

KEN HECHLER : ORAL HISTORY INTERVIEW  
ON COAL MINER'S RESPIRATORY DISEASES

by Alan Derickson

July 25, 1991

D: This is an oral history interview that's being conducted in the offices of Kenneth Hechler -- H-e-c-h-l-e-r.

H: Ken

D: Ken, Ken Hechler on July 25th, is that right, the 25th?

H: That's correct.

D: All right, July 25, 1991. It's our mutual understanding that this is being taperecorded for historical research purposes, that it will be, in all likelihood, cited in historical publications, and it may in fact be quoted. And that's our shared understanding. Is that your understanding?

H: Yes.

D: Okay. So we're agreed on that. What I'd like to do, I have to, I confess, I have to make one little digression here because I find it irresistible.

H: Okay

D: And I want to get it on the record because I actually did some research on this as well. You teach politics at Princeton in the late 40s, and then you leave, leave there and take a position as research director and special assistant to the President.

H: President Truman.

D: Truman.

H: That's correct.

D: And my interest there is a very narrow one. Did you have any involvement, say in '49, '50, with the Wagner-Murray-Dingell bill or any of Truman's involvements with that?

H: Not in that area, but I did have some involvement with his signing of the 1952 mine safety bill, which was signed on the 16th of July, 1952, in which he pointed out a number of criticisms of the bill that had been passed. President Truman was very deeply affected by the coal mine disaster at Frankfort, Illinois, which occurred the 21st of December, 1951, killing 119 miners. And on January 22, 1952, he wrote very strong letters to congressional leaders calling for quote "authority to enforce compliance with federal standards of mine safety." At that time West Virginia Senator Matthew Neely introduced a bill which accomplished the objectives set forth by President Truman. But much to the president's dismay, it was weakened and watered down as it went through the Congress. And this I found interesting in contrast with 1969 when the bill that was introduced got stronger and stronger and stronger as it got through Congress until finally the coal operators sort of threw in the sponge and said, "We'd better yield and get this out of the way, or it will get even stronger."

D: The price will get even higher.

H: Right. But in 1952 it was just the opposite. In fact, the entire history I think of the regulation not only of safety and health in the coal mines, but occupational health and safety everywhere has been that when bills are first introduced they're pretty tough, but they get weaker as the lobbyists work on them. And in signing this bill July 16, 1952, why, President Truman criticized the inability or unwillingness of the states to meet their responsibilities in areas that were not covered by the federal law. And he made a number of criticisms, but it's interesting at that time there was no focus on trying to protect the health of miners. The entire focus was on protecting the safety of miners, which of course was much different when we got into the 1969 legislation.

D: Let me just draw out two aspects of that.

H: Yes.

D: I found no evidence, I agree that I found not evidence that health was injected at that point as a concern. But just to draw out. The union did, in your recollection, in '52, nothing to raise issues of occupational disease, I mean to insert that.

H: No, no, absolutely nothing then, and actually there was very little later on. They almost had to be forced into focusing on it by the miners themselves and the doctors and Ralph Nader and others who, who were active.

D: So, health just was a non-issue in '52.

H: That's correct.

D: But, the other thing I find intriguing in this is that it seems to be self-evident to Truman and certainly to a lot of other people that the states have had their chance. The states have had their chance to enforce mine safety regulations for a very long time. And in his mind, is it fair to say, he's given up on the states. Truman has. I mean, he acquiesces in a bill that's weaker than letting the feds

H: Well, he acquiesced with such strong objections to the provision that, that it seemed a very reluctant acquiescence on his part. He very nearly vetoed that bill. It contained some things that were better than current conditions; that's the only reason that he signed it.

D: But is it fair to say that by the early '50s the only thing that kept the states in control of regulating working conditions in the mines was the fact that industry thought that they could get a weaker policing from the state than they

H: Absolutely.

D: They had political strength to keep them in charge of

H: Oh, yeah, that's true in the environmental area as well as the safety area, too, that industry figured



it could divide and conquer by, depending on states rather than the federal government. And I, I had the rather naive assumption when I was first elected to Congress that the United Mine Workers were really representing the best interest of the miners. And since they didn't say anything about health, I didn't say anything about health. And the only thing that I ever got were a few scattered letters every now and then that pointed out some of the problems that were, that were crying out for solutions.

D: These are from your constituents?

H: Yeah.

D: You're elected in

H: I was elected in 1958, and during the 1960s I relied pretty strongly on the United Mine Workers union to represent miners. As a matter of fact, I had more coal-mining counties in my district the first term I served. There was a redistricting after the 1960 census that added one coal-mining county, Logan. And it wasn't until after the 1970 redistricting that I had a large number of coal miners added. But by that time I had become very much aware, of course, of the problems in the coal-mining industry about safety and health.

D: Now when you go to Washington in 1958, in '59, did you have any dealings with, he was obviously sort of on his way out, but did you have any direct dealings with John L. Lewis on mine safety or any other issues. Anything that gave you any recollections or impressions of Lewis worth capturing here?

H: Well, my associations with Lewis were mainly social in terms of dinners of the United Mine Workers or dinners of the National Coal Policy Conference, which he had joined. And I had some apprehensions at that time of the huge numbers of coal miners that were being displaced by the mechanization of the mines and the dieselization of the railroads and the fact that John L. Lewis had pretty much thrown in the sponge and had decided it was in his best interest just to team up with the coal industry and not to exact any particular price at that time, other than what he did and had done earlier with the United Mine Workers Retirement Fund. But I had, had the kind of apprehensions which did not lead to any direct action, just observing Lewis at that time. I sort of felt that we had had several hundred thousand coal miners, and all of a sudden the dieselization of railroads and the increasing mechanization of the mines were throwing a lot of these people out on to the rubble heap of society.

D: I, just, I mean, let's draw that out a little bit. Did you ever, when you talk about how Lewis had acquiesced in mechanization and basically cut a deal with the industry in which he allowed unrestricted mechanization, essentially in exchange for royalties on the fund.

H: Yes.

D: He got his 40 cents a ton



H: Right.

D: And one of the ways they got so many tons was by the new machinery. And if they threw out so many hundreds of thousands of workers then, so be it.

H: Right.

D: That seems to be self-evident, that there was a kind of trade there. What I've been probing, and I wonder if you have any direct or even indirect evidence or just any sense that Lewis understood that implicit in that bargain was that mechanization, also part of the package deal, was that mechanization was going to cause a lot, was going to generate unprecedented levels of dust in the mines, and everyone knew what the dust did. And that the understanding was going to be that that was part of what the 40 cents a ton was for. Sure, we're going to make a lot of people sick, but they'll have these wonderful new hospitals. Did you ever, maybe I'm pushing it too far.

H: I, I don't think I was sophisticated enough to, to really understand that. But of course, I've always felt, and this is perhaps 20-20 hindsight, that you have to need a fence around the cliff as well as an ambulance in the valley. And it's necessary to make sure that you have the kind of prevention which you have by limiting the amount of coal dust rather than simply taking care of these people. Now, I must confess that that is pretty much hindsight. I didn't argue with Lewis or the UMW at the time. But it was, I think, history should record that it was not very good judgment to try to say, "Well, just because we have a lot more hospitals, why, that will solve the problem."

D: Yeah, that's how it works out. Yes, well, just before we leave this late '50s, early '60s period, I just wondered because he plays historically a different role, and when you read this piece, you'll see him in there from the early days. Did you have any dealings with Tom Kennedy?

H: No, no, no.

D: No. Because Thomas Kennedy, you know, Thomas Kennedy introduced a bill that advocated the introduction of workers' compensation for what they then called miners' asthma in 1915.

H: I did not realize that.

D: He was very aggressive when he was in the anthracite field. He was a district president and led the fight for workers' comp for dust diseases. Now I guess by 1960 he was an old guy.

H: I'm not interviewing you. But I'm fascinated by the fact that that bill would not have gotten any farther, because certainly in those days even before mechanization you still had the problem, a problem which was recognized by other countries and not here in the United States. That, I'm puzzled why that didn't get better reception.

D: The short version of course is that they, they, the operators, were strong enough to block it. And then eventually the way it was dealt with in Pennsylvania in the mid-30s, there really is a crisis around this in the mid-30s, they, that's the point at which they devised the new concept of anthracosilicosis.

H: Yes.

D: They say, well, we can't deny there's such a problem and that it's disabling any more, but we're going to put it in the tiniest little box we can find.

H: Yes.

D: And so they basically fit it into the silicosis model. And that was how it was dealt with in Pennsylvania and in some other states. But, but Kennedy, you had no dealings with Kennedy

H: No. No dealings with

D: Okay.

H: Because in that period I didn't have many miners in my district. And the letters that were coming in were not very substantial, and I didn't have any contact with him at all.

D: And what was the nature of these, you'd get letters from constituents asking for what?

H: Well, essentially these people were people that had become disabled, and they were seeking some form of relief, primarily.

D: Social Security Disability?

H: Yeah.

D: Something of that nature?

H: Welfare claims, things like that. They weren't really zeroing in on trying to solve the problem as much as taking care of the family and keeping the family together and sustaining them.

D: Yeah, it's remarkable the extent that that's been not just a concern at the grassroots level, but the way that kind of percolated up to shape policy with

H: Yes.

D: The union's always had this tension between prevention and compensation

H: Yes.

D: And it runs all the way back, it runs back a long way.

H: Yes.

D: On which I probably shouldn't digress with you now. Also in the late 50s early 60s there is a, if



you weren't involved or weren't to aware of this, we'll move on past this. But there was an epic, quiet but sort of epic long-term trench warfare going on to get the federal government to conduct a prevalence study but a

H: Who started that?

D: Well, this was an agitation which started, actually the union raises the issue in the '30s. They do, the Public Health Service does a prevalence study in anthracite in the mid-30s, and the union immediately, Tom Kennedy says, immediately follows up and says, well, now you should go and do one in bituminous and raises that when he testifies on behalf of federal legislation in '39, what becomes the '41 Coal Inspection Act.

H: Yes.

D: He says we ought to go and do this kind of study in bituminous because we found all these sick anthracite workers and check out bituminous. So it starts there, but where it really becomes a campaign is in the early '50s.

H: I wasn't aware of that.

D: Nothing?

H: No.

D: So there's a long fight that goes on, but you weren't involved in that?

H: No, no.

D: Well, Yablonski and some other people are pressuring, and mainly Lorin Kerr and people like that are pressuring the federal government to go out and see how many people are sick.

H: Well, Rasmussen would probably know something about that.

D: I'm going to talk to him.

H: I'm sure he would.

D: Well, closer to home, 1966 there was a group formed called the Association of Disabled Miners and Widows, formed in West Virginia, mainly focusing around, again desperate pleas for eligibility for benefits for the Welfare and Retirement Fund. Is it fair to say, in some interpretations and it seems to be reasonable to argue, that this is sort of an institutional base, that it was sort of a forerunner of the Black Lung Association?

H: No question about it, yes.



D: That this is the way, people get the idea that you don't just take all the abuse, the arbitrary abuse comes down from the international headquarters of the union, that you can stand up and resist.

H: That's right. Although they didn't make very much noise in 1966, and it wasn't until '67, '68 that you began to hear a little more about them. And certainly the whole thing exploded into action after the Farmington disaster. But there were only a few people who were really talking about this at that time. And they weren't talking in a sense that it came to the forefront in congressional discussion or public attention.

D: But they were identifying one another, and they were still getting a sense of a network and a sense of people who shared. Did you have any involvement with them?

H: No, at that early, that early period, no,

D: And I again, it seemed to me the miners are concerned about the loss of benefits of health care and pension and other benefits. But did you see any indication that they were beginning to raise occupational disease as an issue? Clearly, a lot of them were disabled and needed this health care because of it.

H: Well, again I, I have to come back to the suggestion here that I didn't really become activated in a prominent way until after the Farmington disaster. I talked with a few of these people, and I received some correspondence and followed it in the newspapers. And I guess about the first action that I took was September 11, 1968, a couple of months prior to Farmington, when, being concerned about the plight of coal miners, I joined in with two other congressmen to sponsor the mine safety bill that year in 1968, and I was the only non-member of the Education and Labor Committee that went to bat.

D: Let me, hold on just a second. I just want to trace out a couple of other early developments here.

H: All right, okay.

D: Certainly by '68, I don't have a precise time, but certainly by 1968 Isidore Buff is publicly criticizing the workers' comp system in the state.

H: Yes.

D: Did you become immediately aware of that? And what was your relationship with him?

H: I did not become really associated with Dr. Buff closely until the time of the Farmington disaster. I received a little correspondence, and I knew that Dr. Buff and Don Rasmussen had been holding some small meetings with miners about this problem. But I think that in 1968, I believe, if my recollection is correct that James Faust, who was running for governor at that time, I remember reading one of his position papers, where he mentioned the problem of pneumconiosis. But it wasn't a prominent part of his campaign, and it wasn't really very much to the surface at that time. And I think that Buff and Rasmussen had just begun to hold meetings about this, but it really hadn't come

across public consciousness in a way that it did later.

