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Vet says he saw military dumping

Testifies that as child he saw men in fatigues bring in drums

By Carolyn McMeekin
Niagara Gazette

BUFFALO — A 20-year Army veteran who grew up in the Love Canal area testified Wednesday that he saw the military dump there when he was a child.

Donald E. Harris, 48, now an employee of the Niagara Falls Board of Education, said he twice saw men wearing fatigues dump containers and drums in the canal. He said he could not see any markings or name tags on the fatigues, but once saw a white star in a circle on their vehicle. He also said the clothes were similar to those he was issued in 1962 when he joined the Army.

His testimony came as the Occi-

dental Chemical Corp.'s case against the federal government entered its second day in U.S. District Court.

The company is seeking to have liability placed on the government for the nearly \$700 million it has cost to clean up and relocate people from the canal, which means taxpayers could have to help foot the bill. Occidental claims the Army dumped in the canal and that the government should be held responsible for the wastes created during the manufacture of wartime chemicals. The government denies the claims.

Harris, who lived in Griffon Manor — a housing complex in Love Canal — from 1944 to 1956, said he saw "civilians, companies and the military" dump there. He said he watched



them "flip" canisters and drums into the site and cover them with dirt. One time, a canister broke open and white smoke escaped, he said.

Harris testified that he repeatedly told his Army commanders of what he witnessed in 1948, '49 or '50 but nothing was done.

Meanwhile, trial proceedings will be suspended next week so attorneys can take depositions from four more

people who say they saw the Army dumping in the site.

U.S. District Court Judge John T. Curtin, who is hearing the case, agreed to a one-week delay. The government had wanted a two-week delay, but Curtin balked at that, saying he wanted the seven-month-old trial to end by July 4. Curtin also said he would limit the number of additional eyewitnesses who would be allowed to testify.

Nearly a dozen people claiming to be eyewitnesses to Army dumping came forward after Curtin unsealed secret federal documents two weeks ago, Occidental attorneys have said. Those documents could implicate the Army in such dumping.

The company already has six eye-

witnesses, as well as the deposition of a seventh — Frank W. Ventry — who died two weeks ago. Five more are scheduled to testify when the trial resumes today in U.S. District Court.

Also Wednesday, the government cross-examined Jay A. Cull, Occidental's technical manager for special environmental programs. Cull, a company employee since 1953, testified previously.

The Williamsville resident said he investigated the company's records and wartime contracts and estimated the amount of residues from those substances buried in the canal. He said Love Canal was the most likely destination for wastes generated from the government's atomic bomb program.