



EMPLOYEES' REPRESENTATION IN COAL MINES

By BEN M. SELEKMAN *and* MARY VAN KLEECK

Facts for Those Who Ask—

Does employes' representation bring peace between capital and labor?

Is employes' representation practicable for American industry?

Why the perennial controversy between coal miners and mine operators?

What is and what should be the relation between employes' representation and trade unionism?

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INDUSTRIAL RELATIONS SERIES

EMPLOYEES' REPRESENTATION IN COAL MINES

A STUDY OF
THE INDUSTRIAL REPRESENTATION PLAN OF
THE COLORADO FUEL AND IRON COMPANY

BY

BEN M. SELEKMAN

AND

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OF DEPARTMENT OF INDUSTRIAL STUDIES
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FOREWORD
TO INDUSTRIAL RELATIONS SERIES

BY MARY VAN KLEECK,

Director of Industrial Studies, Russell Sage Foundation

“WAGE-EARNERS’ participation in management” is the general title under which the Department of Industrial Studies of the Russell Sage Foundation is carrying forward a series of investigations of new experiments in the organization of relations between employers and employes in industrial enterprises in the United States.¹

The series was planned in 1919 after interviews with a number of persons, including engineers, social workers, investigators, government officials, employers, and representatives of labor, whose advice had been sought as to how the Foundation could most effectively contribute toward the improvement of human relations in industry. The consensus of opinion seemed to be that there was great need to record the experience of those industries in which definite effort had been made to give wage-earners a voice in matters affecting their employment. These efforts had taken forms varying from conferences between employers and employes on wages, hours, and other conditions of employment to genuine participation by the workers in management.

These experiments include many kinds of organiza-

¹ The studies thus far made by the Foundation, or in progress, include the Industrial Representation Plan of the Colorado Fuel and Iron Company in its coal mines and in its steel works, the Partnership Plan of the Dutchess Bleachery, the Works Council of Rock Island Arsenal, and the employment policies of William Filene’s Sons in their store in Boston.

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tion under many different names, but roughly they may be grouped into two major types; (1) those which are limited to a single company or to one plant, as are practically all of the forms known as employees' representation plans; and (2) those which may include an entire industry, with machinery for joint negotiation between groups of employers on the one hand and trade unions of employes on the other, such as are found in the women's garment trades and the mining industry.

Neither the typical plan for employees' representation, nor the usual trade union can be characterized as aiming primarily to provide opportunity for wage-earners to participate in management. Nevertheless the object of our interest in all these experiments is the status they give to wage-earners as measured by the workers' opportunity to share in decisions affecting industrial relations. We are not primarily concerned with the conditions established, the rates of wages paid or the hours worked except as these are the result of a larger influence on the part of employes. Our chief concern is to find out by what procedure conditions have been established and, particularly, how effective the voice of the workers has been in the process of determining them. Beyond this lies the important question of how an industrial enterprise can be conducted so that the relations between employers and employes shall square with American ideals of democracy and brotherhood. Co-operation is sometimes a vague word to conjure with, but in its accurate meaning of "working together" it represents not only an ideal but a practical necessity in carrying on the specialized and complicated economic processes of modern industrial society. It is to give the more substantial content of actual experience to our aspirations

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for more satisfactory relationships in industry that studies of typical experiments are needed.

As to the desirability of better co-operation in industry, no important difference of opinion can be found. As to the best methods of bringing it about, however, opinions are many and at times bitterly at variance. A very effective way of stimulating better co-operation between workers and managerial officials in any industry or in any single establishment is to show them how it is being achieved elsewhere. One of the best means of correcting the prejudices of uninformed public opinion, which often increases antagonism between employers and employes, is to focus attention, not upon a particular conflict which may at the moment be distracting men's minds, but upon the practical steps that are being taken to establish the relations of labor and management regularly and permanently on a democratic, just and sound basis, with proper regard also for the interests of the consumer. We are not interested merely in a record of success. An experience which reveals mistakes and difficulties and points the way toward more effective next steps is also a genuine contribution to progress.

To accomplish practical results a study of such experimental steps in human relations must interpret with equal accuracy the attitude of mind of the workers—their aims, their motives and their standards—and the problems and difficulties of management. A true record of actual procedure and its results should make it possible for those who are now responsible for policies in industry to learn from one another's experience. To contribute to that kind of exchange of experience is the aim of the Foundation in these studies of industrial relations.

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INTRODUCTION—PURPOSE AND METHODS OF THE INVESTIGATION

How a company which operates more than 20 bituminous coal mines, a large steel works, and a railroad in Colorado undertook to organize its relations with its workers by instituting a plan of employes' representation is the subject of this report. The relation of John D. Rockefeller, Jr., to the plan, by reason of which it is sometimes called the Rockefeller Plan, is described. It was an outgrowth of the Colorado strike in 1913 and 1914, and the first prominent experiment in establishing employes' representation. It has been copied by other industrial establishments. Hence we studied the operation of the plan in both the mines and the steel works of the Colorado Fuel and Iron Company as part of a series of inquiries into industrial relations because we believe that the problems which the company encountered in putting the plan into execution are typical and that the experience gained should be analyzed.

The methods of the inquiry are described in detail. A tentative draft of the study was submitted to officials of the company and every fact which they disputed was carefully re-examined.

CHAPTER I—THE PROBLEM OF EMPLOYES' REPRESENTATION

The growth of the company is described in order to show the complexity of large-scale industry and the loss of that personal relationship between management and men which Mr. Rockefeller believes to be the most important problem in industrial relations. The purpose of the plan was to restore this personal relationship. The questions which we undertook to ask are summarized as follows:

(1) Are the conditions of living and working more wholesome and happy for men and their families, as a result of the plan, in the camps and the steel works of the Colorado Fuel and Iron Company?

(2) Are the miners and steel workers satisfied as men that their interests are protected in decisions regarding

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wages, hours, or other conditions of work, and regarding the aspects of community life, political and social, which affect them?

(3) Does employes' representation, as practiced in this company, give stimulus to efficient service in the public interest?

CHAPTER II—BEGINNINGS OF EMPLOYEES' REPRESENTATION

Correspondence and testimony given to the Industrial Relations Commission by Mr. Rockefeller and W. L. Mackenzie King and officers of the company, relating to the strike of 1913 and 1914, are quoted to show the origin of the plan and how its provisions were finally developed.

CHAPTER III—THE COMPANY'S PURPOSES IN EMPLOYEES' REPRESENTATION

Mr. Rockefeller's speeches and statements made to us by officers of the company disclose their purposes in establishing the plan. President Welborn's statement, quoted at the end of the chapter, is an accurate summary of their aims.

The purpose of the plan he defined briefly to be the establishment of such direct relationship between managers of the company and employes as shall insure their confidence in the fair dealing of the company and shall bring to the company value received, so to speak, in the form of loyalty from the workers. The idea of "representation in industry" includes, he believed, actual participation by employes in determining working and living conditions. Representation in industry, he said, could be defined as collective bargaining.

CHAPTER IV—COAL MINING AS AN OCCUPATION

The interior of a coal mine and the various tasks involved in mining are portrayed. The work of the mine foreman, the state mine inspector, the superintendent, and other employes, is examined and the difficulties of coal mining described.

It is shown that the physical nature of coal mining makes for changes day by day in the conditions encountered in a working place, for variations in earnings, and for differences of opinion as to what should be paid for certain tasks.

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Work-places change almost daily as the mine is extended further along its underground course. It is an industry where disputes of more or less importance constantly arise. The remoteness of the camps where the miners live and the dangers of mining have given unlimited authority to the superintendent and foreman which has led to abuses of power and to injustices unknown to higher officials. Out of these natural conditions of mining grows the need for some means of appeal by the men to higher officials.

CHAPTER V—THE REPRESENTATION PLAN

The essential features of the plan are outlined. At each mine two or more representatives, in accordance with the number of men employed, are elected to serve for one year. These employes' representatives from all branches of the company come together in an annual meeting with an equal number of company officials. In addition, district meetings are held every four months for the camps in each of the five districts. At these conferences any matters which employes desire to have discussed can be brought up for consideration with representatives of the management. In each district there are four joint committees composed of equal numbers of employes and officials to consider: (1) safety and accidents; (2) sanitation, health, and housing; (3) recreation and education; (4) industrial co-operation and conciliation. The relation of the president of the company to the plan as its administrator is shown. The "trade agreement" regarding working conditions and "fundamental rights" is examined.

CHAPTER VI—THE EMPLOYES' REPRESENTATIVES

The functions of the employes' representatives, the occupational groups they represent, and the weakness of their position as described by the miners are given in detail. The representatives are men who work in the mines and who, as employes of the company, do not feel free to act in opposition to the company's interest in defense of fellow-employes. The realization of this weakness at one time led employes to suggest the need for a general representative, paid by the employes, who would give his whole time to the work, as does the president's industrial representative. This suggestion was acceptable to the company. It was, however, finally voted down by the miners, partly

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because the general manager of the fuel department actively campaigned for it, partly because the miners did not believe that an employees' representative would accomplish much for them, and partly because they would be obliged to elect one of their fellow-workers for the office, which they said would continue a weakness of the present plan. The activities of representatives in behalf of their constituents at the time of our inquiry are described.

CHAPTER VII—RESPONSIBILITIES OF LOCAL MINE OFFICIALS

The way in which the company has voluntarily limited the power of the superintendent to discharge is discussed. The responsibilities of the superintendent and foreman in a plan of employees' representation are analyzed to show how difficult is the problem of administration, and that a new type of superintendent and foreman must be trained.

CHAPTER VIII—THE WORK OF COMMITTEES

The company is shown to have been a pioneer in welfare work which was developed prior to 1890 by Dr. Corwin, its present chief surgeon. The excellent housing conditions and the attractive communities are described. The procedure of the various joint committees is fully analyzed in order to show just how far employees display initiative. The conclusion is that abuses through compulsory buying in company stores are things of the past; that inevitable complaints against prices are dealt with promptly and frankly through the representation plan; that the old influence of the company in county and state politics, so much discussed in 1913, is no longer exercised; that life in the camps is happier and more healthful, and opportunities for schooling are greatly improved. But our examination of the procedure of the joint committees has shown that these changes are due primarily to the initiative of management. Employees are not given responsibility for decisions.

CHAPTER IX—HOW GRIEVANCES ARE ADJUSTED

The adjustment of grievances was one of the primary purposes of the plan. Cases are cited to illustrate the procedure of adjustment. The work of the Joint Committee on Industrial Co-operation and Conciliation is described, and also the methods followed by the president's industrial representative in settling difficulties. The chapter contains

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material taken largely from minutes of meetings of joint committees and from reports and conferences of the president's industrial representatives. Several complaints which were unsatisfactorily adjusted are described. The facts show that the employes are not making use of the plan for the presentation of grievances.

CHAPTER X—SOME UNREPORTED GRIEVANCES

Grievances brought to our attention by employes which had never been referred to employes' representatives or to higher officials were carefully investigated. This chapter contains the results of the inquiry. In various mines a number of complaints were discovered which arose out of conditions due to coal mining, but we could find no record to indicate that the president's industrial representative had detected them or that the employes' representatives had acted upon them even when aware of their existence. Although the first function of an employes' representative is to be a connecting link between management and employes for the adjustment of grievances, in actual practice the employes' representative does not deal with all grievances and he does not have a definite share in decisions. This lack of responsibility on the part of employes' representatives is a fundamental defect in the plan as it is conceived and practiced. Unless they are given definite responsibility it is difficult to retain the interest of the men.

CHAPTER XI—GRIEVANCES OVER COMPENSATION

The daily adjustments of pay for extra tasks, such as removing rock, cleaning up falls, and putting up props and cross-bars, are described. Instances are cited where employes' representatives were asked to share in decisions; others are cited where their disappointment was voiced to us because rates were set in the mines where they worked without their being consulted. This practice has led some of the staunchest friends of the plan among the miners to declare that the plan may be all right as a means of settling small disputes, but that it does not give the men a definite share in determining what the conditions shall be. We have found that the activities of the employes' representatives have been chiefly confined to bringing complaints to the attention of officials. Officials have the power of final decision.

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CHAPTER XII—WAGES AND SECURITY IN EMPLOYMENT

It is the custom of the company to accept the wage scale of its competitors as its own. An account is given of each of the wage increases since the establishment of the plan in 1915. With the exception of the increase of 1919, all increases were made during the period of the war, with a certain measure of sanction by the national government. It was the United Mine Workers of America which took the initiative in securing all these wage increases, and statements made by the company indicate that it felt obliged to accept its competitors' rates. This situation is a cause of discontent among the employes of the company, who reason that except for the efforts of the United Mine Workers they would not have received these increases. The idea is constantly kept alive among the miners that their wage scale is protected by the union but that, as the company has no dealings with the union, its employes have no opportunity to express their views on the wage scale. Moreover, many miners feel that they do not share in the burden which union members assume when striking for higher wages.

The only instance of the determination of wages within the company without reference to its competitors was a reduction of 30 per cent in 1921. This reduction resulted in a strike and in the intervention of the Industrial Commission of Colorado. The Colorado law creating the commission requires that it must be notified thirty days in advance of a change in wages or other working conditions, unless such changes are made by mutual agreement between employer and employes. The real question at issue in the mines of the Colorado Fuel and Iron Company was, therefore, whether the new wage scale was the result of a joint agreement between the company and its employes. The company demonstrated that the agreement of the employes had been secured through a petition to reduce wages which had been circulated in the mines for the personal signature of the men. The commission declared that the company was within the law in making the reduction without the thirty days' notice required, as noted, in the absence of a collective bargain. Following the decision of the commission the employes again struck. The 30 per cent wage reduction remained in force, however. The employes joined in the strike of 1922. After that strike was settled nationally, the Colorado Fuel and Iron Company restored

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the 30 per cent reduction made in 1921 and thus again equalized its wage scale with that of its competitors.

CHAPTER XIII—THE UNITED MINE WORKERS IN COLORADO

The form of organization of the United Mine Workers of America is described, and the past efforts of the union to organize the Colorado Fuel and Iron Company are briefly summarized. An account is given of the factions in the union following the strike of 1914, and the effect that dissension within the union has had upon both the company and the miners. The efforts to organize the employes of the company and to call a strike in 1917, finally averted by former President White of the United Mine Workers, are described. The opposition of the union to the representation plan and the attitude toward it of union members employed by the company are told in detail. In general, the attitude of union sympathizers is that even the introduction of the plan itself was indirectly due to the activities of the United Mine Workers, and that without the support of the national union the employes of this company could not, under the representation plan, adequately protect themselves. They have no treasury and are represented only by fellow-employes, so that whatever is done in their interest comes, in the last analysis, through the voluntary action of the company. Meanwhile, in a number of camps the miners are organized in local unions of the United Mine Workers of America and hold meetings in buildings outside the camps. This situation keeps alive the issue of trade unionism versus employes' representation.

CHAPTER XIV—COLORADO MINERS IN THE STRIKE OF 1919

This was a national strike. Statistics show how many of the employes of the Colorado Fuel and Iron Company quit work. State militia were sent to some of the mines. In the mines as a whole, the average number who stayed away from work was 62 per cent, which indicates that the United Mine Workers' organization has considerable influence over employes of the company.

CHAPTER XV—THE COMPANY IN THE STRIKE OF 1919

The company undertook to oppose the strike by organizing meetings in the camps and discussing the issues. The opposition of important officials to the strike led some

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superintendents to understand that they were to discharge active union men and that they were to keep union organizers from entering the camps. The freedom of the men to belong to the union had been assured by the plan, and for several years after the plan was introduced the company gave entire freedom to union organizers to enter the camps. At the time of the strike of 1919 it appeared to the employes, and especially to the members of the union, that this policy was being reversed. The company denied that its activities in the strike of 1919 were a reversal of the policy adopted with the plan, and claimed that its action was determined by the fact that the federal government had condemned the strike and had emphasized the necessity for uninterrupted production of coal.

CHAPTER XVI—THE INDUSTRIAL REPRESENTATION PLAN VERSUS TRADE UNIONISM

The attitude of the company toward the union is traced as it has been described by W. L. Mackenzie King and by officials of the company. Changes in policy since the strike of 1913-14 are shown so that, for example, President Welborn has willingly met with representatives of the United Mine Workers who were not employed by the company when they had asked for conference. We describe, however, the refusal of the company to allow the union to hold meetings in the camps. The Y.M.C.A., which includes officials of the company on its board of managers, has not permitted its buildings to be used by the union, and this whole problem brings up the question of the freedom of community life in a mining camp and the importance of distinguishing between the company as an employer in the mine and as a landlord in the town. Full credit is given to the company for its more liberal attitude since the plan was introduced, but the facts presented show that a conflict is in existence in Colorado between employes' representation and trade unionism, which must be wisely dealt with before any plan can be made to work satisfactorily. The final paragraph of this chapter reads:

Unionism in the coal mines of Colorado has spent its energies in vain efforts to secure recognition. At that stage, facing the constant opposition of employers, a trade union becomes aggressive, rather than constructive. The leaders are likely to be those who can stimulate

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antagonism to the company as a first step toward proving the need for a trade union to protect the employes. Out of this kind of campaign develop endless petty causes of irritation between a company and the leaders of a union; and the employes share in these irritations. Behind all these petty occurrences is a fundamental fact—the existence of a national organization of the miners. Employes' representation is inevitably, therefore, a competitor of the union unless a *modus vivendi* can be agreed upon between the company and the union.

CHAPTER XVII—AN INCOMPLETE EXPERIMENT

Reference is made to Mr. Rockefeller's statement that the Industrial Representation Plan is a comprehensive industrial constitution. The plan and its administration are examined in the light of this phrase, and the facts brought out in the report are summarized to show the lack of responsibility of employes in decisions regarding working conditions and the problems presented by wage-setting in the bituminous coal industry. The President's Second Industrial Conference, held in 1920, recognized in its report the importance of a shop committee to represent employes in settling questions affecting the relation of a company to its own employes; but it also declared that the existence of employes' representation does not necessarily reduce the scope of the union representative's work. The report also refers with approval to industries in which employes' representation and trade unions have been functioning harmoniously. Only through unions can workers have a voice in the settlement of questions in which their employer must be influenced by his competitors' standards. The scope of the representation plan as it now exists in the Colorado Fuel and Iron Company must be enlarged if it is to create satisfactory relations between its employes and its officials. The final paragraph reads:

The experiment which Mr. King planned and which Mr. Rockefeller has so often and so effectively interpreted to the public is as yet incomplete. Its fruits so far have been better living conditions and better relationships between managerial officials and miners. An "industrial constitution" for the company or for the industry, or a partnership for labor, it has not yet become.

INTRODUCTION

INTRODUCTION
PURPOSE AND METHODS OF THE
INVESTIGATION

HOW a company, which operates more than twenty bituminous coal mines, a large steel works, and a railroad in Colorado, undertook to organize its relations with its workers by instituting a plan of "employees' representation" is the subject of two studies, one on coal mines and one on steel works, which are simultaneously published.

It was during the prolonged strike of coal miners in Colorado in 1913 that W. L. Mackenzie King, former Minister of Labor, and subsequently Premier, of Canada, was asked by John D. Rockefeller, Jr., who was the largest stockholder in the largest company involved in the strike, the Colorado Fuel and Iron Company, to suggest a plan which would prevent the recurrence of such a catastrophe. Both men believed that the lack of personal relationships between directing management and employes, which is characteristic of modern industrial organization, was the true point of origin of the bitter conflict of the coal strike in Colorado. To restore the personal relationships that existed in the days of small-scale crafts in a company which employs 5,000 men in its mines and 7,000 in its steel works in Colorado alone, and operates lime quarries and iron mines in another state and a railway carrying both freight and passengers, was obviously impossible. The

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"principle of representation" was the essence of the plan suggested. The idea was to apply in industry the mechanism of republican government in political life. Relationships between management and men were to be restored through representatives chosen by officials and employes. The plan of organization embodying this principle was called the Industrial Representation Plan. It was established in the coal mines of the Colorado Fuel and Iron Company in October, 1915, and in the Minnequa Steel Works in 1916.

This was the first prominent experiment in establishing such a plan of representation for employes, and a forerunner of the shop committees, or works councils, which multiplied rapidly in a variety of industries during and after the war. Several of these later schemes were modeled on the plan of the Colorado Fuel and Iron Company.

Because of its influence on the growth of what is called employes' representation, and because the operation of the experiment could be examined in two basic industries—coal and steel—the Industrial Representation Plan of the Colorado Fuel and Iron Company was chosen as one of the series of inquiries which are described in the Foreword.

The decision to study the aims and workings of the representation plan of the Colorado Fuel and Iron Company was made in the autumn of 1919, after a brief survey of shop committees in eleven industrial establishments in or near New York. Ben M. Selekmán, who for three years had been a member of the staff of the Department of Industrial Studies, made this preliminary survey and after its completion he was sent to Colorado. The plan of work outlined in advance was to

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interview both employes and company officials, to familiarize himself with working conditions, to examine the procedure in carrying out the representation plan, and to consult all the available documents on the subject, including minutes of meetings, correspondence and reports.

On his first trip Mr. Selekman stayed five months in Colorado, from November, 1919, to April, 1920. When he reached there a strike had been in progress for several weeks in the steel industry and the coal miners were returning to work after a strike of somewhat over a week. Mr. Selekman spent the first weeks in Pueblo, interviewing steel workers. He attended hearings of the State Industrial Commission, which was investigating a phase of the strike in the coal mines, and thus heard the testimony of employes and officials of the Colorado Fuel and Iron Company concerning the alleged discharges of miners for activities in the union. In the coal camps, as in the steel works, he interviewed workers, the representatives elected in accordance with the representation plan, foremen, superintendents, and higher officials of the company, the state officials who enforce the mining and labor laws, and disinterested citizens having knowledge of labor conditions. A large amount of documentary material was placed at our disposal by the company, including minutes and reports of activities and procedure in connection with the representation plan. The proceedings of official investigating commissions were examined. Mr. Selekman visited each mining community at least once, and some of them as many as six times, thoroughly inspected typical mines, talked with miners in their work-places, and several times accompanied the

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state mine inspector on his rounds.¹ In accordance with the usual practice of the Department, typewritten records of his interviews and all documentary material were forwarded daily to the director of the Department in New York.

When information received in interviews could not be verified in minutes or written reports, its accuracy was checked by securing statements regarding the same incident from men in different positions in the company. For instance, when miners told us of grievances which had not been brought up through the representation plan and hence were not described in the records, we questioned foremen and superintendents about the conditions which might have given rise to the men's grievances. We did not disclose the names of miners whom we had interviewed. In these ways, and by later submitting the manuscript to representatives of both management and mine workers, we gave ample opportunity to company officials and miners to explain their points of view.

The information and material regarding the coal mines were embodied in a preliminary report, of which copies were submitted in December, 1920, to John D. Rockefeller, Jr., J. F. Welborn, president of the Colorado Fuel and Iron Company, and William Green, secretary-treasurer of the United Mine Workers of America. These were all urged to give us their criticisms. We explained that it was our regular practice to submit an early draft of a report to those most vitally concerned in the subject of our inquiry, in order to afford them an opportunity to examine and to criticize it before publication.

The secretary of the United Mine Workers gave as his

¹ In 1919, 24 mines were operated by the company in Colorado. One mine, Emerald, has been added since Mr. Selekman's first visit.

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opinion that, in spite of adverse criticism of some of the activities of the union in Colorado, the report was a fair and valuable statement of facts. The representatives of the company questioned the accuracy of some of the statements and disagreed as to the interpretation of many of them.

We welcomed opportunity to consider their criticisms in detail and to re-examine the evidence for every disputed statement. After correspondence with Mr. Welborn and consultation with Mr. Rockefeller's office in New York, it was finally agreed that the director of the Department of Industrial Studies, Mary Van Kleeck, should go to Colorado to discuss the manuscript with officers of the company and to get a direct impression of the views of the workers on the operation of the plan.

Following interviews with trade union officials and others outside the company in Pueblo and Denver, Miss Van Kleeck met the officers of the company in their Denver office early in February, 1921, and together they spent six consecutive days in reading and discussing the entire manuscript of the first report. In order that the points of difference might be kept clearly in mind the discussion was recorded in a memorandum prepared by Miss Van Kleeck and agreed to by the officers of the company. In all the stages of the investigation, the officers of the company were uniformly generous in affording us access to sources of information that we needed to reach through them.

Following the discussion of the preliminary report, Miss Van Kleeck visited the camps of 23 of the 25 coal mines of the company in Colorado, and conferred at length with 64 men employed in the coal mines, includ-

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ing the representatives elected for the year 1921 in every mine of the company then in operation in Colorado, except Crested Butte.¹ At least two company officials went with Miss Van Kleeck to all the camps, but no official was present at any of her conferences with employes. Miss Van Kleeck's main purpose was, first, to gain an understanding of the point of view of the officials, in order that the fairest possible consideration should be given to their objections, and, second, to re-examine every fact which they had challenged in the manuscript. Mr. Selekman also returned to Colorado in 1921 to check up again the evidence of his first interviews.