D: Well, also, September of '68 is when they finally let Kerr address the UMW convention to talk about black lung. And he, now, what's interesting there to me is that the outcome of that speech of Kerr's at that union convention in September of '68 is the union goes on record pushing for state workers' comp reform. To your recollection is that, I was just curious to try to find the transition where people are still looking to the states for answers for these things as opposed to when they turn toward the federal government. Would that have been, do you know of any serious consideration given to the federalization of workers' comp around black lung prior to '69?

H: No, no, I do not personally know that there

D: I haven't found any

H: There may be some people who advocated it, but it didn't really come to the attention of people who could do anything about it.

D: So up to that time everybody thought of this as a question of reforming state legislation?

H: Yes, yes.

D: Okay, well, now we finally make it to Farmington. What's always intrigued me about Farmington is from my perspective, which is a very narrow one in terms of understanding the disease, this particular disease, is the fact that nobody died of black lung in the Farmington mine disaster.

H: Yes. That's true. Let me just back up for just a minute to the Johnson bill.

D: I'm sorry

H: Which was introduced by three members of Congress -- two, I think, Congressman Perkins and Dent of the Education and Labor Committee and myself -- and this was introduced very, very late in September, and Congress was getting ready to go home. And I think the Bureau of Mines [inaudible] I criticized for them being so late in their analysis of this bill, which Johnson had asked them to analyze before he would make a recommendation. And there's also, it's highly unfortunate that there was nothing in there about health either.

D: That was my first question.

H: And there's nothing in that bill, and people weren't paying any attention whatsoever to either mine safety or to health questions.

D: Well, what I found particularly curious about the fact that there was no health, no health standards, was the fact that I understand at least [inaudible], correct me if I'm wrong, at least in part this bill was a response to Ralph Nader's first round of criticism. Nader had published an article in the New Republic in '68 called "They're Still Breathing," where he attacked the Public Health Service.



H: Yes.

D: Attacked the union, attacked the coal operators and clearly was starting to focus on disease, and you would have thought that that would have been a provision. But that bill really doesn't go anywhere. There were not any hearings on it or anything?

H: No, no. They were so close to election time. And even though Johnson was not running, why, he didn't appear to be very interested in pushing it. And so we get up to Farmington, and your question is absolutely on point that even though Farmington disaster was due to a violation of safety standards, why, I looked on it as an opportunity because the attention of the nation was focused on the plight of coal miners. This was a great opportunity to bring in the tremendous need, the desperate need for not only dust standards but also for compensation for those that were affected by it.

D: And to what extent was that, I mean, was that simply a matter of national media coverage, getting people from the national media who one day could look at the mine disaster and men would be led to look at maybe some of the

H: You either

D: How did that

H: Almost simultaneously, because miners could not help but to talk about all of their problems at the same time when they had the cameras focused on them. And I also for the first time began to see that the union, and this was very dramatically brought to my attention when Tony Boyle came to Farmington with the rose in his buttonhole, looking very prim, and saying that this was, as long as we mine coal there was always this inherent danger, and he called the Consolidation Coal Company one of the best companies so far as cooperation with safety are concerned. And of course this also shocked me about the officials in the Bureau of Mines in the Department of Interior. And one of them told me that this is a real good mine, it produces 9600 tons of coal a day and don't go around looking for scapegoats and

D: That was the Bureau of Mines official?

H: Yes, yes.

D: In the immediate aftermath

H: Yes, yes.

D: They're still pulling the bodies out of the mines.

H: Yes, yes. The Governor of West Virginia, Hubert Smith, all he could say was, we must remember that this is a hazardous business, and what has occurred here is one of the hazards of mining. And everybody was apologizing, and this really drove it home to me that something was desperately wrong here in the manner both of the reaction of the union, the reaction of the governor of West



Virginia, the reaction of the United Mine Workers, and the Bureau of Mines, and everybody concerned. And of course the coal officials themselves made things much worse by their refusal to acknowledge the fact that something was desperately wrong in the manner in which coal was being mined.

D: You write, I think in the immediate aftermath of this disaster, a sort of, what I think I've heard characterized as a statement of conscience, where you actually set down a lot of your concerns about the situation. Was that something that was sort of, well, it seems like sort of an extraordinary document. Was that sort of a contract you were writing with yourself to do something about this or?

H: Well, I was so shocked by the reaction that I had personally at Farmington to the union, to the coal operators, to the governor, to the Bureau of Mines. Why isn't somebody doing something about this? And actually, even before I made this statement that you referred to, why, I got a call from Dr. Buff, who said he wanted me to come down to the television station WSAG in Huntington. They had a half-hour program, and he wanted me to be on it with him to talk about what had happened.

D: This was still in '68?

H: This is '68, immediately after Farmington, and he and I had a long talk before and during it. I began to see that for the first time that he had hit on something that was very important that we get action on. So the first thing that I did was to call my office in Washington and said, "I want to have a news conference tomorrow on the problem that I think I have neglected up to this point to do anything with." This is the time when I issued that statement. And I issued that statement indicating that whenever you have a disaster, why, the coal companies and the union, who seem to be more interested in wages rather than health and safety, there really is no aggressive attack on the health hazards of coal dust. And the same script after disasters is familiar, that you focus the search light on the disaster, and the company officials say everything possible is being done, and the families wait around, and the union says, "Well, everything possible is being done and don't get excited about it." And soon everybody goes back to the status quo. So we can't afford to do that any more.

D: It was sort of ritualized.

H: Right.

D: Because everybody knew their part.

H: Yeah.

D: And the only problem was in this case Boyle forgot what his part was. Boyle didn't play the part that John L. had always played, where John L. knew that he was supposed to go down and rant and rave and shake his hand and his finger. And then everybody would feel, you know, that he was doing the righteous thing, and that helps everybody forget about it.

H: And he'd always make sure that he came out of the mine with black dust.

D: Dust on his eyebrows.

H: Yes, yes. And get photographed that way, and that sort of acted as a soporific, and everybody took

D: Everybody

H: Sure, he's

D: John L's giving them hell.

H: Right.

D: But, I don't want to lose these guys here. This seems as good a time as any to ask you. Tell me about Buff? I mean, he apparently is quite a character. I mean, what was your relationship with him? What are your impressions of him? And what was your relationship with him?

H: Well, he was a real male Mother Jones. And he was able to ignite and stir up a crowd as nobody I've ever heard before.

D: Yeah.

H: He was never quite as accurate as Dr. Rasmussen, in the manner in which he presented the medical aspects of black lung. And Don used to tell me every now and then, "Hey, that slide is upside down." But he wouldn't say that out loud, you know. The miners of course didn't care if the slides were upside down, they were listening to the rhetoric. And he was a tremendous speaker, in terms of stirring the miners to action to make sure that they kept focused on the need to, to rebel. He was a real revolutionary in the Thomas Paine sense.

D: So he was a, but his appeal was, would you say, a kind of populist appeal?

H: Yes, precisely

D: Us against the powerful interests

H: Yes, yes.

D: And did you see him do his routine crumbling up the lung tissue? Did you see him do that, where he would crumble up the dry tissue?

H: I think that was primarily Dr. Wells that did that. Wells was the one who did that. Are you going to talk to Wells?

D: I'm going to try, yeah.



H: He's not really as important in this area as Dr. Rasmussen is, I don't think.

D: Well, I want to talk to Wells, among other reasons I'm told, I read somewhere that he supposedly was the person who interested Nader in this.

H: That well may be.

D: Well, I'm going to pursue that and some other angles.

H: Yes.

D: So Buff was somebody who was a formidable, he wasn't just seen as a crazy man. He was, he had some authority.

H: He was seen as a crazy man by the coal operators and unfortunately by some of the press, too. And the press kept referring to him as a buffoon, using his name.

D: Ah ha.

H: And the Charleston Gazette, which should have known better, which was a very good crusading newspaper, repeatedly criticized Buff for exaggerations. And he did exaggerate, he did exaggerate, but the miners just loved to listen to him because they hadn't heard anything like this before from anybody. Actually, he was not a lung specialist, he was a heart specialist. And as such, why, he was able to point out, that a lot of people who had died of pneumoconiosis, they put down on the death certificate heart attack. He could point out that the burden placed on the heart by the weakening of the lungs from pneumoconiosis. But his main role was not as an analyst, as Dr. Rasmussen was. His main role was as a stirrer upper and a person who could really ignite a crowd.

D: An agitator?

H: A really wonderful agitator because he had a great cause that he was able to always draw a crowd wherever he went. I could never quite understand his, his opposition to Yablonski, though. Because during that period when Jock Yablonski was running for the presidency, why, Buff didn't have anything to do with him. Maybe politics entered into it. In fact one rally I was called in, down in Madison in Boone county, why, Yablonski was there, and he grabbed the microphone right out of Yablonski's hand and said, "I don't want to bring politics into this," the people's fight.

D: But that's a part of the populist approach, is the anti, But he [inaudible] to pick and choose, he never, he never yelled at you that way, and you're a politician.

H: No, no, he embarrassed me very frequently by saying that Ken Hechler ought to run for senator against Jennings Randolph, see. That was all right for politics for him. But I was always puzzled as to why he had that attitude toward Yablonski, who was doing so much for this entire movement.

D: Do you think it was because Yablonski was a Polish guy from Pennsylvania?

H: I don't know. I don't think that that was it, no, no. Buff never had any of those types of prejudices. And I've never been able to figure out this.

D: That's curious. It may have just been a personality thing. Well, what about Rasmussen, I mean, how would you characterize him?

H: Rasmussen was a real hero, I think, of this whole movement. Not only because he recognized early on, far before Farmington, but far before many of us in political life understood what needed to be done, but also he had the facts and figures that could refute the doctors. Buff could come out real strong in terms of the criticism of those company doctors that were on the payroll of the coal companies, that kept saying things like Dr. Roland Burns of Huntington. I don't know if you've run across any of his material, but many of the coal company doctors even went so far as to say that the coal dust was a good thing for the miners, that it helped prevent pneumonia and other things. But Buff was very good at that type of criticism. But Rasmussen really had the facts at his fingertips and was able to, and also showed by his vision that he was able early on to recognize this problem and articulate it. I trusted him far more than I would trust Buff in terms of factual material.

D: Well, they seem to have had a sort of, do you think they consciously had a routine worked out, where Buff played the wild man and he

H: Yes, yes

D: And he made, he must have made Rasmussen look like a moderate and then when you start wondering whether you had any factual scientific reputability then you had this very sober

H: Yes, yes. I think that they worked very well

D: So they had a kind of routine.

H: They worked very well together on that.

D: And where did, what was Wells' function? He was, you said, a lesser player in this. What did he bring to this?

H: Oh, he was somewhat of a lesser player, but he did dramatize. He was the person that was able to say, "Here's what your lung looks like," and then

D: Oh, that's right. Because he was a pathologist, he could say, here's what your lung looks like on autopsy.

H: Yeah.

D: So we've gotten through the end of 1968. It's the very very beginning of '69. It's evident that the union hierarchy is not going to aggressively implement the resolution that they passed at their convention, at least that's the way it appears. And so a number of people get together to form what



becomes the West Virginia Black Lung Association. And I just wanted to get your impressions of some of these players here. The people I usually hear about as being in on the ground floor were a fellow named Charles Brooks, Arnold Miller, of course, and a fellow named Woodrow Mullins, who apparently take the lead in raising money to hire Paul Kaufman to write a bill, a workers' comp reform bill and to lobby for the bill. Do you have any, did you have relationships with these fellows?

H: Yes. I think the major relationship that I had probably took place at the first great meeting that we had

D: Okay

H: Of the

D: This is the meeting at the Charleston Civic Center?

H: On the 26th.

D: 26th.

H: The 26th of January, 1969, that, let me just back up and mention the company doctors who after I'd been speaking out on this subject there for some time, after Farmington, why, Dr. Roland Burns, who was a Huntington physician, wrote a very strong letter to the Cabell County Medical Society. He urged the adoption of a resolution denouncing those doctors -- Buff, Wells and Rasmussen -- who had been crusading against black lung, and the resolution stated that simple pneumoconiosis is a condition fully compatible with reasonable health. And he said that there was no epidemic of devastating killing and disabling manmade plague among the coal miners. And he called me up right before this January 26th rally and tried for over an hour to dissuade me. He was an old friend of mine that I had worked with together with very closely, politically.

D: Now you preface this by saying company doctors. Was he a either on the staff or on retainer with coal operators?

H: I believe later it had been proven that he was receiving money from one of the coal companies.

D: Ah ha, as a consultant or something.

H: Yes.

D: I see. Okay.

