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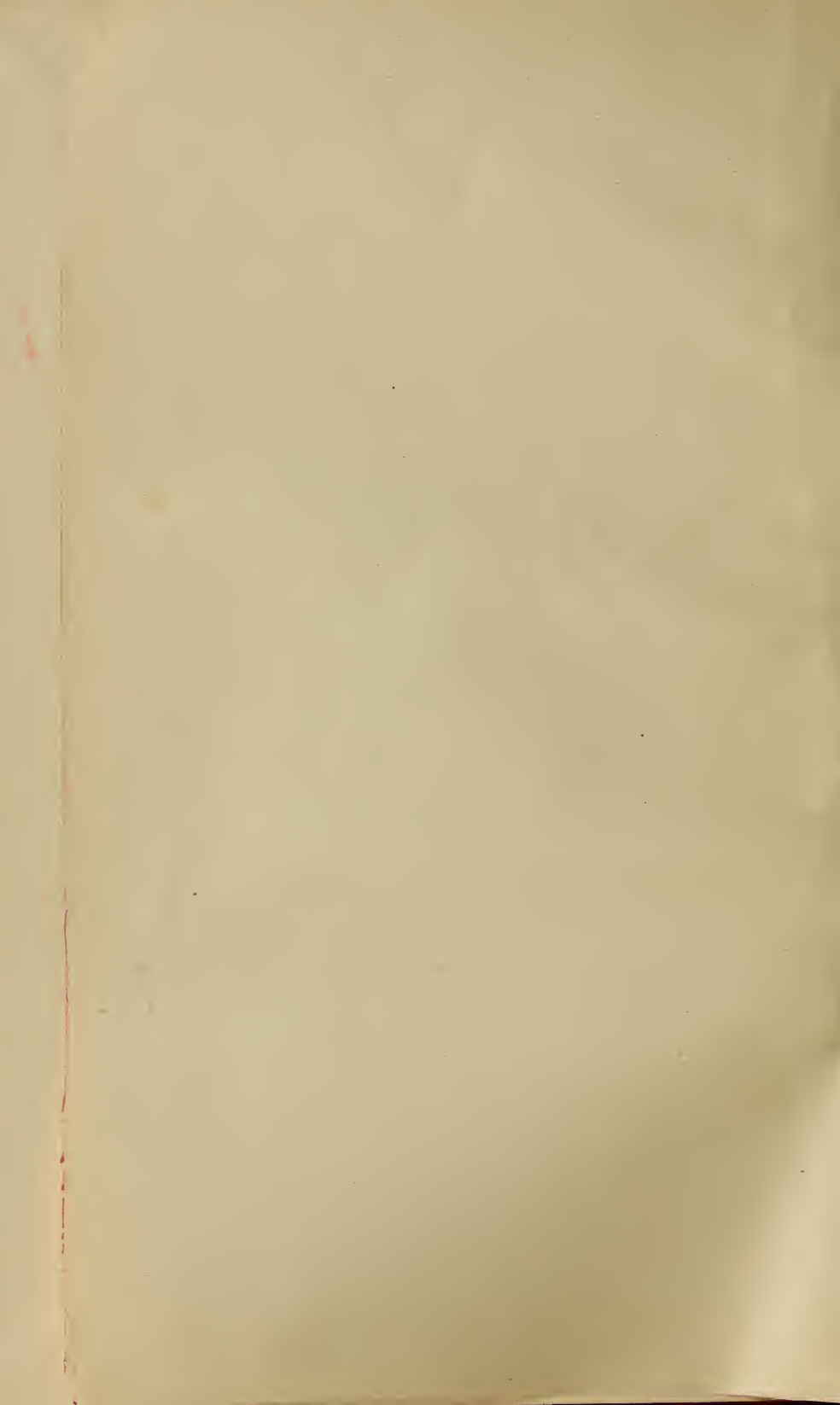
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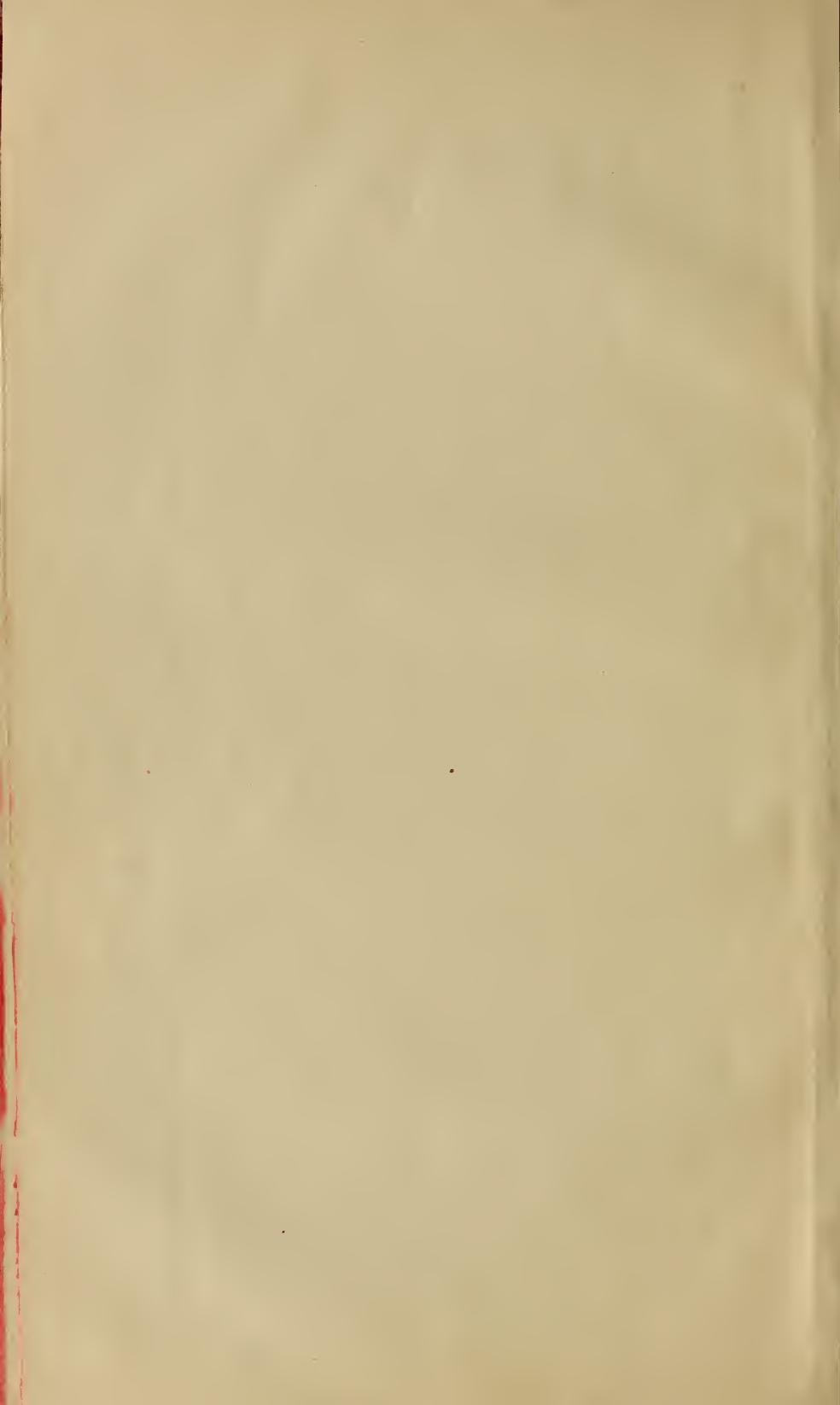
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Conditions in the Coal Mines of Colorado

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IN THE MATTER OF THE HEARING
BEFORE A SUBCOMMITTEE OF THE COMMITTEE
ON MINES AND MINING, HOUSE OF REPRESENTATIVES,
SIXTY-THIRD CONGRESS, SECOND SESSION,
PURSUANT TO HOUSE RESOLUTION 387,
AUTHORIZING AND DIRECTING THE COMMITTEE
TO MAKE AN INVESTIGATION OF THE CONDITIONS
IN THE COAL FIELDS OF COLORADO

BRIEF OF THE COAL MINING OPERATORS

- FRED HERRINGTON
Attorney for the Colorado Fuel & Iron Co.
- FRANK E. GOVE
Attorney for the Victor-American Fuel Co.
- J. V. DICKMAN
Attorney for the Rocky Mountain Fuel Co.
- GEORGE C. MANLEY
Attorney for the Oakdale Fuel Co.

- CHARLES HAYDEN
- JESSE G. NORTHCUTT
Counsel for the Appearing Coal Companies

WASHINGTON

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CONDITIONS IN THE COAL MINES OF COLORADO.

IN THE MATTER OF THE HEARING BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON MINES AND MINING, HOUSE OF REPRESENTATIVES, SIXTY-THIRD CONGRESS, SECOND SESSION, PURSUANT TO HOUSE RESOLUTION 387, AUTHORIZING AND DIRECTING THE COMMITTEE TO MAKE AN INVESTIGATION OF THE CONDITIONS IN THE COAL FIELDS OF COLORADO.

BRIEF OF THE COAL-MINING OPERATORS.

We believe we can facilitate the comprehension of the committee by a statement of the controversy, an introduction of the parties disputant, the history leading up to the strike, and the history made by it.

This controversy grows out of what is popularly referred to as a strike among the coal miners of Colorado, but it in fact embraces few, if any, of the elements of a strike. A strike occurs when a majority of the employees of an institution, for some purpose sufficient unto themselves, cease work in a body. Such cessation usually occurs after a vote has been taken on the question in some proper manner by the workmen involved.

The present controversy is not a strike, for the reasons: First, the employees did not vote to call the strike; second, the majority of the miners did not walk out on the call, less than 25 per cent having responded thereto. In addition to those who responded to the call, probably 10 per cent, desiring to free themselves from the war threatened by the call of the strike, left the State. More than 60 per cent of the men remained at their posts of duty.

Instead of a strike this controversy is an armed insurrection against the sovereign authority of the State of Colorado, conceived, planned, financed, managed, and directed by the officers and leaders of the United Mine Workers of America, inaugurated more than 10 years ago and pursued with a persistency and villainy most insidious and reprehensible as we shall proceed to demonstrate in the following pages.

Among the many sources of wealth which nature has so bounteously deposited within the boundaries of the great commonwealth of Colorado, is that of coal, rich in variety and quantity.

In Colorado there are more than 11,000,000 acres of coal land. The United States Government owns more than 10,000,000 acres of this valuable product. The State of Colorado owns a little less than one-half million acres of it. By the coal operators there is held less than 5 per cent of the total area. Of the State's coal land, about 14,000 acres, through the medium of leases to private parties, are

paying to the State an annual revenue of approximately \$60,000, which revenue is covered into the school fund as a contribution to education and civilization from one of the great industries of the State.

The arduous task of developing the coal lands of the State of Colorado began more than 30 years ago. Its history and results are as unlike the development of the metalliferous fields as it is possible to imagine. Instead of the fabulously rich strikes and overnight fortunes of the lode and placer mining regions, the development of the coal mines has been one of patient toil, requiring from those enlisted in the enterprise the exercise of judgment, arduous effort, and the expenditure of large sums of money. No individual fortunes of dazzling dimensions have been made in the coal fields, as have been realized in uncovering the precious metals. True, some reward has been gathered by those who have embarked in this enterprise, but whether commensurate with the struggle, turmoil, and distracting contention, remains to be seen.

The halting uncertainty which dogged the footsteps of those whose temerity prompted them to launch the industry on exclusive lines is still fresh in the minds of the maturer generation of business men of Colorado. The courage with which they invested their last dollar in the face of doubt, was admired. The success of their persistent efforts in interesting eastern capitalists in their enterprise was applauded; at a risk which, in the minds of investors, usually demands a promised high rate of interest, the coal fields have been developed to such an extent that they have enabled, through their traffic, railroads to be extended into the mountains where they were unknown before; they have built up and maintained an immense steel plant; and through the combined efforts of the railroads, the steel plant, and the development of the coal fields, the population of Colorado has been largely increased; and we, the citizens, the heterogeneous components of the general commerce of the State, reaped with avidity our several rewards drawn from general business activity stimulated and encouraged by the wise and judicious investment of the capital brought into the field by the energy of these early coal operators who are now made the victims of the calumnious darts hurled by the idle and vicious-minded agitators of various complexions with which our wonted busy State is so unfortunately cursed.

Since the beginning of this industry in the Centennial State it has gained steadily in the face of determined though blind and uncalled-for opposition, until it stands now among the largest and most indispensable of our industries.

The pioneer in the industry had much to contend with not known to the modern operator; everything was to be found; the labor to mine the coal, the money with which to pay the labor, and finally the market in which to sell the product, were all problems for his solution. The experienced miner was not at our door, but had to be induced to come, and the pioneer employer was obliged to pay the wages and offer the conditions that would attract labor from the eastern States, which are nearer and more accessible to the seaports where the immigrant accretions to labor are constant.

While the capital of the East has been a potent factor in the solution of these problems and the advancement of the industry, a certain organization founded in the East has just as consistently done

its part to impede the progress, which will clearly appear as the events leading up to the present rebellion are uncovered.

This brings us logically to the introduction of the United Mine Workers of America, the complainants here, and the *sine qua non* of the present controversy.

Although coal mining is an industry that has always been more convulsed by labor disputes than any other (vol. 25, p. 1029, *Encyclopedia Britannica*), strikes in the coal fields of Colorado have been few, far between, and inconsequential until the year 1903. True, there was a local walkout in some of the coal mines of Colorado in the year 1885, but of such insignificance in magnitude and duration as to fail of chronicle in the history of labor troubles, and now finds evidence only in the memory of man.

During the spring of 1894, when strikes seemed to be the order of the day in all industrial lines throughout the country, a few of the coal mines of southern Colorado experiences a strike of about 40 days, which was confessedly called as an expression of sympathy with the coal miners in Pennsylvania, who were then on a strike which was being conducted by this same expert organization, the United Mine Workers of America, then young in its being.

The Pennsylvania strike was adjusted soon after the sympathetic strike, so called, in Colorado (though not as a consequence thereof), and when settled those engaged resumed their work without the slightest consideration of the predicament or welfare of their Colorado brethren, but left them to "shift their own gear"; the result being a scramble for the places in the mines which they had so recently abandoned.

At that time, be it understood, the number of miners working in Colorado was so small that the possible dues of membership in the union had not been tempting. But very soon thereafter the ambition of this self-constituted guardian of the laboring man's interests spread until it finally, in its avarice, coveted the entire Western Hemisphere. And here let us inquire: "Who is it?" "What is it?" and "What is its purpose?"

John R. Lawson, a member of the national executive board of the United Mine Workers of America, representing district No. 15, in his testimony given before this committee, says: It is a "voluntary organization composed of men and boys who work in and about the coal mines of the United States and Canada." That its "purpose is to increase wages, improve conditions * * * to safeguard the lives and health of employees." (Rec., p. 204.)

But the Federal district court of the United States, sitting in and for the northern district of West Virginia, at the conclusion of a most painstaking and exhaustive investigation, declares the association to be an unlawful one and organized for unlawful purposes. It is not a hastily rendered opinion by a biased court, but a profoundly studied product promulgated by one cognizant of all the benefits to be derived from lawful, well directed labor organizations.

The opinion may be found, beginning at page 512 of volume 202 of the Federal Reporter; and on page 554 thereof the following language is found:

I conclude, therefore, that this organization, known as the United Mine Workers of America, is an unlawful one, because (a) of its principles, as set forth in its constitution, obligation for membership, and rules, which (1) require its members to

surrender their individual freedom of action; (2) seeks to require, in practical effect, all mine workers to become members of it whether desirous of doing so or not; (3) seeks to control and restrict, if not destroy, the right of the mine owner to contract with its employees independent of the organization; (4) to exclude his right to employ non-union labor if he desires; (5) to limit his right to discharge, in the absence of contract, whom he pleases, when he pleases, and for any cause or reason that to him seems proper; (6) assumes the right on its part, by and through its officers, to control the mine owner's business by shutting down his mine, calling out his men upon indefinite strike in obedience to their obligation to the union, whether the men desire to quit work or not, whenever the union's officers deem it to be for the best interests of the union, regardless of the rights and interests of the mine owner, and regardless of his direct loss and damages and such indirect loss and damage as may be incurred by him by reason of the resultant violation of contracts by him with others. (*Adair v. United States*, 208 U. S., 161; 28 Sup. Ct., 277; 52 L. Ed., 436; 13 Ann. Cas., 764.) I further conclude that it is an unlawful organization, because (b) of its procedure and practices, in that (1) it seeks to create a monopoly of mine labor such as to enable it, as an organization, to control the coal mining business of the country; and (2) has by express contract joined in a combination and conspiracy with a body of rival operators, resident in other States, to control, restrain, and, to an extent, at least, destroy the coal trade of the State of West Virginia. It has spent 14 years' time and hundreds of thousands of dollars in an effort to accomplish this unlawful purpose.

The contract referred to immediately preceding is the compact entered into between this organization and the coal operators of western Pennsylvania, Ohio, Indiana, and Illinois, in the city of Chicago, during the year 1898, and reconsidered in a later conference at Cincinnati in 1910, the proceedings of which later conference are set out on pages 534 and 535 of the opinion above referred to.

From these proceedings, it appears that, as a result of the Chicago conference, wages in the States of Pennsylvania, Ohio, Indiana, and Illinois, were advanced from 56 to 66 cents per ton, and various other concessions to the miners were made. The operators of the States mentioned, after the concessions made, and consequent burdens assumed, found themselves in competition with the nonunion mines of West Virginia and Kentucky, and, during the Cincinnati conference in 1910, complained in the following language:

The granting of the eight-hour day by the operators, after making these numerous other important concessions, was with the distinct understanding and explicit promise of the miners to give to the operators of the four contracting States adequate protection against the competition of the unorganized fields. From year to year they have been called upon to fulfill that promise.

And, during the same conference, further comment was made as follows:

Finally, we ask for the fulfillment of the pledge of 1898, upon which we made to the miners so many important and costly concessions. Though that promise has not been kept, we have continued for 12 years to make additional concessions by increasing the mining price from 66 cents agreed upon at that time to 90 cents, and in other respects conceding demands without any compensating concessions upon the part of the miners, until we now find ourselves at the limit of financial safety. The operators can make no further concessions. It is now, in our view, not only to the interest of the miners, but their duty as well, to do their share to meet these conditions. (*Hitchman C. & C. Co. v. Mitchell*, 292 Fed., 535.)

From these observations, the gigantic undertaking, and likewise the unlawful character thereof, entered upon by the union in pursuance of the terms of its constitution and by-laws, are made clear, and fully justify the court in its holding. And here, demonstrating the court's grasp of the situation, and its realization of the thoughtful and watchful attention being given by the States of the Union and

the Federal Government to labor unions and to the cause of labor, we quote the following:

Before applying these principles to this particular organization and case I can not, in view of the extended quotations from labor leaders and advocates contained in the brief of counsel for the defendants, but disclaim the sentiment expressed by such leaders, to the effect that either the legislative bodies or the courts of this country, Federal or State, have been or are unfriendly to labor organizations. The contrary is true. The statute books are full of laws for the benefit of labor, to better their conditions, to insure their health, safety, and their lives. Organized labor is entitled to all praise for the effective work done in aid of securing these laws. And the courts of the country have been prompt in fully and effectively enforcing such laws.

All labor unions organized for lawful purposes and striving to achieve those purposes by lawful means and procedure are entitled to the protection of the law to the fullest extent; but, on the other hand, any and all combinations, labor or otherwise, organized for unlawful purposes, or being lawful in purpose which are prostituted to unlawful proceeding and to the accomplishment of unlawful ends, should be required either to reform their unlawful purposes, cease from their unlawful procedure, or cease to exist. And no part of the body politic is or can be more vitally interested in the suppression of labor organizations unlawful in purpose or proceeding unlawfully than the members of such organizations lawful in purpose and procedure.

In that case, as in the one here involved, the organization was attempting to coerce the complaining coal company to enter into a contract with its organization to require it to employ only the members of the organization in its mines, and the court holds such demand, enforced in the manner, namely, by force of arms and intimidation of the workmen of the complainant, was unlawful and should not be permitted. But the court goes further and holds that the very purpose of the organization, as set out in its constitution, makes it an unlawful organization, and the pledges which it takes from its members require them to surrender their free will and liberty in contravention of the guaranties of our bill of rights and the Federal Constitution.

The constitution of this organization is set out beginning on page 2766 of the record, and by the very first section of Article II thereof provides:

First. To unite in one organization, regardless of creed, color, or nationality, all workmen eligible for membership employed in and around coal mines, coal washers, and coke ovens on the American Continent.

Second. To increase the wages and improve the conditions of employment of our members by legislation, conciliation, joint agreements, or strikes.

And here we pause to direct attention, parenthetically, to the organization's caprice, as well as its antagonism to anything that smacks of law or law enforcement, by reference to its definition of eligible members. Section 2 of Article XIV of its constitution excludes from membership boy scouts.

Parents who have felt a thrill of pride as their boys, in early childhood, strutted forth in the uniform of the boy scouts, will feel some chagrin, doubtless, to know that their patriotism taboos them from membership in this grand order.

There are many adjudicated cases showing how and in what manner the organization proceeds to bring about the adherence to its order of all persons in any way connected with the coal-mining business, and when that purpose is accomplished, by whatever means, the results which must necessarily follow can be readily imagined. It has evidently gained a reputation before coming to Colorado.

1. Hitchman Coal & Coke Co. v. Mitchell, *supra*.
2. U. S. ex rel. v. Haggerty, 116 Federal, 510.
3. U. S. ex rel. v. Gehr, 116 Federal, 520.
4. Commonwealth v. Shortall (Pa.), 55 Atlantic, 952.
5. Ex Parte Jones, 77 S. E. 1029 (W. Va.).
6. Fortney v. Carter, 203 Federal 454; C. C. A. 4, 1913.
7. Carter v. Fortney, 170 Federal, 463; C. C. N. D. W. Va., 1909.
8. Carter v. Fortney, 172 Federal, 722; C. C. N. D. W. Va., 1909.
9. State of Arkansas v. K. & T. Coal Co., 96 Federal, 353; C. C. W. D. Ark., 1899.
10. U. S. v. Sweeney, 95 Federal, 434; C. C. W. D. Ark., 1899.
11. Mackall v. Ratchford, 82 Federal 41; C. C. W. D. W. Va., 1897.
12. Hitchman C. & C. Co. v. Mitchell, 172 Federal, 963, C. C. N. D. W. Va., 1909

And this is the organization solemnly, after mature deliberation, adjudged an outlaw and trouble breeder, which more than 10 years ago fastened its greedy eyes on the ten thousand and more coal miners of this State as a source of contribution, through the check-off system, to its hungry treasury, and, as a blind to their real purpose, claimed the right, without invitation or solicitation, to come into our peaceful and happy community and tell the whole people, from the most humble to the most exalted, from the man with the shovel to the Governor of the State and our delegation in Congress, how we should direct our affairs.

They tell us we are all wrong: Our laws are wrong, and our administration of them worse. Our institutions are wrong, and challenge not their respect. And they, the all-wise and overgenerous, assume to establish a new order of things shaped according to their own conceived pattern. And this is how they begin it and carry it out.

It will be observed from what has been said that an obligation was assumed by this organization at Chicago, in 1898, to unionize certain States; and the current history of the country has made familiar to the reading public what was done in pursuance of that obligation.

The miners here attempt to give prominence to the supposed primary action of the Colorado miners in calling the present strike; while it is contended by the operators that their miners were contented, satisfied, and prosperous, desired no cessation of work, and, if permitted to act voluntarily and without coercion, would not have ceased work, and that they were not only influenced but led blindly or driven by fear into their present situation.

In support of this contention of the operators, there is much historical evidence: It is without doubt that the United Mine Workers of America has been for a period of more than 20 years, in fact since its earliest organization, waging a ceaseless warfare for the control of coal mining labor on the western hemisphere. The time was when they were not so adroit or hypocritical as now, and boldly asseverated their participation in the inauguration and conduct of coal strikes. And it is in evidence before this committee that the present strike is a renewal of the strike of 1903, that it was called by the same organization and conducted for the same purpose.

The strike of 1903 was inaugurated by a resolution passed by the United Mine Workers of America in convention assembled, at Indianapolis, Ind., on October 9, 1903, that resolution being in words and figures as follows:

Resolved. That the national executive officers are hereby given full power to inaugurate a strike in district No. 15 in one week after the adjournment of the national executive board, if a conference can not be arranged or an adjustment made of the Colorado situation. (Report of Labor Disturbances in Colorado by United States Commissioner of Labor, p. 333.)

This resolution was preceded, very much as the present strike was preceded, by a written communication to the coal operators, advising them, in most vague and general terms, of the horrible conditions under which their men are working and suggesting a conference with the officers of the United Mine Workers of America.

In the month following the passage of the resolution above quoted the walkout of 1903 took place. A few of the mines closed temporarily. Prompt and well-directed military intervention prevented the wholesale bloodshed and destruction of property which has characterized the present strike, and the orderly deportation beyond the trouble zone of the nonresident trouble breeders speedily restored peace, and those who desired to work were protected in so doing, resulting in a return of normal conditions in the region where the organization was ignored, namely, the entire State except the northern field and one or two isolated mines in the southern field. The strike was not called off, in strike parlance. The strikers simply let the miners alone and they gradually returned to work, as they would do now if permitted. The miners were addressed by the then national president, John Mitchell, and, in concluding his address he admonished them as to what they might expect in the future and thereby recorded further evidence of our present contention of the origin and beginning of this strike in the language following:

It is our sincere hope that all who have participated in this struggle may be able to secure speedy employment; that they may retain their interest in the organization and prepare themselves for a more successful movement at the first favorable opportunity. It is not our intention to abandon the work of organization in Colorado and Utah. We propose continuing our efforts to organize the men in these fields.

This is found in a letter dated at Indianapolis, Ind., and reported on page 356 of Report of Labor Disturbance in Colorado, by Carroll D. Wright, Commissioner of Labor.

And it was probably the consciousness of this determination so long since rooted, that prompted the United Mine Workers of America to make the promise in 1906, to the southwestern operators, that they would unionize the Colorado and New Mexico fields. For in a meeting of the operators of Missouri, Kansas, Arkansas, and Oklahoma in a conference over wage controversies pending in these States, 1910, the operators promulgated a written communication which was published in pamphlet form, and on page 11 thereof is found the following:

In 1906, a definite promise was made to the operators of the Southwest that the Colorado field would be organized. This has not been done, and the Colorado and New Mexico coal has further encroached on our territory since that time. The coal from these two fields is displacing coal produced in district 21 in Fort Worth and territory west thereof.

This published statement was given wide circulation, was undoubtedly known to the miners, and no denial was made of the truth of it.

As a result of the 1903 strike, the mines in the northern field were unionized—that is, contracts were signed between the organization and the mine owners, and none but union members were allowed to work in or about the mines. This affiliation of the two forces resulted as shown by the testimony of Mr. C. L. Baum, beginning at page 576 of the record and of Hon. James H. Blood, beginning at page 2411.

Mr. Baum as shown by his testimony, began the operation of his mine in 1905. As appears from his testimony he had not worked long until the United Mine Workers of America applied for permission to organize the miners in his mine; this he refused, and they negotiated, threatening to call out the men. It appears that this continued through the years 1906 and 1907. Finally it was consented by Mr. Baum that the miners should organize and that he would sign a contract with the local union, but expressly declined to enter into a contract with the United Mine Workers of America, and thereupon, as it will appear, his troubles began.

The contract in relation to the local union did not bring him sufficiently under the domination of the parent organization. He remonstrated against additional burdens imposed by the parent organization, and, among objections to entering into the contract, cited the fact that neighboring nonunion mines which competed with him in the market were not subject to those burdens. But, as to this objection, he says:

Mr. Lawson, in reply to a question from me, said, in the presence of Mr. Babcock, that within 90 days the Leyden mine would be signed up with the United Mine Workers of America, and within six months the entire southern field would be organized. I said at that time that upon that promise I would be induced to make a concession and sign this agreement, which under other circumstances I would not feel like doing. We had a little trouble in June, 1908. We were not progressing evidently to the satisfaction of the United Mine Workers of America. (Rec., p. 585.)

In addition to this promise, shortly thereafter they served on him a notice as follows:

LAFAYETTE, COLO., June 19, 1908.

NOTICE TO ALL MEMBERS OF LOCAL NO. 1388, U. M. W. OF A.

You are hereby notified that a suspension of work will take place at 4 p. m. ———, 1908. The companies will be allowed the necessary men, such as engineers, firemen, pumpmen, and brattice men, to work to keep their mine intact. Said help will not be allowed to load any coal under any consideration.

