

IN RE: CRANDALL CANYON
MINE INVESTIGATION INTERVIEWS

INTERVIEW
OF
ROBERT GRAY

INTERVIEWERS:
JOE PAVLOVICH, ERNEST TEASTER

DATE:
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1 a year now, I'd say.

2 Q. How long have you been with MSHA?

3 A. This time around --- they've hired me three different times. I got caught in a
4 government riff back in the early '80s but I'll have 20 years in February I believe it is. I
5 would have had 28 years in January had it not been for the riff.

6 Q. How did you learn about the accident at Crandall Canyon Mine?

7 A. I guess the first thing that I --- I don't remember if I was home or at the office.
8 It was either on TV or at the office, but I did get a phone call first I guess it was on a
9 Monday the first day that it happened from Bill Crocco. And he asked me to be a
10 family liaison. And at that time I had Bob Thaxton had already gotten to Atlanta and
11 he was coming up to talk about my health program and I asked Mr. Crocco if he could
12 --- it kind of took me by surprise. I really didn't know what to say, to tell you the truth,
13 but I said if you can find somebody else, I've got a guy from Arlington to come and
14 talk about my program, and if you can find somebody else try to. And if you can't, I'll
15 be happy to go and if you need me later, I'll go. So they got somebody else and later
16 on I went.

17 Q. And when did you go to the mine?

18 A. I don't have my dates with me. The day that Gary Jensen --- the day of that
19 the fatalities and the accident.

20 Q. The 16th of August.

21 A. That was my first day. I flew out the day before. And that morning of the
22 16th, was that what it was? That morning I went and met Bill Denning who was, you
23 know, the head family liaison out there and --- among other things, but he took me
24 around. We went up on the mountain and he just kind of got me familiarized with
25 everything, introduced me to some of the family members that were at the family

1 center at that time which was still at the school, at the junior high there. And then I
2 left. I spent half a day or so there. I left went back and went to bed and came back on
3 third shift that night.

4 Q. You went to the mine site on the 16th?

5 A. Just up to the command center and met some of those guys in there because,
6 you know, we would be talking back and forth. And mainly the only reason I spoke
7 with them was to get the footage of the drilling that was being done because we kept a
8 running count of that on the bulletin board for the families.

9 Q. Who was in charge?

10 A. I had so many names, I can't remember. I don't remember the people's
11 names. I did see Stricklin up on the --- he was outside the command center standing
12 there. And I said hello to him. I had worked with Kevin before. And just said hello
13 and he was glad that I was there and, you know, just kind of general conversation, it
14 wasn't anything in-depth or anything.

15 Q. And your duties was primarily as a family liaison while you were there?

16 A. That was my total duties. I'm a Christian.

17 Q. I am, too.

18 A. Okay. And I took this as an opportunity to be able to share some of my
19 experiences in life, whether good or bad, in talking with the families to try to help ease
20 them and comfort them and let them know that, you know, there's always hope. Even
21 in death, there's hope. And so I never tried, in dealing with the families, to get
22 information or anything like that. I truly feel that a family liaison is there to comfort
23 that person, to provide any support that they can and that's what I tried to do.

24 Q. What training did you receive from MSHA?

25 A. For the family liaison?

1 Q. Yes.

2 A. The training up here at the academy. The initial family-liaison training. We
3 had the Department of Transportation in, some of their people, and they went over
4 some of their experiences. And Red Cross people were here with them. And they
5 went over a lot of their experiences and a lot of interaction with one another, but as far
6 as being some kind of psychologist or something like that, no, it wasn't anything like
7 that. It was more about, you know, how to deal with Red Cross and just, you know,
8 like I said before, to try to be a comfort to the family and be as much --- because
9 they're really all you got. And I don't know if it panned out like it was supposed to but,
10 you know, I worked third shift quite a few nights and then when Carla Marcum left I
11 went and started doing second shifts.

12 So any of the family briefings or anything like that that I went to at first were
13 the 8:30 family briefings, morning briefings. And I was just there just out of interest to
14 --- you know, my shift was over, so I didn't have to be there and I didn't claim time to
15 being there, but I just kind of wanted to hear some of the interactions to know
16 because, you know, the families one minute they would sit there and be just talking
17 with you and happy with you and the next minute, well, they might here something on
18 CNN and that catches their attention. And all of a sudden that kind of --- you know,
19 get a little angry about something that they've heard.

20 An example of that is the night that the fatalities occurred. And of course all
21 three of the family liaisons, including myself, were there during that time. The families
22 would ask, when are they coming to talk to us? It was like they were fearful that they
23 were going to be forgotten about now. And we reassured them that, no, you won't be
24 forgotten about because --- but we've just had these fatalities, these accidents to these
25 people, so the people on the mountain, so to speak, are trying to deal with them, and

1 I'm sure they'll be in here tomorrow morning during the next family briefing. And no
2 sooner than you're telling them this CNN's reporting, well, they're coming to meet with
3 the families now. Well, then the families would come, are they coming now. are they
4 coming now? And Bill Denning went and called. I believe it was Bill went and called
5 the command center and said, are they coming, this is what CNN's reporting. And
6 they said, no. And so he came back out and said, no, they're not going to be here
7 tonight because they're having to deal with everything that's just happened, but you're
8 not going to be forgotten about. And no sooner than he's saying that CNN's saying,
9 well, they're meeting with the families now. And that was upsetting but we had no
10 control over that.

11 Q. Was the families looking toward the liaisons to provide them information as to
12 what was taking place in the mines or were they waiting for the briefing from the senior
13 officials?

14 A. They were more awaiting for the briefing from the senior officials. The only
15 information that I could see that I could give them was every hour go over there and
16 call or have the command center call me and get the footage and write the footage up
17 on the --- you know, even if it was just 40 foot of, you know, movement down in the
18 hole, you'd write that new footage up there and what time. But as far as family
19 briefings, family liaison didn't take part in that. We were there and I took notes of that
20 family briefing and nobody told me to take notes, I just --- I did. Some terrible --- I
21 tried to keep up as much as I could, make as many notes as I could. I even told Bill
22 Denning I was embarrassed by how messy and sloppy that it was. And I said you
23 probably got a lot of misspelled words, but I was trying to write quickly. And he read
24 through them and said, no, these will be fine. And I left all my notes with him. And we
25 kept a notebook there by the phone like your notebook and we would write, you know,

1 the footage, we would write what time, things like that. Same thing if we were putting
2 on the board, we would write those exact same things.

3 Q. Well, if there was something going on like there was bounces or that the miner
4 was down and not something ---?

5 A. If the footage was --- like you go in and maybe they've only moved ten foot or
6 something, they might tell you, well, the drill's down, or they're changing steels right
7 now, or, you know, something of that nature but as far as bouncing and things like
8 that, no.

9 Q. So what was your role there in the center, just to talk to the family members,
10 answer their questions, comfort them, or ---?

11 A. If they had questions, I would try to answer them but just try to comfort them
12 more than anything.

13 Q. Do you feel that the training that you got here at the academy for that liaison
14 training was adequate for the role you played out there?

