarrassment. This finally prompted further action from Washington. In the spring of 1963, Kentucky Governor Bert Combs met with White House officials and requested a program specifically focused upon economic development in Appalachia. At a meeting called by President Kennedy, Agriculture Secretary Orville Freeman proposed a regional planning effort in Appalachia and Kennedy approved the request and ordered programs that were already in effect to increase their efforts to feed and clothe the poor in Appalachia. During the meeting, Kennedy passed a note, delivered via a folded paper airplane, to Combs asking, "what do you really want Bert?" Combs' reply resulted in the creation of the President's Appalachian Regional Commission.⁶⁴

Combs and Kennedy figured prominently in a front-page article concerning the Kennedy Administration's response to Combs' later trip to Washington, which had been at least partly to secure aid to help provide relief to communities affected by the flooding. According to the article, Combs was left waiting to confer with "lesser figures in the federal government at the White House" while the president entertained the King of Morocco. Combs told the officials, "We were in a hell of a fix to start with and now we've been hit by the most disastrous flood in the history of the Appalachians." Combs was upset upon learning that there was not enough money in the budget to fulfill his request for aid to build roads under an accelerated public works program, funds to dredge and widen streams clogged with debris from the flooding, and aid in restoring roads, bridges, and other infrastructure damaged or destroyed by the flooding. He was

⁶⁴ Ibid, 71.

quoted in the article as saying that the flooding had cost the state at least \$75 million and over \$26 million of that was from damage to roads.⁶⁵

An editorial in the same edition was severely critical of Kennedy's decision to ignore Combs' visit and the administration's lack of action on aid to help repair the flood damage. Gish was particularly unhappy about a suggestion from officials that yet another study of eastern Kentucky would be necessary, and wrote that the governor had wished to meet with the president "in the hope that Kennedy would remember his campaign trips and promises to the Appalachian region," but that Kennedy had been too busy with the King of Morocco. The discussions concerned an offer of foreign aid to Morocco, which had also been hit by flooding but had already elicited aid from the United States and other wealthy nations, and had received \$325 million in U.S. military spending as well. Gish added that the president had told the King he hoped their visit would be "fruitful and beneficial," but "Obviously, the president did not hope that Kentucky's governor had a fruitful and beneficial visit in Washington." The editorial offered several suggestions to attract more attention from the administration, which included seceding from the union in order to apply for foreign aid, sending eastern Kentuckians to picket the White House, asking other wealthy nations for aid, petitioning the United Nations for aid, or a barrage of letters and phone calls to Congress asking for aid. "Surely, there is something short of armed revolt that will focus national attention and concern on the continuing crisis in Eastern Kentucky."⁶⁶

The Mountain Eagle's reaction apparently drew a response from the White House, because less than a week after the paper went out, John Whisman, in his dual roles as Special

⁶⁵ "Combs left empty handed as King of Morocco outranks East Kentucky," *The Mountain Eagle*, March 28, 1963, 1.

⁶⁶ "What do we do now?" *The Mountain Eagle*, March 28, 1963, 2.

Assistant to Governor Combs and Chairman of the Staff Committee to the Conference of Appalachian Governors, wrote a letter to Lee White, Assistant Special Counsel to President Kennedy to explain the situation. In his letter, Whisman wrote that *The Eagle's* response had stemmed from an incorrect report written by Richard Harwood in *The Washington Post*. Whisman wrote that Combs had not asked for an audience with the president at all, but had come to Washington to discuss several points that had already been settled by the Kentucky congressional delegation with White House staffers Ed McDermott, Director of the Office of Emergency Planning, and Administrative Assistant Henry Wilson, as well as Assistant Secretary of Agriculture John Baker. Whisman also denied that any discussion of a study had taken place. Along with his letter, Whisman attached copies of the front-page article and the page two editorial from *The Mountain Eagle* in an effort to "clarify the current situation."⁶⁷

One month after the 1963 floods, President Kennedy named Undersecretary of Commerce Franklin Delano Roosevelt Jr. to head a committee to find solutions to the problems of eastern Kentucky and the Appalachian coalfields. The committee was composed of representatives of the Appalachian states of Alabama, Maryland, North Carolina, Pennsylvania, Tennessee, West Virginia, Virginia, and Kentucky, along with various government departments, who were tasked with forming an overall economic development plan for the region. Kennedy specified developments in passenger and freight transportation, as well as education, research and training. He also called for the development of water and mineral resources and tourism, and ordered existing federal projects targeting the region to be sped up.⁶⁸

⁶⁷ "Letter to Lee White, April 3, 1963" Papers of John Whisman, University of Kentucky Special Collections Library, Lexington.

⁶⁸ "Kennedy names FDR Jr. to help Eastern Kentucky," *The Mountain Eagle*, April 11, 1963, 1.

The program was presented as an extension of the old Area Redevelopment Act, until the President's Appalachian Regional Commission could report back, but in June, the House of Representatives refused to approve \$450 million in funding to pay for it. The administration blamed Southern Democrats for making an anti-civil rights statement with their no votes and House Democrats blamed House Republicans as being the party of "recession, depression, and repression." But *The Mountain Eagle* saw a much more complicated picture, including the "split personality" of the initial ARA act which called for an industrial development approach in the nation's cities combined with a complete economic restructuring of eastern Kentucky. Gish joined his opinion with those of Harry Caudill and John Whisman when he wrote that the program should be split into two individual projects, with one that was specifically focused on the unique needs of the mountains of Central Appalachia and the other on urban areas. He also wrote that although the agency was underfunded and spread too thin, it was critically important that the ARA be maintained, even in an altered form.⁶⁹

The publication of *Night Comes to the Cumberlands* in July of 1963 changed the national conversation about the coalfields of eastern Kentucky to a degree that would have been impossible to predict. It was reviewed in national and regional publications and was labeled as magnificent by *The Washington Star*. *The New York Herald Tribune* described it as a "merciless report on the Kentucky part of a miserable area combined with a superb essay on its history," and *The Lexington Herald-Leader* wrote that "He (Caudill) can speak authoritatively as few other writers can and if his indictments are harsh, they are spoken in understanding and compassion."⁷⁰ In the book's foreword, United States Secretary of the Interior Stewart Udall

⁶⁹ "ARA still needed but still has some work to do," *The Mountain Eagle*, June 20, 1963, 4.

⁷⁰ "Reaction to Book favorable," *The Mountain Eagle*, July 18, 1963, 1.

referred to Appalachia as a child, and to the nation as its mother, noting that there was statistical proof that the mother has a starving child in the house.

What will move the mother? What will make her call in a doctor, so to speak, and ask him to do all in his power to save her child? What will make her pray for the child's recovery and ask everyone she knows to pray too? We hope that such books as "Night Comes to the Cumberlands" will move the mother first to tears and then to action.⁷¹

Pat Gish's review of the book was more critical, including her wish that Caudill had remarked on abuses of the welfare program by politicians who used it to enhance opportunities for patronage by allowing unqualified candidates to draw checks. "This is one coin to which there are certainly two sides and one is no dirtier than the other." She said that the bad, including the abuse of the system, had to be emphasized in order to impress the urgency of the situation of those who were not familiar with the problems in eastern Kentucky. She added that Caudill's writing was at its most moving when it expressed his anger at the state of affairs that allowed the abuses. She referred to Udall's description of the "forgotten backcountry people" and declared that if the book "succeeds in making us no longer forgotten, then any minor differences of opinion become unimportant" and that Caudill's book should be required reading for every resident of Kentucky.⁷²

Night Comes to the Cumberlands not only drew a great deal of national attention to the central Appalachian region, it created controversy within the region as well. Caudill's depiction of Central Appalachia as an island of third world poverty within an affluent nation drew reporters and photographers to his home in Whitesburg, and he was happy to show them the reality of what he had written. The large amount of media attention that followed *Night Comes to the Cumberlands* confirmed earlier reports on the area as a place with endemic poverty and drew

⁷¹ Foreword: *Night Comes to the Cumberlands*, Stuart Udall, reprinted in *The Mountain Eagle*, July 18, 1963.

⁷² Pat Gish, "Caudill book said some things that needed saying," *The Mountain Eagle*, July 18, 1963, 3.

even more attention to the coalfields. In the last chapter, "The Case for a Southern Mountain Authority," Caudill gave a rather gloomy description that painted a picture of exploitation and neglect and made it plain that unless major efforts were made to change them, the problems would only continue to get worse.⁷³

Caudill joined Gish in calling for the creation of a federally financed regional organization akin to TVA that would pour billions of dollars into the Appalachian region in order to redress many of the wrongs done to the mountaineers and create a sustainable economy, moving away from total dependence on the inconsistent economy of coal. He also recommended embracing the region's other resources, stressing the value of the land and timber and recognizing future possibilities as a recreational and tourist area. Caudill also called for political reforms and a general depopulation of the area to reach a level that could be sustained by the economy. While he was not particularly optimistic about the future, neither was he ready to give up. In the closing passages, he wrote that the mountaineer had become "defeatist in attitude and Company domination and paternalism and two decades of uninspired Welfarism have induced the belief that control of his destiny is in other hands." Caudill expressed a need for programs to put idle men to work cleaning up the region and to engage in management of timber and land resources. While he saw an "infinity of desperately needed tasks," he also shared Gish's theme that the creation of a new federal bureaucracy to administer the needs of the region would be no more onerous, since the nation was already supporting it, and that with the right approach there could be real benefits that would pay off in the long run. "The present program sustains life but creates nothing. A works program could at least build stepping stones upward out of the abyss." Caudill finished by writing that the mountaineer was a challenge to the nation and "a material

⁷³ Harry Caudill, *Night Comes to the Cumberlands*, 371.

and spiritual orphan on the nation's doorstep. He will not go away, and, unless he is helped, his situation will not improve."⁷⁴

Whether Gish and Caudill had discussed the possibility of an Appalachian Authority based on TVA before *Night Comes to the Cumberlands* was published or not, Gish had introduced the topic in the 1959 U.S. Senate Special Committee on Unemployment Problems hearings in Pikeville and Harlan and in the article he wrote concerning his testimony. Gish told the committee that the economic plight that plagued eastern Kentucky was shared by West Virginia and other Appalachian states and called for a meeting of governors from the affected states that would eventually result in a five state Appalachian Authority, which might do as much for this area as TVA has done for the south."⁷⁵ The final release of "Program 60," from the Eastern Kentucky Regional Planning Commission in 1960 had also carried a call for an Appalachian Authority.

By 1963, the Southern Mountain Authority was a staple in Caudill's speeches and writing, and the warning Caudill had for his readers and listeners was ominous. In a speech given at the Pine Mountain Settlement School in Bell County in 1963, he told the audience that without a meaningful development program as far reaching as TVA had been thirty years before, the PARC scheme would "expedite extraction without relieving the region's most pressing ills...and disillusionment was sure to follow. The older people are dying off, the young are leaving, and the middle-aged are on the dole. In the estimation of the corporations that control the resources, most of the inhabitants are simply superfluous. Their lands are worn out. They possess no skills that the nation needs ...Appalachia is becoming an island near the heart of

⁷⁴ Ibid, 392. (Capitalization of Company and Welfarism by author)

⁷⁵ "Special government help needed to solve Eastern Kentucky's problems," *The Mountain Eagle*, December 17, 1959, 7.

America peopled in large measure by benumbed human relics and totally despoiled for its natural resources."⁷⁶

Gish and Caudill agreed on many points and Gish was adamant concerning the necessity of creating jobs. He wasn't as convinced of the hopelessness of the mountaineers and wrote a number of editorials throughout the War on Poverty with the core theme that money spent on industrializing the region would be better used than money spent on welfare programs. There was a good deal of backlash from the local middle class over the portrait Caudill painted, and the attention the book drew to Whitesburg caused as many problems for the Gish family as it did for Caudill. The more affluent residents, particularly the residents of the "Upper Bottom" in Whitesburg and middle class neighborhoods in surrounding towns deeply resented the national picture of eastern Kentucky as a third world island of poverty, although as Gish described it, they refused to admit to structural issues as a possible root of poverty, and tended to blame the victims of poverty for their situation. As Gish recalled:

The Upper Bottom people, the social set, would tell you their houses were as good as those in Lexington and that there was no difference in their standard of living. We wound up losing our friends. They retreated from us and we retreated from them is what it came down to. They never did, would never admit to the deep social and economic problems except to say that people didn't want to work.⁷⁷

Harry LaViers Jr., president of South East Coal, and a close friend of the Gish family, wrote one of the few critical responses to *Night Comes to the Cumberlands* that appeared in the "Letters to the Editor" section of *The Mountain Eagle*. In his letter, LaViers wrote that a greater effort should be made to train young people to seek work in places outside the Appalachian

⁷⁶ "Appalachian Redevelopment: Hope or Hoax," speech given to the Southern Center of the University of Kentucky at Pine Mountain Settlement School, September 2, 1963, by Harry Caudill, Gordon Ebersole Congress of Appalachian Development Papers, East Tennessee State University Appalachian Archives, Johnson City Tennessee.

⁷⁷ Tom and Pat Gish, 1995 interviewed at the offices of *The Mountain Eagle*, by Mimi Pickering and Maxine Kinney, Tape 1.

region, and that he and Caudill differed in their outlook partly because of the nature of their occupations, because Caudill was a lawyer and LaViers was an engineer who viewed the world through a scientific lens. He also wrote that he rejected Caudill's notion that everyone in the power structure of the region was "vile and self-serving," and that he believed that most of the harm done to the region had been done through well intentioned mistakes rather than by evil and selfish men. He also indicated that he felt that the eastern Kentucky coalfields had been opened up too early, citing testimony given before a Congressional committee by John L. Lewis, President of the United Mine Workers, George Love, president of Consolidation Coal Company, and J.D.A. Morrow, president of Joy Mining Machinery, the largest coal mining equipment manufacturer in the nation. In their testimony, the three men agreed that eastern Kentucky coal should have been left undeveloped because at the time of the arrival of the coal giants, there was no real economic need for the increase in coal production. LaViers added that three technological developments were responsible for many of the problems that were faced by eastern Kentucky coal companies in 1963. The development of the large diameter seamless steel pipe had allowed for the large-scale transmission of natural gas and had eliminated what he called a "100 million ton market" for coal. The process of casting higher strength steel, which allowed for diesel engines to be made small enough to fit on trains, a theme echoed by Caudill in *Night Comes to the Cumberlands*, had eliminated another 100 million ton market, and the invention of the Tungsten Carbide bit, which allowed for the widespread use of the continuous mining machine was his third development. He wrote that when South East began to use Lee Norse continuous miners, it reduced employment at the mine where they were introduced from 900 to 200, and increased production over hand loading coal from 1,800 to 3,500 tons per day. Caudill had also addressed mechanization along with the shift from coal to diesel to fuel trains in *Night Comes to*

the Cumberlands, and both men agreed that the only the increased use of coal in generating electricity had offset the loss.⁷⁸ So the men in LaViers' reflection, the labor leader Lewis, the corporate CEO Morrow, and the coal boss Love had all testified that they believed there had been no real need to increase coal production in such a dramatic fashion. The desire to maximize profits by increasing efficiency through mechanization, along with Lewis' willingness to allow it in order to achieve higher wages for UMW members and aid in developing regional UMW hospitals, had resulted in the displacement of a large number of miners, and a corresponding decline in the standard of living in the coalfields.

Tom Gish's father Ben died in Florida in November 1963, not long after his retirement from Southeast Coal Company. Ben Gish had helped Tom and Pat in many ways when the town turned against them. Before his retirement, he laid the framework for Southeast Coal Corporation to continue to aid the Gish family, and *The Mountain Eagle's* current editor Ben recalls riding in company station wagons handed down to his father by Southeast when he was young. The elder Ben Gish died just weeks after moving to Florida with his wife Lucille, following a career that saw him become a pioneer in coal mine mechanization and safety. He had served as mine superintendent at the South East Coal Company mine in Seco which was one of the first to switch to modern mining machinery. He was also a leader in safety and was one of the first mine managers to use modern expansion roof bolts in the mines he supervised, replacing timbers as a means of roof support.⁷⁹

A week after his father died, Gish wrote a letter to President Kennedy thanking him for responding to the need for a winter relief program for eastern Kentucky and telling the president

⁷⁸ LETTERS TO EDITOR, "About THE book," *The Mountain Eagle*, August 29, 1963, 2.

⁷⁹ "Death takes Ben Gish in Florida," *The Mountain Eagle*, November 11, 1963, 3.

about a recent incident when a child in Letcher County had died from starvation. He also wrote that he was appalled by two editorials in *The Hazard Herald* which had stated that eastern Kentucky was not in need of relief. Gish wrote that this opinion was fairly typical of many of the area's businessmen "who seldom have gone beyond the boundaries of their own towns and don't know what exists in the creeks and hollows where the people and the problems are." He told Kennedy that the greatest service that could be performed for eastern Kentucky would be to take the businessmen out of the county seats for a two or three day tour of their own counties so they could see the problems first hand. *The Hazard Herald* editorial had urged its readers to send letters to their representatives telling them that eastern Kentucky did not need the \$45 million emergency public works program and Gish wrote that he couldn't "imagine a more ill-advised or unfortunate action." He also informed Kennedy that he had a special edition planned for January which would be filled with pictures and editorials concerning eastern Kentucky and its problems and he planned to distribute copies to every member of Congress and the U.S. Senate to help pass the PARC program. This letter was dated November 19. It is not known if Kennedy received it before his death.⁸⁰

Eleven days after writing the obituary for his father, Tom Gish had to write a painful account of the assassination of President Kennedy. While Gish shared the nation's grief, it was compounded for him and many eastern Kentuckians who had taken hope from Kennedy's plans to alleviate poverty in the region along with the national attention he had helped to focus on the area. Gish wrote that Kennedy had decided to visit eastern Kentucky for a first-hand look at the problems of the region just hours before he was killed. His plans had called for a trip to Cloverfork in Harlan County, an examination of the effects of strip mining on Black Mountain,

⁸⁰ Letter from Tom Gish to President John F. Kennedy, November 19, 1963, Gordon Ebersole Papers.

and a visit to Letcher County to see the devastation of strip mining on Beefhide. Kennedy had hoped that his visit would hasten congressional action to bring aid to the region, however, it took the ascension of Lyndon Johnson to the presidency to see real congressional efforts to begin the work of addressing poverty.

His visit to eastern Kentucky would have been historic and without precedent, and it well could have been the key that unlocked the door to progress in the area--the kind of progress that someday would have permitted the area to take its place in the nation with a just share of national prosperity and freedom from want and despair....And so, the loss to Eastern Kentucky is beyond measure.⁸¹

On the eve of the Kentucky gubernatorial election in 1963, President Kennedy had informed then candidate Edward T. Breathitt that he intended to visit Kentucky and other parts of Appalachia in the coming year. Breathitt mentioned the proposed visit when he delivered a eulogy for Kennedy that included an invitation to Lyndon Johnson to visit. "Last week, had he lived, John F. Kennedy had planned to visit these areas, bringing to the people a message of hope and help, and I'm sure that President Johnson will sometime soon be making the visit as well."⁸²

Gish wrote that it did not matter who fired the fatal shot, because Kennedy had died because he believed in first class citizenship for every American, and he believed Cubans had a right to liberty and regarded Buddhists in Vietnam as human. Kennedy had insisted on equal treatment for African Americans and believed in the dignity of man regardless of race, color, or nationality. "Mr. Kennedy died because he was an American in the proudest sense of the word, something it appears it is un-American to be these days."⁸³

⁸¹ "A TRAGIC LOSS," *The Mountain Eagle*, November 21, 1963, 2.

⁸² Edward Breathitt, *The Public Papers of Governor Edward T. Breathitt, 1963-1967*, (The University Press of Kentucky, Lexington, 2015), 7.

⁸³ *Ibid.*

Although Kentucky lost a special friend when Kennedy was killed, his successor, Lyndon Baines Johnson carried on his vision of using government to alleviate poverty, and through his legislative expertise and years of accumulated influence, he had greater success in moving legislation through congress. Johnson was not so well acquainted with the poverty in Appalachia as he was with the conditions in the rural south, such as his home area of the hill country in Texas. He also believed that racial strife in America was rooted in poverty and that by reducing the terrible poverty that plagued African-Americans in the South and inner cities, whites would gradually begin to accept them, or at least allow them to exercise their civil rights when they saw them working in good paying jobs. Although Kennedy had believed that legislation would ultimately be necessary to address the civil rights problem, he had wanted to wait until his second term before touching off a firestorm over the issue.⁸⁴ Johnson had been the Senate Majority Leader when he was chosen as Kennedy's running mate and he had enjoyed a successful career in the House of Representatives before going to the Senate in 1948. Johnson was a New Deal liberal and wanted to make his mark in social legislation. After he was sworn in as president, Johnson took Kennedy's chief economic advisor Walter Heller aside and told him that he wanted to make it clear that he was no conservative, saying he wanted Heller to share that information with his liberal friends. "I'm no budget slasher," said Johnson. "I understand that expenditures have to keep rising to keep pace with the population and help the economy. If you looked at my record, you would know that I am a Roosevelt New Dealer. As a matter of fact, to tell the truth, John F. Kennedy was a little too conservative for my taste."⁸⁵

⁸⁴ Carl M. Brauer, "Kennedy, Johnson, and the War on Poverty," *The Journal of American History*, (Vol. 69, No. 1, June, 1982), 116.

⁸⁵ *Ibid*, 100.

Johnson had tremendous faith in the power of government, and in December, just two weeks after taking the oath of office, he announced that he supported relief efforts for the Appalachian Region through the Winter Relief Program that Governor Combs had persuaded Kennedy to push through Congress, following the spring floods in 1963. However, he also wanted to avoid being labeled a "big spender" and in a joint announcement with Kentucky Governor Edward Breathitt, he said the program would not involve any new money. It featured an expansion of food relief and school lunch programs, as well as a program to eliminate intestinal worms and other parasites. Johnson called on private organizations to respond as well, citing the "obvious need" of the region. He said he would present a frugal budget for the coming year and *The Mountain Eagle* carried the story, saying, "Presumably he could not advocate a multi-billion dollar program for the Appalachian area and still live up to his promise of frugality."⁸⁶

The remainder of 1963 was shrouded with doubts about the direction of Appalachian relief as Johnson struggled to accomplish anything with the lame-duck Congress, and eastern Kentucky counties continued to be hampered by their own inability to take advantage of many of the relief programs that were available to them. Gish expressed his frustration with un-kept promises and the "grim joke" made of President Kennedy's Winter Relief Program in two editorials that accompanied the announcement that President Johnson supported area relief for the Central Appalachian region, by asking if Appalachia would be "frugaled out of effective help," and by stating what for him seemed to be obvious by that time, that "the gap between the bureaucratic mind in Washington and the harsh realities of life in Eastern Kentucky seem to be harsh and beyond belief." He compared President Johnson's promise to be a frugal president

⁸⁶ "President supports area relief," *The Mountain Eagle*, December 12, 1963, 1.

with Keen Johnson, who served as governor of Kentucky from 1939 through 1943, during which time, he said "the state slept for four years" due to his frugality in reducing the government to the point where it was nearly non-existent. Gish wrote that even in the time of the most free spending of governors and presidents, there was rarely enough left over to get to eastern Kentucky and that in the time of economic crunch it was always easy to postpone building highways and dams or improving education in the region, in the name of frugality.⁸⁷

Gish also questioned the effectiveness of efforts by the United States Department of Agriculture in the Emergency Winter Relief Program that had been announced just before President Kennedy's death. The program was designed to assist with repairs to homes and beef up school lunch programs to feed free lunches to hungry children in eastern Kentucky so they would not have to go through the entire day hungry. Instead, the Washington bureaucracy had changed the program to the point that "it is a kind of grim joke upon the people of Eastern Kentucky." The Farm Home Administration had also announced the availability of aid, even though it was done from Campton, 100 miles away from Whitesburg. The catch, as Gish described it, was that the loans would have to be repaid in the 1964 crop year at a rate of five percent interest and be "accompanied by supervision in farm and home management." Gish pointed out that maybe one family in 100 might have a crop in 1964 that could be mortgaged for a loan, and added that if such a crop was available it would probably be needed to keep the family fed. The grants were announced as being available to the seriously handicapped or elderly with small incomes and no other criteria of determining eligibility were released. To obtain a loan, the applicant would have to travel the 100 miles to Campton on any day except Wednesday or Saturday, so Gish estimated that a person from Letcher County would have to spend \$10.00

⁸⁷ "Will we be 'frugaled' out of effective help?" *The Mountain Eagle*, December 10, 1963, 2.

on bus fare to go to Campton on the possibility they might receive a loan. He quoted Judge Executive James Caudill saying, "This program is not worth a nickel to Letcher County that way," and added, "How right he is!" Gish recommended that the bureaucrats leave their desks in Washington and Frankfort and actually go up every creek and hollow in the mountains to take the program to the people. He also criticized the USDA for "messing up" the school lunch phase of the winter relief program by sending federal officials to local schools to collect statistics that were already on file in Frankfort rather than actually assisting the county in setting up school lunch programs. He closed by saying that Undersecretary of Commerce Franklin Delano Roosevelt Jr., who was in charge of the overall program, brought no honor to the family name by allowing such nonsense.⁸⁸

The year ended with a great deal of talk on the subject of poverty in eastern Kentucky, but little real action. A number of activists and politicians lobbied the President's Appalachian Regional Commission to make certain their viewpoint was included in its upcoming report and many recommended their own programs of public works, or in Caudill's case, a regional electrical power consortium set up like TVA to supply electrical power to the region by damming some of the many streams and rivers there. On December 13, 1963, Kentucky Governor Edward T. Breathitt, along with former Governor Combs, John Whisman, and U.S. Representative Carl D. Perkins met with President Johnson to request action and to remind him about conversations they had with President Kennedy on Appalachian poverty and all were anxious to get a similar commitment from Johnson.⁸⁹

⁸⁸ "This is not relief---this is a grim joke," *The Mountain Eagle*, December 10, 1963, 3.

⁸⁹ Ron Eller, *Uneven Ground*, 77.

Gish also questioned the effectiveness of the winter relief program, saying it was too little too late and would likely become a summer relief program if it lagged any further behind, and criticized the considerable paperwork involved for individuals to obtain aid. County officials were frustrated with the sheer amount of documentation a father must show before qualifying for relief but were hesitant to go on record because "we have to keep working with those people." An emergency housing program was experiencing similar paperwork generated delays and Gish opined that it would no doubt take several years before the houses in Letcher County needing emergency repairs can all be cleared.⁹⁰

When Lyndon Johnson gave his 1964 State of The Union Address, he told Congress he would be brief because time was short and his agenda was long. Without further preamble, he called for action on civil rights, a far reaching tax cut, asked that the coming session of Congress address the health needs of older people, and launch an all-out war on poverty in the United States. Johnson's address outlined a generally ambitious agenda, one that he said would not increase spending, but would halve the federal deficit. He said his programs needed to be implemented in the summer, and he was prescient in saying that it could all go for naught if it fell into political and regional quarrels. When Johnson announced that the United States would undertake a war on poverty he requested legislative action in a wide range of areas including special aid to Appalachia, and expansion of the ARA, youth employment programs, an expansion of the food stamp program, a national service corps, and a higher minimum wage, he was interrupted by applause more than in any previous SOU message. Johnson referred to poverty as a national problem and said it would have to be addressed by national programs, but he added that in order for it to be effective it would have to be organized on the state and local

⁹⁰ "Relief - but when?" *The Mountain Eagle*, January 9, 1964, 2.

level, saying it would be won in "in the field, in every private home, in every public office, from the courthouse to the White House." The weapons in the war would be improvements and enhancements in education, public health, housing, training and job opportunities. He added that lack of jobs might be a symptom of the problem rather than the problem itself and promised special efforts in the Appalachian region. Ironically, his only mention of Viet Nam was that Americans of all races stood side by side there.⁹¹

So now, the die was cast. The war was declared and for good or ill, the United States was committed to eradicate poverty within its borders. Or was it? Johnson's commitment to running the federal anti-poverty programs through state and local programs, through county courthouses and public offices, almost certainly meant that many of the same problems that had hampered New Deal programs, including factional squabbling and unequal racial appropriations, as well as the age-old practice of taking a little of the cream off the top would be inevitable. The House of Representatives and Senate would have to approve spending measures and as they had done with New Deal programs, the southern bloc in each body would be reticent to approve anything that would improve the lot of African Americans in their states. General opposition to spending federal funds to help the poor was a standing position among many Republicans and conservative Democrats as well, and for all his political acumen and knowledge of "where the bodies were buried," Johnson faced a daunting task in ramming through the necessary legislation to enact his War on Poverty. Although he started his presidency with promises and "good intentions," Johnson faced an uphill struggle to get his program passed, and his ascendancy to the presidency came in what would have been the last year of Kennedy's term. So in addition to passing anti-poverty legislation and enacting societal changes to achieve racial equality in a

⁹¹ Lyndon Johnson, "State of the Union Address," January 8, 1964. 1964.LBJ Library video MP503 donated by CBS, <http://www.lbjlibrary.org/press/civil-rights-tax-cuts-and-the-war-on-poverty>.

legislature that had resisted President Kennedy's efforts, Johnson was faced with a presidential campaign of his own and American military involvement in Southeast Asia that had been passed down through his two immediate predecessors.

Chapter Four

The tragic ending of 1963 left America with conflicting messages as to President Johnson's intentions of continuing President Kennedy's efforts to do something about poverty. Johnson alternated between announcing his plans to be a "frugal" president and restating his intentions to address poverty, but early in 1964, Lyndon Johnson declared war on poverty in his State of the Union Address. He did not go into great detail about his plans and he was elusive as to how he intended to pursue his war and still maintain a frugal posture when he submitted "The Economic Report of the President to Congress" on January 20. The report was vague as to the specifics, such as funding the War on Poverty, but he did lay out the assault in two main categories. Johnson stressed that the nation could not wait for gradual economic growth to lift the poor after pointing out that one fifth of the nation had annual per capita incomes of \$590 against a national per capita income of \$1,900. The general prosperity the rest of the nation had enjoyed in the years after World War II had not touched 20 percent of Americans, and Johnson established two target areas to bring the poor into the economic mainstream. The initial effort would focus on enabling every individual to increase his earning power to its highest capacity, but in cases where that was not possible, the government would do whatever was necessary to assure all citizens of a high standard of living regardless of economic reverse or poor health.¹

Upgrading education, particularly for the children of the poor, would increase earning capacity and good health care would be made accessible to the poor in order to stave off the effects of bad health. Job skill training would be implemented to allow them to acquire marketable skills. This would all be managed through community and area rehabilitation

¹ The Annual Report of the Council of Economic Advisors, "The Economic Report of the President to Congress," (United States Government Printing Office, 1964), January 20, 1964, 15.

programs targeting factors that contributed to poverty such as inadequate schools, poor health, and chronic depression. At the core of this concept was the Area Redevelopment Act, which would be renewed and improved. Johnson also promised a new program specifically to "deal with our nation's most distressed major region, Appalachia." Although he introduced no Appalachia specific programs at that time, he did call for equal opportunity, aid to the poor and those not able to fend for themselves, and for a versatile approach to the problem of poverty in America.²

The Mountain Eagle's coverage of Johnson's plan and the report from the Council of Economic advisors included local and regional statistics and reported that eastern Kentucky would be the prime battleground in the War on Poverty. It also revealed that less than half the families in Letcher County made \$3,000 per year, and according to the U.S. Census, at least half of that group made less than \$1,750. The paper also reprinted Johnson's strategy for "Building Individual Earning Power," which called for the congressional renewal of the Area Redevelopment Act, and referred to Appalachia as the "nation's most distressed major region."³

The backlash from local businessmen and elites in Letcher County against Johnson's proposal was immediate. At their first meeting of the New Year, the Whitesburg Chamber of Commerce denied the severity of poverty in the county and condemned the CBS television program "Christmas in Appalachia." The Chamber also wrote a letter to Tom Gish referring to "the terrible write up" that had appeared in the January 30, 1964 issue of *Life Magazine* about poverty in Appalachia that used photographs of Letcher County as the focal point. Others accused the magazine and national news media of making fun of Letcher County and two county

² "The Economic Report of the President to Congress," January 20, 1964, 14 - 16.

³ "Poverty 'not inevitable fate,' *The Mountain Eagle*, January 23, 1964, 1.

officials threatened to take a group of British television reporters and photographers to jail if they took pictures of Letcher County residents standing in the rain to receive their month commodity allotment. Tom Gish wrote that the threat to the British reporters was disgraceful in a country that "prides itself on having a free press" and that the county should welcome the exposure and the aid proposed for them, because it had been much the same sort of attention that had focused national attention on eastern Tennessee and led to the creation of TVA. "Instead of condemning the outsiders who come here to report, we should instead take advantage of their presence to point out to them how past and present federal programs have failed and explain where the programs have gone wrong."⁴

While the editorial referred often to the letter from the Chamber of Commerce, it was not reprinted in newspaper, but the Chamber had a valid point so far as the lack of a balanced portrayal of life in Letcher County in *Life Magazine*. While the writers pointed out that the Appalachian region covered an area from Alabama to New York, all the photos were taken in the outlying areas Letcher County and not, as the Chamber had pointed out, in the middle-class neighborhoods of Whitesburg and Jenkins. The photos showed wrenching scenes of poverty with stricken families in drafty homes with newspapers for wallpaper, and the entire photo essay consisted of a graphic twelve-page section on the conditions of poverty in Appalachia. As the focus of the article, Letcher County was depicted: "In a lonely valley in eastern Kentucky, in the heart of the mountainous region called Appalachia, live an impoverished people whose plight has long been ignored by an affluent America." Photos by John Dominis, with captions from Neon, Line Fork, and other parts of the county depicted the terrible winter conditions that beset the county poor, and the people were described as "often disease ridden and unschooled," without

⁴ "How many times?" *The Mountain Eagle*, February 6, 1964, 2.

jobs, without hope, and living at a subsistence level on government handouts. A caption from one section of photographs called "Solace in papered walls and religion," showed youngsters "lapping up a surplus commodity supper of pan fried biscuits, gravy and fried potatoes." In an accompanying article by Michael Murphy, Harry Caudill denounced the coming of the relief that had turned eastern Kentucky in to "a paleface reservation" where technology had reduced mountaineers to the status of surplus commodities, who were still being fed on commodities. Murphy wrote of mountaineers using dishonest methods to get a relief check, but said the devices they used to get on relief rolls were no more dishonest than the ways power flowed through county courthouses, allowing mountain politicians to use the programs they administered to generate patronage for their own purposes.⁵

As the president's proposal began to encounter resistance in Congress, Gish questioned whether the needs of eastern Kentucky might fall prey to a government cutback to eliminate waste, a tactic all too familiar to residents of eastern Kentucky. He wrote that money always seemed to be delayed in getting to eastern Kentucky, even in times of relatively free spending, and while Johnson had made bold promises to end poverty, he had been less positive about providing the necessary federal funding. Even when the president moved to make his mark in the War on Poverty, he found that the state of Kentucky was unable to move with the same speed. Johnson and Kentucky Governor Edward Breathitt found themselves with a winter relief program crafted by their respective predecessors, and although Johnson drove the funding through Congress, he soon found it stuck in the bottleneck of local government. Congress allocated \$20 million for relief in Kentucky but state and local agencies lacked the necessary

⁵ Michael Murphy, "The Deceit, Corruption, and Scars of Relief," in "The Valley of Poverty," *Life Magazine*, January 30, 1964, 63.

finances and staff to implement the distribution of the funds effectively. County officials complained that the sheer amount of documentation required by the federal agencies in order to qualify a family for aid had created a massive bottleneck that was preventing needy families from receiving even the most basic assistance, for food, housing, and heat. There had been no provision to speed the program up and it looked like winter would be over before any help came through.⁶

The following month, Gish complained that three months had passed without relief being forthcoming, and stated that the program had already failed. He blamed poor administration in the programs and incompetence in local and state agencies, as well as the lack of a single top-level office in Kentucky to administer the state-wide program. Gish's frustration was rooted as much in the lack of understanding of the severity of the problems by government workers as it was with the inadequate efforts made to solve them. He called the efforts to relieve poverty in eastern Kentucky "one of the great international stories of 1964," with reporters from all over the world flooding in only to be greeted by "little but misery and a fumbling inability on the part of the state and federal government to do anything effective."⁷

At a February meeting in Hyden, when John Whisman, Kentucky's representative to the President's Appalachian Regional Commission, addressed a gathering of representatives from eastern Kentucky communities, he hinted that the yet to be released PARC Report had its "holes," and said the members of PARC were aware of them but they wanted to get started as soon as possible anyway. He added if the audience wanted to read a "virtual blueprint for the PARC Report," they could look at Program 60, which he and the Eastern Kentucky Regional

⁶ "Relief -- but when?" *The Mountain Eagle*, February 13, 1964, 1.

⁷ "On November 14, President Kennedy Announced the creation of a winter relief program," *The Mountain Eagle*, February 20, 1964, 2.

Planning Commission had released four years earlier. But when Whisman, said "All we have achieved is a program that gets your case to court," it exacerbated the fears of the unemployed miners and those men who were working in the grossly underpaid make work jobs created by government programs. The report listed five ambitious programs, including the creation of an extensive network of highways, with Jenkins as the hub, that would create a major transportation center in Letcher County. That had been referred to in the original Project 60 as a comprehensive development highway system, a network of roads specifically designed to enhance development, that would help alleviate the region's isolation and open the central part of Appalachia to economic growth and expansion⁸ It also proposed water and flood control projects, the creation of two national forest districts, and a massive effort in human resource development. The creation of a permanent Appalachian Regional Commission was also included in the plan. Whisman told his audience that "we do not want to be so politically foolish as to put in things we knew in advance would defeat the program," and that the legislative proposals accompanying the report had been "designed to get them passed." Several programs that had struggled in Congress had been left out for that reason and it would be up to eastern Kentuckians to get together and show a "unified front to Congress" to make the program succeed and grow. The report did not promise job creation in the region, and Whisman said it would be up to individual companies to bring industrial jobs to the region because the PARC lacked the ability to compel them to. However, he did predict that the PARC Report would help to move as much as a billion dollars into eastern Kentucky in the next five years.⁹

⁸ Ron Eller, *Uneven Ground: Appalachia Since 1945*, (The University Press of Kentucky, Lexington Kentucky, 2008), 49.

⁹ "Appalachia report talked," *The Mountain Eagle*, February 20, 1964, 1.

The week before the meeting in Hyden, a group of unemployed miners led by Chandler Berman Gibson had been quoted in *The Mountain Eagle* as saying that they would no longer participate in roving pickets that were conducted to showcase unemployment in the coalfields. The pickets were meant to convince the United Mine Workers to use some of their funds to aid the unemployed miners, but they had not been successful. Gibson said that rather than continuing the pickets, the miners would concentrate on efforts to persuade the federal government to work toward creating other opportunities for employment in eastern Kentucky, and the miners created the Appalachian Committee for Full Employment. The ACFE sent their own representatives to the Hyden meeting, and when they were not satisfied by what they heard, they initiated a political action committee to question the report presented the PARC with a list of five questions, including what provisions had been made to aid unemployed miners, and stimulate coal production. They asked what was being done for other unemployed industrial workers, and called for a decent wage scale for the men employed by government projects. The miners also suggested using unemployed men to rebuild the thousands of run-down homes in the region and asked about aid for local school systems. They called for programs to retrain miners for jobs on local federal projects, establishing a federal authority to develop small business, creating an agency to have authority over the dispersal of federal funds, and the allocation of funds for buildings to attract industry and establishing municipal power supplies.¹⁰

Looking for other ways to stimulate the local economy, Gish became an enthusiastic proponent of the idea of developing electricity producing plants directly in the coalfields, where locally mined coal could be taken directly to the energy plant to be burned. He also favored using small dams in the stream rich area to create local power supplies, and *The Mountain Eagle*

¹⁰ "Miners start political action," *The Mountain Eagle*, February 20, 1964, 1.

carried a number of articles concerning the potential of using water to produce electricity for small communities. According to Gish, the enthusiasm came at a cost though. In the Appalshop Interviews, he said that he and Pat were labeled by some in the utilities business as Communists who were trying to substitute government run electrical programs for electricity produced by free enterprise, and *The Mountain Eagle* experienced another advertising boycott by local businesses. However, although the boycotts showed the risks involved with challenging the status quo, there is no evidence to corroborate Gish's statement that the utilities had been behind them.¹¹

Gish and Gordon K. Ebersole, Staff Assistant to Secretary of the Interior Stuart Udall, carried on a series of letters and visits in 1963 discussing the possibilities of generating electrical power in the regions where coal is produced. Gish first broached the idea to Dr. Howard Forsyth of the Department of the Interior early in 1963 when he wrote concerning a conversation he had recently had with Roland Price, a coal operator with extensive truck mine operations in eastern Kentucky. Gish wrote that Price was prominent in the industry, and one of the leaders in the Hazard Coal Operators Association, who told Gish that "everyone in the industry knows that if coal has any real future it is in the field of power production, and Gish had several other prominent coal men on board. All were convinced that local power production was the future of the coal industry in eastern Kentucky.

Ebersole became involved through Forsyth and was an enthusiastic proponent of local production of electrical power in areas where the means, such as coal or water power, were readily available. As an administration official, Ebersole was privy to information that already revealed the writing on the wall, as far as a backlash from big energy concerns, and in an April

¹¹ Tom and Pat Gish, 1995, interviewed by Mimi Pickering and Maxine Kinney, at the office of *The Mountain Eagle*, Tape 1, located at Appalshop, Whitesburg, Kentucky.

1963 letter concerning an editorial Gish had written concerning flooding in Letcher County, he warned Gish that the issue of power generation was already moving away from local production and toward big power plant production. He wrote that the Federal Power Commission had authorized the Corps of Engineers to proceed with building power installations at Moores Ferry on the Clinch River in Virginia, and the Bluestone Dam on the New River in West Virginia. Ebersole told Gish this was fine, if it was the way the people of the region wanted it, but added, "how in thunder do you people expect to grow tall if you don't ever learn to stand up? Moores Ferry and Bluestone are just as much a part of the problem as TVA and strip mining."¹²

Ebersole had a close relationship with both Tom and Pat Gish and stayed at their home often when he visited Letcher County. Their collaboration was evident in the correspondence they shared, which included the initial invitation, a hand-written note from Pat Gish, for Ebersole to stay at the Gish home, "so we can talk all night if we want to."¹³ From this beginning, the Gishes and Ebersole formed a close working relationship and bond of friendship that allowed for a free exchange of ideas as well as an exchange of material that was used in the work they shared. In his response to Pat Gish's invitation, Ebersole informed her he would be bringing a film concerning economic development in the Northwest, which featured a Columbia River power plant and expressed the wish that the Gishes could visit the area soon and "see how electric power has opened opportunities of a better life for millions."¹⁴

The exchange was mutual and Gish sent a constant stream of editorials and articles from *The Mountain Eagle* to Ebersole, which Ebersole distributed to members of Congress, and *The Mountain Eagle* maintained a powerful presence in Washington through Ebersole and other like-

¹² Letter from Gordon Ebersole to Tom Gish, April 4, 1963, Gordon Ebersole Congress of Appalachian Development Papers, East Tennessee State University Library, Johnson City Tennessee.

¹³ Pat Gish, Note to Gordon Ebersole, Ibid, May 23, 1963.

¹⁴ Gordon Ebersole, Letter to Pat Gish, Ibid, May 28, 1963.

minded friends of the paper. A March 1963 editorial that called for the creation of a TVA like organization for Central Appalachia revealed the collaboration between Gish and Harry Caudill and just pre-dated the release of the PARC report with the idea. Gish's call for flood control, later echoed in *Night Comes to the Cumberlands*, was accompanied by an idea that "properly planned development could see the installation of hundreds of lakes and dams in eastern Kentucky that could be used for flood control and for the dual purpose of electrical generation. " In the process, power plants could be installed to utilize both coal and water, producing an at-home market for all the coal we can produce." Gish predicted the approach would bring badly needed stability to the coal industry and "with flood free industrial sites and cheap power, industrialization and an accompanying end to our economic ills could follow as night follows day." He referenced the establishment of conservancy-public utility districts like the ones in the Columbia River Valley in Washington and the Snake River Valley in Oregon, or an organization that resembled the TVA more closely.¹⁵ Gish foresaw the bleak future of the Appalachian Diaspora that might occur without development, warning that "we see the day coming when the lame and the blind, the old and young, and those of limited intellectual and/or educational attainment will be left." Caudill made a similar prediction in *Night Comes to the Cumberlands*, and Gish envisioned the population that was left would likely be composed of "80 percent unemployed and unemployable," along with a few teachers, government workers, and others who were on the public payroll.¹⁶

A week after President Kennedy's death, Harry Caudill addressed the Electric Consumer's Information Committee in Washington and repeated his proposal for the creation of the

¹⁵ "TIME FOR DECISION," *The Mountain Eagle*, March 14, 1963, 1.

¹⁶ *Ibid.*

"Southern Mountain Authority," saying that the agency should be invested with the authority to build both hydro-electric and coal fired power plants in Central Appalachia. He told his audience it would serve as the first step in addressing the social and economic problems that plagued the region and said that there must be a sellable product developed within the mountain region that would bring in outside money and stimulate further investment. "If Eastern Kentucky is to be restored, it must find something to sell. It has been amply proved over the years that the extraction of raw coal will not do it." The commodity that could turn the eastern Kentucky economy around would be electric power, and the reserves of coal and water power in the region, along with a "little inspiration and a lot of work," could turn eastern Kentucky into a major power producer. With coal remaining as the nation's prime source of energy for the foreseeable future, Caudill told the gathering he saw no reason that electricity generated at the mine mouth, and transmitted through high voltage power lines, could not power large east coast markets like New York City and help to put the Kentucky miners back to work. "The example of TVA offers us the most successful avenue of attack," to address the issues of the lack of industry, unemployment, poor education, and the increasing desperation in the area. He went to say that he believed that within fifteen to twenty years, the foundation for a permanent solution could grow out of the mine-mouth plants, including a strong recreation industry from the hydro-electric lakes and light industry as well as a "coal using chemical industry."¹⁷

The PARC introduced the possibility of a TVA like project to power Central Appalachia with a combination of coal and water power that could generate more than enough energy to provide for the electrical needs of the Appalachian region and surrounding areas. The report

¹⁷Caudill Proposes TVA-Type Authority to Revitalize Appalachia, APPA (American Public Power Association, Weekly Newsletter, November 29, 1963, 4. Gordon Ebersole Congress of Appalachian Development papers, East Tennessee State University Library, Johnson City.

stated that the potential power market for the surrounding region was approximately three times that of the Appalachian region itself, and indicated that with the proper development, a situation could develop "where low cost fuel and other minimum transmission costs would provide the major economies necessary for substantial development of mine mouth power." The power would not only be exported from the region, but given Appalachia's strategic location in the central portion of the eastern United States, it could also attract industry dependent on low cost power and by doing so, it would also stimulate extensive growth of other small industry as well. The report went on to say that the power installations could be further enhanced by developing "water installations designed to provide peaking power, operating in conjunction with low cost base load thermal plants. Such developments would not reduce requirements for coal but would increase them "¹⁸

The United States Department of the Interior offered to undertake a study of the possibilities of using low cost coal to power the Appalachian Region when Interior Secretary Stuart Udall wrote a letter to ARC Chairman Franklin D. Roosevelt Jr. offering Interior Department leadership to conduct the study. Udall said if his department was given the go-ahead, he would "ask the assistance and counsel of an advisory committee, including representatives of private utilities, electric cooperatives, municipal power systems, industrial and residential power consumers, federal and state agencies, and the public." Udall suggested that the study should concentrate on developing "large thermal plants of 1,000 to 2,000 megawatt capacity together with suitable peaking hydroelectric capacity."¹⁹

¹⁸ Appalachia: A Report by the President's Appalachian Regional Commission, 1964 Chapter Four, "The Elements of the Program," 45.

<http://www.arc.gov/about/ARCApplachiaAREportbythePresidentsAppalachianRegionalCommission1964.asp>

¹⁹ "Interior proposes study of power potential of Appalachian area," *The Mountain Eagle*, April 16, 1964, 1.

In response to the PARC Report that designated Appalachian coal as the prime source of power for the Appalachian Region and surrounding areas, Franklin Delano Roosevelt Jr. offered up the possibility of a giant electrical plant located close to the source of coal, describing it as a "mine mouth" electrical plant at the source, near large coal mines that would send power to the northeastern United States. However, the reaction from the large utility companies was swift, and the government quickly retreated. The ink was hardly dry on the report when Udall sent a letter to Roosevelt informing him that he was satisfied with an announcement by the American Electrical Power Company that they would soon embark on a seven-year expansion program to add five million kilowatts of new capacity in the Appalachian coalfields, and added that the acquisition of a new supply of power from Canada by Consolidated Edison had eliminated the need for the "mine mouth" plants. Udall said it was welcome news that the expansion would include the annual use of about 12.5 million additional tons of Appalachian coal and made reference to a letter he had received from Congressman Carl D. Perkins of the Kentucky's Seventh District, stating that the best way to reduce poverty was to create jobs in the coal industry. Udall informed Roosevelt that his department would henceforth take the lead in studying the electrical power production potential in Appalachia, and the study would be coordinated with the existing Federal Power Commission survey on national energy requirements.²⁰

Roosevelt disowned the plan even before he received the Udall letter, and later denied he had even made the "mine mouth" statement at a meeting in Logan, West Virginia sponsored by Appalachian Power Company and three chambers of commerce. He even said he had never made any statement to the effect that he had plans to recommend locating the electrical plant in

²⁰ "HERE'S THE TEXT OF CORRESPONDENCE BETWEEN UDALL AND ROOSEVELT CONCERNING POWER POTENTIAL SURVEY," *The Mountain Eagle*, April 23, 1964, 5.

Appalachia and emphasized that his report would contain no such proposal, adding that the government had not budgeted any funds to develop the project and would not permit the plant to be constructed anyway.²¹ In response to Udall's letter, Roosevelt thanked him for pointing out the "several steps that must be taken if the question of how to best utilize Appalachian coal is to be resolved." He also endorsed Udall's proposal to take over studying the matter and said he would personally urge the PARC to take appropriate action to implement Udall's plan²²

Gish reacted furiously to the denial of the mine mouth generating plants, writing that for a brief moment, it had looked as if the officials who were charged with plotting the destiny of eastern Kentucky were "about to overcome their own lack of courage and come up with a program with real guts," but, "it was all an illusion." In his scathing editorial response to the announcement, Gish excoriated Roosevelt, reminding readers that FDR Jr. had once been a lobbyist for "Dictator Trujillo of the Dominican Republic," and had so "successfully represented the poor and downtrodden of that woebegone country that he was hired to do something for the poor of the Appalachian area." He outlined the comprehensive power plan and wrote that Roosevelt had been quoted at an earlier meeting at Appalachian Power headquarters in West Virginia as saying he would recommend that the mine mouth plant be built. Almost as soon as the report was printed, Roosevelt issued a "total denial," saying he wanted to make it clear that there would be no recommendation by the PARC relating to the construction of any coal generating plant. Bos Johnson, News Director of WSAZ TV in Huntington, West Virginia, stated

²¹ "FDR Jr. denies plan for power," *The Mountain Eagle*, March 12, 1964 1.

²² "HERE'S THE TEXT OF CORRESPONDENCE BETWEEN UDALL AND ROOSEVELT CONCERNING POWER POTENTIAL SURVEY," April 23, 1964, page 5.

that WSAZ no longer had a transcript of the Roosevelt speech because the president of Appalachian Power had asked the station for all film footage and transcripts of the speech.²³

Gish wrote that the battle of the "plain people" of Eastern Kentucky had been hard, that is the people who were not associated with Appalachian Power Company or the Department of the Interior, because they had been ignored by Roosevelt as well as by the state governors, and had "never once been allowed to state their own idea," in relation to their own problems, to state or federal officials.

Yet the idea of harnessing Eastern Kentucky Coal and Eastern Kentucky water to Eastern Kentucky manpower in a total development program has persisted, and has continued to grow steadily, in acceptance and support.....Franklin D. Roosevelt himself and in person was quoted as saying that he would recommend a giant electricity generating plant be built in the heart of the Appalachian coalfields. Miracle of miracles, Roosevelt had seen the light. What a short lived miracle it was. Scarcely had the program been printed when Roosevelt issued a total denial.²⁴

Gish wrote that that when officials at Appalachian Power Company had expressed their disapproval or the plan, Roosevelt made it clear that the president of APC had been "needlessly disturbed," and that it was now obvious that nothing would be done to disturb the big private/public power companies "who have presided over the decline and fall of the Appalachian area as they have exploited it for all it was worth." He added that the Upper Kentucky River Area Development Council (now KRADD) had also been brought to heel by the subtle presence of the District manager of Kentucky Power in Hazard and a cohort of company employees at a development meeting in Jackson.

The *Hazard Herald* also weighed in editorially on what had become known as the Yankee Dixie project not long after the Quicksand meeting. Referring to a front-page article

²³ "Politicians do not heed East Kentucky people," *The Mountain Eagle*, March 12, 1964, 4.

²⁴ *Ibid*, 4.

titled "Mine Mouth Generator Planned for Kentucky," which reported on a statement made by Hugh Spurlock, chairman of the Yankee Dixie steering committee, announcing the plan to build large electrical plants in the Appalachian coal fields, a *Herald* editorial asked if Yankee Dixie represented, "A Threat or a Hope?" The editorial stated that the impact of a such a large project could lead to the "re-birth" of the coal industry in eastern Kentucky, which carried the "old, original promise for complete development of the region, at the same time it carries a dread threat, of the continued rape of the mountains." The author of the editorial, possibly Editor Oscar Combs, wrote that "The first life of the coal industry in Eastern Kentucky destroyed these mountains," and that while a couple of generations had benefitted, the "curse of absentee ownership" had starved county governments and school systems as enormous and untaxed wealth left the region. "Unless we are very diligent, our wealth may continue to be stolen at an even greater rate in the form of untaxed electricity." He praised the creation of new jobs but cautioned that it must do more than create jobs, and particularly to ensure that electricity must be subject to taxation by local governments and that the steam plant "must not be allowed to use coal derived from the strip mining method," which he called a "curse in itself," nor could it use coal mined by "cheap labor in unsafe working conditions." The editorial finished by demanding that "The safeguards for our future must be written into the initial concept of the new enterprise."²⁵

Even though the Department of Interior had taken over the planning for developing steam plants to generate electricity in Central Appalachia, the plans for developing a power generating facility based on the TVA model that were submitted by John Sherman Cooper and initially

²⁵ Editorial, "A Threat Or A Hope?" *The Hazard Herald Editorial Page*, Thursday April 8, 1965, Gordon Ebersole Congress of Appalachian Development Papers, East Tennessee State University Library, Johnson City.

embraced by Franklin D. Roosevelt Jr. did not die. In 1965, *The Courier Journal* carried an article on the speech Caudill had delivered to the Southeast Center of the University of Kentucky and Pine Mountain Settlement School on Labor Day. The article showed Caudill's continued determination by his call to Congress to finance the construction of a major electricity generating system in eastern Kentucky and for the creation of the Southern Mountain Authority. As in the previous year's plan, Caudill also proposed tying hydroelectric energy to the project as well, and called for damming up four major eastern Kentucky streams, the Big Sandy River, the Poor Fork of the Cumberland, and the Licking and Kentucky Rivers. Of the four, three had their headwaters in Letcher County and the dams would impound water within a hundred miles of the headwaters of each one. Caudill estimated that each lake would be comparable in size and cost to Norris Lake in Tennessee and would be capable of "producing very substantial quantities of hydroelectric power." Below each dam, a coal generated power plant would create additional energy. He added that his proposal for Congress to finance the project was not novel, since the country was already dotted with other federally financed plants. "The only thing novel about my proposal is that it applies to the rivers and valleys of our own neglected and forgotten corner of our nation." Caudill also stated that adequate roads, schools, and other facilities like hospitals would rise from "the midst of abundant and inexpensive electricity," and that it was likely that other outside investment would flow into the region. His only concern was that the construction of coal fired power plants would encourage an increase in strip and auger mining and he called for both methods of extracting coal to be outlawed on mountainous terrain.²⁶

The plan continued to gather momentum even after the Department of Interior withdrew its interest. A huge electrical blackout in the northeastern United States in November of 1965

²⁶ Fred W. Luigart, "Power-Generating Net Urged for East Kentucky," *The Louisville Courier-Journal*, September 1, 1965, 1.

highlighted the need for increased electrical capacity for the Atlantic seaboard, and the Yankee Dixie plan found new life as a possible solution to the energy shortage as well as a tool to help lift the Appalachian coal producing counties out of poverty. A *Christian Science Monitor* article reported that 21 states had united behind the idea and expressed the hope that private electrical firms would join municipal and consumer owned rural cooperatives to bring it into being. Frank H. King, president of the American Public Power Association, said the blackout highlighted the need for a new look at power distribution along the east coast. The blackout had been caused by the failure of a small relay in Queenstown, Ontario, and had left the urban centers in the northeast without electricity for up to 14 hours. King said that such a small thing shouldn't cause such a big problem and that Yankee Dixie could be a "step in the right direction."²⁷

The American Public Power Association and the National Rural Electrical Co-operative Association announced their support for Yankee Dixie and co-sponsored the Washington meeting where Harry Caudill spoke about the possibility of developing a "system for the generating and transmission of electric power with almost six million kilowatts tied together with thousands of miles of double circuit 500,000 volt lines," as part of the Yankee Dixie Power project. Caudill introduced the topic by saying that an article in *Electrical World Magazine* had stated that the investor owned electrical companies were winning over Congress on the decision as to where to locate a new large plant and the evidence of that attitude was seen when Congress refused to authorize the Devil's jump hydro(electric) project in Tennessee and Kentucky, which Caudill said would keep all electrical power projects out of Appalachia. He questioned the evident pride the power interests took in their ability to continue to exploit the Appalachian

²⁷ John Dillin, "Huge power grid pushed as blackout preventative," *The Christian Science Monitor*, November 18, 1965, Gordon Ebersole Congress of Appalachian Development papers.

region by "encouraging the devastating methods of taking our coal, and at the same time, forbidding the fruits of this exploitation to be retained in this impoverished area."