All men heretofore mentioned that have been employed by the company that will be laid idle will be given an equal share of work in their turn, and whenever the company demands more help, they will notify the pit committee and the pit committee will investigate the same before any other help may be employed.

By order of subdistrict No. 1 of district 15, Local Union 1388, U. M. W. of A.

Per JAMES McCUNE, *President*,
B. M. BRILLHART, *Secretary*.

Shortly after the service of this notice, Mr. Baum, with the other coal operators, entered into a contract which was to last until March 8, 1910. It may be observed that the earliest contracts were entered into and the strike in that field raised on November 30, 1903.

The happy life (?) led under the contract of July, 1908, is fairly well represented by the testimony of Hon. James H. Blood.

It is made clear from the witness's testimony, that he was on principle, an advocate of unions. Such being his view of the industrial question, it was easy for him to view the controversy in the

northern field from the standpoint of the miners; and as it appears from his testimony, he was largely instrumental, if not the moving cause, in prevailing upon the mine operators in the northern field to contract with the United Mine Workers of America in the year 1903, and he tells us in his testimony, that after entering into contract they experienced almost continual uneasiness. That several strikes occurred among the men locally, and he was unable to adjust them, save by appealing to the then national president.

These disturbances continued intermittently until the first of April, 1910, when their increasing and insistent demands became intolerable, and upon the refusal of the company to surrender, a strike was called, and as the witness says, "It was called contrary to all agreements."

What follows is more graphically told in the witness's own language:

By Mr. AUSTIN:

Q. Did you have an agreement at that time?—A. We had contracts prior to that in which it was agreed that the men should continue at work during negotiations—while negotiations were pending to renew the contract. The contract had expired, and in violation of this agreement, and without notice, they went out on us and ordered the strike, and not only that, they called out the firemen, the engineers, the pumpmen, all of those men that are necessary to preserve and maintain the property, to care for the property—which is all contrary to their principles, as I understand it, and I believe I do. I believe I am familiar with the United Mine Workers rules.

* * * * *

After the strike had been called—prior to this for a number of years, and during the time that our relations had been very amicable, we had been building up our business; we were operating 10 or 12 mines within 20 to 25 miles of Denver, and the mines were out on the prairie. Towns had been built up around the mines, and our employees had their homes in the towns and controlled the towns. The towns were more like typical New England towns than they were like mining camps in this respect. We had done everything we could to build up these towns. Our mines were in the open, without any protection whatever, and no fences around them—nothing to protect them. After the strike was called and our engineers and firemen and pumpmen went out, we then called upon Mr. Capp for protection in the matter, as all sorts of threats were being made against the property, and we were afraid of fire or some other danger.

Q. Mr. Capp was the sheriff?—A. Mr. Capp was the sheriff of Boulder County. He has just been on the stand here. At that time he was the sheriff. Mr. Capp said that he would be neutral; that he would not allow either side to do anything that was injurious to the other. That was the substance of his statement to us at that interview. That was all we wanted. In the meantime, in order to protect our property, we had to hire engineers, firemen, and pumpmen in the city from employment agencies and from buildings, anywhere we could get anyone that understood anything about machinery, and because of these threats that were made. They were so alarming that we considered it best to take some action in behalf of our men. We took a trainload of firemen and engineers up there within a week after the strike, men simply to protect the property, but not to operate them. They were not miners. They were engineers and firemen and pumpmen, who would maintain the plants, so that water could be pumped and the mines would not be ruined and destroyed. We found that these men that we were taking up there, there was not a time when one of them could go to the post office for his mail or go to the store to buy anything that he would not be assaulted and beaten up, and we again appealed to Capp, without success. In the meantime we had appealed to the county commissioners of Boulder County for protection in the matter, and they directed Mr. Capp to employ deputies to take care of our property and see that the property was preserved. The deputies that were employed by him were either strikers or sympathizers with the strikers. I believe Cassidy and some others were actually strikers, and instead of getting protection when our men were being assaulted, the deputies would leave the individual to be beaten up and maltreated. In the meantime, when things were going on in this condition it was necessary, we saw, in order to protect the property to build wire fences around the property that inclosed the mines.

Here we get a pretty clear idea of the manner in which this organization complies with its contracts. And later on in this brief we shall probably advert further to this subject.

And it is this strike of 1910, the outgrowth of the contract of November, 1903, renewed in July, 1908, about which the witness, Blood, has been testifying, and which continued, and still continues in name, for the success of which the present strike was called last fall. This is clear from the record made and published by the United Mine Workers of America in the *United Mine Workers Journal* of July 24, 1913, volume 24, No. 1, in which we find the following:

Your committee further recommends that this board indorse the management of the strike in northern Colorado and reaffirm our indorsement of said strike and pledge our continued financial support in the future, and authorize the international resident officers, if in their judgment it becomes necessary for the success of the strike in northern Colorado, that they be empowered and are authorized to call out on strike any part or all of the district. The matter of outlining policies to govern the future is to be left to the discretion of the resident international officials. (Rec., pp. 292-293.)

In the same papers, under date of August 22, 1913, we find the following:

OFFICIAL NOTICE.

INDIANAPOLIS, IND., *August 22, 1913.*

To the officers and members of the United Mine Workers of America.

BROTHERS: During the past year we have conducted a most aggressive organizing campaign in practically every nonunion coal field on the American Continent. In all this work we have met with a large measure of success.

Our accomplishments in West Virginia alone exceed the expectations of the most enthusiastic among our membership. We are conducting strikes in Colorado, Vancouver Island, and elsewhere, all of which are very important. We contemplate a continued campaign in West Virginia and southern Colorado, as well as in other non-union sections.

In order to provide funds for carrying on this campaign we are levying an assessment of 50 cents per member for two months, during September and October. Therefore, in accordance with our laws, you are hereby officially notified that an assessment of 50 cents per member per month is levied on each and all members of our International Union for two months beginning September 1, 1913. If each and every member will respond promptly and cheerfully, you will increasingly help bring about success in establishing the organization everywhere.

Please send all money to William Green, international secretary-treasurer, 1101-1106 State Life Building, Indianapolis, Ind.

Fraternally, yours,

JOHN P. WHITE, *President.*

FRANK J. HAYES, *Vice President.*

WILLIAM GREEN, *Secretary-Treasurer.*

And just preceding the present strike and before any so-called convention of the miners of district No. 15 had been held to confer upon the subject, a meeting of the national executive board of the United Mine Workers of America was held in Kansas City, Mo., and by them it was determined to call the present strike, and such conclusion was fixed and irrevocable before ever the so-called convention at which the strike was supposed to have been ordered was called together.

In the face of these preparations, the management of the present strike contends that it was called by a delegate convention of the miners of the Colorado coal fields, held in Trinidad on September 16, 1913, but from the foregoing quotations from their own official organ it is clear who constituted the moving spirit of the strike movement, and also very clearly shows that the present strike is a continuation of the struggle started 10 years ago. Such fact is further corrob-

orated by the testimony of John R. Lawson, given before the committee, by which it is established that the workers and organizers of the United Mine Workers of America were kept in the field from that time on, until the famous convention of September 16, 1913, was held, which Mr. Lawson, in his testimony, tells us was composed of delegates some of whom were elected from what he pleased to term the independent membership of the order. This independent membership, he explains on page 291 of his testimony, was floating in character and not necessarily attached to any particular local union.

But Mr. Lawson did not need this convention to inform him that the strike was to be called, because, long before the publications in the official journal from which we have quoted and about a year before this notable Trinidad convention was called, Mr. Lawson tells a confidential friend, then a candidate for governor of the State of Colorado, that the strike would probably be called. (See statement of Gov. Ammons, p. 2836 of record.) And undoubtedly everything was in readiness, and this strike would have been called in the fall of 1912 had it not been for the unexpected outbreak in West Virginia.

Now, let us see what further preparations than the correspondence conducted by the officers of the union and the levy of an assessment, as indicated by the above quoted publication, were made by the officers of this organization. It is admitted by their officers, in testimony given before this committee, that, among other things, they bought tents in which to house the persons whom they expected to take from their places of abode upon the calling of this strike; that they leased or purchased land in various places, where these tents were to be pitched; that they bought provisions for the people who were to occupy the tents; that they bought arms, consisting of rifles and other guns and ammunition for the use of the strikers. In fact, their preparation does not indicate a preparation for a strike, as the term is ordinarily understood, but indicates more clearly a preparation for a war of conquest, and that is exactly what this strike has been, and what it was intended to be from the first, as must clearly appear to the thinking man, from the character and manner of the preparation. When we cast our eye over the coal field in southern Colorado and witness the manner of occupation thereof taken by the organized army of strikers, no other conclusion is open to us.

The coal field in question where the greatest amount of disturbance had occurred up to the commencement of this investigation is located in Las Animas and Huerfano Counties. The mines affected by the strike are located between the Huerfano River, in Huerfano County, and the southern boundary line of the State of Colorado, along the Colorado & Southern Railway to Trinidad, thence westerly along the Colorado & Wyoming Railway for a distance of over 30 miles, and southerly on the Atchison, Topeka & Santa Fe Railway to Wootton, the distance from north to south being about 60 miles and westerly from Trinidad about 30 miles.

In this area are located about 50 operating mines affected by the strike. Many of these mines are located in canyons in the mountain-side, with the opening of the canyon as the means of ingress and egress extending to the railroads over which shipments are made, and all persons going to or from the mines must travel up and down these canyons. Occasionally a canyon accommodates several mines. The

only means of ingress or egress other than the canyons mentioned is over the rugged mountains. Now, in the same area in which the mines above mentioned are situated, there were located by these organizers and leaders (most of whom are nonresidents of the State of Colorado, and few of whom ever mined a ton of coal in any of the mines of Colorado) 10 tent colonies; and anyone studying the location of these several tent colonies is convinced in a moment that they were not located by chance, but by most careful design; for each tent colony is located where it controls the traveling way to one or more coal mines, and it is practically impossible, and has been so ever since the 23d day of September, 1913, for any person to get in or out of any mine in the district mentioned without passing the scrutiny of some one or more tent colonies, which colonies, from the foundation thereof to the present, have been surrounded by armed strikers every moment of the time except when the military forces have been in the field. And from these several tent colonies, armed bodies of men almost daily sally forth and commit some act of violence, when not kept under subjugation by military power. The number and variety of the crimes committed by them is simply appalling, and, for the benefit of the committee, their various acts will be later tabulated and set out in chronological order in this brief. The leaders in this strike, and particularly the board member, Mr. Lawson, in his testimony, attempt to escape responsibility for the acts of the men whom they had been instrumental in arming, locating, and assembling at these various points of vantage for the commission of the depredations which presumably will force a yielding to their demands, by saying that the strikers were aggravated to the point of committing these depredations. That they were annoyed by the passing back and forth of Baldwin-Felts guards and deputy sheriffs. That also they feared attack upon their camps and stood guard under arms to protect those camps. And it occurred to counsel from time to time that these proffered justifications or provocations seemed to find sympathy with some of the members of the committee. We respectfully submit that an examination of the list and character of the crimes, together with the dates of the commission of the same, will disclose that this alleged aggravation, even if it were a justification or even extenuation for the crimes committed, is a subterfuge, and did not in fact exist save in the imagination of the leaders, who, in their speeches and agitation, filled the minds of the strikers with pictures of it. But even if the aggravating acts to which they allude had been committed, and committed in each instance previous to some violent outbreak of the strikers, they would not constitute a justification, excuse, or mitigation for the terrible crimes committed by these men under the direction of this organization which so stoutly demands recognition at the hands of civilized people and legitimate industries.

Man is known to have passion, and the experience of the world has demonstrated that such passion can be aroused, and, through an abundance of charity to human frailties, the law has seen fit to take into account the probability of the loss of temper and the consequent violence therefrom, and has seen fit to relieve parties, partially only, from the terrible penalties visited upon certain acts of violence if the act is done in a heat of passion, and our statute defines just what the

degree of crime resulting from a homicide under heat of passion is, and, under the head of manslaughter, defines it as follows:

Manslaughter is the unlawful killing of a human being, without malice express or implied, and without any mixture of deliberation whatever. It must be voluntary, upon a sudden heat of passion caused by a provocation apparently sufficient to make the passion irresistible, or involuntary, in the commission of an unlawful act or a lawful act without due caution or circumspection. * * * The killing must be the result of that sudden violent impulse of passion supposed to be irresistible; for if there should appear to have been an *interval between the assault or provocation given and the killing, sufficient for the voice of reason and humanity to be heard, the killing shall be attributed to deliberate revenge and punished as murder.* (Rev. Stat., sec. 1625-1627.)

So, in this case, unless our statutes are to be suspended by the dignity of war to which the organizers have raised their conquest and so themselves denominate it, their crime is defined by the above-quoted sections as murder.

And, doubtless, had the parties fostering this insurrection anticipated the probable application of these statutes, they would have used their political power to cause their repeal. For it is evident that, as a part of their preparation for their present struggle, they deliberately brought about the passage by the Colorado Legislature of certain laws which were intended to tie the hands of the coal operators and prevent the officers of the law affording that protection to property which taxpayers have the right to demand. The legislature of 1911, by an act found on page 487 of the session laws for that year, made it a crime for any person to hire or assist in hiring persons to guard, with arms or deadly weapons of any kind, other persons or property in this State, or any person or persons who shall come into this State armed with deadly weapons of any kind for any such purpose without a permit in writing from the governor of the State. And this prohibition applies to one who may desire to guard and protect workmen going from one place in the State to another. Of course there is a proviso to the statute referred to, as follows:

Provided, That nothing contained in this act shall be construed to interfere with the right of any person, persons, company, corporation, society, association, or organization in guarding their private property or private interests as now provided by law.

The construction placed on this proviso in the present strike, under the views of the governor, required the operators to keep all guards on their own land.

The same act and others passed during the last ten years, contain many other provisions designed to foster and aid the success of strikes. The effect of the provision prohibiting the guarding of men going from one place to another to work can be imagined when we realize that the men thus seeking to go to work in the mines would be required to pass a body of armed strikers. Undoubtedly the persuasive efforts of the miners thus passed would be forceful, to say the least; and union officials admit that these tent colonies were placed there partially to give the strikers an opportunity to *confer* with and *persuade* men going to work to desist therefrom.

This so-called strike, which the organizers themselves admit has grown into a war, and which we contend was intended by them to be a war before ever it was ordered, took effect on the 23d day of September, 1913, and they tell us in their testimony that that and a few succeeding days were devoted to moving the strikers from the mines to the tent colonies; and, so far as we have been able to learn,

no crime was committed on *that* day. But by noon the following day the pyrotechnics began, and from that time until the State militia was ordered into the field a reign of terror prevailed and a series of crimes were perpetrated by these people which, to say the least, manifests an energy which would be enviable if directed along proper lines.

The following is a chronological statement of some of their acts in the counties of Huerfano and Las Animas:

- Sept. 23. Coal strike formally declared.
 Sept. 24. Marshal Robert Lee, of Segundo, murdered by strikers. House of miner at Aguilar blown up by dynamite.
 Sept. 25. Strikers hold up Hastings hack at Ludlow.
 Sept. 26. Strikers again hold up Hastings hack at Ludlow.
 Sept. 29. William Smith, stable boss at Tabasco beaten by strikers.
 Sept. 29. Attack on Oakview mine, and large number of shots fired into buildings.
 Oct. 3. Powder house at Primrose mine blown up by dynamite.
 Oct. 6. Strikers at Ludlow attack two Greeks, Erik Karis taken prisoner.
 Oct. 7. Automobile of deputy sheriffs and others fired on by strikers on highway between Ludlow and Hastings.
 Oct. 7. Automobile of John Farrish fired on by strikers.
 Oct. 7. Dr. Curry, while traveling on highway near Ludlow, fired on by strikers.
 Oct. 7. John Sherman, merchant, fired on by strikers while traveling on highway in automobile.
 Oct. 8. Strikers fire upon Colorado & Southern train near Ludlow.
 Oct. 9. Mack Powell killed by strikers in battle at Ludlow.
 Oct. 13. Two Delagua women taken prisoners by strikers at Ludlow.
 Oct. 14. Marshal R. E. Corey of Segundo, beaten by strikers.
 Oct. 17. Forbes mine fired on by strikers.
 Oct. 25. Battle at Ludlow; Deputy Sheriff John Nimmo killed.
 Oct. 26. Battle in Berwind canon; Deputy Sheriff Tom Whitney killed.
 Oct. 27. Deputy coroner and deputy district attorney fired on by strikers near Ludlow.
 Oct. 28. Two children of Mrs. Frank Wootton, one 8 and the other 5, shot by strikers in Berwind.
 Oct. 28. Angus Alexander killed near Hastings by strikers.
 Oct. 29. State militia arrived in strike district.
 Nov. 8. Armijo miner shot and killed by strikers at Aguilar.
 Nov. 8. Luke Terry, W. H. Whitten, H. F. Bryan and R. G. Adams, ambushed and killed near La Veta.
 Nov. 8. H. H. Smith, mine clerk at Santa Fe mine, assaulted and beaten by strikers.
 Apr. 10. Troops began leaving the Trinidad district, and on the 18th of that month practically all of the troops left save a few guards stationed at Ludlow.
 Apr. 20. Battle between strikers and militia at Ludlow.
 Apr. 22. Empire mine burned; 3 mine guards killed by strikers in battle; strikers fire on Hastings and Delagua. Skirmish between militia and strikers in Black Hills. Southwestern mining camp captured by strikers.
 Apr. 25. Truce was declared between the striking miners and the militia.
 Apr. 25. While truce was still in force, Chandler mining camp captured, buildings looted, and one man killed and one wounded.
 Apr. 28. Lynn depot robbed of ammunition. Battle at Royal mine. Primrose and Rugby camps fired upon by strikers. Thirty people entombed in Empire mine.
 Apr. 28. McNally mine captured; 1 man killed and a woman wounded.
 Apr. 29. Strikers attack and capture Forbes mine, kill 9 employees and burn buildings.
 Apr. 29. Maj. Lester shot and killed near McNally mine in Huerfano County. (The officer mentioned was wearing a Red Cross badge at the time he was shot.)

Many of the principal acts of violence set forth in the foregoing statements were brought to the attention of the committee during the investigation, and the committee will recall that the operators placed upon the stand practically all the witnesses engaged on the operators' side of some of these earlier battles. And it is an impressive fact, which speaks all the more loudly by reason of its silence, that while undoubtedly there were hundreds of strikers engaged in

some of these battles, they did not produce for the enlightenment of the committee a single eyewitness from the strikers' side to any of them save the one at Forbes, and these were witnesses of the latter part of the battle only, and not to the inception of it, which began probably two hours before any of the sheriff's posse arrived on the scene.

And all these acts of violence have been done under the supervision and direction of that very estimable organization which the Federal court has decided to be an unlawful one, and which the operators have declined to contract with by reason of its disreputable and unreliable character. And these crimes have been committed for the alleged purpose of bettering the condition of about 14,000 miners who were living in good homes (as seen by the actual inspection of the members of this committee) under pleasant environment, with good school advantages, and earning, as shown by the testimony herein, wages averaging better than \$4 per day. Evidenciary of this statement, we here reproduce Exhibit No. 12, found at page 2544 of the record, showing the earnings of the miners at the Rouse mine for the month of August, 1913:

Name.	Days worked.	Earnings.	Average per day.
Manuel Fedrizzi.....	23	\$96.33	\$4.18
Y. Kuba.....	17	58.17	3.42
Luigi Mardine.....	19	63.87	3.36
John W. Harrison.....	24	121.92	5.08
Felice Fedrizzi.....	12	48.36	4.03
Gio Cristofor.....	26	122.13	4.69
Frans Autonelli.....	26	126.57	4.86
Geo. Lenzini.....	23	85.65	3.72
Luigi Bertoldi.....	25	94.41	3.77
Eugene Corradini.....	25	104.79	4.19
John Malinswski.....	25	154.55	6.18
F. L. Sallery.....	22	67.14	3.05
Gio Ranzonelli.....	24	83.34	3.47
Mike Duzenack.....	26	92.64	3.56
Ralph Mitchell.....	20	61.49	3.07
Frank Bergamo.....	25	149.73	5.98
W. P. Shields.....	1	2.19	2.19
Gio Gottardi.....	21	101.37	4.82
Emilio Andreatta.....	26	156.66	6.02
John Petz.....	26	113.58	4.36
Luigi Marsh.....	26	91.50	3.51
Harrison Hays.....	23	87.56	3.80
Fil Sieski.....	25	93.75	3.75
Q. Minigatti.....	1	2.19	2.19
Dave Zanconella.....	23	85.08	3.69
Carlo Fontana.....	26	94.87	3.64
Fotarel Anselmo.....	23	82.77	3.59
August Metteri.....	22	115.95	5.27
John Pallo.....	26	122.34	4.70
Dom Andretta.....	26	115.32	4.43
Aug. Kulorga.....	22	82.98	3.77
Anton Peronize.....	25	100.68	4.02
Gio Amidei.....	16	69.04	4.31
Ellis Williams.....	24	128.82	5.36
John Duzanexk.....	3	7.77	2.59
Antonio Cunico.....	22	84.52	3.84
V. Cosados.....	24	88.17	3.67
Cirolini Senerino.....	25	137.85	5.51
Silvis Sassetelli.....	24	84.90	3.53
Jan Rojek.....	26	120.00	4.61

Name.	Days worked.	Earnings.	Average per day.
I. Wojecicowski.....	26	178.38	6.86
K. Lapatowaki.....	24	120.03	5.00
A. Wojecicowski.....	26	178.68	6.87
August Antonelli.....	26	155.55	5.98
William Dow.....	22	76.30	3.46
Celesti Gottardi.....	22	131.11	5.96
V, Swajka.....	26	119.25	4.58
Manuel Martinez.....	17	45.69	2.68
Pio March.....	23	90.51	3.93
S. Saka.....	24	92.10	3.83
John Dallapiccola.....	25	115.77	4.63
Joe Martinelli.....	26	163.41	6.28
Estolo Baroni.....	25	84.30	3.37
Alex Thorp.....	26	101.61	3.90
Charles Boscia.....	25	95.97	3.83
Primo Gebnini.....	22	66.15	3.00
Charles Marsh.....	24	81.64	3.40
Tony Boscia.....	24	86.25	3.59
S. Ida.....	26	129.87	4.99
Jacob Siota.....	24	91.32	3.80
Joe Baronesty.....	26	105.54	4.05
John Slota.....	24	86.85	3.61
G. Penna.....	21	60.66	2.88
Joe Yoch.....	26	169.56	6.52
Luigi Serafini.....	23	70.38	3.06
Emio Gazzotti.....	26	85.90	3.30
George Dick.....	1	3.48	3.48
Luigi Biazzi.....	1	3.06	3.06
Jim Audretta.....	25	102.78	4.11
Vecel Mattive.....	23	70.05	3.04
Sid Williams.....	24	90.90	3.78
Luigi Marihori.....	26	98.31	3.78
R. Reed.....	22	79.82	3.62
Angelo Daeaar.....	12	37.62	3.13
Henry Robertson.....	26	107.31	4.12
Elia Allessandrini.....	24	88.53	3.68
G. Antonelli.....	24	139.74	5.82
A. H. Brown.....	6	27.75	4.62
Ed Jumoer.....	26	86.46	3.32
Donati Francesco.....	25	75.72	3.02
Ignatz Corp.....	21	73.20	3.48
Joe Casadoa.....	22	80.82	3.67
E. P. Linthicone.....	26	98.64	3.79
Harrison Boggers.....	1	6.72	6.72
Steve Valko.....	24	129.19	5.38
Jim Donahue.....	15	56.25	3.75
Eugenio Balino.....	25	96.18	3.84
Josef Jonotch.....	21	73.59	3.50
Dom Passoni.....	24	68.04	3.83
Gio Guglielmo.....	7	18.33	2.61
Matt Rohar.....	26	118.14	4.64
Charles March.....	25	100.14	4.00
Joe Rohar.....	25	112.95	4.51
J. W. Robinson.....	22	94.08	3.82
C. Frenci.....	1	3.18	3.18
Andro Duzenach.....	26	91.53	3.52
Elia Coselli.....	22	72.96	3.31
Toglio Miyomota.....	26	125.85	4.84
Jim Whisenant.....	22	106.02	4.81
John Antonelli.....	26	160.71	6.18
Paola Castagni.....	26	97.44	3.74
Josef Hecko.....	26	110.43	4.24
Luigi Farenzena.....	19	70.83	3.72
Pete Rossi.....	16	40.23	2.51

Name.	Days worked.	Earnings.	Average per day.
Gaicoma Pedrini.....	17	52.53	3.09
William McGarvey.....	20	79.83	3.99
Gio Vanotti.....	13	44.04	3.28
Anton Fedreizzi.....	26	113.04	4.34
Andrew Argiletti.....	14	44.82	3.20
Gio Cassagranda.....	25	123.32	4.93
Owen Duffey.....	26	93.84	3.60
Tony Bendetto.....	25	116.33	4.65
Dom Vellotti.....	25	112.43	4.49
Luigi Bertoldi.....	26	97.65	3.75
S. Matsunago.....	10	36.39	3.63
Pedro Cordoval.....	23	86.04	3.74
Luigi Damonte.....	25	86.28	3.45
Angelo Mariomon.....	23	78.48	3.41
Clarence Cordova.....	25	91.25	3.65
J. E. Bamber.....	26	152.25	5.85
Angelo Tech.....	26	125.28	4.81
Candido Andreatta.....	25	121.83	4.87
S. Nowok.....	26	113.85	4.37
Joe Garcia.....	16	53.88	3.36
H. Hopson.....	19	57.90	3.04
Ys Valdez.....	19	72.36	3.80
Gui Menegatti.....	24	103.31	4.30
Anton Casera.....	26	104.43	4.01
James Hall.....	18	55.81	3.10
Leon Garcia.....	16	69.16	4.32
W. Davenport.....	19	63.94	3.36
Pina Serafini.....	25	143.63	5.74
Ben Williams.....	16	51.45	3.21
Cortese Pellegirnio.....	22	127.43	5.79
Gottardi Farenzena.....	23	141.12	5.13
Pietro Toaai.....	24	127.54	5.31
Anast Martinez.....	24	84.78	3.53
C. Fedrizzi.....	25	154.86	6.19
S. Gakara.....	25	149.64	5.98
T. Hashie.....	24	130.68	5.44
P. J. Smith.....	26	141.96	5.46
Mike Ritzus.....	26	169.95	6.53
Luis Unterainer.....	26	132.25	5.12
Gui Zancanella.....	26	133.25	5.12
H. Mihari.....	26	152.76	5.87
Bartolimo Colo.....	25	149.15	5.96
John Durnack.....	25	115.26	4.61
Teodor Durnack.....	25	120.63	4.82
G. Amai.....	23	153.24	6.66
Y. Yama.....	23	147.42	6.41
Paul Hecko, sr.....	26	150.51	5.78
Paul Hecko, jr.....	26	152.67	5.87
Joe Salazar.....	25	141.96	5.67
Eavaristo Fedrizzi.....	25	167.52	6.70

The accuracy of this statement was established by an auditing committee, appointed by the governor, and it is within the possibility of every miner who wants to work in the southern coal fields to duplicate these earnings.

SETTLEMENT.

From many interrogatories propounded by members of the committee, as well as various remarks made by them, it is evident that this honorable committee has sought earnestly for a method or plan

by which this strike might be settled and brought to an end. A careful perusal of this record will disclose that the operators have done all in their power to bring this strike to an end, except make a complete surrender. It is evident also from the same record, that the strikers will not in any way compromise, arbitrate, or adjust this strike, except upon a plan which will embody a recognition of and contract with the United Mine Workers of America, and that recognition means a surrender to that organization. (Rec., p. 2930.) This it can not be expected the mine operators will do, and evidently from the conduct of the strike leaders they will not recede from their demand so long as financial contributions continue to flow into their coffers. It is this ill-advised financial aid coming from a deluded working public (as well as from a large number of nonunion people made delirious through overwrought sympathy awakened by exaggerated reports of alleged cruelties suffered by the strikers, but which investigation proves they willfully provoked), which is keeping alive this uncalled-for yet cruelly destructive warfare.

In proof of the efforts of the mine operators to terminate this warfare, we have but to refer to the correspondence between Gov. Ammons and the mine operators, which follows:

DENVER, November 5, 1913.

HON. ELIAS M. AMMONS,

Governor of Colorado, Capitol Building, Denver, Colo.

SIR: Referring to our conferences with you on Monday, October 27, 1913, and complying with your suggestion, we agree that we and our companies will faithfully observe the statutes of the State with relation to coal mining, and do everything in our power to see that they are fairly and definitely enforced. We refer particularly to the following statutes mentioned by you:

1. Section 3925 Revised Statutes of 1908, with reference to the right of the men to organize and belong to unions.

2. The coal-mining act of 1913, section 113 of which provides for the employment of check weighmen.

3. Section 6939, Revised Statutes of 1908, making it unlawful to use or employ, directly or indirectly, the so-called "truck" or "scrip" system in the payment of men.