H: Then two days before this rally on the 26th at the Civic Center, on Friday the 24th of January, I got a telephone call from Michigan Representative James O'Hara, who'd been working in the area of occupational health and safety. And he asked me to come over to his office. And I was rather surprised over there to see him with Ralph Nader, and they both expressed very strong support for what I'd been doing to try to campaign for federal legislation to improve the conditions, the health

and safety conditions. And Nader said that he agreed with some of the criticisms I'd been making of the United Mine Workers. But he said, I thought he said, he thought I had not been going far enough to criticize Tony Boyle personally. And he said this union is corrupt at the top, and he said he would like to be able to get the message out a little more to the rank-and-file of coal miners. And he asked me how this could be done. He wasn't exactly sure that he could reach the rank-and-file coal miners. And he said that he had heard that there was a rally coming up in West Virginia. And he wondered whether since he didn't feel it was appropriate for him to be there, he wondered whether or not I could carry a message to that rally. And I said that I would be very glad to do this. And so both Nader and O'Hara then began to say, you know, you're going to be taking great political risk because the miners are very strong in West Virginia. And I said to them, "Well, I've already crossed that Rubicon, and I'll be glad to do whatever is necessary, and I really

D: Saying that you had crossed the Rubicon, at that point you had not alienated yourself from the mine union leadership, had you?

H: Yes, yes, I had.

D: Oh, really?

H: Yes, I had.

D: Prior to the rally?

H: Yes, even prior to the rally by just even in the

D: In the press conference you had after the

H: Well

D: After Farmington?

H: Well, in the press conference, and I'd appeared on the Today Show with the head of the Consolidation coal mine, coal company. And I made a number of statements just raising questions about whether or not the union itself was aggressive enough and even in the very first statement I made after Farmington, characterizing what happens after disasters, saying that the union just does not react to cure the conditions that cause disasters like this, and it's not done anything in the areas of mine safety and mine health. This had caused the United Mine Workers Journal even early to say that I was posing as an instant expert in this field.

D: Oh, I thought that started later. That's interesting. And they called you by name? They wouldn't, they made vague, insinuating kind of statements

H: It wasn't very strong up until the rally. But I was really amazed that there were 3500 miners that showed up.



D: There's a rally on the 26th of January.

H: Yes, just before I left Washington to attend that rally, I got a call from Robert Howe, H-o-w-e, the legislative representative of the UMW. And he said to me, "Please," he said, "don't push for health and safety in this one bill," which I had already introduced to try to limit the amount of coal dust and address the black lung issue. He said, "Please introduce two separate bills, one on health and one on safety. And then we'll push for the safety bill because Farmington didn't have anything to do with health. And we'll lose the whole ball game if we start talking about health." And in my talk to the miners on the 26th, why, I challenged that strategy. And this is perhaps even a sharper confrontation that I had with the union because I challenged that strategy.

D: Before we go on to how that plays out with the union, who invited you to Charleston to the rally?

H: I'm, I'm a little bit uncertain about that. It just seemed to me that it was probably Dr. Buff and Dr. Rasmussen that invited me there.

D: Okay.

H: And I already had been talking a great deal on this subject, and so it was quite natural that I should accept to go there.

D: So you, you think there were more the 3,000 people there?

H: Thirty-five hundred miners were there, and the three doctors were all there. Plus a member of the House of Delegates from Wyoming County, Warren McGraw, and the former state senator Paul Kaufman were there. And we all spoke at the rally, and close by the Civic Center at one of the downtown hotels the West Virginia Medical Association was meeting. And I just, I told the crowd I had received a message from the Medical Association, I held up this big placard that said, "Black lung is good for you."

D: Ah ha. What was the reaction of the crowd?

H: Well, of course, they cheered, and you know, and

D: You must have lost some friends in the medical community, I would imagine.

H: Oh, no question about that. But this was a Sunday rally and right after church as I was on my way to the rally, why, I stopped by a little delicatessen in Huntington, at 8th Street near 4th Avenue. And I saw this big twelve-pound hunk of bologna in the window. And I thought, gee, this would really be great to tell the miners that what the coal operators and the medical association and the union were telling them was all a bunch of bologna. So I stuffed it into a paper bag, and so nobody could see it and brought it up to the podium with me. And then I also read Ralph Nader's letter, which of course excoriated Tony Boyle as an insensitive person. The letter itself, which I'll give you a copy of, urged the miners to ask Boyle to come to West Virginia and answer why he wasn't representing their interests.

D: Now again in terms of division of labor

H: Right

D: Nader clearly went out after blood.

H: Yes

D: Did you, did you take any, you obviously had a number of people you were after -- the medical association would have been plenty. Did you think about Boyle for special criticism, or did you just raise general questions about the union, in those sort of terms? Or did you, were you naming Boyle?

H: Well, I said, here's exactly the way I put it. I did not say Tony Boyle himself, but I simply said the top leadership of the United Mine Workers are going around to their friends and saying strict federal legislation on health standards won't pass so we UMW boys think that you Congressmen ought to separate the health from the safety legislation. And then I said that's the fine art of compromise, but you can't compromise with a person's lungs. And I talked a good deal about what my bill did to limit the amount of coal dust to 3 milligrams per cubic meter of air, and I suggested very strongly that, well, I did say one thing about Boyle here. I argued a little bit with Boyle, who had said that I was crazy by putting into my bill that coal miners who smoked underground ought to be fined. And Boyle had jumped on me for that, said that I was an enemy of the coal miners because I wouldn't let them smoke underground. But that's about all that I said.

D: Also at the rally is the Secretary of State.

H: No, I was in, go ahead

D: Rockefeller. Did he speak or take any leadership role at that rally, or did he just attend it?

H: Well, let me just review here to make sure I'm talking about the right one because we had several, several rallies in Charleston at that time. And I, I, we had one on the 26th of February.

D: Yeah, I'll get to that one in a minute.

H: Also and I'm not sure but what which one of those two that Rockefeller was present at.

D: Oh, he was present at the first one.

H: Okay, all right.

D: And my question is whether he took any active role, or whether he just sat on the podium or was introduced, or was he just a face in the crowd, or what was, what was the extent of his engagement with this?

H: Well, it certainly wasn't very big. It was either at this rally or the one 26th, I'd have to review my



notes, when I wrote out a check for \$1,000.00 to the Black Lung Association. And they reminded me, one of the miners reminded me that they'd gotten a \$5.00 check from Rockefeller. But that Rockefeller I know he could not have taken a very active part because I know that after this thing began to steamroll, and we began to get the bill through Congress, I know that he made a confession to one reporter that he had misjudged the size and nature of the problem and had failed to really do anything about it. So, so his role was fairly minimal.

D: Marginal

H: Like that.

D: Okay. In the, I find this interesting that the rally ends with a march to the state capitol. And then Sonny Wells leads the group in prayer.

H: Yeah.

D: Was there a lot of, were there clergymen active in this movement? Did people commonly use prayer and other religious, singing or other things that?

H: Oh, yeah.

D: Devices and

H: Sure. After all, this is the Bible Belt. And they, that is something that really was utilized very strongly.

D: Do you remember any particular themes that ran through that, or was it, I don't know what it would have been, Jesus driving the money changers from the temple, or what would have been their, the religious themes, their Biblical themes that were invoked? An eye for an eye, or what was the, do you remember any sense of that type of religious rhetoric? Or just God help us in this just cause, kind of

H: Well, that was essentially it. That was essentially it.

D: I won't digress too far on that.

H: I was amazed that the representatives of Congress in coal mining states were dragging their feet on this whole problem, all the way through, especially the, my colleagues from West Virginia that kept criticizing the fact that I was going out after Tony Boyle and the United Mine Workers. Senator Randolph, the senior senator from West Virginia, he made a speech on the 24th of January, saying this is to refute those critics of the United Mine Workers and the leadership of the union, who falsely claim that the men who are working at the coal mines lack for adequate union attention to their health and safety needs. They are in error. History will not support such allegations. Mr. President, officials of the United Mine Workers, men like President Tony Boyle, Vice-President George Titler and their associates must not be accused of lacking in zeal on behalf of their coal mine members

because that's not the fact.

D: Well now, did he sincerely believe that stuff? Or was he

H: Well, it may have been written for him and told

D: Just read this.

H: And Congressman Slack of Charleston said that (this was a very thinly veiled attack on me), where he said, "I'm dismayed by the trend of recent publicity by the careless, heartless self-promotional antics by a few who have appointed themselves arbiters of mine safety standards." Then he went on to defend Boyle and Titler against the silly charges.

D: Now were those statements made on the floor of Congress? What is

H: Yes.

D: They were both.

H: Yes, yes. They wrote them in the Congressional Record.

D: And immediately after the rally, Boyle has the president of District 17, which is one of the strongholds of all of this, a fellow named Humphreys send out a letter to all the locals announcing that the Black Lung Association was a dual organization, a dual union. And then they, that commences this, the intensified stream of criticism from the newspaper and other places. What was your immediate reaction to that stuff? Did you think, well, that you were going to have, was the reaction stronger than you thought it would be? Obviously, you didn't think they were going to like this, but did you

H: Well, they got the, they had never been treated this way before, you know.

D: There's some surprise in this?

H: And they got pretty vicious in their criticisms of anybody who was involved in criticizing them. And they were very super-sensitive about it. Titler wrote me a four-page diatribe, which I'll give you a copy of, in which

D: Good.

H: You remind me of the newborn bull calf which elects to follow his father rather than his mother and does not realize his mistake until feeding time.

D: Quite a, quite a rhetorical piece.

H: And he said, "Support the UMW and support the separate health bill that they have if you really



want to do something about health."

D: But they, but your argument is that they really didn't believe that any health bill was going to pass.

H: No, they kept telling me that, that they didn't think it was going to pass anyway. But they said, "Support it, and you'll be on board for something that controls the amount of dust."

D: Before we do, because there're things going on simultaneously, but what I'd like to try to do because we've just had this rally in Charleston, talking about state workers' comp reform, is to trace through the state's development in West Virginia up through the the

H: I was not as much connected with the state's development so

D: Right, that's why I thought we could do that pretty quickly. The thing I did want to touch on here is that the strike begins. They have, you know, hearings and various steps in the process. And then it becomes apparent that the bill is stalled, and so then there's a big strike that starts around Beckley and spreads around the state. In early, at the time the strike starts on the 19th of February and by that following weekend, I guess that would have been the 22nd, 23rd, there are about 12,000 people out of work. And you say at that time, you issue a statement in Washington, and I'm quoting here, "I don't believe that endless bitter and disorganized strikes and walkouts will either solve the problem

H: Yeah, I'll tell why

D: Or result in good legislation."

H: I'll tell you why I made that statement. We were due to have a rally that weekend, and I called [deleted at Hechler's request]. I'd rather not bring his name into it.

D: Okay.

H: I'm telling you what motivated me.

D: Okay.

H: And in my speech on the 26th of February, I said, "I understand some of the boys are a little bit worried about my position. You're worried because I sent up a caution signal when I should have lit a torch. I'll be honest with you, maybe I said the wrong thing at the wrong time. I'll level with you, I'm not going to pass the buck or claim misquotation, but just confess that I was wrong. I haven't lost one ounce of any of the determination and enthusiasm with which I'm back of you 100%, in the goals you seek. Don't forget, I'm the original fink, labeled by the United Mine Workers because I had suggested that the UMW wasn't doing enough." So I tried to make sure that they understood that that was something that I should not have said.

D: Yeah, and that was the point that you also gave the union a \$1,000. [inaudible] or not the union, but you gave the Black Lung Association a thousand-dollar donation. So Arch Moore signs the bill

in the begin, in March. And the situation in West Virginia, that part of it, is resolved. But meanwhile back in Washington, there are these

H: It was Mullins, who told me by the way that Rockefeller had contributed \$5.00. Mullins then said, I saw coal miners there with five little ragged kids who gave \$5.00.

D: Yeah.

H: Excuse me, I didn't mean to

D: No, no, you can interrupt me any time. There are a variety of bills in early '69, federal bills. I'm not going to, I don't want to do a differential analysis, of every difference between every provision of every one of those bills. But let's just say that your bill seems to have had a couple of distinctive characteristics. And tell me if these are, tell me if I picked out the right things that sort of distinguished your bill from the others. First of all, you had these larger penalties and included penalties for the miners themselves.

H: Yes.

D: Which obviously was something that the union seized upon

H: Yes.

D: And probably would relish.

H: Oh, yeah.

D: That you were pinning it all on them.

H: Yeah, yeah.

D: How did you parry that? How did you handle that?

H: Well, I said, "You've got to approach this problem directly as to how you're going to protect the miners, and you can't protect people who smoke underground."

D: Yeah, and that was unrelated to the issue of black lung. No one was, you weren't in any way insinuating that black lung was the result of smoking, obviously.

H: No, but smoking causes the explosion that

D: Sure

H: Of methane-laden dust.