15 A. That's a good question. I feel like I would have been a little bit more
16 comfortable with a little more training, but for the jobs that we were doing other than
17 coming --- you know, going to a school and getting --- and having that training like a
18 college program, like psychology or something like that, I don't know if you can really
19 prepare somebody in the amount of time that we had. There again, Department of
20 Transportation people just tried to share their experiences more than anything with us
21 and how they handle things, and some of the things that they ran up on and how they
22 handled those things. But sure, we could have had some more training.

23 Q. How long ago had the training been when you went to the mine?

24 A. I don't have the dates in front of me. I don't know, a year, a year and a half.

25 Q. A year and a half.

1 A. I'm not for sure, to tell you the truth.

2 Q. You had the one ---?

3 A. Just the one time.

4 Q. One time.

5 A. You know, this was all something new with MSHA. And I don't know how the
6 thought through it was or anything because I wasn't a part of any of the thinking and
7 developing that, but I do think it's a good move that MSHA would attempt to do
8 something like that. I went back to the district and, I said, kind of chokingly, I said,
9 well, I'm the new hugger of MSHA. And what that meant was that, you know, here
10 we're so, you know, our role is regulatory and how we're perceived by the public and
11 how we're perceived by miners and families and things like that is not always good
12 because the only time they hear about us is when something bad happens, it seems
13 like. You don't hear about the lives that we've saved and things of that nature. So for
14 MSHA to take on a role like this and have family liaisons, I think is a wonderful thing.
15 I think it's something that I hope will grow and will get better as it grows.

16 Q. Do you think the role that you played at the mine as a liaison is consistent with
17 what the MINER Act had in mind when they wanted a family liaison?

18 A. I was real glad, to tell you the truth, with the heat of everything that the upper
19 management of MSHA took the role as doing the family briefings because I think they
20 did a good job. I remember the day that, you know, after the fatalities, the accident,
21 that first day that Bob Murray came and Mr. Stickler with him. And after it was all over
22 and Mr. Stickler, after he spoke and everything, Murray was already gone, families
23 came up and hugged him. Excuse me. And a matter of fact, in that family briefing, I
24 believe it was one of the Ex. (b)(6) and Ex.
(b)(7)(C) was sitting down in front and he
25 complimented Mr. Stickler on how he's handled himself throughout the thing, the

1 information that he was giving, his honest attempt at giving that information. I think
2 they felt comfortable with him.

3 Sure there were people angry but I think that anger went more towards the
4 company and Bob Murray than it did Mr. Stickler. I think Mr. Stickler did a real good
5 job with it myself.

6 Q. You indicated earlier that while they were awaiting a briefing from the senior
7 officials there that they saw it on CNN that they was going to get one. Did it occur
8 while you were there, where they got information from the TV before it was shared
9 with them?

10 A. Ask me that again. I don't know ---.

11 Q. Was there any information that was pertinent to the briefing of the families by
12 the senior officials, either Bob Murray or Richard Stickler?

13 A. Not that I can remember, no. You know, the news people were everywhere
14 and they just --- it was pretty disappointing to see the way they handled some of it and
15 some of the things they said because something as simple as them saying they're
16 coming to meet with the families now, they didn't take into consideration at all how
17 these families felt that to hear people were down there trying to rescue their loved
18 ones and now they're injured and some killed. That was devastating to them. And at
19 the same time that they felt for those families and those people that it happened to,
20 they were fearful that that was going to be the end of things, that they were going to be
21 forgotten about, so to speak. And I think it was pretty heartless that CNN would put
22 something like that on because no senior official had spoken with them to my
23 knowledge at all. That was just them doing it.

24 Q. Did you have any interaction with the press?

25 A. No, sir.

1 Q. Have you ever been involved before as a family liaison in an emergency?

2 A. No, this is my first time.

3 Q. What additional training do you believe --- you mentioned that some additional
4 training might be helpful?

5 A. One thing, and I've already suggested it to Cheryl McGill, that we might want
6 to --- you know, the last few times the liaison has been used it might be a good idea to
7 get everybody together and sit down and share experiences with one another and see
8 where things maybe could be done a little bit better, a little bit differently and try to
9 grow in a positive way from that. The company had provided some I guess there were
10 psychologists there at the family center. They were there available for any family
11 member. And I don't know his name but one of them asked me towards the end of it
12 before I left about our family-liaison program and I gave him Cheryl's name because
13 Cheryl was the one that, you know, had it all --- this put it all together, the liaison
14 training together. And I gave him Cheryl's name because this fellow had somebody
15 and it was an independent company, somebody that did this type of training or more
16 directed toward this type of training I guess is what you'd say. And said that might not
17 be a bad idea to get with somebody like that. And whether they ever called Cheryl or
18 not, I don't know, but I did make that suggestion. So, yeah, if we're going to do this
19 and we're going to make it better, we're going to have to meet, we're going to have to
20 have more training. You learn from your experiences, whether they be failures or
21 successes, you learn from them. And you try to make yourself better. And, again, to
22 me the role as a family liaison is not --- to me it shouldn't be dealing with press and
23 things of that nature, it should be there for the families period and provide comfort,
24 and if they have questions, try to get answers to those questions for them.

25 Q. How do you view the liaison's role with getting information related to the

1 progress of the rescue effort and sharing that with the families?

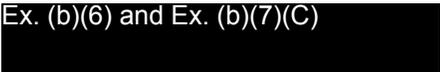
2 A. Well, that's what I --- in the instance there at Utah all we did was or all I did
3 was call and get information as far as the drilling, how it was progressing, and
4 providing that information to the families. I think senior officials, as far as dealing with
5 the press and everything did the right thing for them. The one thing that I would have
6 done differently in hindsight would have been to totally talk to the press away from Mr.
7 Murray and not been there and looked like --- maybe it gave the appearance of being,
8 you know, a team together here. Sure you've got to remember, somebody does, that
9 we're a regulatory agency. It's not our mine, it's not our plans, and so on and so forth.
10 And we need to sometimes distance ourselves from that. But as far as the family-
11 liaison part of it, you know, giving them the information on the footage and things like
12 that, I felt like what we needed to do --- I tried to get their mind off of things.

Ex. (b)(6) and Ex. (b)(7)(C)



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the night that Gary and them died. And I started talking about some of my
experiences and some of the things I had done. Ex. (b)(6) and Ex. (b)(7)(C)



Ex. (b)(6) and Ex. (b)(7)(C)

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things happened, but I shared that story with this woman. And that took her mind off things because this was one of the worst nights there could have been. And it finally settled her down a little bit and she finally went to bed like at 3:00 or 4:00 in the morning or something.

And a few nights later we had moved the center over there to that Christian center and we were sitting around with her family, or I was, and we were playing cards. And the Ex. (b)(6) and Ex. (b)(7)(C) started asking me about my family. Well, the Ex. (b)(6) and Ex. (b)(7)(C) started answering the questions, you know, how many children do you have, things like that. And we all started laughing. And when somebody would ask me a question about my family, I'd say, well, ask her, she knows all about me. And that was just a chance to get their minds off things, a great opportunity to share your faith and that's the way I try to pursue my role.

Q. Was there any limit to the number of family members from one family to be there?

1 A. They had --- somebody had it set up before I got there where they had to have
2 passes and they had the sheriff department out, you know, that would look at
3 everybody's pass to get in. As far as a limit, I'm not aware of that. There were certain
4 times when I saw some different --- I wasn't for sure who some of the people were
5 because they didn't seem to be the immediate family I was first introduced to, but
6 evidently they got ---. There was a process that they had to go through to be able to
7 get in there, I guess.