4. Chapter 95 of the session laws of 1913, regulating and limiting the hours of employment in all underground mines to 8 hours within any 24 hours.

"In addition to the foregoing, we agree that all our employees shall have the absolute right, without coercion of any character, to trade at such stores or other places as they see fit, and they shall be left absolutely free to buy whatsoever they desire wheresoever they will; that all men shall have a semimonthly pay day, in accordance with the practice which now prevails substantially throughout the State; that all employees who have suspended work or gone on strike shall be given employment, except where their places have been filled and where they have been guilty of violence or other unlawful acts.

"While we insisted in our interview with you that we had always been governed in the operation of our mines by the laws of the State, we wish now to confirm the verbal assurance we gave you in that regard, and renew our request that you enforce fully and fairly the statutes referred to.

"We further wish to assure you that it is our intention to continue to operate our mines on the open-shop principle, under which most of the mines of Colorado have been operated for more than 30 years."

Respectfully,

J. F. WELBORN,

President the Colorado Fuel & Iron Co.

D. W. BROWN,

Vice-President Rocky Mountain Fuel Co.

S. M. PERRY,

President the Leyden Coal Co., the Moffat Coal Co.

J. C. OSGOOD,

Chairman Board of Directors Victor-American Fuel Co.

From the foregoing it will be seen that the final and published demands of the United Mine Workers of America were fully met before they were made. There is nothing to settle, and no reason for a continuance of the strike.

We invite our former employees now on strike and who have not been guilty of violence or other unlawful acts to return to work, and we urge the people of the State to insist upon the maintenance of law and order and the protection of every man who desires to work, whether previously employed or not.

J. F. WELBORN.
D. W. BROWN.
J. C. OSGOOD.

The following is the correspondence between the Editors' Association and the operators (Rec., pp. 2539-2544):

HOW COLORADO EDITORS VIEW THE COAL STRIKE IN THIS STATE.

On September 23 the coal miners of southern Colorado went on strike. The next few weeks were marked by unusual acts of violence, which caused Gov. Ammons to call out the troops.

Thursday, November 13, editors representing 25 of the leading papers of Colorado met in Denver for the purpose of learning all the facts possible in connection with the strike.

Gov. E. M. Ammons told why he called out the troops and what he proposes to do through their operations.

Ford Cornwall, Thomas Dennison, and A. Lamont, three men on strike, were selected by the strike leaders and told why they struck and what they are demanding.

John C. Osgood, president of one of the large companies, gave the operators' side of the controversy, and John McLennan, president of District No. 15, United Mine Workers of America, told why that organization called the strike.

The six addresses occupied six hours. Every speaker was given unlimited time and no interruptions allowed.

Following the addresses the editors went into executive session and adopted the following resolutions with three dissenting votes:

To the people and the press of Colorado, to the coal-mine owners, and to the coal miners of this State:

For the past two months a strike has existed in the coal-mining industry of Colorado. As a direct result of this strike human lives have been sacrificed, many thousands of laboring men thrown out of employment, property destroyed, business conditions have become depressed, the price of coal has been advanced, the reputation and credit of the State at home and abroad is being impaired, and the public at large is being made to suffer beyond accurate calculation. The unfortunate conditions are not in harmony with the peace, prosperity, and general welfare that is supposed to be guaranteed to all men and to all institutions alike under the constitution of this State and of the United States.

For the purpose, therefore, of trying to arrive at a method of assisting in terminating this industrial conflict between the miners and the mine owners in a manner which will be in accordance with the laws of Colorado enacted to regulate the coal mining industry, the newspapers of Colorado represented, acting on behalf of the general public have met in Denver, and after hearing the arguments and statements of representatives of the coal mine owners, of the coal miners, and of the United Mine Workers of America, and a statement from the governor of this State, and having given extensive consideration to each and every one of these statements, and having weighed their effect fully and carefully, the newspapers represented have agreed upon a general and a united policy of action, to be recommended to the press of Colorado, with reference to the termination of this strike, based upon the authority of the existing State laws.

Before stating our conclusions, we desire first to state the cause of the strike, viz, the demands made by the miners upon the coal mine owners of Colorado, which are as follows:

The demands of the miners:

First. We demand recognition of the union.

Second. We demand a 10 per cent advance in wages on the tonnage rates and the following day-wage scale, which is practically in accord with the Wyoming day-wage scale.

Third. We demand an eight-hour workday for all classes of labor in or around the coal mines and at coke ovens.

Fourth. We demand pay for all narrow work and dead work, which includes brushing, timbering, removing falls, handling impurities, etc.

Fifth. We demand check weighmen at all mines, to be elected by the miners without any interference by company officials in said election.

Sixth. We demand the right to trade in any store we please and the right to choose our own boarding place and our own doctor.

Seventh. We demand the enforcement of the Colorado mining laws and the abolition of the notorious and criminal guard system which has prevailed in the mining camps of Colorado for many years.

First demand. Recognition of the union.

With reference to the first demand we submit the following facts and conclusions:

The question of the official recognition of any labor organization or labor union by any employer or employers of labor is a question not reached or controlled by law, but must be mutually desired by both employer and employee to become a recognized reality. In other words, if employers do not desire to recognize a labor union as an organization in the employment of members of that union, there is no law upon the statute books which can or will compel them to do so.

We have come to the conclusion, therefore, that the first demand made by the miners is not one which can be arbitrated by any body of mediators, for the reason that, as stated above, it must be a matter mutually desired and agreed to by employer and employee. However, so long as individual workmen in the employ of coal-mine owners desire to belong to a union they have a perfect right to do so. This right is guaranteed them by the laws of the State, and therefore this first demand for official recognition of the United Miner Workers of America, as such, should not be further pressed by the members of that organization in accepting a declaration on which this strike should now be terminated. However, the right of the miners to belong to a union under the authority of the State of Colorado should be recognized and upheld and should not be objected to by any employer of labor.

Second demand. A wage increase of 10 per cent.

Fourth demand. Additional pay for additional and varied work.

In our judgment these two demands should be merged into a single demand, especially as both the second and fourth demands contemplate a higher net income in wages for the miners, and our conclusion is, therefore, that these demands should be consolidated and considered under one general proposition.

With reference to this general wage demand, therefore, our conclusions are as follows:

The amount of money a miner can earn depends on the amount of work he can or is willing to perform. In a published advertisement over the name of the United Mine Workers of America which recently appeared in the Denver newspapers, a statement was made to the effect that all the miners wanted was "a living wage and the enforcement of the laws affecting the coal-mining industry."

The question very properly arises, therefore, as to what should be considered a living wage.

The average wage earned by the individual coal miners working in all parts of Colorado, as published in the advertisements of the coal-mine owners, we find to be approximately \$4 per day, practically \$105 per month, and working eight hours a day or less if they choose. This is said to include the wages earned by good, bad, and indifferent miners. The wages of some miners is said to run as low as \$2.25 per day, while other miners individually earn over \$7 per day.

A comparison of the average coal miner's wage for the entire State of \$4 per day, with the wages earned by other classes of laboring men in Colorado who are equally skilled with a coal miner, shows that if the average wages of all coal miners in Colorado is \$105 per month, they are now being paid, in our belief, what has been referred to as a living wage; in fact, that they are already being paid a wage entirely in keeping with the wages paid for other classes of labor in Colorado.

Therefore, taking the miners at their published word, we believe that their original demand for a 10 per cent increase over the present Colorado scale, and which as later modified in their advertisements to a demand for living wages, has already been met by the payment of the existing scale of wages for mining coal in this State, and which is higher in the net wages earned than in any other State. Therefore, this, the second and fourth demand upon the part of the United Mine Workers of America for living wages is now being given the miners by the coal mine owners.

Third demand. An eight-hour day for all classes of labor in and around the coal mines and at coke ovens.

This third demand is one which is guaranteed to miners employed in underground mines by the laws of Colorado. If the laws of this State have been disregarded in the employment of labor in the coal mining industry, it is the duty of the governor to enforce this law, and in this he should be heartily supported.

Therefore, our conclusion with reference to the third demand on the part of the miners employed in underground mines is that it should be guaranteed to them in accordance with the laws of this State.

Fifth demand. Check weighman at all times.

This, the fifth demand, is another to which the miners are clearly entitled, and which is guaranteed to them under the law. If this law has not been enforced, or if the miners have not taken advantage of their rights under it, it is the duty of the governor of Colorado to guarantee the enforcement of this law.

Sixth demand. The right to trade at any store.

This sixth demand, also, may or may not have been accorded the miners by the mine owners. It is a demand, however, which should be guaranteed to them, for the reason that the laws of Colorado provide that no coercion shall be practiced by any coal mine owner against any miner in the buying of his household supplies. Therefore, this sixth demand should also be guaranteed to the miners under the provision of the laws relating thereto.

Seventh demand. General enforcement of Colorado mining laws; abolition of guard system.

This seventh and last demand upon the part of the miners is not open to discussion, so far as that portion of it which relates to a general enforcement of the Colorado mining laws is concerned; for, without question, the miners are entitled to receive the full benefit guaranteed to them under the mining laws of this State.

So far as the employment of police or mine guards is concerned, this practice during periods of peace is maintained solely as a matter of police protection against ordinary disturbances and against possible damages to property in times of petty brawls which are of ordinary occurrence in many mining camps; and so long as these guards or police are maintained upon a company property for the purpose of preserving the peace and to protect that property, there is no good or legal reason for their removal. With the exception of this portion of the last demand of the miners, our conclusion is that the seventh demand, for general enforcement of the mining laws of Colorado, is clearly right, and should also be guaranteed to the miners by the full power of the laws of this State.

Therefore, after mature and careful consideration of all the factors in connection with this strike, we hereby make the following declaration:

That the strike which has prevailed in the coal mining industry in Colorado should be called off under the following terms and conditions, viz:

First. That the miners should waive their first demand, which is for a recognition of the union, on the ground that the recognition of any union must necessarily be a matter of mutual agreement and not of coercion, and not being covered by any law; and for the additional reason that the laws of Colorado guarantee to every miner the right to belong individually to any labor organization without prejudice or discrimination on the part of any employer of labor.

Second. That the miners should waive their second and fourth demands for an increase in wages, not only for the reason that the wages now paid to coal miners in this State are larger than in most other States, and are as large as paid in most other lines of industry in Colorado, but also for the reason that the modified demands of the miners, as published in the newspapers, asking for living wages, are, in our opinion, already met, being paid to them in cash, twice a month, by the coal-mine owners.

Third. That the miners are entitled to have granted their demands, in accordance with the laws relating thereto, designated as follows:

Third demand. For an eight-hour work day in all coal mines.

Fifth demand. For a checkweighman in all mines where they ask, to be selected from among the miners by the miners, to be paid by them, and without interference upon the part of the operators.

Sixth demand. The right to trade at any store.

Seventh demand. The demand for the enforcement of all laws relating to the coal-mining industry.

Also, that all competent striking miners who have not been guilty of violation of the law while on strike should be taken back by the coal-mine owners without prejudice.

Also, that any coal-mine owner has a legal right to employ any person or persons without interference or threats upon the part of any other person or organizations, as provided by law.

Also, that we declare it to be the duty of the governor of this State to compel the enforcement of the State mining laws, to which we pledge our earnest support and cooperation; and that, to obtain for the miners every right to which they are entitled under the law, the rigid enforcement of the State laws is alone necessary.

We commend Gov. Ammons for sending troops into one disturbed district of the State, and express our full confidence in the integrity of his purposes respecting the unfortunate industrial strife that exists there. However, we believe the troops should be adequate in number to become sole protectors of life and property in sections of the State where such strife exists or is threatened, and that the National Guard should be recruited to meet conditions as they may arise. That it is our opinion that until such

time as the National Guard may safely be withdrawn from the affected districts and law and order restored that all offenses and violations of law pertaining to the strike should be immediately tried before military courts.

We further request the governor to take such action as will prevent the importation of firearms into this State by any individual or any organization, because we believe that no one has a right to bear arms here except those legally authorized to do so under the laws of the State of Colorado.

Thus it will be seen that we have found in favor of the miners in four of the six general demands they have made and have recognized their right to work as union.

That in declining to side with the miners in the other two demands as stated, we have concluded that the miners are already receiving living wages; and have, at the same time, found for the miners in their first demand, by insisting that one of the conditions under which this strike is to be called off is that all competent miners shall have guaranteed to them under the provisions of the laws of the State the right to belong to any organization without prejudice or discrimination on the part of any employer, which means their right to work as union miners on the open-shop plan.

Therefore, in the interest of the miners, of the coal owners, and of the general public, we hereby declare that this strike should be called off under the conditions stated above, in order to insure the future development of the coal-mining industry of Colorado and the peace and prosperity of its people.

In the carrying out of this policy by the governor of this State, we pledge the support of the editors and papers here represented and ask for the cooperation of all our fellow editors in Colorado, who could not conveniently come to this conference, in support of such policy.

Also, that a copy of this declaration be furnished to the officials of the United Mine Workers of America, a copy to the coal-mine owners, a copy to the governor of Colorado, and that copies be sent to the press of this State for the purpose of advising the people concerning what we believe to be a just and fair declaration under the terms of which this strike should now be immediately called off and industrial peace restored, and that we pledge ourselves to support his declaration, based on law enforcement, in the editorial columns of our newspapers.

JOHN C. SHAFFER, of *The Rocky Mountain News*.

FRANK S. HOAG, of *the Star Journal*.

H. E. BOWDEN, of *the Trinidad Advertiser*.

L. C. PADDOCK, of *the Boulder Camera*.

FRED MARVIN, of *the Pueblo Chieftain*.

COAL OPERATORS ACCEPT EDITORS' PROPOSITION.

DENVER, COLO., November 14, 1913.

MESSRS. JOHN C. SHAFFER, FRANK S. HOAG,
H. E. BOWDEN, L. C. PADDOCK, FRED MARVIN,
Denver, Colo.

GENTLEMEN: The undersigned, coal-mine operators, are in receipt of a copy of the proceedings of the conference of editors, held in Denver, Thursday, November 13. In this statement you specify the conditions suggested by the editors under which the coal miners' strike in Colorado should be terminated. We agree to comply fully and in good faith with the conditions suggested by you in said statement.

When the operators receive the protection from the civil authorities for the men who desire to work and for their properties to which they are entitled, are not interfered with in employing men to take the places of those who are now on strike and who left before the strike was called, and are enabled to operate their mines under normal conditions to normal capacity, on the open-shop principle, which has prevailed in Colorado for more than 30 years, we will put into effect the scale of prices for coal heretofore prevailing.

Sincerely,

J. F. WELBORN,
President Colorado Fuel & Iron Co.

D. W. BROWN,
Vice President Rocky Mountain Fuel Co.

J. C. OSGOOD,
Chairman Board of Directors, The Victor-American Fuel Co.

F. B. LEWIS,
President Oakdale Coal Co., South Canon Coal Co.

F. A. PERRY,
Leyden Coal Co., Moffatt Coal Co.

If the strikers are as earnest in their wish to settle the strike as they are active in the circulation of stories of sensational episodes, the difficulty could not continue for even a brief period longer.

But it is a question if the day of possible settlement has not now forever passed. There are about 10,000 miners now at work in the coal fields of Colorado. There are probably from 1,500 to 2,000 on the strike. Those on the strike, together with their confederates, some of whom, for purposes of violence have come from States adjacent to Colorado, have so often attacked and fired upon the miners now working in the coal fields that it is impossible to put those two warring elements to work in the same mines. If the striking miners are to be returned to work, those now working must necessarily leave the mines. They fear that the striking miners, should they be inducted into the mines with them, will watch their opportunity to assassinate them or catch them in some serious mine disaster. It has been reported to them that such threats have been made and they believe they would be carried out. To show the feeling that exists between the parties and how disastrous it would be to attempt to put them working side by side, we have but to advert to some of the recent battles that have occurred between the striking miners and the miners at work. In the recent attacks on the Walsen and Robinson mines, which were defended by only a small number of guards, the miners as they came out of the mines asked the privilege of taking rifles and defending themselves. This privilege was accorded, and the thing that saved those mines from capture and destruction was the defense given by the laborers in the mine.

The Ludlow battle and events immediately following, in connection with the distorted use made of them through the publicity department of the miners' organization, demonstrate their lack of sincerity, and ought, when known, to destroy the confidence of the public, and those whose sympathy has gone out to them, in the representations of their leaders. Confessedly, as shown by all of the investigations that have been made, the affair at Ludlow on the 20th of April last was started by the strikers. The militia, being attacked, and being in small numbers, were forced to defend themselves or submit to annihilation. It is not disputed that the strikers began the shooting. During the battle that ensued some of the strikers were killed. Women and children whom the strikers had placed in caves under the tents suffocated. The fault was with the strikers, not with the troops, yet they—the strikers—have heralded it to the world as a blood-curdling atrocity, willfully, premeditatedly, and without provocation perpetrated by the troops of the State. And this self-invited disaster they magnified to obtain, and upon their exaggerated reports did obtain, assistance, both in finances and in accessions of armed men from various parts of the State and from other States, and with the forces of armed men thus congregated proceeded, in the days following the Ludlow casualty, to murder people and burn and destroy property promiscuously. Evidence of this is not before the committee, but the published reports of officially created committees corroborate the truth of this statement.

Thus far in our statement we have confined ourselves largely to the counties of Huerfano and Las Animas in our narrative of depredations committed by the strikers, but other counties have not been free from a turbulent reign. In Fremont County, the wild reign of

lawlessness could scarcely be excelled. The town of the Chandler mine was captured by strikers, who advanced under a flag of truce, thus lulling the fears of the defeaders, fired upon the mine and its inhabitants after they had approached, thus depriving the guards and miners of an opportunity to prepare for defense, and after its former defenders were captured and deported the houses of the miners were looted and property stolen.

For it all, there has not been even an apology or denial by the leaders of this organization which demands the right to dominate the coal industry of the United States.

With this somewhat extended statement of the controversy, we proceed to answer the brief of opposing counsel filed herein.

CAUSES OF THE STRIKE.

"Mine owners' ignorance of conditions, and the lack of a sense of personal responsibility."

Under the above subhead, catalogued by counsel as one of the causes of the strike, our adversaries devote the first six pages of their brief to an arraignment of John D. Rockefeller for his lack of familiarity and comradeship with his employees. Whatever provoked this maudlin tirade it is difficult to imagine. The astute leaders of the strike, in formulating their grievances never thought to insert this as one of the wrongs to be righted. Probably that was left for a matter of future negotiation. Likely the contract which counsel would draw, if once their union is recognized, would contain a clause specifying the number of monthly visits which should be made by the object of their criticism, and the times when they should assemble around the banquet table.

Throughout the argument on this feature the testimony of Mr. Rockefeller, jr., is taken in garbled, broken sentences, and quoted in an insinuating way, evidently with the hope of engendering animosity against one whose wealth alone has made him the victim of attack by all who are socialistic or anarchistic in their mental tendencies, and to do this anything which is calculated to arouse sympathy or engender hatred is seized upon by counsel.

For instance, on page 7 of the brief, counsel seem desirous of holding Mr. Rockefeller responsible for the following entry found in a coroner's docket, with which the coal companies had no more to do than counsel or any stranger, to wit:

Accident, fall of rock in mine. Internal injury, pelvic region. No relatives and damn few friends.

Through the industry of a member of this honorable committee the foregoing entry was found in a coroner's docket in Las Animas County. It presumably was entered there in a moment of levity, which we confess seemed impertinent upon such an occasion, but how one, thousands of miles away and ignorant of the whole proceeding, could be criticized for that entry is beyond mental conception.

Undoubtedly it is used, as previously suggested, purely for the purpose of engendering hate or arousing sympathy, and the puerileness of seizing upon an item of this character and making a misuse of it for the purpose intended is a striking demonstration of the hypocrisy and insincerity of those who adopt the plan.

We wonder why this was the only coroner's verdict which interested counsel. We suggest there are others more recent and more touching, and which throw more light upon the present controversy than the one which appealed so strongly to counsel. We direct attention to the coroner's verdict found on pages 2641-2642 of the record, and part of the evidence introduced in support thereof:

VERDICT OF JURY.

STATE OF COLORADO, *Huerfano County*, ss:

An inquisition holden at La Veta, in Huerfano County, State of Colorado, on the 10th day of November, A. D. 1913, before W. S. Chapman, coroner of said county, upon the bodies of Luke Terry, W. H. Whitten, and H. F. Bryan, there lying dead, by the jurors whose names are hereto subscribed, said jurors upon their oaths do say:

That the above named Luke Terry, W. H. Whitten, and H. F. Bryan came to their death from gunshot wounds causing internal hemorrhage, and that said shooting occurred about 3 p. m. on November 8, 1913, on the public highway near the Long-head Reservoir, said shooting being done by parties unknown to this jury, and with felonious and malicious intent.

In testimony whereof, the said jurors have hereunto set their hands the day and year aforesaid.

S. J. CAPPS,
JOE K. KINCAID,
G. F. ESTES,
GEO. E. COLEMAN,
J. E. SCOTT,
G. A. EDMUNDSON,
Jurors.

The following is a statement of R. G. Adams, made just previous to his death, and constitutes a part of the evidence upon which the foregoing verdict was based:

Examination by Mr. HAYDEN:

Q. What is your name?—A. R. G. Adams.

Q. How old are you?—A. Twenty-nine.

Q. Where is your residence?—A. Arriba, Colo.

Q. Just state what you know about this affair to-day?—A. We came into town after one of the miners that came to see the doctor—when he started to come back from town, one of the strikers stopped him; when he phoned for us to come in, we come in and got him down at the telephone office and started back, and when we got about a mile and a half out of town—we were riding along laughing and talking, when the first shot was fired. When we looked around for them there was a volley of four or five shots; one of them struck the chauffeur and the machine was stopped right there, and we jumped out of the car; we saw the shots were then coming from back of the reservoir, to our right; Capt. Bryan ran back maybe 15 or 20 yards back of the car and laid down, and I laid down next to him, and Whitten, the other man that was killed, laid down between me and the car. We fired at the top of the dike—about five or six shots, I suppose—and Whitten and I moved back to the rear of the car and tried to get a shot at them. I was struck in the arm, and it whirled me over on my back, and then I was shot through the foot; I got out my handkerchief and tried to stop the blood with a tourniquet; those fellows were firing right along then; then there was a kind of a dull thud, and the chauffeur said, "I am killed; they got me right through the heart; tell mother," and he slipped sidewise over in his seat. Then I was hit, and Whitten says, "They've killed Adams," and I told him I was shot through the arm—I thought it went through my side. Whitten says, "I've got it, too," but, he says, "It isn't bad," and almost immediately I heard the captain groan, and Whitten says, "They've killed Harry." Whitten says, "They've got me, too." The miner that was with us was right up against the rear wheel of the automobile; away from the firing, and he held up a white handkerchief, and I tried to load my gun, but I was in such pain I couldn't load the thing. There was possibly—for two or three minutes then there was about five shots fired; one of them went over me and hit at Whitten's feet—that was the only one I saw strike. After about five minutes or such a matter, I was getting cold and I told the miner to get two overcoats out of the back seat and cover me up. He did, but at first he only brought one coat, and I told him that I wanted two, and

he brought the other, and I told him to cut away my shirt. He got a knife out of my pocket and cut part of the sleeve away, and then I told him to go to camp. We never saw a person all the time the firing was going on; I couldn't see a thing; we could just hear the crack.

This graphic description of a death struggle, whispered from the dying lips of a commissioned officer, it would seem to us, ought to enchain the heart charged with pathos equally with the verdict quoted in counsel's brief, concerning which a badgering rain of interrogatories was unloaded upon Mr. Rockefeller when he testified before this committee; and if horrors were being sought in county records, it seems to us that the foregoing ought to have attracted the eye of the inquisitor.

There is no dispute but that the strikers were the parties lying in the Loughhead Reservoir who killed from ambush the persons mentioned in the verdict.

But why attack Mr. Rockefeller for his alleged lack of acquaintance with the men, or lack of acquaintance with the conditions under which they are working. If the conditions are good, why do the miners care how extensively they are known or by whom they are known? It is the conditions themselves which affect the miner, and not the publicity thereof. The record in this case shows no complaint of the houses occupied by the miners. The committee examined some of the mines and know the condition of the houses in which the miners live. They know that, in the main part, they are well constructed, commodious, comfortable houses. They are furnished with electric light and water, and for the water no charge is made save where the companies themselves have to pay for it. In short, the home conditions in the mining camps of Colorado are far better than will be found in the tenement districts of the large cities of the United States. On this subject Mr. Welborn testified as follows:

Q. Now, taking up some of the issues that have been raised here, I will ask you to state the living conditions as to our coal mine operatives.—A. We have for a great many years given a great deal of attention to the living conditions of our workmen, improving them where we could and as we could, and I am very sure that the living conditions in all of our coal mining camps will compare favorably with such conditions in towns of similar size in agricultural districts.

By Mr. AUSTIN:

Q. How do they compare with other mining camps in other States?—A. I am sure they are far above the average in other States. I doubt if there is any State in which the living conditions of its coal miners are in any sense superior to those of our camps.

Q. Do you include West Virginia in that list?—A. That statement is based on reports brought to me mainly by people better acquainted with coal mining conditions elsewhere than I am.

A member of the committee:

Right in that connection I will ask you who was president of the Colorado Fuel & Iron Co. before you were?—A. Immediately preceding me, Mr. F. J. Hearne, for about three years and a half.

Q. Did Mr. F. J. Hearne go through the strike of 1903 and 1904—was he president during that strike?—A. Yes; he was. The strike was called soon after he took office.

Acting Chairman BYRNES. I want to ask you this: Speaking of the conditions, the company owns the homes in which the operatives live?—A. Yes; the company does, almost without exception.

Acting Chairman BYRNES. Almost without exception?—A. Yes; except where men are located in communities established before the mine.

Acting Chairman BYRNES. Have you ever offered the operatives the opportunity of purchasing their own homes?—A. No; we never have.

Q. He was a West Virginian, was he not?—A. I think so. I want to say as to the towns, to qualify that statement as to the general living conditions, that we have built our own houses, that the houses are made of concrete blocks, three or four or six room houses, and we rent them to the miners at the uniform rate of \$2 per room per month. We furnish light, where we have electric light, at 40 cents per light per month.

Q. Unlimited service?—A. Unlimited service, frequently the light burning at this time of day or midday. Water, except at two of our properties, is furnished free, that is, by that I mean where we are able to develop satisfactory domestic water in the mine, as is frequently the case, it is brought out to convenient hydrants and there is delivered to the men free. At the Frederick and Segundo camps, the first one a coal mine and the second one a plant or coke oven, we buy water from the city, tapping its line, which passes through these camps, and sell the water to the employees there at 25 cents per room per month.

But even were it otherwise there is no reason why a minority stockholder should be attacked as the sole offending party. Even the Colorado Fuel & Iron Co., in which Mr. Rockefeller is a minority holder, does not produce a majority of the coal in Colorado, and the proportion of the coal produced by that company, notwithstanding its constant growth, is gradually growing less in the State. This result, of course, is by reason of the growth of other companies and individual producers. There was introduced in evidence a tabulated statement showing the comparative production of the principal operators of Colorado. For some reason, we presume through oversight, this statement does not seem to have been published in the record in this proceeding, for which reason we take the liberty to insert it here; and from this it will appear that, while the Colorado Fuel & Iron Co., in 1898 produced 61.31 per cent of the coal of the State, in 1913 it produced only 32.63 per cent. If the Rockefeller interest in the Colorado Fuel & Iron Co. is 40 per cent, his percentage of the State product is a fraction over 13 per cent, of which 40 per cent is used in the steel works, the plant belonging to the Colorado Fuel & Iron Co. Hence, it appears that, of the coal which goes into the competitive market, Mr. Rockefeller, by reason of his percentage of ownership in the company, is responsible for less than 8 per cent of the State's product.

Mr. J. C. Osgood, as appears from the record, is the owner of practically all, if not all, of the Victor-American Fuel Co. This company produces 12.45 per cent of the State's product, all of which goes into the competitive market. So that he, probably the oldest coal operator in the State, is individually responsible for a larger percentage of the coal entering the competitive market than is Mr. Rockefeller. But for all of the imaginary ills of the miners of the State, counsel seek to make Mr. Rockefeller responsible for 100 per cent. Yet it appears that Mr. Osgood is one of the most active parties in formulating the policy of the operators in the present strike; and those who know that gentleman's character, and who heard him testify from the witness stand, or who read his testimony, can not be led to believe that Mr. Rockefeller or any other individual shapes his line of thought or dictates what he shall do in his association with the United Mine Workers of America. Moreover, no one could accuse him of not being thoroughly familiar with all the conditions which obtain in the mines of Colorado and as they have changed from the inception of the mining industry in the State.