Following her visits to the mines, Miss Van Kleeck returned to Pueblo for an investigation of the representation plan in the Minnequa Steel Works. Here she interviewed between 40 and 50 workers, including a large majority of the representatives who had served in 1920.²

When her inquiries in Pueblo were completed, Miss Van Kleeck had a final conference with officials of the company in Denver, at which she stated her findings in detail. Mr. Selekman was present to explain the procedure which he had followed in his inquiry. A verbatim stenographic report was taken of this conference, and its 444 typewritten pages constitute an unusual record both of the findings of the study and of the views of the company on the facts presented. It was approved by the president and other officers of the company after a few minor corrections.

¹ Of the 25 mines, one, Crested Butte, is a long distance from the others; another, Engle, was closed when Miss Van Kleeck was in the neighborhood, but she talked with one of its employe representatives.

² The elections for 1921 were then in progress and in some departments not completed.

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After revision of the manuscript, to include the new material gathered by Miss Van Kleeck, the galley proof was submitted to President John L. Lewis and other officers of the United Mine Workers and to representatives of the union from Colorado, who approved it as a whole. It was also submitted to the officers of the company and to Mr. Rockefeller, and we regret that after giving full consideration to their objections many differences of opinion as to interpretation and conclusions still remain.

The details thus covered in conference and in new observation were so numerous that a summary of the results is difficult to formulate in a few words. Some of the differences in interpretation between us and officers of the company, on which agreement was not possible, will appear at various places in the following pages. Considerable new material was added, some of it relating to events subsequent to Mr. Selekman's first trip to Colorado. Much of the information secured from employes and supporting our first report continued to be unconvincing to officials. They suggested that if we would name employes who had made the statements recorded by us, either officers of the company or superintendents might be able to give facts from their point of view about these employes which would be a check on their accuracy. This we could not do, because we had assured them that their names would be held in strict confidence. In the important specific cases which were re-examined by Miss Van Kleeck, and in her interviews with miners, her findings confirmed the essential facts upon which Mr. Selekman's report was based.

The weight which we gave to the objections made by

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officials to some of our descriptions of miners' opinions and experiences can be better understood if we distinguish between the types of data secured in our talks with employes. Interviews with them had yielded two types of information, which were embodied in the report: (1) Statements of opinion by the miners which constituted evidence of their reactions toward the representation plan and their attitude toward the company; these may have reflected a limited understanding of the company or the plan, but they gave us insight into the minds of the workers; (2) statements of experience by the miners regarding the operation of the plan; these were subject to the usual processes of verification.

As to the second type of information, every effort was made to hear testimony from both sides and to sift the evidence in order to discover the truth without bias. As to the first type of statement—that which reflects the feelings of the employes—the objection of officials of the company is not conclusive, for a disinterested outsider who wins the confidence of a worker is, often, in a position to secure a franker expression of opinion than would be given to a company official. When, therefore, company officials doubted the accuracy of our interpretation of the psychology and of the point of view of the workers regarding the representation plan, it was necessary to let the matter stand as a difference of opinion. For instance, many grievances had been described by the men to Mr. Selekman which had never been taken up through the machinery of the plan, and the fact that no adjustment of these difficulties had been sought by employes, despite the provision for their representation, was analyzed in our report

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as a test of the plan. These were facts which, in the very nature of the case, had never been brought to the attention of the company, yet officials questioned their accuracy. Our confidence in their validity was based in part upon our knowledge of the repetition of statements on the subject made by one miner after another in all the camps.

Probably, full agreement by both workers and employers as to the conclusions presented in an investigation of this kind is impossible of achievement. Nevertheless, the tests to which the material here presented has been subjected have included a re-examination of every disputed fact. After all, differences of opinion are in themselves information for the seeker after truth in labor problems, and they form an essential part of the record of human relations in industry. In the chapters which follow, the reader's attention will be called to the points on which important differences have been expressed. Our aim has been to set forth events, conditions, statistics, purposes, methods, and opinions fully enough to enable readers to weigh the evidence and to draw their own conclusions.

**PART I
HISTORY**

CHAPTER I

THE PROBLEM OF EMPLOYEES' REPRESENTATION

FROM the Denver office of the Colorado Fuel and Iron Company south to Trinidad, the center of its southern mines, with Pueblo and the steel works on the way, is 216 miles. From Denver west to Crested Butte, the most western of its mines in Colorado, is 320 miles. Scattered over this area lie the mining communities whose citizens are asked to co-operate in a plan for industrial representation.

From the work-place of the miner with his pick and shovel to the office of the president of this, the largest coal-producing company of Colorado, is a distance of a kind that cannot be measured in miles.

The geographical distance is overcome by 800 miles of leased telegraphic lines, by the automobile or railroad trips of officials, and by the journeys of representatives of the men to central points for conferences or committee service.

The Industrial Representation Plan is an effort to overcome the mental and economic separation. Between the miner in his work-place and the president in his office the Industrial Representation Plan is to restore personal relationships. It is intended to provide an organized means of communication between managing officials and wage-earning employes by giving employes the right to elect men to represent them in joint conference with representatives of the company.

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The growth of the Colorado Fuel and Iron Company is a significant story in the industrial history of Colorado. The original company had only two mines and a small steel plant with a blast furnace or two. Four pioneers, Julian A. Kebler, John C. Osgood, Alfred C. Cass, and John L. Jerome, came to Colorado in the eighties, and in 1892 the Colorado Fuel and Iron Company was incorporated, consolidating the Colorado Coal and Iron Company, the Grand River Coal and Coke Company, and the Colorado Fuel Company, which in turn had just absorbed the steel works in Pueblo and the fuel and iron property of the old Colorado Coal and Iron Company.¹ Mr. Kebler was the first president of the new corporation. When he died in 1904, the local papers referred to what they called the "new" title of "Captain of Industry" as applicable to him. Shortly before the death of the first president, the expansion of the steel works and other undertakings of the company, with the consequent demand for some twenty millions of dollars, had given an ascendant control to "eastern capital," as embodied in the Rockefeller interests. This consolidation of industrial enterprises into large companies was an example of the development which was characteristic of the history of industry in America in the decade of the nineties.

To this period also belonged the growth of trade unions. The United Mine Workers of America, organized in 1886, was active in Colorado. The American Federation of Labor was expanding. Organizers for the national unions made their appeal to workers to join, largely on the ground that only through national organization

¹ *Camp and Plant*, April 23, 1904, p. 353. Formerly published by the Sociological Department of the Colorado Fuel and Iron Company.

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could the workers protect themselves against what they saw to be the growing indifference to human relationships in large-scale, impersonal business organizations. Colorado miners responded to calls to strike in 1893, in 1903, and in 1913.

How, then, after a long and unsuccessful strike for recognition of the union in 1913, was a spirit of partnership between labor and a distant and powerful capital to be established—even though the owners willed it? Was there in the joint conference of wage-earners and company officials, which a new representation plan made possible, any assurance that the workers' interests would be protected when they seemed to be contrary to the interests of capital? After the adoption of this new plan of relations within the company, would the elected representatives of the men in one mine be a match for this powerful "consolidation" of capital and managerial skill with control extending over many mines?

The United Mine Workers, the organized union of miners in the United States and Canada, say, No. They contend that only a powerful economic organization of the workers throughout an industry can meet as equals the powerful capitalistic organization which management has come to represent. The miner, who is dependent upon his pick and shovel for a living, cannot act on behalf of his fellow-employees against the company which gives him the right to use his tools in the mine and can deprive him of this chance.

The company officials and other advocates of employees' representation say, Yes. A company can be a large family, in which co-operation in common interests is possible through getting together and talking things over. The interference of outside leaders, who seek to

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organize unions on the basis of antagonism to capital and to enforce their demands by strikes, is all that the company need fear as an obstruction to co-operative relations with its own employes. The employes' interests can be adequately served without the intervention of representatives of a union who are not employed by the company.

What do the facts say? Have the conferences and the joint service on committees brought together management and men? Has their closer acquaintance had concrete results in improving conditions? Have both sides developed a capacity for co-operation? Do the workers merely voice complaints or express opinions when asked, or do they share in determining policies and standards? How wide is the "zone of agreement" in which an identity of interest between capital and labor has been demonstrated in the experience of this company?

So prominent has this company become in the public mind, and so controversial have been the issues in its labor history, that some readers have probably already prejudged its representation plan, though they may have had no first-hand knowledge of its workings. Some there are who, doubtless, believe that no good can come of this so-called "Rockefeller Plan," because they regard it as a capitalistic effort to defeat unionism. We ask that they bear in mind that in advocating representation for wage-earners, Mr. Rockefeller is definitely opposing the traditional view that management alone, with its knowledge of business conditions, should establish the terms of employment without any organized means of consulting the workers.

If, in contrast, other readers are convinced in advance

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that no good can come out of trade unionism, we ask them to bear in mind the history of the labor movement. Its advocates believe that action through a group has become necessary because of the complications of industrial organization; and that the record of progress for labor which is attributable in large part to trade unionism has benefited not only the workers but the whole nation, of which the workers are members and citizens. Especially, they contend that trade unions are an established fact—embodied in a large group with influence and aims to be reckoned with as an integral part of industrial life in America today.

The accomplishments of a plan for improving human relationships in industry should first be measured by the purposes and objectives of those who have devised it. Has it performed the office genuinely and effectively for which its originators designed it? This is different from asking, Has it accomplished what someone else with another social philosophy than theirs thinks it ought to have accomplished?

The second and larger question to ask about this or any other social instrument is, What social utility does it possess, measured both by the purposes of its originators and by its actual results?

It is in gauging the value of the social philosophy behind this plan that men will probably be moved by their own philosophies to reject it as too reactionary or as too radical. The evidence of its results should, however, be judged on its own merits. He who believes that industry cannot successfully serve its purpose of production unless it is autocratically managed by those who own capital and direct it; and he at the other extreme of opinion, who believes that representatives of

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labor should have a voice in management in full accord with the principles of democracy, should both be interested in the facts wherewith to answer three questions: (1) Are the conditions of living and working more wholesome and happy for men and their families as a result of the plan in the camps and the steel works of the Colorado Fuel and Iron Company? (2) Are the miners and steel workers satisfied as men that their interests are protected in decisions regarding wages, hours or other conditions of work, and regarding the aspects of community life, political and social, which affect them? (3) Does employes' representation as practiced in this company give stimulus to efficient service in the public interest?

CHAPTER II

BEGINNINGS OF EMPLOYEES' REPRESENTATION

THE need to restore the lost personal relationships between management and men was impressed upon the mind of John D. Rockefeller, Jr., by the strike in Colorado in 1913 and 1914. As representing the largest stockholders in the Colorado Fuel and Iron Company, Mr. Rockefeller came to recognize, through the distressing events of the strike, his own responsibility for ending it and for seeking to restore, as he said, "a permanent condition of peace."

OBJECTS OF THE STRIKE OF 1913

The Representation Plan was established in October, 1915, ten months after the strike of the coal miners, begun in September, 1913, was ended in December, 1914, by the United Mine Workers of America. This strike has been analyzed and described so thoroughly by federal agencies and by students of labor problems like John A. Fitch,¹ that it is not necessary to describe it at length.

Nevertheless, brief reference to some of the outstanding events and controversies connected with it is necessary to a better understanding of the causes which led to the establishment of the representation plan. More-

¹ Fitch, John A.: Law and Order, The Issue in Colorado. *The Survey*, December 5, 1914.

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over, the effect of the strike is not alone a matter of history, for memories of it are so vivid in Colorado that they still have a strong influence on human relations in the coal industry there.

"The 1913 strike wasn't a strike at all," we were told again and again by miners who had taken part in it. "It was a civil war, and a bloody one at that." And then they would go on to describe the "Battle of Hogback Hill," the "Attack on Chandler," the skirmishes, and the "manœuverings for positions," constantly in fact using the terms of war strategy. The impression received by the investigator was that industrial civil war took place in Colorado in 1913 and 1914; and that the tragedy of Ludlow, where on April 20, 1914, eleven children and two women were smothered to death during a battle in the tent colony, in which the families of strikers, turned out of their homes in the camps, were living, was the climax of one of the most violent industrial strifes in the history of this country. Several coal companies were involved, the largest of which was the Colorado Fuel and Iron Company.

The demands of the miners which led to the strike concerned wages, hours of work, the enforcement of certain state mining and labor laws, and union recognition. Of all these demands, the last was the most vital to the strikers. What was conventionally called "union recognition" meant specifically that wages, hours, and other conditions of employment should be agreed upon jointly by one or more of the companies and the United Mine Workers of America, the latter acting as representative of the employees; that all employes of the company below the rank of supervisory officials should be members of the union; and that the agree-

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ment should be embodied in a written contract. Moreover, machinery for enforcing the agreement and for adjustment of grievances was to be established through the United Mine Workers, also, in agreement with the companies. The operators, acting together, refused to concede these demands, and the strike went on with both sides standing firm while hostility toward one another deepened.

In May, 1914, after the strike had been in existence about nine months, and after the deaths of women and children at Ludlow, the United States Commission on Industrial Relations undertook an inquiry into the causes and the events of the conflict.¹ The commission conducted hearings in New York, Washington, D. C., and Denver, at which testimony was given by John D. Rockefeller, Jr., W. L. Mackenzie King, J. F. Welborn, president of the Colorado Fuel and Iron Company, E. H. Weitzel, manager of the fuel department of the company, John Lawson, the Colorado member of the International Executive Board of the United Mine Workers, Frank J. Hayes, vice-president of the United Mine Workers, John Mitchell, former president of the United Mine Workers, and John McLennan and Edward L. Doyle, president and secretary respectively of District 15 of the United Mine Workers, which includes Colorado in its area. Testimony was also heard from a number of public officials. Correspondence and other documents were subpoenaed. The proceedings and reports of the

¹ This commission had been appointed by Act of Congress on August 23, 1912, as the result of a widespread demand for a thorough study of industrial unrest. The dynamiting of the building owned by an anti-union newspaper, the *Times*, in Los Angeles on October 1, 1910, had called the attention of the country to the need for such an inquiry.

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commission constitute a record of events which is readily accessible.¹ In addition, a sub-committee of the Committee on Mines and Mining of the House of Representatives had been authorized in February, 1914, to investigate conditions in the coal mines of Colorado. This committee held hearings in Denver, Colorado, and Washington, D. C.²

PRESIDENT WILSON PROPOSES A TRUCE

Stirred by the reports of investigations into conditions in Colorado and the widespread demand throughout the country for a settlement of the conflict, President Wilson on September 5, 1914, addressed a letter to the miners and the companies, enclosing a proposal for a "Three Years' Truce."³ The document embodied the results of an investigation made jointly at his request by a coal operator and a former official of the United Mine Workers. It provided in the main for the enforcement of the mining laws of the state, the re-employment of striking miners not found guilty of violations of law, a guarantee of non-intimidation of workers either by the union or by the mining companies, the posting of the current scale of wages, a grievance committee at each mine, to consist of employes of the company only, with

¹ Industrial Relations, Final Report and Testimony submitted to Congress by the Commission on Industrial Relations created by the Act of August 23, 1912, 64th Congress, 1st session, Senate Document No. 415, Washington, Government, 1916. Vol. VII, pp. 6,345-6,990; Vol. VIII, pp. 6,991-7,425, 7,761-8,013; Vol. IX, pp. 8,015-8,480, 8,481-8,948.

² Conditions in the Coal Mines of Colorado. Hearings before a sub-committee of the Committee on Mines and Mining, House of Representatives, 63d Congress, Second Session, Pursuant to House Res. 387. Government, Washington, 1914.

³ President Wilson's Plan for Peace in Colorado. *The Survey*, September 19, 1914.

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no outsiders such as trade union officials, and a plan for the adjustment of grievances by a commission to be appointed by the President of the United States as a court of last resort.

As a preliminary to this truce the miners were to waive any claim for a written contract or recognition of the union, and during the three years of its existence to desist from striking, picketing or in any way obstructing the working of any mine. The companies were to desist from employing mine guards and not to suspend the operation of any mine over six days without authorization by the commission. This body was to be given power to impose penalties.

This proposal fell far short of the demands of the strikers, but the situation was desperate and the policy committee of the United Mine Workers accepted it immediately, and at a special convention of the miners on September 15, 1914, the delegates voted almost unanimously to agree to it. The operators rejected the proposal.

SUGGESTIONS TO THE COMPANY FROM MR. ROCKEFELLER

When this proposal for a truce was made to the operators in Colorado by the President and rejected, the officials of the Colorado Fuel and Iron Company already had before them suggestions from Mr. King.

In August, 1914, while the strike was still on, Mr. Rockefeller had written to Mr. King for advice on "some organization in the mining camps which will assure to the employes the opportunity for collective bargaining."¹

¹ See United States Commission on Industrial Relations, Report on the Colorado Strike, George P. West, Government, Washington, 1915, pp. 158-159, where this letter is quoted.

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"There would seem to be but two ways in which a permanent condition of peace can be restored," his letter continued. "First, by the calling off of the strike by the United Mine Workers of America. That this is likely to happen in the near future, we have no definite reason to believe, unless the financial resources of the union are so depleted as a result of their industrial conflicts in several states that they cannot much longer continue to support the striking miners. Secondly, by developing some organization in the mining camps which will assure to the employes the opportunity for collective bargaining, for easy and constant conferences with reference to any matters of difference or grievance which may come up, and any other advantages which may be derived from membership in the union. When we had our first conference at my house you remember we discussed this matter and developed certain points which such an organization would include. I am wondering whether you can take the time to dictate, at your convenience, an outline of such an organization and send it to me for consideration. . . ."

THE NUCLEUS OF THE PLAN

Mr. King replied that, because of his duties to the Canadian government, then organizing its forces at the beginning of the war, he could not give thorough consideration to Mr. Rockefeller's request; but he did suggest the nucleus of a plan.

" . . . the hope of establishing confidence between employers and employed," he wrote, "will lie more in a known willingness on the part of each to confer frankly with the other than in anything else. Similarly, the avoidance of friction, likely to lead to subsequent strife, is likely to be minimized by agencies which will disclose the existence of irritation and its cause, at or near inception; trouble most frequently

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follows where ill-feeling is allowed to develop, unknown or unheeded.

"A board on which both employers and employed are represented, and before which, at stated intervals, questions affecting conditions of employment can be discussed and grievances examined, would appear to constitute the necessary basis of such machinery. The size of this board, and whether there should be one or many such boards, would depend upon the numbers employed, the nature of the industry, and whether or not the work is carried on in one or several localities. Where, for example, there are different mines, or refining plants as well as mines, it might be that boards pertaining to each individual concern might be combined with a provision for reference to a joint board covering the whole industry, or group of industries, to which matters not settled by smaller boards might be taken for further discussion and adjustment.

* * *

"What might be expected of boards of this kind would be that employes, before taking up any question with the officers of the company, would try to adjust or settle it among themselves. Failing adjustment in this manner, differences and difficulties would be presented to the officers of the company, not by the individuals immediately affected but by the duly constituted representatives chosen to safeguard the interests of all. Having had a preliminary sifting in this manner, cases could be brought before a committee of the board or before the whole board in any one industry for adjustment. If it should be found that an individual board could not definitely determine a matter of importance, there might be brought a further appeal on stated conditions to a board chosen to represent the industry as a whole, or a group of allied industries; the purpose here being to get away, to a degree, for purposes of adjustment; from the parties immediately concerned, but not wholly away

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from parties likely to be ultimately affected. This would make it an essential that all members of such boards, excepting possibly persons chosen as chairmen, referees or umpires, should be persons actually employed in the industry or connected with it in some way, not persons chosen from outside. It should be possible, however, for workmen to select one or more of their number, who could give their entire time to acting in a representative capacity, and pay them a salary pending their acting in such capacity."¹

On August 11, 1914, Mr. Rockefeller, in a letter to L. M. Bowers, who was then chairman of the Board of Directors of the Colorado Fuel and Iron Company, and to Mr. Welborn, its president, personally endorsed the suggestions made by Mr. King. He assured them that he was forwarding these suggestions "in the most informal way . . . simply for the purpose of ascertaining whether you gentlemen in Denver believe that anything along these lines is worth considering for the Fuel Company."

Mr. Bowers replied almost immediately.² He thought well of the suggestion. But he considered the time (August, 1914) inopportune to establish any plan for collective bargaining. Such a step, he stated, "would be regarded . . . as an admission . . . that some such committee or board was lacking prior to the strike and might perhaps have prevented it." The United Mine Workers of America could and would justly charge officials of the company "with inconsistency." They would believe that the company was at last forced

¹ Ibid., pp. 163, 166.

² Mr. Bowers resigned shortly afterward, and never participated in establishing or administering the plan. His statements are quoted to show some of the difficulties encountered by Mr. Rockefeller in getting a new plan considered.

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"to sidestep" and compelled to admit the repeated charges of the union that the miners had no effective way to reach the management with their grievances. To form now such a board as was suggested by Mr. King would discount the statements that the company had made; namely, "that there were no differences whatever between the employes and the company," and the strike was not forced because of any grievances or differences.

In the same letter Mr. Bowers writes that he and the other executives of the company "have known for some time" that if they "would agree to a joint committee of miners and operators being formed the strike would be called off and without recognition of the union being mentioned . . . they [the union leaders] know [this] would be a recognition of the union and they would shout it over the world, that they had won the strike, and our men [be] set upon by a horde of organizers and run into the union and followed in a year or two with a strike and the open shop would be shut."

"Later on," Mr. Bowers continued, "and after the strike is off or worn out, the writer would favor and take an active part in joint conferences . . . and undertake to form . . . a plan that would give the miners a representative to whom they could go with any matter that they thought should be adjusted. . . ."

"At the proper time the writer will give his cordial support and will take an active part in formulating such a scheme. . . ."

Later, in the same letter appears reference to "the enemy," the United Mine Workers of America:

"Our rugged stand has won us every foot we have gained and we know that the organization is bankrupt in this field, while the big men in the union are

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at sword's points because of their failure here; so to move an inch from our stand at the time that defeat seems certain for the enemy, would be decidedly unwise in my opinion.

"The political gang at Washington are at their wit's end to find some way to get out of the pit they helped these leaders to dig, so we are encouraged to stick to the job until we win."¹

On August 20, 1914, Mr. Welborn wrote to Mr. Rockefeller regarding Mr. King's suggestions. Inasmuch as the main responsibility for administering the plan of employes' representation later devolved upon Mr. Welborn as president of the company, a large part of his letter is quoted as an authoritative statement of his first impressions of the plan and his interpretation of the strike:

"I was very much impressed with Mr. King's thorough presentation of the merits of what might be termed a conciliation board, and have carefully re-read his propositions a number of times. A plan somewhat similar in form was suggested by Secretary of Labor Wilson when he was in Colorado the latter part of November, and following the meeting between the three striking miners and representatives of the operators, a part of which he (Wilson) attended. I have no doubt Mr. King's plan would be effective in cases of frequent disputes between the employed and the employer, or where there was a general recognition of union labor without the 'check-off' and exclusive rights of the members of the union that are a part of the policy of the United Mine Workers of America.

"It seems to me, however, that the adoption at this time by the Colorado operators of such a plan as Mr. King suggests would weaken us with our men;

¹ See United States Commission on Industrial Relations, Report on the Colorado Strike, George P. West, Government, Washington, 1915, pp. 169-170.

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would tend to strengthen the organization with our employes not now members of it; and would, in the minds of the public, be an admission, on our part, that a weakness, the existence of which we had previously denied, was being corrected.

"The strike of our coal miners was literally forced upon them against their wishes by people from the outside. I imagine that some people more or less intimately connected with labor conditions in other parts of the United States, but uninformed as to our affairs, would accept this statement with a good deal of allowance, but I contend that it is absolutely correct as made, and that being true, no arbitration or conciliation board operating between workmen and employers could have prevented the calling of this strike.

"I am interested in what you say about the results of Mr. King's labors in Canada in connection with strikes, and hope to some time have the opportunity of discussing work of this character with him. It seems to be unnecessary, however, for him to come to Colorado at this time, for my opinion, as indicated above, is that it would be inadvisable to undertake a plan such as Mr. King suggests while the coal strike is in an unsettled state. We know there is no demand on the part of our men—at any rate, none of moment—for a board to arbitrate or handle possible differences between them and the mine officers. Whatever demand there may be of that character comes from the uninformed public and is an opinion, rather than a demand, based on misinformation as to conditions surrounding the Colorado strikes.