8 Q. What was a typical number of family members being there with the liaison?

9 A. At the family meetings is when they would all show up, you know. There was
10 a big number of them but other than that --- and for the meals, they'd show up to eat.
11 Other than that, most of the families, they started going home. And the Ex. (b)(6) and Ex. (b)(7)(C)
12 some of them would stay there and they would sleep there.

13 Q. Was normally at least one member from each family that stayed there?

14 A. Not in all of them, no. The Ex. (b)(6) and Ex. (b)(7)(C) link through the night probably had
15 the greatest number. There might be four or five of them. They even had one part of
16 the gymnasium at one time set up where they had pads and things like that and a
17 place for the children to play and had somebody in there to watch over the children
18 and things like that for the families, so that was a real good thing.

19 Q. Was there information that was shared with the families by the senior
20 officials? When they had the family briefing, was there information shared with them
21 that you had not been privy to before?

22 A. More in-depth, sure. Yeah, more in-depth stuff. There again, if I'm calling
23 and just getting the footage and things of that nature, I didn't hear a lot --- sometimes
24 they would tell you, you know, about a hole out-gassing. At first some of the holes
25 they would give you some of the gas readings, you know, such and such oxygen

1 whatever, and you would relay that to them. Anything that I got like that we relayed
2 that to whatever family members were there. We didn't try to hide a thing from them.
3 As a matter of fact, it was totally the opposite, we tried to keep them informed. And
4 the answer to that question, yeah, there were more-in depth things being discussed
5 that of course without me being there and a part of that, I didn't know because I was
6 over with the families.

7 Q. Right. So you just called every hour, got what information you could, and you
8 shared that with the families, put it on the board?

9 A. And that was basically it.

10 Q. And did you get a lot of questions from the families?

11 A. I myself, no, sir.

12 Q. There was an air reading that showed good air and it was taken at the number
13 --- bore hole, this was before you got to the mine. It showed 20 plus percent. And not
14 too long after that they found out that it was --- the correct reading was somewhere
15 around seven or eight percent. Did you hear any discussion amongst the families
16 about that? Was you aware of that?

17 A. No, sir. No, sir.

18 Q. Did the families ever express any concerns about not being adequately
19 provided information?

20 A. I wouldn't say that it was inadequate information, I'd say that there were times
21 when they would be just so anxious to have that family meeting, once it got into the
22 routine of like an 8:00 or and 8:30 morning meeting or a five o'clock afternoon
23 meeting, there wasn't any problems that I saw there but, you know, of course after the
24 fatalities, Mr. Murray distanced himself from those families. And you'd hear, you
25 know, some angry comments about that, but I think if that would have been me, I

1 would have probably made some angry comments if it were my family. I mean, you
2 had mixed emotions from people and so I think they reacted like a normal person
3 would react. But, no, not anything out of the ordinary.

4 Q. Did you get any questions from the family that you didn't feel that you could
5 adequately address?

6 A. Not that I can recall, no, sir.

7 Q. Did they have interpreters there for some non-English speaking people?

8 A. They did. And every family briefing they used those interpreters. And of
9 course the Mexican Consulate was there, and he stayed there often. He stayed there
10 as much as the Ex. (b)(6) and Ex. (b)(7)(C) guess, once he finally he arrived. But, yeah, I
11 thought they did a real good job.

12 Q. Did MSHA have any interpreters there, any MSHA employees?

13 A. I never did ask to know who those people were, so ---.

14 Q. Were you aware that there were some family members that went underground
15 to observe the underground observation?

16 A. I think that was before I got out there.

17 Q. It was before you got there.

18 A. So I knew that on TV. I saw it, I think, on TV's where I saw it.

19 Q. No discussion while you were at the mine from the families?

20 A. No, sir.

21 Q. What did you think about the quest going underground?

22 A. Does it matter what I think about ---?

23 Q. We want your opinion.

24 A. And I don't mean that smart the way I asked it, I just don't see where that ---
25 my opinion, you know, it's a roll of the dice. It's kind of like getting a high core sample

1 and whether an operator wants to take his first option to sample. It's a roll of the dice,
2 it could go against you or it might turn out to be a real good thing. I did speak with the
3 photographer that went underground, nothing --- in-depth conversation, just introduced
4 myself. He introduced himself and he told me he went underground. And I said, what
5 do you think? And he said, that's quite an interesting world down there. And that was
6 about the end of that, but I don't know that that's --- I haven't answered your questions,
7 have I.

8 It's a judgment call, I'd have to look at every situation. In this particular
9 situation, I don't know that I would have spent the time doing that. I can see where
10 you would think it would be a positive thing because progress was being made,
11 progress- wise, and you're trying to give family hope instead of take away their hope.
12 Yeah, I could see where you'd allow that, but whether I would have done it or not, I
13 don't know I'm not on that echelon. I don't know.

14 Q. Were you there when Bob Murray briefed the families in what role he played?

15 A. I was there on some of them. I was there at the five o'clock p.m. meeting
16 after he showed up after the fatalities, they made a mistake giving him a microphone,
17 in my opinion.

18 Q. This would have been on the 17th. You're talking about the accident that was
19 on the 16th ---?

20 A. Yeah, but it wasn't the --- he distanced himself. I forgot what exact date it
21 was. It's in the notes that I left with Bill, but it was a few days later. When he did show
22 up that evening, he walked by me and I shook his hand. And I told him, I said, Mr.
23 Murray, I want you to know you're in my prayers. And he said, thank you, that means
24 so much, just as calm and everything. And then he went in there and they handed
25 him a microphone and he started on his little speech that he was giving.

1 And that Ex. (b)(6) and Ex. (b)(7)(C) that was there, I've forgotten
2 his name, sitting down in front, I spoke about him earlier, complimenting Mr. Stickler.
3 He looked at Mr. Stickler at that time and said, I want to thank you for the way you've
4 handled things, the information you've given, and you tried to be up front and so on
5 and so forth. And then he looked up at Mr. Murray who was right in front of him and
6 he said, why can't you be that way with us, why do you have to --- I don't know the
7 exact word, I don't remember, but kind of berate us type, you know, in giving us this
8 information. And Mr. Murray said a few things. And he said, well, now I've been
9 lectured to once. And then somebody in the back said something like, see, that's
10 exactly what we're talking about, the way that you're dealing with us. And he said,
11 well, now I've been lectured to twice. And he went on and explained whatever position
12 he had. When he left it kind of got into a shouting match and he had the microphone.
13 And of course he could --- he's going to outshout them, and he did.

14 And when he left, Mr. Stickler got up and just with his head down, he said, I
15 can't believe what I just witnessed here. He said, I've tried to coach him and tell him
16 how to better explain himself and, you know, come across to the families, to you all he
17 said, but he said he just won't listen. And he said, I have to apologize for what I've
18 just heard. And after that, I mean the families were hugging Mr. Stickler. They ---.

