

Today, tongue-in-cheek fashion, Richard Grimes gives you the meaning behind Jay's words at a press conference. Page 6A.

CLEAR, cool tonight, low in 40s (4C). Sunny, warmer Wednesday, high in 60s (20C).

Details On Page 7B

Without, or With, Offense to Friends or Foes, I Sketch Your World Exactly as It Goes

CHARLESTON, WEST VIRGINIA TUESDAY EVENING, OCT. 4, 1977

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2 Ex-City Officials Get 2 Years Probation

By MARTI VOGEL
Of The Daily Mail Staff

Two former Charleston city officials today pleaded no contest to a reduced misdemeanor charge in Kanawha County Circuit Court and were placed on two years probation.

Former street commissioner Jim Lane and former public works director Jack Walsh were indicted in May on a felony charge of falsification of accounts.

Today, Judge Patrick Casey accepted their pleas on a misdemeanor charge of alteration, concealment or destruction of public records. Walsh and Lane had been scheduled to go on trial on the felony charge today. But word of a change in the plan came yesterday when Prosecutor Larry Winter told potential witnesses they would not be needed.

The change came after Judge Casey ruled on interpretation of wording in the two separate statutes.

The felony statute deals with persons defined as "officers, clerks or agents" of a city or state. The misdemeanor charge concerns "any clerk of a court or other public officer."

Defense attorney John Amick argued successfully that the descriptions in the felony statute did not apply to his clients, who were more correctly described under the misdemeanor statute.

Judge Casey ruled that Lane and Walsh were "public officers" of the city, and judged them guilty of the misdemeanor offense after receiving their no contest pleas.

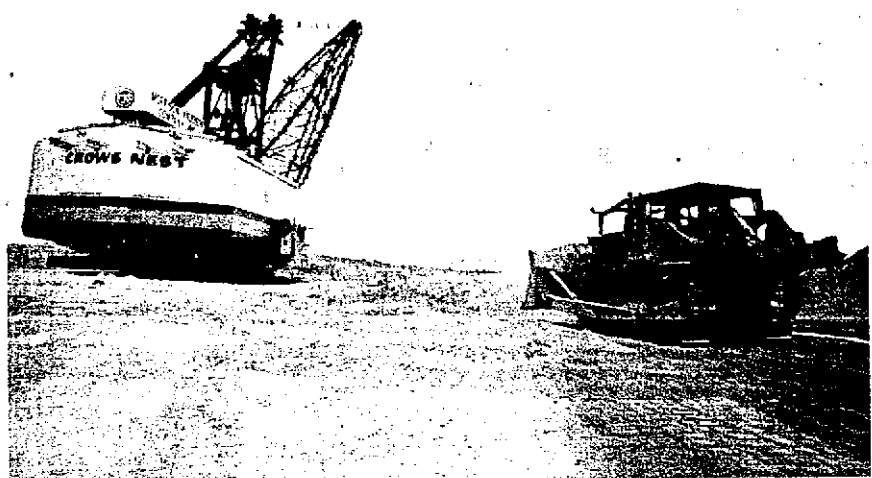
Amick said he thought an agent was "anyone who has the authority to bind cities in dealings with third parties." He added that he interpreted the felony statute to mean that an officer of a city was an elected official or a person whose appointment has to be approved by council. Though the definition of

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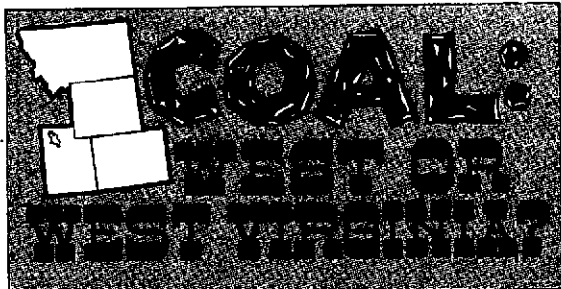


JIM LANE (RIGHT) AND JACK WALSH
Ex-City Officials Go To Trial

— Daily Mail Photos By Chet Hawes



THE BIG SKY — Dragline "Crows Nest" rests at edge of mine pit at Westmoreland Resources' Absaloka mine at Sarpy Creek, Mont. This \$9 million piece of equipment has "legs" on which it can be moved seven feet every 30 seconds. At right is bulldozer to move and level topsoil scooped up out of the pit by the dragline. — Photos for the Daily Mail by Bart Rayniak of the Billings (Mont.) Gazette.