* * *

"Mr. Bowers, Mr. Weitzel, manager of our fuel department, and I have considered the advisability of at some time inaugurating a plan to be represented by the proper committee, by which our men could, when they considered it necessary, reach the higher officers of the company on matters in which they were concerned. We were prompted to the consideration of this be-

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cause of the charge frequently made during the past few months—which as to the Colorado Fuel and Iron Company is false—that the workmen could not reach the officers of the company on any matter without fear of discharge by the superintendent, and by the fact that this charge seemed to make an impression on some of those who were naturally favorably-disposed toward our side of the controversy and toward our general policy. We have thought that whatever we do in this direction should be done after the strike is over, and as a natural forward step from or development of our past liberal policy toward our men. Above all, it seems to me that we should avoid a course that would, in the minds of the public, justify the charge that we had been forced by the United Mine Workers of America into giving our employes something radically different and better than they had previously enjoyed. . . .”¹

To these two letters Mr. Rockefeller replies on August 28 that he fully understands the point of view mentioned in them, and “however desirable some such plan as suggested by Mr. King may be for future consideration, . . . it is not desirable to take the subject up at this time.”²

PLANS OF THE COMPANY OFFICIALS

In the following month, September, 1914, the three years' truce was suggested by President Wilson. It will be remembered that, among other things, this plan provided for a grievance committee at each mine. Mr. Welborn, in replying for the Colorado Fuel and Iron Company, rejected the proposition, but in his letter to the President he said:

¹ See United States Commission on Industrial Relations, Report on the Colorado Strike, Government, Washington, 1915, pp. 171-173.

² *Ibid.*, pp. 173-174.

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" . . . We are now developing an even more comprehensive plan, embodying the results of our practical experience, which will, we feel confident, result in a closer understanding between ourselves and our men. This plan contemplates not only provision for the redress of grievances, but for a continuous effort to promote the welfare and the good will of our employes."¹

On September 16, a week after President Wilson had made public his proposal, Starr J. Murphy, of Mr. Rockefeller's personal staff, in a letter to Mr. Welborn, comments on the attitude of the newspapers. He says that he is "impressed with the frequency with which they [i. e., editors] make the point that the parties should either accept the President's plan or suggest some other. . . . Public opinion will demand either the acceptance of the President's proposition, or some constructive suggestion from the operators. A mere refusal to do anything would be disastrous."²

Again on October 5 Mr. Murphy wrote to President Welborn. This time he suggested the organization of a "mine committee . . . which should be charged with the duty of enforcing the statutes of the State and also the regulations of the company looking to the safety and comfort of the miners and the protection of the company's property."³ Again he refers to the demand of public opinion for a constructive suggestion from the company.

To this communication Mr. Welborn replied immediately (October 9, 1914).⁴ "I think we must avoid now the appointment of a committee," he writes, "as that would come too near one of the demands of the

¹ *Ibid.*, pp. 174-175.

² *Ibid.*, p. 174.

³ *Ibid.*, p. 175.

⁴ *Ibid.*, pp. 176-179.

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miners' organization which has been frequently made, and is expressed through their so-called truce proposal presented by the President." With this caution, he thinks that the plan for a representative committee "or a modification of it, might be employed to advantage." He does not advocate permitting the miners to choose their own representatives. He suggests that,

"It might be well to have the manager make the appointment without there being any feeling that a part of the committee represented the company and the other part the workmen. There are some mines at which undoubtedly our manager could select three miners who would be glad, and could be safely depended upon to assume the responsibility suggested by you, and would in every sense of the word be safe. In considering this forward work, which I feel we must certainly keep in mind, I am impressed with the importance of so composing whatever committees are found advisable as to make it appear that they all represent the same interest; in other words, that there is but one interest which is in every sense of the word common, yet having it understood that the committee is as free to consider any complaints or grievances of the men as though it were one entirely of their own selection. I feel that the existing relations between ourselves and our workmen is such as to form a natural foundation for development along that line. I also feel that every step should be made with very great care, so as to avoid impressing the men with the feeling that we are alarmed or think that we ought to give them some representation which heretofore they have not had."

In the same letter Mr. Welborn analyzes present needs in the coal mines. "There are a number of things," he says, "in connection with coal mining oper-

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ations much to be desired. Some of them are noted below:

- Regularity in work.
- Efficiency.
- General observance of rules and laws.
- Care to guard against accidents.
- Loyalty to the company's interests.
- Cleanliness in the homes.

"Mr. Weitzel and I thought that we might possibly develop a system of marking for efficiency in some of these lines, and offer a prize to the one who made the best showing in a year, or some shorter period, if that seemed advisable. My first thought in connection with it was that the contest should take place at each mine independent of all the others."

To another suggestion of Mr. Murphy's he had already referred in these words:

"I have also considered with favor a suggestion which you made when I was in New York, of paying a prize of a trip to Denver for efficiency in some particular line.

"Yesterday and day before Mr. Weitzel, our manager of the fuel department, was in Denver when he and I went over your suggestion last referred to and decided to perfect a plan along that line."

As to the need for some method of uncovering the grievances of the men, and his suggestion for letting a doctor or a store manager report their complaints, he wrote:

"We have already started on a plan which was suggested by Mr. Lee, of getting at the complaints of the various men, in some cases through the doctors, and at one mine through the store manager, who maintains a most intimate relation with all of the workmen. We have started this at only four of the properties

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and will try it there before extending the plan any further. If it proves successful, we can work from it into something perhaps a little broader."

INTRODUCTION OF THE PLAN FOR REPRESENTATION

The steps taken to establish the plan were shown in Mr. Rockefeller's testimony before the Commission on Industrial Relations on January 25, 1915. On that occasion he testified that he had been deeply concerned with the "distressing features" of the strike. He had felt that "there was something fundamentally wrong in a condition of affairs which rendered possible the loss of human lives, engendered hatred and bitterness, and brought suffering and privation upon hundreds of human beings." Without attempting to apportion blame, he had "determined that in so far as lay within [his] power" he "would seek means of avoiding the possibility of similar conflicts arising elsewhere, or in the same industry in the future."

For this purpose he had taken certain definite steps, which he described in his testimony before the commission. He had recommended to his colleagues in the Rockefeller Foundation the instituting of a series of studies into the fundamental problems that arise out of industrial relations. As early as June, 1914, he had begun negotiations to engage Mr. King to direct the studies to be undertaken. Mr. Rockefeller had also "sought and obtained advice with respect to machinery for the prevention and adjustment of industrial differences . . ." Shortly afterward Mr. King had assumed the office of director of a study of industrial relations for the Rockefeller Foundation.

The strike of the miners against the Colorado com-

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panies was ended on December 10, 1914. Six days later, December 16, according to Mr. Rockefeller's testimony before the commission, "Mr. David Griffiths, formerly State Coal Mine Inspector of Colorado,¹ was appointed an intermediary between the company and its employes respecting matters of mutual interest."² Three weeks afterward, on January 5, 1915, the miners were invited to take part in the consideration of a new scheme of industrial relationship. On that day a notice was posted at all the mines, inviting the employes to assemble in mass meeting in each camp to select by ballot one representative to every 250 employes. Those chosen would later represent the men at a joint meeting of themselves and the executive officers of the company in Denver "for the purpose of discussing matters of mutual concern and of considering means of more effective co-operation in maintaining fair and friendly relations."

Concluding his testimony to the Commission on Industrial Relations on January 25, 1915, Mr. Rockefeller said:

"I have received from the president of the company a telegram informing me that this joint conference was held at Denver on the 19th instant, that the meeting had proved most satisfactory to all concerned, and that its spirit had convinced the management that it would lead to more active co-operation between the company and its employes in the future.

"Thus it will be seen that the company has already

¹ Mr. Griffiths was also a former superintendent in the mines of the Colorado Fuel and Iron Company.

² Industrial Relations, Final Report and Testimony submitted to Congress by the Commission on Industrial Relations created by the Act of August 23, 1912, 64th Congress, 1st session, Senate Document No. 415, Vol. VIII, p. 7766. Government, Washington, 1916.

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taken steps to initiate a plan of representation of its employes. It is my hope and belief that from this will develop some permanent machinery which will insure to the employes of the company, through representatives of their own selection, quick and easy access to the officers with reference to any grievances, real or assumed, or with reference to wages or other conditions of employment."¹

In the early part of 1915 Mr. King visited Colorado. There he spent some time conferring with men who knew conditions in the coal mines. Later, with the assistance of various officials and directors of the company, including Mr. Rockefeller, he drafted the plan known as the Industrial Representation Plan, or more briefly now as the Rockefeller Plan. While it was under consideration, Mr. Rockefeller, accompanied by Mr. King, made the trip to Colorado in September, 1915, and visited every mining camp except one.

On October 2, 1915, Mr. Rockefeller held a meeting in Pueblo, Colorado, at which were present elected representatives of the miners and appointed representatives of the company. At this meeting he outlined the representation plan and invited discussion. He expressed his intention of staying in Colorado until one should be worked out which would satisfy all. He declared that there was "one thing that no man in this company could ever afford to have happen again" and that was "another strike."² He wished that the representatives would explain to the men in the camps that the company was "proceeding a little more rapidly" than it would if Mr. Rockefeller lived in Colorado

¹ *Ibid.*, pp. 7,766-7,767.

² Rockefeller, John D., Jr.: *The Colorado Industrial Plan, 1916*, p. 47. Published by Mr. Rockefeller.

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and than if he "was not so desirous of seeing some agreement reached" before he left. The board of directors would meet on the following Monday and act on the plan. He hoped "that meetings could be held in the various camps next Monday, Tuesday and Wednesday." When the board of directors met on the appointed Monday they approved the plan.

THE VOTE OF THE MINERS

The week after the meeting at which Mr. Rockefeller had described the plan to the miners' elected representatives, employes at each camp were asked to express their opinion of it in secret ballot. Before the voting, at meetings in the camps officials of the company had explained the scheme to the men. Ballots were provided in two colors, white for a vote in favor of the plan, red for one against it. These colored ballots, the company believed, would make voting easy for the foreign born, who could not speak or write English. Officials of the company have told us that the men voted in booths to insure a secret ballot, and were told that they could destroy the unused blank. The total vote cast was 2,846, of which 2,404, or 84 per cent, were in favor of the representation plan, and 442, or 16 per cent, were opposed. Rockvale was the only camp in which a majority of the employes voted against the plan. After the vote was known, the miners of Rockvale petitioned the company for permission to vote again, and this time the majority of the ballots were cast in the affirmative.

CHAPTER III

THE COMPANY'S PURPOSES IN EMPLOYEES' REPRESENTATION

BEHIND the Industrial Representation Plan is a definite philosophy. It has been expressed several times to the American public by Mr. Rockefeller who, as we have shown, was largely responsible for initiating the plan in Colorado. The fundamental feature of this philosophy is that the interests of the various parties in industry are identical and not opposed to one another, and that the industrial problem is largely the result of the loss of personal relations between owners and wage-earners.

THE FOUR PARTIES TO INDUSTRY

In his address before the United States Chamber of Commerce, at a meeting held on December 5, 1918, soon after the armistice was signed, Mr. Rockefeller defined the various parties to industry as Capital, Management, Labor, and the Community. He described the interest of these various parties in industry as follows:

“Capital is represented by the stockholders and is usually regarded as embracing Management.

“Management is, however, an entirely separate and distinct party to industry—its function is essentially administrative; it comprises the executive officers, who bring to industry technical skill and managerial experience.

“Labor consists of the employes.

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"Labor, like Capital, is an investor in industry, but Labor's contribution, unlike that of Capital, is not detachable from the one who makes it, since it is in the nature of physical effort and is a part of the worker's strength and life.

"Here the list usually ends. The fourth party, namely, the Community, whose interest is vital, and in the last analysis controlling, is too often ignored.

"The Community's right to representation in the control of industry and in the shaping of industrial policies is similar to that of the other parties. Were it not for the Community's contribution in maintaining law and order, in providing agencies of transportation and communication, in furnishing systems of money and credit and in rendering other services—all involving continuous outlays—the operation of Capital, Management, and Labor would be enormously hampered, if not rendered well-nigh impossible.

"The Community, furthermore, is the consumer of the product of industry and the money which it pays for the product reimburses Capital for its advances and ultimately provides the wages, salaries and profits that are distributed among the other parties."¹

A NEW SPIRIT REQUIRED

Since the establishment of the Industrial Representation Plan, Mr. Rockefeller has repeatedly explained his views on personal relations in industry. The solution of the industrial problem, he believes, "can be brought about only by the introduction of a new spirit in the relationship between the parties in industry—the spirit of justice and brotherhood." Mr. Rockefeller realizes that it is quite impossible for the owner of an industrial

¹ Rockefeller, John D., Jr.: *Representation in Industry*, pp. 7-8. Address before the War Emergency and Reconstruction Conference of the Chamber of Commerce of the United States, Atlantic City, N. J., December 5, 1918.

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establishment to know individually all of his employes and therefore suggests "industrial representation" as a solution. Perhaps the best statement of his opinion of this aspect was given in his address at the President's Industrial Conference in Washington, October, 1919, during the course of a debate on the resolution expressing the right of workers to bargain collectively. Mr. Rockefeller defended collective bargaining:

THE NEED FOR CONFERENCE

" . . . In the early days of the development of industry, the employer and capital investor were frequently one. Daily contact was had between him and his employes, who were his friends and neighbors. Any questions which arose on either side were taken up at once and readily adjusted.

"A feeling of genuine friendliness, mutual confidence and stimulating interest in the common enterprise was the result. How different is the situation today! Because of the proportions which modern industry has attained, employers and employes are too often strangers to each other. Personal contact, so vital to the success of any enterprise, is practically unknown, and naturally misunderstanding, suspicion, distrust and too often hatred have developed, bringing in their train all the industrial ills which have become far too common. Where men are strangers and have no points of contact, this is the usual outcome. On the other hand, where men meet frequently about a table, rub elbows, exchange views, and discuss matters of common interest, almost invariably it happens that the vast majority of their differences quickly disappear and friendly relations are established. Much of the strife and bitterness in industrial relations results from lack of ability or willingness on the part of both labor and capital to view their common problems each from the other's point of view.

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RECOGNITION OF WAGE-EARNERS AS MEN

"A man who recently devoted some months to studying the industrial problem and who came in contact with thousands of workmen in various industries throughout the country has said that it was obvious to him from the outset that the workingmen were seeking for something, which at first he thought to be higher wages. As his touch with them extended, he came to the conclusion, however, that not higher wages but recognition as men was what they really sought. What joy can there be in life, what interest can a man take in his work, what enthusiasm can he be expected to develop on behalf of his employer, when he is regarded as a number on a payroll, a cog in a wheel, a mere 'hand'? Who would not earnestly seek to gain recognition of his manhood and the right to be heard and treated as a human being, not as a machine?

REPRESENTATION THE PRINCIPLE

"While obviously under present conditions those who invest their capital in an industry, often numbered by the thousand, cannot have personal acquaintance with the thousands and tens of thousands of those who invest their labor, contact between these two parties in interest can and must be established, if not directly, then through their respective representatives. The resumption of such personal relation through frequent conference and current meetings, held for the consideration of matters of common interest, such as terms of employment and working and living conditions, is essential in order to restore a spirit of mutual confidence, good will and co-operation. Personal relations can be revived under modern conditions only through the adequate representation of the employes. Representation is a principle which is fundamentally just and vital to the successful conduct of industry. This is the principle upon which

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the democratic government of our country is founded. On the battlefields of France this nation poured out its blood freely in order that democracy might be maintained at home and that its beneficent institutions might become available in other lands as well. Surely it is not consistent for us as Americans to demand democracy in government and practise autocracy in industry."¹

The plan now in operation in the mines of the Colorado Fuel and Iron Company is, then, an effort to apply in industry this principle of representation. To these ideals of Mr. Rockefeller the officials of the company, who are now responsible for administering the plan for employees' representation, subscribe. Realizing, because of the effect of their ideas on administration, the importance of knowing the purposes of the officials of the Colorado Fuel and Iron Company and their own interpretation of employees' representation, we interviewed them separately on this one question, What has been your purpose in the plan so far, and what is your objective in the immediate future?

PREVENTING INJUSTICE BY LOCAL OFFICIALS

"To provide machinery to prevent wrong treatment of employes by their immediate superiors," was the answer of one of them. For this purpose representatives chosen by the men are essential. The committees are less important. At the time of the strike of 1913 this official had discovered conditions, he said, that he had not known existed, and these discoveries convinced him that there should be more direct contact between the higher officials and the miners. The re-

¹ Remarks of John D. Rockefeller, Jr., October 16, 1919. Proceedings of First Industrial Conference, Government, Washington, 1920, pp. 142 ff.

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sults have benefited men and company in unforeseen ways. For example, in securing greater safety in the mines, the suggestions of the miners have been useful. It is not fair to say that grievances among the men show weakness in the plan, for some grievances are inevitable in mining because of the very nature of the occupation. The value of the plan is the opportunity it offers for daily adjustments to meet particular needs. This flexibility, he added, was not attainable under an agreement with a trade union; he had found that a union contract permitted less freedom in making adjustments than is possible when decisions represent the best judgment of management and men on each occasion as it arises.

In the opinion of this official, the biggest problem now in the development of the plan is to educate the men to feel free to take up any matter affecting their welfare. The turnover of labor—the frequent changes among employes—is the greatest obstacle in the process of education. Five years is too short a time in which to educate employes to participate in a plan like this.

The relation of the foremen to the change, he said, was also a problem. Foremen too must have a square deal. No one who has not been a foreman can understand what it means to be confronted with a change of this kind. The representation plan has "hurt discipline" in some ways. Training superintendents and foremen to co-operate in a new policy is one of the most difficult tasks in a plan of employes' representation.

VOLUNTARY ACTION WITHOUT COMPULSION

Another official who had recently entered the company and spoke, therefore, from the point of view of impres-

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sions gained in the present, said: "The Industrial Representation Plan is an agency which brings men voluntarily to a better understanding and guarantees a more nearly uniform justice for all parties. . . . The problem of industrial relations is merely the problem of human behavior, getting along harmoniously and treating each other justly. The spirit of force and compulsion in the past has made necessary the banding together of the workers to compel the granting of plain, simple justice. The idea of the representation plan, is that it is possible for men so to understand each other and so to treat each other that no outside force will be needed. The compelling power will be the desire of each group to see that the other side gets a square deal. I am confident that when all the facts are placed before these groups of men you can depend upon them to rise to any situation. Fair dealing will, in time, remove suspicion and eliminate ill-will." The objective is "voluntary action without police power."

ORGANIZATION WITHIN EACH COMPANY

We asked him whether he had in mind the industry as a whole or separate companies. Was it desirable that the principle of representation should be embodied in an organization extending over an entire industry, or confined to one company? He replied that as woman suffrage and prohibition were secured state by state and finally adopted by the nation, so the idea of employees' representation was having a normal and encouraging growth. He believed that, "There is still need for those who represent the idea of force and power to oppose wrong treatment of wage-earners by selfish managers," but as one company after another makes

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experiments in employes' representation, the idea will spread.

DIFFERENCE BETWEEN TRADE UNIONISM AND EMPLOYES' REPRESENTATION

A stockholder less closely identified with actual administration, but influential in the affairs of the company, defined his idea of the difference between trade unionism and employes' representation. Trade unions, he said, are fighting organizations. They regard the interests of capital and labor as antagonistic. They cannot, therefore, in his opinion, be a satisfactory means of communication between management and men in a single company. The representation plan, organized for management and men in a single company, is based upon the principle of co-operation through identity of interest and is, therefore, preferable.

He realized that union leaders object to the adoption of representation plans because, if an employer is not sincere or fair, his employes, if organized separately, are cut off from their fellow-workers in the industry and, therefore, they and all the workers in that industry are weakened in their fight for better conditions. This must be admitted, but the remedy in his opinion was to "organize from the shop up," gradually developing connections between the shop organizations throughout an industry in a given state and so letting a national organization develop with delegates from all industries. In trade unionism, he said, the national organization goes to a factory with a fixed plan of organization and a fixed constitution, and says to the workers, You must come into this organization and accept it as it is. This, he contended, is not a normal, democratic method of

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development. "These United States grew from a number of States, and the growth of industrial organization should be analogous." In principle, nevertheless, he declared, there is no essential conflict between a national trade union and the local shop committee, and he intimated that some day the two may be working together.

HARMONIOUS RELATIONS WITHIN ONE COMPANY

"The intent of our representation plan has never been to use it as a subterfuge to combat unionism," said President Welborn, thereby voicing the idea which every official was eager to have clearly understood. "We desire harmonious relations within our own company undisturbed by agitation from the outside, and we have sought to develop the conditions which will establish the confidence of the workers in the management."

As to the application of the idea to a wider field of industry than that represented in one company, or, put in another way, the responsibility of any one company for better human relations throughout the industry, Mr. Welborn was frank to say that he had not thought it out. "As a matter of fact," he said, "we actually are isolated here. We do not wish to act with other operators of Colorado, or with others in the coal industry throughout the country, either in such matters as the setting of prices, or in labor policy. In the coal mines we are largely isolated, and in the steel works we are wholly so. Of course, the intent of legislation has been to prevent common action between companies in business policy. I have not wished any propaganda on our representation plan or any national agreement on labor policy."

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The purpose of the plan he defined briefly to be the establishment of such direct relationship between managers of the company and employes as shall insure the confidence of wage-earners in the fair dealing of the management and shall bring to the company value received, so to speak, in the form of loyalty from the workers. The idea of "representation in industry" includes, he believed, actual participation by employes in determining working and living conditions. Representation in industry, he said, could be defined as collective bargaining.

PART II
THE MINER'S WORK

CHAPTER IV

COAL MINING AS AN OCCUPATION

THE problems and methods of administering the representation plan will be better understood if the reader has a clear idea of a coal mine as a place in which to work.

Imagine a deep, narrow, railroad tunnel laid out like a small city, with streets and lots, and you have a picture of the interior of a typical coal mine. In fact, if you should look at the map of a coal mine without knowing what it represented, you would say, offhand, that you had before you the map of a town or city. If the coal vein is situated deep in the interior, you enter at the mouth of the mine by descending in a "shaft" elevator; if the coal is near the surface, you may enter on foot or in a mine car directly into the "main haulage way." The main haulage way may be compared to Broadway in New York City, or to the street carrying most of the traffic of any city, or to the trunk line of a railroad system; for the coal from all parts of the mine is delivered in small electrically driven cars through the main haulage way to the outside tippie, where it is weighed and dumped for shipping.

A COAL MINE DESCRIBED

Advancing about 100 feet, you find yourself enveloped in darkness. The guide takes you aside, invites you to sit on a stray log until you "get your eyesight"

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and can see in the darkness with the lamp. Gradually definite objects become discernible. After ten minutes, with the help of the lamp you can see some distance, perhaps 15 feet. Walking is resumed. As you advance you feel a constant current of air against your body. The guide explains. Up near the entrance of the mine a huge fan pumps fresh air in and drives stale air out over the "air course," which is a passage parallel to the main haulage way. The air course and the main haulage way together provide channels for a complete circulation of air. The state mining law is very strict on standards of ventilation. The reason is easy to understand. In the first place, in order to be able to live and work underground, miners must have fresh air. In the second place, the constant circulation of air acts as a preventive of explosions by driving out dangerous gases which are found in so many mines. Should your guide happen to be a mine inspector, he will take an instrument from his pocket, suspend it in the air, and obtain a measurement of its velocity. Measuring the area of the passage, and multiplying this by the velocity of the air, he ascertains the cubic feet of air coursing through the mine.

As you walk along, the inspector taps the roof here and there to see whether there are any "slips" or pieces of rock or slate that have come loose. A "fall" in the main haulage way is bad. Not only is it likely to injure passing miners, but it blocks the tracks and shuts the whole mine down until the fall is cleaned up. As you watch the inspection you notice that the roof is braced with "props" and "cross-bars." Props are upright posts, varying from six inches to a foot and a half in diameter. They are placed on the sides at irregular

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intervals according to the firmness of the roof. When the roof is very loose, or penetrated with slips, a log is put across the props. This is called a cross-bar. When the roof is extremely bad, even the cross-bar must be niched and "lagged" with smaller timbers at various angles. In some mines which have loose and falling roofs the timber work gives the roof an appearance of a fancifully patched quilt.

The mining law forbids miners to use the main haulage way in getting to and from their work-places. In large mines they are brought to the "main parting" in a train of empty coal cars called a "man-trip." In small mines they walk through the air course until they reach the main parting. From here they walk to their various work-places. The main parting may be compared to the Hudson Terminal in New York, or to the chief terminal point in any city. From the main parting other roads called "entries" branch off like the side streets of a city to various parts of the mine. For instance, in New York, we have East Third Street. A similar entry in a mine would be called "the third east."

To the main parting loaded cars are brought by mules or motors from all sections of the mine. A "trip" is made up, a motor attached, and the coal hauled to the tipple on the outside. From the main parting empty cars are also distributed to various work-places in the mine.