D: So you had stiffer penalties. You had health standards that were to be conceived in broader terms, as I understand it, that you would not, you weren't going to cripple these standards by burdening them with technologic and economic feasibility. [inaudible]

H: Usually the things that they always tried to work into the legislature: Well, you can't do this, it's economic [inaudible]

D: You'll kill the industry.

H: Yeah, and the industry's worth, I've got a great letter here from the president of the Amherst Coal Company, saying I was going to price West Virginia coal out of the market. Let me try to see if I can get a little bit closer to the analysis of these pieces of legislation that you're asking about.

D: It's

H: Go ahead.

D: I was just going to say, those were the two major differences. You had the stiffer penalties, you had tougher standards with different criteria for the standards. And third, enforcement by the Department of Labor and not by the Bureau of Mines.

H: Yes, yes. This is something which I argued unsuccessfully at the time. But later people began to adopt my arguments later on to say that they wanted this in an agency that was not production-oriented.

D: Yeah, I mean, what were your take, in general, on the Bureau of Mines? Did you see them as a kind of captive of the operators?

H: Yes, yes.

D: That there was

H: Yes, yes.

D: In your dealings with the rank-and-file, was that the sort of sentiment at the grassroots, that forget about the Bureau of Mines, they're hopeless.

H: Yeah, yeah. And of course, eventually it proved to be true, the manner in which they tried to water down the enforcement.

D: Yeah.

H: But I've got a very intensive analysis here of the way which my legislation differed from the administration legislation.

D: This is your testimony in March of '69.

H: Yeah, yeah, March, which I can give you, between the House and the Senate.

D: Great, great.

H: I don't have to go into detail on that, because you've got that all in front of you.

D: But what I do find interesting about those hearings, are a few things. Right, we don't have go through what we already have on paper. But tell if this is the beginning of the movement for federal black lung benefits. At the opening of those hearings, I think it's on March the 4th of '69, Carl Perkins advocates federal workers' comp, using the precedent of the Longshore and Harbor Workers Compensation Act. Was that the first time anybody had talked about a federalization of in any way, shape, or form?

H: Phil Burton mentioned this. You see, up to this point I'd been dealing with, the first thing I did when I began to go into the research to get the underpinning of the stuff that I wanted to advocate here, why, I called up the Bureau of the Budget. And I said, who is it in the Bureau of the Budget that's been working on black lung legislation that was submitted through President Johnson's bill. And well, we had a big, as you know, we had a big conference in December of '68, at which Johnson's people had been advocating strengthening of the mine safety laws and the health laws. And I got a hold of this guy, Gary Sellers, who was just then leaving the budget bureau, who had disagreed with the softer position of the Johnson administration and the incoming Nixon administration, was a very strong advocate of tougher legislation but in the health and safety area. And I got him up to the capitol to talk with him for advice as to what to do. And I said, we've got to get a congressman on the Education and Labor Committee to carry out our ideas. And at this point, why, we got Phil Burton interested, and Burton was to my mind

D: So you or Sellers approached Burton?

H: Sellers actually was the person who approached him. And Burton immediately seized on the idea. And I always remember, one morning Burton came in late to a hearing of the subcommittee of Education and Labor, and drank a cup of black coffee. And there was an Assistant Secretary of Labor there; he really jumped on him for not including in the administration bill anything on either coal dust standards or black lung standards or black lung compensation.

D: When was that?

H: That was, I think that was, I think that was in March of '69 if I can pinpoint that date. But that's the first time, to my mind, it was mentioned. Perkins was not a real leader in this area. He picked it up. But I think you've got to give more credit to Burton than anybody else for pushing it.

D: And he was someone who Sellers recruited for this. Was Sellers working on your staff then, or just working with you?



H: No, just working with me. He wasn't actually on my staff. And we worked very, very closely together on it. And so when you say Perkins was the first to mention, to mention it, it may have been the first time it really surfaced in the press.

D: In public discourse

H: In public. Because I have an idea Burton was, Burton was the real kingpin here. He sold Dent and Perkins on the whole business.

D: Well, that is so incongruous. I used to live in the San Francisco Bay area

H: Yeah.

D: There are no coal mines left out there.

H: No, no. But Burton was a very interesting, peculiar person. He would take an idea and run very, very hard with it. And he had an amazing ability to pick up a new idea and run as though it was the most important thing in the world and to convince other people that this had to be done. And on the black lung compensation bill, I'm sure you've heard the story about how he made a deal with the cotton congressmen.

D: No.

H: And the people who were fighting to prevent the passage of a bill to limit farm subsidies to \$20,000 a piece or something like that. Anyway, he made some kind of a deal to say that he would get something like a dozen liberal congressmen to vote for those farm subsidies to protect the cotton people if they would vote for the black lung. He was a real wheeler-dealer.

D: This was in the fall of '69, then?

H: Yeah, yeah, yeah, later on then. I mean he had just an overpowering ability to twist arms to get people to do things. But I think that he was the first one really to bring this idea of federalization of workers' comp to the fore, plus black lung.

D: Well, one thing I found striking, having read your House testimony

H: Yeah, you already read that?

D: Yeah.

H: Okay.

D: Is that you say that in your mind certainly, and I'm quoting here, "Certainly the most critical feature of the bill before you is the dust standard."

H: Yes.

D: Now when did you start really zeroing in on this aspect of it? Was it partly because you felt like the safety piece was going to get taken care of, and that this was the most likely piece of it to get dropped?

H: Well, I was just mad as hell at the United Mine Workers for failing to recognize this problem. And I thought it was absolutely necessary that somebody had to blow the whistle on that aspect. And this is why I brought all these miners and widows to Washington.

D: Yeah.

H: To try to make sure that they could dramatize that.

D: Before we move on to the widows and miners

H: All right.

D: You at that time then advocated 1 milligram per cubic meter of air. Where did you get that number? It turns out to have been a very good number. But where where did you, where did you find it? Did you have a technical staff, anybody who could

H: Of course, Rasmussen was a very good man to consult on this. And also I was comparing some of the things that had been done in England in terms of showing how a reduction of the amount of dust resulted in fewer cases of pneumoconiosis. Other countries had had experience, and we had access to some of the material from other countries that

D: Did you relate directly to those British investigators? Did you have a relationship with Gough or Rogan or any

H: Well, I had all the materials on his testimony of course before the state legislature, which I found to be extremely helpful in terms of clarifying the medical aspects of it.

D: But, so one milligram, was just your distillation of the medical literature that you got from Rasmussen and others?

H: Yes, exactly right.

D: Okay. Because even that was quite a radical position in 1969.

H: Yes, of course it was radical even to mention it at that time because of the fact that the United Mine Workers, which should have been most centrally concerned about this. And this is what I could never understand about Lorin Kerr; he was so strong in his advocacy in his September '68 speech before the convention. Why didn't he do something about it? What was his loyalty to Tony Boyle?



D: Well, I think at that point part of the problem was structural, that technically up until they created the Department of Occupational Health in June of '69, Kerr works for that fund.

H: Yes

D: And so they obviously did quite a bit on black lung in certain circles. But they could only, there was a sort of, there were some lines, some that were drawn and some that were not drawn, but they knew where they were.

H: Yeah

D: But there were things people on that staff of the fund could do, and things they couldn't do.

H: Yes

D: And so they, particularly there on politics, because it was a jointly, nominally it was a jointly trustee fund. And so, that's at least the reading I've always gotten. Because I raised questions with Kerr like, well, why weren't you people negotiating dust controls into your contracts in the 1940s and '50s? Why weren't you mandating wet methods of extraction and ventilation and all the technology was all there, you know? But, and he just said, that was not in our province. We were in the fund; we were supposed to be running hospitals and clinics and

H: Well, it's hard to understand. A lot of it, too, was, I think, his loyalty to Tony Boyle. And if Boyle wasn't interested, why, he

D: Well, except I think that's reading backwards. I think he became loyal to Boyle because Boyle protected him. Later on, apparently Kerr had an ironclad employment contract that he'd been given by Boyle so that when the Miners for Democracy people get in, they want to get rid of Kerr. He's seen as one of the old guard,

H: Yes

D: But they can't. And so I think some of Kerr's loyalty is sort of retrospective.

H: True

D: I mean, I don't think he was especially loyal to Boyle, say '68, '69. I think

H: Well, I kind of gathered when I had conversations with him that he looked on me as an enemy, you see, because of the fact that I was jumping on, on Boyle for his insensitivity. And he was trying defend Boyle as a

D: Defend Boyle?

H: Well, I mean, defend the position of the UMW in failing to take action, I should say.

D: Well, I don't want to, I don't want to put too much on the record myself. We'll talk about that one when we knock off here. I have a theory about that.

H: Do you want to take a break here?

D: Yeah, that's a good idea.

H: This is the letter from Herbert Jones that I mentioned, the head of the Amherst Coal Company, which I thought

D: Oh, is this the one where he asserts that this will be the death of the industry or a good share of it? And how did you handle those sorts of claims, these claims that the sky was falling?

H: I would, of course, talk directly to the fact that the coal operators were talking economics. And I said, for example, at one rally at Cliff Top in Fayette County, West Virginia, "Whenever you try to protect people, the corporations talk about the economics of the industry, what it will cost the industry to clean up the mines and those radical people who are trying to drive business away from West Virginia. I'd say we ought to do what is necessary to protect the life, the health and the safety of these 144,000 human beings who work in the coal mines. Just how much is a human being worth? That ought to be the central question in this instead of how much is a ton of coal worth or how much profit it will bring to the producer."

D: And when was that, precisely? Do you remember what date that rally was?

H: This was in March of 1969.

D: And, I, I can't say that I've read every word of the thousands of pages of hearings. Did the industry come in at any point with precise estimates of what it was going to cost them to comply with these regulations that they, did they say this is going to cost us x billions of dollars, and it will force the layoff of x thousands of workers? Or was there

H: I don't think that they got into anything specific.

D: Yeah, that's my recollection, pretty vague.

H: I think that they simply said, coal was a competitive industry and that we had so much coal that we could, we were the Saudi Arabia of America, you see. And that we could provide much more coal than all this oil that was being imported from other nations and that if you priced this coal out of the market, we would be forced to import more oil.

D: And they made those arguments in '69?

H: Yeah, and, of course, within West Virginia, why, they would say that we couldn't compete with other states because of the fact that these radicals that were trying to put additional burdens on the coal operators that would force them to raise the price, by the expensive things that they had to put



into place to test coal dust and to try to make sure that they kept down the amount of coal dust to make sure that those other things that were very expensive were done [inaudible] provided.

D: Well, along with you at these hearings on the 19th of March, are, is a fellow named Elijah Welford. Was he someone who you encouraged to come in and testify, or did he just, was it a coincidence that you and he testify at the same time, or was he someone who

H: No, he had political ambitions, too. At one point he was running for the presidency of United Mine Workers.

D: He was not at that time, though, a declared candidate against Boyle, was he? At the time he testified in the middle of March?

H: Not yet, not yet.

D: Did you encourage him, or defray his cost of coming to Washington, or help in anyway to get

H: I think I did.

D: To try to get him into the arena?

H: I think I did. I believe I did. He perhaps was not quite as effective as some the other miners. But at the same time it was always good to have any type of a miner there.

D: How unusual was it, because you also have a panel of widows and black lung victims

H: Yes, yes

D: Who go in when you testify at the Senate the next day. How unusual was that in those days to bring in victims of a problem as opposed to just a list of technicians with statistics?

H: I think it was very unusual, and it caused a very deep impression, not only on the senators and representatives, but what really was happening here was that this was very dramatic for radio, television, and newspapers, who got it back into the districts. And as soon as the senators and representatives began to see the impact on national television of what this was doing, why, it increased their sensitivity and their desire to get in on this, this great act and do something.

D: So if you had congressional hearings, and the only people who testify are a bunch of mumbling professors and lobbyists and special-interest people, NBC and CBS and ABC don't care. But if have someone get up and say my husband was killed in a, or a guy gets up and says I can't walk across the street, that was a departure at that time?

H: Not only that, but if a person with pneumoconiosis gets up in front of a Senate committee while the cameras are on him and jogs up and down while a doctor that I brought along from the Public Health Service is taking his pulse and his heartbeat

D: Which doctor? Which doctor was that?

H: Dr. Lawrence Osborne, he brought his stethoscope and medical kit so he could testify authoritatively on the condition that he was experiencing. And for example, this 51-year-old Otis Ratliff of Daven, West Virginia, he bounced on his toes 35 times, and then he sank into a chair, very dramatic gasping, "I'm exhausted," completely, I mean he wasn't acting.

D: And weren't there some, I mean, surely, some of the conservative legislators and the lobbyists for the coal industry would have said this is a circus, this is disgraceful. We need solid scientific evidence. We need to go study.

H: No, actually, they were very attentive. And they weren't critical at all because, after all, they realized that any critical remarks would be an insult to these people that were very sincere and they

D: So they couldn't just sniff and say that's just anecdotal evidence, and we need good hard science and

H: Well, you see, we had Osborne there. Osborne said Ratliff and the other miners I brought had only 15% of normal breathing capacity. That's what he was able to testify, and he helped to bolster what we were saying, that the scientific plus the practical.

