

Whitewash of mine disaster being prepared

## Who is Davitt McAteer?

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Earlier this week West Virginia Governor Joe Manchin announced the appointment of Davitt McAteer to conduct an investigation into the explosion that killed 29 coal miners at Massey Energy's Upper Big Branch mine in Raleigh County.

In making the announcement, the Democratic governor said, "We owe it to the families of the 29 miners we lost last week to find out what caused this, we owe it to them and every coal miner working today to do everything humanly possible to prevent this from happening again."

In accepting the appointment, McAteer said, "This will be an independent review of the accident, and the agencies and we will put together our recommendations on what we can do to improve mine safety overall and prevent another accident like this."

The media and both Democratic and Republican politicians, along with the United Mine Workers union, generally present Davitt McAteer as an "independent expert" on mine safety who will work on behalf of the miners. However, an objective review of his record suggests that McAteer will oversee another whitewash investigation, which will leave unpunished Massey Energy executives who are responsible for the miners' deaths and the federal Mine Safety Health Administration (MSHA) officials who aided and abetted them.

Davitt McAteer, a lawyer, is a native of West Virginia. In 1966 he earned his bachelor's degree from Wheeling Jesuit University where he now serves as a vice president of one of its programs. After graduating in 1970 with a degree from West Virginia University College of Law he worked with consumer and environmental advocate Ralph Nader for the enactment of the 1969 Federal Coal Mine Health and Safety Acts. In the 1970s, he also worked for the United Mine Workers union, leading their health and safety programs.

### McAteer heads MSHA during the Clinton administration

McAteer has long been associated with the Democratic Party. In 1993, during the Clinton administration, he was appointed to head MSHA. In December 1984, an underground fire, trapped and killed 27 coal miners at the Wilberg mine in Emery County, Utah.

The official investigation of the Utah disaster revealed many failures of safety standards developed by MSHA. In particular, it found that most of the killed miners would have survived if they had had additional oxygen supplies, safety chambers where they could escape smoke and heat while awaiting rescue, along with communication equipment to convey their location to rescuers on the surface. Better ventilation and the control of highly combustible coal dust was also recommended. Even very simple devices such as flameproof ropes along the exit paths, with directional cones to show the men the way out would have saved lives, the investigation concluded.

None of these measures were implemented by the Reagan administration, which had spearheaded an attack on the working class, beginning with the firing of the PATCO air traffic controllers in 1981 and the union-busting drive against UMW coal miners in their southern West Virginia stronghold in the 1984-85 AT Massey strike.

The UMW and the AFL-CIO claimed that the election of a Democratic president in 1992 would reverse this trend. However, when McAteer was confirmed to his post as head of MSHA, rather than develop new rules he proposed a long period of study. In fact, McAteer and MSHA spent seven years studying these issues and only proposed rule changes in 1999, just one year before leaving office. The timing of the rule changes was designed to ensure that they would not take effect. As head of MSHA, McAteer knew there would first be a long

period of public hearings and comment on the rules, which would last until after he and Clinton were no longer in office.

Upon taking office, the Bush administration appointed David Lauriski, to head MSHA. One of Lauriski's first acts was to cancel the proposed changes being made by McAteer. David Lauriski could not complain of being ignorant of issues involved in the Utah fire, since he was the safety and training director at the mine when the 27 miners were killed. Bush also named former Massey Energy official Stanley Suboleski to MSHA's review commission that decided all legal matters under the Federal Mine Act.

### **The 2006 Sago mine disaster**

On January 2, 2006, a mine explosion at the Sago mine, owned by International Coal Group, near Buckhannon, West Virginia, killed one miner outright and trapped another 12 men underground. Rescue crews whose manpower had been cut by the Bush administration were not able to reach the men before all but one suffocated up to 48 hours later.

Like now, Governor Manchin appointed McAteer to head the investigation. Again the governor stated that such tragedies should never be allowed to happen again.

McAteer's hearings were a whitewash of both the coal company and MSHA. The hearing excluded any independent voice of the miners or their families. No current or former Sago miners were called to testify about working and safety conditions prior to the blast. None of the family members were called to testify about what their husbands or fathers might have told them about the working conditions in the mine before the explosion.

Only two of the scores of rescuers who had rushed to the mine from throughout West Virginia, Pennsylvania and Illinois were called to testify. Their testimony gave accounts of the rescue efforts, but neither of the men was asked about the problems they faced from the lack of equipment and budget cuts made by the Bush administration. No one was called to testify from the rescue team contracted by International Coal Group—the owner of the Sago mine—to explain the level of equipment and training they had.

While the three-day hearing was public, only McAteer, Ray McKinney, the then-acting director of MSHA and

James Dean, the acting director of the West Virginia Office of Miners' Health Safety and Training (WV-MHST), were given full access to question the witnesses while family members were restricted. Only two of the more than 100 family members present were permitted to question each panel of witnesses. Other family members had to pass them notes.

None of the hundreds of other people in the audience could ask any questions or make any statements or offer any evidence directly. If they had a question, it had to be written down and turned in, and would be asked at McAteer's discretion.

The findings of the inquiry were predictable. McAteer accepted the company's version of events: that a lightning strike several miles away set off the explosion that trapped and killed the men. No criminal charges were filed against the operators of the Sago mine or the government officials who were supposed to oversee safety at the mine.

McAteer is being appointed to head the Upper Big Branch investigation because he can be trusted once again to whitewash the role of the coal bosses and MSHA in this disaster. In the end, just like the federal investigation being ordered by President Obama, those responsible for killing the miners will get away scot free and the measures long proposed to protect miners' lives will not be implemented, in order to protect the profits of the mine operators.



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