Production of coal in Colorado by companies with percentage of total.

	1898		1903		1908		1912		1913	
	Tons.	Per cent of all.	Tons.	Per cent of all.	Tons.	Per cent of all.	Tons.	Per cent of all.	Tons.	Per cent of all.
Alliance Coal Co.									79,219	0.86
Alpine Coal Co.	51,169	1.23								
American Fuel Co.										
Big Four Coal Co.										
Calumet Fuel Co.					65,999	0.68	271,424	2.49		
Carbon Coal & Coke Co.					300,407	3.07	65,826	.51		
Cedar Hill Coal & Coke Co.			57,242	0.75	89,160	0.91	62,309	.57	66,162	.72
Chessee Fuel Co.					3,324,719	34.02	278,628	2.53	294,819	3.19
Consolidated Coal & Coke Co.	2,553,220	61.31	3,948,689	51.65	192,871	1.97	225,994	2.05	117,095	1.25
Continental Fuel Co.			283,256	3.70	71,203	.73	52,163	.47		
Coryell Mine Leasing Co.					132,661	1.36	3,616,103	31.92	3,017,406	32.63
Curtis Coal Mining Co.			73,614	.96	79,430	.81	141,323	1.28	122,273	1.32
El Paso Lumber & Fuel Co.					80,919	.92	72,955	.66	76,006	.82
Empire Coal Co.							60,472	.55	97,879	1.06
Fox & Patterson.							54,649	.50		
Frederick Coal Co.									107,988	1.17
Fruth & Autrey									61,178	.66
Grand Junction Fuel & Mining Co.										
Green Canon Coal Co.					134,694	1.38	52,003	.48		
Huerfano Coal Co.					108,369	1.11	62,226	.56	88,521	.96
Juniper Coal Co.										
Leas Animas Coal Co.					53,698	.55	126,402	1.14		
Leyden Coal Co.					165,119	1.69	56,733	.51	69,661	.75
Marshall Coal Co.							59,096	.54		
Nicholls Coal Co.	67,244	1.62	102,827	1.34	108,474	1.11	82,336	.75	155,320	1.68
Minnesota Coal Co.										
Moffat Coal Co.					141,878	1.45			50,028	.55
National Fuel Co.									191,732	1.74
Northern Colorado Coal Co.									333,632	3.82
Oakdale Coal Co.									462,981	4.20
Parkdale Fuel Co.					71,511	.73	222,364	2.02	186,742	2.02
Pikes Peak Fuel Co.					163,221	1.67			131,223	1.42
Porter Fuel Co.	69,448	1.67	78,661	1.03	137,109	1.40	153,847	1.40		
Primrose Coal Co.					53,297	.55				
Ransom Coal Mining Co.					74,417	.76			68,369	.92
Rider Coal Co.					82,334	.84			51,970	.56
Rocky Mountain Fuel Co.	1,445,549	10.70	1,790,522	10.34	1,226,863	12.55	1,189,424	10.80	1,016,847	11.00
Routt County Fuel Co.									87,096	.94
									109,549	

Rugby Fuel Co.....	76,484	1.00	90,321	.92	51,970	.47	
Southern Colorado Coal Co.....			105,873	1.08			
Standard Coal & Land Co.....			55,469	.57	50,119	.45	74,788
Sunnyside Coal Mining Co.....			92,078	.94	100,440	.91	223,393
Union Coal & Coke Co.....	93,279	3.35	189,578	1.94	206,504	2.42	1,150,894
Utah Fuel Co.....	256,012	1.32	1,451,314	14.85	1,526,877	13.86	92,832
Victor-American Fuel Co.....	100,752	12.82			138,666	1.26	51,510
Wooten Land & Fuel Co.....	980,540				80,625	.73	
Yampa Valley Fuel Co.....							
Companies producing less than 50,000 tons each annually.....	380,357 (56)	7.06	921,061 (68)	9.42	1,118,879 (61)	10.15	1,174,039 (83)
Total.....	4,164,037	100.01	9,773,007	99.98	11,016,948	100.00	9,247,124
							100.00

1 Northern and Rocky.
 Figures inclosed thus () indicate number of operators producing less than 50,000 tons each annually.

There was no criticism of Mr. Rockefeller a few years ago when his millions came into Colorado to relieve some of our industries from depression. Why not measure by the same yardstick now? We are told that the pay roll of the company in which he is interested is now about \$10,000,000 annually. (Rec., p. 489.) Is he to be condemned because he has confidence in the citizens of Colorado and in her resources? He tells us in his testimony that he has great confidence in the integrity and ability of Mr. Welborn and Mr. Bowers and for this he is condemned by counsel. Why shouldn't he have; and why shouldn't he leave the administration of the affairs of this company to these men, one of whom knows the company from its infancy, who grew up with it, and knows its capacity, its burdens, and its necessities? Mr. Welborn, like hundreds of others, began work for a corporation in order to obtain the wherewith to meet the necessities of life. Through interest in his work and pride of accomplishment, he became a factor, and the factor grew in value to the institution. Fidelity to his employer has brought its reward, and the investors in the institution appreciate the confidence lodged, just as they would and should in any faithful servant. But fidelity to an employer is the thing that our adversaries here detest and inveigh against.

But under this same head of causes for the strike, counsel sets forth the real reason and the one which rings true and clear throughout the argument and has grown to the most prominent place in this war, namely:

RECOGNITION OF THE UNION.

On page 11, we find this statement:

There being an absence in modern industry of that personal relationship which could formerly exist between employer and employee, and which resulted in correlative responsibilities, and there being now a system in which impersonal capital regards impersonal labor simply from the business point of view, there must be an organization of labor in order that labor may meet capital somewhere near upon equal terms, just as formerly the personal employee met the personal employer more nearly upon an equality, *and the union, therefore, should be encouraged rather than discouraged and fought.* (Italics are ours.)

If more confidence and mutuality of interest were inculcated, there would be no necessity for the existence of warlike unions.

FEUDALISM.

We assume counsel charge the operators with maintaining a "system of feudalism" because that term seems to carry something terrible in its meaning. In this counsel is right. There is a system of feudalism in the mining district now. It is not maintained by the operators, however, but by the strikers and their leaders, and it is not the kind of feudalism which counsel had in mind when using the term.

Feudalism, as it at one time existed in Great Britain, was of military origin and implied a fidelity and service from an inferior to a superior in return for the favor extended by the superior. It is not the legal definition of feudalism which obtains in Colorado, but the lexicographer's definition of the other kind of feudalism:

A contention or quarrel; especially inveterate strife between families, clans, or parties in estate; *deadly hatred*; contentions satisfied only by bloodshed. (Webster's Dictionary.)

The strikers and their leaders, as shown by the evidence in this cause, have brought themselves clearly within the foregoing definition.

Counsel, however, leave a wrong impression, when they tell us, under this head, on page 12:

In such towns poll taxes are collected by what the overlord operators have been wont to consider the obnoxious check-off system.

We presume counsel desire to leave the impression by this statement that the poll tax is collected for the benefit of the town. Such is not the case. The poll tax referred to is collected for the benefit of the State and is a tax levied by operation of law on every male inhabitant over the age of 21 years, with certain exemptions therefrom. (Sec. 4457, Rev. Stats., 1908.) As can be readily understood, it is very difficult to collect this poll tax from a floating population, and the officers of the county whose duty it is to collect the tax have requested the employers to deduct this tax from the wages of the employees. No honest man can object to the payment of this tax or to having it deducted from his wages.

As to the existence of towns on the companies' property, complained of by counsel, the only response is, they are a necessity. It should be understood that the country where the mines are now being operated was in the main a barren and uninhabited country until a mine was started in that particular neighborhood. When a mine is opened, people go there to work in it. Their congregating in one place makes a town. Now, what would counsel require? Would it exact of the company a division of the land among its employees? Certainly very few miners would invest their money in town lots and build homes, for the simple reason that the home would be a non-producing burden on their hands when the coal in that locality is exhausted. Besides, experience has shown that miners, as a rule, prefer to be free to go from place to place as their inclination may suggest or opportunities become inviting.

DISREGARD OF RIGHTS OF SOCIETY.

None appreciate more fully than we the interest which society has in the continued operation of all its large industries, and we realize that society has a right to demand that its enterprises shall proceed with as little friction and such fairness to all parties engaged as it is possible for human agencies to provide. But that does not imply by any means that the party whose money is invested is utterly without right or privilege to have something to say in the management of his own affairs. If society—that is, the State—is to be the exclusive dictator as to the methods and policies of business, it should stand ready to relieve the investor in his hour of distress growing out of either reverses in business, depression in commercial circles, or any difficulty, including labor troubles, which impede or jeopardize his investment.

It comes with rather ill grace from an organization such as our adversaries here, to clamor for the rights of society, when it so systematically ignores the rights of the community in which it exists, and so nonchalantly overrides the law, and attempts and demands the right to substitute therefor regulations of its own.

It is shown by the evidence in this case that the striking miners when called out, in so far as they did not leave the State and go else-

where, congregated in colonies referred to in the evidence here as tent colonies, and after so congregating, they set up little governments of their own. They have their own peace officers, who stand guard with rifles in their hands. When infractions of their rules occur among the inhabitants of their colonies, they proceed to punish them according to their own methods for such infractions. It will be recalled that one man testified that he was charged with stealing some lumber while in one of the tent colonies, and was fined by the man in charge of the colony. This alleged offense was not reported to the civil authorities. (Rec., p. 2142.) This is a potent illustration of the dissatisfaction of these people with the laws and institutions of our country, and their intention to make rules and regulations of their own liking for the government of themselves and surroundings. Such conduct is revolutionary, pure and simple.

DENIAL BY OPERATORS TO THEIR EMPLOYEES OF THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY.

This right has never been denied, and there is no testimony that we recall of any specific instance in which any operator has denied to an employee the right to join a labor organization. There have been charges based upon rumors of what the witness claimed to have heard to that effect, but they relate no specific instance.

It would be, however, clearly within the right of the operators to refuse their employees the right to join the United Mine Workers of America. We have a statute in Colorado forbidding the coercion of employees to prevent their joining *lawful* labor unions. The statute reads as follows (sec. 3925, Rev. Stats., 1908):

That it shall be unlawful for any individual, company, or corporation, or any member of any firm, or agent, officer, or employee of any company or corporation, to prevent employees from forming, joining, or belonging to any lawful labor organization, union, society, or political party, or to coerce or attempt to coerce employees by discharging or threatening to discharge them from their employ or the employ of any firm, company, or corporation, because of their connection with such lawful labor organization, union, society, or political party.

There is a provision of the statute to the effect—

That this act shall not be so construed as to permit two or more persons, by threats of either bodily or financial injury, or by any display of force, to prevent or intimidate any other person from continuing in such employment as he may see fit, or to boycott or intimidate any employer of labor.

As hereinbefore shown, the United Mine Workers of America has been judicially determined to be an unlawful organization—unlawful by the very terms and conditions of its constitution and the purposes for which it is organized. Such being the case, it has no right to here complain that it is not recognized. Besides, its conduct since the calling of this strike has been in plain violation of the provisions of our State statute last above quoted.

This committee well knows from the evidence here that up to the advent of the State militia in the field practically every tent colony was an armed garrison, past which laborers could not go in safety to and from their work.

It is confessedly the intention of the organization, if a contract is signed with it, to prohibit any except members of its organization from working in the mines. That act itself is unlawful and in violation of

the constitutional rights of every man who desires to work in the coal mines. No matter how humble the citizen, if he wishes to work in the coal mines it is his right to do so, and to demand that he join any particular union as a condition to that right is an unlawful demand and a restriction of his liberty.

All but a very few of the operators of Colorado are committed to the open-shop system. A recognition of the United Mine Workers of America, with its check-off system, closes all the mines of Colorado to all workmen who do not become members of that organization. Much has been said in the Colorado controversy as to three parties concerned, namely: (1) the strikers, (2) the operators, (3) the public; but very little has been said as to the fourth party to the controversy, namely, those who remained at work and those who have gone to work in the mines. Independent of the stand that the operators have taken, that they have a right to insist on the open shop, the record in this case shows such an obligation to those who remained at work and those who have entered their employ since the strike. Before the strike was called the operators announced that their mines would be run on the open-shop system, and assured protection to all miners who desired to remain at work. Since the strike was called this policy has been repeatedly announced, and many men have gone to work with such assurances. All who remained at work and all who have gone to work have continued their work under dangerous conditions as to personal safety, which is a test of their conviction as to the principle involved. In this connection it is useless to discuss the number of men who went in and the number of men who remained in, but if there be any who desire to work without affiliating themselves with the United Mine Workers of America, then their right to work should be protected independent of whether they are in the majority or in the minority. All government is constituted to protect the minority against the sudden whim or caprice of the majority. There is a principle involved in this question, and it is fortunate that there are men who are willing to fight for this principle.

Attempts have been made repeatedly to exclude the fourth party in Federal legislation, and no Congress yet has had the temerity to legislate the fourth party out of a job, because, forsooth, he did not desire to pay tribute to any organization. As was said by an eminent jurist in the case of *Erdman v. Mitchell* (207 Pa. St., 79)—and we trust that the State of Pennsylvania is a republican form of government:

The right to the free use of his hands is the workman's property, as much as the rich man's right to the undisturbed income from his factory, houses, and lands. By his work he earns present subsistence for himself and family. His savings may result in accumulations which will make him as rich in houses and lands as his employer. This right of acquiring property is an inherent, indefeasible right of the workman. To exercise it, he must have the unrestricted privilege of working for such employer as he chooses, at such wages as he chooses to accept. This is one of the rights guaranteed him by our Declaration of Rights. It is a right of which the legislature can not deprive him, one which the law of no trades union can take from him, and one which it is the bounden duty of the courts to protect. The one most concerned in jealously maintaining this freedom is the workman himself.

Is it fair to make light of or criticize any man who espouses the cause of the fourth party or the principle underlying free institutions?

"The right involved is the right to dispose of one's labor with full freedom. This is a legal right and is entitled to legal protection." Erdman v. Mitchell, supra, or as put by one of the witnesses:

Mr. ROCKEFELLER. My opinion with reference to the laborers of the country is that they ought to be, under the Constitution, allowed to exercise their liberty in the selection of the person for whom they shall work and the terms under which they shall work. I should stand always for the freedom of the American citizen, be he worker or anyone else, to make his own selection in matters of that kind, rather than to insist that he should be dictated to by third parties.

The CHAIRMAN. Do you believe, then, that union labor, so far as the labor is concerned, is not a good thing?

Mr. ROCKEFELLER. That question is pretty deep and abstract. If you ask what I think with reference to the Colorado Fuel & Iron Co.'s employees, I would say that according to the record the wages of the miners were raised a total of \$300,000 in April, 1912, voluntarily by the company, and that the wages of the same workers were raised in March, 1913, voluntarily by the company, \$240,000 a year approximately, in spite of the fact that the company has never paid anything that I know of on its common stock and had not until this last year begun to catch up with the very largely accumulated preferred dividends. (Rec., p. 2862.)

In addition to the sections of the constitution of the United Mine Workers heretofore quoted showing the illegal purposes of their organization, certain other rules and regulations have been adopted by some of their districts, that inhibit their members from disclosing that which may be necessary for the proper management of the mine and the protection of life and property. On page 1792 of the record we find the following:

Any member of the U. M. W. of A. found guilty of giving evidence against members of our organization without being called upon by the pit committee or district board, shall for the first offense be fined \$10, and for the second offense shall be expelled from the organization.

Thereby relieving the member from any mine regulations imposed by the operators, however necessary, and probably bringing him in conflict with the requirements of the State laws. Well may it be said, as stated in Erdman v. Mitchell, supra:

If such combination be in accord with the law of the trade union, then that law and the organic law of the people of a free commonwealth can not stand together. *One or the other must go down.*

We respectfully urge that even in Colorado we will not consent to substitute a rule prescribed by the union for the rule of conduct prescribed by the constitution and laws of the State.

The same doctrine is followed in *Gompers v. Bucks Stove & Range Co.* (221 U. S., 418; 31 Sup. Ct., 492), where the court, speaking through Mr. Justice Lamar, says:

Society itself is an organization, and does not object to organizations for social, religious, business, and all legal purposes. The law, therefore, recognizes the right of workmen to unite and invite others to join their ranks, thereby making available the strength, influence, and power that come from such association. By virtue of this right, powerful labor unions have been organized. But the very fact that it is lawful to form these bodies, with multitudes of members, means that they have thereby acquired a vast power, in the presence of which the individual may be helpless. This power when unlawfully used against one can not be met, except by his purchasing peace at the cost of submitting to terms which involve the sacrifice of rights protected by the Constitution, or by standing on such rights and appealing to the preventive powers of a court of equity. When such appeal is made it is the duty of government to protect the one against the many, as well as the many against the one.

The unlawful character and the unbearable conduct of the United Mine Workers of America was very positively and emphatically

asserted by every operator who testified, and particularly by Mr. Osgood and Mr. Wellborn, as the reasons why they would not contract with *that* organization. Mr. Osgood makes it clear, as properly accredited by counsel, that no matter what the financial responsibility of that order might be, he would not do business with it. (Rec., p. 399.) We submit that its conduct in this case and in the many reported cases where it or some of its members have been a party litigant, discloses beyond the shadow of a doubt that his objections to this order are well founded. Their unreliability is fully disclosed by the testimony of Mr. Bettis, Mr. Baum, and Mr. Blood, all of which goes to corroborate the fears entertained by Mr. Osgood, as stated in his testimony, as to the results to be expected from that organization.

True, Mr. Lawson says, on page 288 of his testimony, that—

It is one of the proudest boasts of the United Mine Workers that they do not violate a contract when it is once entered into.

Mr. Bettis goes upon the stand and produces the contract entered into between him and the United Mine Workers of America, and he tells you that notwithstanding their obligation, as embodied in the contract, to permit him to select his own employees, they proceeded to dictate the personnel of his miners and day men; and, by reason of his inability to keep one person whom they desired to work and for whom he had no place at the time, they ordered a strike in his mine and put it in effect without even a conference upon the subject. (See Bettis' testimony, beginning at page 2098 of the record.)

This same witness had dealings with the Union in 1903. At that time he entered into a contract with it, and was promised by its officers that if they lost the strike in the southern field, that he, Bettis, could return to the conditions of wages, hours, etc., that existed before the strike was called. They lost the strike of 1903, but when he sought to return to those conditions he was not permitted to do so, but was required during all the intervening time to remain on the 8-hour basis, paying the increased wages which had been exacted, and, notwithstanding this loyal conduct on his part, when the present strike was renewed, he again was involved in the struggle.

COAL MONOPOLY.

In the face of repeated explanations it is insisted that three coal companies of Colorado represent 95 per cent of the production. This unfounded charge grew out of an advertisement publishing a proposition made by the operators, in which they stated that, for the purposes of that proposition or advertisement, they represented 95 per cent of the coal operators. Many persons involved in this hearing, even after the extent and limitation of that statement were made clear, persisted in the repeated assertion that this representation was for all purposes and constituted an organization in the nature of a trust. (Rec., p. 443.)

But evidently counsel thought they had discovered in this proceeding another hydra-headed monster in the presence of these three coal companies. In their brief they state:

The great difficulty in Colorado is that the three largest companies produce 68 per cent of the coal of the State.

This statement is not true, and the evidence does not so show it. True, on page 395 of the evidence is a statement of one of the coal operators given purely from memory which figures up that per cent, but the contrary is so clearly shown from the record evidence that counsel should not have made the statement. There was introduced in evidence and is reproduced above in this brief a tabulated statement of the coal production for every five years from 1898 to the present. This is not confined to the three largest operating companies, but shows the production of all of the operators, large and small, and the per cent of production is carefully calculated, and this calculation reveals a very healthy condition of affairs so far as competition in the industry is concerned. Taking the three companies complained of and beginning with 1898, we find their per cent of production steadily declining to the present. For each five years their aggregate per cent of production is as follows:

	Per cent.
1898.....	84.11
1903.....	74.81
1908.....	61.37
1912.....	56.58
1913.....	53.08

Of course the coal production is increasing; the amount of coal produced by these companies is increasing, but the other operators have increased so much more in proportion that it steadily reduces the aggregate per cent of these three companies.

It further appears from the tabulation referred to that for the year 1898 there were 105 coal producers in the State. Fifty-six of them, as disclosed by the figures in brackets at the bottom of the column, produced less than 50,000 tons each, and of the other 49, each producer produced more than 50,000 annually. In 1903 there were 104 coal producers; in 1908, there were 117; in 1912, there were 110; in 1913 there were 132. So it will appear that for the period of 15 years, the number of operators and quantity of production has been steadily increasing, and the greater proportion of this increase is by the outside operators, showing conclusively that if the three combined companies ever did have anything like control, they have completely lost it.

This, it would seem, ought to explode the contention of counsel as to the coal monopoly.

LAW ENFORCEMENT.

Considerable space is devoted by counsel to an enumeration of the various statutes of the State of Colorado pertaining to coal-mining laws which they claim have been heretofore violated by the companies; and yet, in the discussion, it is admitted that those laws are now being observed, but that it is by reason of the agitation which has been brought about by the labor unions. No matter what the reason for the enforcement of the law is, if it is done, that settles the matter, and time and space devoted to a discussion of it is idle.

Also much space is devoted to the subject of discrimination against union men and blacklisting. If the contention be true that the companies discharge men by reason of their affiliation with the unions, how was it that thousands of the miners were members of the union

when the strike was ordered, which the strike leaders contend was the case? The only witness we recall as having testified that he was discharged by reason of his union sympathies was one Picittelli, who did not work for the coal companies at all. He was a blacksmith for a railroad company and was discharged in February following the strike, and while he claims to have been so discharged on account of his union sympathies, yet it appears that at the same time he was discharged a large number of men were laid off, so to speak, on account of the decrease in traffic. (Rec., p. 1249.) Other witnesses testified as to their conclusions from what they knew of persons being discharged, or to what they believed to be the policy of the companies. It is contended by the witness, Lawson, that one Oberinsky was killed on account of his union proclivities, but when he is called upon to narrate the facts involved in the killing, his own narration of it shows that his conclusion is erroneous. There is nothing in his statement to show that the man who killed Oberinsky knew him at all or had ever seen him before the moment of the killing. It appears that the man who killed Oberinsky had just a few minutes before been in a fuss in a barroom, that he was ejected by the proprietor of the saloon, leaving Oberinsky and others in the barroom. But it does not appear that Oberinsky or any of the others had anything to do with the altercation. Soon after the Mexican was ejected from the room he returned to the door, knelt down, and fired, the bullet striking Oberinsky in the temple and killing him. Whether the Mexican thought he was shooting at the proprietor does not appear, but the most reasonable conclusion is that he so thought, and got the wrong man. The testimony on the subject is as follows (Rec., pp. 285-286):

Q. Can you name any person who was killed by reason of his desire to organize?—

A. Well, I can recall a man—one name at this time—a man by the name of Oberinsky.

Q. Why was he killed?—A. He was killed by a Mexican at Rugby.

Q. When was that?—A. I think it was in 1907, but I won't be positive. He was a coal miner, but he was an organizer for the Western Federation of Miners. There was what some people term a dual organization, and Oberinsky was working for the Western Federation of Miners, but it was generally understood that he was working for the United Mine Workers of America, and he was shot while standing in a saloon at a bar near the Rugby station—I think it was Rugby, if I remember—by a Mexican.

Q. Do you recall whether there was any altercation or dispute between the Mexican and himself?—A. Not a single word.

Q. He just walked up and shot him?—A. No: the Mexican came in—two of them—it is a long time ago—two Mexicans came in the saloon, and I understand that Mr. Oberinsky was in there waiting for the train, when this man who came in and some men got into a dispute there with the lad who was tending the bar—the son of the man who owned the saloon—and the man who owned the saloon put them out, and then he invited the men in there—three or four of them—to come and have a drink. Oberinsky was standing at the bar, either waiting for his drink or had it in his hand, I am not sure, but the testimony showed, I believe, that this Mexican came back to the door, and kneeling down put his gun on the jamb of the door and shot Oberinsky through the temple and killed him dead.

This testimony does not admit of the conclusion that the witness placed on it, and yet, under oath, he asserts it boldly as an established fact. We submit that the testimony of a witness so reckless with the truth ought not to be considered reliable by the committee.

Likewise, on the subject of blacklisting, the testimony cited leaves a wrong impression. In almost every instance, as the record will disclose by inspection of the testimony cited, it was developed that whatever notification was given relative to men who had been discharged was by some officer or agent of the company to other officers

or agents of the same company. The communication was not between different companies, but between men within their own company. It stands to reason that where one has given cause for discharge at one mine of a company the cause which led to this discharge would certainly be held against him in all other mines of that particular company.

This matter is made reasonably clear in the testimony of Mr. Welborn, from which we quote, beginning on page 499 of the record:

A. I have never known of men being discharged from the company because of their belonging to the union. I do not think any have been for the past seven or eight years, during the period I have been president. On the contrary, we have a great many, several hundred men, who belong to unions. In Fremont County, where, as I stated before, we have three large mines, we employ 800 or 900 men, sometimes a little more, and a large number of these men—we have never known how many; never have interested ourselves to the extent of finding out—belong to the union and have had their own local organization. I think it is a branch of the United Mine Workers, but our understanding has been, based on observation and that of our men round the camps, that they have not been regular contributors to the national order or actively associating with them in the general affairs of the association. I think I can say that most of the men employed at that camp, those three camps, have been at the same mines for a great many years, or at one of the three; and, as I said before, we never have asked the question of them as to whether or not they belonged to a union. We have known that they not only did belong to a union, but that they had their order and held occasional meetings.

Mr. BYRNES. Well, Mr. Welborn, their complaint is this: That if an employee becomes active in the organization, that he is discharged; that he is not told that he is discharged because of his membership in the organization, but on some pretext or other he is discharged. Now, if that did occur, would you have any personal knowledge of it, or would it be done by the superintendent in the field? Couldn't it occur without your knowing it?

The WITNESS. It is possible for such a thing to occur without my knowing it, but in the face of absolute instructions to the contrary, and my knowledge of the fact that many of our men have belonged to the union, and their employment was continued for years; that in some cases they were officers of the order, and therefore active to a certain extent. I do not believe—

Mr. BYRNES. Did you say in the face of instructions to the contrary? Have you given any instructions along that line?

The WITNESS. Yes.

Mr. BYRNES. What instructions?

The WITNESS. That men should not be discharged because they belong to a union; but we may discharge a man who does happen to belong to an order. The charge was made through the press that after the convention of August 18, in Trinidad, and before the so-called joint convention of September 15—the first convention was the one of the State confederation of labor—the companies had discharged men who had attended that first convention as delegates. The charge was not directed, as far as I remember, to any individual company, but I took occasion to investigate it, and I found that in the three or four weeks that had elapsed we had discharged two men; one of them for violating, in a very serious way, some of the rules of the camp established for the men's safety, and the other one for viciously, as they term it at the mines, beating up a mule. I state that, thinking it may save some cross-examination on that question.

But what seems to us to be a conclusive response to the charge of lack of law enforcement, and as demonstrative of the insincerity of the parties making the charge, is the fact that no prosecutions have been instituted and no complaints made against the companies, or their officers, agents, or employees, charged with the violation of any of these statutes. The statutes imposed severe penalties for the violation thereof. If these people are affected by the noncompliance with the statutes, why don't they avail themselves of the remedies held out by the law, instead of involving the community in warfare?

True, they may respond to this, in keeping with their usual malodorous wails, that they can not hope for any relief from the courts. They have only assailed the integrity of the courts in two counties, Las Animas and Huerfano. The coal companies are doing business in seven or eight counties in the State; and certainly it can not be claimed that all the officers and the courts of all these counties are corrupt. Nor has it been charged that the Federal court is corrupt or partial. Why, then, don't they seek relief in one of those courts having jurisdiction of the subject matter? Their acquiescence demonstrates that the conditions were satisfactory until the hour arrived for the execution of the plans they have been laying ever since the declaration of their former president in 1904, that they would avail themselves of their first favorable opportunity to organize those fields. These complaints they are making as some of the grounds for the sympathy, aid, and indulgence which they seek.

THE TRUCK SYSTEM AND USE OF SCRIP BY COMPANY STORES.

To this subject has been devoted a great deal of agitation and legislation. It has been many years since any of the mining companies issued what is termed scrip in this State. The stores in the mining camps use scrip as a medium of exchange, in order to avoid book-keeping, and the plan is substantially as follows: If an employee, between pay days, desires to purchase goods at the store, he may give to the store an order against his wages, and if the bill of goods purchased does not amount to the face of the order, he is given the difference between the purchase and the face of the order in scrip. The practice followed does not violate any law of our State. (C., B. & Q. Ry. Co. v. Provolt, 42 Colo., 103.) This scrip is redeemable at the store in merchandise. While much discussion has been indulged in about this system, the miners do not, in fact, have any objection to the practice. It is, for them as well as for the storekeeper, a convenience, and is so regarded. We do not now recall that any person testified to having lost anything upon his scrip upon quitting the service or otherwise.