D: And you tied those two right together, instead of just have a panel of individuals with their sad stories and then a panel of scientists who'd never seen, maybe all they'd dealt with was rats or something.

H: Yes.

D: That's really interesting. And that was the, then that, you're sure, had an impact on the media, that they

H: Well, it had a tremendous impact. I think it had a reverse impact, as I say, after the senators saw this on national television, and their constituents then began to write to them, you see.

D: Had to come around.

H: Yeah, it really had a tremendous effect. And like Mrs. Kaznofski, one of the Farmington widows, she was very, very pointed when she talked to the senators. I don't think the senators had ever been talked to this way before. Why are you people so reluctant in debating what you should do for humanity? Today is four months since the terrible tragedy, and 78 men are still entombed, our husbands, fathers and sons. You people have got to see that the laws are strengthened for the future coal miners. And it's up to you. You can do it. You have to do it, you know. That had its impact.

D: And the fact that these hearings occurred in Washington pretty much guaranteed that the media would kind of cover



H: Yes.

D: My question was going to be, well, why didn't they go out and hold hearings in the coal fields? Because maybe you wouldn't have gotten

H: Oh, well, you had crowds and crowds of people that came in, you know. The New York Times, the Washington Post, NBC, ABC, CBS, and this was something that they had never really experienced before. And these people come in, you know, with their hard hats and their lamps, and I would always also in addition to their testimony I would also assemble them for a news conference afterwards to make sure that the news media could shoot questions at them as well as hear them have their interchanges with the senators. We had a field day of it, to make sure that, that everybody got the impact of these people. They had a full opportunity to quiz them, to see what they're really knew what they were talking about. And it definitely put the heat on the members of the House and the Senate. And here's another interesting thing that one of the miners, I repeated this to the, to the senators, and he repeated it, too. He said he asked me one day one of these miners named Elmer Yokum, he said, "What I don't understand, how come if the public wants mine safety, if the owners say they want mine safety, the union says they want mine safety, the miners want mine safety, why do we have to hold all these hearings?" Go ahead, you were going to ask

D: Well, before you testify in the Senate hearings, a few days earlier Boyle comes in and apparently gives quite a performance. Were you present when Boyle was testifying, by any chance, President Boyle testified?

H: Yes, I was.

D: And was he, I mean, you read the transcript, he really sounds probably didn't deliver this in a well modulated

H: Oh, no, he was

D: It sounded like he was ranting and raving. When he

H: He really was ranting and raving. He was just so upset at the fact that anybody, particularly from a coal mining state, would challenge him personally. And half of it, as you know, was directed at Nader, and half of it was directed at me. And he, he just got wound up that day.

D: He sounds like he

H: Shows his supersensitivity.

D: Yeah. It couldn't have been a very effective refutation. I mean, he just sounded like he was foaming at the mouth.

H: Yeah, he was. Of course, little bit later I really upset him even further when he was interviewed over one of the Washington television stations. He said Congressman Hechler only has one coal mine

in his district; he doesn't know anything about coal mines. But I was able of course to come back there to point out how many coal mines there were in the district. So, it's just a matter of tactics, of strategy.

D: Well, it's funny that you say that because here I, in my notes it says, let's get the description of strategy and tactics. Because I wanted to ask you about a few individuals and sort of how, what the division of labor was? You already talked a little bit about Gary Sellers. But you also hired a fellow named Finnegan.

H: Yes. David Finnegan always impressed me when I would call down to the Department of Interior and the Bureau of Mines to get the information. He always impressed me. He was the one person down there. In my testimony before the Senate Subcommittee, where I said, "Down through the years we have tolerated the Bureau of Mines, which has been subservient to every special interest except the man who mines the coal, the Bureau of Mines has been moribund, a colossal failure when it comes to protecting the men in the mines, production-oriented, filled with dead wood, backward and bureaucratic, stifling the initiative of any imaginative official, leaderless, having the backbone of a chocolate eclaire, and rarely challenged either to do its job or seek more effective tools to do a better job. And what struck me about David Finnegan was that he was a little bit different from this, that he was so different that one day he called me up and he said, "Hey, I just got fired. I've been a little bit too outspoken." And so I said, "Well, come on up here."

D: When was that?

H: I hired him in, I think, it was about the summer of 1969. I can pinpoint that better.

D: But he was someone who by virtue of his technical skills was able to insinuate himself into the workings of the subcommittee?

H: Yes, yes. He was so good at it that the subcommittee recognized it and tolerated him even though he was my employee and turned to him for information.

D: This was sort of again a structural problem. You were not a member of the committee.

H: No, no.

D: On Education and Labor so you had to have that entree, somehow

H: That's right. But at the same time the strategy was that I could openly criticize the Education and Labor Committee and its members

D: Because you weren't on the team, so you weren't a bad team player because you weren't on the team.

H: Right. And I could go to their home districts or send messages to the people in their home districts to get them on the ball. And that way Finnegan would of course keep feeding me



information about what they were doing behind the scenes. And this was like eating your cake and having it, too, because Finnegan was so good that they had to depend on him. Going forward a little bit to the time when we debated the bill on the floor, why, I got their permission to bring Finnegan in to sit beside me to sort of act as a double agent to help both the committee and to help me individually, because what I was trying to do on the floor was to strengthen the bill that would come out of committee. I wouldn't sponsor the bill that came out of the committee because I believed it could be amended to be stronger. And Burton, I'm getting a little bit ahead of my story now, so we'd better, we'd better back up a little bit.

D: Well, just on that theme. You're right, I don't want to get too far ahead here, but Burton was someone who did sponsor your amendments, is that correct, that you had formulated?

H: Well, let me get on to that if you're up at that point. I've got a lot of

D: That goes on throughout the year, doesn't it, basically? Or is that mainly an activity in the fall?

H: That's mainly in the fall.

D: Let me, let's hold off on that. In the early going, back in the spring when we're having hearings, is it in terms and again we're talking about this division of labor and the forming of a strategy, is it fair to say that with regard to dealing with Jennings Randolph, who was a problem, that Nader was the designated hatchet man? You didn't go after Jennings Randolph publicly?

H: No, I didn't, although of course he always suspected that I was feeding information to Nader. Nader thought for himself, he didn't need to have anybody feed information to him.

D: So Nader had no difficulty developing a critique of the kinds of things that Randolph was putting up.

H: Well, gee, of course his most devastating attack on Randolph was when Randolph had introduced a bill that had been drafted by the coal association, and Nader really blasted him on that. But generally, of course, Nader was very, very helpful in this whole area. The one thing I could never understand about Nader was he, like Buff, got sour on Yablonski halfway through the campaign, and this was something I could never understand.

D: Do you think perhaps they, Nader included, were suspicious of people like Joe Rauh, that they thought maybe he was a guy

H: No, I think what happened was Boyle and his people had dug up an awful lot of dirt on Yablonski, which they fed to Nader. Nader was a little upset by it.

D: Well, Yablonski had been a team player.

H: Oh, sure.

D: For quite a long time.

H: I mean, gosh, you can't crucify Saul on the road to Damascus. After all, people, I think, ought to be congratulated for seeing the light not condemned for their past miscreance.

D: But, but Nader apparently didn't see it that way.

H: I don't know. I couldn't quite figure this out. But

D: Neither did Buff.

H: But there were different reasons perhaps for Nader turning on Yablonski. But I think Chip was, have you talked with Chip?

D: I'm going to. You know he's down in Washington, PA. I'll catch him.

H: Is he?

D: That's what I've been told. He's a workers' comp lawyer in Washington, PA.

H: Well, that's his brother, isn't it?

D: Oh. I have them turned around.

H: Chip is the one in Washington, Washington, DC. And

D: I intend to interview him.

H: Anyway, I would, I would think that Yablonski probably holds some slight bitterness towards Nader because of the fact that he sort of pulled the rug out from under him about halfway through the campaign. But Joe Rauh was always a strong supporter of Yablonski.

D: What about Randolph? How would you characterize Jennings Randolph? Was he someone who was simply a loyal servant of the coal industry, or what?

H: No, no, no. He was just a, he tried to as any politician, tried to keep both sides happy. And he figured the way to keep the, he always did, as I did before 1968, depended on the UMW for having the answers to the problems. And Jennings Randolph just stayed aboard with them much longer than he should have, I think. And of course, he didn't recognize the, either the fact that the coal operators really didn't a vision or answer to any of these problems. So he depended on them as one segment of the economy. Randolph was an old New Dealer, who didn't have some of the newer radical spirit, I guess. Oh, I don't know how difficult it is, you probably wouldn't get a very good story out of Randolph. He's not very well these days; he's in a nursing home.

D: I probably won't [inaudible] him. In terms of things that went on over the course of the year, you



had, I assume, come up with a working relationship with, outside this key committee that's going to be dealing with this, did you start working first with Dent? Or did you, did you have a relationship, pre-existing good relationship with Dent that you could capitalize on, or how

H: It was very difficult, because I wanted to maintain my independence to be able to criticize both Dent and the committee in what they were doing. And to push them from the outside to make them aware that this was an issue that they really had to tackle, and they really had to tackle it aggressively and tackle it according to what needed to be done. It was very, very fortunate, I don't think anything would have happened had we not had Burton inside of the committee, who was convincing both Dent and Perkins how necessary this was for the committee to work. And I looked on Dent and Perkins as being not very strong individuals. Burton was the really kingpin in this whole effort. And I was pushing Burton, and Burton was pushing Dent and Perkins.

D: Oh, I see.

H: Burton realized the national significance of this issue. And I think he thought more in terms far beyond his congressional district because he was the head of the Democratic Study Group. And he had political ambitions, you see, himself, to move up the congressional ladder. He wanted to be the majority leader. I think he probably would have welcomed the chance to become speaker. He looked on it as a means of building his personal and national support, you see.

D: But wasn't he, if he pushed this too hard, going to ruffle feathers? I mean, weren't there established old figures who weren't going to look kindly on this kind of a

H: Well, you see the fact that he made this deal with the southerners convinced the old goats, the conservatives, that he was a guy that they could play with.

D: I see. I see.

H: And he wasn't just a kind of fellow that went around throwing bombs at, he talked their language.

D: I see.

H: The idea of making a deal like that, that appealed to them because they desperately wanted to pass something that would protect the cotton industry and protect the big farm owners, and they succeeded in doing that. So that meant to them Burton was a guy that they really liked because they, he talked their language.

D: So you didn't then have to develop that much of a relationship with either Dent or Perkins?

H: No, as a matter of fact, Dent, Dent made some very veiled criticisms of the demagoguery of those who were

D: Oh, really?

H: I had a big fight with Dent over the federal coal mine health and safety board of review. Did you see anything of that?

D: Yeah.

H: Argument?

D: Yeah, he wanted to retain it.

H: Yeah, he wanted to retain it.

D: That was like a graveyard for enforcement.

H: Yeah, right, right.

D: What was the, did you have any problems with Dent about the dust standards? Was he willing to go to 2 milligrams, or was he a guy who, what was he, was he fairly progressive on the dust issue?

H: Here again, listen pretty closely because this is what Burton told him to say. He wasn't a very independent thinker on that.

D: And how about Perkins?

H: Perkins, coming from a coal area, was much more sympathetic towards the problems of the miners. And he at this point had been receiving, of course, a huge amount of correspondence and huge amounts of delegations of Kentucky miners, who'd come in to see him.

D: Wasn't there also a black lung, sort of black lung association that had sprung up in Kentucky at that time?

H: Oh, yes, oh, yes.

D: So he had sort of a fire lit under him.

H: Right, right, right. They became much more outspoken and aggressive than they had been prior to Farmington. They began to realize that people were focusing attention on what they were saying, and that encouraged them to get more. We ought to not overlook the, the activity of the Vista workers.

D: Yeah.

H: Craig Robinson.

D: Yeah, I tried to set up an interview with him for tomorrow, but it didn't, he's on vacation. But I'm going to give him



H: Even so

D: I'm going to get him

H: We should be sure, we hadn't mentioned him or the other Vista workers up to this point. But they were a definite plus in this whole effort because they recognized these problems. And they recognized that as part of their charter to help organize the people like that.

D: Did you deal directly with them?

H: Yes, yes.

D: Now that was, I guess maybe what I thought you might say when I asked you

H: Yes.

D: Who invited you to the rally in Charleston. I thought maybe some of the leg work and coordinating work, organizational kind of stuff maybe they'd been taking up. Were they, was that the kind of work that they did in terms of

H: Yes, yes.

D: In terms of the black lung movement? Getting a hall for a rally, getting, driving somebody there, doing some of the kind of leg work for the

H: Possibly so

D: I'm going to ask them. I mean, Rick Bank is another one I want to interview.