19 Q. Mr. Murray had done left room when ---?

20 A. Mr. Murray had already left the room, had left the building.

21 Q. Who was briefing the families for the company after the accident?

22 A. Rob Moore and if Rob Moore --- if Mr. Murray was not there, Rob Moore was.
23 And I thought --- I don't know how old of a fellow he is, but probably his early 40s, I'd
24 say. For the news that he had to give, I really thought he handled himself well with the
25 families.

1 Q. How would those briefings go? Would Mr. Moore start it off?

2 A. Sometimes ---.

3 Q. How did they do that?

4 A. Most of the time. Most of the time. And sometimes they would be in
5 combination, if there was somebody holding a map, and they together would say ---
6 you know, Moore might be holding one side of a map, and somebody else over here
7 holding another side. And Mr. Stickler might be saying, this is where we're at, this is
8 what we've done, and explain why, and things of that nature. So it kind of looked like
9 more of a team effort with Rob Moore there than it did when Mr. Murray was there.

10 Q. Was there normally more than two people, Mr. Moore and Mr. Stickler, that
11 came down to the family briefings?

12 A. Most of the time. Every now and again Kevin might come, but not all the time
13 no, you know, he would stay up on the mountain, I assume. I didn't ask. But most of
14 the time it was --- you know, a few of them would come down. And then there at the
15 end the last couple of holes they brought the driller, would bring the driller in and the
16 families --- I think that went over well. Then they got a lot more information, were able
17 to ask a lot of questions that he could answer a little bit better because he was the guy
18 right there, so I feel that went well.

19 Q. Do you know of Mr. Murray bringing any documents or papers and giving
20 them out to the family members?

21 A. I think there were some times that some people might ask for a map or
22 something like that. And whether he provided it to them or not, I didn't see anyone
23 hand anybody anything like that, no, but it might have happened.

24 Q. Did anyone from MSHA interfere with your ability to perform your job?

25 A. No, sir. No, sir.

1 Q. When any family concerned reported to you, did you ever report any of those
2 to the command center?

3 A. Other than the time that I've already spoken about and Bill Denning handled
4 that, and that was to see if they were coming down, if anybody was coming down to
5 brief the families after the fatalities, that night. And, you know, Bill handled that.

6 Q. Were you with the families when they had the --- when the accident occurred
7 on the 16th?

8 A. I was just arriving for my shift, I was starting that third shift that night.

9 Q. What time did you start?

10 A. I might have gotten there at ten, 10:30, something like that. I got there early
11 on purpose because I wanted to see Carla and talk with her and see if there's anything
12 that I needed to know or anything of that nature.

13 Q. Were you aware that that happened before you got there on that night?

14 A. Yeah, through the TV. Because I had the TV on when I got up to take a
15 shower and everything before I left, so I knew that it --- I didn't know how accurate,
16 what was being reported was but I knew something had happened, that a bump had
17 occurred, yes.

18 Q. Were you with the families when they were told that underground operations
19 was going to cease?

20 A. Yeah, I believe I was --- yeah, I think at that particular meeting that I'm
21 thinking of, the last meeting that I went to, to tell you the truth they said that would
22 probably be the last hole, but I think there was still some talk of possibly another one.
23 A matter of fact, I think even after I got home, I spoke with Bill Denning and he told
24 me that there might even be talk of another one.

25 Q. I'm not talking about the bore holes, I'm talking about the underground

1 operations.

2 A. Oh, yeah.

3 Q. You were with them when they said they would cease the underground
4 operations, there will be no further work underground?

5 A. I wasn't ---. That was after my shift and I think I stayed over for that meeting,
6 yes. I'm thinking I did.

7 Q. Do you remember who conducted that briefing?

8 A. Well, it would have been Stickler and Moore, I believe it was. Yeah, because
9 I believe at that time we were still in the --- we hadn't moved the center at that time, I
10 don't believe. My time frames are juggled up, I didn't have notes to look at because
11 everything I had --- before I came in here today, everything I took notes on, I gave to
12 Bill Denning. But I think they were still in there in the gymnasium at the time when
13 that happened and I believe it was Rob Moore and Mr. Stickler at that time. I mean, I
14 could be wrong but I believe it was.

15 MR. PAVLOVICH:

16 So that wasn't the briefing when you say Murray came in and
17 it ended up in a shouting match?

18 A. No.

19 MR. PAVLOVICH:

20 That was after the ---.

21 A. That was after the fatalities and all that.

22 BY MR. TEASTER:

23 Q. Do you remember the reaction of the families there?

24 A. Now, you also have to realize that that would be brought up probably every
25 meeting, too, about going back underground. That was being brought up just --- I

1 mean, there was always a family member, somebody that would bring that up. And
2 they would address it by the same way every time, just about, that we can't jeopardize,
3 we've already gotten some people hurt and killed, we can't jeopardize anything else,
4 but we put this team together. And to look at, you know, the feasibility of going back
5 in the experts but, you know, that was something that they would bring up every single
6 time.

7 Q. That's understandable.

8 A. Sure. Sure.

9 Q. You indicated that some of the family members wanted to --- would ask about
10 going underground to continue the operation, do you feel that there was other
11 pressures that might affected them or ordered them to continue or discontinue the
12 operation underground?

13 A. To make MSHA ---?

14 Q. No, just the operation itself.

15 A. I don't know if I understand your question.

16 Q. Were there any external pressures to either continue or discontinue the
17 underground operation?

18 A. I'm sure there was probably news media that added undue pressure, it would
19 have me if I'd been in that decision making --- you know, you've you got them out here
20 reporting all this stuff, but how privy they were to what was being reported out here
21 when they were in their, you know, command center and making their decisions and
22 things of that nature, I don't --- if it would have been me, I wouldn't have had a TV in
23 there listening to it, I would have been concentrating on the business at hand. And
24 surely that's what they were doing. I didn't see a TV in the command center when I
25 was there, so I wouldn't think that that would happen, but ---.

1 Q. Was Governor Huntsman present going in to briefings when you were there?

2 A. Yes, sir. And his liaison would be there later if he wasn't there personally. His
3 liaison would be in and out.

4 Q. Now, did they participate in any way with the family briefings?

5 A. I can remember one family briefing that I stayed over on one morning that he
6 came in and spoke, yes.

7 Q. He said at either the Senate or the House, I think it was the Senate Oversight
8 Committees' hearings that he felt that MSHA didn't have control of the situation.

9 A. He never gave that indication at that meeting, that I'm aware of. He didn't
10 give that impression to the families, that I saw.

11 Q. Would you agree or disagree with that assessment?

12 A. I disagree with it. I don't think ---. You know, if I go out into a mine and I'm
13 taking enforcement action, like I have in the past, maybe hang a red tag on the portal,
14 I can't control what that mine operator goes out and does outside that mine property. I
15 can't control that, I don't have that kind of jurisdiction, so what I saw and what I was a
16 part of, I was impressed with Mr. Stickler and the way he handled himself with those
17 families.

18 Q. You indicated earlier that additional training might better equip you to deal as
19 a family liaison during an emergency. Is there anything else that you learned during
20 this operation that would improve your performance as a family liaison?

