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# NOMINATIONS

HEARING  
BEFORE THE  
COMMITTEE ON  
LABOR AND PUBLIC WELFARE  
UNITED STATES SENATE  
EIGHTY-NINTH CONGRESS  
SECOND SESSION

ON

EDGAR F. TALBOTT, SR., HARRY R. PAULEY, AND CHARLES R. FERGUSON, TO BE MEMBERS OF THE FEDERAL COAL MINE SAFETY BOARD OF REVIEW

AUGUST 30, 1966

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NOMINATIONS

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HEARING  
COMMITTEE ON  
LABOR AND PUBLIC WELFARE  
UNITED STATES SENATE

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## NOMINATIONS TO FEDERAL COAL MINE SAFETY BOARD OF REVIEW

TUESDAY, AUGUST 30, 1966

U.S. SENATE,  
COMMITTEE ON LABOR AND PUBLIC WELFARE,  
Washington, D.C.

The committee met at 10:45 a.m., pursuant to recess, in room 4232, New Senate Office Building, Senator Joseph S. Clark presiding pro tempore.

Present: Senators Clark (presiding pro tempore), Randolph, Williams, Nelson, Javits, Dominick, and Fannin.

Committee staff members present: Stewart E. McClure, chief clerk; John S. Forsythe, general counsel; Stephen Kurzman, minority counsel; and Frank Cummings, minority labor counsel.

Senator CLARK. The committee will resume its session. Pending the return of other Senators and in order to expedite some of the procedural aspects of the hearing, I am going to ask you, Mr. Brown, to temporarily stand aside and ask that the three nominees to the Coal Mine Safety Board—Mr. Talbott, Mr. Pauley, and Mr. Ferguson—come forward and take seats at the table.

I would like to get in the record, if I may, the biography of each of the three of you.

(The biographical material follows:)

### BIOGRAPHICAL SKETCH OF CHARLES R. FERGUSON

Mr. Ferguson was born in the State of West Virginia in 1906. He is married, and has two children. His permanent residence is New Kensington, Pennsylvania.

Mr. Ferguson has spent his entire working life in the coal mines of the United States with the exception of a two-year period when he served in the United States Navy. He has performed, at one time or another, all duties incident to the mining of coal, and has served in the capacity of fire boss, coal inspector, safety inspector, assistant mine foreman and other supervisory positions.

Mr. Ferguson has been a member of the United Mine Workers of America since 1923. During this period of time, he has held all Local Union offices. He is now employed as Safety Director of the International Union, United Mine Workers of America.

In addition to his duties with the United Mine Workers, Mr. Ferguson served as Deputy Administrator of the Defense Solid Fuels Administration for a period of two years, and has served as a member of the Federal Coal Mine Safety Board of Review since July, 1952. He also holds membership and is active in the affairs of the American Institute of Mining, Metallurgical and Petroleum Engineers; the National Mine Rescue Association; Veterans of Safety, and serves on the Executive Committee of the Coal Mining Section of the National Safety Council.

## BIOGRAPHICAL SKETCH OF HARRY R. PAULEY

Mr. Pauley was born on February 19, 1907, in Keystone, McDowell County, West Virginia. His present residence is in Iaeger, McDowell County, West Virginia, where he has resided since 1920.

Mr. Pauley was raised in a coal mining section of West Virginia and had his first association with the mines at the age of 16, as a worker in his father's mine. From 1937 to 1940, he was employed as an inspector with the West Virginia Workmen's Compensation Commission, where he was engaged, for the most part, in investigating mine accidents, and where he gained a keen insight into mine safety and the causes of mine accidents.

Since 1948, Mr. Pauley has been actively engaged as an operator in the mining business, including the overseeing of the operations of a number of small coal mines. In his management role, Mr. Pauley has been deeply aware of the great responsibility on management for the safety of its workers, and has insisted on strict compliance with safety rules in order to bring about the best possible working conditions. Significantly in this regard, his operations were among the first to employ the "roof bolt" method in small mines, and he has supervised the careful adherence to such safety practices as roof bolting, timbering, rock-dusting, ventilation, and gas testing.

