**Jackson's Mill**

**Callaghan's A-Comin'!**

The Conservancy schedules the director of the state's Department of Natural Resources — and an election — into its annual mid-winter workshop.

David C. Callaghan, director of the W.Va. Department of Natural Resources, will be the featured speaker at the Highlands Conservancy's annual mid-winter workshop, Jan. 15-17 at Jackson's Mill.

Callaghan will speak at 10 a.m. Saturday, Jan. 16 and is expected to address a wide range of issues of concern to the environmental community including mining, water pollution, acid rain, and budget and regulatory changes.

Areas of West Virginia where these policies are implemented — and where the Conservancy has maintained an interest — include the Monongahela National Forest, Shavers Fork, the headwaters area of the Little Kanawha, Tygart and Buckhannon Rivers, Canaan Valley, and other parts of the highlands.

A lively question and answer period is scheduled to follow Callaghan's talk.

During the afternoon session that same day, Conservancy vice president and West Virginia Citizen Action Group environmental coordinator Perry Bryant will lead a workshop entitled "Working With the State Legislature." Bryant has been an active public interest lobbyist in Charleston for several years, and will share some of what he has learned during that time with Conservancy members in an legislative session.

**Around the State**

**Battling for Clean Air**

West Virginia's environmental mainstream launches itself into the fight to prevent gutting of the Clean Air Act.

Environmentalists around West Virginia and throughout the nation are gearing up to prevent administration and business interests from gutting the Clean Air Act.

In the Mountain State, interested groups have joined to form the W.Va. Clean Air Coalition. Members presently include the W.Va. Lung Association, W.Va. Common Cause, the Coalition on Legislation for the Elderly (COLE), the W.Va. Sierra Club, the W.Va. Citizen Action Group, Citizens Holding on to a Clean Environment (CHOKE) in Fairmont, the Monongahela Alliance for Community Protection (MACP), and the W.Va. Highlands Conservancy.

All other interested groups have been invited to participate.

West Virginia groups may play a particularly influential part in the battle to protect the Clean Air Act, since Senator Jennings Randolph (D-WV) is the ranking Democrat on the U.S. Senate Environment and Public Works Committee which is marking up the Clean Air Act. Randolph's stature on the committee puts him in a pivotal position in determining what is to become of the act.

**Acid Rain Proposal**

In part, the state group is working to back up proposals already put forth by national organizations. For example, the National Wildlife Federation — on behalf of the National Clean Air Coalition — has proposed a four-point plan to reduce sulfur dioxide emissions in 31 states in order to begin solving the nation's growing acid rain problem.

The plan was outlined by Dr. Jay D. Hair, executive vice president of the NWF, at a House Energy and Commerce Committee hearing on acid rain.

The NWF is a member of the National Clean Air Coalition, whose members include conservation, health, labor and consumer groups interested in educating the public about the dangers of air pollution.

The Coalition plan recommends that Congress mandate a 10 million ton per year reduction in sulfur dioxide emissions in 31 eastern states by 1990. Hair noted that sulfur dioxide emissions should be dealt with first because they are responsible for "up to 80 percent of the acid precipitation in the northeast."

When sulfur dioxide emissions — mainly generated by coal-burning power plants with rain or snow, they form an acid which is often blown hundreds of miles from its actual source before it falls to earth.
Callaghan

(Continued from page 1) held, and during that time period members will elect a board of directors and consider other items of current business.

An opportunity for less formal recreation and socializing will occur that evening, when Sayre and Jean Rodman of Pittsburgh will present a selection of photographs they have taken.

Conservancy members are urged to bring musical instruments and other items of interest to the informal recreational gatherings.

As usual, the board of directors will meet Sunday morning to discuss various items in which the group is now involved.

All sessions—including the board of directors meeting—are open to all members and visitors. Reservations for overnight accommodations should be directed at Jack’s Mill State Park and Camp, Weston, W.Va. (PHONE: 1-304-269-5100).