The company store is a necessity. Most of the mines are located some distance from any other town, and, for the convenience of the miners, a store must be maintained in the town. If the prices charged by the stores were higher than in neighboring towns and the men thereby wronged, certainly there would have been lots of testimony tendered to the committee about it. In truth, however, the testimony is all to the contrary; the camp stores undersell those in the towns.

It is shown in the evidence here that not to exceed 22 per cent of the miners' wages pass through the company stores.

On the matter of scrip and stores, Mr. J. F. Welborn testified as follows (Rec., p. 501):

Q. Has scrip been abolished?—A. Yes, sir; we abolished scrip for very much the same reason that we posted that notice.

Q. When was that?—A. It was January 1, 1913. We do not believe, and a large number of miners and their families have not believed, that the use of the so-called scrip was an objectionable practice, but politicians, officers of the United Mine Workers of America, and others whose time was largely devoted apparently to stirring up trouble, sought to criticise the practice and to criticise it very severely, and we abolished it on the date I mentioned. There never had been any time when scrip was employed in the way charged; that is, as a partial means of paying the men their wages.

I think the general use of scrip in coal mines was testified to by Mr. Osgood, and unless you care to have me go into it, I shall not. Our practice is very similar to that.

Acting Chairman BYRNES. You have discontinued the use of scrip?

The WITNESS. We have discontinued the use of it entirely.

By Mr. HERRINGTON:

Q. How about the right to trade where the miners please?—A. The miners enjoy that right, and a great many of our camps are near enough to other points so that they can easily go to other stores. We have two mines, Walsen and Robinson, located practically at the door of Walsenburg; I think the city limits come up to the limits of our property, the tipples are only a few hundred yards away from the city limits, and our stores at that point show a trade, show sales larger in proportion to the mine pay rolls than we have at many of the so-called closed camps.

Q. How do you account for that?—A. There are two possible explanations. Either the men are so well satisfied with our stores, compared with prices and goods which they can secure in towns where many of them have heretofore lived, that they prefer to trade with our place, or we receive some trade from the town, and the latter I am very sure is not the case to any considerable extent.

Mr. Osgood testified on the question of company stores and scrip, as follows (Rec., p. 403):

In every one of our camps we have a company store. When a mine is opened—and in the case of our mines this is so—the mines are comparatively remote from the town or village. There are no store facilities there, and there must be some provided. The question arises whether the company shall provide for it or shall allow some outsider to come there. Very few mines have sufficient room for two stores to live—it would have to be at the expense of the men, as a result of higher prices, and one store will serve their purpose. We have always felt that we had more at stake in connection with the store than any outsider would have, and therefore that it was a legitimate thing for the company to operate a store. In our case we operate our store—it is an independent company, but it is ours, and we don't make any subterfuge of it, and we use an independent corporation as a matter of convenience.

Q. Do any of the employees own stock in it?—A. I think so. In order to give them a high rate of interest upon their earnings we have created a preferred stock which they have purchased, and which we agree to repurchase from them at any time they want to sell it.

Q. Is that preferred stock in the coal company or in the store company?—A. It is simply in the store company. I don't know that there has ever been any serious complaint about our stores—there may have been individual complaints, but I didn't know it. These complaints come when there is a strike, when feelings are high, and men get excited, and then, of course, it is a source of grievance. We frequently have had our prices investigated, and invariably have found that the prices for staple goods are the same or lower than in the adjoining towns. As an evidence that we don't coerce our men, and that we give them absolute freedom, I wish to say that most of our mines are near enough to some town, so that once a week or so the men can go into town and trade, and that the maximum amount of our sales at any time has not exceeded 25 per cent of the pay roll, so that it does not look like we were forcing the men to make all their purchases at our stores.

In that connection I want to tell about the question of scrip—the scrip system. I have been advised by my attorneys that the scrip system, as we carry it out, is not in violation of any law, and I will explain its operation to you and its purpose. I think there are a number of companies who do not use it, and I think one of the larger companies has recently abandoned it, but we continue it, and therefore I want to explain it. The difficulty of keeping account of coal miners is perhaps one clearly understood by men who have been connected with the business. If you have a pass-book account, and a man comes into a mine without his book, and he comes out and wants to get some tobacco or something of that kind, and he has not got his book with him, he has to go home at great inconvenience and come back, or else he gets his articles without his pass book. If he has the pass book in his pocket in the mine and his wife wants something, the result is the same thing. At the end of the month the pass book don't agree with the ledger account. Then there is a good deal of trouble. It was on account of this that I had the scrip system adopted 30 years ago, and it is purely a bookkeeping system. A man is not bound to take one dollar's worth of scrip from the company. If he wants to trade at the store and establish his credit, he goes to the mine office and gets a statement from them that his credit is good, say, for \$20. He takes that certificate to the store and they give him \$10 or \$20 or \$5 worth of credit, as he wants it there. He gets what he wants and is

given the balance of that order in scrip, which he can carry home to his wife and divide up as he sees fit. There is no necessity for any regular account. His account is paid at once or the scrip is in his possession. There is this injury about the scrip system, and it is difficult to overcome, and that is the misuse of the scrip by the men to their own detriment.

The United States Government does not permit a company to redeem its scrip in cash. It can not treat it as anything but an order for merchandise, and in order to redeem it for cash or as a circulating medium, they make a charge of 10 per cent. That is a United States law; we can not make scrip in imitation of money, and we always submit to the Treasury of the United States our scrip for them to pass upon it. We can not redeem that scrip, and men that are always hard up will use that scrip in the saloon or somewhere else, because they can not get anything but merchandise for it. The consequence is that there are men who use that scrip to get money. There is not any necessity for their using that scrip, They can get their pay in cash.

WAGES.

Under this head counsel, unable to escape the inference enforced by the numerous schedules of wages introduced from the various companies and the testimony of many witnesses, who disclosed their earnings, says:

The operators seek to divert attention from them by the citation of individual cases of alleged good wages. From the thousands of employees they choose selected instances on which unstintedly to pride themselves.

And it is intimated that the parties receiving these wages are favorites.

It is in evidence here that the employees of one of the companies had, from time to time, made deposits with the store department of that company, and that such deposits by employees at the time of the strike amounted to over \$500,000. And, while upon this subject, it may be stated, and it occurs to us that it comes with wonderful force, illustrating the relation between employer and employee, the mutual confidence that existed and the satisfaction of the employees with the conditions obtaining, when it is disclosed that several months after this strike was called those depositors on strike had continued to leave their money with the company.

The following is the testimony on that subject (Rec., p. 492):

Witness WELBORN. I would like to say, as pertinent to this particular subject, that at the time, or about the time, this agitation started, I took occasion to inform the governor as to the conditions of our men at many places, and particularly as to the savings so far as we knew, that they had accumulated. For many years, our miners have made it a practice to, as they term it, deposit with the company their savings. They leave them with us and we pay them 4 per cent interest.

Mr. HERRINGTON. You do not mean the Colorado Fuel & Iron Co.?

A. The Colorado Fuel & Iron Co.—well, the Colorado Supply Co.—it is the store department of our company. We had at that time a little over \$500,000 of our employees' money deposited with us.

Acting Chairman BYRNES. When the strike started?

A. When the strike started. And less than \$100,000 of that money has been withdrawn since the strike to date.

Acting Chairman BYRNES. Less than \$100,000?

The WITNESS. Less than \$100,000. We had over \$400,000 at the date of the last statement I saw, which was either at the end of January, or the 1st of February—we had \$420,000.

Acting Chairman BYRNES. How much of that \$400,000 is money of the employees who are now on strike?

The WITNESS. A considerable portion. We have three large mines in the canyon district in Fremont County. At two of those mines figures were furnished me some days after the strike, but not 60 days ago.

Mr. HERRINGTON. Not over 30 days ago, wasn't it?

The WITNESS. I think something like that. The strike was well along, more than half the period up to date since the strike had expired. The books of these two mines show \$50,000 with the company.

Acting Chairman BYRNES. \$50,000?

The WITNESS. \$50,000 at those two mines. All of the men there were on strike, and have been. Those mines haven't been worked since the strike was called.

But, if these figures offered by the company were garbled or specially prepared, why did not counsel offer in evidence the testimony of the thousands of miners who are on the starvation wages? They did offer a few, and in practically every instance, after the party had testified to an inadequate wage, his canceled time checks or statements from the mine clerk were presented; showing enviable earnings, provided the party had been industrious.

Counsel prefers evidently to take the tabulations and figure juggling made by that most accommodating witness, Mr. Brake, the State factory inspector, who takes this opportunity to smite the hand that feeds him. He holds an office in the State of Colorado which he has enjoyed for many years, and while in fact, so far as we can see, he is glad to serve the dear people, he goes upon the witness stand and declares us to be a set of outlaws and condemns practically all the officers of the State and every department of government. He discovers no one who is right (save himself) and he does not seem to be real certain of that. Truly, he is like the Scotchman, who thought everybody excepting himself and his friend were a little bit daft, and could occasionally see weaknesses in his friend's mental makeup.

The witness, Welborn, shows the falsity in Brake's testimony, where he claims such low averages in the Berwind pay roll. (Rec., p. 517, et seq.) But counsel seems to think that Welborn is the juggler of the figures. He is welcome to present these two witnesses in comparison to the reader of their testimony, and we would gladly have him present their life record likewise for inspection. The one, through his energy, opens the way for thousands to feed their families and works incessantly without complaint; while the other, as shown by his testimony, draws a salary from the State for the time he devotes to stirring up trouble in the labor circles of the State.

It would seem that the deputies chosen by Brake are quite as willing to distort the facts as Brake himself. On page 77 of the record, in the report of one Monical, is found the record of Monical's inspection of scales at different mines in the southern district. When cross-examined by the members of the committee, Brake admitted that he had discharged this man Monical for the reason: "Well, this man lied to me about it." Yet Brake is willing to give credence to the report of Monical, notwithstanding he found him so unreliable as to necessitate his discharge on account of his lying. The very statement of Monical's report show such an absolute exaggeration as to lack any credence whatever, and reflect quite as much on Brake for quoting the report as on Monical for making it. In the very report found at the bottom of page 77 of the record, wherein he states that checkweighmen are not permitted, the contrary is shown; that that statement was disputed as soon as it was made, by the attorney for one of the companies.

Furthermore, Mr. Brake was used as a star witness as to the causes leading up to the strike. He boastfully announced that he was instrumental in getting the numerous labor laws passed, and, after all the laws in favor of labor had been established, his opinion was

that the miners struck because these laws had not been enacted sooner. This to us would seem ridiculous; and it further seems to us that it was extremely unfair to call a strike until such time had elapsed that these laws passed for the benefit of the miners could have been fairly tested.

Another of Brake's deputies, who was introduced on behalf of the striking miners, professed to pass upon the ventilation of mines simply because he had the sale of a patented ventilating apparatus for buildings. We believe that there are members of the committee who have had experience enough in coal mines to have practically discredited this witness in the eyes of the whole committee.

But for the fact that Brake's testimony has been given such publicity, we should ignore it, because we feel that the committee was impressed both with his poor judgment and lack of sincerity.

Brake's idea of a republican form of government is one in which he is the supreme dictator. It appears that he had a quarrel with the State coal mine inspector, the metalliferous mine inspector, the district attorney of the city and county of Denver, and the district attorneys of every other county wherein he attempted to enforce his idea as to what the law was. Surely, such a man, who is at outs with everybody, should examine himself for the purpose of ascertaining his own fallibility. While he charges that we have no republican form of government in Colorado, he makes no complaint of the labor leader who remonstrated with Gov. Ammons against the prosecution of the strikers who ambushed and murdered the men at the Longhead Reservoir (Rec., p. 2838.)

On this subject of wages counsel, notwithstanding their embarrassing experience with him on the witness stand, saw fit to proffer the testimony of witness Anderson, because he stated that he had about the best place and averaged only \$80 per month. Now, his testimony corroborates this statement, but the testimony of the mine clerk who presented the pay roll on which Mr. Anderson got his pay, is as follows:

By Mr. COSTIGAN:

Q. Is that a copy or the original?—A. Copied from our pay roll.

Mr. BYRNES. Did you make it?

The WITNESS. I did, yes. For May, 1913, a full month, he got \$129.69; for June, 1913, a full month, he got \$150.84; for July, 1913, a full month, he got \$140.57; for August, 1913, a full month, he got \$123.50; for September, 1913, 10 days' work, he got \$56.79.

These figures are verified by Miners' Exhibits 125 et seq., found at page 2677 of the record, which were presented by counsel who had them in their possession at the time they permitted the witness Anderson to testify on his direct examination that he averaged only \$80 a month. Why counsel did this, and then accentuated it by referring to witness Anderson in their brief, is beyond our comprehension.

This is all we care to say upon the wage proposition, save to refer to the schedules of wages shown by the record, one of which we have reproduced in another part of this brief.

CHECKWEIGHMEN AND SHORT WEIGHTS.

On the subject of checkweighmen, it seems that the experience of the operators is practically the same, and it is so tersely and clearly stated in the testimony of Mr. J. C. Osgood, of the Victor-American

Fuel Co., that we see no room for improvement on it and quote it in full (Rec. p. 402):

The next demand of the miners was for checkweighmen. The law provides that the miners, on request, and on the conditions set forth in the law, they shall be allowed to have a checkweighman. I can say positively that among all the managing officers of my company we have always welcomed the checkweighman at any of our mines, and we have never done anything to deter any man from putting on a checkweighman when they wanted to. There are some inherent difficulties that I want to call to your attention. There is no doubt but that the question of weights of coal at the mine is one of the greatest causes of discontent and dissatisfaction that there is. It is one of the hardest questions. I don't doubt but that there are many men who believe they are being deprived of their wages. I can say positively that in any of the mines in our company we have not permitted any false weighing of coal. The difficulty about checkweighmen is this: We have a very large number of nationalities at our mines. It is right difficult for these men to agree on a checkweighman; if they agree on an Italian, the Slavs believe he is stealing from them and giving to his Italian friends, and if it is a Slav it is vice versa. In addition to that it is very hard to get a man who wants a job as checkweighman. The individual complaints of the men who believe that they have been deprived of their weights are of such a character that almost ostracism occurs, and it is very difficult to get a man to act, and when he does he wants to resign at the end of the week.

There is an instance that I can call your attention to where the men were called together and asked their grievances, and they said they wanted a checkweighman. The superintendent told them that they were entitled to one, and he asked them to make a selection from one of their number. No one wanted to serve, and the superintendent suggested that the man who suggested the checkweighman should take the job. He took the job and served just one week and quit. There are many difficulties of this kind, but as a general rule I believe the miners are getting honest weight.

*Q. What does the law provide with respect to checkweighmen?—A. It provides that if a certain number of men petition for a checkweighman and agree to pay his wages, that the operators shall put him to work to check the weights of the miners.

Mr. BYRNES. It has been testified to that the reason that that law has not been put into operation is that the men are afraid to petition for fear they will lose their jobs.

A. That might be—it would be very wrong for me to say that there is nothing true about it. I don't know of such a case, and I don't believe that any of our men feel that way. I don't believe that our men feel that they would be refused if they wanted him. It is very difficult to get these things through a man's mind when he has an idea of that kind. Some of these laboring men in the mines get it, and they seem to feel that that would be our attitude before they try it out. We never refuse a checkweighman. I don't know that we have ever been asked for one, but I think that we have frequently suggested that we wish they would put a weighman on. In that way it is well understood that we are in favor of a checkweighman and would be glad to have one if the men wanted him.

Mr. Welborn, president of the Colorado Fuel & Iron Co., was interrogated upon the same subject, and testified as follows (Rec., p. 500):

Our men have always had the privilege of a checkweighman, and I do not know of any reason why they should not have understood that they enjoyed that right. However, at the time when there was some agitation on that question, almost two years ago, we posted a circular at all of our properties, of which this is a copy.

Acting Chairman BYRNES. Do you want to put this in the record?

Mr. HERRINGTON. Yes, sir.

Q. When is that dated?—A. That is dated April 11, 1912.

Q. That was the result of so much talk?

Mr. COSTIGAN. We object to asking leading questions.

Q. Why did you post that?—A. We posted that because of the claim that was then being made, as it is now, by the officers of the mine workers and the agitators, as well as politicians, that the men couldn't have a checkweighman, and that if they asked for one they would be discharged. We had, however, at that time, one mine—we have the mine yet—which for a great many years had employed a checkweighman, which the miners paid for. We have had a number of cases of men seeking a checkweighman, appointing one, who worked but a few weeks. I don't know of any other case than the one at Starkville, where checkweighmen have continued at work in that capacity for to exceed a few weeks, and there has never been a case where a checkweighman has been declined, where a request for a checkweighman has been declined

or where any man or number of men have been discharged because they asked for one at the Colorado Fuel & Iron Co.

Acting Chairman BYRNES. This notice is addressed to your superintendent. Do you know of your own knowledge that it was ever posted by the superintendent?

The WITNESS. I do know that it was posted. I have seen it at many mines.

Acting Chairman BYRNES. He makes the statement, and I don't think it is necessary to put it in the record [referring to paper marked "Exhibit 21"].

Exhibit 21 is as follows:

THE COLORADO FUEL & IRON CO., FUEL DEPARTMENT.

Circular No. 595.

PUEBLO, COLO., April 11, 1912.

All superintendents:

In order that our position on the checkweighing question may be fairly understood by all our employees, would ask that you post the following notice:

NOTICE.

The Colorado Fuel & Iron Co. has always been willing that its miners should have a checkweighman. This fact is well known to old employees, but, for the benefit of the new ones, this is notice that a checkweighman, selected by the miners from their fellow workmen, will be allowed at any of the company's mines.

THE COLORADO FUEL & IRON CO.,
E. H. WETZEL,
Manager Fuel Department.

If the men were so robbed in their weights, how do they account for wages to the amounts shown in the schedules set out in the record herein?

CHECK OFF.

The truth is the checkweighman proposition does not interest the United Mine Workers nearly so much as what is referred to as the "check off." By that is meant this: When a mine is working under union conditions and under a contract with the union, the mine management is required by the union rules and by the contract to charge against and hold out of the wages of every employee all dues, fines, assessments, and initiation fees levied against the union members by the union, either local or national. These charges frequently run high and dissatisfy the laborers. But, no matter what their dissatisfaction, the deductions must be made just the same; and this, by the way, is the principal object in unionizing the mines.

And these assessments must be submitted to by every man working in a unionized mine, whether he affiliates with the union or not, as appears more clearly from the testimony of witness Morgan set out infra. And this, we are advised, is the only labor union in existence that exacts the check off.

The following is a clause in the proposed scale demand of the United Mine Workers:

Eighth. It shall be a condition of employment that all men working in and around the mines shall be members of the U. M. W. of A., and all companies to this agreement shall collect from their employees 2 per cent of the gross earnings of all day men and 3 per cent of the gross earnings of all miners, which shall have preference over all other collections, and turn over to the authorized agents all such moneys after being notified by the miners' organization.

ACCIDENTS AND DEATHS.

That accidents resulting in personal injury or death in mines or elsewhere are lamentable is a matter on which a normal mind does not need to be advised. That Colorado has had her share is to be regretted. It appears from the evidence adduced herein that our recent laws provide for more rigorous inspections than have been heretofore required. It also appears from the evidence that some of the companies, even before the enactment of this law, were advancing in precautionary measures beyond the requirements of the law.

It is idle and senseless to intimate that these accidents are the fault or any willful conduct on the part of the companies. Even banish the slightest conception of the virtue of humane principles existing in the mines of the operators and look at it from a purely monetary standpoint, and it would still be plain that the coal operator desires to prevent accidents.

When an accident occurs such as an explosion, which is responsible for most of the casualties alluded to by counsel, the damage to the mine where the explosion occurs is serious, running, as some of them do, into the hundreds of thousand of dollars, to say nothing of the indemnity paid for loss of lives, and the general demoralization of the mining force. These accidents are misfortunes in which both the operator and the miner suffer, and we think it clearly appears from the testimony here that all parties engaged are diligently studying and experimenting to the end that such casualties may be eliminated. It is natural, however, to suppose that our adversaries, from their general character, will make all they can out of a matter so susceptible of agitation and sympathy as mine casualties. Sympathy is their "long suit." Furnish the incidents, and they will adorn them with a halo of pathos.

We again quote from the witness, Osgood, commencing on page 404 of the record, concerning the experience of some of the operators with preventive methods:

There is a great deal in connection with safety appliances which can be used in mines, overcoming the dangers of dust and gas explosions, which in the last few years has been a matter of experiment by the Government and by mine operators as well. There has been a great many experiments with electric lamps and experiments with steam introduced to mitigate the danger from dust explosions, and various schemes have been tried out, and until recently it would have been very difficult to find a code of laws for mines as complete as the one we have now. I am not sure of the time, but I think about three or four years ago Gov. Shafroth appointed a committee to draw a new mining law. That committee was composed of Prof. George, of the School of Mines, who admitted he had never been in a coal mine; Dr. Alderson, who had never been a practical miner; and one practical miner, who was, I think, Mr. Dalrymple. There may have been others, but the operators had no representative whatever in preparing this law, and the law was prepared and submitted, and in the form in which it was it was absolutely impossible to carry it out. Many of its provisions were of such a nature that they could not practically be carried out.

We opposed the passage of that law in the form it came from the committee, and we offered numerous amendments to it, and it was amended finally and it passed, but upon the request of the labor element Gov. Shafroth vetoed it. The claim made at the time was for the reason that it contained a provision that the miners themselves should pay their shot firers.

Now, when this new law that is now in force was presented to the legislature, it had been drafted in consultation with the operators, and the operators were given an opportunity to take a hand in the preparation of the law; in the committee which met to draft that law the operators were represented, the labor element was represented, and the State mine inspector; and you would not recognize the law that came out of

the conference as being anything like the law that went in. We did not make any defense, except that we introduced in the senate necessary amendments to make it a practical law, and we took an active, interested part when it was prepared, and we did all in our part to bring about its adoption, and since the law has become effective we have done all we can to comply with it. It is a new law with a great many provisions, and there are many of the duties of the State mine inspector—I think he has been doing his very best, but it takes time to get running in all the things that the law requires. So far as we are concerned, I feel that we have done, and are willing to do everything that we can do, to comply with that law at all times.

Now, in advance of any law that was put on the statute books, we have spent large sums of money—I know the others have done the same—in introducing improvements not required by law and in making experiments for improvements to promote the safety of our miners. For one thing, we have put special inspectors having nothing to do with the operation, whose duty it is to look after the safety conditions entirely. We have been conducting experiments which have cost us many dollars which the United States Government has been interested in, and we feel that we are taking a step in the right direction. We have spent large sums of money in our time to improve the safety of our mines regardless of any provisions of the law in that regard.

And from Mr. Welborn's testimony, beginning on page 497 of the record:

Q. What has been the policy of the company in respect to expenditures for safety in and about the mines?—A. We spend a great deal of money for safety purposes—always have, and I think we have increased the amount in the last few years. We have established rescue cars, we have two of them, and we have crews trained at practically all of the mines, competent to do first-aid rescue work; we keep those cars busy throughout the State, running around with a force of men competent to train a crew.

Q. Does the company pay the expenses of all that?—A. Yes; the company pays all the expenses. We found that the men took up the work very readily, and the result was satisfactory in every way. Some two or three years ago, some time before the law required it, too, we put on extra pit bosses, designating them as assistant pit bosses, to help the miners, very largely to see that the men carried out the instructions—instructions as a rule made and given for their own safety. Unless they are watched they don't do it. Altogether we are doing everything we can to make our coal mines as safe as coal mines can be made. Our records show that we are making some progress in that direction, and I think the number of fatalities is decreasing, and that the establishment of rescue service, first-aid rescue service, at the mines, helped very materially in making men actually more careful and more observant of the rules that were established in their interest.

By Mr. AUSTIN:

Q. Have you a Government mine rescue station in this State?—A. No; we have not. The Government considered the establishment of a mine rescue station here, and went so far as to send someone out to select the ground, but we at the same time were building or preparing or equipping, about that time, our own rescue car, and I think that furnished the suggestion to them that they do the same, that it would be easier, much easier, to reach these different localities. They have one or two cars in this part of the United States, and they visited the various places where disasters have occurred.

Q. Is the Government mine rescue car a duplicate of the one that you constructed?—A. No; it is not a duplicate. I think theirs is a larger car, but, as I understand it, in the main the equipment is about the same. If I am not mistaken, our car was equipped before the Government put theirs into service.

Some point has been attempted to be made on the question of coroner's verdicts. The following statute has been in force since the year 1883: .

Whenever loss of life or serious personal injury shall occur, by reason of any explosion or of any accident whatsoever in or about any coal mine or colliery, it shall be the duty of the owner or agent thereof to give notice to the mine inspector and, if any person is killed thereby, to the coroner of the county also, and the inspector shall immediately go to the scene of said accident and render such assistance as he may deem necessary for the safety of the men and shall ascertain, by the testimony before the coroner or by taking other evidence, the cause of such explosion or accident and file record thereof in his office. (Sec. 3188, Mills Ann. Stats.)

It will be observed that at the inquest the State coal-mine inspector is required to be present at the taking of the evidence. Moreover, by this statute the State coal-mine inspector is required to find the cause of the accident and file his record in his office. It will be recalled that State Coal Mine Inspector Dalrymple exhibited his report to the committee in connection with the Bradley case and it was not thought necessary to introduce any of the records except that concerning the Bradley case.

In *Germania Life Insurance Co. v. Ross-Lewin* (24 Colo., 43) it was decided that the verdict of a jury at a coroner's inquest was not admissible in evidence for any purpose whatever. Just what purpose the mine operators could have in influencing a verdict one way or another has not been made apparent in the brief nor are we able to conceive any reason why they should interest themselves in a procedure which is so barren of results.

Section 874 of Mills's Annotated Statutes provides that all the testimony taken at a coroner's inquest shall be reduced to writing, subscribed and sworn to, and filed with the clerk of the district court.

It would therefore seem that no purpose whatever could be served by the operators securing a verdict one way or the other in cases of accident.

PRIVATE DETECTIVES AND MINE GUARDS.

The coal companies are criticised for employing mine guards. What, pray, would you have them do? What would have happened within 12 hours after this strike was called if the mines had not been thoroughly and diligently guarded by strong forces of courageous men?

It is not disputed that arms and ammunition were purchased by the organization and put in the hands of their men before the strike was called. (Rec., p. 322.) The purpose for which they were obtained is made clear by the conduct of the members of the organization throughout the strike, and had it not been for the guards, the mines generally would have received what Forbes, Empire, Green, Canyon, Royal, Southwestern, McNally, and other mines have so recently received, namely, the torch. There is simply no use to argue upon the question of employing guards. If the State will not furnish to the owners of property the protection to which they are entitled, it is left to them to defend themselves and their property by whatever means they can find. Under no circumstances do we approve or even condone an aggression under arms; but in all cases must the right of self-defense be recognized.

It would seem that the right to defend one's property is so well ingrained in the American idea of justice that it would be unnecessary to add more to what has been said on the subject of mine guards, but this particular complaint has been so impressed and the charge so magnified that a little further explanation is not out of place. It has been charged that the Baldwin-Felts Detective Agency has furnished the mine guards—in fact, that the terms “guards,” “deputy sheriffs,” “militiamen,” and “Baldwin-Felts,” are used interchangeably, and with like intimations of ignominy or infamy, and it was testified upon the stand by one of the leaders of the strikers that several hundred Baldwin-Felts detectives from West Virginia were doing guard duty, murdering people and otherwise outraging the peace and good order in Huerfano and Las Animas Counties. When the subject was investigated and the men placed upon the stand who

knew just how many Baldwin-Felts detectives there were in the field, this army dwindles down to 17 as the highest number of men in the employ of the Baldwin-Felts Detective Agency. This information was brought out by the well-directed interrogatories of the chairman of the committee (p. 329).

Q. Now, after your brother signed the contract, then you say you came out here?—
A. Yes, sir.

Q. How many men did you bring?—A. I brought two men with me.

Q. Is that all?—A. Yes; that is all the men that were working on the outside that were generally known.

Q. What I want to know is how many men you had employed in 1910?—A. I think six men altogether.

Q. In 1910?—A. In 1910.

Q. Where were they stationed, if they were stationed at any place?—A. One man by the name of O'Connor at Louisville and a Mr. Berwill stationed at Frederick—the other men were not stationed at any particular place.