Mr. Pauley has also been elected to nine terms in the West Virginia House of Delegates, including two terms as Speaker of the House, and is currently the Majority Leader in the House of Delegates. During the mid-1950's, he was chairman of the Mining Committee in the West Virginia Legislature, at which time the State mining laws were completely revised and modernized, to become among the most advanced mining laws of any State in the nation.

## BIOGRAPHICAL SKETCH OF EDGAR FRANKLIN TALBOTT, Sr.

I was born September 15, 1907 in Pocahontas, Virginia, the Son of Willard Ray and Annie Talbott. At the time of my birth my Father was employed as a master machinist by Pocahontas Coal Company. In 1913 my family moved to Panther, West Virginia, where I first attended school. After completion of Junior High School, I attended a federally sponsored conservation program at Fort Knox, Kentucky.

In the Fall of 1925 I enlisted in The United States Army and was trained as a radio operator. I spent the majority of my enlistment in the Hawaiian Islands with the 35th Infantry. I was discharged as a Corporal in 1928.

Upon returning to Panther, West Virginia, I obtained employment with Leckie Smokeless Coal Company to work at the Anjean Division. My first job was a Car Dropper on the tippie. I was transferred inside as a Coal Loader, next as a Cutting Machine Helper then Cutting Machine Operator later I was transferred outside as a Fireman on a Steam Locomotive then Operator of a Steam Locomotive.

On December 31, 1934, I married Fleta Lucille Thornton of Princeton, West Virginia. We resided in Anjean until 1935 when I was transferred to Roseann, Virginia, where I was employed as General Outside Foreman of Panther Coal Company, Division of The Leckie Company.

In 1941 I was promoted to Superintendent and Safety Director of Panther Coal Company and worked in this capacity for 22 years.

While living in Roseann, Virginia two sons were born to me: Edgar F. Talbott, Jr., in September of 1940, and James A. Talbott in June of 1943.

In the Fall of 1963 I resigned from Panther Coal Company and was employed by Virginia By-Products in Grundy, Virginia as General Superintendent and Safety Director, the position I now hold.

Courses I have completed during my mining experiences are as follows:

- 1939: My first course in First Aid for the Injured.
- 1940: Completed Coal Mining Courses given by The Virginia Board of Education including foremanship, accident prevention, mine explosion and gas testing devices.
- 1941: Received Mine Foreman First Class Certificate. (Dust).
- 1951: Completed course in Coal Mine Accident Prevention for Supervision.
- 1956: Completed First Class Certificate. (Gas and Dust).

Mr. RANDOLPH. Mr. Chairman, it is a privilege to introduce to the committee a fellow West Virginian, Harry R. Pauley, who has been nominated to serve on the Federal Coal Mine Safety Board of Review for the term ending July 15, 1970. I have known Mr. Pauley personally and officially for many years, and express wholehearted support for his nomination.

After a lifetime of experience in the coal mining industry, Harry Pauley is eminently qualified to fill this important post. He began work in his father's coal mine at the age of 16. Later, as an inspector for the West Virginia Workmen's Compensation Commission, he was engaged primarily in the investigation of injuries which occurred in mine accidents.

For nearly 20 years Mr. Pauley has been a coal mine operator, and has actively sought to bring about safer working conditions and practices. He was among the first to employ the "roof bolt" method in small mines and is extremely well versed in all technical aspects of mining operations.

Mr. Pauley's background also includes lengthy service in the West Virginia House of Delegates. He has served as both speaker and majority leader of that body—an indication of the high esteem in which he is held by his fellow citizens and colleagues. Additionally, he has chaired the important committee on mines and mining of the house of delegates, and has been instrumental in strengthening and modernizing the mining laws of his native State.