The Conservancy nominating committee is seeking nominations for the five director-at-large seats on the board of directors with two year terms, which start in January, 1982 and expire in January, 1984. Nominations may be submitted by both individual and organizational members of the Conservancy and must be received no later than Friday, Jan. 15, 1982.

Members may nominate up to five individuals, including themselves, and must determine and indicate that they are willing to serve as a director-at-large. All nominees must presently be Conservancy members or submit a membership application prior to the certification of candidates by the nominating committee on Jan. 15. The election will be held during the Conservancy’s annual meeting on Saturday, Jan. 16, 1982 at Jack’s Mill #4 Camp in Weston.

All individual and organizational members may participate in the election by casting one vote for each candidate (approval system voting), with the five candidates receiving the largest number of votes being elected. Ties will be broken by lot.

No individual may vote twice for one candidate. No member, on behalf of both himself and an organizational member, may submit more than five nominations.

Nominations should be mailed to: Larry W. George, Chairman WVHC Nominating Committee 8 Crestridge Drive Huntington, W.Va. 25705 1-304-736-1325

Individuals whose nominations are submitted prior to Dec. 20, 1981 should mail a photo, biographical paragraph, and policy statement (300 word limit) to be published in the January edition of the Highlands Voice.

Nominated candidates should mail these items directly to: Larry W. George, Editor The Highlands Voice Box 1121 Elkins, W.Va. 26241

Statement of position, interest, or activities in conservation activities (optional).

Make checks payable to West Virginia Highlands Conservancy.

DON’T MISS
Reclamation Hearing - Dec. 11
Watt Protest - Dec. 11
Conservancy Workshop - Jan 15-17

MORGANTOWN
Scenic Trails Meeting

The West Virginia Scenic Trails Association will hold its winter meeting Jan. 8-10 at Chestnut Ridge Regional Park, which is east of Morgantown (off U.S. Rt. 48). The meeting will serve as the group’s 1982 annual planning meeting, and all interested persons are urged to attend. When in meetings, WVSTA members will be able to indulge in cross country skiing, downhill skiing, ice skating, and sledding.

For more information, contact Steve Rieffenberger.

MOVING?
ATTACH OLD LABEL HERE
New Address:

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Fairmont, WV 26554

The Highlands Voice

Organization you represent (if any) ____________________________

State ______________ Zip ______________

□ New

□ Renewal

Name ____________________________

Address ____________________________

City ____________________________

State ____________________________

MEMBERSHIP CATEGORY (see description opposite)

□ Individual

□ Organizational

□ $10 Regular

□ $20 Regular

□ $20 Associate

□ $30 Associate

□ $50 Sustaining

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Precipitous Mathematica

Proof of soil destruction by acid rainfall is offered by a Consortium committee chairman.

By DON GASPER

Last month, it was determined that over 500 net metric tons of acid per year fell above every 35-foot wide segment of two streams along the face of the Alleghenies. This is an enormous amount, and several people wondered if this could be true — and how it was calculated.

It is calculated in a way unfamiliar to hydrologists. They say one kg per ha of hydrogen ion per year is an atmospheric input now in West Virginia and New Hampshire. However, it is more useful for us “in a coal state” if it is calculated as though it were acid mine drainage that, unfortunately, many scientists are familiar with.

The acid is assumed to be 100 percent sulfuric acid, though it is nitric acid. The average, year-round pH is 4.5 using data from nearly ten stations for nearly ten years, and the Monongahela National Forest. A more recent pH average based on the last two years indicates that the pH be pH 4.1 for 3.9 and pH 4.5 for snow considerably more acid. The pH of 4.1 was used, however.

This pH corresponds to an average total cold acid value of ten parts per million (ppm) in the streams, or quite a lot of cold acid.