This was the maximum Baldwin-Felts force in the northern field in 1910. We find that when the strike of the southern field approached two Baldwin-Felts men were sent down there (Rec., p. 330); that the force was then increased, and Mr. Felts tells us (at p. 332) that after the strike was called they increased the men to 16 or 17, certainly not to exceed 20. And before leaving the subject of detectives let us inquire why the universal hostility to detectives, particularly where they admit their vocation and by a life of integrity establish their right to an existence in society, and by energy, courage, and fidelity accomplish so much in the way of restraining the vicious and discover the perpetrators of foul deeds which would be otherwise undiscovered in civilized communities. Where does the law-abiding citizen find reason to complain of the detective? In your own observation is it not some fellow who is smarting from an unexpected discovery or the conviction of a crime which he has committed who makes the verbal assault on the detective business? The men who were presented on the witness stand by this committee and who are in the employ of the Baldwin-Felts Detective Agency, were frank, sincere, and convincing in their testimony and disclosed a character and manhood far above the average of the witnesses proffered by the strikers. We have no apology to offer for these men, admit that they are in our employ, and are gratified at the valuable service which they have rendered. We have confidence in them and believe that their services are necessary for the protection of our property against the secret designs and plottings of the most desperate organization that ever preyed upon a civilized community, and we would be remiss in our duty should we leave this subject without adverting to the gratitude so openly manifested by the imperiled citizens of Berwind Canyon when on October 27, 1913, a small crowd of men headed by A. C. Felts carried, at the risk of their lives, ammunition and succor to the besieged village after it had been under fire by the Ludlow strikers for three days. This committee will remember the history of that continued siege as given by Witness Wilson and others; how the defenders of the town of Tabasco and Berwind were reduced to 10 rounds of ammunition when the cry for aid reached Trinidad, and you will recall what efforts were made to get men to go to the relief of the imprisoned miners in Berwind Canyon and of the futility of their efforts until Mr. A. C. Felts arrived in Trinidad and took charge of the reinforcements and led them to the succor of the inhabitants of those camps.

GUARDS AND DEPUTY SHERIFFS.

It appears in evidence here that when this strike was called, the usual camp marshals and peace officers of the mining communities were wholly inadequate to defend the property and lives of the people against the aggressions of the strikers. As the necessity became apparent, the mining companies employed men to stand guard of their various camps, and these soon became known as guards. They were instructed to remain, and were retained on the property of the company by whom they were employed. At the same time these men were employed, the sheriffs of those counties were appealed to for protection of the people traveling along the highway, and in order to accord this protection, the sheriffs began to appoint deputies. Having exhausted the supply of their own counties, they called upon the sheriffs of other counties to obtain and send to them men who were willing to serve as deputy sheriffs in the region of the tent colonies, notably at Ludlow and Forbes, for the protection of the general peace and travelers on the highways. Many of these came from the counties of the Arkansas Valley, and so far as we have been able to learn or is disclosed by this record, were men of unquestioned integrity. Later in the campaign and after the governor of the State had long delayed in sending the aid which the operators and the general public felt was their right to demand, a few people who came from outside of the State, as it was afterwards determined, were appointed by the sheriffs and did duty as peace officers. It is not surprising that the sheriff did not stop to demand the pedigree of these men. Conditions were so desperate and the communities were in such peril and the demands on the sheriff for protection so frequent that he did not dare refuse men who were willing to enter the service, if their general demeanor seemed to qualify them. It would have been criminal for the peace officer of the county to decline aid in the people's hour of need merely because a man willing to serve him happened to be from Texas rather than from Greece or the island of Crete.

As to the number, service and discipline of the guards, we can not do better than quote from the testimony of Mr. E. H. Weitzel; beginning on page 1795, we find:

Q. Some complaint has been made about camp marshals, under ordinary times. Will you please state to this committee what a camp marshal is and what his duties are?—A. A camp marshal is a peace officer. In most of our camps we require them to look after the property, to look after vacant houses, see that the windows are not broken out and property is not destroyed, to make occasional inspections of the houses to see that they are well taken care of, to see that the children of school age attend school. Prior to the calling of the strike in this district we were operating one, two, three, four, five, six, seven, eight, nine—nine properties—and had only one, two, three, four, five marshals. At several of our properties we had no marshals at all, and at none of them had we more than one.

* * * * *

Q. How did the guards go to work—with or without sheriff's commissions—deputy sheriff's commissions?—A. At first when we put the guards on we did not have them deputized.

Q. What did they do?—A. What did they do?

Q. Yes.—A. They were instructed to stay on company property, and we instructed—the superintendents were instructed to tell the men in charge that any time any guard left the property he should leave his arms behind.

Q. What necessitated giving some of these guards deputy sheriff's commissions.—A. Well, later on we found it necessary to move the guards from one property to the other

in cases of emergency, and in some cases found it necessary for them to go off the property temporarily, and for their protection we thought best to have them deputized.

Q. Was it necessary to make arrests off the company property?—A. At times it was; yes. We had camps where there were—take Sopris, for instance; we had some men who were working, living in among the strikers, living next door to strikers, and it was necessary for our guards to go along the streets in those neighborhoods off company property in order to properly protect our men at work.

Q. What discipline did you give guards or your superintendents?—A. The orders were given that any guard found to be intoxicated, or found to be a drinking man, was to be discharged.

Q. Were there any discharged?—A. Yes, sir; a number of them. They were never reinstated under any conditions.

If complaint is to be made against the employment of these guards and deputy sheriffs, we insist that the complaint be carried back to those who necessitated their employment by the institution of a lawless reign in the communities where they were employed.

JURIES.

Under this head of political injustice, counsel has seen fit to criticize the juries of Huerfano County. The frequent return of the same name on the jury rolls of Huerfano County is accounted for in the evidence. The method of selecting juries is provided for by statute in the following manner. Section 3677, Revised Statutes, reads as follows:

3677. *Classification of counties for selection of jurors.* SEC. 10. For the purpose of selecting jurors to serve in courts of record, the several counties in the State of Colorado shall be divided into four classes: Counties having 10,000 or more voters shall constitute the first class. Counties having 3,000, and not exceeding 10,000 voters, shall constitute the second class. Counties having 1,000, and not exceeding 3,000 voters, shall constitute the third class. Counties having less than 1,000 voters shall constitute the fourth class. The board of county commissioners in each county in this State 60 days or more before the time appointed for holding a district court in such county shall select from the inhabitants of such county having the qualifications prescribed by law and not exempt from jury duty, competent persons to serve as jurors in number and manner following, that is to say, in counties of the first class, there shall be selected 800 names. In counties of the second class, 300 names. In counties of the third class, 200 names. In counties of the fourth class, 100 names. The county treasurers of the respective counties shall, at the request of the board of county commissioners, deliver to said board, free of charge, in alphabetical order, a list of male inhabitants of their county who pay taxes, and the board of commissioners shall select names of jurors from residents of said county, so far as practicable from such list, but shall have the right to add thereto the names of persons qualified for jury duty under the laws of this State until the full complement of names are selected.

Huerfano County polls more than 3,000 votes, and is consequently in the second class for the selection of juries. Section 3680 provides for the manner of drawing the jury, and is as follows:

3680. *Clerk draw jury in presence of sheriff—Venire—Talesmen.* SEC. 13. The clerk of the district court shall write the names certified to him as aforesaid on ballots, one name on each ballot, and place such ballots in one compartment of the said box. At least 30 days prior to the term of the court, and afterwards as often as the court shall order, the clerk of the district court shall call to his assistance the sheriff of the county and in the presence of the sheriff draw by chance from the compartment of the said box in which the names have been placed, a sufficient number of grand and petit jurors for the next term of the district court of such county. When so drawn the ballots shall be placed in the other compartment of the said box.

It will be observed from the section first above quoted that the names of the jurors properly come from a list of the inhabitant male taxpayers of the county.

From the testimony of Mr. Dick (p. 2135) we find that the number of male taxpayers, as shown by the tax rolls for the year 1912, in Huerfano County, was 1,160. When you exclude from this list the number over age and otherwise exempt from jury service you have a very much reduced list, and when you come to return the 300 names as required by statute every six months, you soon exhaust the list and necessarily have to repeat. This accounts for the repetition of names as shown by the testimony of the witness Hudson and referred to in brief of counsel. But with all this complaint of professional jurors they never have presented a case in which they claimed that the verdict of the jury was wrong. If the verdicts are right and justice done, why attack the repeated service of the juror? This same clerk who testified on this subject is the man who draws the jury under the law; and if there is anything wrong about it, why didn't he report it to the court? If wrong there is, he is the fellow who is responsible for it.

VIOLENCE.

We are somewhat surprised that counsel, in the face of the testimony introduced before this committee, has the effrontery to intimate that the shooting on the 7th day of October, 1913, which all seem to agree was the commencement of the reign of terror which was set on foot by the strikers in the coal fields, was started by the mine guards. This is the occurrence known as the attack on Belk's automobile. The committee will recall that we put on practically every man who was in the automobile, excepting Belcher. He had, previous to the convening of this committee, been assassinated by Zancanelli, under employment so to do from A. B. McGarry, one of the mine workers' organizers.

There must have been several hundred strikers who witnessed that attack on the automobile. If it were true that anyone from the automobile fired the first shot, probably a hundred people from the tent colony could have testified to it. And yet not one single witness from the tent colony was placed upon the stand. They introduced Mrs. Derr, who testified that she heard shots before the battle, and that they sounded like they came from the hills between Tobasco and Hastings. The road upon which the automobile was traveling at the time it was fired upon runs between the Ludlow station and the hills to which Mrs. Derr referred, and the impression is sought to be left that, inasmuch as the shots came from toward the hills, or from the hills properly, they were probably fired by the mine guards on that road. But the testimony of Mrs. Derr when analyzed does not admit of this conclusion.

On cross-examination Mrs. Derr tells us that her house is located below the fill of the Colorado & Southeastern road. The committee saw the grounds out there, and will remember that the road on which the automobile was traveling was about on a level with Mrs. Derr's house, but the fill of the Colorado & Southeastern, over which the bullet heard by Mrs. Derr had first to pass, was above her house and lying between the road and the house. Now, if a party on the road had fired the shot, to get it over this fill it would have to be fired upward at an angle of probably 45°, and by the time it

reached a point over the house it would have been so high that the witness could not have heard it. So, undoubtedly, the shot came practically on a horizontal from the hills which lie above the level of Mrs. Derr's house in order for her to hear it.

Now, a witness by the name of Cruz Villobos, whose testimony is found on page 1595 of the record, and who testified that he was a railroad section hand working on the Colorado & Southeastern Railroad, which will be remembered is the road crossing over the Colorado & Southern, and on which the fill exists, spoken of by the witness, Mrs. Derr, testifies that he saw some men in the forenoon, armed men from the tent colony, and that "before this affair started, they started—went to that hill"—meaning the hill referred to by the witness, Mrs. Derr, as lying above her house and on the other side of the automobile road; and the affair to which the witness alludes is the firing on the automobile on the afternoon of October 7. The inference is clear, and the only one which can be safely drawn, that the men in the hills fired the shots to which Mrs. Derr referred. Whether they were fired at the automobile or fired as a signal to bring the strikers from the tent colony to the overhead bridge nobody knows and nobody cares, but it is clear that the occupants of the automobile did not fire the shots, as counsel would have us believe.

And the only quotation from which they seek to have us believe that the men in the automobile fired the shots is the quotation from the witnesses, Chapin and Holt, from which it is probably inferable that some of the occupants of the automobile anticipated they would be fired on. Why shouldn't they anticipate it when, as testified to by the witnesses, they saw the men coming across the flat from the tent colony toward them in large numbers? Besides, it was probably the second hill they were coming to when they anticipated a renewal of the shooting which had previously been directed toward them. (See testimony of Chapin, Rec., p. 1538.) Besides, it will be remembered that the strikers from the Ludlow tent colony on that day were on a perfect rampage. They not only fired on the Belk automobile, but they fired on John Farrich's automobile, and on Dr. Curry and on Mr. Sherman. (See testimony of Dr. Curry, Rec., p. 1729; J. F. Sherman, Rec., p. 1756; John Farrich, Rec., p. 1615.)

Taking the testimony, all told, on the question of violence, there can be no doubt entertained but that the firing was started in each instance by the strikers, and that they were the aggressors from start to finish. (See testimony of McDermott, Geo. F. Perdon, Kennedy, Wilson, Karas, W. J. Cunningham, Sam S. Smith, Zeke Martin, W. J. Smith, F. E. Rose, John Benedetti, and James K. Dougherty, Rec., pp. 1640, 1650, 1656, 1660, 1663, 1668, 1693, 1694, 1700, 1742.)

The testimony of Mrs. Mack Powell is referred to as evidence that the guards killed her husband on October 9. Let us examine this testimony.

When her cross-examination is read, in the light of other testimony in this case, and the physical facts, as disclosed by the testimony to the committee, it will be observed that her testimony is just the contrary of the inference counsel has drawn from it. It will be recalled that the witness stated, in substance, that some parties whom she took to be guards, with a rag tied around the left

arm—a white cloth—came into the yard where her grandmother lived to get a drink of water. She does not state that the cloth was an emblem worn by the guards, but that she supposed it was. The committee will remember that it was testified to by a number of witnesses that the strikers who shot Angus Alexander on the 28th day of October, 1913, wore a white cloth or handkerchief around the left arm.

But Mrs. Powell further testified that these persons, marked as aforesaid, whom she supposed to be guards, came from the steel bridge. Now, all the evidence upon this subject shows that the steel bridge on that occasion was occupied by the strikers. That is why the guards could not dislodge them. They were behind the breastwork afforded by the 3-foot steel girder over that bridge. F. E. Rose, McDermott, Villobes—every witness, in fact, who testified to that battle—placed the strikers in possession of the steel bridge; and there is no doubt upon the part of Mrs. Powell that the steel bridge is where they came from. Here is her testimony upon the subject (Rec., p. 1915):

Q. Were you in the house when the guards rode up?—A. No, sir; they were afoot; came up through the yard—I was standing there in the yard with her.

Q. When did you first see them?—A. Down at the bridge.

Q. At the bridge?—A. Yes, sir; at the steel bridge.

Q. I thought you said they came from the bridge down.—A. They came down to the bridge first.

Q. Oh, down to the steel bridge?—A. Yes, sir.

Q. This overhead bridge?—A. Yes, sir.

Q. You saw them go down there?—A. Yes, sir.

Q. Then you saw them come back afoot?—A. Yes, sir; up along the track.

Q. Along the C. & S. E. track?—A. Not the C. & S. E. track; the C. & S. main line.

Q. The main line?—A. Yes, sir.

Q. They came from the steel bridge up to your house?—A. Yes, sir; up through the yard.

Q. And they were getting a drink of water?—A. They got a drink at the cistern, and they went on up through the field.

Q. Where did you first see them?—A. I first seen them when they came to the bridge.

Q. And you watched them coming on up toward your house?—A. Yes, sir.

Q. You and your grandmother were in the door?—A. We were standing in the yard—my grandmother and I.

Q. Yes; when they got up there she asked them if anybody had been hurt?—A. Yes sir.

Q. Then they made the response to which you have testified?—A. Yes, sir.

One reading this testimony and rereading it can not be mistaken as to the truth of what the witness said. She did not leave it for conjecture. The steel bridge was not suggested to her; she names it herself. Let us reread the question:

Q. When did you first see them?—A. Down at the bridge.

Q. At the bridge?—A. Yes, sir; at the steel bridge.

Q. I thought you said they came from the bridge down?—A. They came down to the bridge first.

* * * * *

Q. Then you saw them come back afoot?—A. Yes; up along the track.

Of course, the witness was impressed with what she saw, because she received from these men the startling information that her husband had been killed. In her own heart she thought it was the guards who had killed him; but the facts which she relates disclose beyond peradventure of a doubt that it was the strikers who killed him.

We have related a few of the many horrible crimes which these strikers committed, and we are not going to take them up in this portion of our brief seriatim; and what we have said we do not want applied as the rank and file of the strikers. Our criticism is against the leaders, who told and misled the more easily deluded into the perpetration of these desperate crimes. The leaders do not deny—and neither do counsel in their brief—the commission of these crimes, but, as hereinbefore stated, attempt to justify them upon the ground that they were aggravated. And in this same breath they cite the constitutional provisions guaranteeing the right to bear arms. This guaranty does not mean the right to violate the ordinary rules of society. It means what it says, to “bear arms in the defense of the home.” But these people went away from their homes and looked up the trouble. Such was the case when they went out onto the highway more than a mile and fired on Belk and his party; such was the case when they went to Forbes, about 5 miles, and fired into the camp; and such was the case when they went to Berwind and Tobasco and fired into the homes of defenseless women and children. We can not conceive that the constitutional convention of the State, or the people represented at that convention, ever imagined that persons would apply this constitutional protection as authorizing them to go out and murder innocent people upon the highways.

SEARCHLIGHTS AND MACHINE GUNS.

Probably no other subject has caused a greater number of hysterical spasms on the part of the strikers and their friends since the commencement of the strike, than these two names. It was disclosed in the evidence that after the violence of the strikers began, the mine operators at many of their principal mines constructed a high tower on some elevation and placed thereon a revolving searchlight to cast its rays several miles. The purpose was fully explained by witnesses on the stand. The light was placed there and kept burning and revolving throughout the night so that prowlers or persons attempting by stealth or otherwise to slip onto the mine or the houses of the little village surrounding the mine, could be discovered. At this the miners hurled themselves in a perfect rage. Why, no one knows. If they are honest in their movements, why should they object to their being known. The greatest wail on this subject probably came from the Ludlow tent colony. It can not be that they merely objected to having the light shine on their colony because they were so located on the railroad that every train that passed at night, and there are many of them on the Colorado & Southern, threw the glare of the headlight into their colony from quite a distance on either the north and south approach. Of this, no complaint was ever heard, even though the glare was quite as brilliant as from the searchlight. The truth is quite apparent. The parties engaged in the revolt felt outraged that a plan had been discovered and put in operation which has disclosed their secret, stealthy approaches on the mines which they hoped, in the darkness of the night, to surprise and capture.

The same purpose, namely, protection, is the cause for installing the machine gun, and it is the fact that it was a protection and a defense against which the strikers were afraid to go, that prompted the

tirade of abuse against those who adopted the machine gun. When the operators discovered that they could not hope from the administrators of the law in the State of Colorado the protection which the constitution guarantees every man in his personal liberty and property holding, and being unable to get sufficient guards to defend their mines, they made up for the deficiency by installing the machine gun, which is a safe harmless "critter" so long as you do not get in front of it when in action.

The armored machine gun about which so much has been said, was hastily constructed after several battles had been started by the miners, so that people operating the gun could be protected as they carried it from one mine to another, as simultaneous attacks upon them might require. If parties are forced to defend themselves, we can conceive of no reason why they should not put up the best and safest defense possible.

THE MILITIA.

We doubt if there is any one course of conduct that displays more flagrantly the unfairness, unreliability, and utter lack of gratitude on the part of the leaders of the United Mine Workers of America in this entire controversy than their unjustifiable and unprovoked vilification of the State militia.

The life of the soldier, at best, in peace or in war, is an unenviable one. The war experience of the citizen soldiery is peculiarly disappointing and noncompensatory. His services are almost invariably called into requisition as the result of civil discord or local insurrection, which, as experience discloses, engenders the most bitter feeling of all hostilities; and the soldier is the point of attack and universal criticism by those whose will or desire comes in contact with the execution of the law.

The history leading up to the advent of the militia in the strike field is familiar to the people of our State and is recorded in the record of proceedings here. It will be recalled that early in the difficulties embraced in this controversy the peace officers of the law of Las Animas and Huerfano Counties, not only appealed to but plead with our State executive to mobilize the State troops, to the end that property could be protected and life preserved. It is also equally clear that the principal reason for the tardiness of the executive's action was the confessedly undue influence exerted over him by the strike leaders. It will be recalled that the leader Lawson, on the witness stand, spoke with pride of the fact that he had been appointed by Gov. Ammons as one of his political executive committee in the Democratic Party in the State of Colorado. This influence is not denied by anybody; and even though sporadic outbursts of violence had occurred, in which human life had been sacrificed, from the 23d day of September, up to the 8th day of October, it was not until a continued three days' battle had been waged in the mountains around Ludlow, and several people killed and others wounded, that the chief executive reluctantly consented to send the militia into the field and then under the most rigid restriction as to the limit and extent of the authority which they should exercise.

It can not be doubted but that the governor's sympathies were with the strikers and that he desired them to win. Else why should he, by

executive order, direct the military officers to prevent the importation of employees to work in the mines? There was no law to prevent it. It was a right which the operators had, and it was a right which the laborers had. Yet, during the early part of the military occupation, protection to those desiring to come into the field from the outside to work was withheld and their entrance to the field prohibited. But notwithstanding this unusual favoritism, coming from a source where under the law it should have been least expected, these parties have not hesitated to condemn on the witness stand the action of Gov. Ammons wherever it happened to displease them. No less unfair has been their criticism of the militia. When they were sent into the field they came with an easily discoverable bias in favor of the strikers. Their first step toward disarmament, which will be later related in the language of the commanding general himself, was to disarm the mine guards and peace officers of the two counties. But the strikers refused to give up their arms, and, notwithstanding the indulgence of the officers in permitting them to keep their arms, they proceeded to make evidence for the discomfiture and slander of the State troops. No matter how much they may slander them, no matter how much the lawbreaker detests the State militia—as they detest other officers who attempt to enforce the law contrary to their wishes—the good citizens of the affected region can not suppress the deepest feeling of gratitude for the State soldiery.

In the midst of terror and uncertainty of life which had been visited upon it by the strikers the soldiers came. The more loudly his footsteps were heard, the more faithful, patient, and courageous he was in the discharge of his duties, the more soundly the law-abiding citizens slept. And it is the recollection of this peace and happiness of mind carried into our midst by the uniformed soldier that makes us feel a spirit of resentment against the imported agitator who slanders our laws and the representatives of it.

It is to be regretted that a probably mistaken idea of propriety deterred the proper officers of the guards from appearing before this committee and refuting by sworn testimony the many base charges that were made against them. But the commanding general has seen fit to make a statement for the use of this committee; and so lucid and clear are many passages thereof on subjects pertinent for this committee's consideration that we take the liberty of quoting a few of them.

On the subject of disarmament we quote from pages 12, 13, and 14 of the general's report to the governor for the use of this committee.

On the 31st day of October, the third day of the occupation, when the establishment of the military camps was well under way, I undertook, pursuant to your excellency's express directions, to disarm both sides of the conflict that I found raging upon my arrival. Realizing that in the event of the concealment of their weapons I would have great difficulty in disarming the combatants, I consulted the strike leaders, including John R. Lawson, and obtained from them, and especially from him, an assurance that if I first disarmed the mine guards employed through the Baldwin-Felts Detective Agency to guard the operators' properties, the strikers would then cheerfully surrender the arms in their possession. It must be remembered that upon our first coming into the field the National Guard had at least the ostensible welcome and apparent cordial cooperation of the striking miners. Relying upon the assurances given me by Mr. Lawson and the other strike leaders, I proceeded to disarm the mine guards upon the various properties, against whom the most bitter feeling of the strikers prevailed. In the disarmament of these mine guards I had no difficulty whatever. They were assembled by their employers, the operating companies, and promptly

turned over the high-power rifles with which they had been supplied. This disarmament I carried on with respect to the mine guards and employees of the operating companies in every camp throughout the entire strike zone, and speedily finished the complete disarmament of that side of the industrial conflict.

It was arranged, upon the completion of the disarmament of the operators, that the military receive the arms of the strikers, and accordingly upon the 1st of November, 1913, by an agreement between myself and the strike leaders, a parade of the troops to the tent colony at Ludlow, by far the largest of the strikers' colonies, was arranged. From all appearances the very best feeling prevailed between the troops and the strikers. I paraded detachments of the troops of various arms within Las Animas County at the Ludlow tent colony, upon the suggestion and invitation of the strike leaders, including Mr. Lawson. My object was not only to receive the arms of the strikers, as promised, but to occupy peaceably and with good feeling the strategic points in the canyons about Ludlow, which the presence of so large a body of armed men might have made difficult of accomplishment without bloodshed had my entrance been disputed.

The parade of the troops at the Ludlow tent colony was memorable. The road for a half mile or more between the point of detrainment and the entrance to the colony was lined on either side by men, women, and children. Many of the men were in the strange costume of the Greek, Montenegrin, Servian, and Bulgarian armies, for the colony numbered among its inhabitants many returned veterans of the Balkan wars. The little children were dressed in white, as for a Sunday-school picnic. All carried small American flags and sang continually the union songs. Through this line of men, women, and children the troops paraded—infantry, cavalry, and field artillery. Flags were waved in welcome, and an improvised band of the strikers heralded our approach.

We passed by Ludlow, occupied the Berwind and Hastings canyons, and then returned to the colony to receive the surrender of the hundreds of high-power rifles I knew the strikers to be possessed of. At this point occurred the first instance of bad faith on the part of the striking people. Expecting to receive hundreds, if not thousands, of arms, there were delivered into my possession some 20 or 30 weapons, many of them of obsolete patterns, the strikers topping off the humor of the situation by including in the delivery of arms a child's toy pop-gun. Since that time the recovery of the strikers' arms has been attended with the greatest difficulty; it has been a game of hide-and-seek, and while I have been able to recover a few at a time, a large number of high-power weapons, belonging to the union, from various hiding places, I will state that there are hundreds of guns still concealed and waiting occasion for use.

The infidelity of the strikers in their failure to deliver their arms to Gen. Chase under their promise so to do is in strict keeping with the violation of their solemn promise to this committee, through their counsel, to prepare and furnish to the committee the bills showing the purchase by the organization of arms and ammunition. It will be recalled that the operators furnished the bills for all the arms and ammunition they had purchased, and this was done upon the understanding that it should not be used until bills of the strikers covering the same subject were also furnished. This act of insubordination and treachery should convince the committee of the character of the organization's leaders, and indicates with what readiness they conceal that which they feel may prove injurious to them in their lawlessness or their cause.

Also, on the matter of the enlistment of mine guards. The charge is made that the militia acted as strike breakers. If it is meant by this the person who takes the place of another on strike, we fail to recall any testimony showing such fact. If they aided those who desired to perform a lawful avocation in gaining a livelihood, then they did no more than was their duty according to law. On the subject of the enlistment of mine guards, we quote from page 37 of the report of the commanding general above referred to, as follows:

The enlisted personnel of the National Guard of Colorado is largely made up of small property owners, clerks, professional men, and farmers. It has always been the custom upon mobilization of the troops for protracted service to relieve from duty those soldiers whose presence at home is most greatly needed, enlisting in their places men who have served in the Regular Army, in the Marine Corps, and Navy, and the National Guard of this and other States, great numbers of whom are usually available in the cities and towns of the State. Among the mine guards who were thrown out of employment by the presence of the troops in the field a few ex-soldiers were found whose discharge papers were of such a character that it seemed desirable to enlist them in the National Guard of Colorado. So far as it has been possible to ascertain, no Baldwin-Felts man ever offered himself for enlistment or became enrolled in the service. All men enlisted in the National Guard were given the pay of the rank in which they were serving as soldiers and were subject to the same orders as other soldiers. A few of the men enlisted among the mine guards were paid for a time additional sums by the operators. This is a matter in which the commanding general has no interest, as it has been customary for business houses to continue the pay of employees who are serving the State under orders of the governor.

And on the subject of strike breakers, from pages 38, 39, and 40, as follows:

In the governor's letter of instruction dated October 28, 1913, occurred the following order:

"To see that all persons desiring to return to work shall be permitted to do so and to go and come when they will without molestation or interference of any kind whatsoever and during the restoration of order or until further orders no strikebreakers shall be shipped in.

"With these purposes in view you should have the fullest cooperation of every good citizen."

Every operator in the strike zone was promptly notified of this ruling, and was directed that any plans under consideration for the introduction of workmen from outside the State of Colorado should be withdrawn until such time as the governor lifted the prohibition for the introduction of workmen from without the State. One band of 12 Japanese was permitted to come in by a special permit of the governor, as they had previously worked in the strike zone and were fully cognizant of the fact that the strike was in progress. The governor directed by telephone that at any time when two or three former workmen desired to return to any of the mines, they should be allowed to do it. The strike leaders repeatedly called the attention of the commanding general to alleged efforts to violate the order concerning the introduction of workmen. Each case was investigated by an officer detailed for the purpose, and in only one instance—that of the introduction of Mexicans at Gray Creek—was there even an appearance of an effort to evade the order of the governor.

Prior to the issuance of General Order No. 17, a copy of which is attached, the operators were informed that they would not be permitted to import to their mines any workmen who had not previously been interrogated by an officer of the National Guard as to his knowledge of the strike and conditions of employment in the State of Colorado. Each officer of the National Guard was furnished with copies of General Order No. 17, and the order was printed in the local press. The first importation of workmen arrived from the East, passing through La Junta. In order to test the efficacy of the method adopted for interviewing workmen, Capt. Nickerson was sent to La Junta to meet the train bearing the workmen. Upon his recommendation that there was ample time after the arrival of workmen in the district to test their knowledge of the strike and labor conditions in Colorado, no other officer was sent out of the strike zone to intercept workmen. Upon several occasions complaints were made that workmen had been brought into the mines without a complete check being made, officers were detailed to investigate, and their reports show that in each instance the check had been thoroughly made.