H: Oh, yeah, yeah, yeah. He's a good one. He's very good.

D: He's in, just outside Washington now. I can get him. But so just I haven't talked to them about their activities. But in terms of your relationship with them, did you, were they in and out of Washington, giving you things?

H: Oh, yeah. Oh, yeah.

D: Providing you with information?

H: I saw them frequently back here, too. They'd would come back, and I would see them at the meetings. And of course, you know, we had a whole series of rallies during the early months of 1969, starting, I mean, they got bigger and bigger after Farmington.

D: And these are in, describe this, describe some of this, would they be in local union halls?

H: Could we go back through the other way.

D: Sure. Would they be, what would be a typical kind of rally? Would it be in a local union hall, or a church, or a community center, or what?

H: The biggest place that you could find in town. Or if you couldn't find a place in town, why, as the weather got warmer, why, we'd meet out in a ballpark. Whenever you had a large hall in a town, why, we would always try to meet there. Sometimes people would be even hanging out the windows, it was that large. And enthusiasm, just contagious, people would come in from miles around to hear this, this enthusiasm of Buff, and the down-to-earth factual material that Rasmussen had. The miners themselves would get up and talk. There was a sense of real unity of purpose there, which [inaudible]

D: I know the international union was against this, and, of course, all of their creatures at the district level. But wasn't it also the fact that many of the activists were presidents of their respective locals. That sort of, that at the local union level, unions were putting up, using their halls and putting up money and doing things to coordinate this stuff. So that in fact when you think of the union more broadly than the top officers and their appointees, then in fact, there was a way in which this was a resurgence within the union.

H: Well, it was a rebellion within the union

D: Ah ha, within the union

H: Definitely a rebellion, because the established district officers and the most of the people at higher levels, of course, were doing everything that they could to throw cold water on that. Now there's one very important thing that happened on the 30th of May when Yablonski's candidacy was announced. This was a definite spur toward more aggressive support for the health and safety act, particularly the health aspects to the act. And it pushed a lot of additional miners to come out in support. And it even pushed the union to be a little less critical. Boyle was afraid of the huge numbers, the thousands of people that were rallying to the cry of the necessity to take action. And they wanted to play catchup really fast to show that they were also interested, you see. And so this, the competitiveness of this race had a very positive effect on pushing the legislation forward.

D: Yeah. And was that in part because the union, I mean, in part the union shifts its position.

H: Yes.

D: The union stops fighting or dragging its feet on certain things.

H: Yes.

D: Because that is, certainly when you read the union's official, I didn't bring this with me, but when you read the union's official documents, they really give the impression that they are leading the parade. They never acknowledged that they weren't leading the parade.



H: No.

D: They not only claim that they're leading the parade, but by the summer of '69, they're, they're proclaiming this newfound unity.

H: Yeah, yeah, yeah

D: That they have some joint meeting or other, I don't know how, what exactly happened, but there's some, they're very happy to announce in the United Mine Workers Journal that there's been some joint meeting between the black lung association activists and people in the union.

H: Well, that surprises me.

D: I don't know how or what exactly it was. It was at some district level, but they essentially, you know, the family, the image they're trying to project is the family's reunited, everybody's

H: Yeah, yeah. They're trying to pull the wool over the eyes of the union members to say that they're really doing the job that they should have been doing, and they weren't doing. But I think it's very important that Yablonski's candidacy helped contribute toward pushing them in that direction as much as our constant criticism because they didn't ever want to acknowledge that what we were saying was right. But at the same time, they saw the political power in what we were doing.

D: So Yablonski announces, and that means, what I'm hearing you say, that means two things. One, it means the union is sort of forced to shift to a more progressive position.

H: Yes

D: And by virtue of the candidacy itself he mobilizes more people within the union and raises the priorities of these sets of issues.

H: Yes, yes.

D: So that the constituency for change becomes that much larger.

H: That's right. That's right.

D: Okay.

H: That's right. And also an interesting example of what happened with the union on the Federal Coal Mine Health and Safety Board of Review, which the union had initially supported very strongly. Dent was supporting very strongly. All of a sudden, just before the vote, why the union denounced, reversed its position and was in favor of abolition.

D: And you think that was, would that have been simply unthinkable if there had not been someone like Yablonski running against Boyle?

H: Yes, exactly, exactly

D: And an election was going to be held in a month or two.

H: Exactly. Right.

D: Okay, okay. So that really turned up the heat on them?

H: Oh, yes.

D: Which in a way is a kind of a terrible concession because in fact they had two, whatever it was, half the seats on that board, and it was an admission that they had been asleep on the job.

H: Yes.

D: For that long. Now just like there were all these rallies in the spring with Buff and Rasmussen, there are a lot of rallies for Yablonski in the fall. And you were at a lot of those. What were those like? Were they same sort of thing?

H: Almost exactly the same sort of thing, and very exciting. Rasmussen was one of the strongest supporters of Yablonski all the way through. And this is what disturbed me, that Buff jumped ship and wouldn't go along with it. I couldn't quite figure that out.

D: But Rasmussen would commonly appear at these things?

H: Yeah.

D: And speak, and so, but this was not just to speak to endorse Yablonski but to raise the substantive

H: Exactly, sure.

D: Concerns, so that this really was a black lung, very much a black lung [inaudible]

H: Yeah, yeah, yeah, and Yablonski recognized the power in the black lung movement. And so he embraced everything that they were standing for in his platform. And this of course helped the process of the legislation, too, that were working in tandem.

D: So, just to track some of the the legislative history along here in the fall. Before we get to the point where the Senate passes the bill, are there things, again, part of this seems to me as sort of a black box. You were on the inside. What were the political machinations going up the summer, going up to the early fall in terms of hammering out what, hammering out the legislation? I mean, were there lots of meetings, lots of deal making, lots of back and forth on this? Or how did it proceed?

H: Well, it was mainly a question, as I observed earlier, of trying to prevent the lobbyists from



watering down and weakening what we'd decided was absolutely necessary. And this was a whole process involving the constituents of the senators and congressmen back home to keep the pressure on the senators and members of the House, to make sure that the dust standards were kept low enough, that compensation was kept high enough, and the safety provisions of the bill were kept strict enough.

D: And how was that pressure brought? I mean how?

H: Well, this again was the media operation, through the rallies that we held in the coal fields, through the constant appearances of the widows and the miners in Washington, not only to visit offices at the Senate, House but to make sure that they got their messages out to their friends in the home states, that these people really became a grassroots type of pressure on them. And the national media was extremely helpful and excited about this whole thing. Whenever I would bring the subject up, I never had any problem with calling a news conference and getting a lot of television coverage that went back to demonstrate to the members of the House and Senate how important it was to hold the line and not listen to the coal operators and to denounce the efforts of the coal operators to try to depict this in economic terms rather than human terms.

D: How much of the receptivity of the media was just sort of indicative of the general temper at the time, that they were willing to, they and the public were just willing to start considering these kinds of issues. It was the late 60s.

H: Well, I think you're absolutely right in pinpointing that era as one where everybody in the country was interested in trying to do those types of things that were human. And revolution was in the air. And it was possible to realize that you could change things through popular pressure. And people were all very optimistic about it when they saw, began to see that the fact that this could be done and what started out as a trickle developed into a mighty torrent because we were able to demonstrate that we were able to mobilize enough people back home to demonstrate how important this was.

D: So this is

H: And it was exciting to the newspeople, too. They, they found this something new and exciting that they, they got into.

D: Where about, I mean the two people that come to mind are, first off, in the media were a fellow from the St. Louis, or the Louisville Courier

H: Ward Sinclair

D: Ward Sinclair, was he, he must have been, I take it, very sympathetic to the whole cause.

H: Yes. He was very, very good. And Ben Franklin of the New York Times. Neither of whom are in the area any more, in journalism any more. But they both were awfully good at needling Tony Boyle and feeding those things, those bits of things to me. And I had some sources inside of the Bureau of Mines in the Department of Interior, too, that were able.

D: They fed stuff to you?

H: Yes, yes, yes. I had deep throats all over the place. And I was able to, to really dramatize a lot of things that were stupidly being done down there and even within the coal industry, very, very good sources.

D: So people wouldn't, were reluctant either in the industry or maybe in the bureaucracy were reluctant to come directly to you, so information would flow through these journalists?

H: Well, physically it would come to me, but some of it would occasionally come from the journalists, too. And sometimes Ben Franklin or Ward Sinclair would call up and say, "Hey, if you call so-and-so and ask him this question, you're going to get an interesting answer." And sure enough, they'd hear about things that really help add grist to the mill. So it was, I think you put your finger on it, the timing of the era as much as what we were doing that resulted in the tremendous success of that bill. Because if this were done today, it might not be as successful.

D: Or I always think, I wonder if this would have been done if there was a Farmington disaster in 1958. Would we have had a black lung program and a federal act?

H: Right.

D: In '59. It seems hard to envision.

H: I think you're right about that. It's a good analysis. Because as a result of the Civil Rights movement in the '60s, I was down in Alabama marching with Martin Luther King at Selma. That gave me a lot of encouragement about the effect that this type of movement brought on, what you could really do with national legislation.

D: Was it your impression that there was a disproportionate number because of that civil rights model, a disproportionate number of black miners active in the Black Lung Association? Charles Brooks was, he was, I don't know how much it means to have been a president of the Black Lung Association because it seems like a pretty loose organization. But Brooks was a black rank-and-file miner.

H: Yeah, well, there were, there were not a disproportionate number, but there were, there were, I never looked at people whether they're black or white. But there were certainly a large number of people that were very active.

D: I just mean that blacks would have been more energized by the civil rights movement.

H: Yes, oh, yes, no question about that.

D: Seized upon that kind of strategy.

H: Yes, yeah, that's certainly true.



D: So tell me if I'm jumping ahead here too far. We can always back up, the beginning of October, the Senate passes a

H: Yeah, wait just a minute, let me get up through there, I'm only in May.

D: Well, if you want to do anything in May, June, and July, I'll listen. Just feel free.

H: Well, Charles Brooks was not always on my side.

D: Oh, no?

H: Let's see if I can find that. Most of this stuff is about the Yablonski campaign, and you're probably not as much interested in that.

D: Well, no, I am interested insofar as it bears on the occupational disease issue, which of course was one of many issues.

H: Well, I have quite a bit here also on my attacks on the Welfare and Retirement Fund.

D: Yeah.

H: And their, their non-interest bearing account in the National Bank of Washington. Buff, Buff got after me once with, I believe he attacked Rockefeller and Hechler for using the black lung movement for their own political advantage. He said, "We ask Hechler now to state right now whether he plans to run for U.S. Senator. We can not have politicians using our miners as a fulcrum."

D: Why would he have been attacking Rockefeller, though? Rockefeller didn't do enough to get attacked on, did he?

H: Well, of course he used him as a sign of the oil industry. I'm only up to June now.

D: That's all right. These are mainly documents related to the Yablonski campaign?

H: Well, they're

D: Oh, there was one thing that summer I forgot to ask you about.

H: What's that?

D: Isn't there a big rally at the Jefferson Memorial on the Fourth of July?

H: Yes, yes, I just got that now. "Coal mining today is a barbaric business for lungs, limbs, and lives. Coal miners are subjected to barbaric conditions every day. And then when they cough up black dust and can scarcely breathe on account of black lung, the coal miner is shunted aside with a puny poverty pittance for himself and his family." That was mainly a cheerleading rally.

D: Did you write these yourself, or did you have a whole staff of people who would churn it?

H: Oh, no, no, no. I wrote that all myself.

D: How big a rally was that?

H: It wasn't as big as it should have been. And as a matter of fact, I wrote a letter to Boyle on the 4th, on the 8th of July, four days after the thing. I said, "I shall not attempt to fix blame for the small turnout of miners at the Jefferson Memorial."

D: How many do you think showed up, five hundred?

H: Oh, no, it was, it was very small. "It seems to me that if you could send observers to that rally," he had his people there, Evelyn Richards was there, she was

D: Suzanne Richards?

H: Right, Anne Richards, yes, right. Wait, I went too far [inaudible]

D: Suzanne.

H: Suzanne. "It seems to me if you could send observers to that rally you could also have sent some participants to join in the effort to help old coal miners. And then this week you can summon, mobilize, and start rolling toward Washington the men that really make the difference between a strong bill and the same kind of dishwater compromise which was been slopped in the face of the miners in the past." And so I'm trying to

D: It's not a very friendly letter.

H: Oh, no, I realize that. I mean

D: Did you release this then to the press?

H: Of course, I mean that was the purpose of the thing, and here's one of the things I said about [inaudible]. I constantly used this analysis, the surgeon general testified that 5.4 milligrams [inaudible] 50% more cases of black lung than 3 milligrams.

D: Ultimately 0.2.

H: Within eight years

D: And again that was, those were numbers that you worked up with Rasmussen and as a result of your reading of the medical literature.