Contrasting limited hot total acid (HTA) with cold total acid (CTA) tests indicates the HTA with CTA ppm when the CTA is 10 ppm. Metric tons were used because it is 1000 kilograms and because it is defined in the unit (the 5,000 pound ton can be called “ton” or “short ton”). I used 60 inches of precipitation (rain and snow) because the western face of the Alleghenies gets more precipitation than the eastern face.

The 35-foot wide streambed has about 7,000 acres above it. The 500 net metric tons figure is a little conservative and expected to be within ten percent of being accurate.

Since the HTA at even 4.5 is 11 ppm, and the pH today is probably lower than 4.4, there are surely 500 net metric tons of sulfuric acid falling above every 25-foot wide streambed. (Using 11 ppm and pH 4.4 would yield about 86 more tons.)

Also noted last month was the fact that soil impoverishment is occurring from the neutralization of all this acid by infertile forest soils. As alkalinity reserves are used up on the watershed, the conditions of the streams can be measured in the streamflow by the conductance reading.

LEWIS COUNTY

Whoops! There Goes...

A Supreme Court victory pumps hope into the Upper West Fork River Watershed Association even as the land is being condemned from beneath them.

Opponents of the proposed Jackson dam project in Lewis County won a victory at a state supreme court on Thursday, which will cause more delay for the Corps of Engineers.

The Upper West Fork River Watershed Association filed suit against David Callahan, director of the U.S. Fish and Wildlife Service, when Callahan refused to hold a public hearing before issuing a state “401(d)” dredge and fill permit for the Corps for the first phase of its relocation of 22,000 acres of U.S. Rt. 219 in conjunction with the $200 million dam project.

The association argued that the permitting process created by the Clean Water Act requires a public hearing before granting a permit for a public hearing to be granted before the permit can be issued. In an opinion written by Justice Darrell McGraw, Jr., the court unanimously agreed.

Secretary of the 1,600-member Association, Peg Ormsby, explained: “While this is not a major blow to the project… it is the first time that any court or regulatory agency has come down on the dam’s side for anything except the requirements of the law. In the past, if a law got the way of this project, the law was simply ignored; or the project was exempted or grandfathered from it.”

The decision sets certain precedents favoring West Virginia landowners and citizen groups faced with construction activity requiring the placement of fill materials into waters of the United States. It states that downstream tenants on downstream land, and organizations representing such affected landowners have standing to object to the issuance of state permits.

The next group won’t have to sue for their right to a hearing,” Ms. Ormsby stated.

DNR Director Callahan originally had issued to “go ahead” permit in December of 1979. The Association, through its Legal Services attorney, James Purbaugh of Charleston, objected because the DNR had not held public hearings concerning this same project.

DRN Director Callahan originally had issued to “go ahead” permit in December of 1979. The Association, through its Legal Services attorney, James Purbaugh of Charleston, objected because the DNR had not held public hearings concerning this same project.

The Corps of Engineers has been trying for two years to begin constructing the first major road relocation project for the Corps. After a second unrelated suit concerning this same project was annexed last month, the Corps announced its intention to begin work the first of the coming year, believing that it had the “401(d)” permit in hand.

In Washington, D.C., Congressman Toby Moffet’s (D-Cen.) Subcommi-

WASHINGTON, DC

Speciation Contemplation

The U.S. Fish and Wildlife Service ponders revisions and streamlining of the Endangered Species Act.

A dozen different major issues — as well as 16 minor issues — have been identified as needing to be addressed during a review of the United States’ endangered species act now being conducted by the Interior Department’s U.S. Fish and Wildlife Service.

The announcement of the issues was made last month by Robert J. Antzen, the new FWS director.

That is being made as part of the government-wide regulatory review process required by a Presidential order and is intended to provide input for Congressional reauthorization hearings next year. The Endangered Species Act of 1973 expires in September of 1982 unless reauthorized by Congress.

Jantzen said some 400 comments were received on about 50 issues from state and federal agencies, private conservation groups, businesses and individuals, and representatives of communities and individual members of the public.

The Fish and Wildlife Service had requested public participation in a Sept. 18, 1981, notice in the “Federal Register,” and had accepted comments.