A WORKING PLACE

You follow the first east entry. You wish to see a "working place," to know how coal is dug. The inspector turns into a smaller entry. In "rooms" in this entry miners are digging coal. There is bustle here, instead of the silence which characterized the main

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haulage way. A driver, bringing empty cars to diggers or taking loaded ones away, hurls a strange mixture of profanity and cabalistic words at his mule. "Timber men" are sawing logs into props and cross-bars, notching them and fitting them together to brace roofs as miners advance. "Trackmen" are either repairing or laying new tracks. The rooms, corresponding to city lots, are the working places to which the miners are assigned, usually in pairs. In order to keep the roof of a mine from caving in, "pillars" of coal are left as the men advance. Hence the name given to this method of coal mining is "the room and pillar method." The pillars are "pulled" after all the other coal has been mined.

On entering one of the rooms or working places you may see a husky fellow standing upright, heaving his pick into the coal. Or you may find him lying prone on his side, swinging his pick into the bottom of the coal vein. He is "undermining," or excavating the bottom of the coal vein for a distance and height of about two feet.

PICK MINING

In the meanwhile, this miner's "buddy" may be doing one of many things. He may be fitting timbers for props or cross-bars; laying tracks from the nearest entry to the "face," a term used to designate the particular place where the coal in a working room is being mined; or dipping water from the room. Many mines in their development suddenly encounter water in excess of the capacity of the pumping machinery first installed to carry it off. Or the buddy may be drilling a hole several feet above the spot where the other man is undermining. The purpose of the hole is to provide a place for the explosive powder which is used in most

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mines to break the coal up. The diggers themselves do not fire the shots. Specially trained and experienced miners, called "shot firers" are employed for this purpose. The shot firer enters the mine after all the miners are gone home. He makes the rounds of the various rooms, puts the powder left by the miners into the holes drilled by them and then ignites it with an electric battery. The next morning the miners find their coal loosened from the face. They break it up into smaller chunks prior to loading it into cars.

MACHINE MINING

You have now seen pick mining and would like to see machine mining. You walk, or, when the coal seam is low, crawl through a tunnel called a "cross-cut," an opening between rooms required by law for ventilation purposes. At the other end of the cross-cut you come out into another room or working place. A "machine runner" is operating a pick machine. This machine, driven by electricity or compressed air, is very much like a rock drill. It does the undermining in place of the hand work of the pick miner. Men who load the coal after it is mined by machines are called "loaders."

While in the country as a whole machine mining now predominates, in Colorado pick mining is still the prevailing method. In the mines of the Colorado Fuel and Iron Company more than three-fourths of the coal is dug by pick miners. This is largely due to the gaseous condition of the mines, which makes it dangerous to use electricity near the working face lest electric sparks ignite the gas.

Where the coal vein is low, miners "brush" or take as much rock off the roof or floor as will allow for the pass-

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age of the mine car. "Brushing" is usually paid for by the yard.

PIECE WORKERS AND COMPANY MEN

There are two classes of workers in a mine—piece workers and day workers. The piece workers are the miners proper, the "diggers," who actually excavate the coal. They are paid by the ton, seventy-five or eighty cents, or whatever the rate may be for each ton they dig and load into a car. The workers paid by the day are usually called shift men or "company men," and include drivers, motormen, tracklayers, timbermen, pumpmen, machinists, blacksmiths, electricians, and workers in other mechanical crafts necessary in coal mining.

THE MINE FOREMAN

The official in charge of underground operations in a mine is the mine foreman. The state mining law of Colorado provides that:

"In order to secure efficient management and proper ventilation of the mines, to promote the health and safety of the persons employed therein, and to protect and preserve the property connected therewith, the owner shall employ a competent and practical mine foreman for every mine; . . . The mine foreman shall have full charge of all the inside workings and of all persons employed therein. . ."¹

No one, not even the superintendent of the mine, shall interfere with him in the discharge of his duties, on pain of being prosecuted for a misdemeanor.² The

¹ Coal Mining Laws, Colorado, 1919, section 44.

² "Any superintendent or other person who interferes with the mine foreman in the discharge of his duties as prescribed by this act shall be deemed guilty of a misdemeanor." Coal Mining Laws, Colorado, 1919, section 44.

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mine foreman, in order to be eligible for his position, has to pass a very rigid examination and receive a license. Usually he is a practical miner, who has been in coal mines all his life and has risen from the ranks to his present position. In large mines there are one or more assistant foremen.

THE FIRE BOSS

The fire boss is the other official of extreme importance underground. He is the local safety inspector, responsible to the foreman. He visits every working place before workers enter the mine. He inspects for dangerous roofs, gaseous conditions, fires, bad timbering, and other hazards. No one is allowed to enter the mine or pass the fire bosses' station which is situated in the mine until he has recorded his inspection of conditions and his report is approved by the mine foreman. The fire boss makes another round of inspection after the men begin to work. He, too, like the foreman, is required to take a rigid examination. In large mines there are two or more fire bosses.

THE STATE MINE INSPECTOR

The state mine inspector and his deputies enforce the law for safety. They visit each mine periodically, make a thorough inspection of the ventilation, roof, and gaseous conditions, and the thousand and one other standards that assure safety and health to the miners. Each inspector or deputy files a duplicate of his report with the superintendent of the mine. The latter posts the report so that all employes may see it. Those who do not obey the state mining law and the recommenda-

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tions of the mine inspection department are liable to severe penalties.

THE COMPANY'S CHIEF MINE INSPECTOR

The company also has a mine inspector who has oversight in all the mines and can bring about a uniformly high standard of enforcement of safety regulations which would be impossible if there were no centralized supervision. His work will be more fully described in the discussion of the committee on safety.¹

THE SUPERINTENDENT

The general executive officer at the mine is the superintendent. He may or may not be a practical miner. Under the state law, however, he is not made responsible for the interior management of the mine. The foreman only is recognized by the state inspection department. The superintendent does not take a state examination. In practice, however, most of the superintendents in Colorado are practical miners and virtually control the interior management of a mine. At any rate, the company usually holds a superintendent responsible for the production and general management of a mine. This is, in some respects, an anomalous condition. The state holds the foreman primarily responsible, while the company holds the superintendent responsible. The reason is not difficult to see. The state is interested only in the safety of the miners. The company, while wishing to safeguard the health and life of its employes, is interested in the efficiency and output of the mine. For this reason representatives of the operators who were on the committee to draft the pres-

¹ See page 137 ff.

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ent mining law in Colorado were opposed to a clause requiring superintendents to take the examination required of foremen. "We hire our superintendents," ran their argument, "not because they are coal miners, but because they have all-round ability." The fact of the matter, however, is that this anomalous condition results in a divided authority between superintendents and foremen, some instances of which will be described later.¹

The superintendent is in reality local agent for officers of the company in all matters, including relations with employes and, generally speaking, is charged with the execution of their responsibilities as employer. He hires and discharges, manages properties, and "directs the working force." In these tasks, as they relate to management underground, the foreman, as we have seen, has a legal responsibility. In management underground, the superintendent and the foreman must meet constantly the difficulties of variable and uncertain conditions in the work-places, which inevitably cause discontent among the men. The miner's livelihood is affected by the ever-changing difficulties of getting out the coal.

ALLOTMENT OF WORKING PLACES

Discrimination in allotting working places is one of the chief causes of complaint. Natural conditions cause a great variation in the difficulty of mining coal in various parts of a mine. In some places the coal has been squeezed and made softer by the pressure of the strata above. In others the roof is particularly bad. The miner must spend much time in timbering his

¹ See pages 166 ff.

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place, in setting up props and cross-bars, so that he may not be injured or killed by a fall of part of the roof. He is then not able to load as much coal as in a place where the roof is good. Again, he may be assigned to a place where rock intervenes in the seam of coal. The coal vein may measure six feet, and a foot from the bottom he may encounter five inches of rock. He may have clean coal for another two feet, and again rock of two or three inches. The miner must separate this rock from the coal. It takes time to clean coal, and the worker loads less than where he has a seam with no rock. Similarly, there are wet and dry places, high and low coal, efficient drivers and careless drivers, all of which materially affect the earnings of miners.

The foreman has sole charge of assigning miners to working places. In the old days in some mining regions they were not slow to capitalize this power.¹ The best rooms were sold to the highest bidders. But even in mines where the foreman could not be bribed, men often suspected him of favoritism in assigning work-places. For the nature of coal mining lends itself to the possibility of subtle discrimination. Any practical miner will tell you how easy it is for a foreman to be unfair, often unconsciously. He may come into your working place every morning, find fault with your work and ride you so hard that you grow discouraged and are ready to quit. Or, he may put you in a place where there is a huge amount of deficient work—low coal, rock, bad roof, water, hard coal, and so on. Or, he may shut off your turn of cars. If you have obstacles like these

¹ In all our visits and interviews in Colorado we did not run across even one case where the men suspected the foreman of accepting bribes at the present time.

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to hinder your digging coal or loading cars, you will be lucky to earn a fair wage for the hard work that you do. To be a foreman or a superintendent under these conditions is likewise not an easy task.

SECURING SUPPLIES

Another cause of grievance is the difficulty in securing necessary supplies, like props, cross-bars, rails, ties, and spikes. The miner is required to lay his own track to the face in the room where he is working. Without this track, empty cars cannot be brought to him. Without cars he is unable to load coal and his earnings are diminished. The facility with which supplies can be brought to him depends on the efficiency and fairness of the foreman and on the general organization of work in the mine.

"DEAD WORK"

Perhaps the greatest number of complaints relate to what is called dead work.¹ Now this term, dead work, means exactly what it implies, work done which costs the company money but which does not result in immediate production of coal. To illustrate, James Smith and Tom Harris are assigned to a certain room. The coal is pretty good. The vein is fairly high and the mining easy, but the roof is bad. It is penetrated with "slips," parts of the roof may fall at any time and break a limb or kill outright. That means extra timbering. Smith and Harris are perfectly willing to put up props as they advance, but the roof is so fragile that these are inadequate to make it safe. They must not only set up props, but they must put cross-bars between them.

¹ For discussion of the methods of paying for dead work, see pages 207 ff and 219 ff.

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When the sides of the room are frail or "squeezing" they must "notch" the props and cross-bars, "wedge" them together so that the timber will offer the greatest resistance possible to the squeezing roof and sides. It takes time to saw and put up cross-bars, to notch and wedge the cross-bars and props together, and "lag" the cross-bars by inserting many smaller timbers to hold the slipping parts of the roof. As miners are paid by the piece, according to the number of tons of coal each sends out of the mine, when they are timbering they cannot be adding to their pay by digging coal. And the foreman and superintendent may not give them anything for this work, or may give them an amount which the miners consider altogether inadequate.

Another condition which provokes grievances is the presence of rock, slate or "boney" in various parts of the coal vein. The company insists on clean coal being sent out to the tippie. The miner spends time removing the rock or slate. He expects payment for this work. On "measuring day," the foreman makes the rounds of all the rooms. He looks at the rock which the miner has cleaned and estimates how much extra pay to give him for this work. The miner may disagree and a dispute arises.

Other causes of grievance come within the category of dead work. "Falls" of parts of the roof occur in a working place overnight, and the next day the miner must clean up the fallen débris. He expects pay for this work. It takes time and energy. The foreman may refuse to give him anything because he may think it is the miner's fault. Had he timbered his place with care the fall might not have occurred. The miner believes that his timbering was perfect. Natural conditions, in his opinion, caused the fall.

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SUPPLY OF MINE CARS

The lack of "an equal turn of cars" constitutes in many mines another grievance, growing out of the character of coal mining as an occupation. It is closely connected with the subject of wages. The miner's earnings depend on the amount of coal he sends out. He can load plenty of coal only when he is supplied during the day with an adequate number of cars. Whether or not he gets enough cars will depend on the efficiency and good will of the driver assigned to his particular entry and the organization of work in the mine as a whole. It is also to the company's interest to keep the miners supplied with cars, but on any particular day, if production is sufficient for the market, the company does not suffer from curtailment of output. The miner, in contrast, loses his earnings. He may also lose them through unequal distribution of mine cars, which may occur even when total production for the mine is satisfactory.

THE CHARACTERISTICS OF COAL MINING

Thus the physical nature of coal mining makes for changes day by day in the conditions encountered in a working place, for variations in earnings, and for differences of opinion as to what should be paid for certain tasks. Work-places change daily as the mine is extended further along its underground course. It is an industry where disputes of more or less importance constantly arise. It seems probable, moreover, that the nature of the work creates a state of mind which results in the aggravation of grievances. We do not wish to overdraw the picture, but coal mining is essentially a

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dirty, unpleasant, and extremely hazardous occupation. The miner works underground, with the darkness relieved only by the lamp in his cap, and often in a cramped physical position. He does not know when a section of the roof may cave in and crush him, or leave him crippled and dependent for life; or when explosive gas may be accidentally ignited, and burn him and his fellow-workers to death, or cause the mine to cave in to such an extent that it will be impossible for a rescue party to get near him and his friends. If you wish to hear gruesome and blood chilling stories, listen to veteran coal miners who have gone through mine explosions, either as victims or as members of rescue crews. In addition, miners work more or less apart from one another, a few hundred scattered over a wide area. They lack the constant companionship of men who work together in large groups in a shop or factory. The isolation, the darkness underground, the constant presence of danger, make a miner's grievances seem bigger than mere differences of opinion about payment for tasks to be done or the desirability of the work-place assigned to him. Insufficient compensation for cleaning rock in the coal, or for a bad roof which takes time to "timber," or delays in getting cars to load their coal may arouse resentment and suspicion of injustice and favoritism quite out of proportion to the dispute itself. Unless his complaint can be voiced to the management and speedily adjusted, it is likely to grow because of the very conditions under which the miner works.

On the other hand, miners enjoy the comparative independence of their jobs and the absence of close supervision. To mine coal is a man-sized task, and men are

COAL MINING AS AN OCCUPATION

attracted by its difficulties, while at the same time these difficulties may be daily causes of discontent.

The mines may be remote from the city where the offices of the company are located. To the miner, wielding pick and shovel far within the mine, the president and the members of the board of directors are probably mythical personages. They, in turn, have scant time or inclination to think about his difficulties with rock and boney and weak roof. The superintendent and foreman are the "bosses" who seem to the miner to have power to give him a good job or a bad one.

This is the background of the need for better human relations in coal mining. It explains many grievances which will be described in subsequent pages. These, it should be remembered, are not always the fault of the management. They are often due to natural conditions which management must reckon with in its relation to employes. One object in introducing employes' representation in the Colorado Fuel and Iron Company was to afford a quick method of righting such grievances.

PART III
THE PLAN

CHAPTER V

THE REPRESENTATION PLAN

THE plan of representation submitted to the miners for their vote in 1915 remained substantially the same at the time of this inquiry, although some changes in methods of administration were being contemplated by the company.¹ The fundamental idea, as has been stated, was to make practicable a closer contact than would otherwise be possible between the officials of the Colorado Fuel and Iron Company and the 5,000 miners and the 7,000 steel makers in their employ. "Representation" of employes by the fellow-workers elected by them has been the method of accomplishing this "restoration of personal relationships."

¹ Since our field work and conferences with company officials in 1920 and 1921 the representation plan of the Colorado Fuel and Iron Company has been revised and a number of changes made. These changes were made by a joint committee representing employes and management and were adopted by "the annual meetings of employes' and management's representatives at Pueblo on December 29-30, 1921." The pamphlet is entitled "Joint Representation of Employes and Management and Procedure in Industrial Relations and Memoranda of Agreement Respecting Employment, Working, and Living Conditions within the Colorado Fuel and Iron Company." It is a consolidation of what were formerly separate plans for the coal mines, iron mines, and the steel works of the company. The Colorado and Wyoming Railroad, a subsidiary of the Colorado Fuel and Iron Company, is also included in the revised plan. The specific changes will be noted in this chapter and in other sections of the report where provisions of the plan are discussed. Both the old plan and the revised versions are printed in full in Appendices A and B, pages 401-437.

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The plan was similar in the mines and the steel works, but conditions in these two industries are so different that the operation of the plan in the steel works is discussed in a separate report.

ELECTION OF EMPLOYEES' REPRESENTATIVES

The properties of the company, which include bituminous coal mines, lime quarries, and steel mills in Colorado, and iron mines in Wyoming, are widely scattered. The accompanying map shows the location of the mines, quarries, and steel mills, and the railroad lines connecting them, and the counties in which they are situated.¹ In order to facilitate the administration of the plan the coal mines are grouped in four districts.² Each district and each mine has its own machinery for carrying on the plan. Only wage-earners who have been

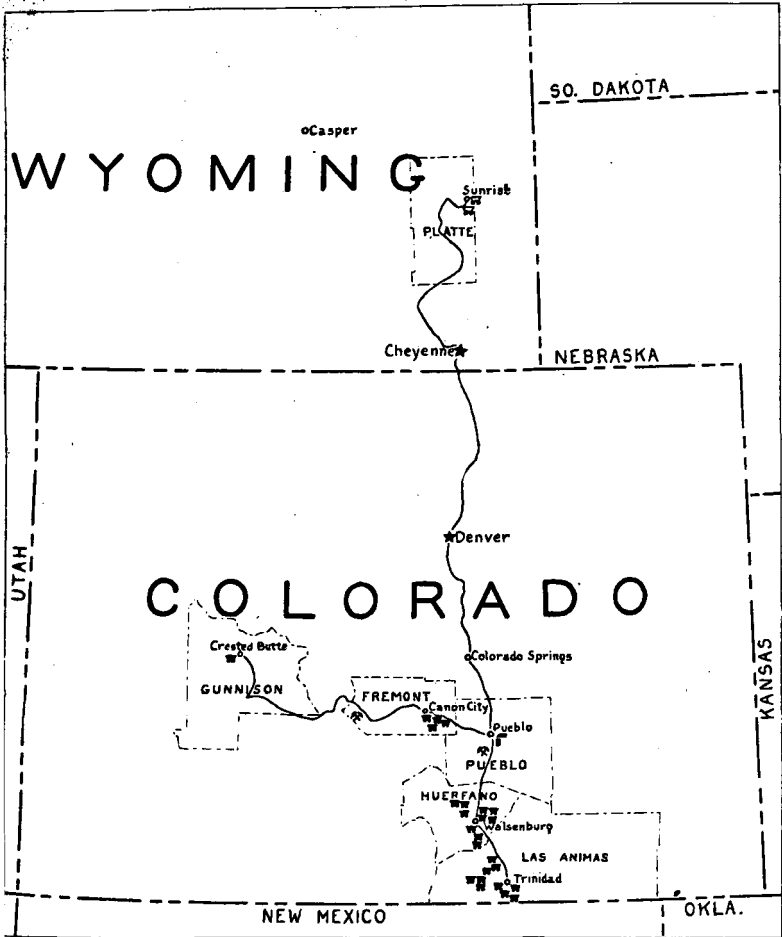
¹ The map shows the location of the following properties:

Coal mines: *Trinidad District*, Berwind, Engle, Frederick, Morley, Primero, Segundo, Sopris, Starkville, Tabasco, Toller; *Walsenburg District*, Cameron, Ideal, Kebler (2), Lester, Robinson (2), Rouse, Pictou, Walsen; *Canon District*, Coal Creek, Emerald, Fremont, Rockvale; *Western District*, Crested Butte. Iron mines at Sunrise, Wyoming. Quarries at Lime, Pueblo County, and at Calcite, Fremont County, Colorado.

Steel mills at Pueblo, Colorado.

The company's administrative offices are in Denver.

² At the time of our investigation there were four districts for coal mines: the Trinidad District, which includes both mines and coke ovens, in Las Animas County; the Walsenburg District in Huerfano County; the Canon District in Fremont County; the Western District in Gunnison County; and a fifth, the Sunrise District for the iron mines at Sunrise in Platt County, Wyoming. The iron mines were not included in this investigation. The revised plan adopted since our inquiry adds a sixth district, the Minnequa District. This contains the lime quarries and steel works in Pueblo County and the middle division of the Colorado and Wyoming Railway. The southern division of the railway is now included in the Trinidad District, and the northern division in the Sunrise District in Wyoming. See Appendix B, page 420.



MAP OF INDUSTRIAL PROPERTIES OF THE COLORADO FUEL AND IRON COMPANY

- Coal mines
- ⊠ Iron mines
- ⊗ Quarries
- ▮ Steel mills

Counties in which Colorado Fuel and Iron Company properties are located are outlined in thin broken lines. Railroad lines joining the properties are shown by irregular solid lines.

THE REPRESENTATION PLAN

in the employ of the company at least three months prior to an election may vote.¹ At least one representative is elected for every 150 employes in a mine, and no mine has less than two representatives. On this basis most mines are entitled to only two representatives. The term of office is one year. Only employes of the company are eligible for the office of representative,² and representatives add the duties of their position to their regular work in the mines.

The annual meetings of employes for the election of representatives are held simultaneously at all mines on the second Saturday in January. These meetings are called by direction of the president of the company. Specific instructions are given in the printed plan for the method of calling regular and special meetings and for conducting elections.³

"To insure freedom of choice," secret ballots are cast for both the nominations and the elections. Each employe may nominate as many representatives as the

¹ Salaried employes are prohibited from voting for representatives of the wage-earners. In 1919 a similar plan of representation was put into effect for the salaried employes.

² The revised plan provides additional qualifications for the office of representative as follows: "Only an employe who is a citizen of the United States, who is twenty-one years of age or over, and who is and has been an employe of the Company continuously for at least one year immediately preceding the month in which elections are held, shall be qualified for nomination and election as a representative." See Appendix B, page 423.

³ Several changes have been made in the revised plan. Nomination and elections are to be held during the first half of the month of January unless deferred by common consent. No specific mention is made of "meetings" for purposes of nomination and election, and apparently the revised plan provides for voting in work-places as well as in meetings. Nominations and elections continue to be called by direction of the president of the company, but the procedure at each mine is to be agreed upon by the employes' representatives and the management. See Appendix B, page 423.

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number employed in the mine warrants. From the names thus voted for, twice as many as are to be finally elected are placed on the list of nominees. These nominees are, of course, the ones receiving the largest number of votes. For instance, if a camp were entitled to two representatives, the four receiving the highest number of votes in the nominations would be the candidates for office. Of these four, the two receiving the most votes in the final election would be the representatives for the year. Any 25 employes may demand a recount. From this recount, any 25 employes may again appeal to the president of the company. The ballots are then forwarded to the president, who may either sustain the election or order a new one.¹

The representative is the means of communication between employes and company. His duty is to act on behalf of the miners "with respect to matters pertaining to their employment, working and living conditions, the adjustment of differences, and such other matters of mutual concern and interest as relations within the industry may determine." The employes' representatives are paid for the time lost from work when engaged in duties assigned to them by the company, and are reimbursed for all necessary expense incurred, such as railway fares. The actual work of representatives will be fully discussed in Chapter VI, The Employes' Representatives.²

¹ The revised plan provides that the president consider the appeal with the district Committee on Co-operation, Conciliation, and Wages. A representative may now also be recalled on petition signed by a majority of the eligible voters in his mine. See Appendix B, page 425.

² See page 77.

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DISTRICT CONFERENCES

Immediately after election, and every four months, the president of the company calls a conference in each of the five districts.¹ At these meetings the representatives of all the mines in the district meet with an equal number of representatives of the management appointed by the president of the company.² The purpose of the district conference is to "discuss freely matters of mutual interest and concern to the company and its employes, embracing a consideration of suggestions to promote increased efficiency and production, to improve working and living conditions, to enforce discipline, avoid friction, and to further friendly and cordial relations between the company's officers and employes." The president of the company, or someone appointed by him, acts as presiding officer. The conference elects its own secretary, who keeps a record of the proceedings.

JOINT COMMITTEES IN EACH DISTRICT

In addition to district conferences permanent machinery is set up in each district in the form of "joint committees on industrial relations." These joint committees, four in all, are to consider safety and accidents; sanitation, health, and housing; recreation and educa-

¹ The months in which the district conferences are to be held are now named. They are January, May, and September. Special joint conferences may also be held "as the president of the Company or a majority of the employes' representatives may find desirable."

² The revised plan has changed this provision somewhat. It reads as follows: "At the joint conferences the employes shall be represented by their elected representatives. The management shall be represented by such officials as the president may designate.

"The management representatives with voting power may equal but not exceed in number the representatives of the employes.

"The Company shall provide appropriate places of meeting for the conferences." See Appendix, pages 427, 428.

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tion; and industrial co-operation and conciliation. The members are elected at the first district conference following the election of representatives at the mines, and are permanent for the year. Each consists of six members, three of whom are elected from their own number by the representatives of the miners and three appointed by the president of the company. The duties of the committees are as follows:

The Joint Committee on Safety and Accidents may bring up, or have referred to it for consideration and report to the president of the company, "any matter pertaining to the inspection of mines, the prevention of accidents, the safeguarding of machinery and dangerous working places, the use of explosives, fire protection, first aid. . . ."

The Joint Committee on Sanitation, Health, and Housing may deal in a like manner with "any matter pertaining to health, hospitals, . . . occupational diseases, . . . sanitation, . . . street cleaning. . . ."