Prior to the promulgation of General Order No. 17, the operators were invited to a conference with the commanding general to devise a scheme of notification to the workmen entering the strike zone which would give evidence of compliance with the law. At this time notices were drafted and printed in several languages, which were afterwards, as I am informed, supplied to each laborer imported. One of these printed notices is attached hereto.

It has been contended that many persons were brought into the field under misrepresentation as to the existence of the strike. This can attract but little attention when it is known that scarcely a labor-

ing field on the face of the globe was ignorant of this strike. Parties who came in from Pittsburgh and other places to work in the fields told this committee that everybody knew about the strike, even before the employment agents sought their services. As stated by one witness, the strikers sent a man to Pittsburgh, who was there before the first crowd of employees left for the West, and there addressed them in a meeting and pleaded with them not to come West, as a strike was on. So that at least that crowd had both sides of the story; and yet they came, as did the others, because they needed the work and the wages attendant upon it.

This is corroborated by the testimony of Charles Morgan, which, beginning on page 705 of the record, is as follows:

Direct examination by Mr. Northcutt:

Q. State to the committee your name, please.—A. Charles Morgan.

Q. Where do you reside?—A. At Berwind now.

Q. How old are you?—A. Sixty-two.

Q. What is your vocation?—A. Coal miner.

Q. How long have you been engaged in that vocation?—A. Fifty-one years.

Q. Where were you during the month of December, 1913?—A. Pittsburgh, Pa.

Q. How long had you been there previous to that date?—A. Nineteen years.

Q. What were you doing there?—A. I was timber man, load man, and general utility man in and around a mine with the Pittsburgh Coal Co. at Richers, at Dravosburg, Pa.

Q. When did you leave there, Mr. Morgan?—A. I think about the 22d of December, 1913.

Q. Kindly state to the committee what induced you to come.—A. To better my condition.

Q. State the particular matter and the circumstances under which you came.—A. I came out here believing that I could make more, which I found that I could do, in Colorado, than I formerly could do in Pennsylvania.

Q. With whom did you come—what was the occasion of your coming?—A. I came here with Mr. Cribbs.

Q. Did you see any notices or advertisements which suggested the matter to you?—A. Yes, sir.

Q. What was it?—A. Why, that there was a strike on in Colorado and it gave the prices per ton here and the wages per ton, and I understood it to be a nonunion mine. I am a nonunion man in Pennsylvania.

Q. Was there a call for men?—A. There was; yes, sir.

Q. And you responded to that call?—A. I surely did; yes, sir.

Q. Where were you employed?—A. Now?

Q. I say where were you employed—where was the contract made?—A. In Pittsburgh.

Q. Any particular office or place?—A. Yes, sir; 1144 Penn Avenue.

Q. State what, if any, indications there were in and about that office indicating the conditions which obtained out here.—A. Well, there was notices posted there and also down on the street that there was a strike on in Colorado.

Q. Were those notices in different languages?—A. They were. I saw them in English and three or four other languages that I can understand.

Q. You signed one of them?—A. I did.

Q. May I have one of those forms of contract—the one signed by this party doesn't seem to be here—the one that is on file? Have you one, sir?—A. I think I have.

Q. How many were there came out at that time? Do you know?

(No response.)

Q. I show you Exhibit 27 and ask you if that is a contract of the character which you signed that they had posted there?—A. Yes, sir; that is practically the same as I signed.

Q. Now, you left there on what date did you say?—A. I think it was about the 22d of December. I won't be positive, but it was somewhere near there.

Q. State approximately how many people came with you.—A. Well, I wouldn't state that, but there was something in the neighborhood of probably 200.

Q. Do you know whether or not there was an Italian boy in the crowd named Perretti?—A. I don't know.

Q. Could you distinguish them by name?—A. No, sir.

Q. Will you kindly tell the committee what the conditions—the traveling conditions—of your trip were?—A. Well, I can only speak for myself personally. I found them very satisfactory.

Q. How about your provisions and edibles; did you have plenty to eat?—A. All that I wished for.

Q. Did the others, so far as you could see, have plenty to eat?—A. Yes, sir.

Q. What were the opportunities of leaving the train at any time if you wanted to?—A. Well, you see, I don't know. For my part I can only speak for myself—I didn't want to leave—I don't know. I didn't try to get out of the train.

Q. Well, were there opportunities that a person could have left if they had wanted to?—A. I believe so; yes, sir; because I seen quite a lot of the boys that were out of the train when it stopped frequently.

Q. Can you state any particular place where there was a mishap or a delay en route?—A. No, sir; I can't recall any.

Q. Do you remember the engine becoming disabled or broken or anything?—A. Yes, sir; I remember, I think, on this side of Chicago some place there was an engine—we lost a little time owing to the engine.

Q. You were put off on the siding?—A. I don't know whether that was a siding or not, because I was not conversant with the track or the country there.

Q. Be that as it may, did the people get off the train and exercise around the train?—A. Yes, sir.

Q. There were no soldiers or guards or anything preventing them doing as they pleased?—A. Oh, no; not to my knowledge.

Q. Now, what time did you get to Trinidad?—A. Some time in the evening—it was, I think, a little before dusk.

Q. Then you went where?—A. To Berwind.

Q. And there you went to work?—A. I didn't go to work—landed there Christmas eve, and I didn't go to work on Friday because I am superstitious. I started on Saturday and I worked every day there from that time on.

Q. Saturday after landing?—A. Yes, sir.

Q. What are you doing there?—A. I am a timberman.

Q. What are the conditions—what do you get?—A. I get \$3.50 a day. I have charge of the night gang.

Q. What are the working conditions in and about the mine there? Just tell the committee fully.—A. I find them better than the community I left in Pennsylvania.

Q. Where was that?—A. This is No. 5, Pittsburgh.

Q. Was that a union mine?—A. Yes, sir—I am a nonunion man, but we have all got to be union men there because they have what we call a check-off system. They take our union dues off in the office. We are compelled to be whether we want to or not.

Q. And you have to belong to the union in order to work there?—A. Yes, sir.

Q. Whether it meets with your approval?—A. Approbation or not; we have to pay the strike benefit whether it is agreeable or not.

Q. About what have those been running for the two months preceding your going away?

Mr. COSTIGAN. I don't suppose that is material to this inquiry, but we have no objection.

Mr. NORTHCUTT. It seems to me it might be material in this inquiry—considerably. It was testified to here upon the stand that union conditions were better, for both men and employees—many reasons given for it—wages better, conditions better, and environment better, and so forth. Now, here is a man who has had experience, and we have called him in. Among reasons he states the payment of dues compulsory, in order to work, which he didn't want to pay.

Mr. HERRINGTON. Penalties and fines.

Mr. COSTIGAN. He has not suggested penalties and fines yet, Mr. Harrington.

Mr. NORTHCUTT. It seems to me it is material in the light of the testimony we have had upon that subject—not going into it to any great extent.

Chairman FOSTER. The chair thinks that under any circumstances he might answer that question.

By Mr. NORTHCUTT:

Q. Can you tell about what the assessments—I don't care whether they were for dues, or penalties, or benefit funds, or what they were—what did they aggregate per month?—A. Why, they would average about \$1 a month for strike assessments.

Q. Yes.—A. For instance, two years ago we had a strike in the Westmoreland field and I paid \$11, and the rest of them—there were 30,000 coal miners in No. 5 district in western Pennsylvania—they paid \$14. I kicked.

Q. For how long a time was the \$11 assessment?—A. For 14 months, and I paid \$11 and then I raised an objection, and they threatened to close the mine or strike again, and I told them to go ahead and give us men who owned property. If they threw me out of my work, I would only have to come back on them.

By Mr. BYRNES:

Q. Who told you all this?—A. The secretary of our local assembly, 1428.

Q. Were you then a member of the union?—A. Yes, sir; I went there to raise an objection, and we called an open meeting, and a great many other nonunion men were invited, too.

By Mr. SUTHERLAND:

Q. I thought you said you were compelled to be a member of the union there?—A. They wanted to charge me \$10 for initiation and I positively refused, but we are compelled to be an organized man, because our dues is kept off in the office.

Q. Then you were a member, were you not?—A. No, sir; because I would quit a mine before I would become a member.

Q. Were other workmen compelled to be a member of the union?—A. I was compelled to be a union man by paying my strike assessments and my union dues, but I did not affiliate.

By Chairman FOSTER:

Q. Did you go into a mine working with the understanding that you were to pay that—did you know it when you went in?—A. Yes; we all knew it.

Q. Were you ever in a place where you were thrown out of employment because of a strike?—A. Hundreds of times.

Q. Didn't you receive any benefits?—A. Never in my life.

By Mr. NORTHCUTT:

Q. In other words, Mr. Witness, while you were required, in order to work, to submit to the assessments and contributions, you didn't take out a union card?—A. No, sir.

Q. But in order to work you were required to submit to the assessments?—A. Yes, sir.

By Mr. SUTHERLAND:

Q. Didn't you just say you called an open meeting?—A. Yes, sir; as a protest against paying this.

Q. Wasn't that a union meeting?—A. No, sir; for mostly unorganized men. It was an open meeting.

By Mr. NORTHCUTT:

Q. What did you say they threatened to do?—A. To close the mine.

Q. Who was it threatened to close it?—A. The union men.

Q. Did you quit work?—A. No, sir.

By Mr. SUTHERLAND:

Q. Did you have a union card?—A. No, sir.

Q. Never had a union card?—A. I had one, but that has been over 23 years ago.

Q. Don't you have a card at this time?—A. No, sir.

By Mr. NORTHCUTT:

Q. Now tell the committee what you know or have observed of the conduct of the soldiers out here at Berwind or elsewhere in the county since you have been here.—A. Well, I have never been in the county any more than at Berwind until this morning. I left Berwind this morning and came up here, and I don't know anything at all about the actions of the soldiers more than I passed them going on my way to and from my work. As I say, I have worked every day since I have been there, with the exceptions of two, including this, and I am a law-abiding citizen—try to be—and I think everybody else ought to be. I have no fault to find with the soldiers. They have never interfered with me. In fact, I never saw them interfere with anybody else unless they were drunk and disorderly—doing police duty, taking drunks out.

Q. By the way, in coming to town—you came down this morning, did you?—A. Yes, sir.

Q. Any interference on the part of the soldiers or anybody else when you came down the canyon?—A. No, sir.

By Mr. BYRNES:

Q. The mine you were working at, was that unionized?—A. Where?

Q. Where you say they took your pay.—A. In Pennsylvania?

Q. Yes.—A. Yes, sir; all mines are union in Pennsylvania, because, as I explained to you, we have the check-off system. The operator——

Q. Wait a minute; it was unionized?—A. Yes, sir.

Q. Even if you were not a member of the union, but were working in the mine—did they let nonunion men work there too?—A. Because it is called an "open shop." Union as well as nonunion men are allowed to work, but the nonunion men are compelled to pay the strike assessments and pay union dues.

Q. That is what I am driving at. Who compels you now? You say they compelled you.—A. The union.

Q. They don't pay you?

By Mr. SUTHERLAND:

Q. You mean they were deducted from the pay roll?—A. Yes, sir.

By Mr. BYRNES:

Q. Who deducted it?—A. The coal company we were working for.

Q. But do they deduct it from nonunion men in that open shop?—A. Why, they certainly did—all over western Pennsylvania, my dear sir.

Mr. NORTHCUTT. We will examine these contracts better. I expect other counsel know better than I. I think likely the contract provides that all men who are working shall have deducted the assessments made by the company and certified by the local secretary.

Mr. COSTIGAN. Have you a contract, or are you just testifying?

Mr. NORTHCUTT. There is one in evidence.

Mr. HERRINGTON. Several in evidence.

Mr. AUSTIN. You needn't go into that if the other side admits it.

Mr. NORTHCUTT. Here is article 4, in which the operators agree to check off all dues, initiation fees, fines, assessments, from the miners and mine laborers; also checkweighman's fees, for which an order shall be signed by each miner or mine laborer, addressed to the operator, and shall be in the following form to wit—I presume it is useless to read the form.

By Mr. SUTHERLAND:

Q. Now, did you sign an order to the mine clerk or to the company superintendents directing them to make these deductions?—A. No, sir.

Q. You didn't sign it?—A. No, sir; it ain't necessary; we all know the conditions under which we are working. Where we go in under the pit mouth in the morning, we know that we have got to pay union dues, whether it is agreeable to us or not, if we are going in that mine to work.

By Mr. EVANS:

Q. Where does this money go that you pay for union dues?—A. That is awfully hard for me to explain. It would be impossible. Just to give you an illustration, two years ago, during that strike we had 12,000 men out in Westmoreland County, and there is 38,000 men; that is, there is union men, that we have got to pay this strike benefit, and they borrowed \$750,000—\$400,000 from the State of Ohio and \$200,000 from the State of Illinois, and there was \$38,000 a month from the Pittsburgh district for 12,000 men—why, if that was divided up among them it would buy them a \$10,000 farm.

Q. You are not a union man?—A. No, sir.

Q. How do you know these things?—A. By hearing the report of our delegate to the national convention, in the open meeting, making his report to us.

Q. You heard the provisions of that union constitution just read there——

Mr. BREWSTER. That is not a union constitution——

Q. (Continuing.) Provided they would deduct those things for a man signing an order—you say you didn't sign an order?

Mr. BREWSTER. This is in Colorado, is it not?

Mr. NORTHCUTT. It is the contract for the union men.

Mr. BREWSTER. These contracts vary slightly. There is some places a check-off system, in other places not. This contract provided the check-off system in Boulder County in one mine, or in a set of mines, expiring 1910. The check-off system does exist in some places—not others.

Mr. COSTIGAN. We desire the record to show that the paper from which Judge Northcutt read relates solely to the scale of wages and the contract in northern Colorado and not to the Pennsylvania fields.

Mr. NORTHCUTT. Now, if your honors please, I would like the gentlemen to present the contract under which they have been asking these operators to recognize their union. I have asked that several times and it has never been done. They have

shown to this committee the reason for that contract—the conditions under which they wish to operate, etc. Now, they certainly have a contract. I apprehend they have had one long since prepared. In fact, they are operating now with some persons here under union conditions. Why don't they produce their contract?

* * * * *

Mr. COSTIGAN. When did you first join the union?

The WITNESS. Along back in 1876.

By Mr. COSTIGAN:

Q. Where?—A. In Pittsburgh, Pa.

Q. What body was it?—A. It was called then the Knights of Labor. At first they didn't have no name, but later, in 1880, it was the Knights of Labor.

Q. How long were you a member of that body?—A. Until T. V. Powderly made it, and then when they could not control it any longer, he tried to ruin it, and they got an injunction upon the Powderly and Burns factions, and then I left.

Q. What year was that?—A. I don't know; it was some six or seven years after the disorganization.

Q. What was the reason for your leaving?—A. Simply because the carpenters—it was a mixed assembly. The carpenters would probably be in the majority and the coal miners coming in, the carpenters would vote by a majority to the wages we should enjoy or work for. We weren't permitted to be our own best judges. I always reserve the right to make my best terms with my own employer and myself.

Q. Was that a labor union?—A. It certainly was.

Q. A trade union?—A. Labor trade.

Q. Was it both?—A. Certainly.

Q. Did it belong to the trade-union group or the labor-union group, as distinguished from the trade-union group?—A. It was labor union that amalgamated—all trades amalgamated together.

Q. It was a combination of trades?—A. Yes, sir.

Q. Were you regarded as a skilled worker?—A. Why, I have always been considered a first-class workman.

Q. In what field were you skilled?—A. Coal-mine work, and particularly about laying the road or setting timbers, shooting overcasts and undercasts, hanging trapdoors.

Q. Were there ever any union of men in that particular branch of coal mining?—A. No, sir.

Q. You never heard of an organization of those men particularly?—A. No, sir.

Q. In the way the diggers are organized, for instance?—A. No, sir.

Q. What dues did you formerly pay to the Knights of Labor?—A. The Knights of Labor?

Q. In the Knights of Labor; did you pay dues?—A. Yes, sir; about 25 cents a month.

Q. When you left did you have any trouble when you did not associate yourself?—A. No, sir.

Q. You seem to speak with a good deal of feeling about labor unions, and I wondered if they ever interfered with you?—A. The reason I speak with feeling, my dear sir, is because they have threatened to dispossess me of my privilege of labor; that is why I left the work in western Pennsylvania.

Q. You are very fond of your right to contract with whom you please?—A. I certainly am.

Q. At any time you please; and you want the right to work for whomsoever you please, is that it, and for what hours you please?—A. Eight hours is sufficient for me at my age now. I am not speaking about that.

Q. I say in the old days. Would you rather have worked more than eight hours?—A. If I was paid for it; certainly; when I was young and could stand the harder work and could get more money for it.

Q. So you believe a man ought to be permitted to work 10 or 12 or 15 hours if he wants to?—A. No, sir; I believe in eight hours.

Q. I thought you said that when you were younger you wanted to work longer?—A. No; I am getting older; I have changed.

Q. Were you ever thrown out of the union?—A. Me?

Q. Yes.—A. Never in my life.

Q. You said that while you were in the town of Berwind—I mean you said that since you came to Colorado you had stayed closely within the boundaries—is that true; you have been at work there?—A. Yes, sir.

Q. What was your work there?—A. I am laying a motor track.

Q. Did that keep you within the mine?—A. For eight hours.

Q. What hours of the day?—A. Well, I worked—came to work about 20 minutes to 7, start in, and come out at half past 4.

Q. In the afternoon?—A. Yes, sir.

Q. How did you spend your evenings?—A. Usually at home in the boarding house reading.

Q. You are a close reader, are you?—A. I read most everything I can get hold of.

Q. You were asked something about your experience in going down the canyon. How many times have you been down the canyon?—A. Once.

Q. When was that—coming here?—A. No, sir; last Tuesday evening I was down about a mile, probably, below where I am boarding, to Tobasco.

Q. Did you take a walk?—A. Yes, sir.

Q. And your testimony about your experience in going down the canyon is based on that evening trip, is it?—A. Yes, sir.

Chairman FOSTER. What time was it you left Pittsburgh?

The WITNESS. Sir?

Chairman FOSTER. When did you leave Pittsburgh to come to Colorado?

The WITNESS. Along in the afternoon.

Chairman FOSTER. I mean what date?

The WITNESS. Well, I wouldn't be positive; I think it was along about the 22d of December. It took us three days to come, and we landed up at Berwind about half past 7 or probably 8 o'clock in the evening before Christmas—Christmas eve.

Q. The company that you contracted with in Pennsylvania, did they pay your expenses out here?—A. Yes, sir.

Q. And then you paid it back to the company?—A. No, sir.

Q. They took out of your wages for your transportation?—A. No, sir.

Q. Didn't charge you anything?—A. No, sir.

Q. Do you know about the other men, whether—what the contract was?—A. I don't know anything about the others; I can only speak for myself.

By Mr. SUTHERLAND:

Q. How many came out together at that time?—A. Well, I would say there was probably 200.

Q. In one car?—A. No; I think they had six coaches and a baggage coach or two; I would not be positive.

Q. You never saw anybody attempt to leave the train and be stopped by a guard or somebody who was with the guard?—A. Oh, no, no, no.

Mr. SUTHERLAND. He said he didn't know anything about that.

The WITNESS. Had it occurred I surely would have known it; I went back and forward from one end of the train to the other; so did all the others. We had a perfect right to do so. I saw no disorder nor anything like that. While I didn't get out of the train, I was out at St. Johns, Kans., but I saw other ones go out frequently when the train would stop. I saw no disorder on the train, or heard none.

Chairman FOSTER. Did you have any contract with the company that you were to pay back for transportation and expenses out here?—A. No, sir.

Q. Nor that you were to pay anything for coming?—A. No, sir.

Q. They brought you out here without—told you to come and they would pay your way out?—A. Yes, sir.

Mr. NORTHCUTT. The contract, which is the best evidence, provides that if the party leaves within 30 days of his arrival, he shall refund his transportation.

Mr. COSTIGAN. That is true.

By Chairman FOSTER:

Q. You said, I believe, that you didn't go out of the car—you stayed in the car?—A. I told you just now that I got out of the car at St. Johns, Kans., while they were taking water, but I didn't try to get out of the car—had no business before that time, and the reason I got out there, I have a brother living there—a preacher—and I thought probably I could see some one that would probably know him.

Q. That was the only time you were off the car from Pittsburgh to Chicago?—A. St. Johns, Kans.

Q. And from Chicago to Trinidad?—A. Yes, sir.

Chairman FOSTER. You never were in a strike before?

The WITNESS. Oh, yes, sir.

Q. Where, Pittsburgh?—A. Pittsburgh—not 1, but about 100.

Q. What coal mines did you work for?—A. I worked for the Pittsburgh Coal Co., the Monongahela River Consolidated Coal Co., the West Moreland Coal Co., the New York & Cleveland Gas Coal Co.—the largest companies there are in the western field of that State.

Q. Now, when you had these strikes you spoke of?—A. Some way, and we went back to work. Others were not settled, and we went back like a dog to the vomit.

Q. Did you get an increase of wages?—A. The major portion of the time we did not, but since the labor organizations have got the upper hand in western Pennsylvania, since 1892, since they have organized, the conditions have grown gradually worse. That is the reason I am bitterly opposed to it.

By Mr. SUTHERLAND:

Q. You stated you went freely from one car to another the entire length of the train without any stoppage?—A. Yes, sir.

Q. And you weren't confined to one car and no one else was?—A. No, sir; just the same as on the train coming down here from Berwind this morning. If I wished I could walk from one end of the car to the other.

Q. You say about 200 men came with you?—A. I think there was more than that. They had, I think, six coaches. I don't know just how many would be in each coach, but they were all quite full. I had two seats turned over and rested comfortably.

Q. How many of these men went to Berwind?—A. Sir?

Q. How many went to Berwind?—A. Well, 13 to probably 22

Q. Where did the others go?—A. We all had option of going to several mines. I don't know where the others went, because I am not conversant with the names of the camps around here.

Q. How many of the 22 that went to Berwind are now there?—A. That would be hard for me to say; I don't know whether any of them have left or not.

Q. Have you seen any of them recently?—A. Yes. I see them there every day. Some are working with me and some are working on the day shift.

Q. What was the nationality of these men, generally speaking?—A. The major portion of us are English-speaking people, I believe, that went to the Berwind camp. The major portion, I think, that came on the train were non-English speaking.

Q. With whom did you enter into a contract when you started?—A. Harttravella, an employment agency at 1144 Penn Avenue, Pittsburgh.

Q. Did you have any more privileges than any of the rest of them that came on the train with you?—A. No, sir; I don't think I had. I didn't ask for any, and I didn't usurp any.

Q. Did you enter employment for any length of time when you came out?—A. No; no more than my contract, like all the others that I seen—I thought I had it with me—I have left it at home. They had left the service. If we left the service of the company, at the bottom of it it says I would have to refund my fare. But I stayed my 30 days and expect to stay with the company as long as they pay me as well as I have been paid.

Q. Who was the representative of the company?—A. Mr. Cribbs.

Q. In Pennsylvania?—A. Yes; I have known him for many years.

Q. Did he have any talk with you about coming out here?—A. Certainly, and he explained the conditions and showed me the notices and we all knew that—what we would go for—we had the proper understanding.

Q. Were there any men who could not speak English much on that train?—A. Yes.

Q. How did he talk to these men, do you know?—A. They had an interpreter there—they had a contract, and if they were Polish, they had a contract in Polish, and if Italian they had a contract in Italian.

Mr. SUTHERLAND. They were all required to sign a contract before leaving Pennsylvania—Pittsburgh?

The WITNESS. I presume so; at least I was.

Q. Well, you wanted a contract so as to be sure of what you were getting?—A. I surely did; yes. The reason I wanted a contract was that I intended to live up to my portion and I wanted to see if the company down there would live up to theirs.

Q. Well, had your dealing with coal companies been such as to make you suspicious about that?—A. Sir?

Q. Had your dealings with coal companies been such as to make you suspicious about that?—A. Not any more with coal companies than a great many men—individuals.

By Mr. AUSTIN:

Q. Are there many idle men in western Pennsylvania?—A. Yes.

Q. More than usual?—A. I should say so—I get letters every week from home—and work is very slack, and I could go back now and get a thousand good, practical, English-speaking coal miners that are nonunion, that understand strike conditions here, and they would be glad of the opportunity to come.

Q. Are there any differences in the treatment of the miners here and in western Pennsylvania by the company?—A. Yes; I find quite a lot—

Q. Well, what is the difference?—A. Well, I find conditions better in Colorado than in Pennsylvania.

Q. How about the pay?—A. The pay is better here.

Q. How about the cost of living?—A. The cost of living—I am boarding and I don't think I would have to pay any more here for board than what I would have if I was boarding in Pennsylvania. I have a wife and 11 children there.

By Judge NORTH CUTT:

Q. Are you going to bring your family out here?—A. I am as soon as possible.

By Mr. AUSTIN:

Q. What has been the effect of the immigration of foreign miners into Pennsylvania?—A. Well, it has been degrading, I think.

Q. What effect has it had on the American miners in Pennsylvania?—A. It has about dragged us down to their level instead of us elevating them to the American level, because of competing labor; they hire them and bring them into Pennsylvania and here we are crowded out and the conditions are much cheaper—that is, labor is—and the conditions are much worse.

By Mr. EVANS:

Q. Well, if they all worked under union scale there would not be so much to drag them down?—A. You might not think so, but I entertain a different view. I found it out to be different.

Mr. EVANS. I am not expressing an opinion; I am merely asking for your views.

By Mr. AUSTIN:

Q. You favor the restriction of immigration?—A. Yes; I think that everyone that has a good moral character and is willing to work and is stout and healthy—I think he has a perfect right to come into this country, but when they all come and settle down in one particular place—in the western part of Pennsylvania, where the mills are—it is degrading. Take our police court there or any particular paper—in the criminal court about 9 out of every 10 are unpronounceable names, and it is the American courts that have to prosecute them for violating the laws, and they pay no taxes.

STRIKE BREAKERS.

While on the subject of the importation of employees, let us advert briefly to the subject of strike breakers.

The opposition, in keeping with their apparently uncontrollable desire to brand anyone who desires to comply with the law and earn an honest living with some opprobrium or odium, have stigmatized all who have seen fit to go to the mines to work, or guard those who were at work, as strike breakers, and have charged that the strikes breakers—that is, the persons who obtained employment in the mines 10 years ago—are the strikers of to-day. The evidence does not show this to be true, save for the general statement of the witness Lawson. It stands to reason that it can not be true that all of the persons seeking employment 10 years ago are strikers to-day. Only a portion of those who sought employment in the mines 10 years ago were working in the mines at the time of this strike. Many had ceased mining altogether, and some had gone to other fields. Of these men who began work in 1903 and 1904, probably a few of them went out on this last strike knowing by experience the peril they had endured and that which they necessarily would endure if they sought to remain at work during the strike. On the other hand, it may be said that some who went out on the strike of 1903 declined to respond to the call this time, and remained in the mines, if they had sufficient guards to satisfy them that they were well protected.

Again, let us understand what a strike breaker is, and when understood it will be observed that we have no strike breakers in the Colorado mines to-day and, so far as known, had none in 1903. The term "strike breaker" has a well-defined meaning in the industrial world. By the term is meant a class of persons who work at a particular line of industry only when there is a strike on, and who make it their business to undergo the peril and endure the abuse which is incident to a person who goes to work at a place where a strike is in force. For this they charge unusually high wages and expect to quit the work, and as a rule do quit it, the moment the strike is ended. It does not apply to persons who are working in due course and who expect to remain with the companies even after the strike is suspended. It is the regular laborer and not the professional strike breaker who works in the Colorado coal mines to-day.

VIOLATION OF UNITED STATES POSTAL REGULATIONS.

Under this head great criticism is made of the fact that some of the post offices happened to be found in company stores, and that on occasion exchange was sold by the companies when post-office orders might have been used. This latter practice has been discontinued; and as to the location of the post offices within the mining camps, the operators are not in the slightest inclined to be contentious. It is more convenient for them, as well as the miners. But if the Federal Government feels under obligation to remove them not the slightest objection will be found, though the experiment will quickly lead to a petition from the laborers to be given the conveniences which our postal laws were designed to give, by a request that they be restored. The parties who make the criticism know full well that these post offices are a convenience to the laborers, and that the manner in which they are conducted is not objectionable.