'A Good Union' Strip Miners Like Operating Engineers

EDITOR'S NOTE — Will the coal boom bypass West Virginia and end up in the West? The Daily Mail's business writer spent a week in Colorado, Wyoming, Montana and Utah investigating this prospect. This is the third of five reports.

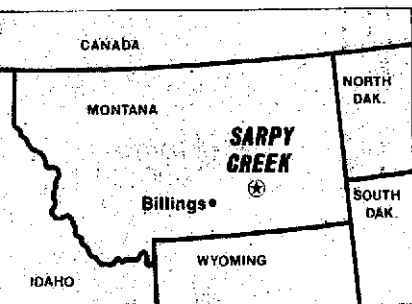
By JEFF KOSNETT
Of The Daily Mail Staff

(c) Charleston Daily Mail, 1977

SARPY CREEK, Mont. — Lorenzo Mountainsheep leaned down from the bulldozer cab.

Dust swirled as the Crow Indian equipment operator yelled "It's a good union." Why? "Well, a lot of money."

Then the 24-year-old father of one continued his \$23,000-a-year job, leveling topsoil near the pit at Westmoreland Resources' Absaloka mine just off the Crow reservation here.



ON THE JOB — George Farwell owns a ranch 50 miles from the mine, but rather than commute he used some of his \$9.75 an hour to buy a trailer and put it up near the mine.

Mountainsheep and the other 159 men at this strip mine, 63 per cent Indians, are represented by the International Union of Operating Engineers.

The Operating Engineers won a representation election when Absaloka opened in July, 1974. It is mainly a construction union. Among its 425,000 members are 1,500 to 2,000 employees of strip mines in the Rocky Mountain region.

"We are not deep coal miners," explained Joe Seymour, general vice president and regional director of the Operating Engineers. "We are earthmovers. We're the skilled guys who remove and stockpile the overburden."

From an office near the Denver airport, Seymour leads the union's affairs in Montana, Wyoming, Colorado, Utah and New Mexico — all states which expect coal mining, and especially strip mining, to develop in the next three decades.

"Open air construction work is all we know. We don't feel we're cutting into the United Mine Workers and we aren't trying to put them out of business," Seymour said. At Absaloka, the UMW tried to organize twice, at the outset and last year, and the workers rejected them.

Seymour did, however, say his union would consider moving in if the UMW broke up. "We won't raid them, but if they did go down we would want to keep the mines organized."



SEYMOUR

Seymour's philosophy of unionism is a result of his upbringing in a nonunion California oil company town. Simply, he believes the workers need a union, so they better not wreck it themselves. The Operating Engineers gives them little chance.

There are no national rank-and-file elections. International officers are selected by delegates. Contracts are negotiated locally, so actions at one mine don't affect everyone else.

"We try to promise our members 30 years of stability," said Seymour. 57. "They want to own their homes and educate their children."

Dissidents who violate the contract are thrown out of the union and replaced by new employees. "I haven't had to do that in a long time," Seymour smiled.

Wages and benefits at Operating Engineers' strip mines total \$12 to \$13 an hour, about the same as the \$12 at UMW mines. But for a coal company that's not the bottom line on labor. The keys are consistency and productivity.

Every Burlington Northern daily train showing up at Absaloka since it opened has been met by a pile of coal. Strikes, weather, or technical problems have not cost the company one train-load.

The men at the Absaloka mine produce 10,000 tons a shift, which approaches 200 tons per man-day. The man-day average for West Virginia surface mining is 27.8, according to the state Bureau of Mines.

Much of this differential is purely physical. In Montana, Westmoreland Resources is mining 58 feet of coal in four seams. In Wyoming, 270-foot seams have been discovered. Coal thicker than 12 feet is rare in Eastern coalfields.