The Joint Committee on Recreation and Education may have referred to it, or bring up of its own initiative, "any matter pertaining to social centers, club houses, halls, . . . entertainments, . . . schools. . . ."

The Joint Committee on Industrial Co-operation and Conciliation may consider "any matter pertaining to the prevention and settlement of industrial disputes, terms and conditions of employment, maintenance of order and discipline in the several camps, company stores. . . ."¹

¹ At the time of our inquiry in referring to the committee in minutes and discussion, the word "Industrial" was usually omitted, and in our report we shall usually give it the briefer title. Since our investigation was made the name of this committee has been changed to "Joint Committee on Co-operation, Conciliation, and Wages."

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For each committee its function in dealing with "any matter" and its jurisdiction is defined in the same words: "For consideration and report to the president, or other proper officer of the company at any time throughout the year."

SUPERVISION OF SAFETY, HOUSING, HEALTH, EDUCATION, AND RECREATION

Working with these committees as experts in their various fields are officials of the company—the chief mine inspector, who is responsible for safety in the mines; the supervisor of housing and sanitation in the camps; the medical director who supervises the camp doctors, directs the Minnequa Hospital,¹ and has general responsibility for the health of the miners and the steel workers; and the supervisor of education and recreation, who has an advisory relation to the schools and to recreational activities. The activities of these supervisors in their relation to employes' representation will be described in Chapter VIII, The Work of Committees.²

THE JOINT COMMITTEE ON INDUSTRIAL CO-OPERATION AND CONCILIATION

This committee has its place at one stage in the procedure for adjusting grievances. An employe having a grievance is to take it up, either in person or through his representative, with the mine foreman or superintendent. If he does not receive satisfaction he may take it up with the president's industrial representative, whose duties will be described later in this chapter.³

¹ See pages 129 ff.

² See page 115.

³ See page 69.

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then successively, either in person or through his representative with the division superintendent, assistant manager, general manager, or the president of the company. This guarantee that "every employe shall have the right of ultimate appeal to the president of the company concerning any condition" has been called by Mr. Rockefeller "a fundamental feature of the plan."¹ It is possible, however, to appeal even beyond the president. If all other successive steps fail to give satisfaction to the employe, he may have his case referred to the Joint Committee on Industrial Co-operation and Conciliation of his district. The decision of a majority of this committee is binding.

PROVISION FOR ARBITRATION

Since the members of this Joint Committee on Industrial Co-operation and Conciliation are equally divided between representatives of management and of wage-earners, they may have difficulty in reaching a decision on a grievance referred to them. If so, an umpire may be selected as a third person "who shall sit in conference with the committee and whose decision shall be binding upon all parties." If members of the committee find it impossible to agree on an umpire, the grievance may be referred to a board of three arbitrators, one to be selected by the employes' representatives, one by the company's representatives, and a third by the two so chosen. Or the Colorado State Industrial Commission may be asked to name all three arbitrators or to act as an arbitration tribunal itself. The decision of a majority of the arbitrators or of the commission shall be final

¹ Rockefeller, John D., Jr.: Labor and Capital—Partners. In *Atlantic Monthly*, January, 1916.

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and binding. Finally, employes' representatives are guaranteed the same opportunity for redress just outlined, if they think themselves discriminated against because of their activity on behalf of any employes. A representative may appeal his case, after trying all the other specified appeals, to the Colorado State Industrial Commission, whose decision shall be final.

JOINT ANNUAL MEETINGS

An annual meeting of all representatives of employes and the company in all districts is to be held each December at the call of the president of the company.¹ Reports covering the work of joint committees in each district during the year are to be read, and matters of common interest considered.² The president, or some official designated by him, presides.

RELATION OF THE PRESIDENT TO THE PLAN

From the beginning, the administrator of the plan has been the president of the company. Annual meetings and district conferences, as already noted, are called at his direction and he, or any officer designated by him, presides. The function of all joint committees is to "report to the president or other proper officer of the company," and, of course, all executive officers of the company are responsible to the president. No separate department was set up in the beginning to administer the plan or to deal with personnel problems. "We have proceeded on the theory," said a prominent official in

¹ Instead of one annual meeting of all representatives, the revised plan provides for annual joint meetings "in places and groups to be designated by the president." See Appendix B, page 429.

² Provision is also made for the calling by the president of special joint conferences. See Appendix B, page 431.

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explanation, "that the representation plan should be part of the daily work of our officials in managerial capacity. Every manager, superintendent and foreman should have the provisions of the plan in mind in his daily work and in his daily handling of men."

Until the summer of 1917, or during approximately the first one and a half years' operation of the plan, an executive assistant to the president, provided for in the plan,¹ exercised a considerable degree of executive power in administering it. He not only was chairman of the Advisory Board of Social and Industrial Betterment, but he also helped in the organization of the various committees and conferences provided for in the plan.² With the resignation of the man who held that office in the summer of 1917, his functions were taken over by the president of the company. In 1920 a vice-

¹ To supervise "the administration of the company's policies respecting social and industrial betterment" was the duty of the president's executive assistant and he was to consult from time to time the various joint committees "as to improvements or changes likely to be of mutual advantage to the company and its employes." To assist him an advisory board was appointed by the president of the company. It consisted of "such company's officers as the president may designate." To this board "may be referred questions of policy respecting social and industrial betterment." The employes had no representation on it. The president's executive assistant was chairman. He was charged also with "general supervision over the sanitary, medical, education, religious, social, and other like needs of the different industrial communities, with a view of seeing that such needs are suitably and adequately provided for, and the several activities pertaining thereto harmoniously conducted." See Appendix A, page 412.

² The first man to hold this office was Clarence J. Hicks, who was formerly in various positions with the Young Men's Christian Association and with the executive department dealing with welfare work of the International Harvester Company, and, later, was assistant to the president of the Standard Oil Company of New Jersey. After Mr. Hicks left, M. J. Stickel, whose experience had been in the Young Men's Christian Association and who subsequently became associated with Community Service, Inc., acted as chairman of the Advisory Board of Social and Industrial Betterment.

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president of the company was made responsible for industrial relations.¹ An assistant to the vice-president edits the *Industrial Bulletin*, a journal published by the company and distributed gratis to its employees. Special issues of the bulletin are devoted exclusively to the reports of the various committees and conferences provided for in the representation plan.

THE PRESIDENT'S INDUSTRIAL REPRESENTATIVE

The president's industrial representative is field agent for the plan. He visits each mine approximately once every three months. He confers with the miners' representatives. If they have any grievances, he also confers with the superintendents to learn the facts as the management sees them.² He makes a written report on the grievance. This report is signed by the employes' representatives if they agree, and they retain copies of it. Another copy goes to the general manager of the fuel department, and one to the president of the company. If the grievance is a minor one, the president's industrial representative may attempt to settle it on the spot. If it is a more serious one, he receives

¹ The revised plan defines the duties of this official as follows: "A vice-president or other executive officer, to be known as the Industrial Relations Executive, shall, on behalf of the president, supervise the administration of the Company's policies respecting social and industrial betterment and the administration of the Joint Representation of Employes and Management and Procedure in Industrial Relations." See Appendix B, page 434.

² The duty of the president's industrial representative, as defined in the written plan, is "to respond promptly to any request from employes' representatives for his presence," and to visit each camp "as often as possible,"—at least once every three months. He is "to confer with the employes or their representatives and the superintendents respecting working and living conditions, the observance of federal and state laws, the carrying out of company regulations, and to report the result of such conferences to the president." See Appendix B, pages 431-432.

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instructions to settle it from the general manager's office, or a higher official may personally attempt to adjust the grievance. This lack of authority for the field agent has often resulted in delay.

In January, 1919, the office of the "president's chief industrial representative" was created. This official acts in addition to the industrial representative already described. He has executive authority to make decisions after his investigation. He is usually accompanied by a stenographer who makes a transcript of the evidence and the decisions. Copies of these reports go to the president of the company.

The man serving as the president's industrial representative at the time of our investigation, and since retired, David Griffiths, was formerly the superintendent of a coal mine of the company. The president's chief industrial representative, B. J. Matteson, was, prior to his appointment, the assistant general manager of the fuel department. Both officials were paid by the company and were responsible to the president.

EXPENSE OF ADMINISTRATION

In the cost of administering the plan, the company agrees to bear all expenses, because "the promotion of harmony and good will between the company and its employees" is "essential to the successful operation of the company's industries in an enlightened and profitable manner."

A "TRADE AGREEMENT"

The above outline describes the machinery provided in the first part of the written plan. This section bore the title, "Industrial Constitution." In addition,

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when the plan was adopted, an "agreement respecting employment, living and working conditions" was approved by the board of directors of the company and by the vote of employees. It is an "addition to the rights and privileges guaranteed the employees and the company in the Industrial Representation Plan." This agreement was to last until January 1, 1918, and to "continue thereafter subject to revision upon ninety days' notice by either of the parties."

This agreement contained seven sections: Four sections dealt with living conditions. (1) Rent was to be charged at the rate of two dollars per room per month, with a specified extra charge for electric lights. No charge was to be made for water for domestic use except where the company must purchase it. In such cases the price would be substantial cost. (2) The company agreed to fence, free of charge, each house and the lot on which it stands. The company wished to encourage employees "to cultivate flower and vegetable gardens." Garbage would be removed free. (3) Suitable bath houses and social centers would be provided as rapidly as possible. (4) Domestic coal would be sold substantially at cost, as would powder to the miners.

So much for living conditions. Three sections contained guarantees to maintain certain working conditions. Eight hours would constitute a day's work for all employees working underground and in coke ovens, and nine hours for outside labor. All employees would be paid semi-monthly by check with no deductions except when authorized by them.

An important section was devoted to "Wage Schedule and Working Conditions." No change affecting wages

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or hours would be made without thirty days' notice, as required by the law establishing the State Industrial Commission. Present wages and working conditions were to remain in force "without reduction," and the management agreed to an increase if "a general increase shall be granted in competitive districts in which the company does not conduct operations. . . ."

At a joint meeting of the employees' representatives and officials of the company, called within thirty days after an increase should be effective in competitive districts, an equitable basis for determining the new scale would be fixed.

FUNDAMENTAL RIGHTS RECOGNIZED

It was the primary aim of the plan to prevent disputes, and to this end certain basic agreements were outlined as a *modus vivendi*. Both company and employees pledged themselves to a "strict observance" of mining laws. The management agreed to post "the scale of wages in a conspicuous place" near every mine. It further guaranteed to post at each property a list of the only offenses for which an employe might be dismissed without notice. For other offenses, employes must be warned once in writing before they could be dismissed for repeating the violation. A copy of this warning was to go to the president of the company. Employes would have the right to hold meetings on company property and to purchase where they pleased. They might select check-weighmen as provided by law, and the company would grant the check-weighmen "every facility to enable them to render a correct account of all coal weighed."

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One of the important features of this section was the guarantee of "non-discrimination." Union membership would not be reason for refusing to employ a miner or for discharging him. "There shall be no discrimination by the company or by any of its employes on account of membership or non-membership in any society, fraternity or union."

The company reserved "the right to hire and discharge" whomever it chose.¹ "The management of the properties, and the direction of the working forces, shall be vested exclusively in the company, and, except as expressly restricted, the right shall not be abridged by anything contained herein."

¹ A provision has been added to the revised plan to the effect that "fairness of the action shall be a subject of review."

CHAPTER VI

THE EMPLOYEES' REPRESENTATIVES

“**T**O ACT on their behalf” is the duty of the representatives of employes at each mining camp.¹ They are to be chosen by employes “from among their number.” No man who is not employed by the company is eligible.²

SUBJECTS FOR ACTION BY REPRESENTATIVES

The range of subjects in which a representative may interest himself on behalf of the employes in the mine where he works is broad. He is “to act on their behalf with respect to matters pertaining to their employment, working and living conditions, the adjustment of differences, and such other matters of mutual concern and interest as relations within the industry may determine.”

FUNCTIONS IN THE WRITTEN PLAN

The specific activities of representatives as they may be inferred from the outline, in addition to this general statement, are these:

¹ “Employes at each of the mining camps shall annually elect from among their number representatives to act on their behalf with respect to matters pertaining to their employment, working and living conditions, the adjustment of differences, and such other matters of mutual concern and interest as relations within the industry may determine.” See Appendix A, page 401.

² Additional qualifications as noted have been added in the revised plan. See footnote 2, page 61.

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1. To call to order the annual meeting, which has been convened by direction of the president of the company, for the election of representatives.

The meeting elects a chairman and a secretary, who may also be representatives. The representatives are instructed to retain "for purposes of future reference" a copy of the "record of proceedings," which is made by the secretary and certified by the chairman.

2. To attend district conferences at the call of the president within two weeks after elections, and at least every four months thereafter.

"The purpose of these district conferences shall be to discuss freely matters of mutual interest and concern to the company and its employes, embracing a consideration of suggestions to promote increased efficiency and production, to improve working and living conditions, to enforce discipline, avoid friction, and to further friendly and cordial relations between the company's officers and employes." These conferences include representatives of "the company" (which always means, in the plan, managing officials and never includes employes) and the employes' elected representatives.

3. To serve on one of the "joint committees" if he happens to be so appointed by his fellow-representatives at a district conference.

4. To attend the annual joint meeting called by the president of the company, where the joint committees make their reports and "matters of common interest requiring collective action" are "considered."

At this meeting it is the duty of representatives to "discuss with the president and officers of the company" any matters on which employes at the annual meeting have made recommendations.

5. To report to officials, in specified order of appeal beginning with the mine superintendent, any grievance which an employe may ask the representative to handle for him.

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Thus the duties specified have to do with—(1) attendance at meetings; (2) committee service; (3) reporting grievances of fellow-workers.

REPRESENTATIVES' SHARE IN REPORTING GRIEVANCES.

The responsibility of the representative in the handling of grievances is uncertain and variable, despite the fact that the plan may be said to have originated in the need to uncover causes of friction by giving employes the right of representation as a means of voicing their grievances to higher officials. The paragraph of the plan relating to "complaints or grievances" does not suggest that the aggrieved employe should always go first to one of his representatives; nor is the superintendent or any other official required to consult the representatives before deciding how to settle a complaint. "Employes," says the paragraph, "shall first seek to have differences or the conditions complained about adjusted by conference, in person *or*¹ through their representatives, with the mine superintendent." This conference with the superintendent "shall" be had "before presenting any grievance to the president, the president's industrial representative, or other of the higher officials of the company." The representative may be called on, or not, as the employe chooses. It is possible to present a grievance even to the president without the participation of the representatives and, despite the wording of the plan, in actual practice the mine superintendent need not always be consulted before an appeal is carried to higher officials.

¹ Italics ours.

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FINANCIAL STATUS

As has been shown in Chapter V, The Representation Plan,¹ when a representative attends a conference or annual meeting the company pays his traveling expenses and reimburses him "for the working time lost in so doing." His livelihood is earned in the mines of the company and when he acts as representative the company pays him.

"But nothing herein," reads the written plan, "shall preclude employes of the company from making such payment to their representatives in consideration of services rendered on their behalf as they themselves may voluntarily desire and agree to make." We heard of rare occasions when a representative was reimbursed by an employe who had asked him, for instance, to weigh his coal at the tipple as a check on the tonnage credited to the miner by the "weigh-boss." These are isolated instances, however. The practice is that the company reimburses the representative for time lost in duties definitely assigned by the company, such as attendance at meetings or when a company official in a visit to a camp calls him out of the mine for conference. One of the most intelligent representatives of 1921 told us that the fact that a representative was paid only for services asked for by the company limited his activities. If he should take the initiative in investigating the grievances of fellow-employes, or if he should act at the request of one of them, he must himself bear the loss of earnings from his mining of coal. Employes have no treasury, so that payment by them means payment by an individual worker, and would naturally be unusual.

¹ See page 62.

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According to the written plan, then, the representative is a spokesman, elected by employes, and paid by the company as one of its employes in coal mining. He is to attend all meetings called in connection with the representation plan. He helps to choose members of joint committees and he may be chosen for this service. He may or may not be called on by fellow-employes to help in bringing their grievances before the superintendent or higher officials. Neither the superintendent nor any higher official is obliged to call on him to share in adjusting a grievance or in considering any matter affecting employes. The report made by the president's industrial representative, however, when he visits a mine, must be signed by the employes' representatives of that mine, if they agree to the findings of the president's representative.

This analysis of the office of representative has been confined to the written plan. More important is the question, What are the activities and powers of representatives in the actual operation of employes' representation in this company? Before describing in later chapters their activities as we have observed them and as they and the officials of the company have reported them to us, it is worth while to outline also the status of the whole group of employes in a camp as it is implied or defined in the written plan. We emphasize the written plan because it virtually constituted the company's offer to its employes of new relations through the instrument of representation. Does it constitute a partnership in accordance with Mr. Rockefeller's analysis of the "four parties to industry"?¹

¹Quoted on pages 28 and 29.

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THE STATUS OF EMPLOYES

A "wage-earning" employe, as distinguished from a "salaried" employe, has the right to vote both for nomination and for election of representatives in his own mining camp. He also participates in choosing a temporary chairman and secretary for the meeting at which nominations and elections take place. The plan also guarantees him certain rights as an individual. He has the right to appeal to higher officials, even to the president of the company, and ultimately to the Industrial Commission of the state, if he has a grievance; to be cautioned or suspended before discharge; to belong or not to belong to a union; to hold meetings; and to purchase where he pleases.

The contact between employes in different mines of the Colorado Fuel and Iron Company is through their representatives at a joint district conference, or a joint annual meeting, or in a joint district committee where the official staff of the company has always the right of equal representation. The prescribed conferences are called, as we have noted, by the president of the company, and he, or someone designated by him, presides. Although the subjects of possible discussion or consideration are extensive, the participation of the miners' representatives in decisions—as distinguished from complaints or suggestions—in questions of production or employment relations is nowhere explicitly defined or recognized. They have a "voice" in any matter which may be brought up for discussion; the final decision can be made by managerial officials without the vote of employes or their representatives.

In brief, the Industrial Representation Plan, as written,

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introduces no radical change in the status of employes by extending to them a share in any phase of management or by defining terms of partnership.¹ What it purposes to do is to invite representatives of the workers into conference with executives. The representatives are channels of communication between management and miners rather than partners, or even advisers to officials in employment policies. Nevertheless, the right of conference is a distinct gain for the workers, and out of the consistent practice of it might easily emerge a new basis for co-operation in this company.

ELECTIONS

Arrangements for elections are made by officials of the company and by superintendents. Every effort is made to have as many workers as possible cast their votes. In the elections of 1921, the number entitled to vote in coal mines and coke ovens of the company in Colorado was 3,622 and the vote cast was 1,681. That is, of every hundred men in the mines who might have voted, 46 actually participated in this way in the choice of their representatives. When the representation plan was first submitted for adoption in October, 1915, the total vote cast was 2,846 out of a possible total of 4,411.² The total vote cast at the annual elec-

¹ Compare, for instance, the Partnership Plan of the Dutchess Bleachery, which establishes a substantial basis of partnership by guaranteeing a share in the profits of the business, over and above wages, and by giving wage-earners representation in both the board of managers and the board of directors, with a vote in all the decisions of those bodies. See report on this plan by Ben M. Selekman, Sharing Management with the Workers. New York, Russell Sage Foundation, 1924.

² The company did not have available the figures for the number of men employed when the vote was taken. The figure given above

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tion for 1916 is not now on record. The average vote cast per year for the subsequent four years (1917 to 1920 inclusive) was 1,496, or a little over one-half the original vote cast when the plan was submitted.

Whether the proportion, in itself, shows the men's interest or an unusual lack of it depends upon the standard which should be kept in mind. In every organization, whether it be a plan for employes' representation, a political party or a trade union, effort to arouse the interest of those who should be most vitally concerned in it meets with discouragement. Too much significance cannot be attached, therefore, to the failure to vote of more than half the men having the right in these Colorado mines. But it is true that very active efforts have to be made to get even this number of men to vote, and it is unfortunate for the success of the plan in stimulating the initiative of the wage-earners that these efforts are made by officials rather than by the miners themselves.

The written plan provides for "annual meetings of employes for the election of their representatives." Yet in 1921, in the 20 camps in which we made inquiry on this point, meetings had been held in only 10—representatives told us—while in eight the men had voted in the "lamp house," where they always report on their way to and from the mine;¹ and in two camps the ballot boxes were carried through the mines to get

is the average number of men employed by the company during 1915, according to the annual report of the state mine inspector. This official keeps a record, among other things, of the average number of men employed by each coal mining company both in each mine and in all mining properties. See third Annual Report of the State Inspector of Coal Mines, Colorado, 1915, p. 16.

¹ Every miner must go into the lamp house to get his lamp and check of identification prior to entering the mine.

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the votes of the men at their work. At first, elections were held in buildings of the Young Men's Christian Association or in schoolhouses. The men, however, did not come to the meetings. That is why several of the superintendents finally arranged to hold elections at the mouth of the mine or in the lamp house. When the miners come to work in the morning they find the former representatives with the ballot boxes. They are given ballots and asked to nominate candidates for representatives. The following morning they elect, in a similar manner, the candidates who were nominated on the previous day. In at least two of the mines the superintendent sent the outgoing representatives into the mine with instructions to visit every working place to urge the men to vote.

Representatives explained to us that these methods of holding elections were adopted because the men were not sufficiently interested in the plan to come to meetings after working hours. At one mine in the first year after the plan was adopted the election meeting was held in the kindergarten room of the school in the evening. From a mine employing about 225 miners, only 30 attended. The following year the superintendent transferred the election to the lamp house. He personally stood outside and urged each man to vote, without, however, electioneering for any one candidate. The total vote cast was 200, of about 225 employed.

At another mine a representative told the following incident: "About one year ago I resigned. The superintendent called a meeting for the election of a new representative. The meeting for the election was to be held in the Y. M. C. A. Club in the evening; but nobody showed up. When the superintendent saw that no one

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came to the meeting, he and the clerk and the foremen called another meeting the following morning at the lamp house. When the men came to work in the morning, they were given nomination ballots and in the evening, when they came out of the mine, they were given election ballots. Only in this way could an election be held. The same thing was done last January when representatives for 1920 were elected. If an election were to be held in the Y. M. C. A. I doubt whether a handful of men would turn out."

Superintendents agreed in explaining that their reason for holding elections at the mouth of the mine was to give every employe a convenient chance to vote. It was found that at the Minnequa Steel Works a large vote was obtained because the ballot boxes were carried to the men at work. Some of the officials in the fuel department, therefore, suggested that the same method be adopted in the coal mines as a means of stimulating interest. The energetic efforts of some superintendents to secure a large vote were well illustrated in an incident at another mine. The superintendent had called on the men in the mines and urged them to come to the election in the evening. "The election is just as important as your work," he was reported as saying to them. That evening he sent a messenger on horseback to the homes of the miners urging them to come to the meeting. "The men treated me coldly," declared this Paul Revere to us subsequently. "One man told me to 'go to hell.' And only 44 men out of over 100 eligible came to the meeting. There weren't 10 diggers, the fellows who have most of the grievances, in the whole lot. The men don't take any interest in the plan."

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In elections as in other activities each camp of the Colorado Fuel and Iron Company expresses its characteristic attitude. In the incorporated towns in Fremont County in the central part of the state, for instance, where many miners own their own homes, their spirit of independence and their consciousness of interests divergent from those of managerial officials have been characteristic for years; here in one mine in 1920 the men refused to elect any representatives, and in 1921 the votes were secured by carrying the ballot boxes to the men at their work in the mines.¹ "The miners in the north have always been fire-eaters," said one man, long an official of the company. "Years ago they were asked if they wanted to use the traveling library which we were starting for all the camps. 'We don't want to read any books bought by the company,' was their reply."

In the southern counties, in the camps owned by the company, the officials find greater willingness among the men to co-operate, and less strenuous efforts are required there to get the men to vote. In fact, in a few of these camps in 1921 we were told by representatives that interest in the elections of that year had been greater than ever before.

OCCUPATIONS OF REPRESENTATIVES

The miners—diggers who use pick or machine and loaders—constitute about 56 per cent of the employes in the mines of the Colorado Fuel and Iron Company.²

¹ In 1923 the company reported that 87.7 per cent voted for representatives in this mine.