H: Yes, well, that was a letter that was not designed to move Boyle as much as to put the needle into



him publicly.

D: And would he write back to you, I mean? How did this go, or did he

H: No, no, no, he just didn't pay any attention. And you know, I would call him up on the phone, and he'd send word to Mrs. Richards that he'd telephone me when he was ready. And I needed him again for not saying anything. "All Hechler is looking for is a scapegoat." Now I hope I can get to some substance here with you now.

D: No, no. That was, that was good stuff.

H: We're past July 4th now. Now here, September 18th, Mine Health and Safety Bill finally cleared the House Education and Labor Committee, vote of 29-3. That's when I refused to sponsor it, and I pointed out that there were two giant loopholes in the bill -- one to exempt 2,000 small mines, the other to retain the Board of Review.

D: But in other regards the bill was, I mean, gee, I'm trying to give you some credit here. The bill really did incorporate a lot of these things that you'd been pushing for.

H: Yes, yes

D: I mean, there was still the limitations, but it was an advance over what, they weren't talking about the Randolph bill any more.

H: Oh, no, no.

D: But what's interesting is that that's what comes out of committee. But then by the, the bill that the full House passes is stronger.

H: You were asking about churches. We had a rally, September 21, 1969, I was asked to appear before the Christian Church Convention in Fairmont, on a program featuring also Leonard Pnakovich, who was recently named by Boyle to take over UMW District 31, to give that district younger and more dynamic leadership. I spent most of my time analyzing the new House committee bill but took broad swipes at the UMW for its failure to press harder to mine health and safety. When Pnakovich came to the roster at the front of the church to speak on behalf of the UMW, he did nothing to refute my charges, merely said, "I deeply regret that Ken Hechler has used the holy sepulcher of this church to bring politics into a serious discussion on coal miners' health and safety.

D: So he was above all that.

H: Yeah, he then proceeded to deliver a eulogy to Tony Boyle and brag about how hard the UMW had been fighting for mine safety long before some of these instant experts had appeared on the scene.

D: To coin a phrase

H: Yeah. Oh, I worked very closely with Senator Kennedy of Massachusetts to strengthen the provisions and to beat back attempts to weaken the bill. And Senator Kennedy had a very good staff man named Jim Guest.

D: In this, these staff people were pretty critically important at certain junctures, that they really did

H: Oh, yeah, they did really good work.

D: What about Harrison Williams' role on the Senate side?

H: He was good. He was very good. And he helped keep the bill strong.

D: Well, the bill that comes out of, as we look at the document and then, the bill that comes out of House committee has this board of review on it. But then the full House at the end of October passes a bill without the board.

H: Yeah, I think one of the reasons for that was, well, first of all I got Archibald Cox and every administrative law expert in the country to point out that this was a very, very poor way to arrange a board like that. Here I've got Louis Jaffe, Harvard, "[inaudible] it is bad administrative theory to set up over a public officer a board based on interest representation."

D: And you, what, solicited letters from these fellows or

H: Yeah.

D: I see. They didn't come in and testify but they wrote.

H: No, no. They, let's see the Cox saying, "[inaudible] administrative structure is thoroughly unsound, should not be subject to review by board constituted to represent special interest groups." This is what exactly what I was pulling for. The University of Minnesota, the University of Texas School of Law, University of Missouri, and they all pointed out that there was a bad arrangement for first to have the public-interest agency that's supposed to be making the decisions, and then to have a special interest-board that vetoes those decisions. That of course, is mainly with reference to mine safety.

D: And was that an issue that you, you were more intent on it than some other people were, I mean?

H: Oh, yeah, sure.

D: Was that partly your political science background, that you would attend to these structural questions more than

H: I suppose so. I was looking, though, for any type of argument that could be utilized. But I'm, of course, Yablonski kept hammering at these things, too. I would feed these things to Yablonski, and he'd speak about them and dramatize them and put them in human terms rather than



administrative law terms. And so Yablonski was really the guy who forced the hand of both Dent and Boyle. And finally Boyle wrote a letter to all members of Congress belatedly indicating that he was opposed to the Board of Review. And this, [inaudible] been speaking out against me up to this time, all of a sudden had to do a flipflop. The boys who were listening to Boyle, and it was very embarrassing for them. And Dent was particularly infuriated because he had relied on Boyle for signals.

D: So it was a real embarrassment for him. Now I've forgotten in the constitution of that board, had Boyle himself actually sat on the board, or was it that safety guy, that Ferguson who sat as the union's rep on that board of review because they'd had seats on that thing for quite a long time.

H: I forget who the union person was.

D: But it obviously was a disaster.

H: Well, now we come to the Rules Committee, who's the senator from Vermont [inaudible] in the senate [inaudible]. We were able to defeat his amendment.

D: Hadn't the Board of Review also been something that Nixon

H: Yes, yes.

D: It was one of the few things that Nixon got involved in.

H: Yes, he wanted it primarily because the operators wanted it. Now this is a very important letter that I sent to all members of the House and Senate, which I'll give you a copy of. [inaudible] indicated what I thought were the weaknesses in the House version

D: Here we go, one thing that jumps out at me here is the call for criminal sanctions for deliberate violations. How big an issue was that at the time? That must have sent shivers up and down the spines of some coal operators. How strong

H: Well, naturally, they lobbied pretty strongly against, naturally that upset them.

D: And how, I don't see anything here about the, in this letter of October 20th, about having enforcement done by the U.S. Department of Labor. That had fallen by the wayside. You were resigned to it being the Bureau of Mines?

H: I certainly still believed then and still strongly agitated for it even after the bill was passed. But I didn't put that into the types of things that were necessary to change because I realized that possibly could not be changed at this point because both the House and Senate had pretty strong support on it. I didn't think that was anything that was possible to do, but almost all of these things were actually done, that I indicated were necessary to do and just before the, I think this is a fairly important point right here, that just before the debate started in the House, why, Burton asked if I could come over and have a conference with him, in what is known as the Rayburn Room, which is just off of the

House floor. And he asked me about these amendments that I intended to offer. And he said at this time, he said, "Now I might be able to help you on some of these amendments if you'll do something for me. And that is to get up and every time you speak, praise Dent and Perkins for the work that they had done and for the leadership they've done." And I said that's a pretty easy thing for me to do. And he said that Dent and Perkins were secretly burning about the amount of attention that I had gotten for advocating these positions. He said, "If you really want to get these amendments through, why, just stroke them a little bit." A very clever thing of course that Burton was saying, and so he said to me, "I recognize that you have a very strong reservoir of public support behind the positions that you taking." He said, "If you play your cards right", he said, "work with me on this strategy, why, we can get some of your amendments into the bill." And he said, "I will, however, have to give credit to Dent and Perkins for having gotten them in." I said, "I don't care who gets the credit, just so long as we get some of these things." Well, that was the kind of really good legislative strategy that, and he said, "It may become necessary you know for us to steal some of these amendments and indicate that these are things that we've been for all along."

D: Now in terms of different changes in the bill, to what extent did you involve yourself in the black lung benefit provision and pushing amendments that would strengthen them?

H: Oh, very, very hard.

D: In what regard?

H: Well, I wanted to make sure that benefits, for example, were indexed in such a way that when inflation figures came through that, that this would automatically raise the benefits instead of having to get a new act of Congress before those increases took place.

D: Because it really sounds in the early going like that some of the things put forward, the Byrd bill and some of these were really sort of, they sounded like a kind of consolation prize for people couldn't get anything out of their state program. There's still the assumption seems to be that it was going to be a state responsibility. And if you had your claim turned down, then you could come get some pittance from the federal government.

H: Yes

D: When do, when does the thinking shift from that and the bill shift from that approach to, in a sense, the federal government is going to take over compensating the victims of this particular disease?

H: I think here again that this was partially almost a command decision, that Burton decided to go for this. And so, naturally, I pushed very hard among my people to make sure that they understood how necessary that this was, that if they're going to get something meaningful, then now's the time to strike to get it because the focus of the nation was on the plight of coal miners and not only protecting their safety but making sure that you had a prevention of the disease and awards to those people that had suffered.



D: But you didn't, you said prevention right in the middle of that. You didn't believe that workers' comp, particularly if it was going to be paid by the federal government was going to have any kind of preventive function.

H: No, no, I'm talking about the dust standard when I said prevention.

D: Yeah, I know, right, because, you know, originally the logic of workers' comp was supposed to be prevention. You'd impose these financial burdens on the employers to pay the medical costs, and to pay income maintenance. And that would be a spur for them to go out and clean up the working conditions.

H: That's a very, very poor logic because it simply means that they're going to hire more high-priced lawyers to fight these cases. So actually that's no prevention involved, in increasing costs. It merely makes it far more difficult, and it makes the administration also, because, getting forward a little bit now to the time when Nixon threatened to veto this bill before it had black lung provisions. And then once the bill was passed why he sent the word down to make this just as difficult as possible to get these awards so it wouldn't cost as much money.

D: Let's just hold there. Actually, we're pretty close here. I mean we're getting pretty close here. So

H: Wait a minute. Okay, go ahead.

D: Well, I thought you might want to describe the debate on the floor of the House, in which things, the bill becomes, the bill goes through the House at the end of October.

H: Well, exactly the same scenerio that had been relayed to me by Phil Burton unveiled on the floor of the House. And I think as Ward Sinclair indicated in his article that he wrote for the Courier Journal, that frequently I tried to jerk the initiative away. And I tried to indicate to, that these had all been their own ideas, which was to me great, you know. I just gloried in that. Also, I think the declaration of purpose in the bill was one that I had a great role in making sure that there was a very strong declaration of purpose. Congress declares that the first priority and concern of all the coal mining industry must be the health and safety of its the most precious resource, the miner. Now

D: Did you draft that?

H: Yes. Actually, I told Finnegan, see Finnegan was able to get it in there. And here again, he put that as the top priority now, of course, the declaration of purpose doesn't have any direct influence, it's sort of like the preamble to the constitution. It doesn't have a constitutional basis, but it still shifted the priority from making this some idea that you protect the production process of coal mining, rather than protecting the miner.

D: And was there a big struggle over that, or did they just, that was it they

H: Well, this was something that Finnegan was able again as the infiltrater to just slip in one night,

see, when they weren't looking.

D: In the House Committee deliberation then

H: Yeah, well, it was in the House Committee. That was correct. And the way Burton did this, you see, for example, he offered one of my amendments but in his own name to enable miners with the incipient stages of pneumoconiosis to be moved to an environment where the dust level was only 1 milligram.

D: That was your idea?

H: Of course. And during debate Burton put this into the record, you know. I'm not really sure whether he just said it in a low monotone or whether he inserted it in his remarks. I think the record should reveal the contribution [inaudible] who also worked on this matter, and things like that, masterpiece of legislation. I was interested in getting my idea rather than the credit. The amendment was adopted.

D: Well, then that's quite an extraordinary provision because no one has, no one, well, with one little exception there have been no other OSHA provisions that give people that kind of transfer right, with rate retention. There's one for the lead standard, but it's not was nearly so strict as that. I mean that's a very revolutionary idea, that people should be allowed to get out from under something like this.

H: Also, Burton very cleverly showed, you know, proved to Dent and Perkins whose side he was on. Why he got up and he made a ringing speech in opposition to one of my amendments, where I asked to shorten from six years to four years the time period that operators had to install spark-free equipment. And so Burton spoke against the amendment, and he got up and said, "It's a little too late in the day to sweeten the package now."

D: You think that was convincing to people, or do you think they thought, oh. Did people know you were conniving with him? They must not have.

H: No, no, no, they didn't, not at all. Of course, he had.

D: And so in that context this would have been very effective. He would have looked like a very reasonable fellow then. He wasn't going to buy all of this stuff.

H: That's right.

D: Wild man.

H: Yeah, yeah.

D: You guys had a little routine there. You were the wild man, and he was the soul of moderation.

H: Exactly.



D: I see. I'm just curious in terms of the black lung benefits. I can find this out elsewhere, but do you know if Burton had been involved with the longshore and harbor workers compensation?

H: I think so.

D: Because San Francisco was a major port, and there were all these shipyard workers [inaudible] So that may have been the way he could embrace this issue because he had some background on it.

H: Well, here are some of the other amendments which I pushed for which were actually included in the House bill. Amendment to set a mandatory dust standard to a level which health officials determined to be medically acceptable. Making it a violation of [inaudible] for reporting the health and safety.

D: Let's talk about that for a second. Had you in the course of your activities over that year, picked up a significant or any number of atrocity stories about people who had tried, you know, to speak up about what the conditions were and gotten fired for their troubles?

H: Yes, yes, and as a matter of fact I went to Senator Kennedy, and I got him to insert that provision into the Senate bill, and he was very attracted by that. He immediately saw the advantage of it.

D: In particular I'm interested, I'm writing, I'm doing some work now on the history of health and safety committees. Were there people who had been safety committee people, who had in the course of their inspections and safety committee had seen things and called them to the attention of the operators in a way that the operators didn't appreciate them and suffered for it? Did you get any stories like that?