Caudill told the group that engineers had predicted the Yankee Dixie project could be built "to the proper scale with relatively cheap money," and would produce annual revenues of around \$10 million. That money could then go toward infrastructure improvements such as hospitals and roads or matching funds for school construction "when the Congress meets its responsibility to the public schools." He said he believed that every dollar generated would turn over three to ten times if it could be kept in the region, and would create enough wealth that many of the area's problems could be alleviated without further allocations from Congress. Although private investor owned power companies had been invited to participate, Caudill said he saw little evidence of their willingness to do so and said it was evident to him that if the project was to be successful, the Yankee Dixie Group would have to do it alone. Caudill called the development of the Yankee Dixie project the difference between "enlightened self-interest on one hand and a brutal exploitation of natural resources on the other," touching his favorite themes concerning the exploitation of the region, and comparing it to Switzerland in its potential.²⁸

Caudill also called for language in the charter to guarantee that the coal used to generate steam would not be obtained by environmentally destructive methods, and no stream or air pollution would result from the generation of electricity. "With this in mind, I suggest that we get up off our knees and stop begging for things from investor owned companies." Caudill's belief that the Appalachian region needed to be self-sufficient and not dependent on outside interests

²⁸ "Electric power to help area urged," (Text of Harry Caudill speech to Yankee Dixie Power Association in Washington D.C.), *The Mountain Eagle*, November 18, 1965, 9.

was reflected in his call for the development of a Southern Appalachian Authority in *Night Comes to the Cumberlands*.²⁹ He finished by loosely quoting Brutus' speech from *Julius Caesar*, from "the immortal bard of Avon," "There is a tide in the affairs of men, when taken at the flood leads on to fortune: Omitted all the voyage of their life is bound in the shallows and miseries. And we must take the current when it serves, or lose our ventures."³⁰

The vast wealth generated without additional appropriations by Congress would enable the Appalachian region to preserve enough of the fruits of its own exploitation from a poverty ridden area into a beautiful, rich and prosperous region.³¹

Objections to the plan had already been raised before the Washington meeting where Caudill spoke because of the lack of participation from "private" power firms. In April, W.A. Duncil, president of Kentucky Utilities, said that his company and others had been "disregarded by Yankee Dixie" in the development of the project and that it was of particular concern since Kentucky Power and the East Kentucky Rural Cooperative Corp had agreed in 1963 to coordinate their plans to address the needs of their service area.³²

Gish had already taken a good deal of heat from Kentucky Power for his advocacy for regional power generation, but he was undeterred in his belief that it was part of an overall plan that could provide much needed income and jobs to the area. In 1966, the engineering firm of Larimore, Popham, and Douglas of New York presented a plan for four power stations with tentative locations in western Pennsylvania, eastern Kentucky, Southern Indiana, and Northern

²⁹ Harry Caudill, *Night Comes to the Cumberlands*, page 368.

³⁰ "Electric power to help area urged," (Text of Harry Caudill speech to Yankee Dixie Power Association in Washington D.C.), *The Mountain Eagle*, November 18, 1965, 9.

³¹ Haynes Johnson, quoting Harry Caudill, "Appalachia Uplift envisioned In Plan for Power Project," *The Evening Star*, Washington, D.C, page A-5, Gordon Ebersole Congress of Appalachia papers.

³² "\$1 Billion Power Plan 'Overlooks' Private Firms," *The Courier Journal*, Louisville, Kentucky, April 8, 1968, Gordon Ebersole Congress of Appalachia papers.

Alabama. The estimated cost of the project was \$1,884,000,000.00 and the engineers estimated that Yankee Dixie could supply electricity demands from Florida to New England.³³

Before Caudill's speech had ceased to echo through Washington, the official wrangling began. Hugh Boswell, the staff representative for the 12 states of the Appalachian Regional Commission, questioned the proposal while the Department of Interior, which had dropped it in 1963, joined the United Mine Workers in endorsing it. Michael F. Wildman Jr., the union's director of research and marketing was quoted as saying that the UMW's goals were linked directly with the Yankee Dixie plan and Assistant Secretary of the Interior for Water and Power Development Kenneth Holum called it "the kind of creative thinking that is needed." However, Boswell said that he believed that the proposal would work to the advantage of metropolitan areas and to the disadvantage of "present and prospective growth areas in Appalachia," adding that convincing answers were needed before the 12 states should support the proposal. He also questioned how the expansion of what he referred to as "coal by wire" would affect the jobs of rail and barge workers in the region and whether the overhead transmission lines would retard the growth of adjacent areas. Boswell also asked if investor owned utilities "that pay taxes," would be able to meet the power needs of Appalachia without the government subsidies the nonprofit Yankee Dixie system would require, since it would not pay taxes and be financed with tax free revenue bonds. Boswell said it would be better to encourage growth in medium sized cities such as Morgantown, West Virginia "to relieve the pressure on megalopolis." rather than devote resources to the east coast metropolitan centers.

Speaking at the first general meeting of the Yankee Dixie Power Association, Boswell said, "There are madmen such as myself who refuse to believe that the majority of the nation's

³³ "Yankee, Dixie Power Plan for East Outlined," *The Morning Record*, Meriden, Connecticut, June 3, 1966, 8.

population and almost all of its educational and cultural complexes must be concentrated in a few 'megolopilitan' areas, leaving the nation's center for a vast wasteland."³⁴

The loss of the mine mouth/Yankee Dixie plants represented much more than simply the classic lost opportunity. The decision of the Department of Interior to keep the electrical power dynamic in the hands of big producers withdrew the possibility of changing the Central Appalachian Economy from a producer of sellable raw materials, coal, natural gas, and timber, to a manufacturer of a value-added commodity that might have seen the region bloom into a solid manufacturing economy with the accompanying boom in supporting business development.

As Gish and Caudill continued to make the case that eastern Kentucky could be a major source of electrical power for the eastern part of the nation, Lyndon Johnson boosted their hopes considerably during his visit to the Martin County home of Tom Fletcher in April 1964 to dramatize the need for Congress to pass his Appalachian Aid Plan. Fletcher was an unemployed sawmill worker who, along with his wife and eight children, existed on an income of \$400.00 a year. While Johnson's visit was primarily intended to showcase the need for aid to Appalachia, he was also under pressure from Senator John Sherman Cooper and Representative Carl D. Perkins to aid the Kentucky coal industry. At the news conference that accompanied his visit to Martin County, he told reporters that his Appalachian tour had convinced him of the need and possibility of developing electric power in the Appalachian region.

There is need for the careful scrutiny for the development of power resources, looking toward action. That would mean specifically the possibility of steam plants, TVA, in some of that area.³⁵

³⁴ Harry Ernst, "Value of Massive Appalachia Power System Questioned," *The Charleston Gazette*, Charleston, WV, November 20, 1965. Gordon Ebersole papers.

³⁵ "Johnson sends Appalachian aid bill to Congress," *The Mountain Eagle*, April 30, 1964, 1.

Historian John A. Williams later wrote that when Johnson declared the War on Poverty from the home of a disabled miner's house in Martin County, Kentucky, the practical effort was to make Appalachia the theater for a two-front war, with the ARC directing the redevelopment of the region from the top down and the Office of Economic Opportunity remaking it from the bottom up.³⁶ Although neither agency had been fully established in April 1964, both became important players in the overall activity in the War on Poverty.

The Mountain Eagle reported on the announcement, and the \$262,000,000 spending proposal Johnson made to Congress. Kentucky Senators John Sherman Cooper and Thurston Morton and Congressman Carl D. Perkins's co-sponsored the bill but Cooper and Perkins immediately said it wasn't enough, and Cooper called for the construction of a TVA steam plant to use eastern Kentucky coal. Perkins said a much broader program than what was contained in the Appalachian Redevelopment Bill was needed, adding that it would require much greater federal funding than what had been proposed, and the \$71 million called for in the first year would not even be adequate to meet the need for health, education, and welfare services in the region. All three indicated an interest in developing electrical power in the Appalachian area and agreed there was a need for "careful scrutiny in the development of power resources, looking toward action that would mean the development of steam plants, TVA, in some of that area."³⁷

Tom Gish agreed with Perkins and Cooper that the president's program as it was introduced would not be sufficient to meet the needs of the region and both legislators urged the president to extend TVA activities into eastern Kentucky, with Cooper calling for his proposed TVA plant in eastern Kentucky to be a "self-financing" act. In his remarks following the

³⁶ John A. Williams, *Appalachia, A History*, (University of North Carolina Press, Chapel Hill, 2002), 342.

³⁷ "Johnson Sends Appalachian aid bill to Congress," *The Mountain Eagle*, April 30, 1964, 1.

president's speech, Cooper was adamant in his support for coal. "Coal is still the basic industry in eastern Kentucky, and a steam plant built under the TVA self-financing act would do much to utilize resources here." Although he made certain to give Perkins credit for championing the steam plants as well, Gish ironically pointed out that many of the administration Democrats had ignored the issue, writing that, "It took a Kentucky Republican to point out the obvious concerning Eastern Kentucky, coal and the TVA, a subject that up until now had been ignored by all the expert Democratic federal planners."³⁸

Gish was generally enthusiastic about Johnson's visit to Martin County, using Johnson's description of the Appalachian Bill as a "Bright Highway of Hope" in the headline of his editorial. He also praised Johnson for expressing interest in developing the electrical power potential of eastern Kentucky, and the extension of TVA or the development of a TVA like program for the Appalachian region. "The president had the fortitude to speak out on this obvious point in the face of the fact that such a reasonable course of action had been ignored by the governors." However, he also found the \$262 million appropriation the president had requested for the 340 Appalachian counties to be inadequate and wrote that the \$770,000 it would provide for each county would build just about a mile of highway through any one of them.³⁹

Gish also pointed out that a number of highly placed administration officials and congressmen had been dissatisfied with the work of the PARC program under the direction of John Whisman. He blamed Whisman and his "provincialism, his narrowness of view, and his political timidity" for preventing the commission from drafting an adequate program and wrote

³⁸ "Cooper and Perkins deserve cheers," *The Mountain Eagle*, April 30, 1964, 2.

³⁹ "The "bright highway of hope," *The Mountain Eagle*," April 30, 1964, 2.

that Whisman had been more interested in setting up a method to plan the program than he was in "doing anything about the problems of eastern Kentucky and the rest of Appalachia." He finished by saying that the chief hope for the mountains lay not with Johnson but with Perkins and Cooper, both of whom had demonstrated an understanding of the mountains and the needs of the people.⁴⁰

In a September editorial, Gish pointed out the imbalance in the ranks of the Letcher County Economic Opportunity Committee, which he described as having a considerably larger number of generals than privates. That imbalance followed through the entire War on Poverty in every locally based Community Action Program and Area Development District, and while it led to a good deal of expanded patronage for the generals, it offered very little meaningful participation to the privates who were the actual stakeholders in the War on Poverty. The Letcher County Economic Committee, was locally administered and was not related to the Washington based Office of Economic Opportunity, which was established in August 1964, and was headed by Sargent Shriver. The fourteen members of Letcher County Committee included coal operators, bankers, elected officials, and merchants, but no poor or working-class people. "The people the poverty war was designed to help are not represented on the committee and so will have no voice in the planning of their future."⁴¹

In June, with the fall election looming, Johnson had backed away from a confrontation with congress over the part of his bill that would have created the Appalachian Development Corporation, which had been designated in the PARC to lend substantial amounts of money to cities and counties that lacked the necessary credit qualifications in order to fund public works

⁴⁰ "Cooper and Perkins deserve cheers," *The Mountain Eagle*, April 30, 1964, 2.

⁴¹ "Our Poor Corps," *The Mountain Eagle*, September 3, 1964, 2.

projects. The U.S. Chamber of Commerce, the Kentucky Chamber of Commerce, and several Appalachian governors opposed the program, and Whisman said supporters of the program had failed to make a good case for it. Even after Congress officially launched the War on Poverty by passing the Economic Opportunity Act in August, Johnson still felt he needed a special act for Appalachia, and asked Congress to pass the Appalachian Recovery Act. The Senate finally passed its version of the Appalachian Regional Development Act (ARDA) in September, but the House took no action, which meant that the bill's fate would be determined by the November elections. In January 1965, following Johnson's electoral sweep, it was reintroduced and Johnson signed it into law in March 1965.⁴²

As the fate of the Appalachian bill remained uncertain for the rest of 1964, *The Mountain Eagle* was visibly frustrated and as the year wound down, both Tom and Pat Gish took Washington and Frankfort to task. In separate essays, both written under the headline of "This is the war that is," the Gishes made their critiques of the War on Poverty and laid out many of the issues that plagued The Great Society through its short lifetime. Pat Gish was unsparing in her criticism in an essay subtitled "Concerning the Confusion that Exists in the Ranks," and opened by warning that the war may be lost before the first battle was fought. She pointed to the confusion in applying for federal aid programs and gave examples of counties that had been required to resubmit applications while neighboring counties saw the same applications sail through. Confusion about how much to ask for, lack of coordination between federal and state officials, and sketchy information from Frankfort and Washington had led to the problems, and she wrote that if it continued, it would poison the efforts made by county and regional agencies. After stating that a group in Hazard had been turned down because it was not incorporated,

⁴² Ron Eller, *Uneven Ground*, 84.

although they had been told six months before that incorporation would not be necessary, she pointed out that the cost of incorporation would prevent groups comprised of poor people from participating and would limit the program to elected officials and business leaders.

He may as well have told the people to start flapping their arms and fly to the moon...One feat is as impossible as the other. Why can't Washington understand that for the most part, county officials in Eastern Kentucky are not going to do anything that will permit the poor to become powerful enough to have a voice of their own?

Pat Gish wrote that any committee which was required to have representatives from the poor would have a ten to one ratio of politicians, civic leaders, and federal officials to any one of the poor, and quoted from a Letter to the Editor from a Washington reader who had signed it "Bureaucrat." The writer pointed out that when the rich concern themselves with the business of the poor it was called charity, but it was called anarchy when the poor concern themselves with the business of the rich. He finished by saying that when bright young men in Washington concerned themselves with the business of the poor it was called "a good living."⁴³

In his piece, Tom Gish estimated that he had attended over 300 meetings in the past five years, all devoted to the subject of poverty in eastern Kentucky. He described the meetings where the work was actually done as being almost totally devoid of elected officials, businessmen, and community leaders. Gish chose one particular meeting which was held in the "protective warmth and shelter" of the Kentucky Power Company auditorium in Hazard as an example of the futility that plagued many of the early sessions. He pointedly noted that references to public power, an issue that had cost *The Mountain Eagle* dearly when they embraced it, were no longer made at the meetings, because to do so would insult "one's host." It appeared at this meeting that everyone had made the wrong kind of application too, and they had

⁴³ Pat Gish, "This is the war that is: Concerning the Confusion that exists in the ranks," *The Mountain Eagle*, December 10, 1964, 1.

all been returned, because the officials from various counties and organizations had failed to make the case as to how it would relate to the Overall Economic Development Plan. That was a requirement from the federal government agencies responsible for approving the grants and everyone who had applied had made the same mistake.

The announcement from (William) Miller (of the University of Kentucky Extension office at Quicksand in Breathitt County), which says in effect that efforts on behalf of Eastern Kentucky have been wasted, brings no response. This observer reflects that the group is so conditioned to failure, that even one so monumental as this brings no spark of anger, no spark of reaction, nothing but stolid acceptance.⁴⁴

In an effort to explain the problems eastern Kentucky was having in fitting into Washington programs, Gish pointed to an announcement from Sargent Shriver concerning a \$32 million grant covering 35 states, from which not one eastern Kentucky application was approved. Gish wrote that the failure was on the part of Washington and Frankfort but added that while the people charged with obtaining the grant funds in the mountain counties had been aware that they lacked the necessary skills to secure them all along, they had attempted to write them anyway. Neither Shriver's office nor officials in Frankfort had come to the aid of the eastern Kentucky agencies writing the proposals, and the result had been the loss of millions in funding. "We keep asking ourselves how could it possibly be that Kentuckians are so misinformed, so inept, that Shriver's office should feel compelled to return virtually all of our applications for want of adequate preparation?" He suggested that the most effective use of the initial funding would be to establish an office in each county to house individuals possessing the technical skills necessary to present effective applications to federal agencies, and that without assistance, eastern Kentucky was making use of about one third of the available opportunities for federal aid, and children were dying from hunger. The Area Program Office/Area Development Council

⁴⁴ Tom Gish, "This is the war that is: Concerning the Confusion that exists in the ranks," *The Mountain Eagle*, December 10, 1964, 2.

approach was not working in eastern Kentucky and few civic leaders or elected officials were even participating in the Area Councils. So, development responsibilities were placed on the shoulders of state and federal agencies that failed miserably. Local offices and citizens were isolated by the failures and "the end result is a kind of no-man's land in the field of development."⁴⁵

Although Johnson's Appalachian bill struggled in Congress for the rest of the year, it was eventually passed at the climax of his "honeymoon period" in March 1965 as the Appalachian Regional Development Act. But major changes had to be made to get the legislation passed, including the addition of South Carolina and New York as part of the Appalachian area to be served. After nearly a year of wrangling with congressional Republicans, disinterested congressmen whose districts would not be helped by the legislation, and with conservative southern Democrats who were already unhappy over the 1964 Civil Rights Act and feared that the ARDA would move the south further along the road to equal rights, Johnson finally signed the Appalachian Regional Development Act (ARDA), which established the Appalachian Regional Commission.⁴⁶

While the Gishes were frustrated by the slow pace and bureaucratic makeup of the poverty programs, Harry Caudill was more concerned with the erosion of the independence he admired in the mountain people and with the patronage that would be enjoyed by those in charge of distributing the government benefits. In a December 1964 speech at Union College in Barbourville, Kentucky, he referred to mountaineers as a "kept population," whose ancient independence had "withered" by exchanging "wages for welfare." Caudill called the public

⁴⁵ "It's a long way from here to Washington," *The Mountain Eagle*, November 26, 1964, 2.

⁴⁶ John Williams, *Appalachia, A History*, 342.

benefit programs a deadly narcotic that changed few of the deeply rooted problems in the mountains, except to increase their dependence on bureaucrats and to deepen the fatalism he saw as a growing cancer in the region. He did offer praise for new federal programs to finance public education, which he said had helped to "stave off the collapse of the public-school system" and increased the number of adequate school buildings. However, he said the small improvements in public education just flowed outward with the young people of the region as they left to find opportunity elsewhere, and while the region had "ceaselessly given its material resources to the world, it has given even more generously of its human resources." This exodus was exacerbated by a stagnant business climate, with bankers unwilling to lend and businessmen reluctant to invest in their homeland. All this had created two Appalachias, one of poverty and another of affluence which had prospered in the midst of decay. While he questioned if the Appalachian Bill that was before Congress in 1964 would change much, "it would start the broad fingers of super-highways to probing the landscape." These new roads would carry Appalachian youth to a better life in distant cities, but the reverse traffic would bring people with new ideas and new opportunities to the stagnant land. The roads would also "transmit to distant cities all the evil effects of Appalachian illiteracy and poor health," which would spur demands from the destination cities to upgrade public facilities in Appalachia as much for self defense as anything.⁴⁷

As 1964 passed into 1965, many of the doubts concerning the War on Poverty that had been expressed by *The Mountain Eagle* proved to be prescient. The war was chronically underfunded and allowing so many elected officials and political functionaries on the boards of the Community Action Agencies and Community Action Programs proved to be a near fatal flaw

⁴⁷ Harry Caudill, speech at Union College, Barbourville, KY, *The People of Appalachia and the Economic Policy*, December 10, 1964, 17 – 22,. Gordon Ebersole Congress of Appalachian Development papers.

as well. The lack of participation by the actual poor, who the War on Poverty was supposed to lift, was pointed out in editorials, but as with many legislative reforms, the flaws were built in as part of the price that was paid to get them passed in the first place. Like many of the New Deal programs, the new programs required politicization from the national level to the county and local level in order to garner enough legislative support to get the legislation passed. The whole Great Society/War on Poverty that held such promise for Letcher County and Central Appalachia, began to take on the appearance of a cruel hoax not too long after it was introduced, as the cost of the war in Vietnam compromised funding for other programs. The War on Poverty eventually took on the look of a massive bait and switch political scheme, underfunded, politically manipulated, and eventually abandoned, as it went down along with the Johnson Administration.

Gish expressed further doubt following Johnson's 1965 State of the Union Address, which outlined the Great Society programs that Johnson said would lift the poorest areas of the nation out of poverty. In reply Gish wrote that it might happen, "if the president's proposals to Congress live up to the promise of his "State of the Union" address this week, and if Congress approves the program he presents."⁴⁸ The accompanying editorial was even more doubtful and laid out a number of stumbling blocks that eventually came to define the futility of Johnson's attempts and the massive challenge of addressing a century of neglect and exploitation along with ineffective local leadership.

But the glamour, the hopes, the expectations under the "Great Society" program will tarnish rapidly unless President Johnson is able to come up with the administrative talents and abilities in several levels of federal government to match his own bright hopes for the nation. The problems of leadership also exist equally at state and local levels.⁴⁹

⁴⁸ "LBJ Great Society may reach here," *The Mountain Eagle*, January 7, 1965, Page 1.

⁴⁹ *Ibid*, 2.

Gish went on to point out that the promise of the War on Poverty had already started to fade and appeared to be "on the road of becoming just another agency run by men of small minds, who were determined to show how unimaginative and wasteful a federal program could prove to be." The federal government could easily pour \$1.5 billion nationally into education without moving the needle as much as a point, if funds were handed to "incompetents" who were more interested in protecting the status quo and their own interests than in the interests of students. He called the program "challenging" for the nation and predicted that if it failed it would probably demonstrate a national and societal failure, pointing with alarm to a national tendency of talented and able people withdrawing from the national grind of citizen participation. One week later, Gish called the "Appalachian Bill" a farce and said it could not be regarded as a "serious attempt to help the area."⁵⁰ He did praise Johnson's proposal to create Medicare and his educational proposal that at least recognized that the problems of eastern Kentucky schools were created by endemic poverty and would require massive federal assistance to alleviate. But he also pointed to the flaw in Johnson's formula that figured school funding in poverty stricken areas by basing it on the state as a whole and particularly on the state's better funded schools. Gish wrote that while Louisville schools received about twice what eastern Kentucky schools received, they still performed at the bottom of the nation and their teachers were leaving in droves for better jobs in nearby states.

As effective aid to the region proved to be hard to come by, Gish's frustration reached a boiling point. This was a battle he had fought since taking over *The Mountain Eagle*, and to see the possibility of action that might actually relieve the poverty he saw on a daily basis be dangled like bait and withdrawn as regularly as it appeared must have driven him well past his usual level

⁵⁰ "It's not Great enough," *The Mountain Eagle*, January 14, 1965, page 2.

of contempt for the political process. As other flaws in Johnson's programs revealed how poorly Kentucky's congressional delegation had presented the case for eastern Kentucky, he turned his wrath on legislators he had recently praised, when he learned that new schemes for allocating funding for Appalachian development programs tied funding to possible return per dollar and placed eastern Kentucky counties in competition with highly developed urban areas like Pittsburg. Gish had generally been favorable when writing about Kentucky's U.S. House and Senate delegations, but by then, he was so upset by changes concerning the allocation of funds that had been made to the bill he wrote, "our" disgust with Carl D. Perkins, John Sherman Cooper and Thurston Morton was "total" for allowing the language to be incorporated in the bill to frontload funding to areas that didn't have the need of eastern Kentucky, but would provide a much more visible return for the money spent. "If a growth center is the best place to spend Appalachian funds, it would make sense to spend the entire one billion dollar appropriation in California." The editorial questioned leadership at the state level as well, especially that of John Whisman, who Gish wrote had no plan in place to expend funds even if they were allocated, while the state of Pennsylvania had a detailed plan ready.⁵¹

Not long after Gish's editorial criticizing the Kentucky congressional delegation, a "Letter to the Editor," written by Harry Caudill appeared in *The Louisville Courier Journal* that referred to an article by Richard Harwood that had appeared in the paper's February 5, 1965 edition, quoting John Whisman as saying that except for highway development, Kentucky had no detailed plans for taking advantage of subsidies that were provided by the Appalachian Recovery Program. Like Gish, Caudill criticized Whisman's eight-year effort in planning what he called the Eastern Kentucky Meetings, where "planning -- endless planning--has been the theme and

⁵¹ "An inversion of development," *The Mountain Eagle*, February 4, 1965, 2.

topic." Caudill wrote that in the two years since the Appalachian Regional Commission was created, planning and meeting were about all they had accomplished. "Now after all this planning, it appears there are no plans....the prospect is that we will plan to plan some." Caudill called it ironic that while Kentucky had originated the Appalachian Redevelopment Program, Pennsylvania would get four-sevenths of the funds that were allocated for reclaiming strip-mined lands. He finished by stating that the one thing Kentucky had in abundance was "planless planners."⁵²

Early in 1965, Lyndon Johnson made the most important decision of his presidency. Following the Gulf of Tonkin incident in August 1964, Congress overwhelmingly approved the Gulf of Tonkin Resolution that authorized the president to take "all necessary measures to repel any armed attacks against the forces of the United States, and to prevent further aggression." This resolution gave Johnson a good deal of leeway in broadening American objectives in Vietnam, and he was under considerable pressure to do so. By his show of force in Vietnam, Johnson was able to disarm attacks from his presidential challenger Barry Goldwater.⁵³ After the election, Johnson found himself unable to control the expansion of the war and by the end of 1965 he had committed 40,000 American troops to Vietnam and authorized American forces to undertake offensive operations, although he did not inform the public until June when it came out in a press release.⁵⁴ Later, Johnson revealed that when he made the decision to expand the war, he had feared "that bitch of a war" would destroy "the woman I really loved, -- The Great Society."⁵⁵

⁵² Harry Caudill, "Kentucky's Planless Planners," Letter To the Editor of *The Courier Journal*, February 14, 1965, The Papers of John Whisman, University of Kentucky Special Collections Library, Lexington.

⁵³ George Herring, *America's Longest War: The United States and Vietnam 1950 - 1975*, Second edition, (Alfred A. Knopf, New York, 1979, 1986), 122.

⁵⁴ *Ibid*, 133.

⁵⁵ *Ibid*.

The House of Representatives passed the Appalachian Regional Development Act on March 3, 1965 and President Johnson signed the bill into law on March 9. It was very similar to the recommendations made in the Presidents' Regional Appalachian Commission report, and created the Appalachian Regional Commission, the Appalachian Development Highway System, and allocated a billion dollars to bolster the economy in the eleven-state region. It called for Demonstration Health Projects, low income housing assistance, and modifications to existing programs. The Highway Act was specific about the amounts of funding to be made available each year, although they would not be allocated until 1972. However, it was less specific about the overall distribution of funds, which set off a good deal of congressional debate and Gish's earlier prediction concerning the allocation of area funding came true. After the House had refused to pass the act in 1964, one change was made when a clause was inserted at the insistence of PARC Director John Sweeney and Charles Shcultze of the Bureau of the Budget. The clause carried the statement that the "public investments made in the region under the act be concentrated in areas where there is a significant potential for economic growth." The insertion of this language set the stage for bitter disagreements between factions that favored depopulating the region and training the residents to seek employment elsewhere and those who wanted to develop Central Appalachia. Appalachia had become the first American region to receive a specific program for infrastructure development and the media examination of the region intensified.⁵⁶

By October, a dispute centering around the economic growth potential clause had developed between Sweeney, who was by then co-chairman of the Appalachian Regional Commission, and John Whisman, States Co-Chairman of the ARC. Sweeney's contention was

⁵⁶ Ron Eller, *Uneven Ground*, 88.

that federal efforts at development be limited in rural mountain areas and that people should be encouraged to move out. Whisman favored developing eastern Kentucky and did not believe it would be necessary to move people out of the region. Summarizing an article that had appeared in the September 27 issue of *U.S. News and World Report*, Gish wrote that Sweeney had presented his views to the magazine that called for ignoring the pockets of poverty and unemployment in the inaccessible hollows of the region and concentrating all spending in places where growth potential was greatest. This included building a network of roads so the poor and unemployed "can get out of their hollows and commute to new jobs in or near the cities."⁵⁷

Whisman disagreed with Sweeney and stated that because there was an existing belief that eastern Kentucky and other areas of its kind in America could not be developed, "Eastern Kentucky is in for a real fight." Whisman referenced the clause calling for the bulk of funds to be spent where the return would be greatest, and called it a "gross misinterpretation of the act to say the sentence rules out Eastern Kentucky development." He pointed out that growth in America at the time was not taking place in cities but in suburbia, and he said Whitesburg, Hazard, and Pikeville could be easily included in the definition of suburbs. He added that it would be easier to rework some of the Appalachian towns than it would be to solve problems in Chicago, where some of the Appalachian migrants had moved only to find that they faced more intense problems than they had at home. He also warned that eastern Kentucky had been totally omitted from the Appalachian highway network as it was initially proposed in Washington. Whisman said that in an all-night telephone session, he had only managed to get 37 miles of quick start road projects included for eastern Kentucky, including the section between Whitesburg and Isom, and that the major proposals put forth by the state had been approved.

⁵⁷ Tom Gish, "Dispute arises over area funds," *The Mountain Eagle*, October 7, 1965, 1.

Eastern Kentucky was being "beaten over the head" with the same statistics that had been used to justify the ARDA by economists who now said statistics did not justify investing in the area.⁵⁸

Whisman's optimism about reworking the county seats that he referred to as suburban areas in eastern Kentucky was lost on Gish, who also saw the possibility that the control of the development councils and Area Development Districts might move away from regional and local elites and into the hands of state and federal officials who, while they lived in eastern Kentucky, were not of eastern Kentucky. Gish understood that while the elites, who had by then gained control of the councils, often saw the programs as a mechanism to cement their power over their individual fiefdoms, it was still local control. In a front-page editorial, Gish asked how the money that was supposed to be coming to eastern Kentucky would be allocated and who would make the decision. He wrote that the evidence pointed to an attempt by John Whisman to "collect to himself the tight reins of control of all federal programs in Kentucky," for everything from "airports to zoological studies," including highway funding, health funds, dam construction, poverty programs, and economic development funds. Gish's experience in Kentucky politics in his days in Frankfort, as well as his much more intimate experience with the politics of eastern Kentucky, gave him reason to believe that if politics alone dictated the make-up of the councils, their leaders would appropriate every program that came into their respective counties for their own political purposes, and if the councils were set up in Frankfort, it would place so much power in the hands of politically appointed members that "the following conclusion was valid." No federal funds would be appropriated to Whitesburg, Letcher County or any other city or county in the state without the approval of the councils, and the people would have no effective voice since "active membership consists of civil service employees, vested private interests, and

⁵⁸ Ibid.

other individuals outside the framework of public accountability." Later, when articles of incorporation for the Upper Kentucky River Area Development District were drafted at a meeting in Hazard attended by Whisman and William Miller of Quicksand, Resources Development Specialist for the University of Kentucky Economic Resource Development Project, members of the drafting committee named directors for six counties, ignoring the fact that Letcher County had already named its members. Gish pointed out that three of the members chosen in Hazard were already members of Letcher County's Economic Opportunity Committee and asked if Letcher and other counties would have any voice in choosing their own representatives for the council.⁵⁹

Gish's editorial drew an unusually heated response from Whisman in the form of a "Letter to the Editor," that appeared three weeks after the editorial was published. Whisman wrote that nothing he had done or written had been sufficient to allow Gish to draw the conclusions he had drawn, and stated that "The article presents a totally inaccurate picture. Nothing I have ever said or written presents what you refer to as 'valid conclusions.'" Whisman wrote that his intention in writing the letter was to make sure Gish understood the truth and recognized their shared concern for the region. He added that he hoped that the "our work could join us as closely as our purposes do." Whisman asked for renewed understanding and pointed out that everyone would have to work together to "seize the opportunity -- for the first time -- to meet our problems in Eastern Kentucky." He called the Great Society programs eastern Kentucky's "last chance," and an opportunity to "accelerate the trends of progress in the region, if we use it well." But he warned that the same trends of progress on the national level could leave eastern Kentucky further behind if the programs were not used wisely, and applied with

⁵⁹ "Who will cut the federal cake?" *The Mountain Eagle*, November 11, 1965, 1.

technical expertise and "plain common sense." Whisman added that he had fought for the Area Development Council approach because without it, no program could meet the common needs of the region, but cautioned that the ADDs would only be as good as the people would make them be. Whisman referred to the councils as "not being finalized in nature" and indicated that while he would continue to advise them, their ultimate form would be determined by the individual councils, which he hoped would be as open and broad as possible in their design. No council could serve its purpose unless it was truly representative of all the groups in the region, and every group should be equally represented. Whisman was adamant that no single group on any council would possess veto power and that no individual or group could prevent an idea or project from being presented fairly to state or federal agencies."⁶⁰

Gish responded to Whisman's letter in an editorial that appeared on the same page, and was surprisingly conciliatory, considering some of the rhetoric he had recently used to describe Whisman. He pointed out that his main criticism had been that business leaders, private citizens, and even the courthouse leaders could possibly be cut out of the leadership in the ADDs and councils. He wrote that if that happened, it would effectively take control away from eastern Kentuckians, even if the state and federal officials who ran the councils actually lived in the area. He agreed with Whisman's assertion that no council could serve its true function unless it was equally representative of all the interest groups and each community in the area. However, he added that there was reason to believe that the councils would become even less broadly representative than they already were, and that the development of the council affecting Letcher County, organized as a legal entity with a board of directors and an executive committee, would place control of the four counties it served, Letcher, Perry, Knott, and Leslie, in the hands of

⁶⁰ Letters to the Editor, "Whisman replies," *The Mountain Eagle*, December 2, 1965, 4.

three Hazard residents. The development district bylaws established the four district officers, president, vice-president, secretary, and treasurer, as the council's executive committee, which would direct the council's activities. The nominating committee for the council officers had selected a slate with Hazard Mayor Willie Dawahare at the head of the council and two of the other three officers would also be from Hazard. Leslie County would have one representative, and Knott and Letcher Counties would not be represented. This would effectively deny two of the four counties a voice on the executive committee, giving Hazard residents the knife to slice the federal cake, the millions of dollars allocated to the region. "We want more than crumbs from Hazard's table," and used the already underway Carr Fork Dam in Knott County, as well as a planned dam at Ulvah in Letcher County as examples of a "watery death for a major portion of Letcher County."

Central to the entire issue of course, is the question of whether the people of Eastern Kentucky at any level or in any capacity are to have any say-so over their destiny in the new programs -- the really basic issue of whether democracy is to be allowed to work in the mountains.

Gish added that the November 11 editorial had stated that while the councils would have broad powers, the ultimate veto would be in Whisman's hands, "who appears to be seeking and gaining an across the board sanction from state and federal official to run all the development programs in eastern Kentucky," and his opinion on that had not changed. He referenced a press release from the State Appalachian Land Development Committee announcing that plans should be submitted by December 15 for \$747,000 in development funding allocated through ARDA for land development. The press release was dated November 28, and according to Gish, it was the first form of notice concerning that particular "slice of the federal cake." He asked how, if at all, could any kind of planning be done in a two-week time period to determine projects of that magnitude and finished by asking if the money would just go to the out of state mineral owners

who had already "brought eastern Kentucky to its knees through deliberate exploitation?... Who will cut the cake? Who gets the slices? Who gets the crumbs?"⁶¹

The Mountain Eagle ended 1965 with an ominous warning that the Johnson Administration was preparing to cut funding for some of the Great Society programs in order to pay for the war in Vietnam. Two areas that were specifically mentioned were the Appalachian Regional Development Act programs and the Economic Opportunity Act programs. The two were administered by the Department of Agriculture and the Department of Commerce, which were the first two federal departments to feel the effects of the budget shuffling conducted at the president's Texas ranch in late November. The article stated that Johnson's willingness to authorize releasing the information more than a month before Congress received the budget indicated his resolve to do whatever was necessary for the United States to win the war. The only budget increases that were mentioned were for the development of combat aircraft⁶².

Commerce Secretary John T. Connor reported that the budget for his department would fall short of the previous year's budget by over a billion dollars, and said it was clear that some projects would be cut, particularly these which had been passed by Congress in the preceding year. Some would be phased out and he mentioned both the Appalachian Development Program and Economic Development Program as possibly being subject to the cuts, but he did not name a specific program that would definitely be cut. Secretary of Agriculture Orville Freeman was also quoted as saying that his budget would be significantly reduced.⁶³

A December editorial warned Letcher County residents that a new "get tough" policy was in effect in the War on Poverty for unemployed men, either to "move or starve." Gish referred to

⁶¹ "Will we get a slice -- or even a crumb?" *The Mountain Eagle*, December 2, 1965, 4.

⁶² "Area programs may lose funds," *The Mountain Eagle*, December 2, 1965, 16.

⁶³ Ibid.

John Sweeney as the new "Tough Guy" and wrote that he had come up with the program in order to eliminate the embarrassingly high unemployment rate in Kentucky and the Appalachian hill country. The "drive-em-out approach" was described as the only idea Sweeney had come up with and was the "gem of thought" that would justify taking funds appropriated by Congress for eastern Kentucky and funneling them to the "Pittsburgh's, Birmingham's, and Knoxville's." The chief targets of Sweeney's program were the men enrolled in the Workforce Experience and Training Program (WETS), "the happy pappies, the L-B-Jaybirds, or the jobless fathers," depending on the prejudices of the speaker. Gish wrote that the new approach was punishment because the coal industry had not been able to provide enough jobs for the region and was intended to force the displaced workers to relocate to the Midwest or northeast. "How dare they embarrass America by being jobless? Make them move, or starve them out." He also reported that a recruiter from a foundry in Indiana had come to Letcher County under the auspices of the U.S. Department of Labor and had interviewed a number of men. Many of the WETS men were selected for employment but when they got to Indiana the promised wage of \$3.00 per hour had turned out to be \$1.80 and the cost of living had made it impossible to provide for their families. When the men returned home they were dropped from the WETS program for "failure to accept suitable employment." They were also dropped from the Food Stamp Program operated by the Department of Agriculture, "Starvation has thus become the official weapon of the United States government as it seeks to impose its will upon the already kicked and downtrodden of eastern Kentucky." Gish pointed out similar initiatives to provide workers from eastern Kentucky for the citrus industry in Florida and for various Ford Motor plants.⁶⁴

⁶⁴ "Move or starve," *The Mountain Eagle*, June 30, 1966, 2.

Ironically, both Gish and Harry Caudill had previously called for training programs that would allow unemployed workers from eastern Kentucky to receive training at state or federal expense, in order to allow them to qualify for skilled labor jobs in industrial centers in other parts of the country. In his 1959 testimony before hearings convened in Pikeville and Harlan by U.S. Senate Special Committee on Unemployment Problems, Gish had called for a vocational education system to train young people to find jobs in other parts of the country and for the creation of a formal relocation bureau that would help the residents of eastern Kentucky relocate, and provide relocation expenses and help in finding jobs. In the closing pages of *Night Comes to the Cumberlands*, Caudill called for "manual training schools" to provide young people who had little interest in formal education with vocational skills. While Caudill wrote that the schools would help to encourage industrial development in eastern Kentucky with a trained workforce, "at the same time, the advantages of such skills to departing mountaineers can hardly be overstated,"⁶⁵

Gish's objection to Sweeney's use of federal funds to remove men enrolled in WETS from the mountains did not come over the removal of unemployed men from eastern Kentucky to good jobs in the Midwest or the northeast. It came from the exploitative nature in which the program was being used by the employers who used decent wages to lure the men to their workplaces and then decreased the wages until it became impossible for them to provide for their families. When, after finding that they had been lied to, the men returned to eastern Kentucky, they were dropped from assistance programs. Gish was outraged by what he saw as just another way of kicking the WETS participants when they were already down.

⁶⁵ Harry Caudill, *Night Comes to the Cumberlands*, 391.

Sweeney backed away from his plan to depopulate Appalachia later in 1966 in a speech at Ohio University when he said the problems that plagued Appalachia would not be solved by resettling the population. Instead, Sweeney proposed a program to build 2,300 miles of highway across Central Appalachia to bring the entire region within 25 miles of major highways. He cited the dispersed population, uncontrolled water, and inadequate public facilities resulting from a low tax base as the major problems the region faced, but said the location of the region between the two richest areas of the nation made it an ideal place for business if it could be improved and developed properly. At the same time, Sweeney warned that the Appalachian development programs faced sharp economic cutbacks in federal funds as a result of the costs of the war in Vietnam. Congress had allocated \$307,000,000 for Appalachian programs in fiscal 1966 but President Johnson had reduced the amount to \$200,000,000 and he expected cuts to continue for the duration of the war.⁶⁶

As Gish had pointed out in 1964, problems with establishing sound and representative leadership and membership for the various Community Action projects funded through the Office of Economic Opportunity were ongoing throughout the War on Poverty. County elites continued to push for their place on the committees, or to include individuals whose allegiance they could count on, and continued to resist seating representatives of the poor people the commissions were established to serve on the boards and committees that were supposed to drive the projects that served them. The presence of county officials on boards of directors or at the head of agencies guaranteed that significant portions of the projects would be used to enhance patronage and reward loyal political operatives, and the coal operators, businesspeople,

⁶⁶ "Vietnam war holding back federal monies for Appalachian area," *The Mountain Eagle*, September 29, 1966, 1.

educators, and other elites who populated the committees continued to resist including representatives of the poor in their groups.

In an essay that concerned problems with regionalism, *Mountain Eagle* reporter Phil Primack wrote that while most non-highway funds flowed through Local Development Districts (LDDs), the LDDs did not always represent the voice of the local people, but were instead dominated by the courthouse elites and elected officials who saw an increase in the amount or participation by the ordinary folks of the region as a threat to their level of control and to the degree of patronage they exercised. So, while the ARC viewed the LDD as the "indicator of local will" because it included all the major elected officials in a county or development district, many of the local citizens viewed the LDD as an impediment to that will. "They contend it's hard enough to deal with their own courthouse gang," but when elected officials from several counties came together, it was almost impossible for the ordinary people to make their voices heard. Primack found himself asking the same question Gish posed in his November 11, 1965 editorial, "Who will cut the cake?" While Gish was concerned of the preponderance of Perry County officials on the ADD board, Primack's concerns centered on the fact that the regional power brokers, who had very little interest in radically changing the status quo, would control the LDDs. "If this is to become a national model, some basic problems need to be solved. Who represents who, and according to what guidelines?" He pointed to LDDs in western North Carolina as "little more than power structure collectives," that equate progress with profit.

The composition of board members tends to support the fear that LDDs in Appalachia are at best, staffed from the top down. Even where representatives of the poor or of

minority groups do sit on the board, they are generally so outnumbered that they fall silent.⁶⁷

The *Mountain Eagle* revealed a number of problems in the area of participation for the poor in the Community Action Agencies and the projects they spawned. Responding to numerous complaints from workers in the Unemployed Fathers program in the county, *The Eagle* conducted interviews as part of a "venting session" where they found complaints that ranged from poor overall treatment to the workers being "treated like slaves." Some of the workers said they had been forced to dangle from a rope while cutting weeds on steep cliffs and others said they were not allowed to smoke on the job and were not given ample time to eat their lunch. An unemployed coal miner from Millstone named Walden Cuddy emerged as one of the leaders of the group and first spoke out concerning a meeting held to discuss the program at Millstone School. Courthouse officials had dominated the meeting and very few of the unemployed fathers were aware it was taking place. Although a sign had been posted in the Millstone Post Office to announce the meeting, its placement was described as "obscure" and *The Mountain Eagle* questioned whether the poor of the county would be allowed a voice in deciding their fate. Gish asked if the "bosses of poverty" in Letcher County were quietly attempting to organize local groups of proven "political trustworthiness" and if they were seeking "poverty finks" who would rubberstamp all the proposals coming from the courthouse. He went on to write that only the presence of Cuddy at the meeting had kept it from being a "pure farce" and Cuddy had attended only because he had been walking by the school and

⁶⁷ Phil Primack, "Hidden Traps of Regionalism," in *Colonialism in America: The Appalachian Case*, edited by Helen Lewis, Linda Johnson, and Donald Askins, (The Appalachian Consortium Press, Boone, North Carolina, 1978), 299.

wondered what was going on. Cuddy had also complained at an earlier date that he had been mistreated in the program because someone in the welfare office didn't like him.⁶⁸

Following the initial article, jobless fathers convened a meeting where they voiced their own complaints to a reporter from *The Mountain Eagle*. This angered county officials and prompted a response from George Willie Webb, a foreman for the state highway department in Letcher County. Webb denied mistreating anyone, specifically Cuddy. He also disputed the right of the paper to publish the complaints from the Unemployed Fathers.

Webb was quoted saying, "We don't want no criticism of the way it's being run." and added "It's erroneously wrong" for *The Mountain Eagle* to publish any criticisms of the program. Webb said the workers were not forced to dangle over the edge of cliffs, but they had actually volunteered for the job. The rope was a safety precaution. "We expect safety and we are going to have it." One of Cuddy's complaints was that he had been transferred to work at the head of the Cumberland River, across Pine Mountain and over 20 miles from his home in Millstone. He said he had to hitchhike to work and to the class required as part of the program, and both created a real hardship for him. Webb said that Cuddy was not transferred and it "just happened" that he was assigned to a crew with duties at the head of Cumberland River. The paper also reported that a number of criticisms had centered on crews being supervised by political appointees who were not necessarily qualified to train them in job skills. Webb said the men were getting experience and training in such things as cutting weeds, cleaning the highway right of way, and operating mowing machines, adding "We don't want no criticism."⁶⁹

⁶⁸ "Community action Letcher style," *The Mountain Eagle*, June 3, 1965, 2.

⁶⁹ "Jobless program defended," *The Mountain Eagle*, July 8, 1965, 1.

In August, Harry Caudill wrote a letter to Gordon Ebersole, who was then serving as Consultant on National Resources in the OEO. In his letter, Caudill described the efforts of the Millstone Council and included a copy of their bylaws. He told Ebersole that similar groups had organized in Mayking and Eolia and added that the groups were willing to "do practically anything to do something for themselves, their children, and their communities," and that they would do "practically anything to get something going." Caudill described their efforts as a "real breakthrough in the O.E.O.'s Community Action Program, and added "I think it is of utmost importance that O.E.O encourage such groups and work with them."⁷⁰

Later in the year, the Unemployed Fathers Program was one of the programs scheduled to be cut by Congress due to increased expenditures for the Vietnam War. Gish wrote an editorial in which he not only made an impassioned defense of the WETS Program but also gave his sharpest criticism of the Vietnam War up until that time. He wrote that the loss of revenue from the program and the money spent by the jobless fathers in Letcher County would have a detrimental effect on local businesses, and that it could pose a fatal blow for the Appalachian Regional Hospitals. Gish tied the budget cuts for Appalachian programs directly to the war.

Take away the program and most of these men and their wives and children face immediate disaster. Yet it appears that the program may be taken away in the next few weeks or at least be cut in half because of a national decision that killing Vietnamese is more important than saving the lives of Eastern Kentuckians. We have to stop taking care of the poor in Appalachia so we can keep killing the poor in Vietnam...Is killing a Vietnamese child more important than saving an American child?⁷¹

One week after the article voicing George Willie Webb's complaints appeared in *The Mountain Eagle*, the Letcher County Economic Opportunity Committee admitted they were getting considerable pressure from "Washington poverty officials," and voted to include the

⁷⁰ Harry M Caudill, Letter to Gordon Ebersole, Gordon Ebersole Congress of Appalachian Development Papers.

⁷¹ "Loss of jobless fathers would be a disaster," *The Mountain Eagle*, December 8, 1966, 2.

chairman of any anti-poverty group in the county as members of the LCEOC Central Committee. The first committee chairman to be added was *Mountain Eagle* Community Correspondent Mabel Kiser, of Millstone who was active in organizing the Millstone Sewing Circle and other community groups. Mrs. Kiser was selected to represent the Jobless Fathers of Millstone. The action took place although only 11 of the 25 LCEOC members were present and there was no quorum. Gish called it a meeting that was "marked by the absence of most of the county's official warriors on poverty." County Poverty Director Isaac B. "Ike" Caudill told the committee that he had been warned by officials from Washington that no further funds would be allocated for the LCEOC unless the central committee structure was changed to represent the actual targets of the war on poverty.⁷²

In August, the LCEOC officially approved three proposals and submitted them to the OEO office in Washington. The proposals included the expansion of the administrative staff from three to ten, the creation of a community center at Blackey, and the establishment of two-day care centers to serve 60 preschool children. This would add a total of 39 employees to the staff with salaries ranging from \$7,500 to \$2,800 a year. County Poverty Director Ike Caudill and Assistant Director Ottis Amburgey, who also served in the elected capacity of Property Valuation Administrator, were to become permanent officers of the program with salaries of \$7,450.00 and \$6,000.00 a year. Both men had already been hired earlier that year under a nine-month grant from OEO. They would be assisted by an eight person "professional staff" with salaries that ranged from \$7,200.00 a year to \$3,600.00 a year for two "sub-professionals." After years of reduced income from boycotts along with their frequent absences from the newspaper to attend hearings in Washington, economic circumstances drove Pat Gish to take a position with

⁷² "Letcher Poverty Group Votes To Add Local Representatives," *The Mountain Eagle*, July 15, 1965, 1.

the LCEO as one of the professional staffers. During the meeting to discuss the proposals, Letcher County Judge Executive James M. Caudill expressed fears that the qualifications for the positions were set too high to be filled by Letcher County residents, saying he did not want "outsiders coming in with a lot of socialistic ideas." However, he added that he had several people in mind who could easily meet the qualifications and that a dozen young women had recently been in his office seeking jobs as secretaries. County Tax Commissioner Sam Clinton Webb agreed with Caudill, saying that he wanted the new employees to be people "who think and talk like Letcher Countians."⁷³

The proposal was approved in November and the county committee signed a contract that included the provision that they would appoint a Professional Personnel Selection Committee to include the County Poverty Director, a member of the county committee, one Letcher County citizen to be named by the Council of the Southern Mountains, another citizen to be appointed by the governor, and a professional employment counselor who would act as chairman. OEO then ruled that as county director, Ike Caudill could not sit on the committee while his position was being considered. The other members of the committee, which included Tom Gish, met with the LCOEO Executive Committee, and recommended that Caudill not be re-employed. Gish had been appointed as the Governor's Representative to the Professional Personnel Selection Committee, which had been written into the contract authorizing the county committee to receive a grant of \$202,000 to expand their staff and open a day care center at Blackey. The provision calling for the committee was included in the contract in order to assure the selection of a "capable and professional staff for the project."⁷⁴ The following week, the board of directors of the LCOEO met in a closed meeting and voted 13 - 9 to reject the personnel committee's

⁷³ "Poverty plans await okay," *The Mountain Eagle*, August 26, 1965, 1.

⁷⁴ "Caudill rehired for poverty," *The Mountain Eagle*, March 17, 1965, 1.

recommendation and rehire Caudill anyway. The Personnel Committee, except for Caudill, immediately resigned, saying they felt that no useful purpose would be served by their "selection of other qualified people to be rejected by the executive committee." Reverend Charles Sydnor, a Presbyterian minister from Haymond, who had been chosen to sit on the committee by the Council of Southern Mountains, submitted a letter of resignation in which he stated, "our people do not seem ready to hire and fire on the basis of professional standards....Professional qualifications do not matter, nearly so much as our clan feelings." The events surrounding the rehiring of Caudill led the Washington OEO office to send Assistant Kentucky OEO Director Joe Smith to Letcher County to discuss the situation, and the article reporting the action referenced reports that Smith would attempt to persuade Letcher County to join with Knott County, Perry County, and Leslie County to form a regional poverty program with one central office. OEO had already made the request for the regional committee, but the Letcher County committee had held out against the idea and assured the Washington office they could employ a strong professional staff and operate a local program that would be of more benefit to the county.⁷⁵

Less than a month later, Ike Caudill resigned, but at the same time, the LCEOC refused to accept the recommendation of the new professional screening committee to hire former Letcher County Extension Agent James K. Kendrick as director. Kendrick had originally been recommended by the first committee when they voted against hiring Caudill, but was rejected by the board at that time. Kendrick was already serving as poverty director in Scott County Virginia and according to Gish, he was running the most successful program in Virginia, and only wished to take the position in Letcher County because it was his home. The Kentucky office of the OEO had also ruled the original rejection of Kendrick to be illegal because it was done at a closed

⁷⁵ "Ibid, 1.

meeting. Ottis Amburgey was reappointed as assistant director and Caudill accepted the position of supervisor of the Jobless Fathers Program in Letcher County. As soon as the motion to rehire Amburgey and three other employees passed, U.S. Marshall and LCOEO board member Archie Craft made a motion to adjourn the meeting and Amburgey was later appointed to serve as director of the County EOC Office.⁷⁶

Following the resignations and re-hiring, a new four county agency was formed to design and operate the War on Poverty in Letcher, Perry, Leslie, and Knott counties. The agency, called the Leslie-Knott-Perry-Letcher Community Action Council, replaced the Letcher County poverty agency. The Directors of the Letcher County group said they had no choice in the matter, because the OEO in Washington would no longer finance single county agencies. Ten Letcher County residents were named to a board to serve until a new director could be hired.⁷⁷ But the Washington Office of Economic Opportunity formally intervened in the management of the Letcher County Office of Economic Opportunity in June and told them they must reorganize their program to involve the poor of the county. Justus Jenkins, Director of the OEO's Community Action Agencies presented them with a list of conditions that said if the demands for reform were not met, funding for the program would be withheld. Among the conditions was that each board member must be directly chosen by the organization or group he or she represented, and the formation of a County Citizens Advisory Committee to represent low income citizens that would select one-third of the Letcher County OEO Board. Jenkins also called for a new set of by-laws for the board. As the national organization expressed their concerns with the Letcher County group, dissention in the ranks grew and in July, the OEO in Washington called for an

⁷⁶ "Poverty war continues," *The Mountain Eagle*, March 31, 1966, 1.

⁷⁷ "Council formed," *The Mountain Eagle*, May 19, 1966, 1.

investigation of charges made in affidavits submitted by Pat Gish, Information and Guidance Counselor for the Letcher County Equal Opportunity Committee, Social Worker Wincel E. Rayborn Jr., and VISTA Volunteer John R. Labovitz, to the effect that Otis Amburgey, the Staff Director of the county EOC Office had been too drunk to perform his duties on several occasions. All three workers had previously filed verbal complaints with the Board of Directors of Letcher County EOC, which voted to continue his employment after Amburgey admitted to drinking but claimed he was never drunk on the job. The affidavits were made public in a July 1 article that appeared in *The Knoxville News Sentinel* as part of a series on the anti-poverty program in Letcher County. When Mrs. Gish returned to work following the July 4 holiday, she was told that she had been terminated, along with Wincel E. Rayborn Jr., although both were informed by the EOC office in Washington they would be on paid leave until the matter was decided.⁷⁸

Later, in the same week, Amburgey sent Pat Gish and Rayborn letters explaining their dismissal. Although the entire letter to Pat Gish was not published, several direct quotations from it appeared in the *Mountain Eagle*.