21 A. I think coming into it the way that I did, I think if something like this were to
22 happen in District Ten, Lord, I hope it doesn't, bringing family liaisons in from other
23 districts where they maybe not know the families and things like that puts the family
24 liaison at a disadvantage because I didn't know that coal miner, which even if I didn't
25 know the families, if I knew that miner and had had dealings with him before

1 underground as a mine inspector or whatever, that could have given me some insight
2 maybe as to how better to handle the families or the family situation. But coming in
3 from Western Kentucky out to Utah and not having a clue as to who any of those
4 people are was at a disadvantage. What I would like to see is more family liaison
5 training with more family liaisons, more than just one in a district. I could see having
6 the lead liaison being the supervisor such as myself and then having some CMIs,
7 regular CMIs or specialists or whoever would want to be involved with that to be family
8 liaisons as well, then if something like this happens in their district, they have them
9 right there. And they have these people that maybe more, you know, know the
10 families because, you know, a lot of these people I go to church with or my kids used
11 to go to school with, things of that nature. And I think that would put that family liaison
12 at an advantage as far as gaining the trust of the family members and being able to
13 better deal with their needs and realizing what their needs are.

14 I didn't have a clue about them, some of the Mexican people or the Indian
15 people, that's not ever been my experience, so that was a new experience, not a bad
16 one, but I don't know that --- I think that put me at a disadvantage. Now, Carla, you
17 know, with her accent, her Eastern Kentucky accent, that made them want to know
18 her more, you know. And boy, she fed off that, too, she did an excellent job with it,
19 but she --- I can see where having somebody within --- more people within that
20 particular district wherever it might be, might be a better resource to go to.

21 Q. You mentioned earlier that there was three of you there on the 16th, which is
22 understandable, but normally were you there as a family liaison by yourself as the only
23 MSHA liaison there?

24 A. Yes, sir.

25 Q. And you worked 8 to 12-hour shifts?

1 A. Whatever. Kevin would try to get you to eight hours, too, to try to get you to
2 curtail it to that, but not always did it work that way. You know, there might be some
3 families that would --- later on in the rescue attempt, there might be some families that
4 after a meal would stay. It got to be where I kind of wondered if just some of these
5 people weren't coming around just because we were feeding them. You know, I'm
6 human and, you know, I'm going to wonder about that and I still wonder about that. I
7 don't know that that might not be the case.

8 Q. Was those good facilities down there at the junior high school?

9 A. They were adequate.

10 Q. And they provided adequate food and ---?

11 A. Oh, yeah, the food --- I thought the food was excellent.

12 Q. And they moved over to another location because of school starting?

13 A. Yes, sir.

14 Q. And how were the facilities there?

15 A. I liked them better than at the school. They were more closed, you know,
16 close quarters but myself I liked it better than the school.

17 Q. Did they continue to provide the food?

18 A. Yes, sir. Yes, sir.

19 MR. PAVLOVICH:

20 How long was that training program that you took with the
21 NTSB? Was it one day ---

22 A. I was hoping you weren't going to ask me that.

23 MR. PAVLOVICH:

24 --- a week? I mean, do you remember?

25 A. I think, and I could be wrong on this, Joe, but I think we came up on a Monday

1 and went back on a Friday.

2 MR. PAVLOVICH:

3 So it was multiple days?

4 A. Yes.

5 MR. PAVLOVICH:

6 Several days. Okay.

7 A. A few days.

8 MR. PAVLOVICH:

9 A few days.

10 A. How many I don't know.

11 MR. PAVLOVICH:

12 Okay.

13 A. I mean I come up here so often.

14 MR. PAVLOVICH:

15 But it wasn't just like a couple hours or something ---

16 A. Oh, no. No.

17 MR. PAVLOVICH:

18 --- it was over a period of time?

19 A. Yes, sir.

20 MR. PAVLOVICH:

21 So they had several. And was it kind of formal training?

22 A. Very much so. It started out very formal. And the Department of
23 Transportation had a program that they did put on, but at the same time they
24 welcomed any questions and things of that nature. I even got us a group picture and
25 everybody got one of those. And it kind of brought a closeness. And I'll tell you what,

1 after this Utah experience, I feel a bond with Bill Denning and Carla that I might not
2 feel with some of the others because I hadn't gone through that experience. But
3 especially with Bill Denning. The night that Gary Jensen died, Gary was a friend of
4 his. And like I said, we were all there at the school in the gymnasium. And I noticed
5 Ex. (b)(6) and Ex. (b)(7)(C)

6
7
8
9
10
11
12 Ex. (b)(6) and Ex. (b)(7)(C) and I don't know if I've answered your question. I forgot what your

13 questions was.

14 MR. PAVLOVICH:

15 How many days of training --- but you did answer it.

16 A. Okay. I like to talk.

17 BY MR. TEASTER:

18 Q. I guess you got there --- that was your first day, really, the 16th?

19 A. What a day.

20 Q. And so when you came in, the tone of the family-liaison program was already
21 set there?

22 A. Yes, sir.

23 Q. And you knew that there was going to be a regularly-scheduled briefing from
24 someone from the command center, either Stickler or Rob Moore or ---?

25 A. That's right.

1 Q. It was going to be held at like, what, 9:00 in the morning, 8:30?

2 A. 8:30, normally, and five o'clock in the afternoon.

3 Q. And five in the evening. So you knew those events were going to take place.

4 A. And the families did also.

5 Q. And the families also knew that, so they would show up for those briefings?

6 A. Yes, sir.

7 Q. And then normally they would leave?

8 A. Yes, sir.

9 Q. They weren't staying there around the clock anymore at that time, I guess.

10 A. Some would, some wouldn't. Some stayed around the clock, some didn't.

11 Q. Some were still staying around the clock?

12 A. The Ex. (b)(6) and Ex. (b)(7)(C) which I don't understand, it wasn't any of my
13 business, and I've forgotten her name, it was an odd name, she would stay up longer
14 than anybody. And she would just want to see --- and that was Ex. (b)(6) and Ex. (b)(7)(C), but
15 she had children Ex. (b)(6) and Ex. (b)(7)(C). And I think the compassion was for the children, but
16 she would want to know what that footage was. And I don't care if it was 20 foot or 30
17 foot or 40 foot, it just helped her to see that footage up there. And from time to time
18 she would ask you, would you mind to go over there and call and see if there's
19 anything new? And you'd go over and call for her. Sure, I will. I don't mind to do that,
20 but you'd --- you know ---.

21 I've forgotten his name but there was a Bob Murray representative there when
22 I first got there that he'd lay around on the couch and sleep and take up room. And
23 the families didn't like him. And when Mike Riley (phonetic) showed up, Mike was a
24 very personable fellow as a representative for Murray's company and they liked Mike.
25 And a matter of fact, I told them, I said, well, you need to say something to Mike

1 about it, you know. And Mike got that guy removed that was the end of that. And that
2 pleased the families. Every family was not involved with that but some were. And
3 they just didn't like the way that guy laid around, kick his shoes off, kind of a sloppy-
4 looking guy, you know, and they didn't like it and I could understand that.

5 MR. PAVLOVICH:

6 How did you --- I don't know if you applied or were selected
7 for the family-liaison training?

8 A. Well, I need to tell the truth here.

9 MR. PAVLOVICH:

10 Yeah, you do.

11 A. They were --- and I am. It was real funny when they first introduced the room
12 when Cheryl did introduce the room to the Department of Transportation people in our
13 initial training. She made the statement, all these people have volunteered for this
14 program. And myself and numerous others looked at one another and said, did you
15 volunteer? No, I did not.