² A statement given us by the company, of the number of men on the payroll for December, 1920, showed 5,529 employed, and of these the total number of miners was 3,078. The proportion of com-

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Not only are miners in the majority, but as piece workers they are the ones who, through the nature of coal mining, are likely to have the largest number of grievances to be adjusted. We were keenly interested, therefore, in finding out whether their group was in a majority among the representatives. The facts about the occupations of elected representatives showed that the miners were not electing their proportionate number. Of the 35 representatives of 1921 questioned on this point, only 13 were miners, elected in nine camps, while 22 were day men. Three of these last were fire bosses. In 1920 we found in 22 mines, having a total of 42 representatives, that 28 of these, or more than two-thirds, were day men, and not miners in the exact sense. In 11 of the mines, one-half of all visited, not one representative was a piece worker or digger. Among the 28 representatives who were day men, seven were fire bosses. These seven fire bosses were distributed at seven different mines. In two of the mines the weigh-bosses were representatives. There were several other "straw bosses" or minor officials who acted as representatives.¹

Technically, fire bosses or other minor supervisors may act as representatives, for they are paid, by the day as distinguished from officials who are paid by the month. Miners told us, however, and our observations confirmed the statement, that for all practical purposes

pany men, or "service men," in Colorado mines is larger than usual in mining, because, as an officer of the company explained, the roof conditions in Colorado require more work for mine maintenance than in other states—Pennsylvania, for instance.

¹ Since our investigation the following clause has been added to the plan: "Inasmuch as the numbers of shift men and tonnage men are about equal in and around coal mines, it is recommended that one representative be chosen from each group." See Appendix B, page 423.

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the mental attitude of fire bosses, with few exceptions, is that of the executive. Every fire boss has his eye on his next advancement, that of mine foremanship. He is not likely to do anything that may injure his chances for promotion in the company. Miners in several camps said that they did not look upon these men as their representatives, and could not bring their grievances to them any more readily than to a company official. Their election as representatives, and the failure of the miners to elect men of their own group, raise the question as to whether the rank and file expect to use the machinery of representation for the protection of their own interests. Are they indifferent? Do they believe that their representative has no power to act on their behalf except with the approval of officials of the company? This was the explanation suggested by miners, and we formulate it as a question to keep in mind in subsequent descriptions of activities in the plan.

MEETINGS

The written plan for representation provides, as we have said, that one of the duties of the representative is to take part in certain meetings. He is to call to order the annual meeting at the camp for the election of representatives. Elections, according to the plan, are to be held "the second Saturday in January." Here "employees may consider and make recommendations concerning any matters pertaining to their employment, working or living conditions, or arising out of existing industrial relations, including such as they may desire to have their representatives discuss with the president and officers of the company at the Annual Joint Conference. . . ." The annual joint meeting

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is held in Pueblo or elsewhere at the discretion of the president in the month of December.

The same kinds of subjects may be discussed at district conferences, which are held in January, May, and September. Unlike the annual meeting which delegates from other mines attend, only the mines of the district are represented in district conferences. Special joint meetings for two or more districts may be called on the initiative of the president, or at the request of a majority of representatives in the mines of those districts.

In addition to these meetings, provided for in the plan, company officials have tried to encourage the calling of special meetings in the camps, so that each representative may be instructed by the men before he goes to a district conference or he may give them information afterwards. In several of the camps visited in 1921 we asked representatives whether they had ever called special meetings. They had already told us, as has been noted, that in half the camps the attendance at annual meetings for elections was so discouragingly small that ballot boxes were placed in the lamp house or in the mine and meetings dispensed with. Evidently, special meetings arouse no more interest. In one camp, where nearly 200 are entitled to vote, a representative, who was a fire boss, had tried to get the men to come once, but only eight appeared and they were boys. In two camps successful meetings had been held before district conferences, and the representatives had actually received instruction as to what subjects to bring up for discussion at the conferences. In a few camps meetings had been held after district conferences, when there was something special to report. An officer of the com-

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pany related an instance of recall by the employes of their representatives in one mine because they had not reported back to the men the results of a meeting; this seemed to show vital interest.

Some representatives said that meetings of men at the camps in advance of district conferences were not practical because they are given not more than a day or two's notification of a district conference, and are never told in advance what subjects will be discussed.¹ The president of the company sets the date, issues the call, and presides. Lacking responsibility for the call or knowledge ahead of the date or of subjects to be brought up, representatives have no means of arousing interest among their fellow-employes. It is always true that with nothing specific assigned to do, men are never particularly interested in doing it.

Incidents like the following were narrated to us: When in December, 1919, through the action of the United States Bituminous Coal Commission, an increase in pay was granted to miners, the contractor who delivered coal to the homes of employes at a particular mine also wished an increase. He approached the superintendent, who asked the representatives to call a meeting of all employes to discuss the contractor's request. "The meeting was called for last Sunday," said our informant, a former representative, "but only three men out of over 200 came. All the time like this. Lots of times I try to call meeting. Nobody come. If I see a fellow and tell him to come to a meeting, he will

¹ The revised plan names the months during which district conferences and annual meetings shall be held. The company reports to us in November, 1923, that the practice now is to give one week's notice before a district conference, and that the change was made on the suggestion of representatives.

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ask me what kind of meeting. I tell him meeting under Rockefeller Plan to take up this and this. He answer me, 'Go to hell,' and walk away." From our notes we could multiply similar statements made by representatives about the men's lack of interest.

THE NEED FOR A GENERAL REPRESENTATIVE OF EMPLOYEES

Said one employes' representative, "The average miner who is elected as a representative doesn't have the ability and the courage to present and thrash out grievances with the management of the company. I therefore suggested that the miners employ a representative of their own, to be paid by them. The functions of this official should be like that of the president's industrial representative. He should travel from camp to camp, investigate, learn the grievances of the men, present them to the management, and see that a proper adjustment is made. He should, in other words, be the advocate of the men. As it is at present, the men do not have complete confidence in the plan and won't present their grievances to the representatives they elect and they do not feel that the president's industrial representative is their representative."

It was William C. Gilbert, a coal miner and representative in 1917 at Coal Creek, one of the mines of the company in Fremont County, who expressed this opinion. He had made the suggestion first in a hearing before the Colorado State Industrial Commission in 1917. He was examined by Mr. Weitzel, then the general manager of the fuel department, who asked him, "Do you believe the company is trying to live up to . . . the Industrial Plan?"

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Mr. Gilbert replied:

"I think they are . . . but among the working men or employes there seems to be a good deal of dissatisfaction. I will tell you why: they claim that they have a good many grievances, and under this Industrial Plan they refuse to bring them before the representatives. They claim that it is not successful, but the grievances that have been brought up before us have been settled satisfactorily. . . . They claim on the basis of representation—and I must agree with them . . . that if the president has an industrial representative, appointed by him, and if you fail to adjust between the superintendent and the mine foreman, then appeal to him, that the miners ought to have an industrial representative, elected by them . . . and paid by them. . . . Then this man would be on the job all the time, and he could look into those things for himself. I know there are people who . . . seem to be timid in a way to bring certain things before those committees or before the company officers, afraid, evidently, something might happen that they would get the worst of the deal; but by the miners' representative, elected by them—one of their own people, and that man to go around to the different mines and investigate those grievances for himself, and if anything occurs along the line of a grievance, put it before one of their own men—a man that has ability to follow this thing and have a hearing at all the points along the line.

"Now, I will give you an illustration: Just a short time ago a grievance occurred regarding caved-in places. You weren't here at the time, but Mr. Matteson¹ . . . and Mr. Beach² came down and looked at the grievance, and they decided to let the committee know that evening of their decision. The com-

¹ Then assistant general manager of the fuel department and later the president's chief industrial representative.

² Superintendent of Coal Creek mine, where Mr. Gilbert was employed.

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mittee went on top and waited for a decision from the assistant general manager. Now, we weren't called into conference with those gentlemen to give us a chance to argue our case. Mr. Matteson left word that on account of impending strike ordered by the United Mine Workers of America, the thing would not be taken up until such a thing as that was found out. Well, we thought it all a grievance, and it affected men at that time, and the aggrieved parties thought it didn't make any difference what was in the future or couldn't be foreseen; they thought that matter should be taken up. After consulting the committee we decided to take the matter up before the president of the company, which we did. Then the committee on conciliation and co-operation were called together and the grievance was then brought up again, and I believe after the representatives had a chance to discuss our grievances, I believe it was admitted by Mr. Matteson and all concerned, that those grievances asked by us were justifiable. . . . I will say . . . that we have brought up to Mr. Beach locally a good many personal grievances that have been settled, and parties aggrieved have acknowledged that they have gotten a square deal."

"I think your suggestion about a general man is the first I have heard of it," replied Mr. Weitzel, "and thinking of it while you have been talking, it seems to me that the proper time would be to take that up at the December meeting, when the representatives of all the men come together, but it seems to me that a man such as you suggest would necessarily have to be paid by the men in order that they should feel confidence in him—"

To this Mr. Gilbert replied promptly, interrupting:

"I don't say that the men should hire a man and ask the company to pay his wages."

"And," Mr. Weitzel continued, "in order to accomplish that, it would undoubtedly be necessary to

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put the question, after it had been decided by the representatives, back to the men as a sort of referendum, and I hope that you will bring that matter up."¹

As suggested by Mr. Weitzel, this matter was brought up for discussion at the annual joint meeting of all representatives held under the plan in December, 1917. A resolution was adopted at this meeting in which the employees' representatives declared themselves in favor of a paid representative to represent the interests of employees. He was to be paid by employees, and to be chosen from the group of representatives. He was to go from mine to mine, listen to and investigate grievances, and act "in conjunction with the president's industrial representative in the adjustment and settlement of any industrial disputes."² This resolution was adopted by the employees' representatives present by a vote of 24 to 19. Mr. Welborn stated that the company

¹ Hearings before Colorado State Industrial Commission, September 13, 1917, pp. 412-417. (Typewritten record.)

² The resolution follows:

"RESOLVED: That the Employees' Representatives may at any time choose one of their own number to serve under their direction as Employees' General Industrial Representative, who may be called upon by one or more of the employees' representatives, to act in conjunction with the president's industrial representative in the adjustment and settlement of any industrial disputes which have been taken up by such representative or representatives, and have not been satisfactorily settled.

"He shall be paid by the employees for the time spent in this capacity, but shall not lose his status and rights as an employee of the company.

"His term of office shall be until the annual joint meeting in December, at which time his successor shall be elected, unless he is recalled at an earlier date by a majority vote of the employees' representatives. A vacancy in this position may be filled at a special meeting of the employees' representatives which shall be called at the written request of a majority of such representatives."—*Industrial Bulletin*, January 10, 1918, p. 2. Published by the Colorado Fuel and Iron Company.

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"was entirely willing" that the employes should have a paid representative.

The proposition was submitted to a referendum vote of all the miners the following January, when they voted for their regular representatives. It was overwhelmingly defeated. In three camps only did the employes vote for it. It was unanimously rejected in seven. Four did not even consider it.

Various reasons are given by both management and miners for the motives that prompted the defeat of this proposition. The expense involved is given by some. Others contend that superintendents and foremen worked against it; still others that the representatives opposed it as an implied criticism of them. No concrete evidence was offered to substantiate any of these explanations. We questioned the rank and file closely on their reason for voting as they did in the referendum. They could give no reason. Their attitude was one of indifference. Mr. Weitzel stated that he, personally, was enthusiastic about the proposition and campaigned in favor of it. It would have given the miners more confidence in the representation plan, and would have made the plan stronger.

In our interviews in Colorado in 1921 several of the representatives referred again to the need for a "general representative" to look after the men's interests, responsible to them because they would elect him and pay his salary. "We no got high education," said one of them. The company officials are educated, he added, and the men need someone who can meet them better than most of the miners now serving as representatives.

He explained that in his camp the men voted the suggestion down because the resolution said that "the

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employees' representatives may at any time choose *one of their own number*¹ to serve under their direction as Employees' General Industrial Representative." The necessity for choosing one of their own number merely repeated the weakness of the present plan, in his opinion. They are not likely to find among their own number a man experienced in negotiation, or in presenting the case of a fellow-employee. The fact, moreover, that he is an employe of the company creates the impression that he cannot act as a disinterested advocate for the men, since future security in his job as a coal miner depends upon the company officials, and to oppose them on behalf of a fellow-employee is an undertaking which seems to the miners to require an unusual disregard of consequences to himself and his family.

Union officials, who oppose the representation plan, charge that active representatives are intimidated by local superintendents. We found, however, that in the five years of the administration of the plan, through 1920, only two representatives had been discharged by superintendents. They were both aggressive representatives and both were active union men. The discharge of one of them was sustained by the higher officials. He had violated a provision of the state mining law. This is a posted offense for which any employe is liable to immediate discharge.² We do not think that the representative can claim that he was discharged because of his activity as a representative or as a union man.

The second discharge, by a superintendent, was not sustained by the management. The representative involved was secretary of his local union. He went east

¹ Italics ours.

² See page 102.

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on union affairs and overstayed his leave of absence. The superintendent had had constant friction with him. He saw a good opportunity to get rid of him. When he came back, the superintendent told him that as he had overstayed his leave of absence, he no longer had his job in the mine. The representatives called the miners together in the union hall. They voted to strike until he was reinstated. The next day they did strike. As soon as this was reported to the general manager, he hurried to the mine and ordered the superintendent to reinstate the representative. This was done, and the men returned to work on the following day. Later this representative resigned. He felt that he was not receiving the proper co-operation from the men and especially from the superintendent. But the incident shows that higher officials actually did overrule a superintendent in favor of a miner. These instances give evidence that the company has not discharged representatives for activities on behalf of employes, and the interest of officials in the success of the plan would make it safe to assume that they would avoid any such damaging issue.

Yet in several camps the men spoke of the liability to discharge as a weakness in the plan. "If I try to look after the men's interests, I may be discharged. I have no one back of me," said one man. Not whether it had actually happened, but whether it would be possible, was to him the important point. The men, he said, believe that their dependence upon company officials for a job makes equality as a negotiator impossible.

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PAST ACTIVITIES OF REPRESENTATIVES

In 1921 we asked the representatives in each camp what specific action they had taken since their election, about six weeks earlier, and also what illustrations they could give of past activities. Every group interviewed included not only present representatives, but also men who had served as representatives in previous years. In only five of the 23 mines visited did representatives state that fellow-employees had reported any grievances to them during the six weeks since their election. These were Frederick, Segundo Coke Ovens, Fremont, Rockvale and Coal Creek. Yet a number of specific causes of complaint were known to the representatives in these and other mines, where they had not been called upon to act. Said one of them, "I'm a driver [in the mine] and I hear the men kicking all the time, but they won't bring their grievances to the representatives." We gained the impression that at that date, at least, the men serving as representatives were not kept busy in adjustments of difficulties. This, however, was merely a straw without conclusive importance. The illustrations given by them of their past activities were more interesting.

Through efforts of representatives such gains as the following had been secured for the men in different camps: The Young Men's Christian Association clubhouse and the wash-house had been built. Porches had been screened. "Next we're going to have cellars." "We're getting a new doctor's office." The loss of miners' tools through the flooding of one of the mines had been made good by the company. A superintendent was induced not to dispossess a woman with little children whose

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husband was, in the hospital.¹ A camp doctor, who was charging dishonestly for services already paid for by the monthly medical charge to each employe, was transferred by the company on complaint of representatives; the representatives were then asked to meet the new doctor and to decide whether he would be satisfactory to the men. Complaint was made of the rate charged for household coal sold to miners in the camp, and when this was adjusted the representatives had to investigate the claim that the coals sold were too small. Higher wages paid to the contractor who delivered coal to miners' households required that the men pay a higher rate for the coal and representatives were called upon to settle this difficulty. A Mexican woman, wife of an employe at the Segundo Coke Ovens, did not fancy any of the colors offered her by the company for a coat of paint in her kitchen, and the representative, also a Mexican and member of the committee on housing, persuaded her to like one of them, chiefly by convincing her that she was fortunate to have her kitchen painted at all when it already looked better than his own. From a fellow-worker and a neighbor, as well as a fellow-countryman, these arguments were more convincing than from an official of the company. These are details of improvements in housing conditions, or the straightening out of difficulties in the life of the camp, in which representatives had had part.

Naturally, many grievances center about earnings, and in every group interviewed in 1921 we discussed the actual share of representatives in determining wages.

¹ This incident is not typical, in our opinion, of the policy of the company. The superintendent involved was tactless and unsympathetic in relations with the men, and subsequently he was transferred to different work for the company.

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A fundamental test as to whether a representation plan protects the interests of the workers is to be found in the share which it gives the workers' representatives in determining rates of pay. We learned from the men that grievances about rates for special work by individual workmen in a particular mine had been brought to the attention of officials. Just how these complaints were adjusted and how wages have been determined are such important subjects that they require separate chapters for discussion.

CHAPTER VII
RESPONSIBILITIES OF LOCAL MINE
OFFICIALS

IN EVERY camp we asked the miners with whom we talked, "Have you noticed any changes here since 1915?" The response was unanimous. They would speak of better houses, better sanitary care of the camps, better schools, and the building of clubs and bath-houses, which they did not have before. Then one of them would say, "The superintendent used to say to a man, 'You can take your tools and go.' He wouldn't have to tell him why. A man had no redress. Now they can't discharge us that way."

Throughout the camps this was repeated in varying expressions. "If a superintendent didn't like you, he used to say, 'Down the canyon with you.' Now they can't discharge you without a reason." Or as one Italian put it, after talking enthusiastically about the tearing down of adobe shacks built by Mexican miners and finally purchased by the company, which built attractive houses in their place: "Another t'ing. You have griev'nce. You go to super. Old days he say, 'You no like? Skidoo!'" And the group about him, all employes of many years, joined in chorus: "That's right; he's right."

They told stories, too, as proof of men discharged without warning. And discharge for a miner meant not only the loss of a job but the loss of his home; no

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other is to be had in a mining camp, and the company expects a man's house to be vacant for the next employe. Fundamentally important, therefore, was that feature of the plan for representation which was intended to give the miners assurance that, except for certain offenses clearly specified and posted in a printed list for all to see, no man might be discharged without being given a chance to try again, and that any man would have the right to a hearing by another official of the company if he felt himself unjustly treated by foreman or superintendent.

THE POWER OF DISCHARGE

The overwhelming importance to the workman of the just or unjust use of the power of discharge is not peculiar to the Colorado Fuel and Iron Company, nor have we reason to suppose that even in "the old days" this company was more arbitrary or more thoughtless in this respect than many companies are today in many industries. But the subject is so fundamental to human relations in industry that it deserves emphasis and discussion. It is not too sweeping a generalization to say that the status of the workman is more directly affected by the power of discharge than by any other single factor in industry. Without security in the job, "democracy in industry" becomes a will-o'-the-wisp.

Probably nothing else in the experience of workers is less vividly realized by employers than the influence of insecurity on a workman's happiness, his standard of living, or his freedom to act or to express his views. If workmen are slow to take advantage of opportunities offered through plans for employes' representation, the habitual fear of discharge can be assumed to be at least one of the controlling influences which suppress them.

RESPONSIBILITIES OF MINE OFFICIALS

Salvatore, a carpenter in one of the mines of the Colorado Fuel and Iron Company, wanted to go home to Italy. The company permits a leave of absence of one year to visit the home country. Salvatore asked the manager of the fuel department to promise him that he could have his job back when he returned. The manager had been discussing with a visitor this matter of discharges; he was inclined to think that students of industrial problems exaggerated the workman's anxiety for steady work. So Salvatore, entering the conversation as a living illustration, interested him. "See here, Salvatore," the manager said. "You're a husky young man. You've got a trade—you're a good workman. Why should you ask me to save your job? You could get one anywhere." But Salvatore only smiled. The reason seemed to him too obvious for explanation. "I no go to Italy," he said, "if you no promise me I have my job when I come back." The manager remarked that perhaps students and investigators were right, after all.

The printed plan of employes' representation in the Colorado Fuel and Iron Company contains the following paragraph:

"The right to hire and discharge, the management of the properties, and the direction of the working forces, shall be vested exclusively in the company, and except as expressly restricted, this right shall not be abridged by anything contained herein."¹

By "the company" is meant the officers of the company and their administrative staff.

See footnote, page 73.

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LIMITATIONS ON THE POWER OF DISCHARGE

The right of the administrative officers, or "the company," to discharge is voluntarily limited in two ways. The first limitation is the list of offenses for which alone, the company agrees, a man may be discharged at once without warning by a superintendent; for all other offenses he must be reprovved once, at least, and not discharged unless he repeats his fault. The second limitation on the right to discharge is that a man has the right to be heard and he may ask the elected representative to act for him in bringing his grievance before those who have the power to remedy it.¹

In addition, the whole plan of organization of representatives and joint committees constitutes a check on management, in so far as employes, through their representatives, may give advice to administrative officials in conference with them, and, in turn, the officials have opportunity to explain their views and policies to the employes in these conferences. How this advisory right granted to employes affects their status and the conditions of their work will be shown concretely in later chapters. The purpose here is a definition of the powers of administrative officials, particularly superintendents and foremen, who have the important power of hiring and discharging the workmen whom they direct.

¹ Since our investigation the plan was revised, as already noted, to provide that "the fairness of any action" in discharging an employe "shall be a proper subject for review according to the general provisions" of the plan. See Appendix B, page 431.

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SUPERINTENDENTS AND FOREMEN IN THE REPRESENTATION PLAN

No plan for employes' representation can be developed without changes, gradual or rapid, in the relation of employes to those supervising officials who are closest to the wage-earners—the superintendents and foremen. In the plan adopted by the Colorado Fuel and Iron Company, definite responsibility for administration is placed on them. A grievance is to be discussed first with the foreman or superintendent, and appealed beyond him only if he fails to adjust it satisfactorily.¹ In each camp the superintendent is the agent for the company in the exercise of those responsibilities which are declared in the plan to be "vested exclusively in the company"—"the right to hire and discharge, the management of the properties, and the direction of the working forces." Understanding of the functions of superintendents and foremen, and supervisors of lesser authority in the mines, is essential in a discussion of the plan for representation.

The duties of superintendents and foremen inside the mines have been briefly outlined in Chapter IV, Coal Mining as an Occupation.² In that chapter we have tried to show how the nature of coal mining gives rise to unavoidable grievances, because of the uncertainties of the day-to-day changes in physical conditions encountered as the miner's work-place is advanced along the vein of coal; the effect on the miner's earnings of having to work in a place where rock intervenes in too large quantities;

¹ Company officials state that in practice an employe may take his grievance first to any official, and need not go first to foreman or superintendent.

² See page 41.

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the miner's suspicion that the foreman is responsible for his troubles because he has assigned him to a bad working place in the mine when he had the power to give him a better one; the isolation of the digger who works alone, or with only one or two near enough for conversation, and the effect of this upon his mind as he broods upon his difficulties; and the suspicion of many miners that foremen will capitalize their power by forcing a man to pay for a good place in the mine, or, in more subtle ways, exercising control by autocratic and domineering language.

In none of the coal mines operated by the Colorado Fuel and Iron Company did we hear a single complaint that foremen were selling jobs, though we visited them all. Apparently even the suspicion of this serious evil has been practically eliminated. Nor was there any general complaint that foremen were abusing the men, or ruthlessly discharging them without giving any reason. We heard, of course, plenty of complaints that some foremen still used abusive language, that some were arbitrary and unreasonable, but again, we found no evidence that this was a general and uncontrolled condition, as it was in the old days.

Perhaps the grievance of former days which the men recall with most bitterness is the arbitrary and brutal manner in which foremen and superintendents used to speak to them. One incident was told by a foreign-born miner. "They had a foreman here once," ran his story, "who was very bad. All the time swearing at us and calling us bad names. We had to push uphill big cars full of coal, maybe two or two and a half tons. Sometimes 200 and 300 feet, sometimes 500 feet. One day we hold a meeting, about 25 Austrians, and we go

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to the foreman. We say to him, 'Mr. Joe, you got lots of mules around here. Too hard for us to push full car 200 feet uphill. Why you no give us mule to pull car?' He laughed and say, 'Go to hell. I won't give you mules. Franz Joseph, he got lots of mules for me. If you no like, you know what you can do,' and he walk away. We mad like anything. He call us Austrians mules, but what can we do?"

THE SUPERINTENDENT A COMMUNITY ORGANIZER

The responsibility for directing men in their work the mine superintendent has in common with superintendents in other industries. In addition, in mining he is virtually town manager in those camps which are owned by the company. He is usually a member of the school board, has general oversight of the company store, is influential in the activities of the clubhouse which the Young Men's Christian Association maintains, and is responsible for carrying out all the details of the labor policy of the company. To him representatives are to report first any grievances which the miners ask to have adjusted. The camp marshal, who is the local police officer, reports to him. The superintendent is directly responsible to the general manager of the fuel department. In all questions of policy or standards which must be applicable to all mines of the company, such as wage rates or the length of the working day or types of houses to be built, the superintendent has no power of decision, but he, with the assistance of the foreman, is responsible for the daily interpretation to the miners of a policy or a standard which has been adopted by the company.

EMPLOYEES' REPRESENTATION IN COAL MINES

CHANGES THROUGH EMPLOYEES' REPRESENTATION

The first big change in the relations between superintendents and miners was achieved through limitation on the power of discharge already described. Closely connected with this was the new recognition of the right of workers to deal individually, or through their representatives, with higher officials. Officials of the company say that the men have always had this right, but clearly without organized means of exercising it, it was practically non-existent.