I have had several complaints from the people in the Community of Blackey, from which you know, you must serve, that your attitude toward people in general is un-co-operative; and as you know, we must have an employee who will co-operate with the centers.... For more than six weeks, I have not been able to communicate with you and it is rather difficult to work in the same office with an employee who doesn't even speak to you.

The paper also quoted directly from Amburgey's letter accusing Rayborn of revealing the information in the affidavits to the reporter that attacked his reputation and embarrassed himself

⁷⁸ "OEO demands investigation," *The Mountain Eagle*, July 7, 1966, 1.

and his family, which he said was against the LCEOC code of ethics and was disloyal to the staff.⁷⁹

Within a week, the Letcher County EOC had expressed their confidence that Ottis Amburgey was fit to "conduct the county's programs in the War on Poverty" and retained him as director. At the same time, the council voted to reinstate Pat Gish and Wincel Raborn. Both votes took place in a two-hour executive session attended by Justus Jenkins, during which the affidavits were read. Due to extensive press coverage of the problems in Letcher County EOC, and the subsequent uproar over the firing of Gish and Raborn, the meeting drew the largest audience that ever attended a community action meeting in Letcher County and had to be moved to the fiscal courtroom due to the size of the crowd. At the meeting, a letter from Sidney Woolner, acting director of the Mid Atlantic Division of OEO was introduced that directed the county committee to take immediate action against Amburgey if they found the affidavits to be valid, or to face having control of the poverty programs in the county transferred away from the committee. Jenkins told the committee they had shown very little understanding as to how membership should be selected or the overall purpose of the program, although they had been provided with the same information in several memorandums and in personal appearances by OEO personnel in the past. The meeting concluded at midnight with a statement by the chairman, Mrs. Zenneth Bentley, that Sidney Woolner had charged the board with "not doing the job that was supposed to be done," and later, OEO officials said the county committee's actions were not satisfactory.⁸⁰

⁷⁹ Ibid.

⁸⁰ "EOC retains entire staff," *The Mountain Eagle*, July 14, 1966, 1.

In August after months of turmoil in the county poverty relief programs, four members of the Leslie-Knott-Perry-Letcher Community Action Council resigned. Three of them, including Ottis Amburgey and Bill Banks, Director of the Blackey Center, gave the reason for their resignations as "the uncertainty of the job." The fourth staffer, a secretary, had resigned to take a job in Lexington, and Pat Gish was named by the Economic Opportunity Commission as Interim Program Developer for the four-county council.⁸¹ The Leslie-Knott-Perry-Letcher Community Action Council became the LKLP, the Letcher, Knott, Leslie, Perry Community Action Partnership, and helped to develop a number of programs, including the Boone Fork Kitchen, and The Eastern Kentucky Housing Development Corporation (EKHDC).

The Boone Fork Kitchen was a nutrition program funded by the Emergency Food Division of the Office of Economic Opportunity (OEO). The purpose of this program was to prepare and deliver hot meals each day to the disabled elderly in the seven communities of the Boone Fork Area. These communities included Seco, Whitaker, Fleming-Neon, Hemphill, Haymond, and McRoberts in Letcher County.

The Eastern Kentucky Housing Development Corporation was the first rural housing demonstration project ever funded by OEO. The purpose was to plan and develop low-cost housing in the LKLP area. Also, delegated under EKHDC was the "Older Persons Home Repair Program". The program was assisted by the Graduate School of Architecture of Yale University. The "Pole House" in Hindman and the Hillside Dormitory building are examples of the work of the Yale students. They were attempting to design housing that would blend with the hillside.

EKHDC developed into a factory that built modular, low-cost housing at Goose Creek, near Neon, Kentucky. Congressmen Carl D. Perkins was instrumental in obtaining the

⁸¹ "Four EOC staff members quit Letcher office," *The Mountain Eagle*, August 11, 1966, 1.

cooperation necessary to make this program work. It was important for federal, state, and local agencies to cooperate for this program to function. Ed Stafford, former LKLP Executive Director, was the first director of EKHDC, but Pat Gish, the Assistant Director, took over after a few months and developed the program into an innovative approach to housing in Appalachia. Under Pat Gish, EKHDC eventually established a separate board and was able to spin off from the LKLP Action Council. Over three hundred (300) new homes were built and many repaired.⁸² The EKHDC was funded by the Office of Economic Opportunity Department of Agriculture, Department of Health, Education, and Welfare, and Department of Labor. The program was terminated when it was defunded during the Reagan Administration and Pat Gish returned full time to *The Mountain Eagle*. In 1970, Pat Gish received a Master of Science Degree in Community Development from the University of Louisville.⁸³ In an interview with the Associated Press printed for her obituary in *The Washington Times*, Gish's son Ben recalled this period, saying she would take a Greyhound bus from Hazard to Louisville every weekend during the 1960s to work on the master's degree.⁸⁴

After being urged to do so for nearly two years by the Office of Economic Opportunity the Letcher County EOC reorganized in 1966. As part of the reorganization, greater representation by the poor would be required at the Millstone Sewing Center if they were to receive financing from OEO, and new bylaws must be adopted setting the committee's membership at seventeen. Nine of the members would be poor people elected by the Letcher County Citizens Advisory Committee and the other eight would represent a variety of agencies and professions. The Citizens Advisory Committee, composed from various community groups,

⁸² LKLP Website: <http://www.lklp.org/Overview/Early-LKLP-Programs>.

⁸³ Pat Gish: <https://www.revolvy.com/main/index.php?s=Pat%20Gish>.

⁸⁴ "Whitesburg Mountain Eagle Publisher Pat Gish dies," <http://www.washingtontimes.com/news/2014/apr/14/whitesburg-mountain-eagle-publisher-pat-gish-dies/>.

would be formed within a month, and would elect nine members to the board of directors. The Millstone Sewing Center, originally called the Millstone Sewing Circle, had been formed as a voluntary group of local seamstresses who were talented quilt makers, to make clothing for poor children from the tons of used clothing which had been donated to the county through various relief efforts. The Center became an OEO funded project and employed five seamstresses, with other volunteers donating their time. The controversy surrounding representation on the Center board as well as the LC Citizens' Advisory Committee is representative of other programs within the OEO umbrella. While the people who were seen as the county leaders felt they should be guaranteed a place on every board and commission, the people who were actually supposed to be served felt that they should have a place at the table. The age-old patrimony and patronage of county government had created an atmosphere that made it hard to trust the county officials to see that the needs of the poor were being met, when they had such lucrative morsels to pass out to their political allies and supporters. The Center became a focal point for the community and a center for activism, much of which involved the unequal distribution of aid and jobs in the programs overseen by OEO. A number of community events and meetings were held at the Center, including meetings to reform the WETS program and other programs designed to employ unemployed men in the county. *Mountain Eagle* Correspondent Mabel Kiser was one of the founders and she became a leader in the area reform movement. Toward the end of the article announcing the reorganization of the Letcher County EOC Office was a line with the information that that "volunteers known as VISTAS are living in various sections of the county."⁸⁵

The Appalachian Volunteers (AV) had been in Letcher County for several years and when workers from Volunteers in Service to America (VISTA) joined them, both groups were

⁸⁵ "Poverty program reorganizes again," *The Mountain Eagle*, December 22, 1966, page 1.

initially welcomed, although some Letcher County residents saw them as strange and a few were put off by their long hair and clothing. But in the early days, the young volunteers in the War on Poverty were not terribly controversial. As one of the first demonstration projects of the Great Society, the Appalachian Volunteers had been in Eastern Kentucky for over two years, working with local self-help organizations and doing things like repairing schools, building roads and bridges, and establishing community centers. Then, Pearly Ayers, Executive Director of the Council of The Southern Mountains dismissed three key officials. The AVs operated under the umbrella of CSM, until Ayers fired AV Director Milton Ogle, Director of Field Operations Dan Fox, and Alan Zuckerman, Director of the Community Action Technician (CATS) Program. The CATS program operated separately from the AV program. With a staff of 16 "technicians" plus office staff, CATS was designed to help local groups develop community action programs. Following the dismissals, the entire 13 member AV staff submitted their resignations. An internal AV document stated that expanded AV activities following a summer program in 1965 had enlarged their focus from "band aid" services to the identification of real issues linked with poverty, such as welfare administration, mining practices, and government corruption. When the AVs wanted to confront those issues more directly than CSM saw fit, the AVs broke from the Council and established themselves as a separate organization.⁸⁶

Plans for the summer of 1966 called for an OEO backed program of AVs and the CATS program, costing \$700,000, that would involve bringing in 500 college students for the summer. The combined staffs of the two organizations had assisted in drafting proposals for more than 100 community action programs. The reasons for the firings were vague and subject to a great deal of speculation. In the article/editorial concerning them, Gish asked what had caused the

⁸⁶ Program of the Appalachian Volunteers, April 1969, 1, Appalachian Volunteers #2, Berea College Library, Special Collections and Archives, Berea, Kentucky.

blow up and answered his question with several speculative answers from "a reporter." A number of Appalachian Volunteers working in Letcher County, including Tom Bethel, had found *The Mountain Eagle* offices to be a friendly place to stop in for a cup of coffee, directions, and advice. They had come to rely on the newspaper offices as a place where they could use the telephone, type letters and reports, and use other office machinery. As the newspaper became increasingly isolated from the community it served, the Gishes and other staffers found comfort in the company of the volunteers and soon discovered that the young people shared a good deal of their concerns for the region. The Gishes and *Eagle* staffers were happy to have the company of intelligent and well educated young people to compensate for the community imposed isolation. However, throughout the relationship, Gish was plain spoken in his advice to the volunteers, particularly his attempts to change the way they approached the locals, and the often severe criticism they had for the business community and the courthouse crowd.⁸⁷

One possible reason for the problems between the AVs and the CSM was that the combined AV/CATS programs had grown larger and faster than the council's ability to handle them. The council's staff had not grown correspondingly and they were stretched, which created tensions between the staffs of the three organizations. The AVs desire to move their headquarters from Berea to the Bristol-Kingsport Tennessee area was also listed. Gish wrote that the wish to move was partly due to being closer to air travel facilities and being more centrally located, but added that it would also free the AVS from the "Small town, highly moralistic attitudes of the Berea community." The move to Bristol and the separation from CSM were indications that the relationship between CSM and the AVs was beginning to splinter, as more moderate council members began to question the increased activism espoused by the AVs, and the question had

⁸⁷ "The young visitors," *The Mountain Eagle*, July 21, 1967, 8.

been addressed at three separate sessions at the Council's board of directors in Huntington, West Virginia. After reversing itself several times, the board approved the move, although there were questions as to the presence of a quorum at the meetings.⁸⁸ The split with CSM occurred around the same time the War on Poverty had begun to suffer from funding cuts, and Republican opposition to the program had grown. The increase in activism from the AVs reflected other disagreements in community action programs within the overall context of the War on Poverty and the increased radicalism became a political issue and a tool some opponents would use to dismantle many of the Great Society programs.

The summer following the split with CSM, Letcher County was selected as one of 19 Appalachian counties to take part in the AV plan to bring 500 college students in for the summer to act as special Volunteers in Service to America (VISTA) workers in four Appalachian states, bringing the total number of VISTA worker to nearly 800. OEO Director Sargent Shriver stated that based on the success of the summer program, it might be expanded in coming years to bring in thousands of volunteers, and could evolve into a major new dimension of the War on Poverty. Shriver said the volunteers had been invited into the communities where they would work to establish special school and cultural enrichment programs as a starting point for community development, and that community members had been consulted by the AV staff.⁸⁹ Internal reports from the AVs revealed that the 1966 summer program and another in 1967 had drawn charges from local officials of long hair, inappropriate dress, and misconduct, and AV workers were referred to as Communists, beatniks, and hippies. The AV reports stated that the attacks were a reaction to the increased AV orientation toward community action.

⁸⁸ Staff resigns," *The Mountain Eagle*, May 5, 1966 1.

⁸⁹ "Volunteers to be here," *The Mountain Eagle*, June 2, 1966, 1.

An incident that illustrated the tensions around land ownership and property rights took place in Pike County in the summer of 1967, and also greatly affected the fate of the volunteers, when a retired coal miner named Jink Ray told Puritan Coal Company it could not strip mine his property. Although he was initially rebuffed by the state courts, Ray succeeded in getting a ban on strip mine operations on his property through action by the Kentucky Division of Reclamation Director Elmo C. Grimm, who ordered Puritan Coal Company to cease all strip mining operations on Ray's property, because he said the original reclamation plan had no chance of succeeding. Ray and his neighbors had been ordered to stop interfering with Puritan's operation the previous month by the Pike County Circuit Court and the decision had been upheld by the Kentucky Court of Appeals.⁹⁰ Ray was supported by the anti-strip mining organization, the Appalachian Group To Save the Land and People, and by workers from the Appalachian Volunteers and the Southern Conference Educational Fund, as well as his neighbors, two of whom stood in front of the bulldozer when its operator attempted to cross Ray's property line. Ten days after Ray's victory, Pike County Commonwealth Attorney Tom Ratliff, a coal operator, and past president of the National Independent Coal Operators Association, prosecuted three of the volunteer workers under Kentucky's antiquated sedition law, which would later be struck down by the Supreme Court.⁹¹

During the litigation over Ray's refusal, Pike County Sheriff Perry Justice and Robert Holcomb, president of the Pike County Chamber of Congress and the National Independent Coal Operators Association, paid a visit to volunteers Alan McSurely and his wife Margaret. The McSurelys were workers with the Southern Conference Educational Fund (SCEF) and the sheriff and Holcomb suggested it would be best if they left the county. Not long after the McSurelys

⁹⁰"Strip Miner Loses Again on Island Creek," *Pike County News* August 13, 1967, 1.

⁹¹ Calvin Trillin, "The Logical Thing Costwise," *Appalachia in the Sixties; A Decade of Reawakening*, Walls, David S., ed. (Lexington, University Press of Kentucky 1972) 112.

refused to leave, Tom Ratliff led a band of fifteen deputies to arrest them along with Appalachian Volunteer Joe Mulloy. All three were charged with sedition.⁹² Ratliff told reporters the charges could carry sentences of twenty-one years in prison and fines of \$10,000 each. Civil rights workers Carl Braden, Director of SCEF, and his wife Anne, were also arrested in Pike County on bench warrants issued for their late arrival to their arraignment in Pikeville. The Bradens declined to post bond and elected to stay in jail, and in the proceedings, Anne Braden told the court that she and her husband had been charged with sedition before and it had been thrown out.⁹³

The McSurely's attorney, Dan Jack Combs of Pikeville, asked for a three judge constitutional court to consider a habeas corpus motion that attacked the validity of Kentucky's Sedition Law.⁹⁴ In a letter to the *Pike County News*, Thomas Ratliff said he believed the McSurelys had taken advantage of Jink Ray and his neighbors' concerns about having their property strip-mined and that the McSurelys and the Bradens were attempting to harm his candidacy for Lieutenant Governor. "As far as I am concerned, it is far more important that we rid Kentucky of communists or their sympathizers than it is that I be elected lieutenant governor. From what I have seen of the evidence in this case, it is possible that communist sympathizers have infiltrated the anti-poverty program, not only in Kentucky, but in other sections of the country as well."⁹⁵

Gish's reporting and editorializing on the sedition incident and the later Kentucky Un-American Activities Commission hearings in Pike County took on a humorous aspect. Gish obviously saw Ratliff as a political opportunist who was willing to use the incident to advance

⁹²John C. Wells, *Poverty Amidst Riches: Why People are Poor in Appalachia*, (Doctoral Thesis, Rutgers University, New Brunswick New Jersey, 1977), 333.

⁹³"Bradens Prefer Pike County Jail to Posting Bond," *Pike County News* September 14, 1967, 1.

⁹⁴"Three Arrested on Sedition Charges," *Pike County News* August 17, 1967, 1.

⁹⁵"Ratliff Responds," *Pike County News*, August 17, 1968, 2.

his political ambition to be Lieutenant Governor of Kentucky. However, Ratliff's opportunism was to be taken seriously at a time when actors such as Richard Nixon and George Wallace had taken the same act to the national stage. The Letcher County counterparts of the people Ratliff represented in Pike County were ramping up their attacks on *The Eagle* through boycotts, attempts to persuade local grocers to stop selling the paper in their stores, and attempts to get advertising withdrawn. Coal company thugs had already seized film from *Eagle* staff and attempted to intimidate reporters and photographers. Ratliff may have looked foolish to readers of national newspapers, but Gish and other newspapermen knew his type well, and Ratliff played well in eastern Kentucky, even though he was unsuccessful in his pursuit of the state's second highest office.

The Mountain Eagle had a friendly relationship with the Appalachian Volunteers and VISTA workers, and many of the volunteers made the paper's offices one of their first stops when they came to Whitesburg. Thomas Bethell, who operated the Appalachian Volunteers' information office in Whitesburg, was a frequent contributor to the paper and close friend of the Gish family. Bill and Josephine Richardson, came to Letcher County in 1969 to develop the Appalachian Film Institute, which developed into The Appalshop, one of the most enduring and best known of the War on Poverty projects. The Richardsons lived in the Gish home for six months before finding their own place and developed a lifelong friendship with the Gish family.

On the other hand, the courthouse crowd and coal operators had little love for the volunteers, and in the summer of 1967, a Letcher County Grand Jury delivered a report that questioned whether their continued presence was "in the best interests of Letcher County." Although the final report listed no specific charges or incidences of misconduct, the jury reported that it had heard evidence "that an undesirable and lawless element has been introduced into the

county through the sponsorship of the Fiscal Court and the Office of Economic Opportunity." It went on to say that the grand jury was "proud of the state of law and order now existing in Letcher County," and asked the fiscal court to reconsider their sponsorship of the anti-poverty volunteers. Edwin J. Safford, Director of the Leslie, Knott, Letcher, Perry Community Action Council expressed surprise at the grand jury report. but since it gave no actual evidence of any specific incidences, it was "difficult to give it much weight." However, Safford did make a request to OEO to fully investigate the VISTA and AV programs in Letcher County.⁹⁶

The grand jury reported that several volunteers had been arrested on minor traffic charges and two pled guilty and paid fines. Another worker was acquitted in a jury trial and one was charged with vandalism in the Jackhorn community, but charges were later dropped. The next week, Tom Bethell wrote a letter to the editor calling the jury's description of the volunteers as an undesirable and lawless element "a surprise." "We have been called various names at various times, but never lawless." Bethell suggested that the description of the volunteers as lawless came not from the traffic violations that several workers had received but from reports from *The Louisville Courier Journal* and *The Mountain Eagle* that VISTAs and AVs had taken over the fight against strip mining in Letcher County, which he denied. Bethell credited *The Mountain Eagle* as one of the "earliest and hardest fighters" against strip mining, stating that *The Mountain Eagle* was fighting strip mining long before the VISTA or AV workers came to the county. According to Bethell's letter, leadership in the fight against strip mining rested with the Appalachian Group to Save the Land and People, which had been in existence for over two years at the time of the jury's report.

⁹⁶ "Grand jury questions volunteers' activities," *The Mountain Eagle*, July 13, 1967, 1.

The Appalachian Group to Save the Land and People had organized in Knott County to oppose strip mining and spread to other eastern Kentucky Counties as organized opposition to the coal companies grew in the region. Bethell identified the Pike County Chapter as the prime motivators behind opposition to strip mining in Pike County and identified the "Appalachian Group," rather than the volunteers, as being responsible for the Pike County incident that had eventually led to a raid by the Pike County Sheriff. Bethell credited them, along with the "stubbornness of Jink Ray in the face of bulldozers" as helping Ray get a ban on strip mine operations on his property, through action by Kentucky Division of Reclamation. He did point out that by advocating for the rights of the people, the volunteers occasionally stepped on a few toes, and wrote that in the case of strip mining, sometimes, "sparks do fly." He added that the volunteers were deeply interested in the future of eastern Kentucky and were in the area to work toward goals identified by the residents, not by the volunteers, and finished by expressing his hopes that having strong opinions would not be misconstrued as lawlessness.⁹⁷

On the same page as Bethell's letter, Tom Gish wrote an editorial concerning the grand jury's report and laid out some of the factors that divided the "young visitors" and the county officials. Gish wrote that if a reader assumed from reading the report that the members of the grand jury had personal knowledge of the volunteers and their work, or had spoken to them at all prior to issuing the report, they would have been wrong, and that "it appears that the jury issued its sweeping statements of condemnation on the basis of something less than complete information." In fact, the middle class and the power brokers of Letcher County had very little contact with any of the youth workers and generally saw them in the same light as southerners had seen "carpetbaggers" and "Scalawags" in the Reconstruction South, either as "do-gooders" or

⁹⁷ Letters To The Editor, Thomas Bethell, "About AVs," *The Mountain Eagle*, July 20, 1967, 8.

a subversive element out to overthrow them and turn the county over to welfare recipients. Gish also referred to the volunteers' contempt for elected officials and their general belief that all the court officers and coal people were crooks, growing wealthy at the expense of the poor. The position of some business and community leaders had begun to harden with the "discovery" of poverty in the county and had grown more extreme with the introduction of the volunteers. Gish also attributed a good deal of their resentment of the volunteers to the way they dressed and wore their hair, even though he pointed out that it wasn't really all that different from the appearance of many of the local young people. He could have pointed out that the same hardening of attitudes had been directed at his family and *The Mountain Eagle*, from the time the paper had begun to address the issues of poverty and strip mining .

Gish identified two competing opinions as being largely responsible for the friction, one that was held by the volunteers and the other by the county leaders. A number of the young visitors came into the area with starry eyes and fixed opinions "to the general effect that all public officials are lazy, stupid, or crooked, and that all poor residents are good and deserving and being held back by the politicians." To the young, things were more often seen as black and white rather than shades of gray, and Gish made a case that county judges, mayors and other officials were more often constricted by lack of adequate budgets and economic resource than by personal corruption. "The poverty which is so widespread in the mountains has spun a web that ensnares all the residents of the area in one way or another." The other factor in the tensions, coming from the other side, was a widespread belief among county leaders and many eastern Kentuckians that all the volunteers were "Communists and part of some deep and darkly designed plan to bring on a revolution." However, most of the volunteers came from middle class homes in middle class cities and generally embraced middle class values. Their

distinguishing characteristic was their belief that democracy in the United States was not working to benefit the overall welfare of the people, because there were "so many poor people in such a rich country." Gish had seen enough since his return to Letcher County be painfully aware that this was the case in much of Central Appalachia, and while his purpose at the time may have been to mediate the dispute between the officials and the volunteers, *The Mountain Eagle* had addressed issues of democracy and inequality many times and would continue to do so. He finished by stating that on balance, the presence of the volunteers was generally beneficial for the county and by asking questions, raising issues and "trying to persuade us to think for ourselves," the volunteers were performing a service that could be inspiring and rewarding "as they go about the business of making democracy work." Although he didn't address it in the editorial, this process of making democracy work was the driving purpose behind *The Mountain Eagle's* battle to educate the public by reporting the process of government and continuing to demand access to open meetings by elected officials. If the volunteers had misconceptions, the best way to erase them would be for the people of Letcher County to embrace them and let them see that all was not as they believed, to get to know them and invite them into their homes, and "generally extending the warm hospitality of which we boast."⁹⁸

In late August, as a result of congressional pressure resulting from the arrests, Sargent Shriver and Kentucky Governor Edward Breathitt jointly announced that OEO would cease to support Appalachian Volunteer operations in Kentucky as of September 1. Breathitt was quoted as saying he had requested the cutoff because of numerous complaints from community action agencies to the effect that the AVs had refused to cooperate with them in prosecuting the War on Poverty. Milton Ogle told *The Mountain Eagle* that he had not received formal notification of the

⁹⁸ "The young visitors," *The Mountain Eagle*, July 20, 1967, 8.

cutoff and AV members announced that they would continue their work in Kentucky. On August 24, 1967, more than half of the community action directors in Kentucky signed a telegram to Shriver protesting the manner in which OEO support had been withdrawn and the Appalachian Volunteers asked for a full public hearing on the withdrawal of funding. No previous warnings that funding might be cut off had been issued and OEO had already announced the renewal of the AV's funding for the next year. OEO also initiated an investigation of AV activities in West Virginia after West Virginia Governor Hulett Smith complained about charges of personal misconduct by AV volunteers.⁹⁹

The break with Governor Smith of West Virginia is symptomatic of the tremendous push against the Appalachian Volunteers and VISTAs by the coal companies and highly placed officials in the coal producing states and their representatives in the United States government. Smith had initially lauded the AV's efforts to rein in strip mining in West Virginia and they had joined with Smith in 1966 to press the issue of regulating strip mining in his battle with the West Virginia Assembly, which was dominated by coal supporters.¹⁰⁰ As the anti-AV movement grew and the state politicians and coal interests expanded their attacks, Smith must have seen the writing on the wall, because in October 1967, West Virginia Senator Robert Byrd read a letter from Smith in a senate hearing, in which Smith claimed that certain unidentified groups in West Virginia considered the AVs and VISTAS to be "trouble makers who only offered negative solutions to community problems." The letter also contained accusations from the same groups that the volunteers taught Communistic ideas to the poor people they worked with. Byrd also attacked the Office of Economic Opportunity by claiming that a report issued by the agency earlier that year vindicating the AVs was merely a defensive action that indicated that OEO had

⁹⁹ "AVs seek hearing on OEO withdrawal," *The Mountain Eagle*, August 24, 1967, 1.

¹⁰⁰ Thomas Kiffmeyer, *Reformers to Radicals: The Appalachian Volunteers and the War on Poverty*, (The University Press of Kentucky, Lexington, 2008), 187.

little local control over the volunteers. In Byrd's statement, the damage was done because the volunteers were "identified in the public eye" with OEO and were also dependent on public funds. He finished by saying that the anti-poverty volunteers in Kentucky were "revolutionaries bent on destroying the present order of society."¹⁰¹.

The Mountain Eagle called Governor Breathitt's request to withdraw OEO support the result of a power play by Kentucky State Poverty Director Al Whitehouse, a Breathitt appointee who had waged an all-out war for direct personal control of the AV apparatus in Kentucky. The article stated that Whitehouse had used his relationship with Breathitt to operate a panic and rumor mill in eastern Kentucky that had worked to paint the AVs in the mountains of Kentucky as Communists, and to spread rumors of riots and threats of riots by the black population of the region, even in places where the number of African-Americans was so small there could be no possibility of a riot. Gish wrote that he felt some sympathy for Breathitt, who had been inundated by panicky phone calls from east Kentucky residents which were similar to rumors and calls he had received himself. Whitehouse's war with the AVs had started almost as soon as he took office and had resulted in a full scale investigation into AV activities by OEO earlier in 1967 that led to a complete exoneration of the organization and a recommendation that other community action agencies work more closely with the AVs and follow their model for engaging the poor. The only CAA director that supported Whitehouse in his allegations had been Harry Eastburg of the Big Sandy Valley poverty program, which Gish referred to as one of the weakest in the state, and the target of a good deal of criticism from the AVs. However, he also wrote that if the anti AV sentiment in eastern Kentucky had been "mostly smoke and little fire," the AVs had done little to clear the smoke. They had not addressed criticisms of their dress and off duty conduct

¹⁰¹ Ibid, 199.

and Gish believed the organization should have held the workers to a more strict standard of behavior, with those who refused "being shipped back to where they came from." But he made it clear that his criticism applied to only a few of the volunteers and that most had behaved quite well. He also questioned the governance of the AVs, stating that no one knew how they governed themselves, whether or not they had a board of directors, or if the people of the region actually had a meaningful voice in their decisions. The AVs had been less than frank with the people concerning their aims and purposes, as well as their relationship with the McSurelys and SCEF, who took a much stronger and more militant position on social and economic issues than the AVs, although, he added it was their right to do so. The editorial closed by stating that if Whitehouse was allowed to succeed in closing the AVs out, it stood to reason that "one by one, he will knock off any and every community action agency in Kentucky which refuses to 'co-operate' with his office."¹⁰²

The shock waves from the sedition arrests reached into the United States Senate, where Senator John Sherman Cooper of Kentucky offered an amendment stating that "persons serving as volunteers under this section or under Section 821 shall provide such information concerning their qualifications as the Director shall prescribe." Cooper explained his amendment as a response to the fact that the AVs had no way to screen their volunteers and the Director of the Office of Economic Opportunity had no control over their selections. He said the entire thing was the result of the sedition charges in which "The charge was made that they (the McSurelys) had been disseminating literature throughout eastern Kentucky in which they called for, in substance, the overthrow of the Government, the state government, and the local government." Cooper told the Senate he felt his amendment "would assure that qualified people are appointed

¹⁰² "Action against AVs ill advised," *The Mountain Eagle*, August 27, 1967, 1.

and would insure that the situation which has taken place, bringing widespread criticism on OEO, VISTA, and the volunteers would not rise again.”¹⁰³

Not to be outdone by the United States Senate in addressing the situation with the AVs in eastern Kentucky, the Kentucky General Assembly passed H.R. 84 on March 27, 1968, “A Concurrent Resolution creating a Joint Legislative Committee on Un-American Activities.” A committee of ten members was appointed with five from the House and five from the Senate, all appointed by the governor. The committee was charged with investigating and analyzing “the activities of groups and organizations which have as their objectives, or as part of their objectives, the overthrow of the Commonwealth of Kentucky, or of the United States by force, violence, or other unlawful means.” Hearings were scheduled in Pikeville Kentucky for October 15 and 16 with the Honorable Scott Miller to serve as chairman. A second set of hearings was convened December 3 and 4.

The hearings were split into two separate sessions although many of the witnesses who testified in the first session also testified at the second session on December 3 and 4. Neither Thomas Ratliff, crusading Commonwealth Attorney and failed candidate for Lieutenant Governor, nor the outside (non-Pike County) staff of the Appalachian Volunteers chose to testify at either hearing. However, several of the Pike County power elite did testify, including Herman G. Dotson, Assistant Commonwealth Attorney at the time of the raids. Several locals who were employed by the AVs also testified, the most prominent being Edith Easterling who had worked with Joe Mulloy before his arrest. *The Mountain Eagle* pointed out that when Easterling was questioned about any wrongdoing she may have committed, her reply was, “I will confess that

¹⁰³ *Congressional Record – Senate, September 28, 1967, Papers of the Appalachian Volunteers VII*, Berea College Library, Berea, Kentucky.

I've done wrong. I voted for that dirty bunch in the courthouse." Easterling accused Pike County officials of using the sedition issue and charges of Communism as a smokescreen to allow them to get at the poverty program because they weren't able to skim from the poverty funds. "If they can't get it themselves, they don't want anybody else to have it." ¹⁰⁴

The Pike County incident, the KUAC Hearings, and the general backlash against the volunteers marked the end of the AVs. Shriver terminated their funding shortly after Mulloy was arrested for draft evasion, and drastically reduced the number of VISTA workers in the region. A number of AVs left the region but others stayed and settled into positions in nonprofit organizations and other agencies. Milton Ogle resigned as director in 1968 and assistant director David Walls became acting director, and then director for the final year of the organization's life. Ogle joined the staff of the Appalachian Research and Defense Fund, and Tom Bethell set up Appalachian Information after his resignation. After publishing *Coal Patrol*, which was a semi-regular feature in *The Mountain Eagle* from 1970 – 1972, Bethell became Research Director for the United Mine Workers of America, following Arnold Miller's election as president. ¹⁰⁵

As the AV/VISTA situation unfolded, the War on Poverty continued to struggle with reduced funding and growing criticism from Congress as well as the states. In the 1967 State of the Union Address, President Johnson proposed a 20 percent average increase in Social Security payments, which he tied to funding for the War on Poverty. He also urged the extension of Medicare Benefits and expanded Head Start to include three year-olds. Johnson made no further expansions in anti-poverty programs and after saying he did not believe the American people

¹⁰⁴ "KUAC investigating in mountains," *The Mountain Eagle*, December 5, 1968, 1.

¹⁰⁵ David Whisnant, *Modernizing the Mountaineer: People, Power, and Planning, In Appalachia*, (Appalachian Consortium Press, Boone, North Carolina, 1980), 212.

were ready to quit in the battle against poverty, he announced that he would seek a six percent surtax on income taxes to fund both the War on Poverty and the Vietnam War.¹⁰⁶

U.S. Representative Carl D. Perkins never believed that federal efforts were sufficient to properly address the poverty in Central Appalachia. In 1967, he introduced legislation to double the amount of aid to the Appalachian region and called for expanded thinking that would go beyond the efforts that were underway. Perkins called for developing untapped resources and said it would take considerable work and spending to effectively confront poverty. He called the Appalachian programs that were currently in effect, "two lane remedies for a four lane disease," and said that in his congressional district it would take at least \$250,000,000 in spending on public facilities to provide a base upon which economic prosperity could be built.¹⁰⁷

In August, a *Mountain Eagle* editorial sarcastically congratulated the USDA for realizing that "there are people in America who are literally starving to death," and responding to the revelation by lowering the cost of food stamps for families with no income at all. Gish questioned how the department figured the participants would pay for the food stamps with no income but added that at least they had a better chance at getting food stamps than before because, "it is easier to beg \$3.00 than it is \$12.00." Letcher County residents had received the money to buy food stamps from a number of sources, including the Salvation Army, church groups, employee contributions from community action agencies, and private contributions, but it wasn't enough. Gish wrote that he understood the theory that families would retain more dignity if they contributed something, even a token payment to the food stamps, but added that their dignity went away when they ran out of stamps before the end of the month and were

¹⁰⁶ "Johnson Proposals would affect Letcher County," *The Mountain Eagle*, January 12, 1967, 1.

¹⁰⁷ "Perkins to seek added aid to area," *The Mountain Eagle*, February 2, 1967, 1.

forced to beg or borrow the money to buy more. "The fact of starvation in Letcher County and eastern Kentucky was reported nationally nearly four years ago"¹⁰⁸

Late in the summer of 1967, the Appalachian Regional Commission announced that while the employment rate in Appalachia as a whole had risen by four percent, with unemployment dropping from 9.2 percent in 1962 to 5.2 percent in 1965, eastern Kentucky continued to lag behind, and unemployment had only dropped from 13.1 percent in 1962 to 10 percent in 1965. The number of jobs had only grown from 191,100 in 1962 to 200,700 in 1965. The report called eastern Kentucky the "hard core" of Appalachia in unemployment and other problems.¹⁰⁹

The lack of employment was one of the main topics Robert Kennedy heard about when he made a two day tour of the mountains of eastern Kentucky. Although he visited other sites in the region, the highlight of the tour for Letcher County was an official hearing of the Senate Subcommittee on Employment, Manpower, and Poverty that was conducted at Fleming Neon High School, at Neon in Letcher County. Many people expressed dissatisfaction and disillusionment with the efforts made at alleviating poverty in eastern Kentucky and E.J. Safford, Director of the Leslie, Knott, Lecher, Perry Community Action Council told Kennedy that anti-poverty programs had only "made the state of poverty more livable," and called for the replacement of welfare checks with paychecks, even if the federal government had to create jobs by building roads, schools, public parks, and other public buildings. Stafford also told Kennedy his agency had run up against a wall because of competing state and federal agendas and said the

¹⁰⁸ "Starving in plenty," *The Mountain Eagle*, July 8, 1967, 8.

¹⁰⁹ "Eastern Kentucky still lags behind," *The Mountain Eagle*, August 10, 1967, 1.

government had played a cat and mouse game with the residents of eastern Kentucky by cutting programs and then promising to restore them.¹¹⁰

Harry Caudill read a prepared statement before the subcommittee in which he detailed the history of the exploitation of Appalachia that had produced some of America's richest corporations as well as some of its poorest people. He described communities impoverished by low taxes and the inadequate public services, and poor schools that went with them. Caudill pointed to extreme unemployment, highly destructive mining practices, and absentee mine owners who paid low property taxes but "cleared more than 61 percent of gross receipts" after paying operating expenses. He called on the subcommittee to initiate federal legislation to outlaw strip mining on steep slopes and establish a federal severance tax on minerals to be used in programs to develop the manpower and create jobs.¹¹¹

After Caudill finished his remarks, David A. Zegeer, General Manager of Beth-Elkhorn, which was owned by Bethlehem Steel, asked to speak as a rebuttal to Caudill's testimony. Zegeer told the subcommittee that while he agreed with Caudill that the primary problem that beset the region was the lack of good roads to attract industry, much of Caudill's testimony indicated that industry was bad. Zegeer told Kennedy and the other participants that Bethlehem Steel had bought its Lecher County property twelve years previously, in 1956, and said that "Bethlehem coming here was one of the finest things that could have happened in this area." He said that in the last year the company had paid \$200,000 in property taxes and \$500,000 in all taxes. It put \$950,000 in the United Mine Workers Welfare and Retirement Fund and donated \$50,000 to the Appalachian Regional Hospitals. Its 850 employees had earnings of \$6,687,693 with average

¹¹⁰ "Kennedy hears of need for jobs during two-day mountain tour," *The Mountain Eagle*, February 15, 1968, 1.

¹¹¹ Ron Eller, *Uneven Ground*, 155.

annual incomes of \$8,000. He added that while Beth-Elkhorn owned just seven percent of the surface land in the county, it paid 20 percent of the property taxes. "This is a side of the coin you rarely see." He said he did not know the exact assessment rate on Beth-Elkhorn's property or how much the corporation had paid for its Lecher County holdings but promised he would provide that information to the subcommittee. Zegeer also said that while Beth -Elkhorn was not currently strip mining coal, it had in the past and would in the future if there was an economic need for it. He said that Bethlehem Steel had about 800 stockholders in Kentucky, but after persistent questioning by Kennedy, he admitted that the total number of shareholders was between 50,000 and 70,000.

"I would hardly say that is a Kentucky owned company," said Kennedy.¹¹²

Zegeer replied that he thought the area should be happy that corporations like Bethlehem Steel had located their operations there and said they were good and honorable companies. Then he said if "we are wrong in what is going on in Appalachia, then I think this whole country is based on the wrong philosophy. To do it any other way, you are just talking about socialism. So if what we are doing is wrong, then this whole country is wrong."¹¹³

The Kennedy tour, the AV/Vista situation, and the Kentucky Un-American Activities Committee hearings in Pike County in October and December marked a major change in the War on Poverty, and the election of Richard Nixon changed the direction of the government's efforts in Appalachia. When Nixon appointed Donald Rumsfeld to head the OEO, the agency changed its focus to managing the tax burden resulting from the Vietnam War and the anti-poverty programs. Many of the programs that survived Nixon's election were shifted to other agencies

¹¹² "Kennedy hears of need for jobs during two-day mountain tour," *The Mountain Eagle*, February 15, 1968, 11.

¹¹³ Ibid.

and efforts to reform the social and economic conditions in Appalachian were effectively at an end.¹¹⁴

Like most truly ambitious programs, the War on Poverty had its successes and its failures. Attracting industry to Central Appalachia did not happen for a number of reasons. The highways Gish and Harry Caudill campaigned so vigorously for were too little and too late. The highway construction program that started in the early 1970s was not finally completed until the 21st Century had been rung in and the funding for the highways went through innumerable congressional sessions and administrations. By the time the "good roads" were finished, the two lane ones were obsolete and the four lane roads were not enough. America had already entered the post-industrial period, and those industries that might have been attracted to Appalachia were already leaving the country. Much of Appalachia remains tied to the failing coal industry today just as it was in 1968 and with the near total exodus of coal jobs from eastern Kentucky, conditions for coal miners and their families look bleak.

On the other hand, many of the War on Poverty programs not only endured, but added greatly to the overall health and well-being of eastern Kentucky and Central Appalachia. Programs like Head Start, school lunch programs, food stamps, Medicaid, and Medicare have survived and flourished. Some have been expanded. Medical clinics that were initiated during the War on Poverty have grown and serve tens of thousands of Appalachians with high quality medical care, and housing programs have allowed thousands to live in relative comfort and safety. Lots of money has gone into school construction and while eastern Kentucky schools still lag behind, the physical plants are vastly improved.

¹¹⁴ Ron Eller, *Uneven Ground*, 156.

The War on Poverty was a lifesaver for eastern Kentucky in many ways. It fed people, clothed people, and provided housing for people who were living in paper shacks with dirt floors. It got health care in. It was a success to feed, clothe, and take care of people. It did not provide a cure for the economic problems but it was ended before it had a chance to. You can't cure 100 years of bad practices with a band-aid that lasted 10 years.¹¹⁵

1968 was a monumental year for the nation and while *The Mountain Eagle* continued to report on the community action agencies and the remaining efforts to work within the region, there were many other issues that demanded the newspaper's attention as well. Reporting on the various agencies created by the War on Poverty that continued to operate would occupy a good deal of the newspaper's time for years to come, but changes wrought by the Great Society were sweeping Appalachia just as they swept the rest of the nation. Political struggles and reform efforts in Letcher County demanded attention, and new methods and schemes for extracting the mineral wealth of the county appeared on the horizon. The coal industry had always occupied a good deal of the papers' news space, but changes in mine safety laws on the state and federal level, as well as efforts in Kentucky to control strip mining were in the developmental stages and *The Mountain Eagle* soon found itself addressing these and many more issues.

¹¹⁵ Tom and Pat Gish, 1995, interviewed by Mimi Pickering and Maxine Kinney, at the office of *The Mountain Eagle*, Tape 1, located at Appalshop, Whitesburg, Kentucky.

Chapter Five

Although *The Mountain Eagle* regularly addressed a very broad range of issues, it is best known for its long association with coal mining, and more specifically, with strip or surface mining. While *The Mountain Eagle* was also deeply involved in mine health and safety issues as well as issues concerning the United Mine Workers of America, strip mining was the main thread in the tapestry of *The Mountain Eagle's* relationship with the coal industry, as well as the main point of contention.

Tom Gish grew up in a coal camp and his friends were the sons and daughters of coal miners. His father was a pioneer in the use of roof bolts, used to support the mine roof after the coal was removed, and Tom was adamant about doing everything he could to protect miners. At the time the Gishes took ownership of the paper, strip mining was in its early stages, John L. Lewis, who served as president of the United Mine Workers for 40 years, was in the final years of his presidency, and mine safety was an ongoing problem in an industry where many operators saw men as more expendable than equipment. The old saying that if a coal operator was faced with a choice between saving a man or a mule, he would choose to save the mule, was not as farcical as it may sound. After all, he would have to buy another mule, while it was no problem to hire another man. Reporting on mine accidents and efforts toward mine safety was not terribly popular with coal operators, and union men were often displeased to see the excesses of UMWA bosses revealed in the paper, but these were issues that were reported by most newspapers, especially those in coal producing states.

The Mountain Eagle was consistent in promoting underground coal mining as the driving force of the economy of Central Appalachia. It was the work Ben Gish had spent his life doing,

and it was the kind of mining most closely associated with the UMW. The changes that came to the industry after World War II, when the nation began to move away from coal as the prime source of locomotive fuel, were exacerbated when the Tennessee Valley Authority began to drive underground coal operators out of business with their ever-increasing demand for the lowest prices for coal. Most of the smaller underground mine operators could not compete, and either went out of business or moved into strip mining, which Gish saw as suicidal and ruinous to his dream of promoting tourism as an important part of the economic puzzle for eastern Kentucky. Strip mining played out in the courts, the media, and in citizen and coal company instigated protest actions throughout the last half of the 20th Century, and it was *The Mountain Eagle's* signature issue for almost 20 years. It was initially disputed as a property rights issue, pitting the holders of broad form deeds and mineral rights contracts that had been obtained in the late 19th and early 20th centuries, but *The Mountain Eagle* was among the first to see strip mining as a civil rights issue. Mountain families rightly opposed coal companies stripping their land on the basis of a deed that was often the product of flim-flam and larceny, with slick land agents taking advantage of the illiteracy of their forebears. At the time the deeds were obtained, most people who signed their mineral rights away did not object to having a mine under their land, but they had no concept of bulldozers, front-end loaders, and augers stripping the surface. Unfortunately for the land owners, the mineral rights deeds were interpreted by Kentucky courts as giving the deed holder the right to go after the mineral in whatever way they chose.¹

Before 1960, *The Mountain Eagle* had been an enthusiastic proponent of a coal based economy in eastern Kentucky and the paper continue to advocate underground mining. But when

¹ Ronald D. Eller, *Uneven Ground: Appalachia Since 1945*, (The University Press of Kentucky, Lexington, Kentucky, 2008), 38.

Tom Gish became acquainted with the strip mining that was being done in parts of Letcher County, he was horrified. Not only did this mark a shift in *The Mountain Eagle's* policies toward what would become a major part of the eastern Kentucky coal industry, the industry's response to Gish and Harry Caudill, and the anti-strip-mine groups introduced a darker and more dangerous element than anything the newspaper had so far experienced. Shunning, defamation, and withdrawing advertising were no longer sufficient, although all were part of the response. But for the first time, the Gish family, *Mountain Eagle* reporters, and the offices of the newspaper came under the threat of violence. The coal industry had never liked being challenged, and many of the smaller more loosely organized strip miners were largely opportunists who felt they had nothing to lose and everything to gain by stripping, and they were less constrained by the law than the larger companies. Early on, strip mining was very different from more modern methods, and even though it was destructive, it was a somewhat less invasive to land, water resources, and communities. However, it was also virtually unregulated, and, as sometimes happens, when laws were made to regulate coal mining, the laws of unintended results came into play. The laws that had been designed to regulate stripping were themselves stripped and modified by legislators who were friendly to coal companies, and the final product opened the door to vastly more destructive methods of mining.

The auger and bench mining that was common in the 1960s and 1970s did a significant amount of damage in their own right, as operators used explosives, bulldozers, and other earth moving machines to develop "benches" around the steep hillsides in the region. The actual mining was done by augers, which as the name implies, drilled into the side of the coal seam, and brought the coal out through the augers, which varied in size from 16 inches to six feet. The

benches the augers sat on were often strip mined as well, not only to reach coal under the existing bench, but to expose deeper seams to auger, so large portions of the mountain's side were taken off. These methods were destructive and operators often ignored early laws against dumping rock and dirt, which they called overburden, over the slopes. Still, auger mining was less invasive and easier to reclaim than the mountaintop removal method. MTR was first used in Millstone in Letcher County, on a permit owned by Beth-Elkhorn in 1969 when Kentucky State Reclamation Director Elmore Grim issued an expansion order for an existing permit, giving Beth-Elkhorn permission to expand the operation by stripping an additional 40 acres on Millstone Creek. The permit covered the two top seams and was "expected to include the removal of the mountaintops."² After that, the practice was allowed in Kentucky on a case by case basis and it became widespread in other Appalachian states after an amendment was inserted in legislation introduced in the United States House of Representatives in 1973, which became part of the Surface Mining Control and Reclamation Act of 1977, and was construed to allow for the total or near total removal of an entire mountaintop. The amendment was presented as a way to prohibit the dumping of overburden down the side of the mountains and to require mountains to be returned to their natural contour without a high wall. However, it contained a rider that allowed for the removal of the mountaintop if the operator could demonstrate that the land would be left in a "socially more acceptable condition" with the mountaintop leveled. *The Mountain Eagle*, Harry Caudill, and other advocates for property and environmental rights were outraged by the expansion of the Beth-Elkhorn permit in 1969, and were stunned when they learned it would be codified into federal law in the 1977 act. Strip mining and mountaintop

² "Stripping resumes at Millstone after state removes earlier ban," *The Mountain Eagle*, November 20, 1969, 1.

removal mining became an environmental and civil rights issue as well as a property rights issue, as citizens asked law enforcement and the government to recognize that the right to be safe in their homes is a basic civil right. Blasting and overburden removal that crushed homes definitely impeded that right, just as it destroyed the fragile aquifers that contained pure water that could be tapped with relatively shallow hand dug wells. As the backlash against strip mining became more visible, and definitely more vocal, the coal industry added the idea that strip mining created jobs to their standard argument that they had a valid contract that allowed them to do what they wanted to do with the land in order to get the coal.³

Although *The Mountain Eagle* was editorially opposed to strip mining, which Gish saw as "suicide" for tourism, and a brutal assault on property rights and the environment, the paper continued to advocate for underground coal mining as the basis for an expanded Appalachian economy. A 1964 article with the headline, "Coal=Money" contained information from the National Coal Association showing that Kentucky received wages of over \$168 million a year from coal mining. In a companion piece, the paper welcomed the news that American Electrical Company had announced that it would be building several large coal-fired power plants in Kentucky and surrounding states, even though the industry had begun to attack the newspaper as anti-coal. *The Mountain Eagle* always promoted the underground coal economy and the Gishes shared the understanding with Harry Caudill and Congressman Carl D. Perkins that while economic diversity was crucial to the long-term survival of the region, it would have to be based on a strong coal mining economy and expand from that base.⁴

³ "New strip mine bill 'disaster'," *The Mountain Eagle*, October 18, 1973, 1.

⁴ "Coal = Money," *The Mountain Eagle*, March 26, 1964, 1.

The Gishes were unaware of strip mining when they took over *The Mountain Eagle*, although it was already in its early stages in Kentucky, Virginia, and West Virginia. The decline of the use of coal in trains and industry after World War II had brought the coal industry to the brink of ruin, but instead of passing into the dustbin of history, it was “saved” by the Tennessee Valley Authority’s shift from powering turbines from water power to steam, produced by burning coal in order to generate electricity to power southern homes and industry. As TVA’s hunger for cheap coal to satisfy the south's increasing demand for electricity became greater, the agency became a major force in the Appalachian Coal Industry. TVA's willingness to give long term contracts to those producers who could come in with the lowest bids brought about important changes in the coal business, and their insistence on the lowest possible prices for "steam" coal drove many small non-affiliated companies out of business.

The big steel companies, Bethlehem Steel, United States Steel, Republic Steel, and several others, maintained large mining operations in the Central Appalachian states that were known as captive mines, that is mines that specifically produced metallurgical coal that was targeted for the furnaces of the company that owned them. The captive mines did not compete in the open market, and they tended to be quite large in size and in numbers of employees. They were also frequently affiliated with the UMW. Although captive mines never made up as great a percentage of total production as they had in Pennsylvania, they did provide a significant portion of union membership.⁵ Metallurgical coal, or met coal, is lower in sulfur and phosphorous than other bituminous coals that are burned to create steam to turn turbines in power plants, and it is less readily available. Met coal is used to make coke, which is an essential ingredient in making

⁵ Curtis E. Harvey, *The Economics of Kentucky Coal*, (The University Press of Kentucky, Lexington, Kentucky, 1977), 53.

steel, because coke can be heated to nearly 2,000 degrees Fahrenheit to produce high quality steel in blast furnaces. There were a number of excellent met coal seams in the eastern Kentucky counties and the Elkhorn Number 3 in Letcher County was among the best met coal in Kentucky. Metallurgical coal has more narrow operational parameters than steam coal, and it must be low in ash ($< 10\%$) and sulfur ($< 1\%$) content. Met coal existed alongside numerous deposits of high sulfur coal that was not useful in the steel making process, but was useful as "thermal" coal, for producing steam for electricity. Coal from eastern Kentucky has long been valued by the electrical utility industry as a high BTU, low sulfur fuel source. All of the coal mined in eastern Kentucky can be used as steam coal.⁶ Since 1970, met coal has accounted for between 10 and fifteen percent of the coal production in Central Appalachia.⁷

The captive mines that did business in eastern Kentucky in the 1960s and 1970s were few in number, compared to the overall number of mines in operation, but they accounted for a substantial amount of coal production. They also accounted for the majority of remaining "model towns" in the region which still enjoyed the benefits of the welfare capitalism that had led to their development, but was largely abandoned following World War II. Communities such as Jenkins in Letcher County, affiliated with Bethlehem Steel, Behnam and Lynch in Harlan County, affiliated with International Harvester and United States Steel, and others in Virginia and West Virginia, still prospered with the welfare capitalism and paternalism of the steel companies, and the generous contracts that kept United Mine Workers members among the

⁶ Cortland Eble, Jerry Weisenfluh, "Metallurgical Coal Resources in Eastern Kentucky," Kentucky Geological Survey, (University of Kentucky, Lexington, Kentucky, 2012), 14.

⁷ Rory McIlmoil, and Evan Hansen, "The Decline of Central Appalachian Coal Production and the Need for Economic Diversification," (Downstream Strategies, Morgantown, West Virginia, January 19, 2010), www.downstreamstrategies.com.

highest paid industrial workers in the nation.⁸ On the other hand, the non-union miners who were employed in the “scab mines” and “dog holes” still trying to compete on the spot market saw their pay shrink as the number of days they worked fell from days per week to days per month and some found themselves working one or two days a month.⁹

In 1970, captive mines accounted for 12 percent of total coal sales in eastern Kentucky in average production for the previous ten years.¹⁰ To give these figures more relevance, on a national scale, two captive mining companies in Eastern Kentucky were among the top ten commercial bituminous coal producers in the United States in 1973. United States Steel ranked sixth nationally with 16.2 percent of total production. Bethlehem Mines produced 14.1 percent. This meant two captive mining companies operating in Eastern Kentucky produced 30.3 percent of all coal commercially mined in the United States in 1973.¹¹

The mines producing steam coal however, were not owned by major steel companies, nor did they enjoy the long-term contracts the met mines had secured during World War II when coal production was a vital component of the United States war effort. Instead, they were forced to compete on the open or “spot” market, and they found they could no longer operate competitively at the rates TVA was willing to pay for a ton of steam or thermal coal. This led to the advent of strip mining on a much larger scale in eastern Kentucky and in Letcher County as well. In the 1960s, Bethlehem Steel began to operate its own strip mines, but more often, the company allowed contractors to strip mine those coal reserves that were more conducive to strip

⁸ Dave Zegeer, interview by author, tape recording, at his home in Lexington, Kentucky, June 27, 1995.

⁹ Tom and Pat Gish, 1995 interview by Mimi Pickering and Maxine Kinney at the Gish Home, Tape 2, located at Appalshop, Whitesburg, Kentucky.

¹⁰ Curtis E. Harvey, *The Economics of Kentucky Coal*, (The University Press of Kentucky, Lexington, Kentucky, 1977), 53.

¹¹ Cortland Eble, Jerry Weisenfluh, "Metallurgical Coal Resources in Eastern Kentucky," Kentucky Geological Survey, 2012, (University of Kentucky, Lexington, KY), 8.

mining and less accessible to the large highly mechanized underground mining operations Bethlehem favored. While the contractors were more flexible and therefore more able to shift around to get the coal on outcrops, they were also less accountable and some were less likely to be interested in being good corporate neighbors to the communities that were impacted by their mining operations.

The two main types of strip mining that were introduced to Letcher County in the late 1950s and early 1960s were auger mining and open pit strip mining. Of the two, auger mining was less expensive to get into, requiring only one or two bulldozers and front-end loaders and a coal auger. The bulldozers would move in first and create a "bench," by taking the outcropping rock and dirt and usually pushing it over the hill. The earth and rock that composed the waste product that was pushed over the hill was called "overburden," and was the first product of strip mining to impact the narrow hollows that lay beneath the mining operations. Among the effects of pushing the overburden into the hollows included terrorizing the families who lived there by rolling rocks as large as small cars onto people's homes and yards and introducing large amounts of dirt into streams. While many of the streams were hardly pristine due to the lack of sanitary sewer systems outside the model towns and county seats, they were not yet heavily silted. Siltation is the process that results from the dumping of topsoil and lower lying soils into streams and had the effect of cutting down on water flow and oxygen, as well as introducing whatever materials that existed in the soil into the streams and the rivers. The dynamite used in old style underground mines was replaced by ANFO, a mixture of ammonium nitrate and (diesel) fuel oil that was first introduced in the United States in the 1950s, and could be used in plastic sacks shaped to fit a circular hole made by a rotary drill, or loaded in bulk. This kind of blasting was an

inexact science and in the early days of strip mining, shooters (shot-firers) were often poorly trained, so blasts varied widely in the degree of destructive force unleashed. For that reason, rocks ranging in size comparable to soccer balls to boulders as big as a Volkswagen Beetle were sometimes thrown in the air and some either rained down on the houses below the mine sites or rolled down the steep hillsides. Over blasting also destroyed water supplies for individual homes and entire neighborhoods by breaking the fragile rock aquifer, which meant wells would have to be sunk deeper, where poorer quality water was much more common, usually due to excess minerals. The combination of overburden and over blasting created a markedly hostile environment for those living in close proximity to strip mines and damage claims were handled individually with company attorneys negotiating with individual landowners to reach settlements that were often driven by intimidation and the power of the companies on one side and the ignorance and fear of the land owner on the other. To exacerbate the inequity of the mining, the land owners had little recourse if the mining was done under broad form deeds dating back to the turn of the century, which Kentucky courts had validated over the right of the surface landowner.¹² So whether a homeowner saw his house damaged by blasting or by the inevitable mudslides that came with flattening the mountainside and the not infrequent incidences of drilling into aquifers or old mine works full of water, or if his land was stripped against his will, he had few legal options, leaving him at the mercy of the coal companies and their attorneys.