H: I can't document that, but I, I distinctly remember that there were such cases.

D: People would tell you those kinds of things, getting fired for pointing things out.

H: Or demoted, or transferred to Siberias.

D: And what, are part of those stories what the union had done or not done to get them [inaudible]. Boyle would make a big speech about how he personally got people their jobs back. He was the guardian of safety. He knew people had suffered for standing up for working conditions, and he personally had gotten these people their jobs back. Did you ever hear any stories like

H: No, no.

D: That he'd done anything good, bad, or indifferent on that.

H: No.

D: Implying that maybe they hadn't done it very much.

H: Well, I would think that's probably a correct interpretation.

D: Okay

H: Limit on noise levels, which I regard as a health problem, too. Strengthen compensation for victims of black lung.

D: Now with regard to the details of that, did, where did you stand on the issues of where you drew the line with presumptions. What kind of medical, what kind of presumption about years of service?

H: That whole issue didn't come up until after the bill had passed, and the whole presumption argument occurred more in the early 1970s. And that's getting a little ahead of your story.

D: Yeah, yeah. So

H: Well, here again, here's something else that I did. Coal operators engaging in scare tactics to weaken the legislation. I tried to go back to say what hadn't been done in prior years, and I try to establish an analogy there that they're doing the same thing now. This is a letter that the president of the National Coal Association says, close many coal mines, jeopardize the public welfare, power, a nationwide power and steel shortage

D: We'll all live in caves in the dark.

H: Yeah, yeah, yeah. But see, when you ask the question about the exact cost, all they're doing is

D: Huffing and puffing.

H: Yes, gentlemen, the wolf is here. I just said, well, they've just done the same thing in prior years. You listen to what they said before, and they were just crying wolf before. Let me see where we are here. [inaudible]

D: Well, I mean, just the key term here, the participatory democracy. And people really saw this issue in those terms.

H: Yeah, yeah, exactly, exactly. And this was to me one of the most beautiful illustrations all the way through of participatory democracy, now

D: I can't help, I can't resist noting here that the setting is a conference on safety at West Virginia University. You'd also in the spring of that year made a tour of their school of mines. I mean, what, how would you characterize the role of West Virginia University as a source of knowledge that could have been brought to bear on the issues of health and safety in mines.

H: Highly unfortunate. It didn't act like a university. It acted like a tool of the industry. And their school of mines, of course, again they called me an instant expert because I only spent four hours reviewing their curriculum and attending their, their, but it was a school to produce producers of



more coal. And I'll always remember the dean of the school Cecil Hollum, a rather elderly man. He brought me into his office, and he showed me a map. And he said, "This is a map that I am so proud of, it is a map of the Newcastle mines in England in the 1600s." And I looked at it, and I said, "Gee, some of those things are exactly the same as they are today." He said, "That's just the point, that's why it's so valuable." That was his whole philosophy, the philosophy of the University. It was unfortunate that they didn't provide the kind of power that could have been used, which had to be used by the people at the grassroots in order to be successful.

D: Because when you look around for, particularly in the congressional hearings, where you might have experts coming in to testify from mining engineering schools or from medical schools, it seems the expertise basically has to be imported from England.

H: Yeah

D: With some exceptions.

H: This piece you might find probably pretty valuable. This, this reviews the whole strike, including quotes from Dickens and Zola. I analogize the Triangle shirtwaist fire, which was very much analogous to the Farmington disaster.

D: Yeah.

H: In terms of sparking interest in social legislation and [inaudible] West Frankfort to ask these questions. Voices crying [inaudible], and their time had not yet come. And I talk about Gary Sellers here. He was the one who needled Johnson to send something up. I never could quite understand the connection between Sellers and Nader, whether or not Sellers was really a kind of agent for Nader inside the Bureau of the Budget. I talk about Paul Kaufman, his son by the way is a circuit judge here, Tom Kaufman. We didn't go into anything about the O'Leary situation. Are you familiar with that?

D: Yeah. But again, you know, all those folks around the BOM were not, they were all safety people, right? They were all mining engineers. Isn't that a fair, they didn't know.

H: O'Leary was better than some of the others. And he was one of the only voices after Farmington that urged me to continue with the press, not so much on health, but on safety. This tells about Sellers going to work for me.

D: I saw Dan Flood's name go by there. Did he play any part of any significance in your view?

H: Very little, no, he was pretty much an orator. But he was pretty much over the hill about the time that bill came up. And this tells about Finnegan, and what he did. I tried to analyze the role of television here. Oh, most of these things we have already reviewed. But this is kind of a summary.

D: Well, I think this is going to be very useful.

H: These are the strengthened provisions I put in. Must be a thorough housecleaning in the United Mine Workers, which there was. And these are things I kind of try to protect that were needed in the future. I think I already said that.

D: Great. That's the story up to November 22nd, after November 22nd?

H: All right, in mid-December the conference committee came out with its

D: You were not a member of the conference committee.

H: No. But Finnegan was able to again infiltrate himself into the conference committee. The conference committee was, oh, yeah, I've got a lot of, Finnegan reported to me that several of the conferees were slipping copies of the conference report to lobbyists of the coal operators. I was able to publicize that. That of course embarrassed the hell out of both the members and the coal operators, and they sort of

D: At that point what were the coal operators, I mean, the game hasn't been going very well for the coal operators at this point, what were they hoping to get at this point?

H: Well, they were trying to, you know, to use their historic tactics of operating behind the scenes. At that time we didn't have open conferences, I don't think.

D: What were they hoping to do, to actually kill a couple provisions or string the whole thing out some?

H: Both, both.

D: And what were they mainly going after? Was the black lung benefits a special target of theirs or the dust standard or both? At that late stage of the game what were they really hoping to be able to salvage? So the dust standard

H: Yeah.

D: Was their nemesis.

H: And so of course they had to go up and angrily deny that anything like this was happening. And of course this made it more difficult for them to do it in the future. And Nader and I had a joint news conference on the first of December, saying Boyle ought to resign, which was mainly political.

D: This is right before the election.

H: Yeah, and Boyle's answer was that Nader, Rauh, and I were bleeding hearts, "the nation's workers, including UMW members resent the attitude of superiority reflected by those who anoint themselves as self-selected saviors of the working man."



D: He did a long apprenticeship under John L., learning that kind of stuff.

H: Well, late Wednesday evening, December 17th, Congress finally approved the conference committee's report. And here's where the Republicans began to really zero in on black lung compensation, particularly Erlenborn. He said he had word from the White House the President might be required to veto the bill because of the black lung provision.

D: Did you hear that right away? When did they start this, this I assume was some sort of whispering campaign to scare people?

H: Well, they said this publicly.

D: Oh, really?

H: Yeah. They stated this on the floor, and so a sizeable block of Republicans, including Gerald Ford, voted to recommit the conference report. And I, I said it's passing strange at the eleventh hour one minute before midnight, a lot of opposition for the bill, the presidential veto.

D: Who orchestrated this letter from the Secretary of Labor?

H: Well, I'm sure it was not only some of the people like Erlenborn but in addition to that the, this guy in the White House. I'll identify his name, okay, Richard T. Burris, Deputy Assistant to the President for Domestic Affairs, who had campaigned long and hard against compensation for black lung. One high official remarked Mr. Burris might well have been gnawing at the leg of the President's desk, so strongly did he feel. [inaudible] But there was a real problem here right at the end. We really were scared that the President might veto it because of the black lung provisions. And

D: And so the thing, but the thing is not recommitted to conference, right?

H: No.

D: No.

H: No, no. And we were able to defeat it, and then it passed and

D: And Nixon still sits on it. He sits on it for a week.

H: Yeah.

D: More than a week.

H: I said a presidential veto would be placing loose razor blades in the Christmas stockings of hundreds of thousands of coal miners. And the Christmas lights would go out. If the President vetos, there will be a major walkout in the coal fields.

D: Now that, I think, they must have heard.

H: Yeah, yeah.

D: Especially when they start, the spontaneous walkout starts.

H: Right, right.

D: Do you think that was actually the precipitating event for him picking up the pen, when they heard that there were scattered wildcat walkouts?

H: I hope so.

D: Well, do you think

H: That's why I said it

D: Well, no, but I mean, you know there are scattered walkouts that start, and he signs it within a day after the walkouts start. Do you think that was as simple as it was?

H: Oh, I think it was.

D: The message got back to Washington. Uh-oh, we're going to have another big strike on our hands like they had last February and March.

H: Well, I sent this telegram.

D: Asking them to invite the widows? Did he invite any widows?

H: Well, that was interesting. I asked the widows to come to Washington, and I paid the expenses there. And I asked them to, I had them send telegrams to the President, to ask him if they could come in for the signing.

D: When did you do that?

H: So I did that just on the, toward the end of ten days, just to try and get, to send the word that there would be a nationwide coal strike if he didn't sign it. And then, I'll always remember this, that the widows called at the White House. Burris received them rather coldly. And as they came out of the White House, I was sitting in my car right outside of the White House to greet them as they were coming out. Over the car radio came an announcement by Senator Jennings Randolph that the President had called him and said he was going to sign the coal mine safety bill. And so we had scheduled a

D: Cause and effect



H: Yeah, this was so fantastic that he would have picked Randolph, you see, to get this message to.

D: He wasn't going to call you.

H: Oh, no, hell, no, he wouldn't even let me know, or even let the widows know when. So then we had scheduled a news conference that afternoon for the widows to give a last plea to the President to sign it, and again to add their threat about the strike. And of course, I walk into the news conference, big news conference, why, about all they could say was to thank the President for having signed it. But this, the Bollweevils stay hitched.

D: These were these cotton congressmen?

H: Yeah, Neil Wagner wanted to know if the bill meant federal interference with the state compensation laws. And of course, I think you can get all this [inaudible] out of that.

D: Well, we got Nixon to sign the law.

H: Yeah.

D: What, are there any other observations you'd like to make about all of this?

H: Well, you can take all this stuff with you and after you've read it over, if there are any questions you want to ask me about it.

D: Okay.

H: Why, I think you've got enough material here to

D: I think I have a ton of stuff, yeah.

H: Probably more than you need.

D: Ah, that's never true. There're always things I'm trying to figure out that I never have enough stuff. Are there any other observations you want to make? I mean, we've kind of gone on day by day, week by week, sometimes you sort of lose the forest in the trees there. In the sort of big picture of this, is there any observation you'd make about how it happened, or

H: Well, it was a great victory for grassroots democracy. I think that's the real bottom line of it. And the fact that the miners themselves really stood up and said what was necessary to say, and that the legislators really listened. That was a very encouraging thing that happened that way.

D: And how much of the energy within the ranks of miners came from the fact that at some level they'd known that they had a problem that was real. It was caused by their work, and nobody ever, very seldom was it ever acknowledged or given any legitimacy. And now, just the fact that there was

this term that was in common parlance by end of '69, this term black lung. I mean, when was the first time you heard the term black lung?

H: I heard it probably first in 1967, or '67, I guess, about a year before Farmington.

D: By whom? Was Buff using that term or was he?

H: Yes, yes.

D: He didn't say coal workers' pneumoconiosis. He would say black lung?

H: Yes, yes. He called it black lung. Although he taught the people of the nation how to pronounce pneumoconiosis and he never could quite teach Carl Perkins, I remember he would always say pneomoconi, pneoconio, well, black lung. But I can't help but emphasize again how important Farmington was in this whole thing. Because participatory democracy I don't think ever could have triumphed without the shock of Farmington, which focused the attention of the nation on these problems. And it was very comparable to disasters in the past, that had caused social legislation and followed the Triangle waist fire in New York. It's unfortunate that tragedies like this have to occur before action takes place.

D: Another thing that I didn't get your views on. The, what was the impact of the developments in West Virginia in February and March, culminating in the signing of the workers' comp reform? How closely were those events followed by political leaders in Washington? Was this sort of a threatening message?

H: Oh, yes, the strike itself.

D: But it was heard very clearly.

H: Oh, yeah, the wildcat strike itself was the big thing. They didn't follow as much the details of the legislation that was passed in West Virginia. That got overshadowed completely by the federal effort, which of course was more meaningful in the long run.

D: But the strike was something that

H: Oh, yes, the strike itself was something which shocked both the union and the coal operators and the people generally. And the people in Washington began to see that this was something that couldn't be brushed under the rug. Here were a determined group of people.

D: And I assume that, say, congressmen from coal districts who perhaps weren't particularly fervent on this issue might have started to reconsider. They wouldn't want to have one of these messes in their district.

H: Well, yeah, this is true. This is true. If you talk with Senator Byrd or Senator Randolph today, why, they'll tell you that they're the ones who really got this bill through.



D: Ah, ha, now that's a name we haven't heard so far. What did Byrd do in all this?

H: Want to turn that off a minute?

D: Really, all right.