Since the comment period closed,” Jantzen said, “we’ve been evaluating the policies, procedures and problems we’ve identified with the public’s help. Some can be resolved administratively, but others may have to be resolved through the legislative process. We are now organizing these issues into more specific categories and assigning priorities for thorough review.”

Jantzen said that preliminary efforts to fulfill the request for more specific information have been given some priority.

Scheduled to be addressed in what the Fish and Wildlife Service described as a “full and detailed issue paper with a full range of options” have been:

- the critical habitat designation be retained;
- the act afford protection to “lower life forms” or to populations and subspecies;
- should additional economic considerations be added to the listing process;
- should an “experimental populations” category be added;
- should the “jeopardy standard” be modified;
- should the “biological assessment” requirement be dropped;
- should the “exemption provision” be modified;
- should the International Convention Advisory Commission, established by Congress during 1979 amendments to the act, be abolished;
- should the act be modified to reduce the amount of control over captive wildlife;
- should a central clearinghouse be established to streamline multi-agency issuance;
- and, on the issue of bobcats, should the act be changed to modify the Convention on International Trade in Endangered Species (CITES) standard of “reliable population estimates,” which resulted from litigation about bobcats identified as second priority matters and requiring a paper containing a brief discussion of the issue along with several alternate solutions were:

- the consideration of alternate methods of dealing with bobcats;
- the affording to some protection of "candidate species."

( Please turn to page 6)
ACROSS THE STATE

Tough Times for Soil and Water Conservation

A new ball game — with less money — is anticipated as a trio of traditional agencies prepare for an end to 'cake.

A soon-to-be-implemented change in some of the nation's traditional soil and water conservation programs is expected to have a major impact in West Virginia — and not all of it is expected to be good, according to the three agencies that are engaged in agriculture — and in the nation's extension services which provide advice, counsel and some educational services.

Together, the three agencies have played a major role in the stewardship of the land and water resources of the nation as a whole — and of the state and the highland region in particular.

The change that is about to envelop the state, however, has to do with the manner in which those same extension offices in the forest service in the region in and to working out of an office in the technician for the conservation problems, the changes are expected to severely cut back on the multitude of both soil and water conservation districts and related resources. The 1980 status. congress, in its concern about the condition of the nation's basic natural resources, passed the Soil and Water Resources Conservation Act of 1977. The program's basis is an appraisal of the conditions, trends and natural resource problems of the nation. Published in two volumes, that appraisal gave rise to the current revision of the program's basis is an appraisal of the conditions, trends and natural resource problems of the nation. Published in two volumes, that appraisal gave rise to the current revision of the program's basis is an appraisal of the conditions, trends and natural resource problems of the nation.

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Harvey points out that highland West Virginians — by nature, he believes — are inclined to protect what we’re now using. In general, the land is not seriously damaged.

Furthermore, he believes that despite the likely cutbacks in federal aid for soil and water conservation programs to West Virginia, West Virginians will continue to do a good job.

As identified by state conservationist Right, a “key feature of the program would be to strengthen local and state leadership in soil and water conservation. One means would be to provide federal...matching block grants to states by reducing federal conservation program funds. Another would be the formation of conservation coordinating boards to set priorities at local, state and national levels.”

Here, Harvey believes, is where the power will reside. Instead of leaving the decisions about what to do in the hands of the traditional soil conservation district and ASCS boards, the power to make the decisions about how the funds — likely to be reduced — will be spent would be shifted to the new coordinating boards.

“The basis for such a shift arose — and is clearly spelled out — in the current revised draft of the program report and EIS. One section, for instance, reviews the findings of audits and evaluations, some of which were conducted internally while others were handled by the General Accounting Office—Congress’ bureaucratic “watchdog” agency.