This was the scene Tom Gish was introduced to by his mine superintendent father not long after he returned to Letcher County, when Benjamin Gish drove him to Beefhide, a long hollow that connects Letcher and Pike Counties that had been heavily farmed along the rich bottomland of Beefhide Creek. It was stripped by Consolidation Coal before it sold out to

¹² Ron Eller, *Uneven Ground*, 148.

Bethlehem Mines and was one of first sites Bethlehem stripped. Gish said his introduction to strip mining came as a shock and that his father, who had worked in underground mining all his life, rising from miner to superintendent, was deeply troubled by the devastation of the land and the oppression of the people who were impacted by the mining.

My father took me to Beefhide and showed me a strip mine. I couldn't believe it. The valley held several mines. It had been heavily populated but the coal company had pushed overburden on the houses. It was total devastation and I thought it should be stopped. We showed pictures of the Beefhide mine in the paper. I went to Beefhide and took pictures, and then published a story. *The Eagle* was the first paper other than the (Louisville) *Courier Journal* to call attention to strip mining. I thought it was suicide. I still think it (opposing strip mining) was the right thing to do. But politics went the other way. It generated jobs and lots of money for the absentee landowners. They made huge profits from strip mining, oil, gas, but mostly from the broad form deed.¹³

The Gish family had already become isolated in their home community of Whitesburg and damaged economically by the backlash to *Mountain Eagle's* coverage of county government and school board politics, as well as the paper's stance on the War on Poverty, and by taking on the coal industry, *The Mountain Eagle* pitted itself against the largest employer in the county, and the most powerful economic interest in Kentucky, Virginia, and West Virginia. The regular stream of articles and editorials condemning strip mining put the newspaper in direct conflict with an industry that was legendary for ruthless retaliation to anyone standing in the way of extracting the mineral wealth of Central Appalachia.

The series of articles and photographic essays that started with Beefhide was the beginning of a long struggle with the coal industry that eventually led to the fire-bombing of *The Mountain Eagle* offices in 1974, and in boycotts, intimidation, isolation, and near poverty for the Gish clan. It finally caused Tom and Pat Gish to move their family out of Whitesburg into a

¹³ Tom and Pat Gish, 1995 interview by Mimi Pickering and Maxine Kinney at the Gish Home, Tape 2, located at Appalshop.

much more isolated and secure location in the Thornton community. The struggle against strip mining and the power and indifference of the coal industry became the great task of *The Mountain Eagle* and as the gloves came off, the cost of opposing the coal industry and speaking truth to power became clear. Along with the work of the newspaper during the War on Poverty, coverage of the coal mining industry was the issue that most clearly defined the paper on the national stage, as the wealth created by strip mining reinforced the political and economic power of the coal industry, in the county and in the state.

The first call to control strip mining in Kentucky came from *The Louisville Courier Journal* in 1948, but at that time, they were only able to generate enough interest to get a resolution passed in the General Assembly asking the Legislative Research Commission to make a study and report to the 1950 session. Harry Caudill led eastern Kentucky in opposing strip mining while serving in the Kentucky House of Representatives, and as one of the primary sponsors of the 1954 Strip Mine Control Act, Caudill played a major role in its passage. Although the legislation was among the weakest to attempt to regulate strip mining in the coal producing states, it did establish the Strip Mining Reclamation Commission. However, when Happy Chandler returned to office in 1955, he abolished the agency and by 1960, only nine of 160 strip mine operators in Kentucky even had permits.¹⁴

The battle over strip mining was waged in *The Mountain Eagle* for decades but it began in 1960, as the coal industry was in the early stages of reinventing itself into a leaner and predominantly non-union one made up of smaller companies. However, the industry was still largely controlled by absentee owners as the regionally owned operations were absorbed by

¹⁴ Chad Montrie, *To Save the Land and People: A History of Opposition to Surface Coal Mining in Appalachia*, (The University of North Carolina Press, Chapel Hill, 2003), page 64.

larger energy conglomerates, and international political considerations put American energy policy on the front burner. The newspaper joined Harry Caudill in a concerted effort to bring an end to strip mining as Caudill expanded his legislative efforts by introducing a bill in 1960 to abolish surface mining entirely, although he received little support from his fellow legislators.¹⁵

The Mountain Eagle worked to inform the residents of Kentucky about the destruction caused by strip mining in the hope that enough pressure could be brought to bear on state legislators so that it could be abolished in the General Assembly. A February 1960 editorial praised Caudill for his efforts to bring the issue to the public's attention and called for the residents of eastern Kentucky to get behind him in the legislature. The editorial spoke of the devastation visited on the mountains by strip mining and shocked local and state officials enough to prompt outcries in Frankfort and a number of courthouses in eastern Kentucky. Gish called strip mining the single greatest threat to eastern Kentucky's potential for becoming a tourism center, one that threatened "almost overnight to turn our mountains into denuded hunks of rock looking as if they were created by Hollywood for a special horror movie." He invited Letcher County residents to travel to Muhlenberg County in western Kentucky, later described in the John Prine song "Paradise" as being where "Mr. Peabody's coal train has hauled it away," to see the "once prosperous farming land, left gutted by strip coal operations." The editorial allowed that the ruination of the level western Kentucky farm lands could at least be reshaped to something approaching their original contour, but cautioned that it would be multiplied exponentially in the mountains of the Central Appalachian Highlands.

¹⁵ Chad Montrie, *To Save the Land and People*, 65.

Strip mining will fill our valleys with silt and filth, raising the levels of our creek beds and rivers so that scarcely a building will be above flood level. This is already beginning to happen. We have been told that the Army Corps of Engineers calculates that the recently finished million-dollar flood wall in Pineville will be useless in five or six years because strip mining is filling in the Cumberland River so rapidly.¹⁶

In March, the paper reported that Bethlehem Mines Corporation was in the process of opening a new operation on the Letcher/Pike County border at Marshall's Branch that was expected to get underway in the spring of 1960 and would include deep mining along with strip and auger mining.¹⁷ In July, Gish wrote that he hoped "The governor of Kentucky can identify the mud which is going to reach his front porch at Frankfort one day as coming from Letcher County," and criticized Governor Bert Combs for stalling the introduction of a bill that would have outlawed strip mining. It referenced the new Bethlehem operation at Marshalls Branch and added that another was coming on old Elkhorn Coal property at Hemphill, predicting that as the coal was stripped, the land would be laid bare, and since there would no longer be any vegetation to hold it back, rainwater would become flood water and ravage the county. The floods would enter the Kentucky River and eventually make their way to Frankfort where they would leave a share of Letcher County mud.

Gish asked who Letcher County's friends were in Frankfort, and stated that initial efforts to prohibit strip mining entirely had gained steady momentum until "it reached the governor's desk....We don't know whose friends are who in Frankfort today but we do know that those interested in controlling strip mining operations started out with an idea of simply prohibiting it entirely." That movement had gained considerable support until it reached the governor's office.

¹⁶ "Strip mining endangers us all," *The Mountain Eagle*, February 18, 1960, 2.

¹⁷ E.H. Johnson, "Coal to be stripped on Marshall's Branch," *The Mountain Eagle*, March 4, 1960, 1.

From there it became a bill which merely increased the amount of bond a mining company had to put up and directed the firm to merely plant a few more trees when it was finished.

In the past mining, companies have found it more profitable to forfeit the bond than to do the reclamation work and we presume they will do so in the future.

Of course, the governor is not the only one to blame. Letcher County citizens who urged strong strip mining legislation were few and far between....Rep. Harry Caudill, who sponsored the strip mine bill and was successful in getting it considerable publicity over the state through *The Courier Journal*, had to sit by while his bill was gutted and the very people he was trying to help failed to give him the support he needed.

The state legislature passed the watered-down bill and strip mining increased dramatically. Gish predicted that by the time another (biennial) session examined strip mining, it would be too late, and said all it took was a look at existing operations to see how much damage could be done in two years. "If you have a message to send to Frankfort, just stick it in a bottle and put it in the mud – it will get there all too soon."¹⁸

That fall, a petition initiated by retired miner Raymond Rash of Cromona was circulated in Letcher County asking the governor to call the legislature into special session to prohibit strip mining in the mountains of eastern Kentucky. The language in the petition stated that eastern Kentucky would be ruined by strip mining and the only possibility of stopping it was through the legislature, since the Kentucky Court of Appeals had ruled that there was no judicial remedy. "Observers in Letcher County have been unable to detect any signs that the (1960) bill has done anything to curb strip mining, nor is it evident that the state is making any effort to enforce the new law."¹⁹

In a move that must come as a surprise to coal operators, the Whitesburg Chamber of Commerce took up the torch against strip mining and carried the battle to the desk of Governor

¹⁸ "Mud for Frankfort," *The Mountain Eagle*, July 28, 1960, 8.

¹⁹ "Governor requested to halt strip mining," *The Mountain Eagle*, September 1, 1960, 1.

Bert Combs in 1960. In a three-page letter, the Chamber went on record supporting the Rash Petition asking that Combs "call the state legislature into special session to enact legislation prohibiting strip mining on mountain slopes of Eastern Kentucky." Although Combs called the legislature into special session, strip mining was not on the agenda, and in a special session, only agenda items can be discussed. In the letter, the chamber told the governor they were concerned that strip mining as it was then being practiced would have calamitous effects on the economy of the region and said it would negate efforts to reforest the mountain slopes to prevent further flooding.²⁰

The article announcing the action taken by the Chamber of Commerce pointed out that while the legislature been called into special session, strip mining was not included and added that while the Chamber expressed its desire for increased employment, they felt the long-range harm done by large scale strip mining would far outweigh the good. The letter mentioned an increase in flooding from the increase in siltation of rivers and streams, and pointed to state efforts to reforest the hillsides in eastern Kentucky as a method of containing the ravages from the heavy rains. It also stated that the community of Haymond was threatened with "virtual destruction" from strip mining, and that the several hundred people living there were confronted with the situation of seeing their property destroyed, and it pointed to thousands of dollars spent by the State Highway Department to clean up strip mine mud from public roads in Haymond and in cleaning out ditches and culverts.²¹

Although the coal industry was also lobbying the state legislature, opinions in Frankfort on strip mining were mixed and at an October 1960 meeting of the Kentucky Strip Mine and

²⁰ "Chamber asks strip mine controls," *The Mountain Eagle*, September 22, 1960, 1.

²¹ *Ibid*, 1.

Reclamation Commission, Commissioner J.O. Matlock said he had already received numerous complaints that operators were flagrantly disregarding even the mild laws that governed strip and auger mining. Matlock said the commission was charged with enforcing the law and it was his intention that it would "bring about full compliance as quickly as possible." He also said a number of operators were "wildcatting," or operating without permits and that the commission would make certain they were brought into compliance.²² In the next issue, Gish, wrote his strongest condemnation of strip mining thus far when he said a nightmare of gigantic proportions had haunted him recently, causing him to lose more sleep than he liked to admit, and asked if eastern Kentucky and Letcher County were not even then in their final death throes, and if they were not "headed on a final course of action that will make every branch, creek, every hillside unfit for habitation?" He also referenced the damage to economic development through tourism, writing "we are making ourselves so scarred, so ugly, that no tourist in his right mind would ever come this way." He added that strip mining had already crippled Letcher County's chances of getting a state park and it was spreading "like wildfire" in the county, and returned to Beefhide for a stark reminder of the ravages of strip mining.

If you would listen to the argument that time heals all wounds-- then go to Beefhide...Beefhide was once something of an apple orchard center, and there are many persons in and around Jenkins who relied upon Beefhide farmers for their summer vegetables and their winter supply of apples.

But now that was gone. Beefhide had been "brutally striped by Consolidation Coal Corporation," and since then, many families had left Beefhide, forced to abandon their homes.

Where there were pleasant orchards and lush meadows, now there are dead apple trees – only a few survivors – striving for life against the weight of giant boulders that have rolled down the mountainsides, many of the rocks bigger than a car. Not rocks in the ordinary sense of the word. Giant boulders. Bigger than a washtub, big as a car. And not

²² "Strip mining regulations discussed," *The Mountain Eagle*, October 20, 1960, 5.

just a few, but hundreds and hundreds covering mile after mile of what once was good farming land.²³

At that time, reclamation of strip mined land was an afterthought, if it was thought of at all. Grass planted in the ruined land had to be looked at closely to make sure it was even growing. What had happened to Beefhide had happened to other communities in the county as well, in Millstone, Camp Branch, Line Fork, Pert Creek, Rockhouse and others and one by one the creeks that watered these communities and fed into the Kentucky River had been ruined. Gish was explicit in his condemnation. "To my mind, there is no possible justification for strip mining in these mountains." He also challenged the industry's claim that strip mining provided employment, writing that it actually took jobs away because strip mines produced more coal per man than underground mines. Truck mine operators couldn't compete, and the result was that they were either going out of business or going into strip mining. For Gish, the final straw was when all the lands that were controlled by Bethlehem Mines, Elkhorn Coal Corporation and United States Steel were designated for strip mining, if they were not deemed suitable for large-scale underground mining. *The Mountain Eagle* estimated that up to 90 percent of the hillsides in Letcher County would be stripped and once stripped, the land would be worthless, with no tax value. The only solution was to outlaw strip mining, but Governor Combs had been indifferent to the petitions and letters of Letcher Countians asking for his help.

The governor did not even show the signers of the petition the courtesy of a reply. The only acknowledgement was in the form of a routine letter from a clerk in the governor's office, who said the matter was being referred to the State Strip Mining and Reclamation Commission for consideration and possible action by the legislature in 1962. The governor's position reminds me of a doctor who refused an appointment to a man dying of cancer but told him to come back in two years.²⁴

²³ "Is this to be the fate of Letcher County?" *The Mountain Eagle*, October 27, 1960, 9.

²⁴ *Ibid*, 9.

Late in 1960, Attorney General John Breckinridge finally obtained a restraining order against a strip mine in Harlan County, halting the operations of C.M. Wallen and Cranks-Mason, Inc. until they obtained a permit and posted the bond required by the state. The Attorney General brought the action under the Strip Mine Act, and sought civil penalties of \$22,500 and a fine of \$250 a day, retroactive through June 16, 1960, when the Act went into effect. The Division of Strip Mining asked that Cranks-Mason Inc. be restrained from further operations until they complied with the provisions of the law.²⁵

In a November 1960 Letter to the Editor, Harry Caudill called strip mining “a new horror (that) has recently entered the great Appalachian coalfields, bringing problems so great as to dwarf all previous ones...” He said the new “industrial development” threatened the very existence of the mountains, and as he sometimes did in courtrooms and on the floor of the General Assembly, referenced scripture, saying “*The Bible* tells us the earth endureth forever and forever.” Caudill said any traveler could reasonably wonder what would be left in ten years after strip and auger cuts, some as high as 90 feet, had assaulted the mountains. “The ruin is sometimes made absolute by simply decapitating the hillside. Thus, the coal is literally gouged out of the earth and the hill is ruined.” Caudill called strip mining a threat to the very foundation of mountain life, one that destroyed the land so there was no future benefit to landowners, with timber ruined and streams filled with silt. He predicted that the TVA lakes would be harmed by the silt and acid from coal that was carried into them from east Kentucky streams, and the natural

²⁵ “Strip mine enjoined,” *The Mountain Eagle*,” November 3, 1960, 11.

beauty of the land would be lost. Caudill finished the letter with a reference to Beefhide Creek, stating that the area had lost 80 percent of its population since it had been strip mined.²⁶

While Bert Combs ignored pleas to regulate strip mining, the State Conservation Commission took a different view of strip mine operators ignoring the law, tame as it was. In November State Conservation Commissioner Matlick announced that he would turn the names of strip mine operators who had refused to comply with the law over to Attorney General Breckinridge, who could levy thousands of dollars in fines and close down mines that were not in compliance. Matlick said that only nine of 169 strip mine operators in the state had the permits that were required by law, but about 20 more were “making efforts to comply with regulation.” The Conservation Commission recognized the importance of coal mining to the state’s economy, but Matlick added that it was his job to enforce the laws and the efforts would be backed by the governor.²⁷

While the coal industry continued to trumpet the economic benefits of coal mining, it was never grounded in statistics, and in fact, the counties that led the nation in coal production often led in poverty as well. *The Mountain Eagle* cited two articles from other papers to show that Kentucky’s economic future was not dependent on the coal industry but on diversifying the state’s economy. One was from the western Kentucky coalfields in Hopkins County and another concerned depressed areas, The Hopkins County article referred to record breaking production in Western Kentucky and the miniscule effect it had on the economy. “Hopkins County was on the list of depressed areas -- even though its major industry, coal mining – obviously was and is booming as never before.” *The Eagle* called the idea that eastern Kentucky’s economy would be

²⁶ Harry Caudill, Letters to the Editor, *The Mountain Eagle*, November 3, 1960, 26.

²⁷ “Strip mine operators receive ultimatum,” *The Mountain Eagle*, November 17, 1960, 1.

fixed with new coal orders untrue, since mechanization had changed the industry to the point that the only thing an increased demand for coal would do was to “put more machines to work and provide longer hours for the machines now working.”

It is about time that everyone concerned bury once and for all the idea that new coal markets will cure Eastern Kentucky’s economic situation. That false hope only serves to blind those who should be using their eyes to find some other possible cure.²⁸

Late in 1961, Attorney General John Breckenridge filed lawsuits in Bell, Letcher, Harlan, and Perry County Circuit Courts to require eleven strip mine operators in these counties who were operating without permits to comply with the law. In the suit, the Attorney General asked that the operators be ordered to refrain from further mining activity and be fined \$250.00 for every day they had been in violation of the law.²⁹

In the early days of strip mining, there was substantial legislative support for regulation on both the state and federal level. Even without Bert Combs, questions were being asked in the Kentucky General Assembly about the effects of strip mining, including whether the economic benefits of the method were worth the costs in ravaged land and displaced people. In 1962, U.S. Senator John Sherman Cooper proposed a research effort to look at ways to prevent the increasingly frequent floods that were exacerbated from the deforestation caused by strip mining. Cooper called for a \$200,000 grant to go to the United States Forest Service's Berea Kentucky Field Office, where the Central States Forest Experimental Station had already begun to experiment with methods of reforesting strip-mined areas in an effort to reduce damage from flooding. While he did not call for an end to strip mining, Cooper did recognize the damage that was being done and called for efforts to develop methods to stabilize soil and prevent tree

²⁸ “Coal industry isn’t our hope,” *The Mountain Eagle*, June 22, 1961, 2.

²⁹ “State sues coal firms,” *The Mountain Eagle*, November 2, 1961, 1.

seedlings from being washed away. It was also an early step toward federal oversight of strip mining, as Cooper pointed out that laws in Kentucky, West Virginia, and Pennsylvania could not be truly effective if they lacked the necessary data to develop methods to prevent large scale erosion.³⁰

The issue of strip mining was beginning to receive national media coverage as well, and Harry Caudill's "Rape of the Appalachians" was the lead article in the March edition of *The Atlantic Monthly* in 1962, where Caudill discussed the history of strip mining and its effects on the land and people of the region. *The Mountain Eagle* referred to the Atlantic as one of the country's most influential magazines, adding, perhaps tongue in cheek, "although it is not widely circulated in Letcher County."³¹

Just weeks before Cooper's announcement, *The Mountain Eagle* had printed a front-page article complete with pictures showing the devastation from a "giant slide" from a U.S. Steel mine on the Cumberland River side of Letcher County, when tons of mud and debris cascaded down and drove Fred Jones and his family from their home. The main slide, which was described as a "gigantic accumulation of overburden," still threatened the valley and the Jones family took the coal company up on its minimalist offer to "find a place for them to store their belongings in Lynch" while they tried to find them another house. Mrs. Jones told *The Eagle* that since an earlier slide in January, she had received daily reports from a representative of U.S. Steel who told her each day if it was safe for her to spend the day in her home and each evening if it would be safe for the family to spend the night.³²

³⁰ "Cooper seeks strip mining study," *The Mountain Eagle*, March 15, 1962, 1.

³¹ "Caudill in magazine," *The Mountain Eagle*, March 29, 1962, 1.

³² Tom Gish, "Family flees strip mine slide," *The Mountain Eagle*, March 1, 1962, 1.

Late in 1962, Harry Caudill filed a lawsuit challenging the broad form deed in United States District Court, that questioned the validity of an old Northern Coal and Coke Company deed. The lawsuit argued that the strip mining of land under the deed was a violation of the U.S. Constitution because it would deprive the property owner of his land without due compensation. Caudill filed his motion under Section One of the Fourteenth Amendment of the United States Constitution, which states that "No state shall make or enforce any law which shall abridge the privileges of any citizen of the United States; nor shall any state deprive any person of life liberty, or property without due process of law." He claimed that while the deed gave the holder broad powers, it was also designed to reserve something of value to the surface owner, and that because strip mining would destroy the land forever, what would be reserved for the landowner would be nullified, and his property would therefore be taken without due compensation. U.S. District Judge Mac Swinford overruled a motion by Twin Fork Coal Company that it be allowed to continue to strip mine the property of Elwood Roberts of Marrowbone Creek in Pike County, and refused to dismiss the suit brought by Caudill on Roberts' behalf to stop the mining.³³

The motion was later dismissed in favor of Twin Forks Coal. In his 1963 ruling, Judge Swinford ruled that the case was "not properly in federal court" and that he could not subscribe to Roberts' position since Twin Forks Coal was a private company with no state connection. Therefore, the Fourteenth Amendment did not apply because it did not permit relief from the actions of private persons but was intended to limit state actions.³⁴

The Mountain Eagle drew a sharp response in a letter from Bill Preston of Seco, who accused Gish of filing an inaccurate report in the March 1 article, "Family flees strip mine slide."

³³ "Suit tests validity of old mineral deeds," *The Mountain Eagle*, November 15, 1962, 1.

³⁴ "Dismissed," *The Mountain Eagle*, October 17, 1963, 1.

when Preston alleged that U.S. Steel had found "suitable lodging for the (Jones) until a permanent home could be found." He also claimed that U.S. Steel had made an adequate financial settlement to them for the damage to their property caused by the mud slide, and that Gish's allegations that the family had been in danger of being flooded since a previous slide was "absolutely without foundation." Preston wrote that U.S. Steel had gone well beyond the demands of the law in reclaiming strip mines and that strip mining was a help to the local economy, and stated that he had a business that was associated with underground mining. (U.S. Steel operated several of the largest underground mines in Harlan County at that time) He closed by asking Gish to be more considerate when he pointed an accusing finger at anything that helped the regional economy. In a heading posted before the letter, Gish wrote that the company had not offered the Jones family a financial settlement at the time the article was published, but had made arrangements since,³⁵

In an editorial that appeared in *The Mountain Eagle* just before the 1963 gubernatorial election, Gish wrote that although Democratic candidate Ned Breathitt would probably defeat Republican Louie Nunn, neither man had shown any inclination to limit strip mining in the state and "it is apparent to the most casual afternoon driver that Eastern Kentucky will become a barren wasteland in a few short years if strip mining continues at its present destructive pace." He added that while he estimated that between 75 and 90 percent of eastern Kentucky residents would look with favor on any candidate bold enough to address strip mining, "both candidates seem to fear strip coal mine operators more than they do just plain citizens."³⁶

³⁵ Bill Preston, Letters to the Editor, "Defends Strip Mining" *The Mountain Eagle*, March 15, 1962, 4.

³⁶ "Breathitt and Waterfield should win," *The Mountain Eagle*, October 31, 1963, 4.

The candidates' lack of conviction, or courage in addressing strip mining in the 1963 campaign notwithstanding, a solid base of elected and appointed officials still existed who either opposed strip mining all together or at least wanted to see it regulated. However, if the citizens of Letcher County were expecting to see any courage shown by their fiscal court over the mining that was ravaging Millstone, Beefhide, and other parts of the county, they were doomed to disappointment and it became evident that citizen action, augmented by *The Mountain Eagle* and the courts would be required.

The War on Poverty took up much of *The Eagle's* time and space, but strip-mining was definitely part of the public conversation, and civic groups, county governments, and citizens' action committees, empowered by the Community Action Programs, began to advocate for regulation or an outright ban on strip mining. Early in 1964, a group of Letcher County citizens joined the Board of Directors of the Letcher County Soil and Water Conservation District to submit a formal request to the Kentucky state legislature to ban strip mining in eastern Kentucky. In the request, the board wrote that continued strip and auger mining in Letcher County would wreck the economy of the county by destroying the area's natural beauty and filling the rivers and streams with run-off. The letter pointed out that it was the board's legal obligation to protect the soil and water in the county, and if strip mining was not checked, it would run rampant throughout the region.³⁷

In 1964, Harry Caudill figured prominently in another strip mine related lawsuit when he defended the property rights of a Bell County man whose land had been damaged by strip mining. The suit was upheld in federal court in Bell County and gave relief to a property owner

³⁷ "Legislature asked to ban strip mines in East Kentucky," *The Mountain Eagle*, January 23, 1964, 1.

whose land had been damaged by water runoff from a strip mine on property owned by Asher Coal Company. The ruling held that Asher Coal had been aware of the purpose their land was being used for and was therefore liable for damage caused by the activity, and Caudill stated that he believed the suit opened the door for other land owners to recover losses from strip mining that impacted their land.³⁸

As coal producers in eastern Kentucky moved increasingly toward strip mining, the ability of the surface mining companies to mine large amounts of coal at low costs caused smaller underground mine operators to recognize the threat strip mining posed to "truck" mines. When competition from cheap strip-mined coal became a serious problem in the mid-sixties, the smaller operators began to band together to protect their own interests. At a meeting of the National Independent Truck Coal Operators held in Pikeville early in 1965, a number of small operators heard warnings from their Board of Directors informing them that they could soon be wiped out by consolidation, along with hauling coal directly to power plants in "unit trains," which also favored larger producers. A unit train is an entire train load of coal with 100 cars or more, often hauling as much as 10,000 tons. Because the unit trains only hauled coal, they could be loaded at a much quicker pace and with new technology, they could be unloaded quickly, as the train moved through the power plant coal yard. The association's president, Robert Holcomb of Pikeville warned that the unit trains were a threat to small operators because they represented a substantial freight savings to the power plants.

Holcomb also voiced concerns about the probable extension of federal oversight in mine safety and told the operators that it was probably inevitable. The Truck Coal Operators

³⁸ "Landowner held liable for strip mine damage," *The Mountain Eagle*, April 9, 1964, 1.

Association had proposed that federal regulation only be instituted if the federal government could demonstrate that mining in a particular state was unsafe. However, the operators were not hesitant to accept federal aid from the Small Business Administration and the Office of Economic Opportunity for loans and job training, and Holcomb reported that the association had approached both agencies for help. Pike County Attorney Thomas Ratliff told the gathering that eastern Kentucky operators could accumulate enough capital to enable them to pursue their economic endeavors through small independent coal operations, but that he believed it would soon be impossible for the small mines to exist if they had to sign contracts with the United Mine Workers. Ratliff called on truck mine operators to improve working conditions to the point that their workers would not want to leave for jobs in larger mines.³⁹

By the early to mid-1960s, the Tennessee Valley Authority was recognized as the prime mover in the decline of small deep mines and the growth of strip mining in eastern Kentucky. At a meeting of the Upper Kentucky River Area Development Council in London, Lewis Howard, a long time Laurel County Coal operator, told the group gathered at the council meeting that he had been in the coal business since 1934 and that TVA's desire for low priced coal had put a lot of coal miners out of work by driving the creation of the strip mining industry. He said operators had to bribe engineers to falsify BTU reports on the coal they mined and that any operator who complained about TVA's coal buying practices was blacklisted. He also said that while TVA was supposed to purchase its coal through a competitive bid process, the agency actually told operators what it wanted to see on the bid sheet and the operators could "take it or leave it."⁴⁰

³⁹ "Coal men warned of new threats," *The Mountain Eagle*, January 28, 1965, 1.

⁴⁰ "TVA called cause of coal woes," *The Mountain Eagle*, January 14, 1965, 1.

In 1961, Richard Kelley and Bill Sturgill, who operated as Caperton Coal and Kentucky Oak Mining Companies, signed a 15-year contract with TVA to provide two million tons of cheap coal from mines in Knott and Perry Counties, on land they leased from the Kentucky River Coal Corporation. In December 1961, Kenneth Seigworth, Director of the TVA Division of Forestry Relations, called a meeting that was attended by Central States Forest Experimental Station Director R.D. Lane, Kentucky Conservation Commissioner J.O. Matlick and his assistant, Robert Montgomery, along with Division of Strip Mine Reclamation Director Henry Callis, and Representatives from the U.S. Forest Service. Following the meeting, Montgomery wrote a letter to Seigworth in which he informed him that since TVA was a federal agency and the largest user of strip mined coal in Kentucky, it was Matlick's feeling that the agency should assume some responsibility for strip mine reclamation in river basins in the state. TVA established its own task force to conduct a study on the matter, and in a 1962 report, admitted that its large coal purchases, along with those by other consumers, "contributed significantly to land and water management problems outside the (Tennessee River) Valley" and that as an agency representing the citizens of the United States, TVA should be "concerned with these problems." The report suggested that TVA could begin by supporting the passage of state reclamation legislation in states that had not yet enacted strip mine control bills and by inserting contract clauses "Setting minimum standards for reclamation."⁴¹

In Knott County, Kelley and Sturgill began stripping on a larger scale than anything yet seen in eastern Kentucky, with an auger that measured seven feet in diameter and could penetrate 216 feet into a seam. They quickly became well known for operating at the very limits of the law, driving beneath property boundaries, and taking coal from under people's land without their

⁴¹ Chad Montrie, *To Save the Land and People*, 71.

permission, frequently with almost no reclamation. By 1965, their operations had covered houses with "spoil," knocked them off their foundations, covered roads, ruined valuable farmland without compensation, and uprooted timber. Excessive blasting ruined wells and broke windows and they made no compensation to owners.⁴²

Sturgill and Kelly began to meet some individual resistance to their mining tactics in Knott County, and in May they reached property belonging to "Uncle" Dan Gibson and his family on Clear Creek. The land they wanted to mine belonged to Gibson's stepson, who was serving in Vietnam, and when the bulldozers started ripping the topsoil off and pushing trees over, Gibson and his neighbors complained and warned the mine workers about trespassing on their land. When the bulldozers came back and crossed his property line the next morning, Gibson and his neighbor Paul Ashley went back and Gibson was armed with a .22 rifle. He confronted an armed company guard, warned him not to draw either of his pistols, and told the guard and the bulldozer operator to get the equipment off his land. After they left, Gibson stood watch, gun in hand, at the property line and told the operators they could not come though. By afternoon, police officers had arrived to arrest Gibson. Local educator Eldon Davidson, who was also a strip mining opponent, told them that Gibson would hand over his gun and leave if Sturgill and Kelly would promise not to strip his stepson's land. Sturgill promised and Gibson surrendered and was jailed in Hindman, the county seat of Knott County. That evening, the jail was surrounded by a group of armed men who demanded Gibson's release and he was freed after charges against him were dropped.

⁴² Ibid, 72.

Sturgill's promise proved to be worthless and the next morning, when the bulldozers returned, they were met by a group of men and women, mostly armed and elderly, who refused to let them pass. The company attorneys described the citizens as a "gang of outlaws," but the equipment never crossed the property line. On the first day of June, eighty people met in Hindman to try to stop the stripping and declared their willingness to adopt the peaceful non-violent tactics of the civil rights movement, using sit-ins, lie-ins, and peaceful marches to stop the mining. Some of the attendees also said they would advocate violence as a last resort, if their goals could not be achieved without it.⁴³

By the summer of 1965, eastern Kentucky had become the center of the anti-strip mining movement and while the state and federal governments had not taken up the challenge, a number of citizens groups had formed around the issue, and efforts to rein in strip mining in most counties were driven by individuals or groups of citizen, who had seen enough. In Knott and Perry Counties almost 800 individuals signed a petition protesting both strip mining and the use of the old land deeds that gave the surface rights to the mining companies. When the signers met in Hindman, a *Mountain Eagle* article reported that those who spoke at the meeting revealed that slides had closed roads in Knott County and covered an entire house, leaving only the corner of a refrigerator standing above the mud to show that a house had once been there. Harry Caudill spoke briefly and challenged the county courts to get involved, saying that if the court officers cared about the people at the meeting as much as they had promised before the elections, they would have attended the meeting. The attendees decided to organize a "cavalcade of automobiles" to go to Frankfort to address the governor and state legislators, and sent copies of the petition and a letter to Carl D. Perkins and President Johnson asking for their help. One

⁴³ Ibid, 74.

woman at the meeting told about family members holding coal operators off with a hand gun, and when her husband was away on jury duty, his wife "manned" the gun in his absence. From these beginnings, one of the best known of all the anti-strip mining organizations, the Appalachian Group to Save the Land and People, was formed"⁴⁴

In the same edition that covered the Knott County protest, a *Mountain Eagle* editorial drew a comparison between the property rights movement in eastern Kentucky and the Civil Rights Movement. Making reference to the talk about arming both sides in the Knott County strip mine conflict, Gish also pointed to less violent methods of resistance. "There is also talk of picketing, of sit-in demonstrations, of lie-in protests, and other use of civil disobedience of the type that has sparked the southern Civil Rights movement." The paper also criticized the University of Kentucky for its cooperation with strip mine operators in futile attempts at reclamation, with the editorial running alongside a press release from The Kentucky Department of Commerce concerning growing elderberries on "spoil banks" as a means of reclamation. The editorial called the program by UK and other state agencies in cooperation with the strip miners to grow elderberries on reclaimed mine sites an attempt "to hide the wreckage of strip mining under a coating of elderberry jam." Gish wrote that the university had distinguished itself by 100 years of misguided and ill-conceived interest in eastern Kentucky and its problems, and would now have the region believe it could become another Eden if they would just turn the strip miners loose. "UK should be ashamed."⁴⁵

In the summer of 1965, the Letcher County unit of the Appalachian Group to Save the Land and People, was formed at a meeting in Isom, in western Letcher County. Dr. Lundy

⁴⁴ "Protest stripping," *The Mountain Eagle*, June 3, 1965, 1.

⁴⁵ "The mouse that roared," *The Mountain Eagle*, June 23, 1965, 2.

Adams, a Blackey physician, was elected to head the group and he warned the members that Letcher County faced the same destruction from strip mining that was taking place in Knott and Perry Counties. "The awfulest destruction and devastation that ever took place is going on now. The strip miners want the last drop of blood in the carcass of Eastern Kentucky."⁴⁶

The edition containing the announcement of the formation of the Letcher County unit of AGSLP also carried two editorials and a statement from Governor Edward Breathitt concerning strip mining and the use of the old deeds to force landowners to allow their land to be mined. The TVA was criticized for requiring operators to grade spoil banks on strip mined land, which was called a trick to make it look like TVA was taking an active part in reclamation since it was already required by Kentucky law. It would cause more erosion than was already taking place and just gave operators an excuse to plunder the land. *The Eagle* also reprinted an editorial from *The Floyd County Times*, "IT IS "EITHER - OR," saying that either strip mining would be done under laws that did not cause undue damage or it would be eliminated, thanks to new rules promoted by Governor Breathitt.

In the Breathitt statement, the governor said he had pledged to defend the rights of landowners in his campaign and that he would fight the court decisions upholding the old land deeds that gave the surface rights to the mining companies. "I have instigated action to try and relieve the sorry situation in which the owners of surface land in Eastern Kentucky find themselves because of the so-called broad form or long form deeds to mineral rights." He stated that he had asked the Attorney General to intervene in Knott County to test the legality of the deeds in Knott County and had assigned another attorney from his office to help with the suit. He

⁴⁶ "GROUP FIGHTS STRIPPING," *The Mountain Eagle*, July 29, 1965, 1.

also mentioned the 19 landowners who had been enjoined from interfering with mining operations and said he was prepared to take the case to the United States Supreme Court to protect their property rights. Breathitt said he was determined to work for federal and state legislation restricting strip mining and eliminating the broad form deed.⁴⁷

Breathitt's willingness to oppose the strip miners must have been a breath of fresh air to Gish and those who joined him in opposing strip mining. The indifference of Bert Combs to the matter had further cemented his dislike of "the little lawyer from Powell County" so the prospect of a Kentucky governor who was willing to take on the coal industry was a new thing. Breathitt was as good as his word, but the coal industry moved quickly to and fought back in the courts and in the press.

As Breathitt began to work to rein in the strip miners, Harry Caudill used his national platform to address a broader audience in Washington. Speaking at a panel on reclamation of the landscape at the White House Conference on National Beauty, Caudill told his fellow participants that while the hills of Appalachia were so beautiful that they masked the poverty of the residents, that beauty had never been respected by the "corporations which own the vast mineral wealth." Caudill used Black Mountain and the Poor Fork of the Cumberland River that runs parallel to US 119 in Letcher County, as the easel for his verbal picture, telling of the once crystal clear and fish-filled river that had been heavily silted by strip mining and then destroyed when the U.S. Coal and Coke Corporation "sent its bulldozers to dredge the river." He described the ruination as the bulldozers and other earth movers pushed the silt out of the main channel and left it lying on the side of the river. "Thus the river, once the cool pleasant habitat of some of the

⁴⁷ Edward T. Breathitt, "A STATEMENT ON STRIPMINING FROM THE GOVERNOR," *The Mountain Eagle*, July 29, 1965, 2.

gamest fish in the world, became nothing more than a smooth bottomed trough." The natural ecology of the river had been ruined, and Caudill said that if a man "loves America the Beautiful, and sees this wrecked and ravaged land, the gouged-out creek bed, this fishless stream, he must feel a revulsion for the industry that would recklessly destroy the valley for a bit of cheap fuel."⁴⁸

Later, in response to a request from Governor Breathitt, the Kentucky Attorney General's Office prepared a plea to the Knott County Circuit Court to ban surface mining in the county. The plea was an attempt by the governor to assist landowners in Knott County, and Uncle Dan Gibson and 19 other Knott County citizens were named as co-defendants with The Commonwealth of Kentucky in a court action against Bill Sturgill's Kentucky Oaks Coal Company. The action was brought in response to a suit to prevent the Knott County landowners from interfering with Kentucky Oaks' attempts to mine their land under the broad form deed.⁴⁹

At the same time the state attempted to ban strip mining in Knott County, a *Mountain Eagle* headline in all capitals screamed, "13 STATE TROOPERS ARREST UNCLE DAN," after Dan Gibson had once again taken his .22 rifle to the ridge above his home to protect his land from mining. Gibson was approached by "six heavily armed state troopers," who asked the 81-year-old man to accompany them off the mountain. Gibson, who was eating his lunch, refused and the officers radioed for reinforcements. Shortly, thirteen more troopers arrived, accompanied by a Knott County sheriff's deputy. Gibson's neighbors had seen the police go up on the ridge and followed them, to keep things from getting out of hand, and Gibson surrendered to the police and accompanied them to Hindman, where he was charged with flourishing a deadly weapon and held on a \$5,000 bond. Gibson's neighbors told *The Mountain Eagle* that

⁴⁸ "URGES BAN ON STRIP MINING," text of speech by Harry Caudill, *The Mountain Eagle*, June 3, 1965, 2.

⁴⁹ "STATE SEEKS BAN ON STRIP MINING," *The Mountain Eagle*, July 22, 1965, 1.

well after Gibson had left the mountain, several state troopers who remained on the ridge started shooting in what they called an attempt to intimidate them.⁵⁰

Governor Breathitt stood by his promise to work to regulate strip mining and proposed new rules in the summer of 1965 to cut down on the hazards of "overburden" being pushed onto homes and occupied property, and into streams. Then, later in the year, he proposed a national compact to regulate strip mining. The move came at a meeting in St. Louis with representatives from all 50 states attending and Breathitt asked them to approve a draft of an interstate compact on surface laws that had been prepared by the Council of State Governors. The compact addressed strip mining as well as gravel, stone pits, coal washers, and other mining operations and defined mining as breaking the surface for "the extraction and removal of minerals, ores, and other solid matter." It also included washing and preparation plants and other treatment plants for extracted ores. At the time of the proposals, Breathitt was Chairman of the National Resources Committee of the National Governors' Conference and he proposed the compact after touring surface mine reclamation sites in Pennsylvania with Governor William Scranton.⁵¹

Breathitt proposed to submit the compact as legislation in the beginning of the 1966 Kentucky General Assembly session. He linked water to strip mining, saying that while Kentucky had an adequate amount of rainfall, it was important to make sure the water stayed in the right places, and said he would invite the governors of Indiana and Ohio to discuss regulating strip mining in the best interests of the Ohio River. Breathitt patterned his proposal after

⁵⁰ "13 STATE TROOPERS ARREST UNCLE DAN." *The Mountain Eagle*, July 22, 1965, 1.

⁵¹ "BREATHITT PROPOSES STRIP MINE COMPACT FOR ALL UNITED STATES," *The Mountain Eagle*, November 4, 1965, 6.

legislation that was working well in Pennsylvania. Governor Breathitt called the Pennsylvania laws the most rigid in the nation, but said they had not destroyed the coal industry there.⁵²

Following the proposal, Breathitt asked the strip miners involved in the Knott County mining cases to "desist from further insistence on their pound of flesh," until the courts could decide on the scope and meaning of broad form deeds, and added that if the courts decided in behalf of the strip miners, he would ask the legislature to intervene to protect land and homeowner's rights. His actions came after Mrs. Ollie Combs, generally referred to as the Widow Combs, and two of her sons, had lain down in front of bulldozers getting ready to strip their land. Mrs. Combs and her sons had spent Thanksgiving in the Knott County Jail after their arrest by state troopers, and they were convicted of contempt of court by Special Circuit Judge Don Ward. In his statement, Breathitt said, "I want the Widow Combs and all other Kentuckians whose homes and farms are threatened with destruction by strip and auger mining to know I am on their side." He also directed Frankfort attorney Edward F. Prichard to serve as special counsel to intervene in the broad form deeds case.

Late in the year, a Knott County Circuit Court Judge agreed to address the issue of landowner's rights vs. the rights of the coal companies that owned the mineral rights. The decision, which came late in 1965, opened the possibility of a court decision regarding the broad form deed. Most Kentucky judges had dismissed the issue out of hand but Judge John Chris Cooper ruled that he would hear the entire issue, on "the merits, the facts, and the law presented by the respective sides." The decision was the result of a lawsuit filed by Helen and Leroy

⁵² "BREATHITT WILL ASK LEGISLATURE FOR RESOURCE CONTROLS," *The Mountain Eagle*, November 4, 1965, 2.

Martin. co-chairs of AGSLP, against Kentucky River Coal Company. In his verbal ruling on the motion to dismiss the suit, Cornett said that those who believed they had been wronged were entitled to their day in court, and that was the place to "settle confusions." Governor Breathitt was expected to intervene in the case, after having directed Edward F. Prichard to become involved in the case on behalf of the Martins.

The strip mine bill was initially tabled in the Kentucky House, so Governor Breathitt issued an executive order to make the strip mine regulations he had proposed go into immediate effect. The *Eagle* praised his decision and said he had acted with great courage and conviction, and Gish once again tied the events on Clear Creek in Knott County to the Civil Rights movement, as well as the War on Poverty. Ollie Combs was heralded as a "heroine of the mountains" for her act of resistance and the "sad fact that it was necessary for Mrs. Combs to face the deadly guns of the coal company's guards and the terror of the bulldozer's blade" before public attention could be called to her plight. It also pointed out that AGSLG had originally been organized as a War on Poverty Community Action Program, the Clear Creek Community Action Group, to plan the community's participation in the War on Poverty. It had moved to confront strip mining when the need had become apparent, but the actions of a few families on an isolated creek in a forgotten county had galvanized the governor to take action against the most powerful industry in the state.

The similarities between the Knott County Struggle and the civil rights struggle in the south are marked. Have we in the nation become so calloused, so indifferent to the right of a citizen to live in peace that we can act only by reacting to the drama of a widow ready to lay down her life for her birthright? Surely not.⁵³

⁵³ "True Community Action," *The Mountain Eagle*, December 2, 1965, 4.

Breathitt and many other Kentucky officials had been deeply embarrassed by the media coverage of the state troopers carrying the Widow Combs off the mountain in Knott County, as well as the arrest of Uncle Dan Gibson. *The Mountain Eagle* had reported on the situation, but the events in Knott County at the close of 1965 were often overshadowed by the events in Washington DC concerning the War on Poverty. Early the 1966 legislative session, Breathitt sent a bill carrying strong regulation of strip mining to the legislature, in which he stated that current strip mine law was inadequate. Breathitt said he wanted a bill that would protect a man's rights on his own land and require the restoration of the land to a useful surface.⁵⁴ Later in the session, even after hearing several weeks of charges levied by the coal industry that it would destroy strip mining in Kentucky, the bill passed overwhelmingly. *The Mountain Eagle* called the legislation important and strict, but the Breathitt strip mine law had barely gone into effect when anti-strip mine groups began to say it was not sufficient, and in April of 1967, AGSLG took a group to Frankfort to complain that the law was ineffective and would not help even if it was followed to the letter. At the same time, William Sturgill spoke at the Kentucky Industrial Coal Conference at the University of Kentucky, and said that strip miners in Perry County were doing their best to follow the letter of the law, and added that Kentucky needed the regulations. He finished by saying he hoped that intelligent and effective enforcement would be carried out for the good of the state. Governor Breathitt asked AGSLG for their patience and said it would take time to prove the effectiveness of the law.⁵⁵

Not long after his plea for patience to the anti-strip mine activists, Breathitt again asked strip miners in Kentucky operating under the broad form deed to stop working, this time, until

⁵⁴ "Breathitt Seeks strong strip law," *The Mountain Eagle*, January 6, 1966, 1.

⁵⁵ "Views differ," *The Mountain Eagle*, April 13, 1967, 1.

the State Court of Appeals could rule on several cases involving land owners' rights, and issued a statement saying he believed that those who claimed the right to "destroy under the broad form deed" could afford to wait until the question was decided in court. "Then or course, all citizens in a free commonwealth will, I am sure, obey the law."⁵⁶

The Mountain Eagle's coverage of the anti-strip mining activity in neighboring Knott County made the paper no friends in Letcher County, and went a long way toward continuing the alienation that already existed between the Gishes and the coal industry. Along with Harry Caudill and a few others, Tom and Pat Gish were portrayed by proponents of coal mining as being opposed to all coal mining, even though *The Mountain Eagle* continued to issue positive reports about new underground mine openings and to boast about increased production in deep mines. Unfortunately, the move toward strip mining was not only growing, the coal industry was becoming increasingly sensitive concerning any opposition to its methods. *The Mountain Eagle* was already struggling from boycotts, withdrawal of advertising, and other efforts to silence its voice, and as it became a strong voice for property rights and strip mine regulation, the gulf deepened and attempts to silence the newspaper grew.

For much of Edward Breathitt's administration, Tom and Pat Gish spent a good deal of time in Washington where they worked with congressmen crafting anti-poverty legislation and served as expert witnesses in House and Senate hearings on the subject of eastern Kentucky poverty. The anti-strip mine movement in eastern Kentucky was centered in Knott County where AGSLG, along with Knott County elected officials and judges carried on the fight. Governor Breathitt and a number of legislators also worked to regulate strip mining with varying degrees

⁵⁶ "Breathitt asks strip miners to stop work," *The Mountain Eagle*, July 13, 1967, 1.

of success. For *The Mountain Eagle*, the frequent absences of the Gishes created more than a few problems. The paper often came out late and some of the advertisers who had stuck with the paper through the boycotts initiated by the fiscal court and board of education became disgusted and stopped advertising with the paper. The loss of income hurt, leading Pat Gish to take a job with a War on Poverty Program in Letcher County. But the focus on the War on Poverty also created openings for a number of young journalists, many of whom worked without pay or for very low wages, to step in and take on the issues. Among the most prominent of these were James Branscome, Phil Primack, and Thomas Bethell. Not only did these young writers help to fill the gap, along with contributing some excellent coverage of the Tennessee Valley Authority and other mining related issues, they also filled the void that was created in the social lives of the Gish family when many of their middle-class neighbors turned away from them, whether for their coverage of local government or the coal industry, or the revelations of the depth of poverty in eastern Kentucky. The lively and intelligent young people who came in to work at the paper or with War on Poverty agencies, and later, the young artists at the Appalachian Media Institute were a more than adequate replacement for the middle-class residents of Whitesburg, and a number of them became lifelong friends of the Gish family. The newspaper became a proving ground for a number of young journalists who worked for statewide newspapers as well as those who contributed to *The Mountain Eagle*. The Gishes were stern mentors to a generation of young journalists who came through the offices of the newspaper and David Hawpe, later managing editor of the Courier Journal, told Ben Gish that Pat was the only person in the business he really feared when she proofread his work.⁵⁷

⁵⁷ Conversations with Ben Gish, in the offices of *The Mountain Eagle*, January 10, 2010.

Bethell and Branscome took on issues within the coal industry that included but were not exclusive to mining in eastern Kentucky. Bethell took on two eastern Kentucky icons when he addressed the collusion between Consolidation Coal and the United Mine Workers against Southeast Coal Company in his essay "A Conspiracy in Coal."⁵⁸ He detailed the scheme between the UMW and Consol to shut Southeast out that led to a Supreme Court decision in favor of Southeast. Branscome became a frequent critic of TVA and wrote a number of scathing studies of the agency's role in introducing strip mining and other coal related issues he saw as detrimental to the region. Branscome published three Appalachia themed books in the 1970s, *Whatever Happened to Appalachia* (1971), *Annihilating the Hillbilly* (1976), and *The Federal Government in Appalachia* (1977). His articles on TVA appeared in regional and national press, particularly the Washington Post, where he was special correspondent for 10 years, covering the South, coal issues, and the United Mine Workers.

Breathitt's term ended in 1967 and Louie B. Nunn succeeded him as the first Republican to be elected to the governor's office in 20 years. Nunn was much less inclined to use the power of his office to limit or regulate strip mining, since the passage of the relatively mild bill regulating strip mining in 1966. As funding for the War on Poverty was siphoned off to pay for the increasingly expensive war in Vietnam, many of the anti-poverty programs became institutionalized or closed out. At the same time, there was a dramatic expansion of strip mining in Letcher County. It came in massive proportions and was promoted by the largest coal company on the county. In the late 1960s, Dave Zegeer, manager of Bethlehem Steel's operations in the county, announced that Bethlehem Steel would allow its property to be strip mined once again, although initially, it was uncertain whether Beth Elkhorn Division would carry the mining

⁵⁸ Tom Bethell, "A Conspiracy in Coal," (Appalachian Movement Press, Huntington, West Virginia, 1970.)

out or would contract the work out to smaller strip mining companies. Small communities like Millstone, Beefhide, and Jackhorn all had sizable deposits of coal that were too close to the surface to mine with conventional deep mining methods, and Beth-Elkhorn and several other large coal companies turned their attention to obtaining that coal through auger and strip mining methods.

While Bill Sturgill and some of the other Knott County strippers had hired security guards and enlisted the Kentucky State Police to keep strip mining protesters away from their mine sites, Dave Zegeer took a different route. Zegeer was well educated and very personable, with a degree in mining engineering from West Virginia University, and he had a sophisticated grasp of the relationship between coal mining and the communities of eastern Kentucky. While he was willing to mine in small isolated areas like Millstone, he kept the conversation focused on the topic of job creation and the economic benefits to the communities that surrounded the strip mine sites. Regardless of which side Zegeer was on, he was a formidable opponent and the Gishes found that he could make his argument in a very persuasive manner. Zegeer was also an old-time company man, having been brought up in the company town ethos of CONSOL and then Bethlehem Steel. He came to Jenkins after World War II and made his home there, so he understood the power the companies had over the people, both those who worked directly for the mines and those who made their livings in support capacities. Zegeer always led with the economic argument, but he was also adamant that as long as the mining was legal, the coal companies weren't doing anything wrong, and he believed it and he stood by it. His 1968 statement to Robert Kennedy, at hearings the senator held at Fleming Neon High School, that if

what Beth Elkhorn was doing was wrong, then American was wrong, was not something he just threw out for Kennedy's benefit. It was what he believed and what he lived.⁵⁹

Beth Elkhorn totally controlled Jenkins in the old-time coal town/welfare industrial model and Zegeer, as General Superintendent, was the leading citizen. Although he never sought public office, it was well understood that he was first among equals and he was highly skilled at relating to the miners who worked at the Beth Elkhorn Mines. Zegeer had a gift for understanding "his people," and could remember names and family details effortlessly. The City of Jenkins still reveres him and the Dave A. Zegeer Mining and Rail Museum stands in testimony to the quality of his memory. Even today, as the city's fortunes have almost hit rock bottom, there are very few who are willing to criticize Zegeer publicly and the belief in the coal industry is almost cultish. Signs welcoming visitors to Jenkins call it "A city built on Coal.) Jenkins was also the largest city in the county and an important outlet for *The Mountain Eagle*. The paper experimented with a Jenkins edition that served as a second section to the paper for a while and always kept at least one community correspondent in the city. As a coal man himself, Tom Gish also had a real appreciation for the modern mining methods practiced by Beth-Elkhorn and the safety record the company maintained. Even as Beth-Elkhorn decided to go back to strip mining, the paper carried a number of articles on the new underground mine "the company" was opening in Ashcamp, a nearby Pike County community just across the county line. Mine 26 as it came to be called, was the most modern coal mine in the world at the time it opened and had the most technologically innovate preparation plant. Mine 26 was the first underground coal mine in America to use long wall mining and *The Mountain Eagle* was highly complementary of the

⁵⁹ "Kennedy hears of need for jobs during two-day mountain tour," *The Mountain Eagle*, February 15, 1968, 11. (The statement concerning Zegeer's feelings comes from the lifelong association between the author's family and the Zegeer family. His father, Albert Farley, and Dave Zegeer were close friends and the families were neighbors.)

innovation. However, at the same time, contractors working for Beth-Elkhorn were damaging the Millstone Community and relations between the newspaper and Beth-Elkhorn quickly soured.

About the same time, Beth-Elkhorn announced it would enter into strip mining through a contractor, Harry Caudill ramped up his opposition to strip mining and used the notoriety his books and other publications gave him to take the discussion to a broader audience. In April of 1968, Caudill addressed the United States Senate Interior and Insular Affairs Committee and told the committee he had waited for over a dozen years to see the Senate address the destruction caused by strip mining and the "industrial devastation spread like a gargantuan cancer across hundreds of thousands of acres." Caudill described streams turned yellow by siltation and once productive fields reduced to desolate wastes. The text of his speech to the committee appeared in *The Mountain Eagle* and was accompanied by pictures of inadequate efforts at reclaiming the strip-mined land. Comparing the strip-mined areas with bombed out areas he had seen in Italy during World War II, Caudill called for stiffer regulation of strip mining and said "the nation cannot leave reclamation to the industry's discretion. If reclamation cannot be assured, stripping should not be permitted." He told the committee that problems with land management had led to a state of exploitation and could possibly threaten the nation as much as the racial crisis that had erupted in cities all over the country.

Caudill told the Committee that he "marveled that a democratic society could care so little about its future as to calmly destroy the land its descendants will inherit and inhabit," and he referred to the people of the strip-mined regions as a "once sturdy people -- a people who even today sink with a dying land." He called poverty, and the bitterness and frustration that

sprang from poverty one of the two great crises to afflict America. The other was the affliction of the land, with tumble down structures, "sewn with junk and trash and drained by filthy streams."

Let us frankly recognize that the earth is just as important as the people who inhabit it and that the right to be free is matched by a responsibility to preserve freedom's land. Liberty in a wasteland is meaningless.

He referred to 3,187,000 acres of land that had been strip mined in some form or another, "turned upside down by miners," and called the need for remedial action urgent and added that the nation could not afford to leave reclamation to industry in its greed, and interminable lust for mineral wealth. He called for strict government supervised reclamation and stated that governments in England, Germany, and Czechoslovakia had all managed total reclamation. Caudill called the surface mining of coal the most dangerous of all, partly because it was mined in areas with heavy rainfall near population centers, and claimed that due to strip mining of coal, "large parts of Southern Appalachia are threatened with extinction." He went on to express his gratitude to every senator who had sponsored strip mining legislation, and then proposed his own goals to remedy the situation.⁶⁰ He laid out three goals that would help to manage the disaster. The goals Caudill suggested to the Senate would have ended strip mining in the mountains of Central Appalachia.