Harry R. Pauley has a rich fund of experience on which to draw as a member of the Federal Coal Mine Safety Board of Review. He has been a miner, an operator, an inspector, and a legislator—his entire career being directly associated with problems of safety in coal mines.

I enthusiastically endorse the nomination of Harry R. Pauley and urge that this committee confirm him as a member of the Federal Coal Mine Safety Board of Review.

Senator CLARK. With respect to Mr. Talbott, I would like to offer for the record a letter which was sent to all Senators, including the chairman, under signature of W. A. Boyle, president of the United Mine Workers of America, and the attached letter to the President of the United States requesting that Mr. Talbott's nomination be withdrawn. Also a letter to the chairman, Senator Hill, from Senator Robertson, endorsing the nomination of Mr. Talbott.

(The material referred to follows:)

UNITED MINE WORKERS OF AMERICA,  
Washington, D.C., August 29, 1966.

HON. JOSEPH S. CLARK,  
Senate Labor and Public Welfare Committee,  
U.S. Senate, Washington, D.C.

DEAR SENATOR: Attached is a self-explanatory communication which I transmitted to the President on August 26, 1966, asking him to withdraw his appointment of Edgar F. Talbott as a member of the Federal Coal Mine Safety Board of Review.

As you are aware the President has been out of the city for several days. The Labor and Public Welfare Committee of which you are a member has scheduled hearings on this appointment tomorrow and I am respectfully urging you to postpone this hearing until the President has had an opportunity to give this matter his further consideration.

Sincerely yours,

W. A. BOYLE, *President.*

UNITED MINE WORKERS OF AMERICA,  
Washington, D.C., August 26, 1966.

THE PRESIDENT,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of the officers and members of the United Mine Workers of America I urgently request that you withdraw Mr. Edgar F. Talbott's nomination as a member of the Federal Coal Mine Safety Board of Review, representing the coal-mine workers in small mines (employing less than 15 men), which was increased by two members due to the amendments of Public Law 552 enacted into law on March 26, 1966.

By reason of his service over the past 20 years as a superintendent in Title II mines, Mr. Talbott could not possibly represent the views of the mine workers fairly in matters coming before the Board and his appointment would create an imbalance in favor of industry members. We feel sure, had you not been misinformed concerning his qualifications, in all equity you would not have placed his name in nomination.

As previously expressed in our letter to you of April 29, 1966, because of our deep concern for the health and safety of our members employed in these small mines, we are vitally interested in this appointment, and at that time unqualifiedly recommended the appointment of Mr. E. H. Wooten of Palmer, Tennessee, as the employee's representative on the Board for Title II mines.

We earnestly hope you will reconsider this matter in view of the true facts in the situation and nominate an individual to the Federal Coal Mine Safety Board of Review in this capacity who would be eminently qualified to advance the best interests of the coal-mine workers in small mines.

Sincerely yours,

W. A. BOYLE, *President.*

U.S. SENATE,  
COMMITTEE ON BANKING AND CURRENCY,  
August 30, 1966.

HON. LISTER HILL,  
*Chairman, Committee on Labor and Public Welfare,*  
U.S. Senate, Washington, D.C.

DEAR LISTER: I write to express my support for the nomination of Edgar Talbott, Sr., to the Coal Mine Safety Board of Review. Mr. Talbott is a native Virginian and has worked for more than 30 years in the coal industry of our state. His qualifications to represent the workers in the small mines are excellent as indicated by the attached autobiography. He has, through his various positions in the coal industry, become intimately acquainted with the problems of the workers in the small mines and is fully able to represent their interests. He is currently working for the Virginia By-Products Company and through his work there remains in constant contact with the problems of the industry. Furthermore, he is fully conversant with the safety problems in various types of coal mines, having had many years of experience dealing with these matters.

I, therefore, hope that your Committee will recommend his confirmation.

With kinds regards, I am

Sincerely yours,

A. WILLIS ROBERTSON.

(The autobiography referred to is printed on p. 2.)