Typical of their findings was one study which showed that, across the board, “a lack of attention (had been given) to the objective of erosion control...” Program personnel and financial resources were found to be directed toward other objectives as “water management and production enhancement,” even though serious erosion problems were present in the areas studied. Additionally, there was a lack of priority setting. GAO found little or no effort being made by the agencies to give priority assistance to farmers and ranchers with the most serious erosion problems.

In fact, the GAO found that much of the SCS and ASCS as well as other federal agencies’ work was not “concentrating scarce resources on the most effective erosion control measures, nor were they working with the people who most needed help in reducing erosion.”

Just that — concentrating resources on what are believed to be the nation’s most pressing soil and water conservation problems — is precisely what the practically set-in-motion “preferred program” is aimed toward.

According to a description of that preferred program in the revised draft of the EIS, it “moves away from the ‘cafeteria,’ or ‘first-come, first-served’ approach of traditional conservation programs. It addresses instead specific national resource conservation priorities. The top priority is the reduction of soil erosion, and the second priority is the reduction of upstream flood damages. The cornerstone of the preferred program is the targeting of soil conservation actions to reduce soil erosion and related conservation problems that impair the nation’s agricultural productivity.”

The revised draft also provides federal matching block grants to states for an expanded role in developing and implementing conservation programs, the federal funds to be obtained by reducing current federal conservation program funds... provides for a Local Conservation Coordinating Board made up of representatives of the conservation district, county ASCS committee, extension advisory committee, and other interested parties” to develop solutions for the problems they find in cooperation with state and national conservation coordinating boards.

Among the major points made is that the preferred program “targets an increased proportion of USDA conservation program funds and personnel to critical areas where soil erosion or other resource problems threaten the long-term productive capacity of soil and water resources.”

As Right points out, the program “in whatever form it takes, will have a tremendous impact on the resources of West Virginia in the years to come. It is important that the people of the state...come to our offices...and let us know what they want.”
Clean Air

(Continued from page 1)

Acid rain has killed the fish in more than 90 lakes in the Adirondack Mountains, and a recent NWF report revealed that 153 New England communities are "extremely vulnerable" to the harmful effects of acid rain. (See a report from the Convenience's acid rain committee elsewhere in this issue.)

Under the plan outlined by Hair, Congress would set a formula which would allow utilities in the 31 eastern states to report fairly "among themselves" and to take the present threat to the Clean Air Act.

First priority is a strong letter-writing campaign, in which a "West Virginia perspective" on the overall situation will be emphasized. (This is believed to be an active role in enforcing the plans.

Hair expressed strong support for a coalition effort introduced by Sen. George Mitchell (D-Maine) and for similar legislation to be introduced by Rep. Tony Moffett (D-Mich.).

In calling for effective acid rain controls, Hair said that utilities controlled by the NWF, the nation's largest conservation organization, is "in the company of the bipartisan National Commission on Air Quality, the prestigious National Academy of Sciences, and the residences—which we all represent—who have indicated their support for a Clean Air Act.'

Other groups have also expressed strong interest in beginning now to do something about the acid rain problem.

Hostile Politicians

With the exception of Randolph, West Virginia politicians have taken stands opposed to the Clean Air Act's provisions. Although EPA would have final approval of the utilities' reduction plans, the state will have an active role in enforcing the plans.

Maxwell declined to answer directly a set of four written questions sent to him by a reporter about the apparent conflict of interest. In a letter dated March 14, Maxwell wrote that the questions "are structured upon manifestly defying one's entire understanding of the facts. Consequently, your inquiries are incapable of being answered in any meaningful way because of the nature of the legal issues raised in this case."

The counsel for the West Virginia Highlands Conservancy is Patrick McGinley, a law professor at the University of Pittsburgh. Though McGinley says he has written a letter to Maxwell asking for a response to the conflict-of-interest charges, he declines to discuss the case or any plans the judge may have to challenge Maxwell's ruling. His counsel, William Nagle, is more talkative. "If what (The American Lawyer) found out is true, then we can argue for a new trial," says Nagle, an associate at Pittsburgh's Shostak & Rosen.