First, Caudill called for legislation to outlaw strip mining in areas such as the southern Appalachian Region, where the "slopes are so steep and the rainfall so great that reclamation and restoration of the land to its former utility is impractical." Then, he said strip mining should only be allowed where "total reclamation of the land can be carried out promptly and effectively."

⁶⁰ "Testimony of Harry M. Caudill, Whitesburg, Kentucky, before the Interior and Insular Affairs Committee of the United States Senate, Washington D.C., April 30, 1968," *The Mountain Eagle*, May 9, 1968, 2.

Finally, he called for the creation of a massive program to purchase, reclaim, and re-vegetate lands that had already been stripped.⁶¹

In July, 1968 Judge Edward Hill of the Kentucky Court of Appeals ruled that strip mining under the broad form deed was oppressive and unjustly severe, in the case of *Martin V. Kentucky Oaks Mining Company*. Hill's ruling cited the ruling in *Parrish V. Newberry*, KY 279S.W. 2D229, 223 and stated that "as a fundamental and supreme rule of construction of contracts, the intention of the parties governs," and went on to write that strip mining had been unknown when the first broad form deeds were crafted, although some early operators had used picks, shovels, and slip scrapers drawn by mules to mine channel coal near Cumberland Lake around 1914. "I contend that inasmuch as the parties to the "broad form" deeds never contemplated the use of the then unknown method of strip mining and never dreamed of the cataclysmic destruction of the surface, the grantee and his successor in title have no right to remove the coal by striping methods." He also said that if the rules were modified to allow for stripping, the grantee should be "answerable in damages to the surface owners for just compensation." Hill's ruling was overturned later that year in a cross appeal of *Martin V. Kentucky Oak*. In his dissenting opinion on the decision overturning his original ruling, Hill wrote that no other state had so greatly expanded the rights of the grantee under the broad form deed as Kentucky.⁶²

Bethlehem Steel was undeterred by either Caudill or Judge Hill and announced in June 1969 that it intended to launch a major strip mining operation in Letcher County within the next

⁶¹ "HARRY CAUDILL URGES CONGRESS TO HALT MOUNTAIN STRIPPING IN APPEARANCE BEFORE SENATE COMMITTEE," *The Mountain Eagle*, May 9, 1968, 2.

⁶² "Judge Hill says broad form deed oppressive, unjustly severe," *The Mountain Eagle*, July 4, 1968, 2.

few weeks. In an interview with *The Mountain Eagle*, Dave Zegeer said that the mining would involve auger mining but not stripping and that he considered reclamation to be fully controllable despite the steep grade of the slope that was intended for mining. He said the mining was necessary to maintain employment for Beth-Elkhorn employees because the reserves at Beth-Elkhorn's Number 27 deep mine were about exhausted. At that time, Mine 27 employed 180 men and produced about 580,000 tons of Hazard #4 coal per year, although Mine 27 had been a leader in producing Elkhorn Number 3 metallurgical coal before it was mined out. The Hazard #4 was fine for steam coal and sold well, according to Zegeer. The coal from Mine 27 was processed at the Jenkins preparation plant and Zegeer said the decision to auger the three seams in question was based on keeping the 35 men who worked at the plant employed. The underground miners would either be absorbed by other company operations already in operation, or move to newly opened Mine 26 in Pike County, which was already mining coal even though the mine's ultra-modern preparation plant was still being developed at the time. The company would also timber more than 1,000 acres of land to prepare the site, which Zegeer said should yield some 7,000,000 tons of coal. He said the choice had been to either let the Jenkins plant close or to continue by using the surface mined coal, and since Beth-Elkhorn was "by far the largest employer in Jenkins," the decision had been to mine.⁶³

Zegeer also told *The Mountain Eagle* that a contractor would mine the coal. However, at the time of the interview, no contractor had been chosen, but he acknowledged that over 25 had already approached Beth-Elkhorn about doing the work, and that Beth-Elkhorn was accepting bids on the timbering. Some of the wood would be used by Beth-Elkhorn for roof support and the rest would be finished and shipped to buyers outside the county, but it would be used. In

⁶³ "Beth-Elkhorn plans new mine operation," *The Mountain Eagle*, June 5, 1969, 1.

those days, timber was very often stacked and burned or covered over during reclamation, which later created sink holes as the wood decomposed. Zegeer declined to tell the paper how bidding would be handled, but the article stated that other coal operators had suggested that Beth-Elkhorn would pay about \$4.00 per ton and sell it as processed coal for \$6.00 a ton in the metallurgical market. At that time, Beth-Elkhorn mostly mined metallurgical coal including the Elkhorn seams which were among the best in the world for coking.⁶⁴

In the same edition, Tom Bethell wrote an article suggesting that Zegeer already expected to have problems with anti-strip mine groups. Bethell wrote that the possible closing of the Jenkins preparation plant was but one of several problems Zegeer had faced that were solved by the decision to initiate contract auger mining operations, but he had other problems as well. If Beth-Elkhorn allowed the Jenkins operations to close, then Mine 22 at Hendrix would be the sole remaining operation in Letcher County. Beth-Elkhorn was the county's largest and most prominent corporate citizen, employing 833 men and paying 26 percent of all the taxes received in the county. It was also the last unionized deep mining operation in Letcher County and paid over \$1 million annually to the United Mine Workers' Welfare and Retirement Fund. Zegeer had come to Letcher County in 1945 to work as a rodman on a survey crew for Consolidation Coal Company and had raised his family in Jenkins. It had been his decision to go after the company's coal with augers once it became apparent it could not be reached by deep mining.⁶⁵

"And that decision will put horns on Zegeer's head as far as conservationists are concerned," Zegeer told Bethell. But he suggested that the decision had been made more with an

⁶⁴ Ibid.

⁶⁵ "BETH-ELKHORN'S DAVE ZEGEER EXPECTS A CRUNCH WITH CONSERVATIONALISTS," *The Mountain Eagle*, June 5, 1969, 3.

eye to Beth-Elkhorn's future in Letcher County than for profit, since the greatest amount of the company's coal was already being mined in Pike County and the auger mining would keep the plant operating for at least 10 more years.⁶⁶

Neither article suggested that *The Mountain Eagle* had a particularly adversarial relationship with either Zegeer or Beth-Elkhorn, but that changed very quickly once auger mining operations in the Millstone area of Letcher County began. While Beth-Elkhorn was scrupulous in following safety and other mining laws at its own operations, the same could not be said about their contractors, and Millstone very soon became what Gish referred to as an environmental disaster area. An editorial in *The Mountain Eagle* the week after the Zegeer interview, Gish predicted that only Beth-Elkhorn would actually benefit from the auger operations, saying that the 34 new jobs on the auger mine were short term and would in no way compensate for the 180 plus men who would be put out of work when Mine 27 closed. The landowners would receive a token royalty for land that would be ravaged, the county would see its tax base erode as the coal was removed, and although the UMW welfare and Retirement Fund would see its coffers expand, the fund already had a surplus of \$180 million and the union faced declining membership, which meant there would be fewer retirees to serve in the future.⁶⁷

In August Bethlehem Steel's corporate offices announced that they would proceed with strip mining in the Millstone area as well as opening two new underground mining operations, one in Letcher County and another in Pike County. E.P. Leach, Bethlehem's Vice President in charge of mining, made the announcement and said the new operations would increase Beth-Elkhorn's coal production by approximately 50 percent and add several hundred new jobs to the

⁶⁶ Ibid, 3.

⁶⁷ "Who benefits," *The Mountain Eagle*, June 12, 1969, 2.

payroll. The coal would be used for producing coke for new steel making facilities at Burns Harbor Indiana and to replace coal production from mines in Kentucky and West Virginia that were close to being worked out, including Mine 27 in Jenkins. Leach also announced that Beth-Elkhorn would soon announce the contractor who would strip the three seams in Millstone and said that reclamation would be done in conformity with Kentucky law, which he said was considered to be a model reclamation law. He added that even before the law was passed, "the Elkhorn Division consistently practiced good reclamation on its mining properties and was commended by the Kentucky Department of Natural Resources on two occasions in 1965."⁶⁸

Later in the year, the National Audubon Society called on Bethlehem Steel to "reconsider its plans to strip mine large portions of Eastern Kentucky," in a letter written by Audubon Society President Elvis Stahr to S.S. Cort, President of Bethlehem Steel. Stahr wrote that because the terrain was so steep, "the results can be nothing but catastrophic for the land and every plant and creature on it." The Audubon Society also opposed Bethlehem's plan to clear cut the proposed strip mine area as well, saying "This land lies in the heart of the earth's oldest hardwood forest regions, the eastern mixed mesophytic forest, which botanists say has persisted in its present state for millions of years."⁶⁹

By this time, the relatively convivial relationship between the newspaper and Bethlehem Steel had begun to deteriorate and a week after the Audubon article appeared, three unidentified men confronted *Mountain Eagle* photographer Jean Martin, who was on assignment to photograph the Millstone strip mine, and seized her film and threatened her with death if she took any more pictures of the mine. After Tom Gish sent a telegram of protest to S.S. Cort, Cort

⁶⁸ "Bethlehem Steel to strip mine area," *The Mountain Eagle*, August 26, 1969, 1.

⁶⁹ "Stripping opposed," *The Mountain Eagle*, October 9, 1969, 1.

called the newspaper office and said he "could not believe that any Bethlehem employees were involved in the incident," and that *Mountain Eagle* photographers were welcome at any of their operations, anywhere at any time, adding that Bethlehem had nothing to hide. Gish had labeled the incident "terrorism" in his telegram and called on Cort to halt all Bethlehem's strip mining operations throughout eastern Kentucky.⁷⁰

In November, an order directing Beth-Elkhorn to halt mining until four violations were taken care of shut the Millstone operation down temporarily. The violations included failure to construct silt basins, allowing debris out of the permit area, stripping within 100 feet of a stream, and creating a wider "strip bench" than was allowed due to the grade of the slope. The order was delivered by Kentucky State Reclamation Director Elmore Grimm, who said that two or three days of concentrated effort by the contractor, Tackett and Manning Coal, should get the problem cleaned up to the state's satisfaction. At the same time, Kentucky River Mining, which was mining on Beth-Elkhorn land near Jenkins, received a notice of non-compliance because the overburden from their mine was going further down the slope than the permit allowed, and no ditch or silt basins had been installed. The article reporting the shutdown stated that pressure was building for a "state law which would outlaw strip mining in Eastern Kentucky totally, as well as for new state legislation bringing tougher controls."⁷¹

Stripping resumed quickly at Millstone after less than a week and State Reclamation Director Grim disclosed that he had given Bethlehem permission to expand the operation by stripping an additional 40 acres on Millstone Creek. The permit covered the two top seams and "is expected to include the removal of the mountaintops." At the same time Bethlehem purchased

⁷⁰ "Mine film seized," *The Mountain Eagle*, October 13, 1969, 1.

⁷¹ "Millstone stripping shut down by state," *The Mountain Eagle*, November 13, 1969, 1.

full page ads in *The Courier Journal*, *The Mountain Eagle*, and "possibly other papers, to boast that the firm does do reclamation." The ad invited selected newsmen and editors to tour the operation on November 20 as part of a campaign to convince the public that Bethlehem "does no harm." Grim not only backed away from his crackdown on strip mining operations in eastern Kentucky, he also reversed the planned closure of Pittsburg and Midway Coal Company's strip mining operation in western Kentucky, later made famous in the John Prine song, "Paradise."⁷²

A November 1969 editorial in *The Mountain Eagle* had reported on the closure of the Millstone operation and called the Bethlehem mines the "new battlefield, describing the Millstone operation as a "threat to the basic way of life in Letcher County." It also tied in strip mining with propaganda efforts made by Bethlehem to convince eastern Kentuckians that the company was helping to alleviate poverty by "providing work for some starving strip miners," which Gish called "a concern that comes more than a little late in the war on poverty, and a concern that was put into effect, apparently only after Bethlehem decided that there was money to be made fighting poverty by strip mining back in the hills."⁷³

It soon became clear to Bethlehem Steel that *The Mountain Eagle* could not be ignored. Whether it was the close relationship between the Gishes and editors and reporters at *The Courier Journal*, *The New York Times* and other newspapers with a state wide and national readership, *The Mountain Eagle* had an editorial presence that reached well beyond Letcher County. It had been the newspaper of record on poverty issues in eastern Kentucky for many national legislators during the War on Poverty, but many reporters working with much larger papers had used *The Mountain Eagle* office as a base of operations whenever they visited

⁷² "Stripping resumes at Millstone after state removes earlier ban," *The Mountain Eagle*, November 20, 1969, 1.

⁷³ "Bethlehem mines are new battlefield," *The Mountain Eagle*, November 13, 1969, 2.

Letcher County. The Gishes both were also widely admired and respected in the newspaper industry for their integrity and the quality of the reporting and editorial writing. Bethlehem began to encourage its supporters to write letters to the editor in *The Mountain Eagle* and other papers.

In one of several letters that followed the November article, Sarah Casey, a former Texan who lived at Millstone, criticized Harry Caudill and *The Mountain Eagle* for their criticism of strip mining and for tying in stripping and water pollution, writing that in Texas, it was not unusual for streams to dry up in the summer. She also criticized anti-poverty efforts because they were not working with middle class organizations in the county. Her chief complaint was that the newspaper's criticism was directed toward Beth-Elkhorn, one of the largest employers in the county. She questioned the earlier article concerning the seizure of a roll of film of Millstone Strip Mining taken by *Mountain Eagle* photographer Jean Martin and the threats made to Martin. The film had been returned later and three of the pictures were published in *The Mountain Eagle* as well as *The Courier Journal*. "How can film that has been seized be printed in a paper? How much of the publicity is really true?"⁷⁴

There was a good deal of support for the coal industry throughout eastern Kentucky and many of the supporters wrongly assumed that because the newspaper opposed strip mining, it represented an anti-coal outlook. However, since the Gishes took over, *The Mountain Eagle* had always supported underground mining and along with Harry Caudill, Tom Gish consistently called for building the eastern Kentucky economy around the coal industry. Gish was also realistic enough to understand that strict regulation of strip mining was a much more attainable goal than demanding that it be abolished altogether. None of this meant much to industry

⁷⁴ Sarah Casey, Letters to the Editor, *The Mountain Eagle*, December 18, 1969, 2.

supporters, and letters came in regularly that supported strip mining and called for the paper to get on board. Residents of Jenkins were frequent critics of the newspaper's editorial policy on strip mining, which is understandable, given that Jenkins was Bethlehem Steel's model town and Dunham, where the plant Zegeer had said the Millstone operation would save, was part of Jenkins. But the coal industry was strong everywhere in the region and letters came in from all parts of Letcher County and from out of state as well.

Another letter supporting Beth-Elkhorn and strip mining came from Phillip "Pee Wee" Back, a Letcher County transplant living in Seymour Indiana. Back also pointed to the employment issue and discounted water pollution on the account that streams and rivers in Letcher County and most of eastern Kentucky were already full of "Clorox bottles, beer cans, dead dogs, car bodies, and household trash." He also criticized the opposition to the Kingdom Come Dam (which was never built) and suggested that strip mining should be allowed to continue until the coal was mined out, and then the state should wait a year until the mud settled and just go ahead and "build the Kingdom Dam, call me and Jean Martin so she can take my picture as I pick the Clorox bottles off the lake."⁷⁵

Family members of Beth-Elkhorn employees also responded to *The Mountain Eagle* with letters. Mrs. C.B. (Mary Jo) Wolfe (for whom the new Jenkins branch of Letcher County Public Libraries is named), delivered a sarcastic response to an *Eagle* article concerning surface mining by questioning the accuracy of the paper's news and headlines. (Mrs. Wolfe's husband was a salaried employee of Beth-Elkhorn) "You are using the paper to beat the drums for another 'cause.' Stop surface mining. As in the past, your headlines and slanted information does not give

⁷⁵ Phillip "Pee Wee" Back, Letters to the Editor, *The Mountain Eagle*, December 25, 1969, 2.

an accurate account. The motto of *The Mountain Eagle* is, "It Screams. Let me add, so does a child having a temper tantrum."⁷⁶

Late in 1969, Luther Johnson of Blackey filed a lawsuit asking federal courts to put a halt to strip mining throughout Letcher County. Johnson's suit asked the court for \$2.1 million and a halt to all strip mining in Letcher County through a permanent injunction "enjoining the defendants from continuing strip and auger operations within the watershed wherein Millstone Creek and the North Fork of the Kentucky River is located." The Frankfort law firm of Hughes, Clark, Burk, and Zeigler acted on Johnson's behalf and the approach taken by Johnson and his attorneys was innovative, described in the article as raising basic questions that "have not been tested in the courts." Rather than focusing on landowner's rights against a broad form deed, the Johnson suit made claims of overall environmental degradation and permanent damage to the watershed. It also alleged that Bethlehem Steel was in violation of state law because spoil was going directly into streams.⁷⁷

Johnson's lawsuit was dismissed the following year on technical grounds by the United States District Court for Eastern Kentucky. Ruling on behalf of Bethlehem Steel, Judge Bernard T. Moynahan stated that the class action suit, filed on behalf of the residents along Millstone Creek, was invalid because Beth-Elkhorn's principal place of business was Kentucky and there was "insufficient diversity of citizenship among the parties to support federal jurisdiction." One

⁷⁶ Mary Jo Wolfe, Letters to the Editor, "Temper Tantrum," *The Mountain Eagle*, December 4, 1969, 2.

⁷⁷ "Suit challenges strip mining," *The Mountain Eagle*, December 4, 1969, 1.

of Johnson's attorneys, David Schneider, was quoted as saying that even though the suit was dismissed, it was a victory of sorts because strip mining near Johnson's land had been stopped.⁷⁸

As the battle intensified, other news organizations became involved. In an article in *The New Yorker*, by Calvin Trillin, *The Mountain Eagle* was described as "one of the few county weeklies in the United States that might print anything that might cause discomfort to anyone with any economic power," and said that Bethlehem Steel might have been better served to locate its operation as far away from Whitesburg as possible. It also mentioned an article in *The Courier Journal* concerning the short period of closure for the Millstone site by the Kentucky Division of Reclamation in 1969, alleging that the state's behavior led to "raised suspicions of political interference."⁷⁹

Trillin referenced earlier opposition to strip mining, including the Jink Ray incident and the subsequent KUAC hearings in Pikeville, and quoted Dave Zegeer as saying that even if the mining damage proved to be irreparable, "You can't walk away from 10 million tons." He also described Bethlehem's efforts at reclamation in Marshall's Branch, the company's first strip mine site and quoted Harry Caudill saying, "Dave (Zegeer) told me the bench would be good for cattle grazing and I told him when Bethlehem finished stripping all that land, they will have created the longest, narrowest cow pasture in the history of agriculture -- fifty feet wide and five thousand miles long." Trillin also mentioned Zegeer's enthusiasm for growing blackberries on the land, which would then be "put up" by women living near Marshall's branch in jelly jars dispensed by the Jenkins Kiwanis Club. The jam would then be purchased for a fair market price and

⁷⁸ "Mine suit dismissed," *The Mountain Eagle*, October 15, 1970, 1.

⁷⁹ Calvin Trillin, "The Logical Thing to do Costwise," FROM THE NEW YORKER: U.S. Journal: Kentucky, (Reprinted from *The New Yorker Magazine*, December 27, 1969), *The Mountain Eagle*, January 15, 1970, 10.

distributed for sale in state parks, with labels saying where it had come from. He quoted Zegeer as saying that the blackberry project was, "Not to fight back exactly, but just to show what people can do." Zegeer had said the 10 million tons could not be reached by deep mining and that Bethlehem Steel had paid good money for the mineral rights to the land and should be allowed to recover it. In an aside, Trillin wrote, "It is common in the coal industry to talk about 'recovering' coal, as if the mountain snatched the coal away from Bethlehem somewhere in the past." He wrote that the strip mining battle had become more about the environmental damage posed by strip mining and less about people, as mining companies had begun to avoid contested plots of land such as Jink Ray's, and finished the article by quoting Harry Caudill, "People, we've already fought this on the people issue, and nobody cared. They said, 'They're just a bunch of paupers -- let it go.' Nobody cares about people in this country. We're better off talking about the environment."⁸⁰

Early in 1970, The Congress for Appalachian Development entered the strip mining discussions when Executive Director Gordon Ebersole, asked the Federal Power Commission for hearings in the New River Basin to study the area before water rights were to be deeded to the Appalachian Power Company in Virginia, West, Virginia, and North Carolina. Ebersole wrote that rights to the area had been obtained by crafty buyers and the "infamous broad form deed," which had robbed the people of the region of their oil, gas, and coal deposits, often as the land owners used an "X" as their mark because they couldn't read and write, and were also without council. Ebersole told the FPC that the purpose of the Congress of Appalachian Development was to "restore self-government in the Appalachian Mountains in order to wisely conserve and develop the human and natural resources of the region for the benefit of the people residing

⁸⁰ "YOU CAN'T WALK AWAY FROM 10 MILLION TONS," *The Mountain Eagle*, January 15, 1970, 14.

therein." He added that it would be difficult to change the attitudes of the Appalachian Power Company, which saw the acquisition of rights as a "real Bonanza," and that their stockholders will be pleased when "they bring home the scalp of the New River neatly packaged." While Ebersole expressed his desire to make the New River Basin a habitation of which mankind would be proud, he also asked the FPC to "make their mark" on the broad form deed.⁸¹

Not every "Letter to the Editor" *The Eagle* received supported strip mining. One poignant example came in a letter from Petty Officer First Class James W. Haynes, stationed aboard the U.S.S. Coral Sea (deployed off the coast of Vietnam between 1964 and 1973), who questioned why he should even come home when all he saw of the "super road" he had been told about in eastern Kentucky was ruination? "What is so super about a road that is covered with mud and coal and rock that has been pushed off the mountaintop." Haynes wrote that while eastern Kentucky was supposed to be one of the richest places in the world in terms of natural resources, the riches weren't going to the landowner. "Who gets all the riches? Not the poor land owner, who has no say over what happens to his land when Mr. Money Bags decides to strip. The landowner is the one who loses everything and receives nothing." Haynes referred to a radio announcer he had heard on his recent visit who had told his listeners that if they had never seen a strip mine, they would probably be surprised by the high quality of the reclamation done by the mining companies, where ponds, homes, and house sites sat on the reclaimed land that had been sewn into grass. Haynes wrote that the reality was far from the announcer's description and that either this announcer was from a different area, had never been to eastern Kentucky, "or he was blind." He also referred to the lake being built on Carr Creek in Knott county (the present site of Carr

⁸¹ Gordon Ebersole, Letter to the Federal Power Commission, February 2, 1970, Gordon Ebersole Congress of Appalachian Development papers, East Tennessee State University Library, Johnson City, Tennessee.

Fork Lake), where "Mr. Money Bags just recently augured the coal seam most of the way around the dam. site. This should help to add mud to the mud hole." He added that as a member of the armed services, he couldn't fully express himself, but compared the terrain in eastern Kentucky to the terrain he had seen in Vietnam, after two decades of fighting there.⁸²

Another letter, from R.T. Maney of Erie Pennsylvania, wrote to praise the courage of Mrs. Paul Ashley and Mrs. Bessie Smith who had joined to stop coal trucks on their road in 1971. "I would like to commend the two ladies who stopped the trucks for a day. That took a lot of courage." He went on to write that he failed to understand why the "ones who protest, such as these two ladies" were subject to be arrested while the truckers who hauled overweight and the strip mine operators were untouched by the law.⁸³ In 1972, Smith and Ashley joined with 19 other Knott County women to block bulldozers from stripping Clear Creek, in Knott County. County officials later terminated the food stamps Smith received for her and her children because of her activism and membership in the Appalachian Group to Save the Land and People.⁸⁴

Young reporters continued to join *The Eagle* in exposing the damage that was being done in Millstone, and in a photo essay that documented the destruction of Millstone by Bethlehem Steel and its contractors, Mike Clark called Kentucky's laws regulating strip mining "failed," and wrote that a new reaction against strip mining was coming from "the man on the street, who knew a bad thing when it stared him in the face." Strip mining was expanding in its scope and scale and the present law had done little to halt the its advance, despite loud howls of pain from the coal industry. Clark wrote that Millstone's fate might easily become the fate of other

⁸² James W. Haynes, Letters to the Editor, "Why come home?" *The Mountain Eagle*, February 18, 1971, 2.

⁸³ R.T. Manley, Letters to the Editor, "Against stripping," *The Mountain Eagle*, March 11, 1972, 2.

⁸⁴ John Cheeves, and Bill Estep, Chapter 7, "Bombs and Bullets in Clear Creek," in "Fifty Years of Night," *The Lexington Herald-Leader*, June 22, 2013.

communities and that "Millstone Creek has been destroyed by one company, which apparently feels no social responsibility for the area and its people."⁸⁵

Some industry sources complained that the younger writers showed the increasing radicalization of the newspaper, but a close look at *Eagle* editorials (which were mostly written by Tom Gish, unless otherwise noted) and articles from the period concerning Bethlehem's embrace of strip mining would reveal that few of the young writers were substantially more radical in their opposition to strip mining than Tom Gish. Gish was outraged at the destruction being wreaked on his county and the damage being done to people's homes, so the idea that these young idealists were somehow taking the paper to the left was unlikely. As Tom Bethell told Gish when the Appalachian Volunteers were named as leading the opposition to strip mining, it was well known that *The Mountain Eagle* had taken that position for several years before the AVs came to the county. However, the young writers were welcomed to the paper, and it led many who opposed *The Mountain Eagle's* stance on strip mining to complain that the paper had brought in radicals and Communists to oppose the coal industry. It also further deepened the isolation the Gishes experienced from the community at large and drove them further to companionship with people who shared their ideals.

Stripping by Bethlehem Steel was a terrible blow for local anti-strip mine forces. Bethlehem Steel was the second largest steel manufacturer in the world and Beth-Elkhorn was the county's largest and most powerful coal company and employed nearly 1,000 people, so anything that was associated with "The Company" was received with a certain degree of legitimacy. Tom Gish was well aware of this fact and he also knew that even though Bethlehem

⁸⁵ Mike Clark, "Millstone shows law's failure," *The Mountain Eagle*, May 14, 1970, 1.

was stripping through third parties, the company's power and reputation placed the contractors under the Bethlehem umbrella, helping them to achieve better credit arrangements and better relations with state regulating agencies. And then there was Dave Zegeer, who was well liked and respected in industry circles throughout the state. He was an articulate and passionate spokesman for coal and had excellent relations with elected officials on both sides of the aisle, in the state and in Washington. He had a long reach and many connections, and not long after he retired from Beth-Elkhorn, Zegeer was appointed to serve as Undersecretary of Labor and Director of the Miner's Safety and Health Administration under President Ronald Reagan.

Accepting the legislative process as the best way to address strip mining exacted a toll on efforts to end it, and "very soon after proponents of a ban started to focus on passing a federal law, however, the movement began to weaken and dissipate in the face of numerous challenges to its efficacy."⁸⁶ As the abolition of strip mining became less central and regulation took center stage, the regulatory bills that were introduced in congress became weaker, and those congressmen who had initially opposed regulation became more aggressive in their opposition. The War on Poverty in Appalachia had ceased in large measure by this time, and the AVs and VISTAs were no longer active. Coal operators also began to flex their muscles in the federal government, just as they had in state governments earlier. The UMW was weakened by the ongoing division in their ranks over short term gains in job creation associated with strip mining against long term environmental damage, and national environmental leaders began to accept industry rhetoric as "realistic."⁸⁷ The Environmental Policy Center and the Sierra Club began to work to convince Appalachian strip mining opponents to add their influence to passing

⁸⁶ Chad Montrie, *To Save the Land and People*, 155.

⁸⁷ *Ibid*, 156.

regulation rather than abolishing strip mining. As industry leaders began to accept the inevitability of legislation that would regulate strip mining, they also threw their weight against any proposals to eliminate it. But in 1972, following his election as UMW President Arnold Miller took a stronger approach when he presented a statement to a Senate committee that favored strong regulation and "selective abolition."⁸⁸ Miller's proposal reflected division within the union over strip mining, and he asked that surface mining only be allowed as a last resort, when it was the only way to get the coal out of the ground. However, he also argued that limiting surface mining would protect displaced workers and asked only that strip-mined land be restored.⁸⁹

Discussions about strip mining became common in the state legislature, but proposals to ban the practice were quickly modified or dropped all together in favor of legislation to apply new regulations to existing laws. National legislators took up the debate as well and in 1971, the United States Senate began debating on a federal law to regulate strip mining. Late in 1971, *The Eagle* carried a report on hearings held in Washington when former *Eagle* reporter, James Branscome, who by then headed a statewide conservation group called Save Our Kentucky, testified before both House and Senate committees in an effort to promote federal legislation to ban or regulate stripping. The hearings were in response to a bill proposed by West Virginia Congressman Ken Hechler to abolish strip mining all together and Branscome was called on to discuss charges he had leveled in a letter in which he charged that House Subcommittee on Mines and Mining Chairman Ed Edmondson (D) of Oklahoma had sought to "nullify the strip mining opposition's voice by heavy handed bureaucratic procedures and unfair questioning of

⁸⁸ Ibid, 157.

⁸⁹ Ibid, 158.

strip mining opponents." In the letter, Branscome also questioned why witnesses like strip mine opponent Joe Begley of Blackey (in Letcher County) had not been given a firm date to appear before the committee.⁹⁰

One week after Branscome and Gibson addressed the subcommittee, the Interim Committee on Agriculture and Natural Resources approved legislative revisions to the 1966 Kentucky law regulating strip mining, including a request that a separate department be established to protect the environment from pollution. The legislation was placed in two separate bills, each to be re-filed for the 1972 General Assembly Session. The proposed surface mining bill would redefine strip mining to conform with the interstate mining compact and extend regulation to mining clay, fluorspar, and limestone, as well as coal. It would also extend the state's authority over preparation and cleaning plants using strip mined coal, and regulate the timber and logging industry. The bill also proposed increases in permit fees and bonds. However, the chairman of the subcommittee, Billy Paxton, a Democrat from Central City in the Western Kentucky Coalfields, said the panel felt that Kentucky's strip mine law was sound and the committee specifically stated that "Strip mining is most important to the state's economy." Tom Harris, a Worthville, Kentucky Democrat who chaired the Committee on Agriculture and Natural Resource, reinforced the move toward regulation rather than banning strip mining by saying that "if the present law is enforced, it should solve most of the problems."⁹¹

In December, Kentucky Senator John Sherman Cooper joined with Tennessee Senator Howard Baker in calling for interim federal control of strip mining until uniform state

⁹⁰ "Strip mining bill hearings go on: TVA defends agencies regulations," *The Mountain Eagle*, October 18, 1972, 24.

⁹¹ "Legislative committee approves strip-mining law change," *The Mountain Eagle*, November 25, 1971, 1.

regulations and procedures could be established. Cooper called for a joint federal/state commission to control strip mining, but said that quick federal action would be necessary before it got "completely out of control." Cooper also expressed his belief that it was in the best interest of coal mining companies to have strip mining regulated as soon as possible because, "unless immediate action is taken to effectively regulate strip mining, those who desire to operate surface mines will certainly face the prospect of being prohibited from operation." Baker called strip mining a "national disaster" and said the need was immediate for relief from the practice, and that the enforcement of reclamation laws was very important. A group including Letcher County residents Joe Begley, Harry Caudill, and Warren Wright, along with Bessie Smith of the Appalachian Group to Save the Land and People, Jim Branscome, and naturalist Ray Harm, sent a letter to the Kentucky congressional delegation warning them that the effort may "be the last opportunity to plea for the survival of our mountains and our people." Begley and Caudill also complained that they had not been notified about recent hearings on strip mine regulation and said they had missed their chance to testify.⁹²

As legislation to regulate strip mining was crafted on both the state and federal level, it became apparent that the practice was not going to be legislated out of existence. Instead of being abolished, strip mining became institutionalized by the state and federal laws that had been passed to "control" it. When the U.S. House of Representatives began their debate, stricter regulations were proposed than those passed by the Kentucky legislature, but the efforts to restrain strip mining turned into a nightmare for eastern Kentucky. When Congress called for the elimination of high walls and "islands" under the new law, it meant the land would have to be leveled. This opened the door to large scale mountain top removal mining and Tom Gish wrote

⁹² "Senators call for federal strip mine controls," *The Mountain Eagle*, December 19, 1971, 1.

that what had seemed to be a good piece of legislation to prohibit the dumping of overburden down the side of the mountains and to require mountains to be returned to their natural contour without a high wall, had been subject to a last-minute amendment that also allowed for the removal of the mountaintop, if the operator could demonstrate that the land would be left in a "socially more acceptable condition." He quoted Harry Caudill's statement on the matter.

Everybody knows that level land is socially more acceptable than mountain land. They'll take the top off every mountain around here. They will go on and on until everything has been leveled into a mass of boulders and mud and gravel that won't support a single thing for the next thousand years. You won't be able to tell Eastern Kentucky and West Virginia from those pictures of the moon we've been seeing in recent years.⁹³

Caudill was also prescient in his prediction that the coal companies would use the material removed from the mountain top to fill in the next hollow so they could get at the coal seam by seam, using each successive layer to fill another hollow. In modern strip mining terms this is referred to as hollow fill and has been responsible not only for the removal of more than 500 mountaintops, but for the destruction of thousands of miles of streams as well. Politicians, land developers, and coal company executives took up the cry for flat land and any idea of developing land to the contour of the hillsides was dropped in favor of the long-held desire for level ground.

The Mountain Eagle pointed to mountaintop removal that had been done under TVA contracts in Breathitt County by Falcon Coal for the past several years, and stated that Breathitt County was well on its way to becoming a total wasteland. The newfound ability to totally remove the mountaintop to get at all the coal would "beyond doubt convince any and all strippers that this was the best of all possible worlds." The amendment had been attached by West

⁹³ "New strip mine bill 'disaster'," *The Mountain Eagle*, October 18, 1973, 1.

Virginia Senator Jennings Randolph "for the special benefit of Cannelton Coal Company," and Gish mentioned Randolph's "perfect record of putting the interests of coal operators ahead of the interests of the people of West Virginia." He expressed his hope that the bill produced by the House of Representatives would feature a better alternative and that perhaps Senator Randolph could be "hogtied" during the debate over the conference version of the legislation. Barring that, he wrote, maybe President Nixon would veto the bill in order to save the land from being destroyed by legislation that had been originally drafted to save it.⁹⁴

The Mountain Eagle's coverage of the senate bill reflected Gish's realization that there would be no salvation for the mountains of Central Appalachia, and that the possibility strip mining would be banned or even regulated in a way that would prevent the worst practices of the coal operators was now unlikely. When the bills from both houses of Congress went into committee, staffers from both bodies predicted a tough bill that would make it difficult to mine on steep slopes, but both bills also allowed for mountaintop removal. The Senate Bill exempted mountaintop removal mining from the requirement to re-grade strip mined land to the original contour and the House bill introduced Jennings' language to allow for expanded mountaintop mining, by providing an exemption from returning the land to its original contour by stating that "variances can be given for industrial, commercial, residential, agricultural, or recreational post mining uses."⁹⁵

As the struggle to reconcile the differing versions of strip mine regulation bills played out between the House and Senate for most of 1974, the debate was heavily influenced by the OPEC Oil embargo. When the Middle Eastern oil producing countries began to use oil as a weapon

⁹⁴ "Mountaintopping," *The Mountain Eagle*, October 24, 1973, 2.

⁹⁵ Wendell Cochran, "Work will resume on strip mine bill," *The Mountain Eagle*, September 12, 1974, 1.

against the western nations to retaliate for U.S. support of Israel during the Yom Kippur War of 1973, gas lines and shortages of heating oil created panic in the United States. The coal industry presented its product as the logical solution to the energy crisis, with calls for turning coal into liquid fuel and for coal gasification. Legislators were hesitant to be seen as doing anything that might prolong or deepen the energy crisis, and President Gerald Ford refused to take any action that would limit coal production. By the end of 1974, the United States was moving toward a more heavily coal based energy policy, and when the House and Senate finally presented a strip mine regulation bill late in the congressional session, Ford allowed it to die through a pocket veto. At the same time, the flaws in the bill had become apparent, and nothing was so glaring as the introduction of federally approved mountaintop removal mining. Although MTR was already taking place in Kentucky, Virginia, and West Virginia, it was limited and was being practiced as a way that was designed to "improve" the economic picture by creating flat land for industrial sites. The congressional version greatly broadened the scope of mountaintop removal and *The Mountain Eagle*, along with Harry Caudill and others, called attention to its flaws and railed against the inclusion of MTR, but the legislation was unchanged.

When a second strip mine bill came out of committee and was presented to Ford, he vetoed it and the veto was sustained by a divided congress. It became apparent that as long as Ford held the veto pen, he would strike down any bill that placed any real regulation on strip mining. This became further evident when Ford presented his own bill, which was so mild it was considered dead on arrival. Adding to Ford's opposition, a coalition of coal state congressmen continued to introduce language that would not only permit mountaintop removal, but weaken other important provisions in the legislation including the removal of highwalls. Although both

of Kentucky's senators, Wendell Ford and Walter "Dee" Huddleston initially voted for the legislation that was re-introduced by the Senate in March, several of Kentucky's Representatives were pro strip mining and deeply allied with the state's coal industry. Both Tim Lee Carter (R-5th) and Carroll Hubbard (D-1st) switched votes and opposed the final version of the combined House/Senate Bill. In April, Hubbard promised strip mine operators, workers and truckers who protested the bill that he would support their cause by switching his vote and Carter switched as well. Representative Marion Gene Snyder (R-4th) opposed both the House bill and the final bill when it came out of committee, and although it was passed by the joint committee, Ford again vetoed the legislation.⁹⁶

Between 1970 and 1978, strip mines outproduced underground mines in Kentucky by a total of 788,518,275 million tons in strip mine production to 710,328,566.⁹⁷ It had become obvious that while federal regulation of strip mining would probably become law, it would not be enough to stop the practice and would probably usher in an era of mountaintop mining that would dwarf the damage caused by auger mining and pit striping. Putting the protection of the people and mountains of eastern Kentucky in the hands of federal legislators had been a vain hope, but one other avenue was still open, although it was already losing ground in court decisions and had been struck down in several previous attempts. In early 1975, an editorial appeared in *The Mountain Eagle* calling for people to write their legislators in an effort to kill the broad form deed. In grudging acceptance that legislation had not been effective, it called for "an outright ban on Appalachian strip mining without written consent from the surface owner." The

⁹⁶ Beverly Deepe, "Reps. oppose final strip mine bill," *The Mountain Eagle*, May 22, 1975, B6.

⁹⁷ "Coal Production Search Results, 1970 – 1980," Kentucky Geological Survey, University of Kentucky, Lexington http://kgs.uky.edu/kgsweb/DataSearching/Coal/Production/prodresults.asp?areatype=all_prod&placeAmt=multiple&county_list=total&year_county=year&yearlmt=between&year2=1970&year3=1980.

editorial did not offer much hope for a result, but it called other legislative efforts to control strip mining ineffectual and an attempt by congress to defraud the American people by pretending to control strip mining.⁹⁸

Following the election of Jimmy Carter in 1976, proponents of federal strip mine regulation felt certain that new legislation would be signed into law early in the Carter Administration. However, their hopes were derailed when a bill introduced by Morris Udall, (D Utah) that was very similar to the one that had been killed by Gerald Ford's veto the previous year, was held up by further controversy. An unnamed member of the House Interior Committee told reporters that while industry representatives continued to maintain that state regulation was adequate, the holdup came from environmental lobbyists, "Swarming all over the Hill in an intensive lobbying campaign," who sought "an orderly phase out of strip mining." The environmentalists referred to Udall's bill as a watered-down version of two previous bills that had been vetoed by Ford and sought stronger legislation. One of Udall's aides told reporters, ""Congressmen have to face realities. Attempts to prohibit strip mining have never gotten far in the House."⁹⁹

Just two weeks later, Udall and Interior Secretary Cecil Andros accompanied Kentucky Governor Julian Carroll and Kentucky "environmental chief" Robert Bell on a helicopter tour of Kentucky mines in which Bell "successfully lobbied for mountaintop removal, but failed to convince Andros and Udall that naked highwalls should be allowed on reclaimed strip mines." Andros told reporters the President favored the more moderate approach to regulating strip mining that was being discussed by the House Interior Committee, which was designed to reduce

⁹⁸ "Kill broadform deed," *The Mountain Eagle*, March 13, 1975, 2.

⁹⁹ Geoffrey O'Gara, "Strip mine bill faces opposition," *The Mountain Eagle*, January 27, 1977, 3.

the administrative burden on small operators. Carroll said he favored mountaintop removal because the mountains needed all the flat land they could get and the process would create land that could be used in the future. Udall said he thought the bill would allow the practice. "We just ask that they have a good usable piece of land when they're done." Both Udall and Andros remained adamant in opposing large highwalls on reclaimed strip mines. The tour group later met with coal operator L.D. Gorman in Hazard.¹⁰⁰

Severe flooding hit the mountains of eastern Kentucky in April 1977, that left much of Pike County under water and isolated, with buildings in downtown Pikeville flooded well into the second story and house trailers over 60 feet long floating down the Big Sandy River, with some making it as far as Prestonsburg. The City of Pikeville was closed by the National Guard for over a week and millions of dollars in damages were reported, including a Pikeville boat dealer left with several of his speedboats stranded on the second level of the road cut for the newly revamped US 23 that was also part of a long-term flood control project for the city. As state and federal agencies began to examine the causes of the massive flooding, the National Weather Service found that while heavy rainfall was a major factor, they also found a much higher level of siltation in the Tug fork of the Big Sandy, which they attributed to "some source upstream." The Kentucky Department of Natural Resource and Environmental Protection attempted to look at "flood causes other than rainfall" and expressed a willingness to consider changes in land use patterns in the region to examine if they had contributed to "increased runoff or increased river levels."¹⁰¹

¹⁰⁰ "Mountain top removal may be okayed," *The Mountain Eagle*, February 10, 1977, 9.

¹⁰¹ Anne MacKinnon, "Agencies seek flood causes," *The Mountain Eagle*, April 21, 1977, 1.

The coal industry struck back against newspapers that made too much of a case linking the industry and the flooding and a demonstration of what *The Mountain Eagle* referred to as "Hitler tactics" came after James Lee Crawford, editor of *The Corbin Times-Tribune* wrote a column in which he said strip mining had opened up the Cumberland River to flooding. Following the article's release, Crawford was forced to resign as a member of the Corbin City Recreation Commission, after David O. Smith went before the Corbin City Commission and read a statement attacking the editorial and a subsequent report on area strip mines, and demanded his resignation from the board. Smith was Vice President of the Kentucky/Tennessee Coal Operators Association, and the action against Crawford came less than three years after the offices of *The Mountain Eagle* were torched.

It all has a frightening sound to us here at *The Mountain Eagle*, for we recall all too clearly that public threats to burn down *The Mountain Eagle* were voiced at a Letcher County Courthouse meeting a short time before *The Eagle* did, in fact, fall victim to arson.

The Coalfield Progress of Norton, Virginia had also been the victim of an economic boycott orchestrated by Wise County Virginia coal operators. *The Mountain Eagle* editorial concluded that it was a tragic situation at a time when the coal mining areas of West Virginia, Virginia, and Kentucky had suffered the greatest flood damage in history as a result of strip mining, but "no public discussion of strip mining and the damages it causes is permitted." The three newspapers that were attacked by the industry were among the oldest and largest in the mountains. "When they can be burned out and pushed around with total impunity, why indeed dare to exercise freedom of speech?"¹⁰²

¹⁰² "No tolerance for dissent," *The Mountain Eagle*, April 28, 1977, 2.

The House of Representatives and U.S. Senate finally passed the joint committee version of the Strip Mine Bill in July 1977. The compromise bill "allowed Appalachian strip mine operators to change the shape of the mountains" through the authorization of mountaintop removal mining. It also exempted mines producing less than 100,000 tons of coal per year from federal reclamation laws for 18 months. Kentucky Senator Wendell Ford had inserted language in the Senate version that would allow operators to leave highwalls on reclaimed land, but Representative Morris Udall had refused to back down on the highwall language and Ford countered by saying that Appalachia had two things, "coal and people, and they need flat land." The subsequent compromise was modeled on language inserted by Senator Jennings Randolph that would allow operators to leave a bench if they returned as much "spoil" as possible, covered the highwall completely, and presented plans for useful development of the bench. At Ford's suggestion language was inserted that the land should be used for public works and private, industrial, or commercial uses.¹⁰³

President Carter signed the final version of the Surface Mining Reclamation and Control Act on August 2, 1977 at a Rose Garden Ceremony attended by a number of anti-strip mine activists, including Joe Begley and Harry Caudill, although representatives of the Appalachian Coalition and West Virginia's Save Our Mountains refused the invitation, saying the bill simply created an illusion of unified support from the environmental movement. The bill had taken over five years to make its way through Congress and survived two vetoes by President Gerald Ford and many Appalachian legislators expressed the belief that it was the best they could hope for. The final bill did not satisfy strip mine opponents and many said it actually weakened regulation of the industry. "In some states it will weaken standards," said Don Askins of the Appalachian

¹⁰³ "Compromise strip mine bill approved," *The Mountain Eagle*, July 7, 1977, 12.

Coalition. It takes priority over state laws." That was true because in some states existing state law placed stronger restrictions on strip mining than the federal bill. The legislation had been pared down through the long legislative process in order to satisfy "industry supporters in and out of Congress, and unfavorable rulings in state supreme courts." Aside from allowing mountaintop removal, many of the activists said the most objectionable aspect of the bill was that it required compliance from operators producing over 100,000 tons per month within nine months of its passage, but allowed those producing less than 100,000 tons until 1979 to meet the standards, which meant that less than 15 percent of strip miners nationally would be affected by the federal bill for its first two years.¹⁰⁴

The bill ushered in large scale mountaintop removal, which topped most strip mining opponents' lists of complaints. Congressional supporters of the coal industry like Senator Wendell Ford of Kentucky and Jennings Randolph of West Virginia had done a workman's job of selling other legislators on the idea that the mountaineers needed usable flat land if they were to join the 20th Century and participate in the prosperity that was even then starting to fade in Post-World War II America. A number of protesters from Tennessee, Kentucky, and West Virginia came to Washington to ask Carter to veto the bill, even though they knew he would refuse. James Hanna of West Virginia told reporters that most mountain people "like our mountains the way they are." Hanna referred to mountain life as very special and said if he wanted flat land he would "move to Kansas." The bill also pitted a number of environmental organizations, including Save Our Cumberland Mountains, against the highly respected Environmental Policy Center, which had lobbied for the very organizations that now found

¹⁰⁴ "Carter signs bill," *The Mountain Eagle*, August 4, 1977, 1.

themselves at odds with the federal EPC. John Doyle of the Appalachian Coalition said the EPC had lost its way during the long struggle to pass the legislation, and had drifted away from the realities faced by the people who were directly affected by strip mining." A big strip job down along the Potomac would open a few eyes around here." EPC lobbyist John McCormack was one of the most influential lobbyists during the bill's movement through Congress, and he acknowledged that there were areas that disappointed environmentalists, but he also pointed to the realities that existed in Washington, saying they had gotten about as good a deal as could be expected.¹⁰⁵

Mountaintop removal has had wide-ranging and generally negative effects on the mountainous areas of Central Appalachia since the 1977 act was signed into law. A 2011 article that appeared in "The Proceedings of the National Academy of Sciences" stated that "based on complete utilization of fill permits issued between 1992 and 2002, the EPA estimated that 1,944 km of headwater streams were buried during this period and predicted that the extent of buried stream length will double to almost 4,000 km by 2012. This fundamental change in the topography and morphology of the watershed has important consequences for the water quality of downstream ecosystems," and that MTR exposed previously buried toxins and introduced them to watersheds.¹⁰⁶

The Natural Resources Defense Council reported that forests in southern Appalachia are among the most biologically diverse temperate deciduous forests in the world, and that

¹⁰⁵ Geoffrey O'Gara, "New Strip Mine Bill Leaves Mountain People Unhappy," Capitol Hill News Service, reprinted in *The Mountain Eagle*, August 14, 1977, 3.

¹⁰⁶ Ty Lindberga, Emily Bernhard, Raven Bierb, A/M, Helton, R. Brittany Merolaa, Avner Vengosha, and Richard T. Di Giulioa, "Cumulative impacts of mountaintop mining on an Appalachian watershed," 1, at: <https://www.researchgate.net/publication/51870520>.

mountaintop removal is destroying them at an alarming rate. The EPA estimates that using 2011 rates of MTR, the total forest loss by 2012 would be 1,408,372 acres (2,200 square miles). This loss would prevent the sequestration of 3.14 million tons of carbon dioxide annually¹⁰⁷

In a valedictory 1977 interview with *The Mountain Eagle*, Harry Caudill predicted the demise of the eastern Kentucky coal industry, even if mountaintop removal became the norm and predicted that even eastern Kentucky power plants would eventually be burning coal mined in Montana. He told the newspaper that the coal industry had been "pole-axed" in the early days of the Cold war by the "rapid opening up of the Arabian oilfields," and predicted "Don't be surprised if they carry coal to Newcastle," in the form of coal mined in the American west. Caudill said that regardless of the need for coal, the only thing that would prevent the westernization of the coal industry was the cost of transporting coal. He referred to a deposition he had from a mining engineer stating that in much of the land he had surveyed, 81 percent of the coal was "locked up" in the mountains and the only way it could be retrieved was "to take the whole top of the mountain off."

If the problem of transportation can be solved, that (western) coal can go to market everywhere cheaper than it can be produced in Appalachian mines, because we have foolishly, greedily, and short sightedly gouged out and wasted a tremendous lot of our coal and what is left is hard to get to.¹⁰⁸

Caudill blamed most of eastern Kentucky's problems on politics, when he told *The Eagle* that the problems of the Appalachian Mountains were political in nature and related to the land and resources. "We have never developed a sound political system or effective political institutions and that's the reason that just a few years ago, 20 percent of our adult population

¹⁰⁷ Rob Perk, "Appalachian Heartbreak, Time to End Mountaintop Removal," <https://www.nrdc.org/land/appalachian/files/appalachian.pdf>, 2.

¹⁰⁸ "Interview with Harry Caudill," *The Mountain Eagle*, February 3, 1977, 11.

couldn't even read their names." He also blamed the social welfare solutions of the War on Poverty, which he called "the most striking example of governmental and societal failure that I ever heard of."¹⁰⁹

With the passage of the Surface Mining Reclamation and Control Act, *The Mountain Eagle* stood at the end of almost 20 years of editorializing, reporting, and taking a stand against the most powerful industry in Kentucky and saw a final product that satisfied few people on either side of the issue. Tom Gish got the regulation on strip mining he had sought for so long, but the provisions that allowed for mountaintop removal mining must have soured the moment for him and many others who had hoped that federal regulation of strip mining would limit it to the point that it would eventually cease to exist on the steep slopes on eastern Kentucky. Now, those slopes would simply cease to exist. For the remainder of 1977, there were no more editorials and only a few articles concerning strip mining. Some who were close to Gish have indicated that once he saw that the mountains were sufficiently damaged to disallow the possibility of developing a Smokey Mountain type of tourism industry, he moved on to other issues, but his son Ben Gish said it was just as likely that after realizing the goal he had sought for regulation, he felt he had done all he could toward limiting the damage strip mining had done in Letcher County.

Even though Gish and Caudill were willing to admit that the coal industry had won the battle over strip mine regulation, there were other issues to address at the local and state level. Overweight coal trucks and related issues did extensive damage to state and county roads in eastern Kentucky, and the dust from coal trucks running on the "haul roads" caused health

¹⁰⁹ Ibid, 22.

problems for residents living nearby. Speeding coal trucks also endangered the lives of residents who were forced to share the narrow, poorly maintained, and winding roads with tractor trailers hauling as much as 70 tons of coal. *The Mountain Eagle* had already addressed the issue, and some regulation had been passed in the state legislature. But as coal operators and truckers vowed to flaunt the law and Letcher County officials swore that they would not enforce state weight regulations, things heated up considerably in the summer of 1974. Threats to Gish and the newspaper came from operators, truckers, and county officials, and in August, the offices of *The Mountain Eagle* were fire-bombed. Although a former Whitesburg City Police officer was charged with arson, Tom Gish later said the fire was directly related to the coal operators and truckers.¹¹⁰

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¹¹⁰ Tom and Pat Gish, 1995 interview by Mimi Pickering and Maxine Kinney at the Gish Home, Tape 2, located at Appalshop in Whitesburg, Kentucky.

Chapter Six

The 1970s were climactic in many ways for *The Mountain Eagle*. The courthouse elites and the coal industry, along with their supporters, had come to see the newspaper and the Gishes as the enemy, standing in opposition to their control of Letcher County, and they marshaled their forces against them. Not only did the newspaper suffer continued boycotts of advertising and sales, there also new attempts to decertify it as the county's newspaper of record, even though *The Mountain Eagle's* circulation dwarfed that of its nearest rival. In 1974, the newspaper office was the subject of a fire bomb attack, and *Mountain Eagle* reporters were harassed by coal operators, truckers, and the Kentucky State Police. At the same time, the family was shunned, and many of the citizens of Whitesburg turned their backs on them in their time of greatest need. Yet, both the family and the newspaper survived, and by surviving and making their stand, they prospered.

In the summer of 1970, after years of stress, overwork, and a four pack a day cigarette habit, Tom Gish suffered a serious heart attack. He was hospitalized for several weeks and his recovery was slow and unsatisfactory, so in January of 1972, very near the fifteenth anniversary of purchasing the newspaper, Gish underwent open heart surgery at the University of Kentucky's Chandler Medical Center. Open heart surgery was relatively new at the time and Gish was one of the first patients to undergo the procedure at the UK hospital. The entire illness and surgery was characteristically underplayed by the family and the paper, with a short mention in January saying it was a “pretty dismal” way to celebrate the anniversary, but adding that Gish was recovering. Pat Gish reported that he was feeling restless.¹

¹ Editor's Report, "THE EAGLE EYE," *The Mountain Eagle*, January 6, 1972, 2.

The 1960s had proven to be one of the most tumultuous decades in American history and the events that had rocked the nation had been felt in Letcher County as well. The War on Poverty had raised the standard of living for thousands of poor people in Central Appalachia and its effects rippled through Letcher County. Children were being fed at school, subsidized repairs by federal housing programs had made houses more inhabitable and built houses for thousands of families. The influx of federal programs also brought scrutiny and oversight to the halls of power. The county elites had managed to co-opt many of the federal programs to at least partly serve their own needs, but the heavy-handed control that had existed before the coming of the federal programs had become more subtle. Due largely to the dramatic increase of strip mining, Kentucky had become the world's fourth or fifth largest coal producer by 1980, depending on mine strikes in Poland.² State legislators who had abased themselves before tobacco and other agriculture interests were by then almost totally owned by the coal industry. The 1977 Federal Strip Mining Act that was signed into law by President Jimmy Carter contained a clause that called for states to pass their own reclamation acts and with television cameras recording the session, one after another Kentucky legislators debated the act, "posturing and ranting in what was supposed to be a debate," to show their masters in the industry how much they hated it, while at the same time bowing before the necessity of passing their own regulations, "because otherwise the hated 'feds' would have patrolled the hilltops to see what was being accomplished."³

Around the same time, in the wake of the painful oil boycotts and gasoline price hikes, national energy policy once again turned to coal. When West Virginia Governor Jay Rockefeller

² Harry Caudill, *Theirs Be The Power: The Moguls of Eastern Kentucky*, (University of Illinois Press, Urbana and Chicago, 1983), 136.

³ Ibid, 137.

was named to chair both the President's Commission on Coal and the White House Conference on Balanced National Growth and Economic Development, it became evident that while there were still serious environmental problems that resulted from the mining of coal and especially with strip mining, these factors would be offset by the goal of energy independence.