The matter of selling exchange by the store companies began before the post offices located in the camps were made money-order offices, and after they were created money-order offices the postmasters did not seem to appreciate the importance of selling post-office money orders in lieu of the exchange they had been selling for the accommodation of the miners. But, as appears from the evidence, as soon as this irregularity was called to the attention of the management its practice was at once abandoned.

Some criticism seems to be made that the post offices are located in the company stores. On the inspection of some of the camps made by this committee it undoubtedly appeared clear to them that the stores were the most convenient and most adaptable to use as a post office to be found in the camp, and as a rule the clerks of the stores are about the best qualified to look after the postal duties of any who have the time to devote to it. Besides, the miners come to the company stores to trade, and it is more convenient for them to get their mail there than at any other point.

One of the serious postal grievances charged by the striking miners was the interference with persons going to and from the post office. Their testimony fell flat on this subject. The only person who testified that he was stopped or interfered with in his efforts to go to

the post office was John Weinberg, who, it appears, was requested by a guard to take the shorter route to the post office and not go through the town, where he would come in contact with the employees. Certainly from the evidence there can be no doubt in the minds of the committee that Weinberg was going into the town for the purpose of agitating the miners, and the chances were all in favor of a breach of the peace had he gone among the miners who were antagonistic to him and entered into an altercation. While there is no evidence that strikers were prevented from getting their mail, there is an abundance of evidence that mail hacks were stopped by the strikers on more than one occasion, and that in the northern field it was worth the life of a miner who was working in the mines to go into any of those towns for his mail. The strikers, it is related in the evidence, had control of the towns of Lafayette and Louisville and other towns in the northern coal field, and if a miner went to the post office without a guard he was certain to receive a severe beating.

PEONAGE.

There is no dispute between counsel as to what constitutes peonage under the law. But we submit that not a single case of it has been shown by all this testimony. A fair sample of the witnesses who testified as to being restrained and kept in the mine for the purpose of paying debts was the man, Adams, who testified that he walked in the night time, 22 miles in the mountains, through snow up to his waist; but in no instance, as we now recall, did any witness testify that he was held for the purpose of paying a debt, but in every instance where they asked permission of the superintendent to leave, it was granted, and they were aided in getting down the canyon.

Under this head counsel have cited the case of some Mexicans whose shoes were claimed to have been stolen at Tercio so that they could not leave the camp. The only witness who testified concerning this was Mr. Lawson, and he testified only that he had heard it was so. He did not claim to have seen the occurrence nor to have talked with anyone who did see it. Of course, if any such a startling, blood-curdling thing as that had taken place, they would have had those Mexicans there to testify to it even if they had to drag them out from under Huerta's castle.

On this subject of peonage this same witness, Adams, whose testimony begins at page 114 of the record, testified that they knew nothing of the strike in the coal fields and that they did not know they were coming to Colorado to mine coal (p. 121). In other words, it appears from his testimony that he and 53 other people were kidnapped and taken to Colorado as slaves to put into the mines. Now, the truth of the matter is before he started to Colorado he had entered into a written contract which we here reproduce, and which is found at page 2737 of the record, marked "Operator's Exhibit No. 1n."

COAL STRIKE ON IN COLORADO.—LOWEST WAGES PAID AND MINING CONDITIONS.

Pick mining: Fifty-five to sixty cents per ton and upward, 2,000 pounds, mine run.

Machine cutting: Ten cents per ton and upward, 2,000 pounds, mine run.

Machine loading: Forty cents per ton and upward, 2,000 pounds.

	Per day.
Blacksmiths.....	\$3. 25
Drivers.....	3. 08
Rope riders.....	3. 08
Mctormen.....	3. 08
Tracklayers.....	3. 10
Timbermen.....	3. 10
Rock men.....	3. 10

Eight-hour working day underground.

Two weeks' pay.

House rent, \$2 per room per month.

Electric light, 35 and 40 cents per light per month.

Smithing, 50 cents per month.

Doctor and hospital (including medicines), \$1 per month.

I hereby acknowledge that I have read the above and have been informed that a strike is now on in Colorado; that I have agreed to go to Colorado to work in the mines where strike is on at wages stated above. I agree that should I leave the mine to which I am shipped within 30 days of my arrival to forfeit the cost of my transportation, if due me at the time I leave; and I further agree to pay back the transportation of any member of my family who may accompany me at the rate of \$5 per month until fully paid.

Witness my signature this 16th day of December, 1913.

Witness:

R. J. COPELAND.

JAMES ADAMS.

Now when this paper was presented to the witness he denied having signed it, but thereafter at the request of one of the committee the witness wrote his name, and as we recall, other papers with his signature on were presented, and the comparison left not the slightest shadow of a doubt that the signature to the exhibit offered in evidence, No. 1n, was that of the witness, James Adams. That he willfully perjured himself there can be no possible doubt entertained. As to why he came there and thus willfully falsified under oath in the presence of this committee the reader will have to draw his own conclusion.

Witness stated that his expenses were being paid and that he was being taken care of by the United Mine Workers. His perjury was so palpable and open that his testimony is not only worthless, but reflects discredit on the cause of those who presented him.

Another witness whom the miners called to establish the charge of peonage was Salvatore Valenti. This witness contended that he likewise was practically coerced, brought to a Colorado coal mine in ignorance of the existence of a strike, and was there held in bondage for the payment of his fare. His testimony begins at page 140 of the record. He is the witness who had three names before he left the witness stand, the one who claimed he could not write, yet after he had sworn that his name was Valenti and his father's name was Valenti and where he came from and all about it, and was requested to write his name, wrote Dominick Bonito. When confronted with the conflict in his testimony and asked if he had not testified that his name was Salvatore Valenti, he said that that was his uncle's name. This same witness also claimed to have a discharge from the United States Army in his valise or suit case down at Hastings, Colo., where he had left it. It will be recalled that the statement was made that the number of the regiment to which he claimed to have belonged was an error. He claimed to belong to Troop B, Thirty-sixth Cavalry Regiment under Col. Shaeffer. (Rec., p. 155.) It was contended by some one present that there was no Thirty-sixth Cavalry Regiment, so this party was requested to go to Hastings, obtain his suit case and produce the discharge, which he readily promised to do and

agreed, upon the suggestion of the committee, to meet Gen. Chase at the train the following morning. This was the last that was ever heard of Salvatore. In the language of the day, he "hit the pike," and so far as we know is still going.

What credence should charges made by such people receive?

These two witnesses are a fair sample of the persons who testified upon the subject of peonage.

The testimony of the witness Frank Vargo (Rec., p. 822) showed that he was restrained of his liberty, even locked up in a house in the town of Frederick where he had been working in the mine. On cross-examination he admitted that he was beastly drunk at the time of his alleged incarceration. The officer who was charged with arresting him was called to the stand and explained very frankly the man's drunken condition on the occasion above mentioned, and that for the purpose of his own protection, to avoid his being hurt, he took him to his (Vargo's) house and put him to bed. The door was not locked and no attempt was made to restrain him. All the testimony upon the subject of peonage will be found to be of this character.

REPORT OF FEDERAL GRAND JURY.

Portions of a report of the Federal grand jury were introduced in evidence. This report, as will be understood by the committee, was based on ex parte testimony. The witnesses there testifying were not subjected to cross-examination. The witnesses giving evidence upon which the portions of the report quoted in counsel's brief are based were friendly to the striking mine workers, and this committee discovered quite plainly what sort of a story most of these witnesses can tell if not curtailed by proper cross-examination.

But the same grand jury from which counsel quote, expressed in pretty plain language their opinion of the United Mine Workers of America; and it is so thoroughly apropos as a conclusion from the testimony introduced before this committee, that we quote it here as it appears on page 2555 of the record:

The methods pursued by the United Mine Workers of America in their endeavors to force recognition of their union by the coal-mine operators in this State are an insult to conservative and law-abiding organized labor. They have brought in professional and experienced strike agitators, and have armed hundreds of irresponsible aliens, who have become a menace to the peace and prosperity and even the lives of our citizens. They have created open insurrection in southern Colorado, and have resorted to measures which all fair-minded labor organizations repudiate. The officers in charge of many of the tent colonies confess their inability to control the men whom they have armed and aroused. Evidently no qualification is necessary for membership in the United Mine Workers of America other than a promise to pay the dues, which are apparently used to support insurrection and lawlessness, when necessary to enforce their demands by intimidation and fear, wherever strikes are called, with the result of injuring other trades and the entailment of hardships and privations on the people of the entire Commonwealth. The lawlessness of many of the striking miners is caused by radical agitators imported from other States who inflame them with incendiary speeches and exhortations to violence.

Mines and mining conditions in southern Colorado have been greatly improved in the last two years, and further improvements are in progress. The Colorado mining laws are the best in the United States for the protection of the miner, but sufficient time to test their efficiency had not elapsed since their enactment before the present strike of coal miners was called.

This report is corroborated by the report of the governor to this committee, found on page 2836 of the record, in which, on the subject before us, he states.

Turbulence and bloodshed began almost immediately after the strike was called. There was a great deal of shooting, much of it probably merely for intimidating purposes. As the strike progressed, the trouble increased. Picketing led to greater violence. A number of people were killed and many were beaten up. Threatening letters were sent to those who had not left the mines. The operators employed a large number of mine guards and the sheriff deputized them and secured for the county a considerable number of deputy sheriffs. I asked the operators to keep their mine guards on their own property, and I believe they generally observed my request, but the strikers could not discriminate between the deputy sheriffs and the mine guards. They showed a great deal of bitterness against detectives, who, they said, had been employed to prevent their unionizing, and many of whom they believed had been employed as deputy sheriffs.

DENIAL OF POLITICAL JUSTICE.

We shall not take the time of the committee to discuss this proposition. Certainly, the strikers crowded the limit in attempting to sell the committee about it; and yet, when the election returns were introduced, they disclosed that in the year 1912 the vote in many of the mines was evenly divided. If previous years showed a different state of facts, counsel should have introduced the vote.

The truth is, the political conditions complained of were never the result of any activity upon the part of the coal companies or their officers. The matters which created local irritation were brought about by the unconscionable methods used by local politicians, for which the companies were no more responsible than a stranger to the situation. Instead of the companies interfering, the local politicians, through an assumed agency for the companies in political matters, have misled and deluded the employees to such an extent that on occasion the election returns would indicate to one not advised in the political machinations of the district that the management of the companies had participated; but the fault was never with them, but with the local politicians, and the evil can be righted only by the voters in the district.

When the miners have not been interfered with by the local leaders, they have demonstrated that the matters which influence them in political affairs are very much the same as the impulses which influence other people under similar conditions.

It will be remembered that a copy of the official returns of the election held in Las Animas County for the year 1912 was introduced. This included the camps of Hastings and Delagua—Victor-American Fuel Co. camps. It further appeared from the return that Mr. J. C. Osgood, of the aforesaid company, was a candidate on the ticket for presidential elector. It also appears that, while the vote was practically evenly divided upon the local candidates and State officers, it was almost unanimous for Mr. Osgood. This is mentioned to demonstrate, as it does to our mind, the utter falsity of the charge of mistreatment of the men by the officers of the company, and the estrangement alleged by counsel to exist between officers and men. The vote indicates loyalty and gratitude on the part of the miners and good treatment and fair dealing on the part of the officers.

Under this head, in order, apparently, to emphasize or lend dignity to their charge of social and political injustice, counsel have called to their side the solemnity of the cloth. But their representative of that branch of our social department, like so many other of their contentions, when submitted to the light of investigation, proves to be misplaced. Their witness, who was introduced as Rev. McDonald, appears to be an imposter and an incompetent, in so far as he claims

the title "Reverend." On page 2063 of the record, will be found the extent of his right to claim that title. He is asked:

Where were you ordained a minister?—A. I am in the traveling ministry at the present time on trial. I am in the Methodist church.

Q. Then you haven't been ordained yet?—A. I am in the traveling ministry on trial.

Had he been an honest man, when the question was propounded to him as to whether or not he was ordained, he would have said no.

On page 2026 of the record he discloses the reason for the existence of his soured soul and why social and political conditions in Las Animas County do not suit him. We learn from the record that he went into the Hastings camp as a machinist. Evidently that proved a little bit onerous to him, and he sought an easier way of making a living. He thought school teaching would be more consistent with his ambition for easy money, and, too indolent to prepare, he attempted to acquire a certificate without the usual method of an examination as to his qualifications. He states:

I am just coming to that. Yes, gentlemen, there are these tests examinations. I may say that I, myself—well, just previous to leaving Hastings, when the people saw that they weren't able to give me a salary, they suggested that I go down to Barnes and that I interview the school board there and take charge of the school at Greenville, I think they call it, over at Cedar Hill—I think it is Greenville—and I went down and interviewed the district superintendent. Mr. Madrid was superintendent then. I interviewed Mr. Madrid, and this was coming pretty near the opening of the season, and I said, "Mr. Madrid, I believe I can pass your examination,"—if I remember rightly it was just a few days before the examination—"all except your school law and your American history; these are two things that I don't think I could take yet; the other things I would not be a bit afraid on." "Well," he says, "you can't get the school unless you stand the examination."

So it appears that there is a reason for his dissatisfaction with social and political conditions in that county. If the public school superintendent had handed over the certificate sought without an examination, and thereby imposed upon the district wherein he hoped to teach, we apprehend we would have found in him a warm supporter of political conditions in Las Animas County, at least so long as he carried the certificate.

This witness is a fair illustration of those who are continually prating about social, industrial, and political justice. The justice they seek is that measured by their own conception, based at all times on their own selfish purposes; and so long as high-minded people lend a willing ear, and officers charged with the administration of the law extend a patronizing indulgence, to the calamity howlers, just so long will we have disorder, brigandage, disrespect, and contempt for the law, which in time must hurl us into revolution. And it is to be hoped that the thinking and unselfish people of these United States can discover from the present social disorders the remedy to avert the threatened evil. To our minds, an enforcement of the laws on the statute books will restore peace, and prosperity will follow. Truly, there is need of it, and, in our judgment, the cause of the trouble does not lie far from where the trouble exists. A noise is usually found near the discord which creates it. The organization which is making the trouble in Colorado is a breeder of the very disorders complained of and a manufacturer of an offensive and dangerous class of people. Idleness is a habit. It is doubtful if the most energetic person could not be converted into a sloth by long-continued enforced idleness; and when an organization such as the United Mine Workers invites a

people to congregate in a community and remain indefinitely in complete idleness they introduce them to trampdom. And to-day, with our idle armies marching through the country, overriding the law and breaking the peace of communities, and agitators howling themselves hoarse with charges of violated statutes, abusing every privilege guaranteed them in the freedom of press and of speech, and we certainly have a sufficient premonition of what is to come and a sufficient admonition of timely action to prevent it.

STRIKE LEADERS.

It must be borne in mind that the leaders of this so-called strike, the parties here complaining, the ones whose agitation and fervent appeals brought about this investigation, are professional labor agitators. They are numerous and embrace people who belong to that large army of agitators who demand the reconstruction of our social institutions along lines advocated by them, and as an avenue through which they hope to accomplish their purposes in the labor world they have espoused and are promulgating this new doctrine of syndicalism.

This is the name commonly applied to the most radical form of the modern labor movement. The name, and to a large extent the social theory of the movement, is derived from the French unions or syndicates. It is a logical development of the revolutionary wing of socialism and the Internationale, as represented by Baunin, as against the revolutionary socialism of Marks and Engles. The term, however, has come to be indiscriminately applied to almost all labor movements that are inimical to peace and order. In its original French meaning the term applies to a movement of the organized workers in each industry to obtain control of that industry. * * *

Syndicalism rejects reform because it does not go to the root of social ills, and it detests Government because it is an instrument for the exploitation of the workers.
* * *

Syndicalism would gain control of an industry by direct action. This may be peaceful, as by the adoption of labor cooperation, or more forcible, as the strike or sabotage, boycott, label, and other means designed to render an industry unprofitable to an employer, forcing him to abandon it to the workers. (International Yearbook, 1912, p. 697.)

It is the avowed purpose of the syndicalists to use every means and method to make the employment of labor so profitless that the owners of large industries will become so discouraged in the operation thereof that they will be illy prepared to offer prolonged resistance, when, at the opportune moment, the laborers in the industry will call a strike and take possession of the industry themselves; and this is the spirit which some of the highest officers of this land, apparently quite oblivious of their danger, are toying and experimenting with, as an innocent child would with a viper. And in their efforts in this particular instance the strike leaders have congregated in various tent colonies a large number of foreigners, many of them who have never worked in the mines of Colorado or elsewhere, and are still adding to them desperate people wherever they can find them, to enlist them in their further battles against the people of the communities in which they are located.

CONCLUSION.

In conclusion, counsel criticize labor conditions generally throughout the country. We feel that an unbiased reading of the record in this case will disclose that labor conditions were most satisfactory in the mining regions of Colorado until trouble was fomented by the officers, agents, and employees of the United Mine Workers of

America. We have quoted in this brief their written declarations of determination to adhere to their purpose of organization in Colorado until they have landed the labor fields of this State within their column.

The witness Mary Jones, who went to Washington and told her story to this committee, without interruption, and with every aid which the committee could possibly offer to her, is one who is blindly followed by the mine workers and many other laborers with whom she comes in contact. She is frank in her disclosures to the committee as to the purposes of this strike. She tells it repeatedly in her testimony that the strike can not be settled except by the recognition of the mine workers' organization. On page 2931, we find the following:

Mr. BYRNES. Now this man says they will grant every demand with this exception. What would be your advice to the organization under those circumstances?

Mrs. JONES. Under those circumstances—I will tell you the truth about it; I would demand the organization. I would sacrifice other things. Other concessions I would sacrifice, but I would demand the right to organize. You have the right to go into the Knights of Pythias. The Catholics go into the Knights of Columbus. You go into the Masons, and nobody bothers you. So in the industrial field they want organization to protect them. Why not allow them to join that.

Mr. BYRNES. To go further, we asked him that—I think I did myself—whether he did not think so, and he said yes; he thought they had the right to organize. But he makes this point, that while he will grant their other demands, he will not make a contract with the organization which will preclude the possibility of any man other than a member of the organization working in his mines. That is the point they seem to make.

Now, is there any chance, do you think, of getting together? That is what every member of this committee would like to know.

Mrs. JONES. Yes; I understand what you are getting at. I don't think that they could, because it would involve strikes again. The organization—it would be revolting against the men, you know. I do not see why, on that ground, Mr. Rockefeller can refuse that.

And again, on page 2933:

Mr. AUSTIN. * * * What is your suggestion in the way of a remedy to stop the troubles in Colorado?

Mrs. JONES. There is only one suggestion. Just say, "Here, we will concede the right to you to organize."

Mr. AUSTIN. How is that?

Mrs. JONES. "We will concede the right to you to organize." That will settle it.

Now, here, gentlemen, I am talking to thinking brains here. That governor—you see, there is an unfortunate phase in our age; we get time service in office instead of statesmen. It was so in Colorado; in Michigan; it was so to an extent in West Virginia. Now, there are men, as a rule, who have no grasp of the great economic revolution that is going on. Our forefathers 40 years ago didn't dream of what was going to take place with us to-day. Neither did the men who framed the Constitution ever dream of those changes that were to take place. We jumped over night.

Now, that governor turned the militia in from that field last Thursday. He stood for uniforming these gunmen, making them militia without any calling of the legislature. He leaves his State in a turmoil and he comes here about the conservation of trees. What about the conservation of the people of the State?

The witness, in the foregoing quotation, indicates pretty clearly her contempt of the governor. The denunciations of herself and other labor leaders concerning Gov. Peabody is fresh in the minds of the public. But her animosity toward Gov. Ammons now is so intense that, by comparison, Peabody is almost deified. On page 2936 she says:

Peabody had a lot of backbone, and he came right straight out. I like an open enemy, and he came right straight out, and you knew how to fight him.

She seems to have gained some admiration for Gov. Peabody, even though he saw fit to make use of the militia, and association with or

use of a soldier is almost unpardonable in her estimation. We quote from page 2935:

Mr. AUSTIN. Take the Colorado fight. The people have got intensely interested.

Mrs. JONES. Both sides are, you know.

Mr. AUSTIN. Yes.

Mrs. JONES. The employeese and the striking miners will arm themselves.

Mr. AUSTIN. And go to killing?

Mrs. JONES. And the railroads will stop, because they are all excited about this. It is a spasmodic fever. Congress should send a telegram to the governor and to the miners both. You see, these men are liable to tie up all the railroads. It may be the starting of a revolution in our country.

Mr. SUTHERLAND. Mrs. Jones, do you think it would help the matter any to have Regular soldiers out there who would have no partisanship as between the two sides, in order to keep the peace?

Mrs. JONES. No; I am opposed to Regular soldiers. I am opposed to soldiers in any form.

Mr. SUTHERLAND. But there is a condition there that apparently needs something on both sides.

Mrs. JONES. That can be settled very easily. I understand that situation perhaps as well as anyone in the country does. I could go down there to-morrow—if you would make that governor take his dogs of war away, I could go down there to-morrow, and there won't be a shot fired from a single mining camp. I can handle those men. One thing that has aroused those men is putting me in those bull pens.

The above paragraph is another demonstration of insincerity when we view it in the light of the depredations of the strikers during the so-called truce in southern Colorado. While the governor held the hands of the militia through the truce, the strikers held high carnival in the undefended mining camps, shooting and burning as their bloodthirsty ambition led them.

In the testimony of the witness Mrs. Jones, embracing 23 pages, she used the personal pronouns I, me, and my 666 times. The first substantial question that was propounded to her is on the second page of her testimony, as follows:

The CHAIRMAN. Now, you tell us from your experience there what you know with reference to this strike and any causes leading up to it.

In response thereto she immediately begins to tell what she has done since the calling of the strike, and when finally pressed upon the matter and the question repeated to her by Dr. Foster (p. 2927 of record):

Do you know anything about the living of those miners out in Colorado? Were you there before the strike occurred or about the men at all? Do you know how they live?

She answered as follows:

Mrs. JONES. I was not very much through there.

The CHAIRMAN. So you really do not know?

Mrs. JONES. I know their living is horrible, because they have told me about it, but I have not visited them.

Considerable has been said about the importation of foreigners to work in the coal mines. It was disclosed by the evidence that probably a greater proportion of English-speaking people were working in the Colorado coal mines at the time of the calling of the strike than are working in the unionized State of Illinois and other Eastern States. The inference is sought to be impressed that the companies have shipped these men into the mines from the old countries. Such is not the case. Under the law they are prohibited from contracting with labor abroad and bringing it here. These people come to this country of their own volition, because the opportunities are better here—at least we pride ourselves that opportunities for the poor man are

better in our country than in any other land on the face of the globe. When they are here they seek work, and presumably go where the best opportunities are found.

In a speech made by John Mitchell to the chamber of commerce in the city of Denver December 5, 1904, in speaking of the conditions in the southern field of Colorado, it is stated:

Years ago in the South the population was largely American. In that field now I dare say there are less than 25 per cent of the miners who were born on American soil. If the conditions were fair, if the conditions were American, it would not be so. I do not wish to decry the laborers in that field, but when men whose standard of living is lower than the men then in the field are brought in, the standard of wages is lowered. (P. 339, Report of Labor Disturbances in Colorado, by Carroll D. Wright, Commissioner of Labor.)

Clearly, here it is the intention of the speaker to leave the inference that the cheap labor from foreign countries has driven out the English-speaking miner by a reduction of wages. An examination of the statistics discloses that during the past 20 years in Colorado mining wages have never been reduced, and when any change at all is made it is always an advance in wages and conditions: so that the inference sought to be promulgated is erroneous. The truth of the matter is that the foreigner has come into the mines because the American can not be found to do the work. The demand for coal from the Colorado fields since 1882 has increased from 1,161,479 tons to 11,016,948 in 1912, an increase in the production of nine and a half times. In the United States during the same period the increase in the production has only been five and one-sixth times. The demand has been great in Colorado, and the operators have been required to take their supply of labor from whatever field they could get it. If all the English-speaking miners who mined coal in 1882 were still in the mines, they would be in the minority. In truth, there were fewer English-speaking miners in the coal mines of Colorado 20 years ago than now.

In concluding their brief counsel recommend the enactment of laws on twelve different subjects as a remedy for present conditions.

The only recommendation we have to suggest is that the officers of the law be encouraged to faithfully and rigorously execute the laws now on the statute books as well as those molded into our common law, as this, in our judgment, will be found more effective than the cultivation of a maudlin sympathy for those who stand in open rebellion against the constituted authorities of a sovereign State.

Respectfully submitted.

FRED HERRINGTON, *Denver, Colo.,*
Attorney for the Colorado Fuel & Iron Co.

FRANK E. GOVE, *Denver, Colo.,*
Attorney for the Victor-American Fuel Co.

J. V. SICKMAN, *Denver, Colo.,*
Attorney for the Rocky Mountain Fuel Co.

GEORGE C. MANLEY, *Denver, Colo.,*
Attorney for the Oakdale Fuel Co.

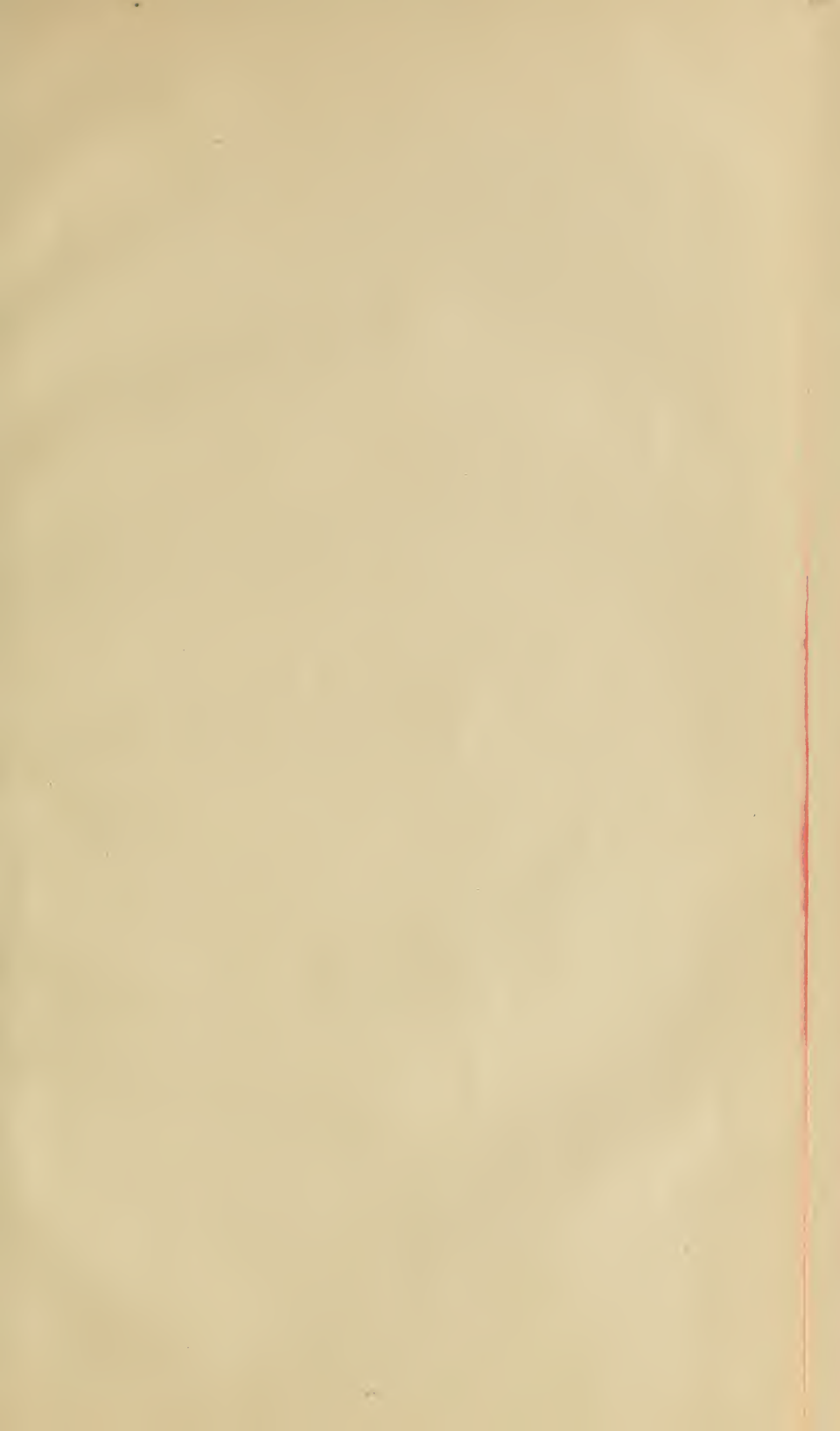
CHARLES HAYDEN, *Walsenburg, Colo.*

JESSE G. NORTHCUTT, *Trinidad, Colo.,*

Counsel for the appearing coal companies.

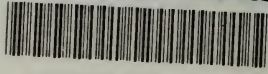








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