Opening up the channels of communication between employes and higher officials of the company had at once the effect of letting in the light on the practice and policy of superintendents, and from this form of publicity within the company would naturally flow a whole stream of influences. The superintendent, no longer believing that the grievances of miners were small matters which would never become known to his superior officers, gained a new conception of his responsibility for keeping his relations with his men harmonious. A company which adopts a plan of employes' representation cannot afford too many blunders by foremen or superintendents. A mistake which once affected only one employe may soon become common knowledge for all workers when the employes' right of conference on grievances through their representatives is recognized. Therefore, with the introduction of employes' representation, officials of the company gained a new realization of the necessary qualifications of a superintendent. He must be not merely a practical miner¹ and a good

¹ Experience in securing safety in a mine is very important for both superintendents and foremen and cannot be sacrificed to other qualifications. The mines of the company, especially in southern

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business man: he must be a community organizer; he must know how to secure efficiency not by authority conferred upon him by virtue of his office, like the divine right of kings, but by leadership recognized by the men as the result of fair dealing.

THE PROBLEM OF DEVELOPING LOCAL OFFICIALS

Not all the old superintendents could measure up to the new standards of this changed conception of how to get men to mine coal. Some were still trying to get results by authority, and doubtless employes' representation seemed to some of them a mere weak concession to the men, impairing discipline and enfeebling the red-blooded spirit of management.

Many miners who complained of ineffectiveness in the representation plan put the blame for its shortcomings on local executive officials of the company, including superintendents and foremen. "The 'Rockefeller Plan' is all right as it is written," was a frequent statement by miners and their representatives, "but the trouble is that local officials won't live up to it. Read the plan from beginning to end and nothing sounds better. If local officials would live up to it there would be no trouble." Another representative thought that the company ought to open a school where it could train superintendents and foremen in the meaning and spirit of the plan.

A prominent executive official of the company, who Colorado, offer a peculiarly difficult problem in safety. The dry air and inflammable dust are dangerous. This necessity for unusual expert knowledge of how to keep the mines safe has affected the choice of superintendents and of foremen. A foreman, according to the state mining law, as already explained, must always have had experience inside a mine, but a superintendent may have gained his experience in other ways.

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has played a conspicuous part in establishing and assisting to administer the plan, admitted that there was ground for the contention. Its success, he stated, depended entirely on the fairness of the management. The president of the company is the administrator of the plan, with local officials acting for him. He also regretted that some of the superintendents were not of the type that makes for the best administration of employees' representation. They were brought up in the old school. If a man expressed a grievance, the thing to do was to give him his "time." Some of the superintendents, moreover, had been heavy drinkers. This was a problem when the present management of the company came into office. This condition has been eliminated. Considerable progress in other ways had been made with superintendents, this official stated. They are not so arbitrary as they used to be, and will listen to grievances. Moreover, a number of new superintendents, with more modern ideas, have displaced old ones.

Systematic training of superintendents and foremen had not been undertaken by the company, although the possibility of courses for them was under consideration in 1921, and steps are being taken toward that end as this book goes to press in 1924. The president pointed out that the general manager of the fuel department had practically conducted a school, since he took every opportunity in his visits to the camps and in monthly meetings with superintendents to interest and instruct them in the purposes of the company in the representation plan. Young men in the company are watched and trained for future vacancies. Sometimes an ambitious man will not accept a position as superintendent because

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of the comparative isolation of a camp and the lack of congenial environment for his wife or opportunities for his children. A superintendent's wife, it should be stated, is an important influence in determining his success in a camp.

Superintendents, in talking with us, convinced us that they were impressed with the fact that the company insists upon the miners' being given a square deal. "The management is protecting the miners better than it protects its superintendents and foremen," declared one superintendent. "The representation plan has lessened the authority of superintendents and foremen. It is pretty hard to discharge a miner now unless a superintendent has a very good reason. Rules, for the violation of which an employe may be discharged, are written and posted. We must limit ourselves to them."

Several said that they knew that the management wanted the fair thing done by the men. They, therefore, made every effort to keep grievances from arising, and when these did arise settled them locally. They did not want grievances taken over their heads to higher officials of the company.

The subject is not exhausted by showing that the superintendent is, himself, a problem in employes' representation. It is necessary to add that he, also, has a problem. A plan of employes' representation cannot be introduced by order in a finished form. Any change in human relations in an industrial establishment must be regarded as a living, growing spirit. The place of the superintendent must be thoughtfully developed. He will continue to be responsible for production. In the past he has often been almost solely responsible for relations with the employes. The first

EMPLOYEES' REPRESENTATION IN COAL MINES

tendency in developing a new plan of relationships is to curtail his authority in theory, if not in practice.

In the Colorado Fuel and Iron Company both the written statement of the plan and the practice of the officials have given the superintendent a definite place by making him, in effect, the local administrator of employes' representation. Grievances are to be dealt with first by him. He is to be kept informed of all the dealings of higher officials with the miners. "The superintendents should never be ignorant of what we have said to the workers or of the policies which we have expressed to them," said the president in discussing the relation of superintendents to the plan. "It should never be possible for a miner to say to a superintendent, 'Officers of the company have said so and so to us,' unless the superintendent had also been informed by the officers."

DANGERS IN SUPERINTENDENTS' AUTHORITY

Evidently, however, the danger of thus safeguarding the authority of the superintendent is that the practice will gradually introduce the old condition of autocratic power. While officers of the company visit each camp more or less frequently, they are not present all the time as is the superintendent.¹ He is the real administrator of the policy of the company.² Each superin-

¹ Even after the introduction of the representation plan no superintendent was required to keep a record of grievances dealt with by him either through the representatives or directly with the men. Only one superintendent had ever recorded any of these complaints. Grievances when appealed came to the notice of higher officials, but there was no other check on the practice of superintendents. In 1921 the general manager of the fuel department was planning to have such a record kept in every camp.

² See pages 154 and 155 for cases in which the president's industrial representatives have overruled superintendents and foremen in accordance with the plan for employes' representation.

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tendent is likely to put a different interpretation upon a policy. Inside the mine and in the community he has large responsibilities, and he cannot always withhold decisions for the advice of his distant superiors in authority. The isolation of a mining community, and the fact that mining is the only industry in it in which a man can earn a living are likely to give great power to a superintendent; while the constant danger of accident makes rigid discipline necessary for the very life of the miners, and this, also, makes for concentration of power in the local managers.

In a situation like this the idea of employes' representation is more important than in most industries.

PART IV
THE PLAN IN PRACTICE

CHAPTER VIII

THE WORK OF COMMITTEES

THE bitterness of the 1913 strike is probably the one outstanding fact which the public in the East still associates with the name of the Colorado Fuel and Iron Company. Probably few know that long before 1913 the company had been a pioneer in certain forms of welfare work for employes. The present chief surgeon, Dr. R. W. Corwin, went to Colorado in 1881 and took charge of the welfare activities, which were called "sociological work," for the old Colorado Fuel and Iron Company. The point of approach was medical, but added to the medical service of the hospital and the physician was an interest in the schools, including education for adults through lectures and libraries.¹

Paying tribute to President Kebler in 1904 in *Camp and Plant*, which was then the bulletin of the company, Dr. Corwin described its welfare activities. He did not add that he himself was primarily responsible for carrying them on, though they could not have been undertaken without the backing of Mr. Kebler.

"In the Medical and Sociological Departments of the Colorado Fuel and Iron Company," he wrote,

¹ The unit plan for school buildings which Dr. Corwin has been advocating in Colorado was designed not only for the convenience of the children, but was adapted, through its central assembly room, as a social center for working men in the evening.—The Modern Model School House on the Unit Plan, by R. W. Corwin, M.D., third edition, 1913, p. 10.

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"Mr. Kebler always took the keenest interest. . . . To this end it was his desire that the Minnequa Hospital should be the best equipped in the land, and the camp schools and kindergartens equal to the most improved institutions in our country. These are his monuments.

" . . . I always found him a close student of employes' welfare institutions; especially in Germany and France, where such institutions have received much attention."

Thus we find, antedating the Industrial Representation Plan, the medical service and the interest in the camp schools which have since become subjects of committee activities, with the employes now sharing in them. These committees, as already outlined, have an advisory relation to: (1) Sanitation, health, and housing; (2) safety and accidents; (3) recreation and education.² It will be recalled that the membership of each committee is composed of three men elected by the employes' representatives, and three appointed by the president of the company. As has been noted, each district has its own committees, but the same men usually serve as the company's representatives in all districts. The employes' representatives serve only in their own district.

We have already spoken of the high standards maintained by this company in living conditions in its camps. Not since 1910 has the company found it necessary to employ labor agents to recruit men for their mines or to

¹ *Camp and Plant*, April 23, 1904, p. 362. Published by the Sociological Department of the Colorado Fuel and Iron Company.

² The fourth joint committee established in the representation plan, as already outlined, is the Joint Committee on Industrial Co-operation and Conciliation, whose work will be considered in the discussion of grievances.

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pay railroad transportation to the camps, as is the practice of many coal companies. In some years the outlay for housing, including a considerable item for repairs, has exceeded the income from rents. The deficit, however, is probably no greater than the outlay of companies of equal size who must continually seek new employes to take the places of those who leave in discontent. The miners appreciate these living conditions, and more than one told us that they constituted one of the chief reasons why they prefer to work for the Colorado Fuel and Iron Company.

An official in the State Department of Education told us that the company was far ahead of any other coal operator in the state in school equipment and teaching staff; it is willing to tax itself an adequate rate for educational purposes in the communities which it owns. As to working conditions, the chief coal mine inspector of Colorado, James Dalrymple, testified before the Colorado State Industrial Commission in 1917 that his office had "less trouble with the Colorado Fuel and Iron mines than any mines," and "the fact that we have had less trouble, and have had our recommendations carried out promptly, would leave the inference that their mines are in better condition than other mines."¹

HOUSING

A mining camp may be a place of beauty, but usually it has been otherwise. In the clear sunny atmosphere of Colorado, with majestic mountain ranges visible for

¹ Hearings before the Colorado State Industrial Commission, in the matter of the United Mine Workers of America, District 15, Colorado Fuel and Iron Company Employees vs. Colorado Fuel and Iron Company, p. 28. Typewritten record. Also printed in Findings and Award in this case, pp. 19, 20.

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long distances, and picturesque hills and canyons, no difficult planning is required to create an attractive community for the miners' homes. Mining companies in the past, however, and not a few in the present, in Colorado and in other mining regions, have given scanty attention even to the elementary standards of sanitary housing. Ideas of town planning, with an eye to civic beauty, have had no weight with them. The life of the camp may be brief, and investment in the town is unlikely to yield a lasting return. In contrast, the pleasing aspect of many of the camps of the Colorado Fuel and Iron Company is a demonstration, more than ordinarily significant, of the ambition of the company to provide homes, and not mere "housing," for the miners.

Picture one of them in southern Colorado. It is situated on a hill. Before you climb to the top you are impressed by the freshness and soft color of the paint on the roofs, which appear through the foliage of evergreens, and you notice that the spruces and pinyons, low, scrubby, but thick-branched evergreens, have been retained in building the camp. Only in recent years have builders of mining camps thought of retaining the trees already found on the site, or of planting new ones. From the top of a distant hill, the trees and the cottage type of house give this camp the appearance of an attractive summer resort in the Colorado hills.

On entering the main road, you notice first a bandstand, neat, well-kept, freshly painted in gray, in the center of a "village green." On one side of the green is a Young Men's Christian Association building, or miner's club, a two-story concrete building with a graceful, almost classical approach. On the other side is a schoolhouse, also of gray concrete. Beyond the school is the

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miners' bath-house. Before long you notice a symmetrical relationship between the band-stand, the "Y" clubhouse, the school, and the bath-house, and you exclaim, "A civic center in a mining camp!"

In the distance, among pinyons and spruces, and apart from the main camp, a two-story boarding house has been dignified by being called a "hotel." It is a small thing, perhaps, to call the house where the bachelor miners live a hotel instead of a boarding house, but the psychological value of the name is unmistakable. It appeals to one's pride and dignity.

From the civic center you look down the main street of the camp. It has sidewalks and is a street in the real sense of the word, well graded, with a layer of cinders placed on the softer adobe. New concrete houses, and some old frame ones that have been remodeled, line it on either side. Their design is uniform. Each is a separate cottage of four or five rooms, with a small front porch. One might wish that the architecture of the houses had been varied, but a visitor cannot but admire the neat and comfortable appearance of the homes, the trim wire fence around each plot of ground, and the graceful gates. All the houses have lawns in front and gardens in the rear. In one part of the camp stand three community garages, long, gray stone structures where the miners keep their cars. Further down the hill is an outdoor swimming pool. Altogether this group of buildings affords a pleasant picture of a substantial community living up to American standards of comfort, cleanliness, and even of beauty.

To have attained these standards has been a gradual growth to which great impetus was given by the change in policy stimulated by Mr. Rockefeller and Mr. King,

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with the introduction of the Industrial Representation Plan in 1915. Before that year, although many of the houses had been built which now appear so attractive, and the spruce trees native to the place had been permitted to remain, the care of the housing was not provided for as it was after 1915. The superintendent in each camp was responsible for its upkeep, with no continuing central supervision and hence no uniform policy. In earlier days there had been no fences, no yards, and therefore no scope for the pride of each miner's family in the care of its own plot of ground.

The most important change made in the housing policy in 1915 was the appointment of a superintendent of housing, to supervise the construction and care of the houses and other buildings in all the camps. His first task was to inspect all the properties of the company, and upon the results of this inspection he based his future action. Excepting Starkville, the camps in Fremont County, and part of Sopris, the company owns the entire site of the camps and all of the buildings. Control of design, arrangement, and care could, therefore, be easily centralized. The centralized administration of housing was not only important as a plan of organization, but it reflected a new policy and a new interest by company officials and by stockholders in the living conditions of the miners. They were willing to spend money to increase the comfort of living in the camps.

A good illustration of their change of attitude is the building of bath-houses. The first bath-house on the properties of the company was built at Morley in 1908, seven years before the adoption of the representation plan. The money for it was secured by the general manager of the fuel department as a result of saving in

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connection with some other camp expenses. He was eager to build a bath-house because he had brought with him to Colorado from New Mexico the memory of his own hardships in living in a camp which had no wash-house for the miners. He had worked as a miner there and lived in a house of four rooms with no bathroom. The difficulties of getting a bath—a necessity after the day's work in a mine—in a small house with a kitchen stove as the only place for heating water, while a hard-working and discouraged wife tried to prepare the dinner and keep the house clean, can easily be imagined. When he became general manager of a large company and had a small margin of money to spend, he built a bath-house at Morley mine.

Nevertheless, he was not able to convince his superior officials, especially the chairman of the board of directors, who appears to have thought a job and his wages were all that a miner should expect of a corporation. No more bath-houses were built in any other camps of the company until, with Mr. Rockefeller's coming in 1915, the company made it a definite part of its policy to authorize expenditures for greater comfort in the camps. To the miner's wife who wants to keep her home clean and in order, the wash-house is quite as great a boon as it is convenient and healthful for the miner.¹

To this greater care by the company the tenants responded. At the annual meeting of representatives

¹ The iron mine at Sunrise, Wyoming, was not included in our investigation, but the company's efforts to provide comforts there are noteworthy. No water is available for either domestic purposes or irrigation. It is brought in tank cars from a point six miles off, and its use is permitted not only for households but for bath-houses and for small lawns and gardens of the miners' homes.

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in 1921 the Joint Committee on Sanitation, Health, and Housing of the Trinidad District made this comment:

"The committee has noted that in those camps where the management has kept the streets and alleys clean; ash cans emptied; leaky hydrants repaired; and maintained good surface drainage—THERE will be found the best kept lawns, the best gardens, the cleanest back yards, and the cleanest front porches."¹

In some camps, in the early days of the company, ground was leased to the miners and the Mexicans put up adobe shacks, which were hastily constructed huts of railroad ties and adobe mud. Vestiges of these can still be seen in many parts of Colorado, but the Colorado Fuel and Iron Company began, ten or fifteen years ago, to purchase those on its properties and to build new houses in their places, and the last of them had been thus replaced by 1921.

As camps were acquired from other companies changes had to be made to bring housing up to the standard adopted by the company. For example, when the mine at Toller was acquired in 1916, the superintendent of housing made a thorough canvass. The miners' wives in that camp had had no easy life. No water whatever was pumped into the houses and it all had to be carried from a long distance down the canyon. The superintendent of housing, Mr. Risher, and the chairman of the Committee on Recreation and Education, went from house to house to find out what was needed. A mass meeting was called in the evening to discuss what the tenants wanted in improvements in the houses. Water was piped to the camp. As in the other

¹ *Industrial Bulletin*, January 21, 1921, p. 12.—Colorado Fuel and Iron Company.

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camp, a hydrant was located in each yard, near the back porch. Porches were added, the yards cleaned up, rooms calcimined, and fences built.

A house of four rooms had been the recent standard type at the time of our inquiry in 1920. In earlier days, houses were built with three and sometimes two rooms. The four-room house cost, in 1919, about \$1,175. At that time some houses of five rooms had been built as an experiment, and a few of six rooms had been designed.

A uniform rent of \$2.00 a month per room was charged and had remained unchanged, but additions to this basic charge were made as improvements were added. A change in standards has been noteworthy, and the miners' families are demanding more comfort in housing and are willing to pay for it. First, closets were added to the rooms, with no extra rent. For a sink in the kitchen, \$2.00 a month more was charged, and for a bathroom \$3.00. In 1921 cellars were being constructed for the houses in several camps, and a dollar a month was to be added to the rent of these houses. The company was paying a rate of a dollar and a quarter per cubic foot to the miners who wished to dig their own cellars on days when the mine was idle.

With these facilities, a man could rent a house of four rooms for \$14 a month.¹ For electric lights in the houses a charge of 25 cents a month was made for each outlet, with a porch light free as it lighted the roadway. With the cellars finished, screened porches were to be the next improvement. The windows and doors were already screened. To add to the comfort of the camp, garages,

¹ In a camp like Walsen, where an adjoining town is near enough to enable some of the miners to live in it, a comparison of rents is possible. We were told by the miners that the rents in the camp were distinctly lower than for similar housing in the town.

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wash-houses, and Young Men's Christian Association clubhouses have been built on all the properties which are owned by the company. A new design of sanitary toilet, a coal shed, and—during the war to encourage contributions to the nation's food supply—a chicken house, with fence and yard, were supplied without additions to rent.¹

Crowding has been lessened, as is shown in a tabular statement of the average number of occupants in houses of various sizes in August, 1920, as compared with August, 1916. In the four-room houses the average number living in each house had decreased in 1920 in every camp except Morley and Coal Creek. Only at Morley was the average occupancy of a house of four rooms as high as five persons, while at Frederick, Segundo, Cameron, Lester, and Walsen it was less than four. In the houses of three rooms more serious crowding was shown. In only two camps, Rouse and Walsen, was the average occupancy of three rooms less than three persons, while at Berwind and Tabasco it was more than five, and the congestion was greater in 1920 than in 1916 in this type of house at Berwind, Tabasco, Cameron, Lester, and Fremont. It seemed to be the general testimony, however, that higher wages had created a demand for larger houses and more of them, since families were less willing to take lodgers.

The response of the miners' families to higher standards of care of the camp, and of each house in it, has been stimulated by the award of prizes, amounting to between two and three thousand dollars a year, for the

¹ The charge for a stall in a garage is a dollar and a half a month with light, and one dollar without it. For a hanger in the wash house, the charge is 50 cents a month; the men provide soap and towels. The locker has been abolished, as the hanger, which can be drawn to the ceiling, has been found to be much more satisfactory.

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best garden in each camp and for the most attractive camp in the company's property. The miners are proud of the attractiveness of their homes when the vines, the flowers, and the vegetables in the gardens are growing luxuriantly. The award of prizes—of \$10, \$7.50, \$5.00 and \$2.50—for the best garden in each of four classes is one of the functions of the Joint Committee on Sanitation, Health and Housing.

In general, the committee, acting in an advisory capacity to the superintendent of housing, is charged with oversight of all matters relating to housing, health and sanitation, including the houses of miners, the maintenance of the Young Men's Christian Association building, and the care of other buildings for common use, like garages or wash-houses; the care of the streets, the planting of trees, and the disposal of garbage. Its activities in relation to medical service can best be discussed in that connection. Our immediate concern here is with the relation of the men to housing, since we are studying employes' representation, and not primarily conditions of living which the company might have improved without consulting employes. Are they sharing in this function of mine management?

The district committee which, of course, includes employes, accompanies the superintendent of housing in his tour of inspection in its district three or four times a year.¹ This seems to have been the principal activity of the committee. The journey of inspection gives an opportunity for the miners' representatives to make suggestions to the superintendent of housing, and he in turn

¹ The revised plan provides that "at the coal mines a local employes' representative shall accompany the committee on inspection trips." This applies to all of the joint committees when making inspections. See Appendix B, page 429.

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finds them helpful in gaining the co-operation of the tenants. The committee, however, has no executive function, and no power of decision. It may be a purveyor of complaints or suggestions, or its membership may be quite inactive. Nor is it given the primary responsibility for making or receiving suggestions or complaints relating to housing. Housing may be discussed at the annual meeting, at a district conference, or by the Joint Committee on Industrial Co-operation and Conciliation. The president's industrial representative may be asked to deal with complaints about it when he visits a camp, or employes' representatives, not members of the committee, may be called upon to report for a fellow-employee.

As an illustration of the way company officials consult employes we were told in 1921 about the problem which had arisen at Walsen when some miners had put sinks in their kitchens at their own expense. Others wanted them. Should the company supply them, charging thereby an addition to rent? If no additional rent were charged, when the company installed a sink, would it not be an injustice to the men who had paid for their own sinks? It was not a matter that the superintendent of the mine could settle, for it would establish a precedent for other camps. Therefore, the superintendent sent for the president's chief industrial representative. He called a meeting of miners. The final decision was that the company would pay the cost to the men who had put them in, would install them for others desiring them, and would add \$2.00 a month to the rent of each house having a sink. The desirability of having a form of organization to make possible full discussion of a detail of this kind is evident.

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The reports of the president's industrial representative show that not a few of the requests made to him on his tour through the camps have related to living conditions. In the camp at Pictou, recently acquired by the company, housing conditions had been a constant source of complaint. "The representatives stated," the report reads, "that there was a general complaint in regard to house lighting. Some of the houses are lighted by electricity, but they are scattered over the camp. There is some complaint in regard to the condition of the houses and nothing at present is being done to better the conditions."¹ The company's superintendent of housing is asked to inspect and to remedy these conditions. After a later visit the report reads that the women appreciate the improvements. In November, 1916, the president's industrial representative made a special visit to a mine because the wife of an Italian miner complained about the delay in having an additional room built in her dwelling. The material was ordered. In another mine the chief cause of complaint during 1919 seemed to be the quality of the water supplied for domestic use. New wells were sunk and a pumping system established to provide an adequate supply.

Some aspect of living conditions is occasionally brought before a district committee on conciliation and co-operation as a grievance for adjustment. Sometimes complaints are registered against the food served in a boarding house. Thus, in one of the district conferences in the Trinidad District, held in 1918, the division superintendent reported these complaints: "I am a little bit

¹ Report of the President's Industrial Representative, on Pictou mine, June 1, 1918.

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surprised that none of the representatives know anything about this," he declared. "I want to say that I have eaten meals at that boarding house pretty often, and I get better grub there than I get at home sometimes. I do not believe that there is any room at all for anyone to complain about the boarding houses in the camp."

The price at which coal is sold to employes is at times a subject for discussion. At one of the meetings of the Joint Committee on Co-operation and Conciliation in 1918, for the Canon District, it was decided through the suggestion of a miners' representative to investigate the price of coal to local consumers at the three properties in Fremont County. As a result of this investigation the price was reduced to meet the rules of the Fuel Administration. Widows of former employes, and miners who had become incapacitated for work, were given the same reduction as present employes. These rules were made effective throughout all of the districts. Complaints are also registered occasionally against the prices charged in the company stores; investigation and explanation or adjustment by the management follow.

Employes have also been consulted before a new design of house is accepted, especially when the company is in doubt as to whether the employes are likely to be willing to pay the higher rent for a larger, more expensively constructed dwelling. At the district conference in Trinidad in 1918 the president requested the chairman of the Advisory Board of Social and Industrial Betterment¹ to ask the advice and help of the employes' representatives in deciding whether houses should be built with more than four rooms.

¹ This board was abolished prior to 1921, as already explained.

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"I wish that you men on the committees," he said, "and representatives of the employes would talk this matter over among the employes and get an idea whether there are men in your camps, and how many of them there are, who would like to have larger houses, so that when the time comes for us to extend our building program we would know what proportion of the number wanted are to be larger houses.