Acknowledging that there would be "environmental trade-offs, Rockefeller offered the possibility that Appalachian coal mines could add another 100 million tons per year in coal production, which could now be mined and burned in an environmentally responsible manner, thanks to state and federal regulations.⁴

The national angst over the War in Vietnam had been felt in Letcher County too, and hundreds of returning servicemen brought back all the experiences they had endured while serving in the conflict. The deference shown to the county elites was starting to slip and problems that had once seemed to be almost foreign were beginning to show up throughout the region. College students who had experienced the shock wave of the 1960s brought their attitudes home to Letcher County. The Civil Rights Movement had touched the county too, and the previously segregated schools in Jenkins and the county were integrated, while government sanctioned integration became the law in public life as well. Although the overall population of African-Americans in Letcher County was well under the state average of about three percent, Jenkins and Fleming Neon had significantly larger African American populations than the rest of the county.

As Central Appalachia was drawn inexorably into the modernity that the rest of the country had enjoyed since the end of World War II, a number of the changes ushered in by the

⁴ Ron Eller, *Uneven Ground: Appalachia Since 1945*, (The University Press of Kentucky, Lexington Kentucky, 2008), 197.

regulatory laws passed in the late 1960s caused a good deal of frustration and anger in the halls of power. The coal industry in particular had already begun to chafe under the 1969 Coal Mine Health and Safety act, which they had vociferously opposed, and it had become inevitable that state regulation of strip mining would give way to federal regulation at some point in the coming decade. These were both issues *The Mountain Eagle* had advocated for and the industry had never appreciated interference of any kind in its affairs.

The Mountain Eagle had also been a consistent voice of opposition to the war in Vietnam, as President Johnson's expansion of the U.S. involvement in Vietnam led to the deployment of thousands of young Americans, and escalation and the exorbitant cost of the war sucked the life out of the War on Poverty and programs established to alleviate poverty in eastern Kentucky. The paper criticized Johnson's handling of the war and after 1969, it continued to carry articles and guest editorials criticizing Richard Nixon and Henry Kissinger as well. By the time Nixon resigned in disgrace, Tom Gish had become one of his most vocal critics.

Patriotism has always been strong in Central Appalachia. During World War II, most draft boards in the region were kept busy with regulating the flow of volunteers to the nation's military forces rather than having to beat the bushes to provide men for the draft. The patriotic feelings of the region run deep and can be traced back to the American Revolution. The American Legion inspired "my country right or wrong" jingoism that arose during the Red Scare following World War I had taken root in eastern Kentucky too, and Gish's criticism of the Vietnam War created a significant backlash among right wingers and the service clubs. The already heated opposition from the coal operators and the county elites was joined by those who felt Gish went too far in his criticism of the war, and new voices were added to those accusing

the paper of harboring communists and radicals in the guise of the young reporters who had begun to flock to *The Eagle* to experience the tutelage of a master reporter in Pat Gish.

Strip mining had never been the only coal related issue upon which the paper focused, and coal mine safety and health issues were very important to Tom Gish. He said on many occasions that as the son of a coal miner, it was the least he could do to use his editorial skill and the power of the paper to try to improve working conditions for coal miners, and *The Mountain Eagle* was one of the leading coalfield advocates for safety and health regulation in the industry. The paper also became the "local source" of reporting during several of the worst coal mine disasters in American history and many members of the U.S. Congress used *Mountain Eagle* articles as templates for drafting the legislation that created mine safety laws.⁵

When a coal dust explosion on December 30, 1970 at the interconnected Number 15 and 16 mines of the Finley Mining Company in nearby Hyden, Kentucky, killed 38 miners, *The Mountain Eagle* led the way with its coverage of the disaster. Reporter Phil Primack continually monitored the rescue attempt and reported that the death of 38 men under a mountain five miles from Hyden had marked the first anniversary of the 1969 Federal Coal Mine Health and Safety Act. Hopes for survivors were dampened as the first real blizzard of winter swept down on the mountains east of Hyden.⁶

In an accompanying article, Tom Bethel reported that the new mine safety law had not been obeyed by officials at the Finley Mining Company and the Federal Bureau of Mines had been lax in enforcing it. At a hearing held one week after the explosion, Kentucky Senator John Sherman Cooper laid the blame on a dearth of trained inspectors and said the explosion showed

⁵ Tom and Pat Gish, August 1995 Interviewed by Mimi Pickering and Maxine Kenney, at the Gish home in Thornton, KY, Tape 2, located at Appalshop.

⁶ Phil Primack, "Grim expectations confirmed," *The Mountain Eagle*, January 7, 1971, 1.

the "necessity of employing and training sufficient inspectors." Bureau of Mines Director Elbert Osborne countered by saying there could be no real enforcement until working miners received more safety training. Bethel wrote that both points of view were valid and had been expressed two years before when 76 men had died at an explosion at the Farmington Mine in West Virginia. Bethel added that the record of the Finley Mine had been written well before the disaster struck. The explosion had little to do with enforcement or education and everything to do with the knowing operation of an unsafe mine by Finley Coal, which had been cited several times in the six-month period prior to the explosion and had done nothing to change the conditions. In fact, two near fatal accidents occurred at the mines before the big explosion. Bureau of Mines Inspector C.E. Hyde had visited Mine 15 and 16 in June and found that Charles and Stanley Finley were operating the mines with ungrounded electrical equipment and inadequate dust control. Hyde's report also indicated that there was evidence that the miners had been smoking underground, and the operators had not furnished "Self Rescuers," breathing devices to allow miners to escape from a smoke filled mine.

Dangerous accumulations of loose coal dust were evident in Hyde's inspection and rock dust, to hold the coal dust down and make it less volatile, was insufficiently applied. Subsequent inspections, including one that followed an explosion that blinded one man and deafened another, found that little effort had been made to alleviate the conditions mentioned in Hyde's report. Respirable dust in the mines was not being monitored either. By December 22, the Bureau inspectors had logged more than 35 violations at Mine 15 and 16. Yet other than a weekend closure, no further action was taken. The inspectors had then gone on Christmas vacation, even though mid-winter is a notoriously dangerous time for mine explosions due to higher levels of methane from increased moisture in mines.

But to blame the inspectors for the disaster is less than totally fair; it may be like blaming Lieutenant Calley for the My Lai massacre, when in effect the argument could be made that he was only carrying out orders to "Search and Destroy." No one had told the Bureau of Mines Inspectors to get tough on unsafe mines....Whatever else it proved, after the Hyden explosion, the evidence was convincing that the mine disaster in West Virginia in 1968 had not been enough to shake the complacency of men in high positions of national power. The question mark that hung over Hyden this week was whether two disasters would be enough.⁷

An editorial in the same issue called small truck mining a "poverty industry," and said that the smaller mines were inherently unsafe and were more often avenues to poverty for owner/operators than a means of attaining wealth. But it also stated that the mines were necessary to the region's lifeline. "It is hard for eastern Kentucky to live with these mines, but it is probably true that the area couldn't live without them." The recent fuel shortage had created an increased demand for coal and resulted in a boom for small truck mines and local merchants had called 1970 "the best business year they had ever had. So we hope the small mines won't be put out of business. Eastern Kentucky simply couldn't live without them." It went on to call for "an atmosphere of maximum safety" but also stated that the truck mine operators were not without blame, since they had mined coal profitably in 1969 for \$3.50 a ton and were selling the same coal for as much as \$14.00 per ton when the Finley Explosion occurred, and yet they hadn't invested in new safety measures. Miners' wages hadn't increased noticeably, although some of the more conscientious operators had done those things. Most had "simply raked in fantastic profits."

Gish described the mining industry as "an 18th Century operation, little touched by the scientific advances of the 19th, to say nothing of the 20th Century." Almost nothing had been spent, he added, on basic research for safety or newer mining techniques. Most coal miners were

⁷ Tom Bethel, "Law not enforced," *The Mountain Eagle*, January 7, 1971, 1.

still housed in company owned shacks and poorly paid, with little improvement to their hardscrabble lives. And yet, he also wrote that eastern Kentucky had few other jobs to offer, and the size of an operation had little to do with the safety record, and the small operators had to live with their victims while the corporate giants enjoyed the benefits of absentee ownership. But the small mines were vital to the Appalachian region and Gish called for bold thinking on the part of federal officials. If the small operators could not afford to operate under higher standards, the implementation of measures such as grants, small business loans and other measures were necessary to bring them up to date and allow for the best safety technology available. "if the federal treasury can bail out the Penn Central Railroad," Gish chided, "...why not help the coal industry."⁸

The fears Gish expressed for the small operators were not totally unfounded. A number of small mines had gone out of business following the passage of first Federal Coal Mine Safety Act in 1952, a fairly innocuous piece of legislation which provided for annual safety inspections of mines employing more than 14 workers and gave inspectors the ability to close mines if an inspection revealed the imminent danger of a fire, inundations, or explosion. The act instituted a number of safety regulations and imposed penalties on mines that violated them.⁹ It was true that during this time, a number of smaller mines were put out of business, primarily by drastically reduced prices for coal, particularly those paid by TVA. UMWA President John L. Lewis' insistence that they agree to contract terms that were deemed unaffordable, as in the case of Southeast Coal, was also very damaging to the smaller mines, but mechanization was the major reason for the loss of many coal mining jobs, along with the smaller operators' financial inability

⁸ "Safety help needed," *The Mountain Eagle*, January 7, 1971, 2.

⁹ "History of Mine Safety and Health Legislation," United States Department of Labor, Mine Safety and Health Administration, website: <http://www.msha.gov/MSHAINFO/MSHAINFO2.HTM>.

to compete on the scale of mining introduced by the continuous miner and shuttle cars. Lewis had, for many years, insisted that there were too many mines, and that coal should be mined by machines and he believed the miners who lost their jobs through mechanization would be easily absorbed into other industries. Bitter strikes had combined with the use of oil to lessen the national reliance on coal to a degree, and the larger operators had come to realize that if they were to keep any remnant of the traditional market, they would have to avoid future work stoppages. However, miners insisted on enforcing their motto, "no contract, no work," and the union continued to win strikes and humble the operators until they organized themselves into an efficient mechanized industry that relied less on human labor and more on mechanical power. Picks and shovels, hand drills, and other labor-intensive methods were supplanted by cutting machines, shuttle cars and coal loaders, and by 1947, hand tools were obsolete. As the big mining companies were forced to mechanize their operations in order to compete, the smaller ones failed and closed.¹⁰

For several weeks following the disaster, much of newspaper's space was dedicated to the Finley Mine explosions and the repercussions of the disaster. When a report was issued in February 1971 by the Bureau of Mines, the paper criticized it as too weak and timid in its scope, citing a report by Fred Sinclair of *The Courier Journal* stating that Undersecretary Fred J. Russell of the United States Department of the Interior had taken the Bureau's original statement and "eliminated every section of strength." *The Mountain Eagle* went on to say that Russell had been the target of several investigations because he was seen as being too lenient toward the industry and printed the sections he had redacted from the report. Among those that were removed were statements saying that the Bureau would collect at least \$77,000 in fines and that

¹⁰ Harry Caudill, *Night Comes to the Cumberlands A Biography of a Depressed Area*, (Little, Brown and Company, Boston, 1963), 260.

many lives would have not been lost if Finley Mining had followed the law in its rock dusting activity. The original statement also indicated that a stricter rock dusting plan would be implemented. However, a "vague suggestion" that criminal charges might be pursued against the Finley brothers for their negligence was all that remained in the report. The document also revealed that five of the dead men had survived the initial explosion but had died from lack of oxygen. None of the men had been furnished with self-rescuers, which were required by federal law and could have saved their lives by scrubbing the smoke and allowing them to walk out.

A separate report issued by the Coal Miners Defense Fund, lawyers who offered free legal aid to the miners' families, contained an article by *Eagle* reporter Tom Bethell titled, "The Hurricane Creek Massacre." The report was included as an appendage to the U.S. Bureau of Mines Report and charged that the 38 miners were victims of institutional manslaughter. It blamed Finley as well as a "complacent federal bureaucracy," extending the blame to the highest levels of the federal government and charging that government officials had refused to serve the best interests of the people. The CMDF report accused Finley Mining of using illegal explosives and refusing to keep them under lock and key, another violation of federal law. It also called a report by the Kentucky Department of Mines and Minerals absolving the company of blame and placing blame on the employees, "wholly inadequate, inaccurate, and deceptive," and accused Charles Finley of contributing to the deaths of the five men who had died from lack of oxygen because he had refused to supply self-rescuers. The report noted the state had refused to investigate a fatal accident several weeks prior to the explosion at Finley and suggested that state mine inspectors had been of no practical value to the miners or operators. Bethel's report also called a public hearing on the explosion held in Hyden in January an astonishing display of incompetence on the part of the bureau and said that due to the ineffectiveness of MESA and the

Bureau, as well as a lack of oversight by the White House, President Nixon "...bears a large responsibility for the disaster....There is blood on his hands."¹¹

In March 1971, the Labor Subcommittee of the United States House of Representatives held a week-long hearing in March on the disaster, beginning in Washington and culminating in Hazard with testimony from widows and the sole survivor of the explosion. *The Mountain Eagle* covered it in detail, allowing the testimony to make their case for mine safety regulation. Phil Primack referred to the overall purpose of the hearings as being ""to gather an overview of the practices, or lack thereof, of the Bureau of Mines (BOM) in enforcing the much heralded 1969 Coal Mine Health and Safety Act." The tone of the hearings made it clear that many members felt that BOM and the Department of Interior shared a good deal of the responsibility for the conditions that led to the explosion. The first days of the hearings focused on "bureaucratic bumbling and alleged inspector ineptness," and MESA Inspector Gordon Couch, who had lost three relatives in the explosion, made it clear he felt he was being used as a scapegoat. "This is a low blow to us. We done everything we could with that mine, short of kill the operator. We don't get credit for what we do, we get blamed for what isn't our fault." Couch and other inspectors had been accused of being lax on the mine but Couch claimed he was merely following MESA guidelines. Another inspector who was not named said he and others would be blamed no matter what the finding. BOM Director Henry Wheeler added that the tone of the hearings would have a damaging effect on morality within the Bureau, a suggestion which angered Kentucky 7th District Congressman Carl D. Perkins, who said he was disappointed with the BOM reaction.

¹¹ "No blame assessed by bureau," *The Mountain Eagle*, February 4, 1971, 1. (there was a misprint on the masthead of *The Mountain Eagle* on February 4, 1971, giving the date as February 4, 1979. It did not carry over into the body of the newspaper)

Perkins went on to say he felt there were people within the Bureau who did not want the act to work at all, adding that the members of congress on the committee did not wish to harm the industry but would do all they could to make certain the act worked. He also said that he would much prefer underground mining to continue rather than being replaced with strip mining and that he felt the Bureau to be well managed overall, "But from Mr. Wheeler, certain practices in your department and other high ranking (departments) have not met the expectations of Congress when it passed the act." The first witness called was former Finley employee Robert Combs who said he had a conversation with the man in charge of explosives, or "shot-firer," who indicated the use of (illegal) primer cord had been common at the Finley Mine, although co-owner Charles Finley had said it had not been in use. Combs also indicated that when he was employed at Finley, rock dusting was not conducted within 200 feet of the "boom hole," where the shot was to be fired.

A.T. Collins, the sole survivor, told the committee he had been standing about 20 feet inside the portal when the explosion took place and he was pushed at least 50 feet through the air by the pressure of the explosion, causing numerous injuries. Collins said he had found primer cord in the mine several weeks earlier and had asked Charles Finley if that wasn't dangerous, but Finley had ignored him. Another miner, Ernest Bolling, who worked a different shift than the one in which the explosion occurred, testified that it was his view that the mines needed qualified inspectors, "who can't be fired by the owner." According to Primack, the most revealing testimony came from the widows of the slain miners, many of whom stated that their husbands had complained about the lax safety procedures at the mine. Mrs. Lawrence Gray said her husband had told her they were shooting with illegal primer cord and 40 percent dynamite, which was also illegal. She said her husband worried so much about working in the unsafe conditions

he couldn't sleep at night. Another widow, Mrs. Daisy Young, said her husband had told her that Charles Finley stayed drunk all the time and Mrs. Pearl Phillips said her husband regularly took an extra pack of cigarettes to work so he could leave one on the outside for inspectors to see. Most of the widows said their husbands hadn't reported the unsafe conditions to authorities because they feared losing their jobs. The reports on the hearings that appeared in *The Mountain Eagle* not only made the poor safety record and unsafe practices of the Finley Mine available to the public, it also revealed the disregard the owners held for the men who worked for them. In his testimony, Charles Finley said he knew nothing about the presence of primer cord at the mine and said he had so much to do with 100 men working around the clock that it had been difficult for him to keep up with everything, but he always told the men to "be careful." Finley said his shift foremen had been responsible for the day to day operations but admitted he had made very little effort to see that the foremen or workers were familiar with the safety procedures mandated by the Mine Safety Act. He added that he had instructed the foremen to use only legal explosives and when asked why the illegal explosives were present, answered "That's what I would like to know. I'd like to know that myself."¹²

In June 1971, a Federal Grand Jury convened at the U.S. District court in Pikeville returned a formal accusation against Finely Coal, listing 24 charges. A 118-page report issued by the Subcommittee of the House Committee on Education and Labor placed the responsibility for the explosion on the mine owners, but did not charge them with criminal neglect because of the ongoing Grand Jury and Justice Department actions. However, the report also acknowledged that the Bureau of Mines "must bear a heavy responsibility for the Hyden tragedy" by stating that it was general knowledge that Finely Mining was operating in an unsafe manner and if the bureau

¹² Phil Primack, "Widows, mine owners, testify at hearing," *The Mountain Eagle*, March 8, 1971, 1.

officials could not properly analyze reports from inspectors from the mines "then the whole structure of federal coal mine health and safety enforcement becomes a farce."¹³

Finley Mining negotiated a plea agreement on the charges and accepted a fine with no jail time for either of the Finley brothers. While many people saw this as a miscarriage of justice in its own right, a number of coal operators were satisfied with the outcome of the case and more than a few truck mine operators thought the Finleys had suffered unduly from federal interference. The coal industry had never liked regulation and even though most mines in 1971 were making profits well beyond their wildest dreams of just three years before, most felt that those profits were their just desert and bitterly resented being forced to spend more money on safety and training. Just as Charles Finely had shown his indifference to safety and callously steered clear of the truth in his testimony at the congressional hearings in Hazard, many other small operators were still operating in the same 19th Century frame of mind of, "save the mule, we can always hire another man." And while some of the operators complained about the extra expenditures, others genuinely feared that they would not be able to survive if the boom tapered off and prices returned to their pre-boom levels. Few if any read the editorial in *The Mountain Eagle* calling for federal intervention and most felt that the newspaper was part of an enormous force aligned against them.

At the same time the coal industry was struggling to accommodate to the new mine safety act, the United Mine Workers was in the process of beginning a long collapse inward, spurred by corruption, a civil war in the ranks, and the near total loss of control of the rank and file. Jenkins was the last large union town in Letcher County and represented a stronghold of UMWA support

¹³ "Finley firm named in 24 count bill: House committee criticizes Bureau of Mines in Hyden coal disaster," *The Mountain Eagle*, June 24, 1971, 1.

in eastern Kentucky, although Lynch, Benham, and other parts of Harlan and Pike Counties were also strong union areas. *The Mountain Eagle* extended the same level of coverage to union affairs as it did to mine safety. When John L. Lewis resigned as UMWA president in 1960, he made a mistake common to many powerful men by choosing his own successor, and rather than scouring his ranks for a more capable leader for the union he had made into a national power, Lewis instead chose to bestow his blessing on his closest henchman, "Tough" Tony Boyle. Boyle was elected vice president of the UMWA in 1960 when Lewis Retired. Thomas Kennedy, the well-liked vice president at the time, assumed the presidency upon Lewis' retirement, but his health was already failing and Boyle assumed many of his duties as he continued to falter. Boyle was as tough and dictatorial in his use of power as John L. Lewis had been, but the UMWA was no longer the same union Lewis had been able to dominate, and Boyle was not the Great John L. In 1962, Kennedy became too ill to continue and Boyle was named acting president, and when Kennedy died in 1963 Boyle was elected president.¹⁴

Boyle came to Jenkins in 1962 to address a large UMWA Labor Day Rally and in his keynote speech, he attacked President Kennedy for his failure to address poverty in the coalfields, in spite of his campaign pledges. The rally was a large regional UMWA gathering, attended by over 20,000 union members. Boyle, who still held the office of Vice President at the time, took advantage of the occasion to cement his position as John L. Lewis' chosen successor and to highlight his political independence. He accused Kennedy of wasting billions of dollars in overseas projects while neglecting the needs of poor people in the coalfields and urged UMWA members to undertake a post card and letter writing campaign demanding that congress do something to relieve the plight of coal miners. He also charged the government with subsidizing

¹⁴ Thomas Kennedy, "UMW Head Dies, Boyle Takes Post," *The Evening Standard*, Uniontown, PA, January 21, 1963, 1.

American oil companies in the importation of foreign oil. "If President Kennedy wants to do something to help the coal industry, he will control imports of both residual oil and natural gas." He also railed against nuclear energy and called on the president and congress to provide unemployment insurance to any unemployed worker who was ready to work and unemployed through no fault of his own. The rally was the first major one in ten years and Jenkins, with its strong union roots and many Boyle supporters, was the ideal place to hold it. District and local officials hailed Boyle as the "Next successor to John L. Lewis."

Boyle presented Jenkins as one of the last strongholds of the UMW in a region where many union mines had been displaced by smaller non-union ones and he told the miners they must be willing to sacrifice and struggle if the union was to survive. He added that the union had "spearheaded much of the social legislation" of the New Deal and before, including workmen's compensation, unemployment insurance and child labor laws. A number of Kentucky notables spoke at the meeting, including several Democratic candidates such as Lt. Governor Wilson Wyatt, who was running for U.S. Senate, U.S. Congressman Carl D. Perkins, running for re-election, and Edward T. Breathitt, who was running for governor. Sitting Governor Bert Combs had planned to attend but was unable to be there and sent a telegram "expressing his best wishes to the union."¹⁵

Boyle's support ran strong in eastern Kentucky and one letter from Fred L. Arthur Sr. of Mayking seemed to tie *The Mountain Eagle's* support for Jock Yablonski to Communism and organized crime. "As you are for Yablonski and not for Tony Boyle for president of the United Mine Workers' Union, please be advised that Mr. Boyle does not want members of the Costa

¹⁵ "UMWA official accuses Kennedy: President has failed to keep campaign pledges to miners, Boyle charges," *The Mountain Eagle*, September 6, 1962, 1.

Nostra in the union and Mr. Richard Nixon doesn't want damn Communists." *The Eagle* replied that the newspaper had not taken a position on who should be president of the UMW.¹⁶

Just over a month after Boyle's visit, a front-page article in *The Mountain Eagle* announced that Josephine Roche, Director of the UMW Health and Welfare Fund, had announced that the Whitesburg UMW Hospital, along with nine other union hospitals would be sold because the union's objective of "making first rate medical care available from a large group of medical specialists to all people in Eastern Kentucky, West Virginia, and Virginia," had been accomplished. Following the announcement, roving bands of pickets composed of retired and unemployed miners moved through the Appalachian coalfields in an attempt to close down the small mines that refused to continue paying union royalties. Their actions resulted in roads being closed and numerous incidences of spontaneous violence, and Governor Combs was eventually forced to intervene. Closing the hospitals proved to be the tip of the iceberg, and as the UMW began to remove some widows, dependents, and retired miners from the "medical card," benefits, the roving pickets continued to travel through the coalfields to picket, but this time they were protesting actions by the UMW and picketing union mines as well as the non-union mines they believed had damaged the Health and Welfare fund by refusing to pay royalties.

When Boyle's attempt to gain the presidency of the UMW came under challenge, many coalfield papers stayed out of the fray, but as it had done in other issues, *The Mountain Eagle* took sides. This was initially done through reporting on ongoing instances of incompetence and the corruption that permeated the union, but as evidence of Boyle's complicity in the December 1969 murder of his rival Joseph "Jock" Yablosnki began to emerge, *Mountain Eagle* editorials demanded justice and denounced Boyle well. Boyle was just the kind of villain Tom Gish could

¹⁶ Fred L. Arthur Sr., Letters to the Editor "Against Yablonski," *The Mountain Eagle*, October 9, 1969, 2.

get his teeth into, a labor leader who cared more about his own interests than those of the coal miners Gish loved, and a corrupt bully who ruled through intimidation. Boyle was neither well liked nor trusted by many of the union rank and file either. Already many of the younger miners, particularly those in District 17, which included southern West Virginia and eastern Kentucky, were proving more difficult to control, and calling for more democracy and greater autonomy in their locals. Other rank and file miners felt that it took too long to settle grievances and Boyle was frequently accused of having too cozy a relationship with coal operators and not protecting the interests of union members. By this time, the Bituminous Coal Operators Association was the chief negotiating organ for most UMWA mining operations, and Boyle had a cozy relationship with the BCOA. Many rank and file workers increasingly saw him as a tool for the industry.

Joseph A. "Jock" Yablonski, International Board Member and president of District 5 in Pennsylvania, had clashed frequently with Boyle over the direction of the union and in 1965, Boyle enacted "reforms" that called for district leaders to be appointed rather than appointed, and removed Yablonski as president of District 5. In May 1969, Yablonski announced that he would seek the presidency of the UMWA.¹⁷

Yablonski and others accused Boyle of mismanaging the all-important UMWA Miners Health and Welfare Fund, which provided excellent insurance and retirement benefits for miners' families and served as a recruiting tool to entice non-union miners to join the UMWA. The "Union Card" at one time was the best health insurance that a member of any union could hope to have, paying for every medical expense for union members and their families, and providing regular benefits for disabled miners and survivor benefits for the widows and dependent children

¹⁷ Victoria Brittain, "The Murder of Joseph Yablonski," *The New Statesman*, January 30, 1969, 136.

of miners after they died. The union had also provided low interest student loans and other benefits for the children of union members, but the loss of union membership following the mechanization of the mines, as well as the further loss of union signatories due to the inability of many smaller mines to meet the payments in the 1950s and 1960s, had already severely depleted the fund's coffers before Boyle ever took office. Along with the loss of members, Boyle did a poor job of managing the fund, and benefit cuts became unavoidable. Boyle's administration was increasingly marked by various scandals and episodes of corruption and while working miners labored in dangerous conditions and faced the near certainty of contracting pneumoconiosis, or black lung, Boyle and his close henchmen lived in splendor and luxury and rarely bothered to visit the bleak coal towns of Central Appalachia. Perhaps this distinction more than any other made Boyle unpopular with the miners. His style of leadership was reminiscent of John L. Lewis' in that he brooked little dissent, but unlike Lewis, he didn't do the outreach necessary to bind the rank and file to his presidency. Yablonski ran as a reformer, calling Tony Boyle a dictator. He also accused him of collaborating with the coal operators, just as news stories revealed that the three top officials of the UMWA had an unpublicized \$1.5 million fund which would guarantee their retirement at full pay.¹⁸

Beth-Elkhorn and its contractors were the only UMWA operations left in Letcher County by the time of the Yablonski murder. A significant number of UMW pensioners and widows lived there and there was a long history of union activity associated with Letcher County coal companies. This included the dissolution of ties between South East Coal Company and the United Mine Workers in 1962 and the subsequent UMWA pickets and violence. *The Mountain Eagle* had covered the break-up and the strikes that plagued South East for years, including an

¹⁸ Ibid.

incident in which Harry LaViers Jr., son of the company's president, was charged with assault after striking two strikers with his pick-up truck during a picket at the company's Goose Creek Mine. In the trial, LaViers said he and another Southeast employee, Raymond Smith, were assaulted in his truck by several strikers and he hit the two men while trying to escape.¹⁹

Boyle's problems with the reformers were well documented by Tom Bethell in "Coal Patrol," which appeared as a regular feature in *The Mountain Eagle*, and through reporting by *Eagle* reporter Phil Primack. Both Bethell and Primack had come to *The Mountain Eagle* as something other than reporters and both developed deep friendships with the Gish family as they pursued projects that interested them through their reporting. Bethell had originally come to Letcher County as a staffer for the Appalachian Volunteers. After his resignation during the events that led to the discharge of AV staffer Joe Malloy in 1968, events that foreshadowed the eventual dissolution of the AVs, Bethell began to pursue his interest in the relationship of the coal industry with the region. He wrote a number of articles under the heading, "The Coal Patrol," in *The Eagle*, and was instrumental in covering the Finley mine explosion. He later worked for the UMWA as research director until he was fired by Arnold Miller in 1977, along with most of the senior staff.²⁰ Phil Primack came to *The Mountain Eagle* as a photographer, and like Bethell, he became close to the Gishes. Expanding his work to reporting, Primack worked for four years as a general assignment reporter. It was rare for local weeklies to have reporters as able as Primack and Bethell, but by this time, *The Mountain Eagle* was recognized as an extraordinary paper, and a number of young reporters who might have sought jobs with

¹⁹ "South-East Picketing Continues," *The Mountain Eagle*, July 26, 1962, 1.

²⁰ "No Peace in the Pits," *Time*, June 27, 1977.

<http://content.time.com/time/subscriber/article/0,33009,915101,00.html>.

larger newspapers were eager to have a chance to work in Whitesburg under the tutelage of Tom and Pat Gish.

By the 1970s, Tom and Pat (Gish) had amassed a long list of concerns. Aided by the young writers and photographers who made their way to Whitesburg after hearing about *The Eagle* -- and who stayed to help publish it, mostly without pay -- they reported and wrote editorials about unregulated strip mining, underperforming schools, the shortcomings of the poverty war and other federal programs, corruption in the local government, unsafe mines, and black lung."²¹

In the summer before the 1969 UMWA election, Districts 28 and 30 ran a large advertisement in *The Mountain Eagle* lumping Ralph Nader with the Communist Party and the national press, all as part of a vile conspiracy to rob Tony Boyle of "his hard-earned sleep--and perhaps his hard-earned salary as well." The ad was paid for by Carson Hibbitts, who served as president of both Districts. The week after the ad appeared, Bethell wrote that top UMW officials were starting to show signs of panic and referenced Hibbitts' implication that the Communists had joined forces with the nuclear power industry and insurance companies to ruin the coal industry, along with the UMWA Welfare and Retirement Fund as an example. Ralph Nader, then a young attorney who had come to national prominence for his revelations about the dangers of the Chevrolet Corvair, was working with the Yablonski while he decided whether or not to enter the campaign. *The Mountain Eagle* quoted Hibbitts as saying Nader knew "nothing about coal miners or their organization," and that Nader had demonstrated for several years that he didn't know what he was talking about in general, although he contradicted himself by saying that Nader never "opened fire" without doing a good deal of research on the topic.²²

²¹ Marc Murphy, "Tom Gish, newspaperman," reprinted from *The Louisville Courier Journal*, November 24, 2008, *The Mountain Eagle*, November 26, 2008 1.

²² Tom Bethell, Eagle Coal Patrol, "UMW leaders fight fire with smears," *The Mountain Eagle*, May 15, 1969, 2.

When Yablonski officially threw his hat into the ring, Bethell reported that it would be difficult to unseat Boyle, whose salary of \$50,000 per year and additional expense allowance of \$11,631, made him better paid than U.S. Supreme Court Justice Abe Fortas. Boyle would have access to union funds for his campaign and many of the district presidents would also have a financial stake in Boyle's re-election. But Yablonski was a long time International Board member himself, having served since 1942, and knew his way around union politics. "(He) knows where the bones are buried." Yablonski was not coy about admitting his own role in the union's problems either. "I participated and tolerated the deteriorating performance of the leadership, but with increasingly troubled conscience." He stated that it was his duty to the members of the miners' union to seek the leadership in order to reinvigorate the union and to "make it truly a union of the miner rather than a union of inaccessible bureaucrats."²³

When John L. Lewis died on June 11, 1969, at the age of 89, his eulogy in *The Mountain Eagle* credited him as having had more influence on lives in eastern Kentucky than any other man in the century. Lewis was "the voice most listened to, and the leader most mountain men followed." He was praised for "lifting "the coal miner from a state of absolute serfdom" and described as "no ordinary man, possessed of no ordinary talent." No man had been his superior in the use of language "to persuade, to electrify the atmosphere, and to inspire....He feared no one and nothing and perhaps his finest moments came when he spoke to coal operators and to presidents as no man before or since has dared." But Gish also used the eulogy to describe how far the UMWA had fallen since Lewis' retirement, noting that the union's membership had fallen from over 100,000 to no more than 5,000. He laid part of the blame for that fall at the feet of Beth-Elkhorn and other large operators for their decision to start strip and augur mining with

²³ Tom Bethell, Coal Patrol: "NEW CHALLENGER FOR UNION LEADER," *The Mountain Eagle*, May 5, 1969, 2.

contractors, although at least initially, Beth-Elkhorn required its contractors to sign union contracts. Gish also wrote that while it would not be fair to lay the decline of the union at Lewis' feet, the decision he made to allow for the mechanization of coal mining had cost hundreds of thousands of miners their jobs.

The great national sin is that this happened without real regard to what would be the fate of the coal miner and his family. Literally tens of thousands of miners and their families were left to decay and rot in the filth and litter of abandoned coal towns.... They are the sacrificial offerings of industrial progress, receiving a few scraps from the federal treasury and every now and then an occasional shipment of outdated used clothing from the nation at large. But they remain the living ghosts of automation, unwanted and uncared for by the union, the nation, the coal operators, the federal government, nor anyone else." ²⁴

Yablonski had little support in eastern Kentucky, but when he spoke to a large rally in Madisonville in the Western Kentucky coalfields less than two weeks before the December election, he promised to initiate reforms in the union pension system and said he would work to do away with technicalities that had denied some long-time members their just rewards. He also promised to hold a special convention to rewrite the union's constitution to require that all district officers be elected by the miners in their district, because most district presidents were appointed by Boyle. He also called for other reforms, such as benefits for miners who became disabled before retirement and a credit union that would be financed by money that was currently held without interest in The National Bank of Washington, which was controlled by the UMWA, and loaned money to congressmen at a special low interest rate.²⁵

In the December 6, 1969 UMWA election, Boyle dominated the UMWA convention with squads of delegates from District Nineteen, who wore distinctive white hard hats and controlled the microphones to prevent dissidents from speaking out. Through intimidation and block votes,

²⁴ "Extraordinary man," *The Mountain Eagle*, June 19, 1969, 2.

²⁵ "More and better programs for UMWA as fight gets hot," *The Mountain Eagle*, November 27, 1969, 1.

Boyle and his "thugs" managed to insure his re-election by a margin of nearly two-to-one (80,577 to 46,073). Yablonski conceded the election, but on December 18, 1969, he asked the U.S. Department of Labor to investigate for fraud and initiated five lawsuits against the UMWA in federal court. *The Eagle* reported on Boyle's initial election victory, saying that Yablonski had been the first serious challenger for the office of president in more than 20 years, although John L. Lewis had gone nearly his entire tenure as president without seeing a serious threat to his power as UMW chief. Yablonski had lost the election at a rate of about two to one and claimed it had been rigged, and the "court action presumably meant further airing of campaign charges" of misuse of union funds.²⁶

Then, on December 31, 1969, three killers shot Yablonski, his wife, Margaret, and his 25-year-old daughter Charlotte dead, as they slept in the family home in Clarksville, Pennsylvania. The bodies were discovered on January 5, 1970, by Yablonski's son, Kenneth. Boyle had demanded Yablonski's death on June 23, 1969, after a meeting with Yablonski at UMWA headquarters had degenerate into a shouting match between the two men and in September 1969, UMWA executive council member Albert Pass, a former resident of Jenkins Kentucky, received \$20,000 from Boyle (who had embezzled the money from union funds) to hire assassins to kill Yablonski. Paul Gilly, an out-of-work house painter and the son-in-law of a minor UMWA official, and two drifters, Aubran Martin and Claude Vealey, agreed to do the job. The murder was postponed until after the election in order to avoid suspicion. The election was widely seen as corrupt and was overturned by a federal court, and a new election between Boyle and Yablonski was ordered. But before it could be held, Yablonski and his wife and daughter were murdered. In the wake of the investigation, the District Two office was occupied by federal

²⁶ "Boyle wins UMWA race," *The Mountain Eagle*, December 11, 1969, 1.

agents and the District's business transactions, including the bank accounts, were searched for improprieties, although none were found. Under the leadership of Arnold Miller, a movement for rank and file control of the International got underway soon after the Yablonski murders, and reform members initiated the "Miners for Democracy" movement. The union old guard surrounding Boyle formed a strong opposition to reform and opposed further investigations.²⁷

The Mountain Eagle became more deeply involved in UMWA affairs after the death of the Yablonskis, and called for a broad investigation of the deaths and of union management. The article announcing Yablonski's death carried a reference from authorities investigating the crime that called it an "execution," and carried a statement from Yablonski family members who said Yablonski had feared for his life ever since he became involved in the election. Yablonski's sons, who were not in the family home at the time of the murders, claimed that the deaths were linked to the election, and although Tony Boyle and other union officials denied that the deaths had anything to do with the election, 7,000 miners walked off the job and several mines were closed as a memorial to Yablonski. District 31 leaders in Northern West Virginia announced that they would close all West Virginia mines unless the killers were found. Reports from the Pennsylvania State police revealed that the killers were driving cars with license plates from Ohio and Tennessee, but the police admitted they had no real clues as to the identity of the killers, who Yablonski's sons called "professional assassins."²⁸

Although Letcher County was located squarely in the heart of Boyle's stronghold in eastern Kentucky, *The Mountain Eagle* continued to side with the union reform movement and printed articles that exposed the corruption of Boyle and his henchmen during his time at the

²⁷ United Mine Workers of America, District #2 Papers, 1945 - 1965, Indiana University Library, Indiana Pennsylvania.

²⁸ "Yablonski slain," *The Mountain Eagle*, January 8, 1970, 1.

head of the union. An editorial that accompanied the announcement of the murders called them a "brutal execution" and stated that the "UMWA must act to remove the tremendous burden placed on its good name and reputation." The paper added that nine out of ten people who had spoken to representatives of the newspaper had said they believed the deaths were tied directly to Yablonski's challenge to Tony Boyle for the union presidency. If he had "never questioned what happened to millions of UMWA dollars he would have never been murdered." It also asked how safe were Ralph Nader, Ken Hechler, Harry Caudill, or others who had led in the reform movement that had resulted in increased scrutiny of the mining industry and the UMWA.²⁹

As the investigation into the Yablonski murders got underway, it was revealed that Yablonski's attorney Joseph L. Rauh Jr. had asked Labor Secretary George Schultz to intervene in the election on three separate occasions in response to incidences of violence and intimidation aimed at Yablonski and his supporters. Despite an investigation conducted by the Labor Department prior to the election showing "gross misuse" of union funds by Boyle and other union officials, Shultz refused to intervene, although he finally ordered a full-scale investigation three days after the murders took place. Attorney General John Mitchell had also been asked by Rauh to intervene and he refused until January 6, the day after the bodies were found. Then, Mitchell ordered the FBI to conduct a thorough investigation, in which more agents were assigned to the case "than any murder since the killing of Martin Luther King." A spokesman for the Justice Department later revealed that a "sizable sum of money" had been offered for the murders by "a person or group" in the Kentucky and Tennessee coal fields, the same area in which Yablonski had declined to campaign due to threats from Boyle supporters. Late in January, Tom Bethell reported that in Harlan County and in most of Tennessee, the UMWA had

²⁹ "UMWA must act," *The Mountain Eagle*, January 8, 1970, 2.

frequently been accused of making deals with operators to allow them to pay wages below union scale as long as they continued to make their forty cents per ton royalty payment to the Welfare and Retirement Fund. Bethell added that the union had allowed small union companies to go out of business and re-open with the same management soon afterward under the same conditions.³⁰

The United States Senate conducted hearings on UMWA affairs starting in the summer of 1971 and heard an appeal from Miller's group, Miners for Democracy, asking that the U.S. Department of Labor change its methods of overseeing union elections. Joseph Yablonski's son Kenneth charged that the Labor Department's lax enforcement of laws governing union elections had played a role in the death of his father and other family members and said, "Indifference or outright contempt for my father and his supporters characterized the Labor Department's 1969 performance." He also warned the hearing board that coal miners were becoming weary of the Labor Department's indifference and said the until there were sweeping changes, "we do not think there will be peace in the coalfields." Senator Robert P. Griffith, a Michigan Republican said the American people "simply will not allow" the Senate or the Nixon Administration to continue to ignore questions relating to the UMWA and the election.³¹

In September 1971, over 18 months after the death of Yablonski and the initial challenge to the 1969 elections filed by the Labor Department, the trial to decide the U.S. government's suit to overturn the election finally got underway. Although he had been dead for over a year and a half, Jock Yablonski was a silent witness in the trial to decide the government's charge that Tony Bole and his cronies orchestrated widespread voting irregularities and outright fraud to steal the election.

³⁰ Tom Bethell, "Yablonski murder probes proceed, slowly," *The Mountain Eagle*, January 29, 1970, 1.

³¹ "SENATE BEGINS HEARINGS INTO UMW AFFAIRS," *The Mountain Eagle*, July 15, 1971, 20.

Yablonski's name, however, has cropped up frequently in the trial, as the government had anticipated. "Unfortunately, Mr. Yablonski is dead and the government has to rely on representatives of the defendant, who presumably will be hostile witnesses," said Justice Department Attorney David Orlikoff in opening the government's case.³²

The government charged that the UMWA had violated "virtually every one " of the federal laws regulating labor elections and that Boyle and his fellow union officers had made it impossible for Yablonski's forces to station election observers in union polling places, by refusing to reveal the site or the time the elections would take place. There were also violations regarding the use of UMWA funds for campaigning and the use of the UMWA Journal, which every union member received, in promoting Boyle in his bid to retain the presidency of the union.³³

Boyle's problems grew as the conspiracy in the Yablonski murders began to unravel, and as this happened, the iron control he had attempted to impose on the increasingly fractious union began to slip badly. Miners for Democracy made a direct attack on Boyle's position and began the long struggle to wrest control of the union from him. As *The Mountain Eagle* continued to report and editorialize on Boyle's impending downfall, a backlash started to grow in Letcher County against what many union members, especially retirees and widows, perceived as an overall attack on the union. Eastern Kentucky was Boyle territory and the Letcher County union men had voted overwhelmingly to support their man. In addition to that, it became apparent from the tone of some letters to the editor that some of Boyle's supporters did not separate Boyle from the United Mine Workers and that any criticism, of Boyle was criticism of the union. It was during this period that Tom Bethell did some of the most incisive reporting on UMWA issues in the entire country, in articles for *The Mountain Eagle*.

³² "Union Election on Trial," *The Mountain Eagle*, September 16, 1971, 1.

³³ *Ibid.*

In an article set against the failure of the union's strategy in the national contract strike that got under way in 1971, Bethell highlighted the growing lack of respect the rank and file were beginning to show for Boyle and wrote about "frustration and bitterness" the UMWA men felt for his handling of the negotiations, which Boyle and the coal operators had agreed in August to conduct in private and to withhold comment until the contract was signed. "It kept nearly 100,000 working miners totally uninformed...They would have nothing to say about the contract." At the time, the UMWA had no provision for rank and file voting to ratify the contract, and few of the miners had expected the strike to drag on so long, 35 days at the time of Bethell's writing. Bethell also wrote that the giant oil companies, the new owners of many of the large coal companies, were not happy with the length of the strike, the instability of the union, or Boyle's leadership. The union really only had two main bargaining chips in negotiating with the big companies, it gave the companies one entity with whom to negotiate, and of infinitely greater importance, the signed contract would guarantee a mostly uninterrupted supply of labor for the four-year period of the contract. Bethell pointed out that the oil companies had purchased the mines with the purpose of making a windfall by controlling energy production, but due to the instability of the union, and Boyle's inability to control the roving pickets and wildcat strikes, they had lost their faith in his leadership to at least as great a degree as had the rank and file. The new owners had hoped to use automation to increase productivity, but that required continual operation of the mines. Very few UMWA members would cross a picket line, whether it was authorized or not, and the roving pickets wreaked havoc with productivity, as the long contract strike heaped coals on the smoldering fire of distrust from the operators. Joe Moody, president of the Bituminous Coal Operators' Association, was quoted as saying that under Boyle "the UMW suffers from a leadership vacuum," and that he had no idea whether the rank and file would abide

by a Boyle contract. Boyle's lack of control prompted Moody to say, "Under John L. Lewis, the UMW was a disciplined organization. It's not anymore." He continued to speak publicly about his doubts over Boyle's ability to control the union before the strike actually took place, and according to U.S. Steel President R. Heath Larry, Boyle "threw a tantrum" and said there would be no negotiations at all if Moody didn't stop criticizing him. "Soon after, silence descended over the whole subject of contract negotiations."³⁴

In an interview with Dave Zegeer that was conducted after he retired from his post as Director of the Mine Safety and Health Administration (MSHA) and Assistant Secretary of Labor, Zegeer affirmed Bethell's statement that the union's inability to control the rank and file had led at least in part to its eventual demise, saying that once it became apparent that the union could no longer guarantee a relatively unbroken supply of labor during the contract period, the BCOA operators became much less interested in doing business with the UMWA. That inability, along with the demise of the big steel companies that had operated the captive mines, proved to be deciding factors in the eventual decline of the UMWA presence in the eastern Kentucky coalfields.³⁵

Boyle henchman William J. Prater, of District 19 was indicted by a federal grand jury for complicity in the Yablosnki murders in April and by the summer of 1972, Tony Boyle's hold on the UMWA was slipping away from him. The U.S. Department of Labor's lawsuit to have the UMW election overturned was successful and in May, Judge William Bryant threw the results of the 1969 election out. Following Bryant's decision, the DOL asked federal courts to impose strict

³⁴ Tom Bethell, "ANATOMY OF A STRIKE: The fancy strategies that didn't work," *The Mountain Eagle*, November 4, 1971, 4.

³⁵ Dave Zegeer, interview by author, tape recording, at Zegeer's home in Lexington, Kentucky, June 27, 1995.

guidelines on the union in order to allow the upcoming elections to be closely monitored. Miners for Democracy announced a slate with Arnold Miller as their candidate for president, and a convention to be held in Wheeling, West Virginia later in May. Bryant ordered the union to be placed under careful scrutiny by the DOL and gave the agency the power to veto any and all union financial transactions and to station observers in UMWA headquarters. He called for a new election to be held before January 1, 1973 and ordered that those officers who held office before the December 1969 election "shall continue to conduct the affairs of the defendant union."³⁶

While Yablonski had stayed out of eastern Kentucky during the 1969 campaign, Miners for Democracy decided early on to take the fight to the heart of District 30, the Letcher County Boyle stronghold, and they must have been pleasantly surprised by the results. When Miller, along with Harry Patrick, candidate for Secretary-Treasurer, and Vice-presidential candidate Mike Trbovich made an unannounced trip to Neon, Kentucky to record a two-minute radio spot detailing MFD's plan to eliminate corruption in the union, all three men were surprised to be recognized and welcomed on the city streets by union miners. They were also warmly received at a rally in Evarts, in the heart of District 19, and in Wheelwright in District 30, Phil Primack reported that there were no incidents. "not even a catcall marred the MFD opener." Miller told Primack he was very concerned about the deterioration of living conditions for miners in eastern Kentucky and pledged to use his power, if elected, to "get the men who mined union coal back on union rolls, regardless of how long they had worked at non-union mines." After being introduced at Evarts by Harlan County UMWA legend Granny Hager, who had been through the struggles of the 1930s as well as the roving pickets, Patrick told the Evarts miners there were

³⁶ "Court puts UMW under strict watch," *The Mountain Eagle*, June 22, 1972, 1.

some dangerous men in District 19, and said two, William J. Prater and former Jenkins resident Albert Pass, were already in jail and said he was proud to walk "in the footsteps of Jock Yablonski. Granny Hager added that Boyle had done nothing but "steal us dry."³⁷

In October, Miller charged Boyle with altering the 1971 Bituminous Coal Contract by removing a key strike protection clause and hiding the fact from the unions by printing two versions. In the contract presented to the miners, the right to strike was still protected, but in the one signed by Boyle and the BCOA, the clause was disallowed by being bracketed with the phrase, "Not included in the 1971 National Agreement." Miller said the operators had sought to remove the clause for years and that in 1971, Boyle had given them what they wanted. Boyle had called the contract the "best ever," at the time it was signed. "He just forgot to add, for the operators," said Miller. The "right to strike" clause had been inserted in 1947 by John L. Lewis to protect the union from lawsuits and injunctions under the Taft Hartley Act.³⁸

Miners for Democracy garnered support and endorsements from a number of areas, including an endorsement from Josephine Roche and the Farmington Mine Widows. When it became official that Miller and the MFD slate had won the elections, Boyle's supporters moved to hinder the reformers in a series of meetings held in New York. The International Committee of the UMWA was heavily weighted with Boyle supporters and, when it accepted Boyle's court mandated resignation, they had set his retirement pay at \$50,000 per year, which was the same amount he had earned in his role as president. The committee also transferred Boyle's Executive Assistant, Suzanne Richards to the union's legal department at a salary of \$40,000 per year and sent Miller a telegram accusing him of planning to retaliate against Boyle supporters on the

³⁷ Phil Primack, "UMW campaign begins here," *The Mountain Eagle*, July 20, 1972, 1.

³⁸ "Miller charges Boyle altered contract," *The Mountain Eagle*, October 12, 1972, 18.

board and promising him the board would exercise all the power granted by the union constitution to prevent Boyle personnel from being removed from office, even though Miller had repeatedly promised not to retaliate against Boyle supporters. The International Committee then set up a reprisals committee to protect it from Miller, a financial committee to freeze funds so Miller could not use them, and a watchdog committee to make sure the UMWA Journal could not be edited by the Miller Administration. UMWA General Counsel Edward L. Carey led the International group and warned them that Miller would destroy the union and take away their pensions. Miller said that he planned to convene the International Board and if they refused to conduct business, he would disband the board and replace the members with temporary appointees until the Labor Department could set up new elections for International Board Members. District 28 President Carson Hibbitts, who had called Boyle the finest man he had ever known in a Letter to the Editor that appeared in *The Mountain Eagle* in July, threatened to resign, but Carrey persuade him to remain in office in order to hinder MFD in taking the union over. Miller did accept the resignation of True Davis, president of the UMWA controlled National Bank of Washington.³⁹

Boyle was indicted for the murder of Jock Yablonski's family in September 1973, after which he attempted suicide and failed. He was convicted of misusing union funds in December of the same year and was convicted of conspiracy in the murders in April 1974, for which he received three life sentences. In 1977, the Pennsylvania Supreme Court overturned his sentence because a government witness had not been called to testify. He was re-tried and found guilty again in 1978, and he died in prison in 1985. Unfortunately, for the UMWA, Arnold Miller

³⁹ "Boyle supporters act to hinder reform slate takeover of UMW," *The Mountain Eagle*, December 21, 1972, 1.

proved to be a weak and indecisive president who had even less success than Boyle in reining on the roving pickets and controlling the wildcat strikes.⁴⁰

In June 1973, miners at the Brookside Mine at Ages in Harlan County struck against Eastover Mining, which was owned by Duke Power, and sought to join the UMW. The miners had been represented by the Southern Labor Union, the same "company union" that represented miners at Blue Diamond in Letcher County. The SLU mines all had mine specific contracts with no national agreement. In June 1973, the Eastover miners voted to affiliate with the UMWA, but contract negotiations stalled over the company's insistence that a no-strike clause be included and the miners called a strike. The UMW's initial response to the Brookside Strike was indecisive, and although the union agreed to provide strike pay and benefits to the striking miners, Miller refused to consider a national walkout to support the strike. Some locals, including Local 1428 in Letcher County came over occasionally to picket for a day or two on "sympathy pickets," but without the national union's backing, the support was sporadic. *The Mountain Eagle* sent reporters on the nearly two-hour drive that covered just over 60 miles to Ages on a regular basis, and the reporters that made the trip did some of the newspaper's best and most incisive reporting. Tom Gish later said he was told by a number of national newspapermen that if *The Eagle* had bothered to submit its coverage of the Brookside Strike, or the later disaster at Scotia, either or both would almost certainly have won a Pulitzer Prize. Several of the most iconic pictures to come out of the strike were taken by *Mountain Eagle* photographers, including several of Kentucky State Troopers acting as "company thugs" and herding miners and their wives into police cruisers to be taken to the Harlan County Jail. One photo of a State Trooper looking

⁴⁰ "Coal and the U.M.W. are Still at Odds: Wildcat Strike," *Business Week*, 29 August 1977, 29.

directly into the camera with the cold gaze of a gunfighter still decorates the offices of *The Mountain Eagle* today.

It isn't a stretch to say that the Brookside Strike gave the newspaper the opportunity to alienate all the parties concerned, and in many ways, it did just that. And there were plenty of reasons for the criticism leveled at each group. Under Miller's weak leadership, the UMWA hesitated to take an active role in the strike. While the payments made to the strikers and their families by the union were welcome, the full force of the UMWA was not applied, in legal aid or support by other UMW members on the line, other than the nearby locals that occasionally set pickets, and there was no serious threat of a national walkout. There were a few day-long sympathy strikes late in the year, but the union leadership was busy negotiating the upcoming contract. The UMWA carried out a national contract strike in December that kept miners off the job for over four weeks, and during that period, a number of neighboring locals organized pickets at Brookside. *The Mountain Eagle* printed several articles that criticized the lack of overall support from the national union office, and the paper was seen regionally as supporting the Brookside miners.

In October 1973, Letcher County Circuit Judge F. Byrd Hogg, whose circuit included Harlan County, ordered the arrest of striking miners and their wives after they defied a restraining order he had issued that restricted the number of pickets at Brookside to two at each mine. He later modified it to allow three pickets, but on several occasions in September and October, between 40 and 100 pickets had been in the area of the mines, and many of them included the wives of the striking miners. The women turned out to picket because Eastover Mining had managed to get 60 "scabs" (strike breakers) into the mine, but once the women began

to turn out, the number of strike breakers dropped. Eventually, they no longer tried to enter the mine, although a few of them would show up at the company store and check in for the shift. Hogg issued a restraining order and when the women continued to picket, he ordered their arrest, along with their husbands, who accompanied them on the picket line. Since some of the women had small children with them and refused to leave them at home alone, some entire families spent the night in jail. Hogg empaneled a grand jury to hear charges that the union was complicit in violating the picket order, but said he would decide charges against the individuals himself. Then he dismissed the jury and fined the union \$20,000, although Kentucky law specified that a fine of more than \$500 could not be levied without the unanimous consent of a jury. He found 16 individuals guilty, including six women, and fined them \$500 each and sentenced them all to six months in jail. He later suspended the jail sentences but ordered them to appear at the courthouse the next day to pay their fines. One of the men who was sentenced was Hobart Grills, President of the Harlan County Black Lung Association, and when the defendants came to court, they not only declined to pay their fines, but also refused to be declared paupers, which probably would have spared them from having to pay the fines. All 16 were jailed, and when the women refused to allow their children to be separated from them, the children were jailed as well. The women also refused to allow representatives of the Harlan County Welfare Office to take the children, but the children were later released to relatives. UMWA District 19 President Hugh Jones entered jail voluntarily as an act of solidarity, although the national union office said he had acted without their knowledge or authority. Strikers from Brookside also picketed Duke Power Company corporate offices in Raleigh, North Carolina and placed full page ads in North Carolina newspapers explaining the plight of the Eastover miners, as well as their opposition to a

17 percent rate increase Duke Power was asking the North Carolina Public Service Commission to approve.⁴¹

The arrests continued and more women were arrested for various acts, including blocking the roads and throwing rocks at cars carrying strike breakers. As the strike entered its twelfth week, the number of Kentucky State Troopers assigned to the strike reached 50, prompting UMWA officials to ask Kentucky Governor Wendell Ford for an explanation of why so many troopers had been sent to Harlan County. The governor replied that the state police had a report that Eastover Mining had three gun thugs who were going to try to provoke an incident at the already tense scene. Union locals in the region began to shut down mines in their area in sympathy strikes and sunrise revival services were held at Brookside.⁴²

F. Byrd Hogg had a reputation for running his courtrooms in a flamboyant style and the coverage he received in *The Mountain Eagle*, and later in the documentary film, "Harlan County USA," was generally not favorable. He also later achieved national prominence during a murder trial involving the daughter of a local physician who was killed in 1985 during the robbery of her father's office, and in several cases concerning the fire-bombing of *The Mountain Eagles* offices in 1974, Hogg consistently ruled against the newspaper.⁴³

The Kentucky State Police may have been dragged into the Brookside Strike unwillingly and they may have been uncomfortable with the tactics of the striking miners' wives that forced them to haul women and children off to Byrd Hogg's court to be sentenced to jail, but they also showed a chilling tendency to adopt para-military tactics in their attempts to control the strikers,

⁴¹ "Miners, children, and wives jailed," *The Mountain Eagle*, October 18, 1873, 1.