John Woodrum, a lawyer with the Interior Department in Charleston, worked on the Mower Lumber case. It was during a hearing in that case that Maxwell had been associated with McDonald on the coal-leasing case. More recently, in the "know something was going on with some sort of coal interests up there," he concludes that coal mining operations within the petition area have been aware of Maxwell's relations with McDonald.

Partner John Busch—who was recently appointed to the state bar association—represented McDonald in the Highlands Conservancy case. In your attack on Judge Maxwell and the suggestion our office new of some conflict of interest as totally unwarranted and without foundation," he says. He refused to elaborate.

The members of the conservancy could not have known about Maxwell's coal plans in time to push for his disqualification unless Maxwell had disclosed them beforehand. Last fall, at the time of the litigation, judges' financial disclosure forms were introduced and public because of an injunction granted to several judges who were furnished forms. In February 1981, however, the stay was lifted, enabling the public to see financial disclosure forms for judges subject to civil and criminal penalties for knowingly filing inaccurate reports.

In the 1980 form Maxwell mentioned Dean, New York Law School, as his known or known business or professional affiliation. Maxwell, who was formerly a partner at Bacon & Bolan, 39 East 68th Street, New York, N.Y. 10013 (212-966-3500), 2 Roy Cohn, Saxe, Bacon & Bolan, 39 E. 68th Street, New York, N.Y. 10021 (212-472-4000) (He appeared on Tom Snyder's Tomorrow show with Steven Brill, the editor of The American Lawyer); 3 Dean Gordon, G.V.U. Law School, Morganstown, WV 26506 (304-356-9800).

Reclamation

(Continued from page 1)

of West Virginia for Work who will be recalled from earlier hearings—will be attending the hearing.

Mined land owners and their lawyers line up enough people to speak to the hearing will last at least three days, and to loudly jeer anyone who opposes their position.

The problem itself is disarmingly brief. In fact, the entire statement—which has already been judged to be complete—occupies just two typewritten pages and contains about 500 words.

Specifying the case is a one-and-a-half page text describing the area referred to in the petition, and a scant 17 pages of text citing evidence in support of the allegation.

Even more remarkable than its brevity, however, are the sources cited as evidentiary support. Unlike an earlier, federal "92" petition which sought to have a substantial portion of the Shavers Fork declared off-limits to mining by proposing new theories to be supported by evidence and from which new conclusions were drawn, the new petition relies almost entirely on conclusions which other people have already reached.

But even more startling is the fact that some of the critical conclusions which go to the very core of support for the petition are the conclusions of the people who will, in fact, be adding the issue itself: the members of the Reclamation board of review.

Probably the most powerful example of this has already been widely quoted, not only in the VOICE but in other publications as well. It is contained in a letter from Daniel J. McCray, the W.Va. DNR director—and the chairman of the Reclamation Board of Review—to Talisman Mosley, president of the northern division of the Island Creek Coal Company, one of three firms which have now spent $15 million in stripping the area.

"As quoted in the petition, Callaghan wrote to Mosley: "I am not convinced that the reclamation of the area is feasible and actually accomplished, this department will not consider the issuance of additional permits. If the acid production problems associated with your proposed mining operations by any means could be overcome, this department will not issue any new permits for Acid rain is a problem that has affected many states, and the Clean Air Act is being called upon to address it.

The Senate Environment and Public Works Committee—by a decisive 12-3 vote—refused to take action on the petition to review the petition.

A new proposal seeks to establish a "pre-act" exception to the Clean Air Act to allow economic factors to be considered in some sections of the act.

The Journalist

(Continued from page 7)

The Watt Protest

For details, call Charlie at 342-2996.

The Highlands' Voice

Species

(Continued from page 3)

- the streamline of the listing process by defining "bearings" and "mounting procedures;"
- the modification of the petition process;
- the technical amending of cooperation agreements;
- the streamlining of the consultation-conference procedures; and the development of various methods better defining the concept of "federal action;" and the clarification of "pre-act exemptions;"
- the establishment of "taking proposals;"
- the modification of clarification of the sport trophy exemption; and the need to clarify the application of one section of the act to CITES species.