16 MR. PAVLOVICH:

17 Okay.

18 A. It was originally I think set up for Ted Smith, who at that time was Carla's staff
19 assistant, but he was involved with the Darby (phonetic) review and all that. And
20 Carla said to send me. And would I have volunteered, probably not. Was I a good
21 choice for it, I don't think they could've gotten a better choice in the district. I think
22 with my personality and my upbringing and my compassion I have for people, I think I
23 am going to do a good job in this or I'll give it my best, I'll tell you that.

24 MR. PAVLOVICH:

25 So Carla told you you volunteered.

1 A. Carla told me I was the one. That was a long answer to your question, but
2 that's how it happened.

3 BY MR. TEASTER:

4 Q. Are you familiar ---?

5 MR. TEASTER:

6 And I don't know ^{Ex. (b)(6)} do you have that policy statement with
7 you?

8 UNIDENTIFIED SPEAKER ^{Ex. (b)(6) and Ex. (b)(7)(C)}

9 I was going to ask the very same question and I don't think
10 the policy ---.

11 BY MR. TEASTER:

12 Q. Had you ever ---?

13 UNIDENTIFIED SPEAKER ^{(b)(6) & (b)(7)(C)}

14 That's just the last page. The beginning shows the whole ---.

15 MR. TEASTER:

16 And your question? Well, let me look at it and I'll ask you a
17 question. You guys got any questions while I'm looking?

18 UNIDENTIFIED SPEAKER ^{Ex. (b)(6) and Ex. (b)(7)(C)}

19 Yeah.

20 MR. TEASTER:

21 Go ahead ^{Ex. (b)(6) and Ex. (b)(7)(C)}

22 UNIDENTIFIED SPEAKER ^{Ex. (b)(6) and Ex. (b)(7)(C)}

23 Just a couple. Were you the only MSHA representative with
24 the families at times?

25 A. Certain times.

1 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

2 Was that enough? Did we need to have more MSHA people
3 in there to deal with them?

4 A. I don't think so.

5 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

6 One person could adequately handle whatever ---?

7 A. At certain times, yes. The night of Gary's death and all that, nobody asked
8 anybody to stay or anybody to go. We knew that all three of us needed to be there.
9 We didn't need direction on that.

10 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

11 All right. But mainly one person can handle the situation,
12 unless there's ---?

13 A. At certain times.

14 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

15 Okay.

16 A. One thing that would be helpful is, if they do the family briefings the way that
17 they did them at Utah, a lot of the questions that were being asked by family
18 members, I might not know who those family members were. It would have helped to
19 have had somebody there taking notes. That would have been much better notes
20 than what I took. Bill told me that my notes were fine and were more than what he
21 had wrote down. And I've always tried to take good notes, but to have like a secretary
22 or somebody there that's more of an expert, maybe knows shorthand or something
23 that would give us a better running account of things.

24 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

25 During the briefings?

1 A. During the briefings. But during other parts of it, you know, again, I think it
2 would have helped knowing the miners, knowing the families, and made it hit home.

3 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

4 My last question. You keep talking about notes. Would you
5 care to look in that folder right there? That's what we have from the --- is your notes in
6 with that, or do we need to try to find your notes?

7 A. Yeah, I believe this is some of that notes from that --- because you'd see
8 where Carla has got her name, the date and the times. And let me see if mine are in
9 here.

10 MR. PAVLOVICH:

11 Were these all in the same notebook?

12 A. Yes, we kept the same notebook.

13 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

14 Did you keep any notes outside of that notebook?

15 A. No, sir.

16 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

17 Okay.

18 A. Yeah, here I am, note, Robert Gray will be at --- well, no, that's --- wrote
19 that, and he spelled it with an A-Y. Well, I got to be in here sometime. Yeah, there's
20 my writing, I believe, there. Yeah, RH Gray on the 17th. So this is ---. Now, whether
21 --- let me look through and see if those notes of the meetings that I took were in
22 there. Here's one. Here's one that says --- on the 20th, 5:20 family briefing, I took
23 those notes. Now I wished he had let me rewritten them because my notes --- my
24 handwriting there is terrible. And here's 8/21/07, family briefing, where I took notes,
25 so I'd say this is them.

1 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

2 If we could just have them.

3 MR. PAVLOVICH:

4 I have a question for your, Robert. You mentioned a map like
5 in a briefing that someone might hold a map up. Did you have a map there all the
6 time for the family?

7 A. There was a map there, it was there when I got there.

8 MR. PAVLOVICH:

9 And were you kind of updating footage underground like on
10 this map I would show the progress?

11 A. I think at first I don't know if it was Bill or Carla or whoever it was that was
12 doing it, they would maybe, you know, put a X or make a mark maybe on that map of
13 where that particular hole was being drilled, but that's basically all that they ---. And
14 then they would show --- I don't know if they showed, you know, the footage moving
15 up each time, they might have. To tell you the truth, I don't remember that. But as far
16 as me marking on that map, I never did it, that I can remember.

17 BY MR. TEASTER:

18 Q. What this is is MSHA's policy, program policy letter that gives directives
19 concerning the family liaison and the primary communicator ---

20 A. Our duties.

21 Q. --- which I'm sure you're aware of, and your duties.

22 A. Yes, sir.

23 Q. And then it talks about, there are three attachments to it, I guess as a primary
24 communicator protocol with the Department of Labor, Office of Public Affairs. And
25 there's one that says the family liaison and another page that primarily says the

1 primary communicator. And you can look at it if you want to, but I guess the question
2 that I have is, it appears to me that when I read that is MSHA established family
3 liaisons for the purpose of briefing families. MSHA established primary
4 communicators for the purpose of briefing news media and others because it's very
5 explicit in there that says prior to briefing one or the other the liaison and the
6 communicator should discuss all the facts to ensure the same information is given out
7 to both. Now it appears to me from how you described the family liaison area and
8 what you were doing is, you weren't really charged with providing much information,
9 that the briefings were scheduled and held by either Mr. Stickler or Kevin or Bob
10 Murray or whoever and they were coming and giving the information.

11 A. And they would give that information before they would go to the ---.

12 Q. They were giving that information, correct. So you're telling me, then, or I'm
13 assuming, based on what this is, is they were acting as both the primary
14 communicator and the family liaison for that particular item?

15 A. Yeah.

16 Q. Is that pretty much true?

17 A. I would agree with that.

18 Q. Okay. Because no one would call you from the command center at a certain
19 time and say, Robert, okay, tell the families number seven hole drilled through or
20 something, or number six hole is at such and such.

21 A. Yes, they would.

22 Q. They would call you and tell you that?

23 A. Yeah, or I would call them.

24 Q. Okay. So you would call them if you were curious or someone asked you?

25 A. If I hadn't heard within an hour --- we tried to do it every hour.

1 Q. Okay.

2 A. As time went on in the middle of the night or something like that where I didn't
3 have a lot of families there, I might not call every hour but we did provide that
4 information, which is right there. And that same information that's right there we
5 would write on a board ---

6 Q. Okay

7 A. --- for those families.

8 Q. So you were getting regular briefing information, ---

9 A. Yes.

10 Q. --- in addition to the 8:30 and five o'clock briefing?

11 A. Absolutely.

12 Q. Okay. Would you feel then from looking at this policy that the role of the
13 family liaison should be expanded to do briefings, is that what the intent was?