But some of it probably stems from Seymour's attitude that the Operating

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Corps At Odds With State Over Buffalo Creek Debt

By BOB KITTLE
Daily Mail Washington Bureau

WASHINGTON — After failing for five years to pay a \$4.34 million debt to the federal government, the state of West Virginia now faces the prospect of being hauled into court by the Justice Department to recover the money, officials confirmed yesterday.

A spokesman for the U.S. Army Corps of Engineers, which is owed the money for recovery work performed after the 1972 Buffalo Creek disaster, said the matter will be referred to the Justice Department next week if the debt is not settled.

But because Rockefeller administration officials did not learn of the unpaid bill until late July, no funds were provided for it in the current state budget, according to Scott Widmeyer, the gov-

ernor's press secretary.

As a result, the state would not be able to pay the debt until the legislature meets in January and approves a supplemental appropriation, Widmeyer said.

Widmeyer pointed out, however, that the governor still is studying the problem, and has not yet determined how it will be resolved.

Rockefeller will confer with state Atty. Gen. Chauncey Browning before taking final action on the matter, Widmeyer added.

J. Lankkorst, the corps' deputy chief counsel, said the decision to turn the case over to the Justice Department was made last week following a meeting here between an aide to the governor and representatives of Sen. Jen-

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S.C. Hospital Staff Votes Against Chief

By ROBERT KELLY
Of The Daily Mail Staff

Most staff doctors have voted for a change in Thomas Memorial Hospital's top administration, according to Dr. J. Dennis Kugel.

Kugel said a majority has given a vote of no confidence to administrator William Specht and assistant administrator Ronald Bodary.

Kugel is president of the hospital's staff of about 60 doctors. At the staff's August meeting, he said, a resolution was passed authorizing the distribution of a questionnaire to gauge satisfaction or lack of it with the administration.

"The majority has feelings that they aren't doing an adequate job," Kugel said. "Essentially, the majority gave a no confidence vote. The majority feeling is they want a change."

Kugel wouldn't be specific, and Dr. Edward Jackson, chairman of the ad hoc committee in charge of the questionnaire, refused to divulge the results on instructions from Kugel.

"I really don't think this should be made public," Kugel said, adding that the findings will be submitted to the five-member executive committee of the hospital's board of trustees.

Kugel did say that many doctors are dissatisfied with what they consider the administration's failure to communicate with them on matters of hospital policy.

"They believe they have been ignored," Kugel said.

Administrator Specht said he knew

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Top Of The Evening!

A Very Unusual Law

It's there, and it covers abandoned belongings that wind up as state property. Richard Grimes tells you about an auction to be held. Page 1B.

Money

The Board Of Regents is asking for a budget increase and Chancellor Ben Morton says it may look "forbidding." Page 1B.

Sidelined

WVU running back Robert Alexander will be out of action for 10 to 21 days because of a sprained knee. Story on Page 4B.

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CHARLEY WEST SAYS
Br-r-r. Fall fell this morning.

'Within Sight ...'

Carter Lauds Arms Treaty In U.N. Speech

UNITED NATIONS, N.Y. (AP) — President Carter reported today the United States and the Soviet Union are "within sight of a significant agreement" to limit strategic weapons.

In his text for an address to the United Nations General Assembly, Carter also looked beyond a new SALT accord and declared the United States is "willing now" to reduce its arsenal of nuclear arms "by 10 per cent, by 20 per cent, even by 50 per cent," if the Soviets will do the same.

While emphasizing arms control efforts, Carter also discussed the search for a Middle East peace.

"We do not intend to impose from the outside a settlement on the nations of the Middle East," he said. But he added that "the fundamental rights and interests" of Israel

and her Arab neighbors must be accepted, and concluded:

• For Israel, this just mean borders that are recognized and secure The commitment of the United States to Israel's security is unquestionable.

• For the Arabs, the legitimate rights of the Palestinians must be recognized How these rights are to be defined and implemented is, of course, for the interested parties to decide in negotiations, and not for us to dictate."

Carter, who will spend two days in New York pursuing both public and private diplomacy, was meeting separately later in the day with Egyptian Foreign Minister Fahmy and the foreign minister of Israel, Moshe Dayan.

The President, whose two meetings last month with

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