⁴² "More arrested as strike continues," *The Mountain Eagle*, October 25, 1973, 1.

⁴³ David Dyar Massey, "Judge frees Caudill," *The Mountain Eagle* November 6, 1975, 1.

as well as a willingness to stretch the law to gather intelligence. In the climactic final year of the strike, state troopers posing as reporters began to photograph strikers and gather information about the men on the picket line by trying to pass themselves off as "free-lance reporters." The ruse was uncovered by strikers as well as *Mountain Eagle* reporters and was revealed in an article that appeared less than a month before the *Mountain Eagle* was firebombed, an incident that was investigated by state police arson inspectors. The plainclothes troopers told reporters that they were working in a free-lance capacity for a Hazard (KY) newspaper, and the ones posing as photographers were often stationed on high ridges surrounding the mine alongside state police snipers with scoped high-powered rifles. They justified their tactics by saying they were a response to increased UMWA picket activity during the summer that took place just before the union's upcoming contract strike. The operation was uncovered when the faux reporters were spotted leaving the site in undercover state police cruisers, many carrying their shotguns and radios as well.

The presence of the photographers was first noticed before the shift changed when a picket yelled, "hey, there's a trooper up there with a rifle" and pointed to the high rock ledge which protrudes over the road, where the bridge intersects with Kentucky Highway 38. With the state trooper was a man dressed in an army field jacket and carrying a small movie camera.⁴⁴

When a *Mountain Eagle* reporter approached the trooper with the movie camera, described in the article as having shoulder length hair "in a mod fashion," the trooper readily identified himself as a detective sergeant from the Frankfort post and said, "I guess I'm a member of the shag detail." Beside him was a trooper with a scoped 30 caliber rifle. The reporter then called to two men standing nearby and asked if they were freelance reporters. One of the men replied that they both worked for Oscar Combs at *The Hazard Voice*, but when the strike

⁴⁴"State troopers pose as newsman at strike," *The Mountain Eagle*, July 18, 1974, 2.

breakers left after their shift, both men left in state police cruisers. As they moved to leave, both were carrying police radios and one had a shotgun while a pistol protruded from under the other's shirt. They walked a short distance through the woods and were picked up by a state police vehicle. As they got into the cruiser, one actual reporter said, "that's strange equipment for reporter to carry." The cameraman with the handgun identified himself as Rod Mitchell and replied, "If you don't believe me call Oscar Combs." When Combs was contacted about the incident he said the man was Rod Maggard, a state trooper who was related to Combs through marriage. He said Maggard had asked if he could occasionally write for *The Voice* and Combs had given him a press pass, but had not seen him at all for over six months and Combs said Maggard was not on assignment for his paper. The article described the troopers' attempts to pose as reporters as endangering reporters because strikers had begun to identify every person with a camera as a state trooper. The morning following the initial incident, as pickets converged on the Highway 31 Bridge to stop coal trucks, one miner yelled "Get your guns and go up there boys, every other reporter up there has a gun."⁴⁵

As the Brookside Strike gathered heat and momentum, problems involving coal trucks began to show up in Letcher and Knott Counties. Until the mid to late 1960s, almost all the coal trucks hauling coal from the truck mines on the narrow winding roads in the steep hollows of both counties had been relatively small, and carried less coal. Most were "straight axle" trucks with ten wheels that carried 30 tons or less. However, the advent of large scale strip mining gave many truckers the same access to credit the strippers enjoyed and they began to buy tractor trailers that were capable of carrying in excess of 150,000 pounds (75 tons). And like the truck mines, the strip mines were usually located in remote hollows with narrow twisting roads that

⁴⁵ Ibid.

were often just wide enough for two cars to pass, if they were going slow and used good manners when they met. The truckers were independent contractors who negotiated their own contracts with coal operators, and the operators often exploited their willingness to undercut their fellow haulers. They were paid by the ton on delivery and the trucking industry promoted a semi-outlaw image, often selling mud flaps and decals that referred to truckers as "the last American cowboys," and promoted other western images. Training for most truckers was minimal and they worked from well before dawn often till past midnight, maintaining their trucks. It was a hard life, but it was also an avenue for men with little education and few transferable skills to acquire more wealth than they had ever imagined, growing up in eastern Kentucky. Amphetamines were easy to obtain from area doctors and the truckers worked long shifts, frequently using the plentiful speed to stay awake.

To add to the danger from the truckers themselves, many of the mines they hauled from were either located on graveled roads or county and state roads that were not built to handle as much weight as they carried. Highway contractors in eastern Kentucky already understood that it was easier to bribe a few state inspectors than to build roads to standard, so the roads didn't last long. The ones that were paved often had pot holes as big as small cars and deep enough to do extensive damage to automobiles, and all day long overweight coal trucks ran up and down what were essentially dirt roads. In dry weather, the dust was horrendous and when it was wet, mud covered everything. People living along the haul roads suffered considerably, not only from the mud and dust, but were also endangered by the drivers, who ran on a short profit margin and depended heavily on getting in that one extra load. It became impossible for children to play on the roads and the dust caused real hardship, making it impossible to keep houses clean and by causing or exacerbating problems for people with respiratory ailments.

At the same time truckers went to larger rigs, a new breed of strip miner emerged. Rather than the well-financed TVA operators, this new breed were "seat of the pants fliers," mining with older equipment in poor condition. They took advantage of a loophole in the law that allowed the excavation of "house seats" or "house coal" mines no larger than two acres, without a permit or reclamation. The loophole was later maintained in the 1977 Surface Mine Control and Reclamation Act and the two acre mines were prominent in Kentucky and Southwestern Virginia under laws that allowed excavation of private land for the purpose of mining coal for a single household or for building a home. It was widely abused in both states and by the time the practice was finally outlawed, in 1987, more that 6,000 of the house seat mines had been abandoned with no penalty or reclamation.⁴⁶ The sites were often further marred by the decaying corpses of bulldozers and front-end loaders that had barely survived the mine and were left to rust away and leak oil and hydraulic fluids into the water table. Representative Morris Udall of Utah, who sponsored the legislation to end the practice, said the U.S. Department of Interior's Department of Surface mining listed 2,457 of the abandoned sites in Kentucky and 2,358 in Virginia. Udall told reporters that although the industry had backed the legislation, it "gave the coal industry a bad name." Some commercial operators, including subsidiaries of major energy corporations, also used the exemption to cut costs.⁴⁷

The truckers and wildcat operators were more militant and more volatile than the larger more established mining companies, who preferred to litigate rather than take direct action. Both groups found themselves the subject of newspaper editorials as well as community actions. The

⁴⁶ Ben A. Franklin, "Decade after Strip Mine Law: Some Successes and Setbacks," *The New York Times*, August 3, 1997, NYT Archives website: <http://www.nytimes.com/1987/08/03/us/decade-after-strip-mine-law-successes-and-some-setbacks.html>.

⁴⁷ Ben A. Franklin, STRIP MINE CHANGE WINS VOTE IN HOUSE, *The New York Times*, April 22, 1987, <http://www.nytimes.com/1987/04/22/us/strip-mine-change-wins-vote-in-house.html>.

first real protests against the encroachment of the truckers came in Knott County and were reported in *The Mountain Eagle*. While citizens' groups and individuals in Knott County and later in Letcher County were mostly concerned about the danger posed by the large trucks passing on narrow roads and the dust and mud they created, the real battle was fought in the state legislature and regulatory agencies over the amount of coal the trucks could haul per axle when crossing state and county bridges. While state legislators heard a number of complaints from their constituents about the trucks themselves, the damage done to state roads and bridges was the issue that would initially be addressed by legislation. Many of the haul roads were county roads and some were supposed to be maintained by coal companies. The thin layer of gravel, and infrequently laid blacktop county road departments would put on the haul roads when conditions became unbearable didn't last long or provide much relief. But it did serve to remind the constituents of the magisterial districts that their "squires" still held the whip hand and could dole out county road services like gravel, blacktop, and culverts at their whim. Like most in eastern Kentucky, the Letcher County Fiscal Court used county services as a means of confirming rewards to loyal party functionaries and punishing those who voted the wrong way.

In a bizarre incident in which one of Letcher County's most famous citizens was accused of bootlegging, the ongoing pushback by the coal industry in the county found its way into the pages of *The Mountain Eagle*. The incident, which occurred in 1971, reflects the animosity displayed by the coal people against anyone who dared to oppose their interests. In an article that was at least partly written tongue in cheek, Tom Gish described his astonishment when he learned that Harry Caudill had been accused of bootlegging. Gish wrote that he had been busy one morning when David Hawpe of *The Louisville Courier Journal* and Oscar Combs of *The Hazard Voice* stopped by his office and told him there was some kind of activity involving Harry

Caudill, bootlegging, and strip mining taking place at the Letcher County Courthouse that morning and Gish sent Phil Primack to see what was going on. All three reporters were barred from the courtroom but Judge Executive Robert Collins later filled Gish in on the details of the case. At this time, county judge executives still held court and magistrates also tried misdemeanors in their districts, so Judge Collins held court that morning in a bootlegging case against Harry Caudill. The case was insignificant, in that it involved Caudill's 10-year old son sharing some of his father's whiskey, without Caudill's knowledge, with the son of Caudill's neighbor Raymond Duncil. However, the spiteful nature of the case provided a good example of the enmity strip miners felt for Caudill and the Gishes. Duncil was a well to do coal operator who was heavily involved in strip mining. When he learned that his boy (age 13) had gotten liquor from the Caudill home, he swore a warrant out and insisted that state troopers and sheriff's deputies search the Caudill home.⁴⁸

To add to the intrigue, Duncil was the brother of Letcher County Sheriff Macie Warf (who had filled the unexpired term of her late husband Tip after he died in office) and Mrs. Warf's daughter Nancy was married to Donnie Manning, of Tackett and Manning, one of the largest strip mine operators in the county. Tackett and Manning had already been the subject of many *Mountain Eagle* articles and editorials from the mining they had done in the Millstone community, and Caudill was one of the most severe critics of strip mining in Kentucky. Gish downplayed the possibility of a conspiracy by local strip miners against Caudill, but he made the connection with Warf and Manning. He added that while *The Mountain Eagle* was frequently bombarded with complaints that it was almost impossible for Letcher County residents to get an

⁴⁸ The Eagle Eye "Harry Caudill's No Bootlegger," *The Mountain Eagle*, April 1, 1971, 2.

emergency response from either the sheriff's office or the state police, it had only taken 30 minutes to issue a warrant and assemble the officers who had searched Caudill's home.

As we understand it, the search warrant was obtained and the house was entered and searched, all within a half hour. And you would think a raid was being staged upon some highly dangerous criminal hide-out perhaps, for two Sherriff's deputies and one state trooper took part. How Come?⁴⁹

Two other incidents that took place within six months of each other, both in the waning years of Collins' term as judge executive, illustrate both a further lack of desire to cooperate with *The Mountain Eagle* and the increasing dysfunction of county police agencies. In 1972, Letcher County Jailer Ernest Adams refused to allow Aaron Adams, a prisoner in his jail to meet privately with a *Mountain Eagle* reporter to discuss allegations that he was being held longer than his offense mandated for speaking out against jail policies and county elected officials. Aaron Adams was in jail for public drunkenness, and had a long history of similar offenses, but when he asked to speak privately with the reporter during regular visiting hours, his request was denied. The jailer said he could speak to the reporter but would have to do so in front of the jailer and his officers. An opinion issued by the Kentucky Attorney General's office agreed that it was the jailer's right to restrict private visits, but only if three factors were present. The jailer would have to base his decision on the humanity of the situation, taking into account personal reasons for the prisoner; the personal safety of the prisoner or others present; or, the general security of the jail. The jailer maintained that none of these conditions were in effect, and the AG's opinion also mentioned that Adams had been held for a long period without a hearing or trial and that cases involving drunkenness should be resolved without unnecessary delay.⁵⁰

⁴⁹ The Eagle Eye "Harry Caudill's No Bootlegger," *The Mountain Eagle*, April 1, 1971, 2.

⁵⁰ "Interview at jail refused," *The Mountain Eagle*, August 17, 1972, 24.

The search of the Caudill home, along with the two-acre mining and truck weight controversies, took place during a time when conditions in Letcher County were described as "pretty damn feudal up there" at the first presentation of the Gish Award in 2007, sponsored by the Institute for Rural Journalism and Community Issues at the University of Kentucky. The remarks were made by the late Rudy Abramson, Institute board member and former *Los Angeles Times* reporter, who made the statement while describing Tom Gish's reaction to the August 1974 arson of the newspaper offices when decades of ineffectual and self-serving county government that went from corrupt to incompetent had left the county with one of its worst ever fiscal courts. Early in 1973, the fiscal court voted to establish a new county police force "to cope with widespread increases in crime throughout the county," which would be controlled by the court, rather than the sheriff's office. The new force was to be paid for by federal revenue sharing funds and was ostensibly created to augment the sheriff and his deputies. But Sheriff Lewis Hall did not see eye to eye with the court on the new officers and changed the locks on his office door and refused to have anything to do with the county's law enforcement agency. Hall refused to allow anyone in his office to take calls and told one of the county policemen that he was not going to cooperate at all. Collins and the court said the new agency was not meant to replace the sheriff's department or take any of his authority away but was intended to "supplement the sheriff's department to enforce the laws of the county." One of the county officers, Lawrence Sumter, told the newspaper that Hall had spoken to him in a very harsh manner and had refused any further cooperation in the venture.⁵¹

Estill Blair defeated Collins in the 1973 county judge's race and came into office with a politically mixed group of magistrates, several of whom were long-time allies of former Judge

⁵¹ "The high sheriff locks out new police," *The Mountain Eagle*, February 8, 1973, 1.

Collins. A Republican and a successful funeral director, Blair stood outside the usual courthouse crowd, and he was not part of the local Democratic machine, which had traditionally controlled the county, and as a political outsider, he had no experience in directing the county's affairs. The relationship between Blair and *The Mountain Eagle* began to deteriorate almost as soon as it began, and Blair and his chief ally on the court, Magistrate Monroe Hogg, moved early in the term to control access to meetings. Blair made no secret of his contempt for federal strip mining laws or his willingness to circumvent state laws to allow coal trucks to haul illegally. Against this background, *The Mountain Eagle* did some of its best reporting, but at the same time, Tom and Pat Gish, along with their family and staff, learned that the price for exercising freedom of the press in Letcher County had gotten a good deal higher. Magistrate James F. "Chum" Tackett of Jenkins had been a loyal ally of the former Judge, Robert Collins, and started out in the Blair Court by trying to help Collins gain employment as a \$650.00 per month consultant to help the court spend its newly acquired revenue sharing funds, although the judge executive's salary was only \$500 per month at that time. This action came to light through a report in the newspaper but it was more colorfully detailed in a letter from local gadfly Willard M. Gilliam, a frequent contributor to the letters column and Chairman of the Save Letcher County Committee. Gilliam was a man who greatly feared government tyranny and was an active opponent of Area Development Districts and what he perceived as an over-reaching federal government that would institute zoning and tell people what color they could paint their homes if area planning was instituted. However, he was extremely scrupulous and he correctly identified the odor of deceased rodent when "a member" (Tackett) made the motion to add Collins as a well-paid consultant to the court, even though Blair had soundly defeated him in the recent election. The motion was defeated and Tackett, along with Magistrate Monroe Hogg, became the most

troublesome members of the Blair Court, and although they were often at odds, both men worked with the judge when circumstances demanded. Hogg was first cousin to F. Byrd Hogg as well. In his letter, Gilliam wrote that a strange presence had pervaded the courtroom in an attempt to subvert the new court and asked if maybe "the ghost of the former fiscal court" still lingered.⁵²

It didn't take long for things to go sour for Judge Blair and his court, and early in the second month of his term, he was accused of firing County Road Foreman Lloyd Collier and several other road workers for working against him in the previous election. Blair denied the charge, saying that Collier and the others had been laid off, although other men had already been hired to take their place. Blair said the others had certain skills that Collier and the fired men lacked, but Tackett, who represented Jenkins on the court, made a motion to pay the men right up to the day of the court meeting, citing a ruling from the Kentucky Attorney General's Office stating that the judge could not fire a county employee without the consent of the full court.⁵³

Not long afterward, both James F. Tackett and Monroe Hogg were served with writs of prohibition for exceeding their authority. Both men had issued writs of garnishment against people in their districts who had failed to pay a debt. Neither of the magistrates had followed the proper legal procedure, and in one of the cases Tackett was involved with, the amount of the debt had also been incorrectly stated in the writ. In his opinion on the writs of prohibition, Circuit Court Judge F. Byrd Hogg held that Tackett had exceeded his authority. However, in the other case he decided that there was no reason to believe that his cousin Monroe Hogg had exceeded his authority. Judge Hogg had held a session the previous December for court officers to educate

⁵² Willard Gilliam, Letters to the Editor, "Does ghost of old court linger?" *The Mountain Eagle*, January 31, 1974, 3.

⁵³ "Judge Blair says firings not political," *The Mountain Eagle*, February 28, 1974, 9.

them on the legal ramifications of the kind of cases that would routinely come their way, but neither Tackett nor Monroe Hogg had attended.⁵⁴

The City of Whitesburg had a particularly aggressive police department that included Patrolman Johnny Caudill, who was later convicted of torching the offices of *The Mountain Eagle*. The combined police agencies of Letcher County were poorly prepared for the social changes the late 1960s had brought to the region, and they were stunned and overwhelmed by a growing problem with drugs, and particularly with the increase in prescription drug abuse that Harry Caudill had so accurately predicted in *Night Comes to the Cumberlands*. While many of their fears were unfounded, their responses were extreme and it soon became very dangerous for young people, particularly young men, to congregate after dark in Whitesburg or to travel the twisting back roads of Letcher County. One particular site in Whitesburg was located at a bridge across the Kentucky River that sat at the foot of "School Hill," where Whitesburg High School sat atop a steep incline. The Gish family lived further up the hill, and the bridge was a popular gathering place for young men from Whitesburg High School, including Gish's son Ben. As such, it quickly became a focal point for the Whitesburg Police Department. The bridge was situated near the bottom of the stairs to the school, and it was on the way to the downtown "Yellowjacket Cafe," a popular student hangout. The bridge had been a gathering place for high school boys for a generation but in the early 1970s it was viewed as a center of drug activity by the Whitesburg Police Department, although no actual arrests for drugs ever took place there. The high school boys at the bridge mainly gathered to talk about girls and music, and to flirt with the high school girls that would pass by on their way to the Yellowjacket or to stores in town, but

⁵⁴ "Magistrates exceed authority, suits say," *The Mountain Eagle*, April 18, 1974, 1.

city police officers spent a good deal of their time harassing the high school students who hung out there and frequently threatened them with arrest along with various physical punishments.

When a group of concerned parents began to attend city council meetings to protest the officers' threats and occasional brutality, Pat Gish was among the attendees, not as a reporter, but as the mother of high school student Ben Gish, a frequent visitor to the bridge. The city council meetings became very rowdy and Mayor Ferdinand Moore deeply resented the interference and the accusations made by the parents, even though numerous documented incidents of police brutality in and out of the city had occurred by then. *The Mountain Eagle* often carried articles detailing accusations of brutality made against various county police agencies, and there were editorials that accused police of being out of control and asking if it was a crime to be a young man in Letcher County. Young men and boys of high school age were being singled out by the police in exaggerated response to problems both real and imagined. An ongoing debate over the issue was held in the paper's "letters" section and letters and editorials and both said there was no actual threat that would justify such an extreme response from police. The police response was to increase the brutality and arrests, while the Whitesburg City Council, the Letcher County Fiscal Court, and the Sherriff's Department either denied or justified the police actions.

The fiscal court's attempts at conducting the people's business in secret and the brutality of the county and state police had moved easily through the administration of (Judge Executive) Robert Collins and Sherriff Lewis Hall to that of Estill Blair (JE) and Sherriff Reuben Watts. *The Mountain Eagle* continued to report on the incidents and particularly on those involving the police terrorizing local and county youth. As the same time, Estill Blair, who had run as a reformer, found himself on the wrong end of a scathing editorial that came out when he

conducted his first "special called" meeting without notifying the press. In the first issue of the new year in 1974, the paper took Blair and his court to task for holding a meeting in secret and printed one of Blair's campaign promises to highlight his broken pledge. "The fiscal court meetings will be open to the public and the public will be notified in advance the time and date of every meeting. There will be no closed sessions." The editorial called that pledge and others stating that he would be worthy of the public trust as the most likely reason Blair had unseated Collins, but added that seven days after he took the oath of office, the court met without public notice and Blair's pledge went the way of so many others from previous elected officials. Although it affected a conciliatory stance, it was followed by a warning. "We like to think this was an oversight on Mr. Blair's part." But it went on to say that if the court continued to meet without notifying the public, after just a "couple of weeks in office," it would surely cause an erosion in the public trust, as well a setting a record for early promise breaking, even in a county where political promises were frequently broken.⁵⁵

The paper also carried an article on the meeting, including Blair's explanation that the only official business conducted had been to appoint Whitesburg Mayor Ferdinand Moore as Civil Defense Director. Blair said no other official business was conducted although he and other court members had discussed county business in general terms. At the court's regular meeting later in the month, Blair was unable to resist taking a swipe at the paper, saying that since the *Mountain Eagle* had been so critical of the closed meeting, he had ordered the minutes to be read for their benefit and they had been reported in the papers previous edition. But it must have made an impression on the court, because when he asked for a vote to approve the meeting, Magistrate James F. Tackett said he did not feel the meeting had been legally conducted and he and

⁵⁵ "Promises, promises," *The Mountain Eagle*, January 17, 1974, 2.

Magistrate Harry Smith voted against approving them. Another indication of friction between Blair and the two magistrates came when Tackett made a motion to hire Garnett Ruth Webb, who had served as Judge Pro Tem under Judge Collins, to continue her post under Blair. Blair urged Tackett to withdraw his motion, but Tackett refused and the result was a tie vote, which Blair said he could break as judge after 15 days had passed. But the incident set the stage for further disputes between Blair, Tackett, and Smith, as well as other disagreements with the newspaper.⁵⁶

Judge Blair soon appointed a Judge Pro-Tem who shared his antipathy for regulation, and his chosen man announced early in his term of office that he had no more interest than Blair in enforcing weight limits for coal trucks. There had been rumors that Blair, Judge Pro-Tem Lexie Potter and other county officials had made an arrangement with local truckers not to enforce weight limits county courts. This occurred before legislation was passed to take the ability to adjudicate traffic cases and misdemeanors away from county judges and magistrates. Later, the Kentucky General Assembly passed a law that only members of the Kentucky Bar could try court cases ranging from misdemeanors to felonies. Another editorial criticized the "double standard" of throwing the book at teen-age boys, who came before the magistrate's and Judge Pro-Tem's court for traffic violations, but weight limit citations issued to coal trucks were dismissed. "You have it from Judge Pro-Tem Lexie Potter, you will be set free if you appear before him and are charged with violating state weight limits on trucks." The paper called for Judge Blair to refute Potter's statement if there was to be any public trust that the Blair court would administer justice fairly, and to issue his own statement saying the court would enforce the law, although Blair did not issue a comment. When *The Mountain Eagle* attempted to contact

⁵⁶ Phil Primack, "Fiscal Court," *The Mountain Eagle*, January 24, 1974, 19.

Blair about Potter's statement, the reporter was told he was out of town and had left no word as to where he was going or when he would be back. " The paper also called on Blair to "repudiate those who made the public threat to burn down *The Mountain Eagle* if Editor Tom Gish published anything about an agreement between county officials and coal truckers to permit the truckers to violate weight laws." Gish wrote that it was "downright disgusting" that such a threat could be made at a public meeting attended by the judge, without anyone challenging it. "Arson, after all is illegal." It closed by saying that maybe the newspaper shouldn't take the threat seriously because the county itself was a subject of derision throughout the state. "Our county officials are a joke, ha, ha."⁵⁷

Not long after the newspaper revealed the agreement between county officials and coal truckers to skirt the law, it criticized the behavior of the Vicco Police Department for conducting a high-speed chase in which four young men were killed. The chase had started in the Perry County town of Vicco but had continued outside city limits at speeds in excess of 100 MPH. The cause of the chase was the suspicion that the four had purchased beer illegally. The editorial also carried the accusation that a Letcher County sheriff's deputy and a Kentucky state trooper had terrorized a Whitesburg family when their car was pulled over after being closely trailed by the state trooper, who finally pulled it over directly in front of the Letcher County Courthouse. When the officer found that a teenager was driving, he demanded to search the car and along with the deputy sheriff, terrified the family with threats of arresting them all for drunk driving, before finally releasing them. A letter to the editor from Mrs. Ida Lee Hansel accused the trooper and Deputy Ray Frazier of being the two who had terrorized her family, and asked how it could be possible for people to respect officers who continued to behave in such a manner. Mrs.

⁵⁷ "Double standard," *The Mountain Eagle*, April 18, 1974, 2.

Hansel said that when she told the officers the driver was her son and she owned the car, both she and her son were threatened with being taken "upstairs" (to the jail) for talking too much.⁵⁸

There is widespread fear among members of the local bar association that basic civil rights are being violated almost daily and that an increasingly serious situation is developing that may lead to some kid being shot....There is also concern among local lawyers that eastern Kentucky magistrates and police judges have only a limited knowledge of the law and are not paying proper heed to basic rights spelled out in the U.S. Constitution.⁵⁹

A curfew went into effect in Whitesburg on April 1, 1974, that called for the parents of anyone under the age of 18 to be subject to arrest and charged with a criminal offense if their children were on city streets past midnight. Police were directed to take the young person home and to then use their discretion in deciding to arrest the parents or cite them. The charges carried a fine of from \$5.00 to \$25.00 and from \$10.00 to \$30.00 for subsequent offenses. The Whitesburg city attorney was quoted as saying he assumed the ordinance would be interpreted sensibly and not used by police as "blanket authority to pick up everyone under 18" who was on city streets past midnight. However, during the deliberations, the council had agreed that there was no legitimate reason for a seventeen-year old to be on the street after midnight. Not long after the article concerning the curfew appeared, Sherriff Ruben Watts issued a statement denying that his deputies were harassing young people or threatening them and said that anytime the law was enforced there were complaints. He also affirmed that it was standard practice to administer breathalyzer tests to anyone suspected of being intoxicated. He admitted that he was investigating charges that some deputies had beaten teenagers but said none of the charges were true. Jailer Vernon Hall also denied that youths were beaten while in jail and said they were always allowed to call their parents if they were arrested. One of Hall's deputy jailers told *The*

⁵⁸ Ida Lee Hansel, Letters to the Editor, "We were harassed, our rights violated," *The Mountain Eagle*, May 6, 1974, 2

⁵⁹ "It's a crime to be a teenager," *The Mountain Eagle*, May 6, 1974, 2.

Mountain Eagle that Hall "treated them just like they were his own children." Hall was later elected sheriff.

The situation with the police began to snowball in the early summer of 1974 and *The Mountain Eagle* ran editorials and articles throughout the summer calling city, county, and state police forces out for their heavy-handed treatment of young people in Letcher County. In May, an editorial questioned the degree of control Sheriff Watts had over his deputies after one young man was jailed by city officers because he had left his driver's license at home and in a separate incident, three police cruisers, one city, one county, and one state, were involved in a high-speed chase with speeds topping 130 miles per hour. They were in hot pursuit of a young man driving a carload of his friends who "scratched off" in front of a Whitesburg theater. The newspaper questioned city officials as well as the sheriff and state police and concluded that ""It is not safe to allow your child to be in Whitesburg after dark. ...We seriously doubt whether anyone can raise a family free from daily fear of our police in the present Whitesburg environment.""⁶⁰

Later, a group of Whitesburg parents attended another meeting of the Whitesburg City Council to protest the treatment of their teenage sons by Whitesburg police officers after five boys were arrested around 11:00 PM (before the curfew) for sitting on the infamous bridge. Pat Gish again attended the meeting in the capacity of a concerned parent rather than a reporter. The boys had been jailed and locked in cells before they were given their opportunity to make a phone call, although the arresting officer, City Patrolman Johnny Halcomb had simply charged them with being "disorderly." He had arrested another youth before he arrested the five and told them if they were still at the bridge when he returned he would arrest them too, unless they turned their music down. Mayor Ferdinand Moore attested that Halcomb arrested the boys

⁶⁰ "Who has control?" *The Mountain Eagle*, May 30, 1974, 2.

because they turned up the volume on their automobile tape player after he had told them to turn it down but the boys said they had turned the volume down when the officer asked and he arrested them anyway because since they turned it off when he came back, he assumed it had been louder. When asked why he hadn't waited until the curfew went into effect, Halcomb replied, "It's time to get off the bridge when I say it is." Charges were eventually dismissed against all the boys, but the parents told the city council they believed the police were deliberately harassing the young men who "hung out" on the bridge. Halcomb was a relief officer who also worked as an usher at the theater near the bridge where the boys said he wore his gun while on duty. The boys also complained that Officer Johnny Caudill, who later admitted to orchestrating the fire that destroyed the offices of *The Mountain Eagle*, often mistreated them. Parents also questioned the council about city police officers being involved in high speed chases outside city limits but the mayor said police were directed not to take their police vehicles outside city limits. Council members also said police were instructed not to jail young people unless a judge ordered it, but several young men under 18 told them they had been jailed overnight and had been refused when they asked to call their parents. After more discussion, a councilman was asked if he would expect to be arrested and taken to jail if he was cited for reckless driving, and the council got up without adjourning and began to leave. When asked if they would meet again, Councilman Lee Moore said, "We've already met."⁶¹

In the same issue, another article reported that officer Johnny Caudill had beaten and kicked a nineteen-year old man while he was in custody at the Letcher County Jail. When Tom Gish asked Police Chief Nathan Baker, who was married to Lois Baker, founder of Mountain Comprehensive Health Care, for information on the issue, Baker refused comment and did not

⁶¹ "Council hear protests of parents," *The Mountain Eagle*, June 20, 1974, 1.

return Gish's calls or the messages he left. Jailer Vernon Hall also refused comment and would not return calls. Jail officials denied that the beating had taken place and Sherriff Watts said he had investigated the matter and found no evidence of a beating. Mrs. Riley Cook, the young man's mother, said the boy had been beaten several times after being arrested for throwing a beer can off the bridge. Caudill said when he shined his light on the river bank he had seen the beer can, but Mrs. Cook said that although he hadn't been drinking beer, "there must be a thousand beer cans down there, " and added that her son was recovering from recent abdominal surgery at the time of the beating.⁶²

The Whitesburg City Council refused to take any further direct complaints and said anyone wishing to make a complaint would have to lodge it with the city's police commission. The council spokesman, Lee Moore, said complaints would no longer "be out in the open." The families who attended the previous month's meeting to complain said the council had "given the police a pat on the back, to which Moore, a Whitesburg physician who was described in an editorial as dominating city government, replied, "Malarkey." The council also voted unanimously to reject Chief Baker's resignation and increased the police uniform allowance.

Obviously, Dr. Moore believes that citizens of Whitesburg have no right to complain about police no matter how brutal the treatment, no matter how justified the complaint. But we ask Dr. Moore: If conduct of city police is not a citizens' affair, then what is? In a democracy, if you can't talk about police with city officials, then democracy ceases to exist. If you cannot talk about police, then you are in a police state.

The editorial also mentioned that at the recent meeting, Mr. John Palumbo, who said both of his sons had been mistreated by city police, had asked, "Are the police acting according to your desires? Are the following your instructions?" Moore replied, "They are following our orders." The editorial cited Kentucky law prohibiting the incarceration of juveniles except under

⁶² "Police beating alleged," *The Mountain Eagle*, June 20, 1974, 3.

very strictly defined conditions, and stated it had not been followed in any of the recent arrests and finished by asking if the council still supported the police when they were very clearly violating the law themselves.⁶³

One week after Moore's remarks, a grand jury was empaneled to investigate the shooting of a boy described as a "young teenager," at his home in Democrat, near the Knott County line, when the boy challenged the right of Deputy Arnold Hall, a former school board member, to arrest his brother. The boy said he was going to call Sherriff Ruben Watts, who had been a principal at a county school during Hall's tenure on the board, and Hall knocked him down and shot him in the leg. Just a week before the Hall shooting, another deputy had been charged for shooting two teenagers in McRoberts. In the same issue, *The Mountain Eagle* reported that the sheriff's office employed 32 deputies, but only seven were bonded, although Kentucky law required all deputies to be bonded.⁶⁴

By this time, *The Mountain Eagle* stood in opposition to the power structures in both the county and in Whitesburg, and in many ways, it was the lone voice for justice in a county that was rapidly moving backwards to embrace "the good old days" of eastern Kentucky. Judge Blair and his cronies in the coal trucking business had adamantly refused to obey the law, or to enforce it. At the same time, the Whitesburg City Police and Letcher County Sherriff's Department, along with Kentucky State Police troopers, had unleashed a reign of terror on young men in the county, and the Whitesburg City Council and Mayor Moore had given the city police department carte blanche. Coal operators and truck owners felt comfortable threatening Gish and mistreating reporters, and the constant stress, along with the financial problems and threats had taken a toll

⁶³ "A sorry mess," *The Mountain Eagle*, July 4, 1974, 2.

⁶⁴ "Grand jury investigating deputies' shootings of youths," *The Mountain Eagle*, July 11, 1974, 1.

on Tom Gish's health and the paper's ability to operate. And yet, they did operate and they continued to take on the interests that dominated the county, but it came at a high price.

Chapter Seven

The animosity toward *The Mountain Eagle* finally reached a tipping point in mid-1974. Less than three weeks after the paper published an article detailing how few of Letcher County's deputy sheriffs were bonded, and another concerning the grand jury investigation of the shooting of a teenaged boy by a deputy, the offices of *The Mountain Eagle* were fire bombed. At first, it was believed to be an electrical fire, but while cleaning up after the fire, Tom Gish discovered kerosene soaked papers and rags in the rear entrance. The next day, an article in *The Courier Journal* reported that although the cause of the fire had not been determined, it damaged the office badly and destroyed many of the records and articles in the paper's archives, including the paper's extensive Appalachian photo collection. The fire was discovered around 1:30 AM and extinguished in around 30 minutes, but not before the three back rooms were totally destroyed. *The Eagle* had occupied the space for 15 years, and Gish said that the greatest loss would be the photographic archive and a collection of books and articles on eastern Kentucky and Appalachia, which he described as one of the best collections he was aware of. Typically, Gish promised the paper would come out the following week, "even if we have to use just one typewriter." *The Courier Journal* article called attention to the many controversial articles, including numerous critiques of strip mining and "strong statements on poverty in the area, that had "incurred the wrath of some local officials and citizens."¹

The Mountain Eagle made its first post-fire press run one week after the blaze destroyed most of the equipment needed to get the paper out. The front page featured a photograph taken through the office window that showed the extent of the devastation and carried a separate report on the resignation of Whitesburg Police Officer Johnny Caudill, who said he was quitting

¹ Stephen Ford, "Mountain Eagle damaged by fire," *The Louisville Courier Journal*, August 2, 1974, Section B, 1.

because of the "harassment given to me by the editor of *The Mountain Eagle* and others." The fire had "followed threats to burn voiced at a public meeting by a coal trucker and threats against the life of Editor Tom Gish by a local law enforcement officer." At the request of Gish and Whitesburg Fire Chief Philmore Bowen, Kentucky State Police arson investigators began an inspection of the newspaper offices, and Gish was quoted in the article as saying it appeared that someone had thrown a flaming object through the window. Gish also discounted the possibility that the fire may have been accidentally caused by someone associated with the paper, saying they were all very "security conscious" due to many threats and break-ins, along with petty thefts. Although Gish later said he had been certain all along that the fire was caused by arson, he was still quoted in the article as saying he liked to think it was accidental. "I don't want to believe that someone hates us enough to burn us out. Nor do I want to believe Whitesburg's response to criticism takes such an extreme form." Most of the equipment used to produce the paper was heavily damaged, but Gish said they were fortunate that the subscription records were not damaged and the bound copies of the paper covering most of its history also survived.²

However, if Gish was willing to discount the animus of the city and its inhabitants, an accompanying article showed that the city government was no friend to the newspaper. "EAGLE OFFICE CONDEMNED" described how Police Chief Nathan Baker, who said he was acting on the order of Fire Chief Philmore Bowen, posted a condemnation order at the newspaper office that required *The Eagle* staff to vacate the building without further notice. Under the order no one could enter the building except for the purpose of demolition or making repairs. Gish said the order was a heavy blow and no further explanation for the action was offered. The order also required the building to be in compliance with national building and electric codes was when it

² "FIRE HEAVILY DAMAGES OFFICE OF THE MOUNTAIN EAGLE," *The Mountain Eagle*, August 8, 1974, 1.

was remodeled. The city council had adopted the new codes the previous Monday. When asked for an extension so the staff could remain in the building until the paper was finished for the week, Bowen said he would get an opinion from the city attorney, but called back later in the day and said the building would have to be vacated immediately. Bowen said he had not been aware the staff planned to publish from the office that week and Baker came back shortly to say they must vacate at once. Gish wrote that he was dismayed but not surprised and attributed the city's antagonism toward the paper to the recent criticism of the city police department and the practices of city and county law enforcement officers. He added that following the publication of several issues with articles about incidences of police brutality toward young people, threats on his life were voiced before several witnesses by a city policeman. Gish reported that he had personally gone to the mayor and council members and asked the city to take disciplinary action against the officer, but nothing had been done, except for the council telling parents they would no longer listen to complaints against the police at their meetings. Gish also stated that he had made an arrangement with the building's owner so the staff could clean the damage up and continue to operate out of the relatively undamaged front portion of the building while the rear part of the building, which had been heavily damaged, was repaired but the city proceeded to enforce its order to condemn.³

The following week, the paper came out directly from the Gish home, and was set in typewriter script rather than newsprint. Jim Branscome, a former *Mountain Eagle* reporter and longtime friend described visiting Tom Gish a few days after the fire, saying he had climbed the steps to Gish's home and had seen him on the front porch typing away to get the next week's edition out.

³ Wayne King, "An Eagle that Just Won't Stop Screaming," *The New York Times*, August 25, 1974, 47.

Here he was not far away from his heart attack, having quit a five pack a day habit, and he was determined to get out a few pages, just to let all the bastards know *The Eagle* was still screaming. Was it an incredible act of courage, commitment, or just plain mountain stubbornness? I still haven't figured out the proportions of these three things, but I am leaning toward the last one as explaining a lot.⁴

The August 15 issue managed to carry one article that had been set in regular newsprint, the reprint of an article by Wayne King that had run in *The New York Times* earlier in the week. King wrote that since the Gishes had bought the "tough little mountain newspaper," the masthead had carried the two-word slogan, "It Screams." But in the August 8 edition, just under the picture of the American Eagle, the masthead carried a new slogan, "It Still Screams." The paper had taken on almost all the power brokers in the county and state and it had almost "quit screaming" after the fire. But rather than close the doors and give in to the interests arrayed against them, Tom and Pat Gish put the issue following the condemnation of the newspaper's offices together in their living room. King reported Gish's disappointment, as well as his lack of surprise that not one member of the city council expressed any sympathy or regret. "Ordinarily, you'd think that when a leading institution in town is hit by disaster, you would hear some offer to help. All we got was a condemnation order." Privately, Gish told King that some people in the city wanted the newspaper's voice to be silenced and that some of his remaining friends had expressed the opinion that one of the "big companies" he had taken on over the years had been behind the fire. However, Gish said he thought that was not logical, since he and his environmentalist allies were clearly fighting a losing battle and nothing had happened during the much hotter battles over strip mining with larger coal companies. King also mentioned a meeting, held in the courtroom at the Letcher County Courthouse, where a coal truck driver had said that if Gish disclosed any of the details of the supposedly private meeting, including an agreement with county officials to overlook weight violations for coal trucks, "we'll burn his building down." He also noted the

⁴ William Farley, "Award Formally Given to Eagle Publishers," *The Mountain Eagle*, March 2, 2005, 12.

animosity between Gish and the Whitesburg police, including the threat by one officer to shoot the editor, along with the subsequent resignation of Patrolman Johnny Caudill. "The most untouchable of the all untouchables are your local police -- a lesson we should have learned--" said Gish. But when King asked him if that meant he would not do it over, Gish replied, "No, no, you just never quit."

King went on to describe Gish's appearance as being particularly un-Eagle like, "unless one considers a certain sharp quality of mind that suggests quick talons somewhere up high." He could have included a stubborn courage that had carried the newspaper through economic boycotts which had almost forced them into bankruptcy and had forced the family to be dependent on Tom Gish's parents for help a number of times. King described the paper as a "surprisingly graceful balance between intensive and skillfully written analysis of complex issues and long bucolic ramblings from county correspondents." He included Gish's statement that it wasn't just he and Pat who had paid the price for the paper's insistence upon publishing the news at it took place. The Gishes had five children, including Ben, who was 17 at the time and who had been arrested by City Patrolman Johnny Halcomb for playing an automobile tape player too loud. Ben Gish had just recently been acquitted following two court appearances that included being forced to endure a long lecture "about respecting anyone who wears a uniform and issuing apologies to the police. "Our kids have already paid a price -- for being our kids -- not being welcome in the 'better homes,' not being invited to other kids' birthday parties." King finished his piece with Gish saying the paper would continue to publish, and that two issues had already gone out from the family's living room since the fire.

The paper is a little skinnier, the typeface a little different on the new equipment, but it is still a joy to read...and the slogan on the masthead has changed too. It now reads THE MOUNTAIN EAGLE: "IT STILL SCREAMS."⁵

The same issue that carried King's NYT article also reported that evidence of arson had been conclusively found in the newspaper offices by work crews clearing away debris from the fire. The following week the paper contained a blistering editorial in which Gish said that while was very tempting to say yes to the many interests who had wanted to buy the newspaper out, "We are too mean and ornery to quit. We're going to stay right in there with it. Don't ask us why. We have no good reason. Call it stubbornness. Or stupidity." He called the discovery of arson the most demoralizing thing about the fire, but added that he and several others had immediately suspected that it was not an accident. Gish wrote that some of his friends had told him and Pat they should have looked for some sort of attack on the paper, or on themselves or their children, due to the many strong positions they had taken. What really angered him was that he had gone to two council members asking for help but had gotten nothing, and because county officials had openly condoned threats to burn down the paper by their silence, when the threats were voiced in public meetings. The city and county officials had ignored their responsibility to uphold the law by allowing coal truckers to openly haul overweight and created a "climate where lawlessness is the norm and where no one should be surprised by arson."

When you live in a community that upholds the kind of casual disregard for the rights of free speech, the rights of a free press, the rights of children to go about the streets without being harassed by police...then who is safe from arson, who is safe from murder, who is safe from fear?⁶

In a 2005 interview with Appalshop filmmaker Mimi Pickering and radio producer Maxine Kinney, Tom and Pat Gish spoke at length about the fire and the period surrounding it.

⁵ Wayne King, "An Eagle that Just Won't Stop Screaming," *The New York Times*, August 25, 1974, 47.

⁶ Tom Gish, "IT'S HARD TO KEEP A SENSE OF HUMOR ABOUT ARSON," *The Mountain Eagle*, August 22, 1974, 2.

More than 30 years after the fire, Tom was obviously still hurt and angry about the whole thing and Pat was certainly still angry. Tom said that he had been told by state police arson investigators that most of the Whitesburg business community had known about the details of the fire as soon as it had taken place but no one had come forth to tell him anything about who had torched his newspaper, or why, and no offers of help had come forth from the business community either. The most revelatory experience for Gish had come from his old colleague Harry Caudill, who had been hired to represent one of the young men who had been hired by Johnny Caudill to do the physical act of burning the building. Caudill said the boy, who was by then a student at Eastern Kentucky University, told him he had been given a stack of large denomination bills to do the job and had been told not to worry about anything because "we won't let anybody touch you." Harry Caudill told him there was never any doubt that "coal money" had paid for the arson. Gish said he felt kind of sick about Caudill's revelation and Pat Gish said while she had been sick about the paper too, but she was more worried that someone might do something to the children. The fire and its aftermath permanently soured them on living in Whitesburg ever again, once it became obvious that so many people in the town had known what had gone on but had not come forward, nor had they cooperated with the state police arson investigation. Gish said the arson investigators told him they were very tempted to "prosecute every business person in the county for lying to them." They had all known what had happened, but had lied to the officers anyway. He said he believed the silence and lies came from fear of the coal interests, but it was that silence from his neighbors that had finally driven him from city life. "I guess the reason we live at the head of this hollow (aptly named Phoenix Drive) so many miles from Whitesburg is that we had had all of Whitesburg that we wanted. We did not want to continue living among them." The newspaper office stayed in Whitesburg because it was the

county seat, but Gish said *The Eagle* had always been a county-wide institution and he had never really considered it just to be a Whitesburg paper anyway. And it had always had more support in the hollows and far reaches of the county than in Whitesburg anyway. "We always had support in unusual places. It's better not to try to name them." Some of their supporters had gone as far as to tell the coal operators that if anything else happened to the newspaper or to the Gish family, they would come for the coal men and their families and they would be dealt with in the "good old mountain style."⁷

While many in the coal industry circles were happy enough about the fire, newspapermen from all over the nation sent condolences, offers of help, and threats of retribution to the coal operators and county officials who had persecuted the Gishes and *The Mountain Eagle*. One reporter for the New York Time had stayed in Whitesburg for quite a while working on the story of the fire, and before he left town, he went to county officials, the judges, and the coal operators and told them that the eyes of the national press, including the largest newspapers and wire services in the nation, were fixed on Letcher County, and that they could consider the Gishes and all the staff under the protection of the national press. According to Gish, the reporter had told everyone he spoke to that if anything more happened to Tom Gish, or the family or the staff, the county elites and coal operators had never imagined anything like the national scrutiny that would descend on Letcher County.⁸

Although the arson investigation, along with the arrests and court cases went on for several years, it soon became obvious to the enemies of *The Mountain Eagle* that although the paper may have been wounded, the "old bird" would continue to scream across the mountains of

⁷ Tom and Pat Gish, 1995 interviewed by Mimi Pickering and Maxine Kinney at the Gish home in Thornton, KY Tape 2, located at Appalshop in Whitesburg.

⁸ Ibid.

eastern Kentucky. As that revelation went from being an epiphany to a settled fact, the newspaper's opponents intensified their campaign to close *The Mountain Eagle* for good, but Tom and Pat Gish, along with a diverse cast of Letcher County natives and out of town reporters, dug in their heels, in what was no doubt a combination of the "mountain stubbornness" Jim Branscome had attributed to Tom Gish, and a realization that if their voice was silenced, it may well be the last local effort to throw off the reigns of the power structure that would occur for a while. Both sides doubled down.

As things moved on past the fire, the Letcher County Board of Education found itself in turmoil once again, this time with a teacher's revolt over low pay and poor working conditions, and the Fiscal Court was ready to implode in a hail of corruption and dissent. The Board of Education once again took exception to the paper's reporting about the growing impetus for a teachers' strike and did their best to keep the information from the public, by keeping *Mountain Eagle* reporters in the dark as much as possible without violating open meeting laws. Several members of the fiscal court no longer saw themselves as being constrained by law or morality, and took every opportunity to quash the newspaper, from another futile attempt to decertify *The Mountain Eagle* as the county's newspaper of record to withholding obituary information from the judge executive's mortuary. Before being elected judge executive, Estill Blair had operated a successful funeral home, and in a fit of pique, he refused to provide obituaries to the newspaper. He also summoned a *Mountain Eagle* reporter to his court and told him he would "no longer provide the newspaper with county records and public information, 'until you learn to print the truth'." Blair was angry over a letter in which he had been criticized for not temporarily releasing an inmate in the Letcher County Jail to visit his dying mother, along with coverage of a meeting in April in which two magistrates and a crowd of Letcher County school teachers had walked out

of court in protest of Blair's conduct. "Until that woolly bugger bunch up there can learn to print the truth, don't come in here and ask for information,' the judge fumed."⁹

Blair's anger at the paper came from the paper's coverage of a near melt down in the fiscal court that eventually led to numerous indictments, public protest, and trials. In his editorial concerning the obituaries, Gish told the readers that obituaries were published without any charge to the family of the deceased. He added that while the newspaper did not "intend to allow any *Eagle*-Judge Blair feud" to prevent them from publishing what they called one of any newspaper's primary obligations, it further stated that Blair's refusal to provide public information was illegal, since public documents from the court were required to be published in *The Mountain Eagle* because it was the newspaper with the largest circulation¹⁰

This came just after a report on a fiscal court meeting that had ended with magistrates James F. "Chum" Tackett and David Wright, along with a group of 30 teachers, walking out of the meeting after Tackett made a motion to earmark half of the revenue from a franchise tax on coal for education. The tax had had been passed at the February fiscal court meeting. Blair had moved to table Tackett's motion, and when no second was offered, he seconded it himself and called for a vote, in which only Blair and one magistrate voted. Blair then declared that the motion had passed by a margin of two - zero, although he had not called for abstentions. Tackett called for a re-vote and Blair refused, saying the issue was settled and Tackett, Wright, and the teachers walked out of the meeting.¹¹

In late April, a Letcher County Grand Jury indicted Blair and the entire court for willful neglect of duty, although the specifics were sketchy and no actual reason for the charge was

⁹ "Angry Judge Blair says he won't give Eagle information," *The Mountain Eagle*, August 10, 1975, 1.

¹⁰ "Obligation," *The Mountain Eagle*, April 15, 1975, 2.

¹¹ "Meeting ends in walkout," *The Mountain Eagle*, April 3, 1975, 1.

listed in the bill of indictment. The Grand Jury also found the courthouse in generally poor condition and ordered that it be cleaned up and necessary repairs be made. The Grand Jury foreman was given the responsibility of seeing that the repairs were made, including several specific items, such as replacing plumbing fixtures in the courthouse and jail. Circuit Judge F. Byrd Hogg directed the Circuit Court Clerk to issue the warrants against the court as well as Sherriff Ruben Watts and Jailer Vernon Hall, although Judge Hogg was expected to step aside in the actual trial process of Magistrate Monroe Hogg, who was his cousin. In the same report, the Grand Jury recommended that the County Patrol be combined with the sheriff's department and pointed to the existence of a serious and growing drug problem in the county. One week after the indictments, the fiscal court cited the indictments as the reason for refusing to pledge federal revenue sharing funds for several county projects, including a countywide ambulance service. Judge Blair said he felt that the indictments had placed the funding in jeopardy and he did not recommend pledging the funds to anything before the indictments could be resolved. When asked after the meeting how he had learned that the funding might be threatened, Blair replied, "locally." In the same issue, the paper reported that two men, former Patrolman Johnny Caudill, and Bradley Jones had been charged with setting fire to *The Mountain Eagle's* offices, although the county attorney recommended that the original charge of arson be reduced because both men were in their 20s. Tom and Pat Gish agreed, saying that prosecuting the two young men on an arson charge would serve no public purpose.¹²

Not long after the funding issue, Blair also swore out a warrant, which he signed himself in his capacity as Judge Executive, against a man who had called him a liar in a telephone conversation and ordered county patrolmen to arrest Billy Adams for "harassing

¹² "Two fined in fire charges," *The Mountain Eagle*, April 24, 1975, 1.

communication." Blair told Adams he would release him if he apologized, and justified his actions by saying the county attorney had shown him statute law that authorized him to issue the warrant. Adams' wife went to the jail to get her husband released, where she was told that only Blair could hear the case, and he was in Jenkins at that time. When he returned, Blair had Adams brought into his office, but barred a *Mountain Eagle* reporter and Adams' family members from attending the meeting. Blair later said that Adams' mother had accused him of selling out over a road issue, to which Blair responded, "nobody has bought me off since I've been county judge, and nobody is going to," After Adams apologized, Blair withdrew the charge.¹³

As investigators from the office of the Kentucky Attorney General and the State Auditor descended on the court and its members, Blair and several of the magistrates seemed to adopt the mentality that the only way out was total defiance of every organization that was trying to drag Letcher County into the 20th Century. Of those, none was more despised than *The Mountain Eagle*. Blair continued to refuse to share information on obituaries with the newspaper and to withhold information and documents that the county was legally bound to deliver to *The Mountain Eagle* as the county's newspaper of record. Then, in collusion with *The Community Press*, Blair and the fiscal court made another attempt to de-certify *The Mountain Eagle* by making fraudulent claims supported by *The Community Press* that the small weekly located in Cromona, actually had the largest circulation, although the matter had been settled as recently as 1970, when the fiscal court had attempted to claim that *The Mountain Eagle* was not the paper with the largest circulation. While the claim was eventually proven false, it caused more problems for the paper at a time when they were already inundated with them. This played into the plans of Estill Blair, who had hoped to financially cripple *The Mountain Eagle* by denying

¹³ David Dyar Massey, "Judge issues warrant for accuser," *The Mountain Eagle*, May 22, 1975, 1.

them the highly lucrative publication of county budgets and tax records, as well as legal publications from both school boards and all the incorporated cities in the county. Another very important source of income was the legal notice of mining permits and bond releases, which were also required by law to be published in the paper with the largest circulation.

In May of 1975, the Letcher County Fiscal Court voted to set up a panel that was tasked with examining circulation records to determine which newspaper had the largest circulation. At the same time, Blair published the county's list of delinquent taxes in *The Community Press* without the court's permission, although *The Mountain Eagle* was legally recognized as the paper with the largest circulation. Magistrates James Tackett and Harry Smith criticized Blair for the action and referred to the 1970 dispute that certified *The Mountain Eagle* as the paper with the largest circulation. County property taxes were the prime source of funds for many county agencies, including the sheriff and county court clerk's office and the delinquent list was avidly read by county residents.

Charles Whitaker told the court panel the circulation of *The Community Press* was 2,528, and Gish reported that *The Mountain Eagle's* paid circulation was 3,412, including 1,438 mail subscriptions and 1,974 in newsstand sales. When the court asked for subscription records, Gish declined to furnish them, saying that he had furnished an affidavit to provide proof of circulation and that in past circulation disputes in Kentucky, that had been ruled to be acceptable. He added that due to the many threats the paper had received, including one made by an unidentified court member, "I don't know what efforts may be made to direct recrimination toward subscribers of *The Mountain Eagle*." When Jon Cornett, the attorney for *The Community Press*, questioned the number of newsstand sales, which had always been a prime source of sales for *The Eagle*, Gish replied that he could easily provide evidence from the stores that sold the papers, by using the

sales records they kept for them, adding that *The Mountain Eagle's* newsstand sales of nearly 2,000 alone almost surpassed the total circulation of *The Community Press*, which was 2,528. Gish told Blair he had broken Kentucky law by publishing the delinquent tax records in *The Community Press* when he knew it did not have the largest circulation and both Tackett and Smith asked Blair what had prompted him to take that action. Blair replied that Sherriff Ruben Watts had requested that the delinquent tax rolls, which had been delayed by Blair's refusal to publish in *The Mountain Eagle*, be published as soon as possible so he had them published in *The Community Press*. When Tackett asked if Watts had specifically requested that the tax rolls be published in *The Community Press*, Blair said that he had asked if there was any way it could be in *The Community Press*, but under the advice of his attorney, Watts declined to comment on the action.¹⁴

James Tackett also told Blair he did not believe that it was the court's responsibility to determine which paper had the largest circulation, and suggested that the court accept the signed affidavits stating circulation. He said if Whitaker wanted to pursue the matter any further, he could challenge Gish's affidavit in court. During the meeting, Gish told Blair he believed he was trying to use the issue of circulation to intimidate *The Mountain Eagle*, but his threats would not silence the newspaper's voice. Blair claimed he had made no threats but only wanted the paper to print the truth. As the meeting wound down, Tackett asked that the legal advertising revert back to *The Mountain Eagle* while the court waited for the results from the investigative panels and County Attorney Fields said that by law, *The Mountain Eagle* should be carrying the ads

¹⁴ "Fiscal court delays paper decision," *The Mountain Eagle*, May 1, 1975, 1.

anyway. "As of today, it is restored to *The Mountain Eagle*?" Tackett asked. "Well, that's no problem," said Blair.¹⁵

The circulation issue was eventually resolved in Gish's favor, but it was a costly distraction that required paying legal fees, and directed attention away from other issues taking place at a time when the activities of the fiscal and legal courts in Letcher County were almost a caricature of what actual county government and legal systems should be. This was not an isolated incident, but one that mirrored other actions that were taking place as African Americans in the south had begun to assert their legal rights and the Chicano Movement was working for equal rights and equal justice for Hispanics. Each movement developed its own newspapers to provide information that the mainstream media failed to cover.