14 A. I was real happy to see Mr. Stickler show up and do those family briefings.

15 Q. Why?

16 A. I don't feel like --- I would have had to ---. For me to have been able to have
17 done that and answered maybe questions that might have come up, I wouldn't have
18 been able to have spent the time with the families that I did. I would have had to have
19 spent more time involved with the rescue attempts, at the command center for me to
20 have gotten that kind of information. I think for me to have been able to have
21 answered the questions, some of the questions that came up during family briefings, a
22 person needed to have had that extra insight that would have been gained from being
23 there and not with the families. So I think the way that it came about was a good thing
24 because it allowed me to stay with the families and deal with their needs, whether it be
25 to go and get them a Coke or to sit down and pray with them, or to write on the board

1 what the footage was for that particular time, that allowed me that time to be there and
2 be with them and try to form some type of bond where they would have some type of
3 confidence in me to know that when I did tell them something, to know that I was there
4 for them.

5 Q. Okay.

6 A. Okay?

7 MR. TEASTER:

8 Uh-huh (yes).

9 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

10 Was the press at the schools or were they kept --- were they
11 right outside the door or did somebody have to keep them back?

12 A. They were across the streets. They would be across the street. But the law
13 enforcement, the sheriff department and those people would not allow them in the
14 parking lot or anything like that. When we moved the family center over to the
15 Christian center, actually a church, I call it the Christian center, I think they got
16 permission from a house across the street, from a homeowner across the street where
17 they could set up there and shoot across to the parking lot and things like that. But,
18 you know, --- and when you would leave, you know, the cameras would be following
19 you as you left. You know a couple of times I waved at them but, no they weren't
20 allowed on the property where the families were. They were kept back.

21 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

22 And then you said some ---?

23 A. Let me say this, there was --- if you don't mind.

24 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

25 There was a couple of times where the phone rang and they

1 said ---. I'm trying to remember. They'd say they were from the Governor's office one
2 particular time and asked about when the next family briefing was going to be. And
3 you didn't dare give them that information because you didn't know who that person
4 was, whether they were from --- and how they got that number. It might have been
5 from the Governor's office but if the Governor's office wanted to know that kind of
6 thing, they needed to come on --- they needed to have their pass to get in their where
7 we were to find that information out, if they were going to find it out from us. And so
8 you just would say, I don't know at this time, you'll need to call whomever. I don't
9 even remember what I said now, but I just --- I shunned them away from us and
10 wouldn't give them that kind of information because you didn't know who they were.
11 But that only happened to me maybe one or two times. I think Carla one time got a
12 call from the Mexican president or something and she put him on hold, you know.
13 And I'm sure she'll tell you about that, but that was one thing that happened that I
14 wanted to say.

15 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

16 You said the families were seeing stuff on CNN like they were
17 getting ready to meet with them. Were there TVs set up in the gym?

18 A. A big TV. Couches. And when we moved, they got a bigger flat-screen TV
19 and real nice couches. And Mike Riley, I believe, got all that for me. It was the
20 company that got all that, it was not MSHA, to my knowledge. And I don't know that
21 having the TV there was nice because in the middle of the night, you know, if
22 everybody else had fallen asleep, I would watch Sports Center or something, you
23 know, just to pass --- you didn't dare want to go to sleep in case something would
24 happen but as far as for them being able to turn CNN on, I think sometimes it fueled --
25 - you know, fanned the flames, so to speak.

1 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

2 About like ballpark how many people did you have without a
3 briefing and then during the briefings?

4 A. Oh, I've had as few as two or three to none toward the end of it, where all the
5 families would be gone to where you would have 30, 40, 50 people in there. I didn't
6 take a head count, but as many as that during family briefings. And you'd fill up that
7 little sanctuary they had there for the church with people, however many that held.

8 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

9 In your opinion do you think the family expected to see a
10 senior MSHA person at the briefings?

11 A. I think if it had been just me, that would have caused more problems than it
12 would have ---. I think it was a relief to them. I think it was a very smart move on
13 Richard Stickler's part. I assume he's the one that made the decision to come down
14 there and give those family briefings. I think that was a wise, wise decision because
15 the buck stopped there and those families knew it. If it had been me and me alone, I
16 don't think we would have gotten the same outcome as far as --- you know, I
17 mentioned those families they literally --- not every one of them, there were family
18 members that literally came up and hugged Mr. Stickler. Now how often do you hear
19 of that? And I think they knew that he was sincere, I think they knew that he was
20 trying. And I think the way he presented what was going on was a positive thing for
21 him to have handled that.

22 BY MR. TEASTER:

23 Q. One of the things ---? Sorry.

24 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

25 What we saw on TV was the press conference, which we

1 always saw Murray first and then we'd see Stickler or ---. When they did the family
2 briefings was Murray always first or ---?

3 A. They'd start out with a word of prayer. And every bit of that was being
4 translated. Every bit of --- any family liaison --- or any family briefing was being
5 translated, but they'd start out with a word of prayer. I'd have to look at my notes but
6 normally Rob Moore or somebody would start it out, and then Mr. Stickler. Maybe at
7 the end there might be questions afterwards that were addressed at one or both, you
8 know. I think they presented more so with Rob Moore. They presented themselves as
9 a team to that family working toward trying to get their family members, that's the
10 impression I got. When Mr. Murray would show up, we didn't have that second
11 information. But I think it was a good thing that they handled it the way they handled
12 it.

13 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

14 Robert, after the second accident, did those families then join
15 in on anything? Like the Ex. (b)(6) and Ex. (b)(7)(C) and the Ex. (b)(6) and Ex. (b)(7)(C)

16 A. Did they show up for any of those family briefings?

17 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

18 Yes.

19 A. Not that I'm aware of.

20 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

21 Okay.

22 A. There might have been some there that I did not get introduced to or didn't
23 introduce myself to, but to my knowledge, no, they weren't there.

24 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

25 I just wondered if you would've known, I mean, if three new

1 families came in all of a sudden?

2 A. To my knowledge, no.

3 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

4 No. So you didn't see any change?

5 A. You know that might have been --- I was given a sheet of paper with --- a few
6 sheets with the families --- immediate families' names of each miner that was trapped
7 underground, I was given a page with the people at the command center, you know,
8 phone numbers things of that nature. Bill Denning provided me that.

9 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

10 Okay.

11 A. I don't know what you could do but that's something that we might want to look
12 at in the future, as far as information for the liaison, that when people come in on the
13 property and go by that sheriff, it's one thing to have that badge but I don't know that
14 wouldn't be a bad idea to have name tags and maybe relationship or something like
15 that. That would have helped me a lot, being an outsider coming in. Some way to
16 have identified these people, because if I didn't go up and introduce myself to them
17 they didn't know who I was, I didn't know who they were.

18 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

19 That's a good idea.

20 BY MR. TEASTER:

21 Q. The one thing I mentioned earlier that the Governor that had been somewhat
22 critical of MSHA's overall handling this situation. But during those house oversight
23 committees the families were very critical of MSHA's briefing process. They said that
24 more or less that Murray --- I don't think they ever mentioned Moore, maybe they did,
25 but I can remember specifically them mentioning Murray, that Murray would get up

1 and say whatever he was going to say. And then Stickler would either just tack on a
2 little bit at the end or confirm some of the things that he had said, but it really wasn't
3 participatory in those briefings. Would you characterize that completely different?