The removal of the registration requirement for importers and exporters;
- the review of the relationship of some sections of the act to the importation of species;
- the clarification of the ambiguities of the definition of "pre-act exception;" and the addition of criteria for issuance of permits;
- and the modification of the citizens suit provision of one section of the act.

The Judge

(Continued from page 7)

They have been furnished copies of all court orders, correspondence from Mr. Kramer, replies of the court and also comments for all parties in the West Virginia Highlands Conservancy litigation. Attorneys for the parties have been furnished with copies of each of these items. Mr. Kramer, long prior to the publication of his various articles, reached upon copies of these relevant documents.

In the wake of the November 1808 attack on me by The American Lawyer I made inquiries concerning the publication and its reputation.

Third parties who may have knowledge as to the magazine's reputation are: 1) E. Donald Shapiro, Denver Post, P.O. Box 1117, 5700 Westwood Street, New York, N.Y. 10013 (212-966-3500); 2) Roy Cohn, Saxe, Bacon & Bolan, 39 E. 68th Street, New York, N.Y. 10021 (212-472-4000) (He appeared on Tom Snyder's Tomorrow show with Steven Brill, the editor of The American Lawyer); 3) Dean Gordon, G.V.U. Law School, Morganstown, WV 26506 (304-356-9800).
The Judge and the Journalist

The Conservancy gets dredged to the fray as a federal judge, and a national magazine lock horns for the second time in a year.

I wish my financial condition as reported by The American Lawyer and its reporter, Mr. Cramer, now known to be untruthful and misrepresentative, could be described as gutter journalism, to draw the reader to a conclusion that would be truly instructive and honest.

As a person, I am outraged by the fact that yet another malicious, baseless attack on my personal integrity has been made by Mr. The American Lawyer. Given the reputation of this publication, however, it is not surprising that they would choose a second time around to distort the truth.

The clear impact of this scurrilous article is that I knowingly and willfully failed to disclose counsel information which would have caused me to be disqualified in the civil action of West Virginia Highlands Conservancy v. Cecil A. Bailey, as a matter of law. It would have been my duty to disclose this information to the Court.

Following The American Lawyer's November, 1980 attempt at character assassination, a responsable newspaper, The News Register of Wheeling, conducted a complete inquiry into the subject-matter of that article, as well as my overall conduct as a judicial officer and with an editorial excoriated me from any wrongdoing and pointed out the lack of credibility of Mr. Cramer's article. Several newspapers reprinted this editorial.

The continuing efforts against me is naturally disturbing and I plan to take action in my behalf we had an opportunity to investigate all aspects of this malicious defamation.

I do not wish to burden this court with the vast amount of supporting documentation which would prove that the defendants prevailed and the Plaintiff appealed to the United States Supreme Court of the United States Court of Appeals which denied the Appeal. The Court rules showed that the parties by their counsel, voluntarily dismissed the civil action with prejudice.

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Holiday Gifts
The CONSERVANCY Way!

Arm patches - $2

Cranberry guide - $3.30

Monongahela guide - $3.50

T-shirts may be green, blue, red or black - children's S, M, L or adults' S, M, L, XL - please specify

Canaan ceramic tiles are also available (not shown) - $5

Window decals - $1.50

Canaan T-shirts - $6 may feature deer, bear, heron, hare, goshawk, woodcock, trout or starflower (please specify)

W. Va. Highlands Conservancy
P.O. Box 506
Fairmont, WV 26534

Name (please print)
Street Address
City State Zip

<table>
<thead>
<tr>
<th>NAME OF ITEM</th>
<th>QTY</th>
<th>PRICE EACH</th>
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TOTAL

Amount Enclosed

No Stamps or C.O.D. Please