Senator CLARK. And I would ask each of you gentlemen in turn whether the biography which has been furnished to the committee is, in your opinion, full and correct.

Mr. PAULEY. Yes, I think that fairly states my biography. I don't think I could add to it much.

Senator CLARK. Do you want to add anything with respect to your nomination which might influence the committee in its consideration?

Mr. PAULEY. Very frankly, Senator, I do not know of anything that could be added except—

Senator CLARK. You said "except"—go ahead.

Mr. PAULEY. I tried to cover it in this, but I think that I could serve a purpose in improving the plight of the small mine operators and that was my thought in——

Senator CLARK. You think your experience qualifies you for that?

Mr. PAULEY. Yes, I do.

Senator CLARK. Your biography sets forth pretty fully just where you have been working and what you have been doing?

Mr. PAULEY. Right.

Senator CLARK. Now, Mr. Ferguson, is your biography, as far as you can tell, adequate and complete?

Mr. FERGUSON. Yes, sir.

Senator CLARK. Do you care to add anything?

Mr. FERGUSON. No, sir; except I have been honored to serve as a member of the Coal Mine Safety Board since the passage of the original act.

Senator CLARK. You have served on the Board for a good many years?

Mr. FERGUSON. Since 1952.

Senator CLARK. Now, Mr. Talbott, is your biography accurate as far as you can tell?

Mr. TALBOTT. Yes, sir.

Senator CLARK. Do you care to add anything?

Mr. TALBOTT. I don't think so.

Senator DOMINICK. I would like to ask a couple of questions, if I might.

Senator CLARK. Yes, Senator Dominick.

Senator DOMINICK. I am not trying to hold this up, I might say to the chairman. I have a couple of letters here, first of all on Mr. Talbott.

The general tenor of the letters more or less is that you are supposed to be representing the small miners, and, as a matter of fact, you are in title II mining.

Mr. TALBOTT. Will you repeat that question, please?

Senator DOMINICK. I say the general tenor of these letters which I have here is that you are supposed to be representing the small miners and yet you are, in fact, a foreman or a supervisor having to do with title II mines.

Mr. TALBOTT. Yes, that is true, I am a supervisor for Virginia By-Products Coal Corp., and they are under the title I group—employing 14 men or less. There hasn't been any title II mines under my supervision for the last 3 years.

While I was employed by Panther Coal Co. as supervisor there were title I and title II mines under my supervision.

In practically all these small mines that are in that area I will know probably 90 percent of the personnel in those mines. I mean, in that particular area. And I have worked with them and we have done manual labor together and I feel that I am qualified to represent those people because I know them, go to church with them.

Senator DOMINICK. When you say you have removed 90 percent of the coal in those small mines, you mean personally?

Mr. TALBOTT. You misunderstood me. I said I know about 90 percent of the people who work in those small mines.

Senator DOMINICK. But you have not been engaged in that yourself, is that correct?

Mr. TALBOTT. No, sir.

Senator CLARK. Gentlemen, I think it is reasonably clear that the nomination of Mr. Talbott—and I am sure he is a splendid citizen—is somewhat controversial. A number of the members of the committee have indicated their desire to ask him some questions. As far as I know, the nominations of Mr. Pauley and Mr. Ferguson are not controversial.

After conversing with Senator Dominick, we have agreed, pending the return of Senator Fannin and further examination of Mr. Brown, to ask Mr. Talbott to stand aside for a moment and ask members of the committee whether they have any questions they desire to address to Mr. Pauley or Mr. Ferguson.

There being none, I will ask these gentlemen to stand aside and ask Mr. Brown to return to the stand.

Gentlemen, thank you very much for your appearance here. I hope it will not be necessary to call either Mr. Pauley or Mr. Ferguson back, even though we may have Mr. Talbott back.

Mr. TALBOTT. Thank you.

(Whereupon, at 11 a.m. the committee turned to other business.)