4 A. The families did not care for the way things were presented to them by Bob
5 Murray. I think there's a lot of anger there from the families and I can understand why.
6 To a certain degree I can see some of the meetings where they would perceive it that
7 way because Bob Murray is quite a presence. And when he's there, you know he's
8 there. And when he's in charge, he wants to be in charge.

9 You mentioned something about being in front of the press in front of a TV, I
10 think in the future it might be a good idea to let him do his thing and I don't know, I
11 wouldn't have wanted ---. You asked my opinion earlier, and this is kind of in
12 reference to what you asked my opinion ---. If it had been me and the way Bob
13 Murray was being perceived by the families and the general public, my press
14 conferences would have been totally separate from his and I wouldn't have been
15 standing behind him when he's up there in front of that camera, just from what the
16 perception that that gives out. Does that answer that question?

17 Q. Yes, it does. Thank you.

18 A. But that's hindsight. It's easy to have hindsight.

19 MR. TEASTER:

20 Anymore questions. Ex. (b)(6) and Ex. (b)(7)(C)

21 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

22 Yeah. I just had a couple, but I'll just follow up on that
23 question first. So in your opinion do you think MSHA fulfilled its duty to be the primary
24 communicator with the press?

25 A. In my opinion?

1 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

2 Yes.

3 A. I think they --- again, I'll just reiterate what I said. If it had been me --- after
4 watching the outcome, I don't know how many times I would have had to have gotten
5 up there with Mr. Murray before I realized that I don't need to be up here with him, I
6 need to separate --- distance myself from that and show myself not standing behind
7 him and waiting my turn to get up there. I think that gave the wrong perception.

8 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

9 Okay. What about fulfilling its obligation to be the primary
10 communicator of the families, do you think MSHA fulfilled that role?

11 A. In conjunction with the company, yeah. As far as being there by themselves
12 speaking by themselves, I do not. I think they tried to give the perception when they
13 came and talked to the families as we are working together to solve the problem of
14 getting to these men and we're finding out whether they're alive or not. And I think
15 they tried to give the perception of, we're working as a team, and some of that
16 backfired on them, I think. But I can understand why they would want to do that. I
17 mean because you're wanting to try to give these families and everybody watching,
18 we're doing everything we can, yes, we're regulators over here, but we're also
19 servants of the public and we're trying to work with our stakeholders to solve this
20 problem and to get to these men as best we can. And the only way that we're going to
21 do that is to work as a team. And I think that's what they tried to show, is they were
22 working as a team. I don't think it quite came across that way, all the time.
23 Sometimes it did, when Rob Moore and Mr. Stickler worked together, sometimes it
24 didn't. Not always.

25 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

1 One last question. The MINER Act also requires MSHA to be
2 as responsive as possible to the requests of the families. Do you think that MSHA
3 fulfilled its obligation in that regard?

4 A. To be as responsive as ---?

5 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

6 As possible to the requests.

7 A. As possible to the families?

8 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

9 Yes.

10 A. On my part, yes. With the role that I played ---

11 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

12 Sure.

13 A. --- or any of the other family liaisons played, I think yes. But then again we're
14 separating, you know, the question that Joe asked about us not being up in front of the
15 stage being the one speaking to the families during family briefings. Now, again, I
16 think that was smart that they did do that because I don't feel like I had the insight
17 from being up there in the command center, you know, in the mix of things of finding
18 out ---. Yeah, somebody could have called Richard Stickler, or Kevin could have
19 called me and said, this is what I want you to say to the families, but then when
20 questions started coming out, I'm going to look like a stoned person up there reading
21 off this saying --- and I would have to say, I don't know that at this time. And I would
22 have to take the question down and try to go find an answer to it.

23 By Mr. Stickler coming out there and putting himself out in front, and he took a
24 chance when he did it, I admire him for doing it. He was able to answer those
25 questions right there on the spot. And they went even so far as to bring the driller in at

1 certain ones and that was a good thing.

2 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

3 Okay. That's all I have.

4 MR. PAVLOVICH:

5 I just have one more getting back to this program policy letter.

6 When you first saw this, Robert, again, this coming out when it did after your training,
7 did you see this in any way as conflicting with the training that you had here at the
8 academy what you saw what they kind of had outlined for you in this policy?

9 A. No, not really. I was in hopes that what happened did happen, and that was
10 me not having to get up before the families and doing what I just described, because I
11 know that if I'm back here with the families, I'm not up here getting some of these
12 answers to questions that they're going to have. And they needed to have somebody
13 up there in front of those families to give those answers or that had the ability to give
14 those answers instead of just a blanket statement from time to time. So, you know,
15 that says that I'm going to be the one to get up there and give that blanket statement.
16 I'm glad it didn't pan out that way. Did I answer that question?

17 MR. PAVLOVICH:

18 Yes.

19 BY MR. TEASTER:

20 Q. Robert, is there anything that you'd like to share with us that we've not asked
21 that you think might be helpful to us in completing this project?

22 A. The one thing I don't know if you have or not, and that's what I just mentioned
23 a minute ago. And I still got my copy of it. I didn't even think about it until I
24 mentioned a minute ago. And Bill can provide you that when he comes. And, Carla,
25 you might have it there already, but that's that few sheets of paper that I had where I

1 had everybody's contact names and the families' names and all that. I don't know that
2 you would want that, but that is what I was given when I first came on the spot to kind
3 of have a reference to go by. And whether that would be of benefit to you, I don't
4 know. It was given to me, if you want that, if you need me to provide it, when I get
5 back I can send it to you.

6 MR. TEASTER:

7 Sure I appreciate it.

8 A. Bill will have it, too, he's the one that gave it to me. And you might have it in
9 there. I can look through there and see, if you want me to.

10 MR. TEASTER:

11 Okay. I think that's all handwritten stuff there.

12 A. Well, this was handwritten. What they gave to me was just written on a sheet
13 of paper.

14 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

15 There's some different papers towards the back.

16 MR. TEASTER:

17 Yeah. That's not related to the liaison ---.

18 A. This just had a list of each --- the person, one of the miners, and their families,

19 Ex. (b)(6) and Ex. (b)(7)(C)

20
21 UNIDENTIFIED SPEAKER:

22 I don't remember seeing anything.

23 MR. TEASTER:

24 No, I don't think we have it here.

25 UNIDENTIFIED SPEAKER:

1 A. Jeremiah Chapter One says that he told --- God told Jeremiah, I knew you
2 before you were ever in your mother's womb. And then to paraphrase, I had a
3 purpose for you, when I put you in your mother's womb. And I think that God opens
4 doors for us and I truly feel that even though I didn't volunteer for it, that was already
5 brought out, I truly feel that this is an opportunity to share my faith with some people.
6 And I'm no holier than thou kind of guy but I have my faith and this was an opportunity
7 to share that faith in an area of the country where our faith's kind of different, but I saw
8 it as an opportunity.

9 MR. TEASTER:

10 Well, we appreciate your efforts. And thank you so much
11 for coming in.

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