In Letcher County, F. Byrd Hogg affirmed his allegiance to the power structure by dismissing the charges of dereliction of duty against the fiscal court and later by reversing the convictions of the men who set fire to *The Mountain Eagle*. In the case of the court's dereliction of duty, Hogg brought the Assistant Commonwealth Attorney who had initiated the charges to heel, and granted the dismissal, saying that a "spirit of cooperation and unity" had made the indictment unnecessary. He also said the grand jury's charges were "more in the form of a mandate rather than an indictment, in a technical sense." Hogg was well known by this time for his own interpretations of Kentucky law, particularly when it favored local officials and coal operators. Reporter Phil Primack wrote that although only two days had passed since Leatherman had filed a bill of particulars on the indictment, both Hogg and Leatherman had noticed "Changes which have taken place in the courthouse."¹⁶

¹⁵ Ibid.

¹⁶ Phil Primack, "Hogg dismisses charges against Letcher officials," *The Mountain Eagle*, June 26, 1975, 1.

Less than a month after Hogg dismissed the grand jury charges, the fiscal court voted to appropriate up to \$1,750, or \$250 each, to offset the legal fees incurred by the eight county officials named in the indictment. When Magistrates James Tackett and Lawrence Sumter both said their fees had been exactly \$250, County Attorney Leroy Fields questioned the move, saying, "Gentlemen, I don't know any law for it (to allow the use of public money to pay the officials legal fees)." However, Tackett cited a previous action that took place in the previous court in which \$1,000 in county funds had gone to pay his legal fees as well as those of Magistrates I.D. Back and Eddie Howard in their defense against charges of illegally using county funds. The charges in that case had been brought by incoming Judge Estill Blair. When Tackett mentioned the suit, it brought a round of laughter from other court officials and the audience at the fiscal court meeting. County Attorney Fields asked that the court record show that he had questioned the legality of the action and the court then passed the motion unanimously.¹⁷

Former Whitesburg Patrolman Johnny Caudill was convicted of "aiding, counseling, or procuring the willful and malicious burning of the offices of *The Mountain Eagle*" in Byrd Hogg's court but the sentence of up to one year was to be determined by Hogg in a separate hearing. Caudill's attorney said he would probably appeal the verdict. The conviction rested on the testimony of the three young men Caudill had hired to set the fire. The prosecutor tied the crime to the articles in *The Mountain Eagle* concerning police brutality in Whitesburg, and to the protests made at city council meetings by Pat Gish and other parents. During the trial, one young woman who said she was a friend of Caudill's testified that he had told her she should "whip Pat Gish," and one of the men tied to the arson was said to have gone to the *Mountain Eagle* offices

¹⁷ David Dyar Massey, "Court approves public money for legal fees," *The Mountain Eagle*, July 24, 1975, 1.

before the fire to "Punch Tom Gish in the nose," although he had not entered the office or assaulted Gish. Other testimony made it clear that at least some personnel in the Letcher County Sherriff's Office were party to the arson, since part of the planning was done at the sheriff's office.

True to his attorney's prediction, Caudill filed a motion for a new trial. Whitesburg Attorney James Wiley Craft, who had represented Caudill at the first trial, filed the motion claiming that Judge Hogg had failed to rule that one of the witnesses was also charged as an accomplice in the crime and that since the prosecution's case had rested on the testimony of the accomplices, the testimony should have been ruled out. Hogg freed Caudill and placed him on probation for five years, with no special conditions on the probation, saying that the Chief Probation Officer, S.T. Wright, and Probation Officer A.B. Halliday had both recommended that Caudill should not be sent to prison, calling him a "victim of circumstances." Hogg said he had "no other course," but to set aside the sentence and grant probation. S.T. Wright was the brother of County Court Clerk Charlie Wright, the nephew of school board chairman "Doc" Wright, and a coal operator in Letcher County. The only conditions placed on Caudill's probation was that he refrain from violating the law and report once a month to his probation officer.¹⁸

In the issue reporting that Caudill had been freed, Tom Gish delivered a scathing editorial, starting and ending with "he got away with it." The editorial was titled "Open Season on *The Eagle*," and Gish wrote that Hogg's ruling in effect declared Open Season on the paper. The hope that a fair and open trial would help to clear the air concerning the years of harassment, threats and intimidation aimed at the newspaper and staff had been dashed, and Gish asked, "Why have we been so threatened? Why was the paper burned?" He also asked why the

¹⁸ David Dyar Massey, "Judge frees Caudill," *The Mountain Eagle* November 6, 1975, 1.

Whitesburg and Letcher County Officials who had known about the crime had withheld information from Kentucky State Police arson investigators, who had testified that they knew it was arson as soon as they entered the newspaper offices. The newspaper had tried to stand with the working people, the "little guy," and to report the news just like countless other newspapers across the country, and yet they had been subject to an ongoing campaign of harassment and intimidation that carried on even after Caudill was convicted, when a truck bringing copies of the week's paper back from the printer had been stopped and searched as soon as it entered the city limits of Whitesburg. The editorial also mentioned the fiscal court's latest attempt to deny legal advertising to *The Mountain Eagle* although the paper had twice the number of subscribers as its closest rival.¹⁹ The November 6 edition of *The Mountain Eagle* also ran a half page advertisement asking readers to subscribe, in an effort to help the paper use the record of subscriptions to "overcome adversity and the Letcher Fiscal Court."

The attempt to de-certify *The Eagle* as the county's newspaper of record was one of four that ended only when a Floyd County Circuit Judge told the representatives of the fiscal court he did not want to see this come before his court again or he would seriously consider holding them in contempt. A front-page article in *The Kentucky Kernel*, where both Gishes had earned their journalistic spurs while attending the University of Kentucky, proclaimed that after 69 years, "The Eagle still screams." *The Kernel* article also carried Gish's claim that *The Eagle* had a greater circulation in Washington, DC than any other Kentucky newspaper and said that because of the paper's strong views and widespread readership, it was recognized as the "voice of eastern Kentucky." Gish told *The Kernel* that the reporting in the Eagle was "as good as *The New York*

¹⁹ "Open season on The Eagle," *The Mountain Eagle*, November 6, 1975, 2.

Times, The Washington Post, or The Courier Journal. "On a one to one ratio, we're as good as anybody."²⁰

An article published in the Berea Appalachian Center's Autumn 1974 newsletter, co-edited by Loyal Jones and Thomas Parrish, referred to Gish as a crusading editor who lived and published according to his own convictions, and referenced TVA General Manager TVA Lynn Seeber's, "apparently" joking remark that he had checked all the TVA employees to make sure none of them had been in Whitesburg at the time of the fire. *The Kernel* article also mentioned an event that was being held at the University of Louisville's Red Barn center with music from Appalachian musicians as a fund raiser to help defray repair costs.²¹

As the 200th anniversary of American independence got underway, Letcher County moved deeper into anarchy, and Circuit Judge F. Byrd Hogg's increasingly malignant presence permeated everything that came into contact with his court. But even Hogg's protective umbrella could not keep the fiscal court from that most dreaded of state agencies, the auditor. Early the following year, Kentucky State Auditor Mary Louise Foust released a scathing report that alleged wrongdoing and mismanagement in the expenditure of state and federal funds. This included federal revenue sharing funds, and Foust recommended further revenue sharing funds to be withheld until the situation was corrected. "The numerous violations of state statutes and excessive spending from budgets are indicative that the County has not been operated in a businesslike manner." The period covered by the audit included the last six months of the Collins administration and ran through June 30, 1975. It showed mismanagement, irregularities, and possible violations of the law in records of income and expenses and the general budget. It also

²⁰ Dick Gabriel, "The Whitesburg Mountain Eagle, -- it still screams," *The Kentucky Kernel*, April 8, 1976, 1.

²¹ Ibid.

pointed to excessive spending from "publicly financed expense accounts," and failure to return excess fees to the county treasury. In the report, Foust wrote, "In our auditing, we find violations all over, but Letcher County is a law all to itself." A copy of the audit was forwarded to federal revenue sharing officials in Washington, and Foust added that in her opinion, "revenue sharing funds should be cut off until they get their records in order."²²

The audit revealed that the county had spent \$152,764 in revenue sharing funds without advertising for competitive bids, as required by law, and had made \$11,000 in allocations to local fire departments without any record of how the money was used. The county judge's office had failed to keep expense records or an up to date budget, which resulted in serious overspending, and records for revenue sharing payments made in 1973 were lost all together. Blair refused to comment on the report, other than to claim he could prove the audit was wrong on the subject of advertising for competitive bids. In his campaign against former Judge Robert Collins, Blair had ridiculed Collins for failing to publish a detailed list of the expenditure of public funds in his term, and he claimed Collins had not turned the proper records over to him when he took office. Collins said the papers had been taken to Blair's office and delivered to him personally. "Everything was in good shape when I left office," said Collins. "I was audited by the state and a federal man right after I left office and they found nothing wrong."²³

In what had become a regular response to accusations of corruption and wrongdoing by fiscal courts in Letcher County, the former judge and the current court closed ranks to deny that anything illegal had taken place and accused the state auditor's office of presenting an inaccurate report. Collins and James F. Tackett denied that they had padded their expense accounts and said

²² Helen Winternitz, "State auditors find county funds in a mess," *The Mountain Eagle*, January 8, 1976, 1.

²³ "State auditors find county funds in a mess," *The Mountain Eagle*, January 8, 1976, 1.

that all their expenses during Collins' term in office had been valid. Monroe Hogg's expense account was brought into question over claims he made for travel, labor, and delivering voting machines, and the audit clearly stated that not only were the expenses improperly documented, the records showed improper payments as well. The auditor also asked why Hogg was delivering voting machines anyway. State Auditor Foust said the report was done by professional accountants and she would "stand by the audit in any court in the state, except Letcher County." The audit also questioned several incidents in which the county paid for legal expenses for non-county related cases. Two of the incidents had occurred during the Collins Administration and a third during Blair's. It also revealed that the court had overspent the budget in both administrations, and when asked about what was referred to as "excessive meal charges" billed to Blair's hotel room on one trip, Blair explained that he and Tackett had eaten in his room and said they were both "big eaters." The audit also revealed that several elected officials in county offices had kept \$47,000 in excess fees from their office activities, rather than returning them to the court as required by law.²⁴

At the same time the audit report was released, the Kentucky Department of Water listed the City of Whitesburg as being near the top of a list of cities having problems with sewage treatment and meeting water quality regulations. Rather than making any effort to help the county seat avoid legal action under the Water Pollution Control Act of 1971, the fiscal court held a "called meeting," without notifying *The Mountain Eagle* or the public (the lack of notification violated the Kentucky Open Records Act), and voted to deny the court's support for the city's attempt to obtain a \$30,000 federal grant to study the waste water disposal system in the city and surrounding area. Although Whitesburg had a relatively new waste water treatment

²⁴ "State auditor Foust stands by report's accuracy," *The Mountain Eagle*, January 15, 1976. 1.

plant, it was frequently inundated with excessive flow during heavy rains, mostly because of badly broken and antiquated sewer pipes in the city. The DOW report stated that within a few years, the city could face fines and injunctions that would prevent new sewer hook-ups, which would severely limit any future growth, and the federal government could force the city to build a new sewer plant. However, EPA plans for treating sewer problems in rural areas made it possible to reduce the cost to the city so that they would only be responsible for 25 percent of the total cost to build a new waste water treatment facility. The EPA would subsidize the other 75 percent, providing the city participated in the planning grant. State and federal officials admitted that they were puzzled by the court's behavior and said they had never heard of a county fiscal court refusing to accept federal money to alleviate a problem within their borders. The failure to enter into the first step of the EPA program eliminated the possibility that Whitesburg could receive any of the \$92 million allotted to Kentucky for designing updates and remedies for inadequate sewer systems throughout the state.²⁵

Less than a month after the secret meeting, the court called a public meeting to discuss the sewer problem, but only one magistrate attended the meeting. A representative of a Lexington engineering firm told a *Mountain Eagle* reporter the meeting had been called by the magistrates so they could get more information on the matter, but only one had shown up, even though the county as well as the city could be fined if the sewage treatment facilities within the county did not meet federal guidelines. Willard Gilliam, the only citizen who showed up for the meeting, was listed as the principal spokesman against the program. He warned that entering into the EPA program was a disguise for restrictions on land and said it was a "pig in a poke," and would be subject to abuse, even though the engineer denied it. In a meeting held for the same

²⁵ Bill Bishop, "Fiscal court votes to deny Whitesburg planning funds," *The Mountain Eagle*, February 5, 1976, 1.

purpose the following week, the court again voted down Whitesburg's participation in the federal program, although the Department of Housing and Urban Development had notified the court that HUD would pay the remaining 25 percent of the cost of the planning. Only one magistrate spoke in favor of participating, and several others expressed confusion over which federal agency was to fund the planning. The court voted against taking part in the program, even though the fines for not doing so could cost the city and county between \$2,500 and \$25,000 a day if they were enforced. State and federal officials again expressed surprise and said that 110 of Kentucky's counties had voted to join the EPA program, as well as the City of Neon in Letcher County.²⁶

By the end of the 1976 fiscal year, the county's finances were in shambles and the fiscal court was not paying its bills. Judge Blair dismissed the matter along with the financial problems that beset the fiscal court, saying that running deficits at the end of the fiscal year was just business as usual, and that it was common for the county to have to borrow substantial amounts from the next year's budget, although Kentucky law does not allow counties to end the fiscal year with a budget deficit. An official from the Department of Local Government told the newspaper that it was unusual for Kentucky counties to finish the fiscal year with a deficit, and that about 90 percent of them finished with balanced budgets. *The Mountain Eagle* reported that Letcher County was already over \$100,000 in debt at the beginning of the 1976 - 1977 fiscal year and that that a number of local businesses would no longer extend credit to the county government. The court's inability to pay accounts also caused financial hardships for a number of businesses and three threatened to sue if the court did not pay its debts. Reporting on the county's financial problems further eroded the relationship between Judge Bair and *The Mountain Eagle* and in

²⁶ "Court denies plan," *The Mountain Eagle*, March 4, 1976, 1.

mid-July, two weeks after the new fiscal year began, Blair delivered an expletive laced threat to a *Mountain Eagle* reporter. "Get off my back. I'm getting tired, damn tired. You're going to stay on me till I bust your god damn nose."²⁷

Blair told the reporter that everyone was laughing at Letcher County over the news stories detailing the county's financial woes and other blunders, and when asked about the estimated expenditures for the coming year, Blair said it was none of his business. Other county officials began to turn against the court, with long time County Court Clerk Charlie Wright and Budget Commissioner David Seltzer both revealing that Blair had not allowed them to see county financial records for several years. County Attorney Leroy Fields told the paper that he would file suit if necessary to prevent the county from continuing to run a deficit in violation of Kentucky law. The court compounded its bad relationship with the county attorney by holding a special called meeting secretly after its August 31 regular meeting, when neither Fields, his assistant county attorney, nor *The Mountain Eagle* were notified. The court had met in the judge's office immediately following the regular meeting in order to vote to obtain a \$20,000 loan from a local bank in order to meet its financial obligations, and although *The Mountain Eagle* had not been notified, Charles Whitaker of *The Community Press* was at the meeting. Fields filed suit and asked that an injunction be issued to prevent the court from conducting further closed meetings and the court retaliated against Fields by voting to withhold the salary for Assistant County Attorney Peyton Reynolds a week after the special meeting took place. In mid-September, Circuit Judge F. Byrd Hogg again placed his own stamp on Kentucky statutes by ruling that the secret meeting may have violated the letter of the law, but had not violated the law "in spirit," and dismissed the charges and denied the injunction.

²⁷ Bill Bishop, "Budget documents show county overspent \$112,625," *The Mountain Eagle*, July 15, 1976, 1.

Hogg's ruling stated that the meeting was held so quickly, it had been impossible to locate someone from *The Mountain Eagle* or from the attorney's office. However, both Bill Bishop of *The Mountain Eagle* and Assistant County Attorney Peyton Reynolds were outside the courthouse with Magistrate Estill Banks, when a county employee came out to bring Banks to the judge's office. A defense attorney representing the court told Hogg that Whitaker was already in the judge's office when he decided to convene the meeting, and the lack of notification to *The Mountain Eagle* and Reynolds had been the result of the confusion. He said the regular meeting had ended with heated exchanges between the court and members of the audience and the judge had forgotten the county needed to vote to obtain the loan until the meeting adjourned, so he called them back into session long enough to vote. County Attorney Leroy Fields said the subject of the loan and the secret meeting were important business, and the issue shouldn't have been decided in private. But in his characteristic fashion, Hogg interpreted the law to suit his own bias rather than the way it was written. He accepted the defense's contention that the hasty nature of the meeting had caused the failure of notification and added that a substantial number of the public had attended, saying that in his reckoning, an effort had been made to notify the others. Hogg did say that the court had recently conducted its business in "an informal manner" and should realize its business was important and should be done according to the law.

I think that to issue an injunction here would be to cast some aspersions that what did take place was a violation of the law here...There may be a literal violation, but what took place is not within the spirit of KRS Chapter 61....I don't think there was a violation of the law here. There may be literally, but all laws are subject to reasonable application.²⁸

The Mountain Eagle, was stretched thin during the period the court's financial problems came to light, and most of their resources were devoted to the results of two tragic methane explosions that killed 26 men in early March at the Scotia Mine, located at Oven Fork in Letcher

²⁸ "Secret meeting didn't violate sunshine law, Hogg says," *The Mountain Eagle*, September 23, 1976, 1.

County. The coverage of the Scotia disaster and the investigation and hearings that followed was one of the newspaper's finest hours, and Tom Gish said he had been told by several legislators that it had figured prominently in the development of the 1977 Federal Mine Safety and Health Act, which revamped the 1969 act and replaced the relatively powerless Mine Enforcement and Safety Administration (MESA) with the Mine Safety and Health Administration (MSHA) in 1978. The new law gave MSHA much more authority to enforce mine safety laws. Gish's claim to *The Kentucky Kernel* that *The Eagle's* reporting was as good as anybody's was proven again and again as *Mountain Eagle* reporters were the first to arrive at the disaster site and among the leaders in uncovering the many violations of mining law that had led to the disaster.

The first explosion took place on March 9 at 11:30 AM and resulted in the deaths of 15 men, whose average age was 27 years old. A second explosion killed 11 more, including three MESA inspectors, in what was later revealed to be a poorly planned attempt to inspect the site of the first explosion. The Scotia Mine was owned by Blue Diamond Coal of Knoxville Tennessee, which had been made famous in folk singer Jeanne Richie's song "The L&N Don't Stop Here Anymore." The company was known locally as a rogue operator that ignored safety laws and shrugged off closure orders issued by the relatively powerless MESA inspectors. Early in its coverage, *The Mountain Eagle* revealed that "Two Left," the section where the first explosion took place, was operating in violation of a closure order that had been issued the previous week, and the entire mine was operating under a fraudulent ventilation plan. The plan that had been filed with the Pikeville MESA office did not show the removal of a "brattice" or stopping that controlled the flow of air to the "face," the site where the actual mining took place. A brattice is a brick structure built between entryways, grid-like openings created as part of the mining pattern, that is designed to send air to the work face. The Scotia Mine was known to be a "gassy mine,"

meaning that unusually high quantities of methane were often released in the mining process, and the removal of the stoppage was subsequently shown to have diverted the vital airflow needed to remove the ongoing methane discharges at the working face. However, the first explosion had not actually occurred at the working face, but further down the rail track where two repairmen had been welding. The six men who had had been working at the face on a continuous mining machine had survived, but fearing that the mine was on fire, they had barricaded themselves with mine curtains at the face, only to suffocate from the gasses released by the explosion when their self rescuers expired. A self rescuer is a breathing device that uses carbon particles to scrub carbon dioxide and other gasses from the air but at the time of the explosion, even the best ones only had a one hour life span. There was no fire and the men could have easily walked to safety within the lifespan of their self-rescuers.

In that hour, the men made a critical decision. Rather than proceed to the intersection and then outby (going out of the mine or in the direction of the shaft) to the mine portal three and a half miles away, they chose to barricade themselves at the face and wait for rescue. It is easy to say they did the wrong thing, and press reports since the disaster have sometimes suggested as much. But reporters do not know very much about mine explosions. Very few people do.²⁹

Tom Bethell, who was working as Research Director for the United Mine Workers at the time of the explosion, told the newspaper that the Scotia mine was definitely considered gassy, even for eastern Kentucky, and one miner *Mountain Eagle* reporters interviewed said there had been chronic problems with ventilation at the "bottom mine" (the lower of two seams that were being mined) where the explosions occurred. He also said that Scotia officials had made cynical attempts to circumvent the inspectors, that included strengthening ventilation only in sections they knew would be inspected, at the expense of air flow to other sections, which they knew would not be inspected on the same trip. The unnamed miner (who probably feared retaliation if

²⁹ "Chronicle of tragedy," *The Mountain Eagle*, March 18, 1976, 1.

he spoke out publicly) told *Eagle* reporters that the mine had received three notices for insufficient ventilation just before the first explosion. "They got the ventilation up yesterday evening by shunting air from three sections up to the southeast. They do that every time an inspector comes in."³⁰

Kentucky State Police confiscated photographs of the disaster site taken by *Mountain Eagle* reporter Bill Bishop and film coverage that was being made by Appalshop filmmakers under contract to ABC News. Bishop asked the troopers why they had taken the film and he was told it was because he was taking the pictures on private property, although further questioning revealed that the confiscation was the result of a request made by Scotia Mining officials. Appalshop and *The Mountain Eagle* complained to Kentucky Governor Julian Carroll, and the pictures and the film were returned several hours after they were taken. On March 11, a second explosion killed 11 additional men who had been sent in to start roof bolting in the sections that had been damaged by the first explosion, which had been extremely powerful. The second explosion took place two and a half miles deep in Black Mountain and the investigations revealed that it was caused by a spark from a battery-operated compressor that was used on a "motor" (mine locomotive) that kept air pressure up in order to operate the brakes. In the investigations that followed, MESA officials told congressional panels that Blue Diamond officials had withheld any information concerning the compressor from them. Following the second explosion, MESA sealed the mine indefinitely, although mine rescue teams from several nearby mines, including the National Champion Mine Rescue Team from Beth-Elkhorn's Mine 29, did enter the mine to begin efforts to recover the bodies of the dead. The United States Department of Interior announced that it would convene hearings in Letcher County in April and

³⁰"15 die in explosion," *The Mountain Eagle*, March 11, 1976, 1.

MESA announced that it would conduct a formal investigation to see whether to file criminal charges in the explosions.

Against national coverage of the explosion, reporters Bill Bishop and Helen Winternitz provided a good deal of the coverage for *The Mountain Eagle*, along with Jim Branscome and several other former staffers and friends of the paper who Gish later said had descended on the paper to aid in any way they could. *The Mountain Eagle* was by far the best known local paper on the scene and as the son of a former Southeast Coal Mine Superintendent who had originally attended the University of Kentucky to study mine engineering, Tom Gish had a greater knowledge of coal mining than most of the newsmen on the scene. He also had an infinitely greater understanding of the work the men did and of the community's sense of loss. The families of the dead men were willing to speak to *Mountain Eagle* reporters because they knew they would be treated with respect, and the reports following the explosion were done with a great deal of regard for the feelings of the family members of the deceased miners. The paper carried pictures and eulogies of each man that died in the explosions and had comments from family members as well. Each man's personal history was given in detail including his work history and family connections in the coal industry.

The reports and editorials concerning Blue Diamond and Scotia's cavalier and cynical disregard of mine law had a special sting to them too, as only one who has experienced the lives of those affected by coal mining on a daily basis could understand. *The Mountain Eagle* was harshly critical of the ineffectiveness of MESA, and reported that the agency had overlooked numerous infractions, including a closure order Scotia had ignored that required safety cabs on shuttle cars the previous October, with no consequences from the agency. Another article revealed that Scotia had been released from a safety inspection program the previous September,

which had been initiated because the mine had been found to liberate excessive quantities of methane. The reason Scotia was excused was because it would have required the presence of three inspectors almost continuously at the mine and *The Mountain Eagle* printed a copy of the order releasing Scotia from the inspection program by B.A. Taylor, Inspector Supervisor at the Whitesburg MESA Field Office. Helen Winternitz reported that the Scotia miners had received sub-standard safety training and the company did not require the miners to attend ongoing safety training because Blue Diamond would have to pay the miners if they made the training mandatory. State and federal regulations did not require operators to offer more extensive training than an annual course on first aid, a safety course, and a class in roof and rib control. Supervisors and miners with specialized skills such as electricians and mechanics were subject to more intensive training, but the only additional training the regular miners received was for the use of the self-rescuer and fire-fighting equipment.³¹

Scotia and Blue Diamond began to withhold documents as soon as the explosion happened, and information was kept private as company representatives rarely met with the press. Not only was this allowed, the initial reaction of both the Kentucky Department of Mines and Minerals and MESA had been to refuse the press access to "files that are legally public information." The Monday following the second explosion, two MESA attorneys denied access to United Mine Workers investigators for public files, and when asked for MESA reports on Scotia's safety record, one of the attorneys, Bob Cohen said, "I don't want anybody looking at our files. Right now, we're not providing any information," although the MESA files were opened the following day. Kentucky State Police joined company guards to keep a tight line of control at the mine site and refused to admit reporters. MESA's Public Relations man Richard

³¹ "In aftermath of explosion, files closed, facts withheld," *The Mountain Eagle*, March 18, 1976, 22.

Nellius gave occasional reports, but "Nellius, however, was unfamiliar with both mining practices and the Scotia situation," and little information was provided during his visits.

Reporters had begun to phone the Inn at Wise Virginia, where many of the MESA officials were staying, in an attempt to speak to MESA Director Robert Barrett, but one reporter overheard Nellius say that he had all Barrett's calls rerouted to his room.³²

Director Barrett found himself in the spotlight in more ways than one, as his fitness for his position was questioned on several fronts and he denied having any knowledge of the danger the repair team had faced upon entering the mine after the first explosion, although the repair team had been accompanied by three "federal men." United States Attorney for Eastern Kentucky Eldon Webb told Jim Branscome that if MESA failed to adequately account for its role in the deaths in the two explosions, he would consider empaneling a separate federal grand jury to conduct an investigation to look into the tragedy, separate from the one conducted by MESA. Webb, who had served as an assistant U.S. Attorney in the prosecution of Findlay Coal Corp, told Branscome he had already started attending the MESA hearings and indicated that he intended to weigh the evidence to determine if he would pursue a separate investigation. He said that major conflicts in testimony had emerged in the hearings and that the government could probably prosecute several individuals for perjury. In a special *Mountain Eagle* section dedicated to the disaster, MESA Director Barrett was quoted as saying, "....prior to the second explosion, it was never brought to my attention that there might be any other possible ignition source in those areas."³³

³² "In aftermath of explosion, files closed, facts withheld," *The Mountain Eagle*, March 18, 1976, 22.

³³ "Backward glances at a tragedy," *The Mountain Eagle*, "April 8, 1976, 3.

Kentucky Attorney General Robert Stephens also told Branscome he had not ruled out a state investigation. He added that empaneling a separate grand jury would be up to Circuit Judge F. Byrd Hogg and if the facts warranted, the governor might ask Hogg to proceed. However, Hogg told a Letcher County grand jury that was already in session at the time of the MESA hearings that it would be better to wait until the MESA hearings concluded and held out the possibility of empaneling a grand jury to study the explosions in July. *The Mountain Eagle* questioned MESA Director Barrett's status and his ability to negotiate the tricky divide between congress, the operators, and his duty to protect miners' lives. In an editorial, Gish pointed to questions from Senate Labor Committee testimony to the effect that MESA may have not checked the Scotia mine for the presence of methane after the first explosion. Then they sent their team to accompany the Scotia crew, and the second explosion killed 11 more men. Barrett had been a good deal more bold the previous week when he told reporters that criminal charges against some members of Blue Diamond were being considered. His opening statement concerned MESA and its handling of the explosion, and several newspapers, including *The Mountain Eagle* stated that it was inappropriate that he be allowed to preside. Senator Harrison Williams of New Jersey and UMW President Arnold Miller both argued that Barrett's presence on the panel, along with that of Kentucky Mines and Minerals Commissioner Harold Kirkpatrick, created a conflict of interest. An *Eagle* editorial harshly criticized a statement by Kirkpatrick who, when he was seen to be drowsing in the glare of the television lights had said, "we're not lawyers," and added that representatives from his office may not have known how to ask the proper questions. "That's hogwash...The right questions don't get asked if the dedication to finding the answers is not there"³⁴

³⁴ "Barrett's Crisis," *The Mountain Eagle*, April 8, 1976, 4.

During the first two weeks after the disaster, Scotia Mine #6, which was mining the seam above the explosion site, went back to work and federal mine inspectors promptly issued 67 citations for violations of safety regulations. The company's failure to correct six of the citations resulted in closure orders, either on specific pieces of machinery or entire sections. On two previous occasions Scotia had continued to work while under closure orders, and in one instance, the inspector who issued the citation asked for a special investigation for what he termed "willful violations and defiance of the order." The 67 violations ranged from improper ventilation, which had been found to be the root cause of the fatal methane ignition, to faulty equipment and electrical problems, which had supplied the ignition source for the second explosion.³⁵

As the investigations and hearings continued, it became obvious that there was blame to spare on all fronts and that a good deal of the testimony from MESA and Blue Diamond was directed toward denial and cover-up from both parties. The company had been willfully negligent and defied closure orders, and the inspectors had been incompetent at best. The procedures that would have resulted in a safer work place for the dead miners had not been followed and when problems had been pointed out in inspections, they were either not addressed, or were not followed up. MESA had been in charge of the mine when the March 11 (second) explosion had taken place and testimony showed a good deal of miscommunication that had exacerbated the danger to the crew going inside. Safety regulations and guidelines that were not followed resulted in the 11 additional deaths. Scotia officials claimed that MESA had been warned that a compressor on a locomotive would automatically activate before the second crew went inside. The ignition from the compressor led to the second blast that killed all but two of the work crew, and Scotia accused MESA of negligence and of ignoring a warning that resulted

³⁵ Bill Bishop, "Inspectors cite Scotia for 67 violations," *The Mountain Eagle*, April 1, 1976, 3.

in the second disaster. In the same testimony, former Governor Bert Combs, serving as an attorney for Blue Diamond, strenuously objected to a statement made by Robert Barrett alleging that Scotia employees in the past had been fired and blacklisted for reporting safety violations at the mines.³⁶

At a joint House/Senate panel that was convened in the Letcher County Courtroom on May 7, Senator Harrison Williams, (D-NJ) and U.S. Representative Carl D. Perkins, the long serving Democrat who represented Letcher County in the Seventh Congressional District, joined the Senate Public Welfare Committee and the House Education and Labor Committee to "dwell primarily" on MESA's handling of rescue efforts after the first and second explosions. One staff member told reporters, "The hearings will deal primarily with MESA, and what MESA was doing between the two explosions." House staffer Jack Reed said the hearings would also look into the overall effectiveness of the Coal Mine Health and Safety Act, and its administration. The panel took testimony from federal inspectors and members of the rescue teams that had helped in the recovery and repair operations. The hearings stood in contrast to an earlier round of Interior Department hearings that had taken testimony from Gordon Bonnyman, president of Blue Diamond, who was pictured with one of his attorneys, Bert Combs, on the front page of *The Mountain Eagle* in the same edition.³⁷

As the hearings moved on, it became obvious that MESA's lack of enforcement power had made it very difficult for the agency to have much of an impact on the mine safety situation. A federal inspector working out of the Whitesburg office said that at least five Letcher County mine operators had refused to allow inspectors into their mines, and the situation dated back to

³⁶ "Scotia says MESA warned," *The Mountain Eagle*, April 29, 1976, 1.

³⁷ "Hearings to check on MESA," *The Mountain Eagle*, May 6, 1976, 1.

1974. MESA officials said they had little ability to do anything but take court action, because they had no immediate power to do anything concrete about violations. Whitesburg inspector Harold Lucas did offer the good news that none of the Whitesburg inspectors had been threatened with guns for attempting to do their jobs, but he said resistance to the law was a good deal worse in Letcher County than in Pike County or anyplace where he had worked as a MESA inspector. Six underground mines had violated closure orders, including Scotia, which had been in violation of three orders at the time of the first explosion. Another inspector said a Scotia miner had threatened him with a pair of heavy pliers and told the inspector he would pull a rock down on him. Lucas also said that at the larger mines, the inspectors were at the mercy of the company for transportation into and out of the mine and that their rides in on man-trip "jeeps" traveling on rail tracks would often be held up until a work crew had time to "spruce up" the section.³⁸

A letter to the editor from Harry Smith, a Blackey coal operator, accused MESA of using the explosions for its own purposes and stated that he had been issued an order in Pikeville federal court in April of 1976 to refrain from denying federal inspectors access to his mine, but the inspectors had not returned until August. Smith said MESA's accusations against him and other Letcher County coal operators were self-serving and that he had consistently run a safe mine "despite MESA's attempts to grind me down." He added that several inspectors had told him his mine had been targeted by their supervisors for closure, and he was beginning legal action against MESA.³⁹

³⁸ "Letcher County mines refused to allow federal inspections," *The Mountain Eagle*, May 6, 1976, 4.

³⁹ Harry Smith, Letters to the Editor, "Facts distorted," *The Mountain Eagle*, September 16, 1976, 2.

As the investigations wound down and efforts to reach the bodies of the 11 men killed in the second explosion started to show some signs of success, the United Mine Workers continued their slow but steady move toward self-destruction. Arnold Miller had promised to clean up the welfare fund when he was elected, but the promise of reform had proven to be slow in coming and the result was not satisfying to many miners. The new program, the United Mine Workers Health and Retirement Fund, announced late in the summer of 1976 that it had mailed 300,000 Health Service Cards to individuals listed in its rolls as being eligible for the benefits. The new cards were the result of the union switching over to computers to keep track of its biggest program, but Fund Chairman Harry Huge later revealed that some of the cards had gone out to people who were not eligible to use them and admitted that union officials had known that their database was rife with errors. His solution to the problem was to ask union members to inform on other union members if an ineligible person was found to be using the card. As the rank and file learned about the situation with the cards, the roving pickets started up again. These unauthorized pickets had already badly damaged the union's ability to provide a steady work force, and Miller's ability to control his union came into question. Mines throughout Appalachia were closed by the pickets, even though their complaint was with the union. *The Mountain Eagle* called it a sad day for coal miners.

In November, eight months after the explosions rocked Scotia, the bodies of the eleven men killed in the second explosion were recovered. The process had been slow and dangerous as the rescuers had to proceed through extreme levels of methane gas and move forward in stops and starts as each section had to be ventilated as they went. Advance teams working in unventilated sections and using self-contained oxygen apparatus had fought gas and bad top before getting close enough to start the final recovery by building new ventilation stops to flush

the gas out with fresh air. The bodies were finally removed from the mine the week before Thanksgiving 1976, and the families were allowed to conduct funerals for each man. Their obituaries appeared in the November 25 edition of *The Mountain Eagle*.⁴⁰

Two weeks before the final recovery, a federal inspector revealed that Scotia had recently been issued new safety violations very similar to the violations that had led to the explosions eight months before. The two Scotia mines had been cited for ventilation violations at least 52 times and inspectors found that two ventilation stoppings had been removed without filing a report with MESA. Other revelations included failure to check the calibration on a methane monitor on a continuous mining machine and two instances where escape ways were either not identified or blocked by mud and water.⁴¹

In the same edition as the eulogies for the eleven men killed in the second explosion, an editorial excoriated the inequities in federal law enforcement and the federal judicial system. When UMW President Arnold Miller wrote to U.S. Attorney General Edward Levi complaining that penalties for mine safety laws were not being enforced in federal courts, Levi replied that an enormous backlog of cases had built up in Kentucky, Virginia, and West Virginia, as operators had taken advantage of MESA's lack of actual enforcement power and had fought every order in court. The three U.S. Attorneys' Offices in eastern Kentucky, Southwest Virginia and West Virginia had received a total of 4,300 cases, and in most rural districts there were only a handful of Assistant United States Attorneys and at most, three district judges. And despite repeated requests by the U.S. Attorney, the three judges in the eastern Kentucky District had refused to set

⁴⁰ "Funeral services held for explosion victims," *The Mountain Eagle*, November 25, 1976, 1.

⁴¹ "New Scotia safety violations resemble ones before blasts," *The Mountain Eagle*, November 11, 1976, 1.

trial dates for any of the cases. So, as a result, "if an operator files an answer to a complaint he is effectively insulated, at least for the present, from future collection efforts."

Levi's explanation led to the conclusion that the federal court system couldn't handle the case load. Gish's editorial noted "you get the feeling that Levi and the judges think that if they seriously get into trying mine safety citations, nothing else could ever be tried." U.S. Attorney offices were also deluged with black lung and social security suits and the federal judiciary had a serious problem with the backlog. "Clearly the enforcement system which presumably guards the life of a hundred thousand miners is not working," Gish wrote. The editorial closed by saying that if there was a breakdown in law and order, it was clear that it was as much a breakdown on the part of the system as on the part of the criminal and could produce nothing but indifference to the law and contempt for the judicial system. "A just, functioning court system is one of the cornerstones the country has been built on over the past two centuries. The need has not lessened as the country grows older."⁴²

Ultimately, very little was done to Blue Diamond or Scotia for their negligence and willful violation of the law. The 900-foot portion of the mine where the initial explosion had occurred was re-ventilated in March 1977 and scheduled to be re-opened in June after an inspection and a memorial period for the 26 men who had died there the previous year. Joe Cook of the newly chartered Mining Enforcement and Safety Administration said the in-mine investigation would be finished by March 20, just over a year after the first explosion. No definite cause for the explosion had been determined, although several "possible ignition sources were spotted."⁴³

⁴² "The short arm of the law," *The Mountain Eagle*, November 25, 2.

⁴³ "Fatal mine section opened: Hearings to resume in Washington in June," *The Mountain Eagle*, March 10, 1977, 1.

In September 1977, Federal Judge David Hermansdorfer ordered the Scotia report to be sealed until a \$60 million lawsuit against Blue Diamond could be settled. The action came after Blue Diamond Attorneys sought to delay the release of the final report on the explosions from MESA, saying that the release would prejudice the jury that was charged with determining if the company was responsible for the explosions. Blue Diamond Attorneys, including former Kentucky Governor Bert Combs, attacked the objectivity of the report and said it was designed to exonerate MESA from any of the blame.⁴⁴

By 1980, Blue Diamond had paid no penalties and the widows and survivors of the dead miners were still waiting on the result of their lawsuit against the company. New safety laws had been passed but not yet implemented and attorneys had sufficiently clogged the courts to guarantee a lengthy process. Scotia resumed operations in the sections where the explosions had occurred. An article co-authored by Bill Bishop in *The Pittsburg Press* stated that Appalachian History was repeating itself, "the coal comes first, miners and widows last." Harry Caudill was quoted as saying that the Scotia situation "reflects the complete inability of the United States to challenge culpable conduct." The article also pointed out that U.S. District Court Judge David Hermansdorfer, who had considerable holdings of his own in eastern Kentucky coal operations, continued to preside over the criminal trial against Scotia, although he had recused himself from the negligence suit. The Department of Justice had taken three years to bring criminal charges and had neither challenged Hermansdorfer over his close relationship to the industry nor his ongoing supervision of the MESA report. The article also revealed that Blue Diamond chairman Gordon Bonnyman, a devout Catholic, was in a board fight with the Sisters of Loretto, a group of Catholic nuns who had purchased 81 shares of Blue Diamond stock and had then sued the

⁴⁴ "Judge seals Scotia report," *The Mountain Eagle*, September 8, 1977. 6.

company in state court to attain the status of "shareholders of record." That status would give them the right to attend meetings and influence company policy.⁴⁵

In Letcher County, justice was sketchy as well, as F. Byrd Hogg continued to dispense his own particular brand of jurisprudence from his bench in the Circuit Court. He ruled against striking teachers in a lawsuit against the Letcher County Board of Education and persisted in using his position to protect members of the financial and political elite of Letcher County. Hogg used his position to harass anyone who sought to drag the county kicking and screaming into the 20th Century. But Hogg, Estill Blair, Blue Diamond and the strip miners and truckers could not stop the efforts of the reformers or the relentless tide of change. The Kentucky General Assembly passed legislation that kept non-attorneys from dispensing "justice" from the bench, which meant that county judge executives and magistrates could no longer adjudicate misdemeanors and traffic violations. The federal oversight that came in with federal money in the War on Poverty began to have some effect on the schools and the state agencies responsible for overseeing highway contracts. And change began move into Letcher County. It moved slowly but it moved, and *The Mountain Eagle* finished its first 20 years with the victory that simple survival against enormous odds brings. There were still threats and boycotts, along with continued shunning of the Gish family and *Eagle* employees and another attempt to deny the paper's status as newspaper of record, but in the end *The Mountain Eagle* persevered. By surviving, and by continuing to operate and expose wrongdoing and corruption, the paper won. All the power, legal and otherwise, that the forces aligned against them, the coal companies and truckers, the fiscal court, the school board, and others had brought to bear against Tom and Pat

⁴⁵ Ward Sinclair, and Bill Bishop, "Scotia Mine Disaster, a Story of Justice Denied," *The Pittsburg Press*, March 14, 1980, B-1.

Gish and *The Mountain Eagle* had failed to silence their voices or to quell the freedom of the press.

Conclusion

The advent of the 1980s didn't change attitudes in the strip mining community, or the Fiscal Court and school board about *The Mountain Eagle*, but the strip mine operators had made it through the congressional efforts to regulate them pretty much unscathed, and they had other issues besides the newspaper. President Carter had big plans for Appalachian coal as a remedy for the nation's energy problems, but Ronald Reagan was much more inclined toward oil, and the big oil companies had started buying heavily into the coal industry in the late 1970s. The 1980s also marked the decline of the American steel industry and the big captive mines that had kept a steady supply of metallurgical coal coming north on the coal trains.

In 1979, Beth-Elkhorn experienced its first big workforce reduction that was not related to closing a worked-out mine. Up until then, the only time the company had laid a significant number of miners off was when a mine was worked out, and they had always had a new mine underway, so the miners were soon absorbed by the new site. But this time the layoff was more ominous, when around 100 contract (union) and salaried personnel were laid off at Mine 29 in Pike County. Beth Elkhorn was mining steam coal for the electrical power market by then, and for the first time, a Beth-Elkhorn mine had suffered from the boom and bust cycle that had plagued the industry in Central Appalachia. It was the beginning of a cycle of workforce reduction that eventually saw Beth-Elkhorn sell its holdings by the late 1980s.

The Hall Brothers, Pike County operators who had no experience operating anything much larger than truck mines or small surface operations bought most of Beth-Elkhorn's Pike County holdings, and part of the Letcher County reserves, but they lacked the manpower to really capitalize of them. The other reserves were sold off piecemeal and none of the buyers had a BCOA contract. This set of a series of lengthy and sometimes violent strikes that did nothing to

restore the old order. By the time Tampa Electric (TECO) bought most what had been Beth-Elkhorn's Letcher and Pike County reserves, the UMW no longer represented any miners in Letcher County and the numbers in Pike County were dwindling fast. At the same time, Tackett and Manning dissolved after Calvin Tackett had a massive heart attack and sold out to Don Manning. Manning was attracted to the potentially higher profits on the spot market and declined to continue mining Beth-Elkhorn's reserves. Manning Coal obtained a portion of the U.S. 23 road project, with the caveat they could mine whatever coal they came across in the roadbed, and continued to mine in Letcher County on privately owned land.

The long-promised highway construction finally came to fruition too, and work began on U.S. 23, which would finish in the next century with a four-lane highway from the Virginia state line at the top of Pine Mountain in Jenkins to the Ohio State line near Ashland. Contracts were also let for Kentucky 15 from Whitesburg to Jackson, and for the expansion of U.S. 119 from Jenkins to Cumberland. With all the new road construction, overweight coal trucks were regulated by laws passed by the Kentucky General Assembly for state roads, and enforced by the Kentucky Department of Transportation Vehicle Enforcement Division.

While overweight trucks continued to be a problem on county roads in eastern Kentucky for the next 30 years, the controversy over enforcement moved from local courts to the state legislature and coal truckers and mine operators focused their efforts on lobbying. Strip mining changed as well, and as the big northeastern mining companies broke up, regional and locally based companies moved in to fill the void. The new companies mostly operated mountaintop removal jobs, and while they had smaller payrolls, they still exercised a lot of influence in regional and state politics. They played a large role in the eastern Kentucky economy, which gave them a strong local political presence. While *The Mountain Eagle* continued its efforts to

inform the public about problems related to MTR, the codification of the practice in the 1977 Surface Mine Bill left the operators free to mine as long as they stayed close to the limits of the law. When strip mine operations in Letcher, Perry, and Knott County damaged private property, *The Eagle* reported it, and the articles were accompanied with photographs and editorials, but they lacked the teeth they had before the federal law was passed.

The newspaper and staff were no more popular with local truckers or coal operators than they had been before the fire, but while there were still attempts to damage them financially by advocating boycotts and getting advertising withdrawn, there were no more physical attacks on the paper or the staff. Beth-Elkhorn and many of the other coal operators threw as much of their advertising business as they could legally do to *The Community Press*, and gave Superior Printing, which owned *The Community Press* most of their printing business, which was more lucrative than advertising at any rate. The Gishes lived securely in their new homes at Phoenix Drive in Thornton and while Tom and Pat were not beloved, there was no real threat to their persons. And *The Mountain Eagle* still had the largest circulation in the county, so they still carried the government mandated postings for mine openings, bonds, and other mining related legal statements.

The departure of the large captive mines that were owned by steel companies or other manufacturing companies was the death knell for the United Mine Workers in eastern Kentucky. The last big union operation in eastern Kentucky was Pittston Coal, with its regional headquarters in Lebanon Virginia, and one operation at Eastern, in Pike County. Pittston was a Connecticut company and the UMW's last big successful strike was aimed at them in the early 1990s. With that victory and the subsequent closure of the mine in Eastern, the United Mine

Workers ceased to represent working miners in eastern Kentucky, but many of the locals carried on to represent retired miners.

Most of the larger mines were broken up into smaller units and re-organized as non-union companies. When the market was good, they generally paid higher wages and offered more overtime than the union jobs had done, but when the steam coal market dropped, they suffered the inevitable lay-offs. Safety at the non-union mines was monitored by the Kentucky Office of Coal Mine Safety and the Mine Safety and Health Administration, which operated under the auspices of the U.S. Department of Labor. Dave Zegeer, former General Superintendent of Beth-Elkhorn Corporation, served as the Director of MSHA from 1983 – 1987 and started MSHA's first program aimed at ending substance abuse in the workplace. MSHA also encouraged specialized training courses on safety for areas such as mine supervision, coal mine ventilation, and roof falls.

Little success came from efforts to organize the new mines in eastern Kentucky. The strip mines had always been harder to organize, because while the miners were happy to claim any benefits available to coal miners, most of them were heavy equipment operators with no underground experience or union connections. The new underground mine operators were generally opposed to signing union contracts and the miners were either intimidated or were interested in being able to work more overtime than the union would allow. The newly re-organized underground mining companies in the region understood that it was more profitable for them to offer their employees good hourly wages, either the same or higher than union miners, and give them lots of overtime, instead of hiring a workforce of sufficient size to produce the amount of coal their contract called for. By doing this, they could produce what they needed to make a profit, and avoid paying additional benefits, which had always been the greatest source

of labor related expense. With the union out of the picture, miners could work all the overtime they wanted and many of the younger ones were not interested in joining a union.

On the local government front, however, few things had changed, except that the fiscal court had changed administrations. Both the Letcher County Fiscal Court and School Board were pretty much unchecked throughout the 1980s and *The Mountain Eagle* continued to report and editorialize on both. The court made another fruitless effort to decertify *The Eagle* as the newspaper with the greatest circulation, and the Board of Education continued its frosty relationship with the paper, but in the 1990s, new laws, better state audits, and a renewed interest in reform brought both the court and school board to their knees.

In 1982, not long after graduating from the University of Kentucky, Ben Gish initiated a feature that allowed readers to call in anonymously and leave messages concerning any issue that wasn't libelous or obscene. Gish had seen a similar feature in a small Michigan newspaper, and because of the long history of retaliation by the county elites against anyone who spoke out against them, he decided it was perfect for *The Mountain Eagle*. "Speak Your Piece" was born as a "back fence" where people could exchange gossip and information, but to Ben Gish, it was the only safe way people could criticize public officials or report perceived wrongdoing without the fear of being punished if they went public with a letter to the editor. "Speak Your Piece" quickly became the newspaper's most popular feature and although many of the calls were gossip, some dealt with substantive issues.

In 1993, an investigation grew out of a comment in "Speak Your Piece" that accused County Judge Executive Rueben Watts of fixing coal prices for county purchases. Watts was eventually indicted for 28 counts of theft in office and removed from office. *The Eagle* covered Watts' fall from grace from the initial charges to his arrest and conviction in 1994. Then, in a

rare endorsement of a candidate, *The Eagle* supported a coal miner named Carroll Smith, who ran on the slogan that “Honesty Counts” for Judge Executive against the county Democratic Party’s anointed successor to Watts in 1995 and held the office until 2006.

In 1989, in its ruling in *Rose versus the Council for Better Education, Inc.*, the Kentucky Supreme Court declared that the state's schools were inefficient and inequitable, and in violation of the Kentucky State Constitution. The Court struck down the entire state school system after concluding that every child in the Commonwealth was not being provided with an equal opportunity to have an adequate education, as required by the Constitution.

Tom Gish was appointed to the Kentucky Board of Education after it was established by Governor Wallace Wilkinson as part of the Kentucky Education Reform Act (KERA). Gish was a long-time advocate for school reform and the overall improvement of Kentucky’s schools. KERA also established the Office of Educational Accountability. In 1994, Letcher County Schools were deemed dysfunctional by the Office of Educational Accountability, and KBE took control of the system after an audit showed endemic corruption in the system in almost every area, including handing out bids, hiring teachers and staff, and allowing district employees to purchase supplies from relatives and friends. The take-over period featured high turnover rates with teachers and administrators, and the entire school board was replaced with members appointed by the KDE.

Gish was a strong advocate for KERA and worked to implement it as a member of the KBE. In a 1996 article in *The Courier Journal*, Gish was referred to as State School Board’s conscience, after he accused the state board of ducking tough school issues and becoming the KDE’s “amen chorus,” betraying the public trust by only dealing with easy issues. Gish was

bluntly critical of the progress of school reform in eastern Kentucky after scores on the American College Test fell in mountain Schools.

While Gish and other educational reformers were not fully satisfied with the scope of reform, the state's schools did improve, and Letcher County Schools eventually returned to local control. The county schools were consolidated in the early part of the new century and Letcher County Central High School opened in 2005, partly as the result of increased state funding made possible by KERA. The consolidation combined Whitesburg High, Fleming Neon High, and Letcher High School, and centralized county funding as well as the student body, which allowed for more academic programs and better pay for teachers. Since consolidation, test scores and graduation rates have been raised, although county schools still lag the rest of the state.

The relationship between *The Mountain Eagle* and the school board never really improved and during the take-over period, the paper often took a confrontational stance as local officials and former board members sought to re-take control. Recently Ben Gish was forced to ask for opinions from the Attorney General's office over Executive Sessions at board meetings which were found to be in violation of the Kentucky Open Records Act.

Relations with the fiscal court did improve, and before his death, Tom Gish commented that the court would inquire if there was a problem at the paper, if it missed covering a meeting. In the 2006 Judge Executive's election, following accusations from the still powerful Letcher County Democratic Party that the newspaper editorially supported Judge Carroll Smith, a number of unnamed individuals bought up all the newspapers at the customary outlets as soon as they hit the stands on election day. First District Magistrate Jim Ward unseated Smith and still holds the office.

By far the biggest recent changes to affect the county and *The Mountain Eagle* are the result of a near total collapse in coal production in the eastern Kentucky Coalfields. The coal market had experienced degrees of decline since World War II, but stabilized as steam coal powered the nations electrical power generating plants. However, as the effects of climate change became increasingly obvious, other sources of power became more desirable and the increase in natural gas production made possible by the hydraulic fracturing (fracking) of rock formations that held the gas in the ground resulted in a steep drop in the price of gas (per BTU) in the new century. That was accompanied by a precipitous increase in the cost of mining coal in the Central Appalachian coalfields, and particularly in eastern Kentucky and southwestern Virginia, which had both been subject to large scale underground mining since before the turn of the 19th Century. By the first decade of the 21st Century, the decreased availability of easily mined coal in eastern Kentucky drove the price per ton to between two and three times the cost of coal mined in the Illinois Basin, which includes the Western Kentucky Coalfields. The cost of mining in the Western states like Montana and Wyoming is considerably lower than the Illinois Basin or other parts of Central Appalachia.

While conservatives and coalfield politicians blamed most of the decline in mining jobs on a fictitious “War on Coal” prosecuted by the Obama Administration and the Environmental Protection Agency, market forces were mostly to blame for the loss of mining jobs and for that reason, it is unlikely they will be coming back. The dreams of a diverse economy for eastern Kentucky harbored by Tom Gish and Harry Caudill never came to fruition and the collapse of the single industry economy hit the coalfields hard. Letcher County was no exception. By 2017, job losses in the declining economy have returned the county to the diasporic state of the 1960s, as young miners who have lost their jobs leave the area in hopes of finding employment

elsewhere, and take their families with them. Enrollment in the Letcher County Schools has dropped considerably. Jenkins Independent Schools now has a total enrollment of around 450 and the City of Jenkins, which once boasted the largest number of engineers per capita of any city in American now has the lowest average income in the county.

The decline in the economy has affected *The Mountain Eagle* as well, and advertising revenues are down. The loss of state and federally required advertising of mine bonds and permits also caused a steep loss in revenue. The paper continues to hold on, but Ben Gish is the last Gish family member on the staff, so it will almost certainly not stay in the Gish family after he retires. But just like it has in the past, *The Eagle* continues to publish every Wednesday and the people of Letcher County never really know if local news is true until they see it in *The Mountain Eagle*. And, It Still Screams.

The Mountain Eagle is one of the most honored community newspapers in America. In 2005, the University of Kentucky based Institute for Rural Journalism and Community Issues created the Tom and Pat Gish Award to recognize rural journalists who “demonstrate courage, tenacity, and integrity.” The Society of Professional Journalists awarded the Helen Thomas Lifetime Achievement Award to the Gishes in 2002 and they received the Hugh M. Hefner First Amendment Award in 1983. They were profiled in “100 American Heroes” in a special edition of Newsweek in 1986, and in Studs Terkel’s 1983 book, “American Heroes: Lost and Found.” Tom Gish received the John Peter Zenger Award in 1974 from the University of Arizona following Katherine Graham of the Washington Post in 1973 and preceding Seymour Hersh of the New York Times in 1975. He was also honored twice in the name of Elijah Parish Lovejoy, once by the University of Arizona in 1975 and once by Colby College of Maine in 2001. Colby College was originally known as Waterbury College, and Lovejoy graduated from Waterbury in

1826. Elijah Parish Lovejoy, an anti-slavery newspaperman in the antebellum era who edited the St. Louis Observer before he was driven out of Missouri for his ant-slavery editorial stance. After moving to Alton Illinois, he resumed publishing his abolitionist views as editor of the Alton Observer. The newspaper offices were attacked by a pro-slavery mob on November 7, 1837, and Lovejoy was killed in an exchange of gunfire. *The Mountain Eagle* also received the Environmental Policy Institute's Recognition for Coverage of Coalfield Issues in 1987.

The Gishes fought their battle mostly in the pages of *The Mountain Eagle*, but their struggle was real and the tactics of those who wished to silence the voice of *The Mountain Eagle* included arson, threats of violence, attempts to ruin the paper financially, and the business community of Whitesburg turning their backs on the family at the time of their greatest need. They understood the vital place of the free press to a democracy because they paid the price for their insistence on reporting the news honestly. They spent most of their professional lives in a sometimes futile attempt to provide a true picture of local news and events to people who at times either didn't care or didn't want to know.

After experiencing failing health, Tom Gish died in 2008 and Pat Gish died in 2014. At Tom's funeral, the presiding minister echoed the statement of Jesus to the people of Nazareth when he said, "a prophet is not without honor, save in his own country." Perhaps the most treasured of their many awards, and the only one that is on conspicuous display in the newspaper's office is a plain framed poster that reads "Speak Truth to Power," presented by the alumni of *The Mountain Eagle*.

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