" . . . The four-room houses will include bathroom, toilet, screened back porch, front porch, and cellar. Of course, these will demand a higher rent than the men ordinarily pay for their four-room houses. The amount of the rent will be determined from the cost of the houses; we do not know how much that will be. My guess . . . would be, not less than \$12.50 a month. . . . We are also planning five-room houses. . . . If you will think this matter over and talk it over with your men and your superintendent so that we can arrive at about how many of these houses will be wanted in your community, then we will have a basis upon which to work."¹

Unquestionably, housing is a large section of the "zone of agreement," in which co-operation between managers and employes in planning has yielded satisfaction to both sides.

HEALTH AND MEDICAL SERVICE

The same committee which has housing conditions within its jurisdiction has, also, oversight of the conduct of dispensaries, and the service rendered by the Minnequa Hospital and by camp physicians. The hospital is located at Pueblo, and in it are the headquarters of the chief surgeon, Dr. Corwin. Physicians whose salaries

¹ Minutes of the Trinidad District Conference, held at Starkville, September 27, 1918. Remarks of M. J. Stickel.

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are paid by the company from funds to which employes contribute are assigned to the various camps and live in or near them. Buildings especially designed for dispensaries have been erected in some camps. A few visiting nurses have been employed, but the growth of this work was checked by the difficulty of securing nurses during the war when they were so urgently needed abroad.

The policy of the company in its medical department, and the relation of employes to it, are defined in a printed pamphlet entitled, "Information, Rules, and Instructions Regarding Physical Examination of Applicants for Employment," and in the Industrial Representation Plan.¹ Employes' representatives are given a voice in the selection of camp physicians and this right has actually been exercised. As has been shown, the services of an unsatisfactory physician have been discontinued on complaint of employes' representatives, and the qualifications of his successor passed upon, also, by them.

The "Information, Rules and Instructions" for the "Medical Department—Minnequa Hospital" are printed with place and date designated as "Pueblo, Colo., August, 1881," an interesting bit of evidence that the medical work begun by Dr. Corwin in that year preceded by eleven years the incorporation of the present company. The rules have been revised from time

¹ The plan contains the following paragraphs (Section IV, par. 9):

"In camps where arrangements for doctors and hospitals have already been made and are satisfactory, such arrangements shall continue.

"In making any new arrangement for a doctor, the employes' representatives in the camps concerned, the president's executive assistant, and the chief medical officer shall select a doctor, and enter into an agreement with him which shall be signed by all four parties." See Appendix A, page 414.

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to time. The following paragraphs, addressed "To all employes," are quoted from the issue of May, 1920.

"The Medical Department is maintained and its activities are directed to protect *you* from sickness and disease, and to cure you when preventive measures fail, as well as to relieve you and to assist your recovery in case of injury.

"The expenses of the Medical Department are paid from a *fund* which is credited with the *dues* which *you* pay and with the *fees* paid by *hospital patients*. The company does not charge any rent or interest on the Medical Department properties which it owns and it pays for the treatment of cases which come under the Workmen's Compensation Law.

"No earnings or profits are drawn from the Medical Department *fund* by the company, the entire amount being used for expenses and maintenance and for treatment, care and service for *your* benefit, or held for that purpose."¹

The medical charge to each employe is \$1.50 per month, which is deducted from earnings. It entitles him to medical and surgical treatment and to hospital care and service for sickness or injury, without further payment. Employes who work or live where the medical department does not maintain a local surgeon are not required to pay the monthly charge unless they choose to pay the dues in order to be entitled to hospital service. Members of the families or dependents of the employes in the camps "who live with them and are supported by them"—although not entitled to hospital treatment—have the right to medical and surgical

¹ Medical Department, Minnequa Hospital. Information, Rules and Instructions Regarding Physical Examination of Applicants for Employment, revised to May, 1920, p. 3.—Colorado Fuel and Iron Company.

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treatment by the local surgeon at his office or at their homes if they live not further than two miles away.

If an injury occurs in the course of employment, the company is financially responsible for the injured workman's care in accordance with the Colorado Workmen's Compensation Law. The company pays the cost of medical and hospital service up to the maximum amount of money or period of time required by the law. This amount, like the monthly medical payments of employes, is credited to the hospital fund. If the injured man should stay longer in the hospital, he is cared for without charge to him as though he had entered for a cause other than an occupational injury, with his expenses provided through employes' monthly payments. Special rates are made for the families and dependents of employes. Officers of the company making use of the hospital are charged the unit cost for meals. When beds are vacant, patients not connected with the company are admitted and charged the full cost. All these payments are credited to the "Hospital Fund." The company makes no charge upon the fund for general administration or for interest on its investment of \$400,000 in the hospital.

The monthly medical charge to employes, which was formerly \$1.00, was increased in 1920 to \$1.50. The minutes of the Trinidad District Conference held at Sopris on January 16, 1920, show that President Welborn then explained to the employes' representatives the need for the increase:

"The salaries paid hospital doctors, and expenses that have entered into the operation of hospitals and [are] needed by the local doctors, have increased at least as much as, or much more than, the increase in

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the cost of living. The result is that it is costing us considerably more to operate the hospital department than ever before, and much more than the income derived therefrom. Over a long term of years there has been a small surplus accumulated, but this has been used up within the last two years. In addition to the \$1.00 per month which the employes pay to that hospital fund, the company pays into the fund the amount that the workmen's compensation law requires. . . . The company paid something like \$50,000 into that fund last year. I do not think that the charge of \$1.50 per month will quite meet the requirements, but we have in mind to change the rate from \$1.00 to \$1.50 per month. I wanted to tell you about it. The matter has been taken up with the steel departments at Pueblo and the representatives said they felt sure the employes would be quite willing to pay the increased amount for the service they are getting."

The minutes do not record a vote on this subject at that conference, but the incident illustrates the procedure of the president in bringing the question before the employes' representatives and explaining the facts before announcing a decision.

In all the camps we found employes well satisfied with the medical service. "I have nothing against Minnequa Hospital," said a representative who was a motor driver in one of the mines. He was one of a group whose conference with us revealed many causes of discontent, but the hospital and the medical care were not among them. "I will say it is a good place," he added. "I have been there and I don't mind giving my money to it."

The hospital, indeed, appears to a visitor to be a "good place." Of its medical equipment a lay visitor is not qualified to speak, though it is said that United

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States army surgeons have ranked it as second in equipment and maintenance of all hospitals west of the Mississippi River. What interests the lay visitor is the careful thought and ingenuity exercised for the comfort and pleasure of patients. Not a stair is there to be climbed anywhere in the building. Dr. Corwin's ingenious thoughtfulness has substituted the "incline," which causes no strain for the tired or crippled backs or legs of convalescents.¹

Complaints, of course, there have been, and for these the machinery of the representation plan has been useful. The activities of a special committee of the steel workers, appointed at their suggestion to investigate the hospital, will be discussed in the report on the Minnequa Steel Works. In the reports of the president's industrial representative and the minutes of conferences appear a number of complaints relating to the service of camp physicians. In one the president's industrial representative recommended that the physician be transferred; in others, misunderstandings arose which the representatives attempted to adjust.

EMPLOYEES' OBJECTIONS TO PHYSICAL EXAMINATION

The most serious complaint relating to the medical service was the objection of a number of miners to the

¹ "If the good Creator intended man to climb stairs," wrote Dr. Corwin in 1911, "He would have put steps in the rocks and left the inclines out of the fields and mountains."—*Sanitary and Sociological Bulletin*, November, 1911, p. 1. Colorado Fuel and Iron Company.

His inventiveness has given the patients also the comfort of specially devised window curtains, to regulate the light, and the pleasure of looking at pictures on the bedroom walls, and curios on shelves along the hallways, including numerous helmets, sign-boards and other relics brought back by Dr. Corwin from the battlefields of Europe. He had gone there to study the new discoveries of surgery in the experience of the war, that he might use the knowledge in his work in Colorado.

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requirement that a new employe should pass a physical examination. Beginning in 1912, each applicant for employment has been required to "sign an application and record card and to pass a physical examination, by a company surgeon, before he will be recorded as an employe. The physical examination will be made, without expense to the applicant, by a company surgeon."¹ The rules specify that an applicant will be disqualified for employment if he is found to have certain specified physical disabilities, including, for instance, the loss of an eye, a hand, or a foot, tuberculosis, heart disease, "or any defect which would make it impossible for him to render regular and efficient service."²

The objections of some of the men who complained to us of this provision were based upon their suspicion that the physical examination is used at times to refuse employment to men who may be active in the trade union. These men could not offer any concrete evidence and probably their suspicions are significant only as showing a state of mind among those who believe that the company is opposed to their activities in the trade union.

One representative, in whom the company officials have full confidence, told us that if the company had a plan for sickness insurance it would be all right to have a physical examination, but that it should not be required otherwise, and if it were required at least men should be allowed to choose their own doctor. The men in the same group with him cited the experience of one man who was rejected by the company doctor and

¹ Medical Department, Minnequa Hospital. Information, Rules and Instructions Regarding Physical Examination of Applicants for Employment, revised to May, 1920, p. 3.—Colorado Fuel and Iron Company.

² *Ibid.*, p. 5.

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afterward accepted for the Army. They said that the representatives had no control over the physical examination preceding employment, as their function is limited to the complaints or conditions affecting those already employed.

In another camp we were simply told that "the men do not like the physical examination." Their idea was that, "You have got to work even if you are sick," and the men in this group of representatives could not be dissuaded from their conviction that physical examination keeps men out of work if their illness is only temporary, when otherwise they might get work.

The company officials state that the physical examination has been made necessary by the workmen's compensation law. Occasionally, however, a superintendent may hire a man who has been rejected by the physician, or the physical defect may be remedied by an operation or treatment. This frequently happens when the trouble is hernia. The man may be at once employed and treatment provided later.

We asked whether the Industrial Representation Plan has any relation to physical examination; for instance, is there any provision for giving the men some control over the rejection of applicants, so as to allay the suspicion of those who believe that men may be rejected for other than physical reasons? The reply to us was that the employes have control over the medical service in that the chief surgeon confers with the employes' representatives before appointing a camp physician, and, as has been noted, he may be removed on complaint of men in the camp.

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SAFETY AND ACCIDENTS

In 1910 a number of disastrous explosions occurred in Colorado mines, some of them the property of the Colorado Fuel and Iron Company. These accidents led to a determination to make the mines safer. The company employs a chief mine inspector, who formerly worked in the mines and who is an expert in safety. The dry air, especially in the southern mines, creates a safety problem which is very serious.

With the introduction of the Industrial Representation Plan a joint committee of officials and employes was associated with the chief mine inspector. With him they inspect the mines in their district three times a year. They look at the air courses, the main haulage way, the pumps, the working faces, and all the machinery. Recommendations are made at once to the superintendent, and a report sent by the secretary to the Denver office. The policy is to keep the standards as high as possible and to maintain them ahead of the legal requirements made by the state.

According to the chief mine inspector, the employes' representatives on the committee have been useful in urging recommendations upon the superintendent. Apparently, however, it is the condition of the mine, rather than the training of men to be careful, which is the primary concern of the committee. We visited one camp the day after the district committee had been there and noticed that although a report of the state mine inspector on conditions in this mine was posted on the bulletin board, no record appeared of the report of the employes' own committee. We were told that no reports of this kind were made to the employes in the

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camp at the conclusion of an inspection. The result is that the men do not know what their representatives on the committee are doing to prevent accidents. On the other hand, the representatives are given a liberal education in the opportunity to go with the chief mine inspector while he examines a mine.

In our discussion with the officers of the company concerning the lack of participation by the miners in preventing accidents, the general manager of the fuel department (then Mr. Weitzel) explained that the company had intended at one time to organize a safety committee at each mine, but "some way or other we fell down on our scheme on that line." The question of authority was one difficulty, since, as has been explained, the mine foreman is held legally responsible for safety in the mine, and a committeeman without a state's certificate might be accused of giving directions without authority. To overcome this difficulty badges were printed, headed "Safety Committee," and employes were asked to elect the safety committees themselves without having the management take any part in it. The plan was to have the committees report to the foreman any evidences of carelessness by employes in the mines. The committee was to meet at stated times and make recommendations in writing to the superintendent, to be held by him if desirable for consideration of the Joint Committee on Safety and Accidents on their next visit. Mr. Weitzel added, "It was really left to the employes to carry the thing through, and I don't think they have done it."

The safety work relates to mine management, while the other committees which we have been discussing deal more directly with community life. In the safety

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committee we have an example of possible participation by employes in determining conditions affecting production. Closely related to this subject, therefore, would be the work of the committees on production, appointed during the war. These were not joint committees. They were composed entirely of employes, and it is said that their work was very successful in securing the co-operation of the men for increased production. These committees were discontinued after the war.

EDUCATION AND RECREATION

The issue of *Camp and Plant*, the former weekly bulletin of the old Sociological Department, for December 26, 1903, was a "Camp School Number." It opened with these sentences:

"Education has been the keynote of all of the work done by the Colorado Fuel and Iron Company through its Sociological Department . . . the principle constantly kept in mind being that no innovations or improvements can be made with any security of ultimate success or permanence unless they are made with the co-operation and as a result of the earnest desire of those who are most affected. . . . The work done in co-operation with the schools in the several camps has been by far the most important and has consumed by far the largest proportion of the very considerable sums which the Colorado Fuel and Iron Company has spent for the betterment of its men."

Then, as at present, the conduct of the schools was in the hands of state and county school authorities. Even in camps where the property is owned by the company and where it pays 90 per cent or more of the taxes, it is the local school board and not the company which is

EMPLOYEES' REPRESENTATION IN COAL MINES

responsible for such undertakings as the erection of a school building. Often the company has purchased the bonds issued for a building, not always with the hope of repayment, and has supplied the force of men for erecting it if no contractor was available.

The interest of Julian A. Kebler, the first president of the company, in the schools and kindergartens—an interest reinforced by that of Mrs. Kebler—has been mentioned. We made no attempt to study the history or the organization of the schools, as our immediate concern was with the present activities of the employe members of the Joint Committee on Recreation and Education. The head of the educational work, who formerly was a mine clerk in one of the company's camps and had been successful in conducting the Sunday school there, was appointed in February, 1915, several months before the inauguration of the Industrial Representation Plan. His first interest, he has said, was in the children. One of his aims was to bring about closer cooperation between the schools and the religious instruction in the camps. While he was developing his plans, Mr. King came to Colorado and discussed with him the educational work as a part of the plan for industrial representation which was then being considered.

When the plan was adopted, a Joint Committee on Recreation and Education was appointed in each district, composed of three officials and three miners. Their procedure, like that of the other committees, was to make inspections three or four times a year in their districts, inquiring into the schools, classes for adults, lectures, and entertainments. Gradually, the program has developed to the point of regarding the public school as the center of the educational work of the camp.

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The essential task of the committee, therefore, is to win the co-operation of the local school board. The board is locally elected and, naturally, the superintendent of the camp and other employes of the mine are often members.

Through co-operation of the local school boards, backed by the willingness of the company to be generously taxed for school purposes, improvements have been made in school buildings and furnishings, and in equipment for playgrounds; junior high schools have been established; the teaching of domestic science and manual training¹ has been encouraged, and as evidence that the relation of the school to the parent is not forgotten, mothers are invited to receptions for which their children cook and serve the refreshments. The "all-year" school has been promoted, and in the summer of 1920 five schools were giving supervision to the children in "formal studies," in nature study, folk dances and games, "hikes," swimming, fishing, domestic science, and the planting and care of gardens. Exhibits of garden products and of the needlework of the women in the camp have interested the adults. Local organization of the Boy Scouts and of the Camp Fire Girls has been stimulated.

In co-operation with state and federal boards of vocational education, courses have been offered for the miners; these have appealed especially to men who were preparing for examinations for mine foremen's certificates. In the winter of 1920 to 1921 about 300 men

¹ In one school we found that the boys have domestic science as well as manual training, and the girls manual training as well as cooking and sewing—a bit of evidence of progressive thinking about women's work!

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in ten or twelve camps were enrolled in vocational classes.

Most important of all has been the effort to help the local school board to secure competent teachers, "not only qualified to do the work of the public school teacher," as the chairman of the committee on education said, "but interested in the social development of the community." Educational conferences have been arranged with the twofold purpose of stimulating the interest of the public in the schools and increasing the efficiency of the school teachers and the members of local school boards.

In housing and medical service the miner has a direct personal interest. The affairs of the schools in the camps concern him personally only through his children, if he has any. The work of the committee on education is likely to appeal, therefore, only to the most public-spirited of the employes, and it was difficult to find instances of active participation in it by employes' representatives.¹

One man, a Mexican, who digs coal in the mine at Morley, seemed to have a special interest in this committee. Before coming to Colorado he was a member of the local school board in a town in New Mexico. As an

¹ To be sure, the written plan lists in its duties a more entertaining agenda than that of any other committee. The "joint committees on recreation and education" may consider "any matter pertaining to social centers, clubhouses, halls, playgrounds, entertainments, moving pictures, athletics, competitions, field days, holidays, schools, libraries, classes for those who speak only foreign languages, technical education, manual training, health lectures, classes in first aid, religious exercises, churches and Sunday schools, Young Men's Christian Association organizations, etc." In many of the camps, under the leadership of the superintendents and the Young Men's Christian Association secretaries, the program of entertainments seems to be lively and interesting. See Appendix A, page 407.

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instance of work which a miner can do for the school in his camp, he told of a Mexican girl of thirteen at Morley whose parents were keeping her out of school. They were going back to Mexico some day, and why should she need to learn English? In their own language, he not only explained the law for compulsory education but convinced them of the desirability of sending the child to school. He believed, however, that the committee on education has a difficult task, because it is always hard to interest adults in the schools; the best way to reach them is through the children.

In the camps which the company does not own we found some opposition to the very existence of a committee on education. The local school board in these towns, we were told, has no money for the committee's recommendations and why, anyway, should the company have anything to do with the work of a board which is independent of it and elected by the citizens of incorporated towns? These are the towns, to which reference has been made, where many of the men own their own homes. To the eye they present no such attractions as do the company-owned camps, but the insurgent spirit manifested for years by the men in them is significant in a discussion of employes' representation as an instrument of democracy.

EMPLOYES' REPRESENTATION IN COMMUNITY LIFE

The high standards maintained by the company in housing, in medical service, and in the schools, have been fully described not only because they are part of the Industrial Representation Plan, but because they are distinct, practical achievements in themselves, worthy of emulation by other coal operators. More-

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over, the experience in Colorado seems to show that the adoption of employees' representation vitalized the interest of the managers and the stockholders in all these practical aspects of an employe's life in a mining camp. As accompaniments of the representation plan, these really excellent living conditions that prevail can fairly be said to be results of the plan.

This is not to say, however, that these achievements are the result of new powers of initiative on the part of employes. Good conditions exist where the company is the owner and can purchase what it wishes the men to have. In towns not owned by the company, as has just been explained, employes who are part of the same plan of representation are not using the plan as a means of initiating similar improvements, either through co-operative efforts of their own or through asking the company to aid or to advise.¹

To us it seems rather that the motive power for initiating and maintaining high standards in health, housing, and education is to be found partly, at least, in the effect of the representation plan on the attitude of officials. They are conscious of the interests of the men, as they were not before the representation plan brought them regularly face to face with them in conferences and committee meetings. In turn, the representatives of the men know and respect the officials as they did not before they had opportunity to meet and confer with them. Through them the officials not only

¹ At Coal Creek the offer of the company to build a wash-house was rejected because the town of Rockvale would not give permission to use its water. It was in this same county, years ago, that the miners refused the loan of books because they were "bought by the company."

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consider, but understand better, the state of public opinion in each camp.

Within the limits of the new status of the employe as an adviser, opportunities of enlisting the interest of the rank and file are frequently overlooked.¹ When, for instance, the Joint Committee on Safety visits a camp, it does not make an immediate report to the men in the camp.² Nor, as has been pointed out, is this done by the other committees, whose reports and recommendations on housing or on recreation might have a very vital interest for the miners. Reports of committees are made at annual meetings and published in the bulletin, but this appears too long after the trips of inspection.

In the written plan, as has been shown in Chapter V,³ the wording for all committees is that besides being

¹ It is not captious to point out that the terms used in the plan are not inspiring or, even, quite intelligible. The miners themselves have given a human touch to the terminology of "representation" by calling it invariably the "Rockefeller Plan," but they do not seem to have invented yet for the men whom they elect any less difficult name than "representative." Moreover, the periodical published by the company for the information of its employes is called the *Industrial Bulletin*. The name of the periodical published years ago was *Camp and Plant*. The phrases, the names, the publications bear little resemblance to the speech of men in the mines and the steel works; they do not signify that employes' representation has been made to stir the men's imaginations and hence to profit by their ideas.

Early in 1921 a committee was appointed to revise the representation plan. Its membership at that time included two vice-presidents, the president's chief industrial representative, the general manager of the fuel department, and one or two others, but, until later, no representative of the coal miners. For consideration of the plan as it applied to the steel works, the committee included representatives of the workers.

² At the time of our first investigation we found that the Joint Committee on Safety did not make a practice of consulting the employes' representatives when they visited a mine. We called the company's attention to this fact. Later the practice was changed, as stated in footnote, page 125.

³ The Representation Plan, page 59.

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able to "bring up for discussion at the joint conferences," they may "have referred to them for consideration and report" any matter at any time throughout the year; but the report is to be made "to the president or other proper officer of the company." Nowhere in the plan is there any statement about reporting to the workers, except that provision is made for the reading of reports of all committees at the joint annual meeting of representatives. The responsibility of management to employes does not include, in the plan, the specific obligation to make reports or give information of a particular kind at any specified time.

The development of initiative among the men to take part in formulating and maintaining standards would be difficult, even if their powers and responsibilities had been more specifically extended by the plan. Many of them have come from other mines where they worked under a union contract and they are accustomed to unionism, and not to a plan of employes' representation. Still others have come from plants where scant attention has been given to human interests, and they carry with them an antagonism to all companies and all "bosses."

As in many other industries in the country, numerous nationalities are represented. Among the miners in Colorado are found native-born Americans, including Negroes (who are employed in largest numbers at Walsen and Rouse), Mexicans, Welsh, Scotch, Irish, and, among the comparatively more recent arrivals, the Italians, Slavs, Austrians, Greeks, and Bulgarians.

Changes in the force are frequent enough to make education in a new plan of industrial relations very discouraging. It must be done over again for each new

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employee.¹ Of 5,170 men on the mine payrolls in December, 1920, as reported to us by President Welborn, only 2,687, or 52 per cent, had been employed the entire year in the same mine.² As many as 2,483 were new employes taken on some time in 1920. On the other hand, the group which has been more stable includes a number having a very long service to their credit.

The plan itself guarantees two fundamental rights in the life of the camp-community: "The right to hold meetings at appropriate places on company property or elsewhere, as they may desire, outside of working hours or on idle days" (Sec. III, par. 6); and "perfect liberty to purchase goods wherever they may choose to do so" (Sec. III, par. 7). Abuses through compulsory buying at company stores are things of the past. The inevitable complaints against prices are dealt with promptly and frankly through the representation plan. The old influence of the company in county and state politics which was much discussed in 1913 is no longer exercised. Life in the camps is happier and more healthful. Opportunities for schooling are greatly improved. These are great gains. But our analysis of the work of the joint committees has revealed the fact that these changes are due primarily to the initiative of management. Neither in the written plan nor in practice do the employes' representatives have responsibility for decisions.

¹ The representatives told us that many employes were quite ignorant of the Industrial Representation Plan. Others, they said, scoffed at it. "Why for I need representative? I represent myself," one foreign-born miner was quoted as saying one day in the mine. "The trouble is," said the representative, "that the others who hear him talk that way get the idea there's nothing in it. They all get copies when they are hired, but they don't read them."

² Some of those employed less than a year had worked in other mines of the company, but the records do not show how many.

CHAPTER IX

HOW GRIEVANCES ARE ADJUSTED

“**M**UST it not be, then, that an age which can bridge the Atlantic with the wireless telephone, can devise some sort of social X-ray which shall enable the vision of men to penetrate the barriers which have grown up between men in our machine-burdened civilization?”¹ That the Industrial Representation Plan might be “some sort of social X-ray” in revealing to management the grievances and the needs of the coal miners was thus expressed by Mr. Rockefeller as his hope in 1916.

To deal “promptly and justly” with “the petty frictions of daily work” was one of the primary purposes of this plan of employes’ representation. Indeed, when we discussed with President Welborn the tests of success which, in his judgment, the investigator should apply in studying the results of the plan, he replied that he would look for results to be shown in three main points: (1) Grievances adjusted and recorded in reports of officials or minutes of committees or conferences; (2) grievances adjusted at the mine and not recorded anywhere; (3) grievances existing among the men but not brought up for adjustment through the representation plan. In other words, it was agreed that the methods of adjusting grievances constitute at

¹ Rockefeller, John D., Jr.: Labor and Capital—Partners. In *Atlantic Monthly*, January, 1916.

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once a distinctive feature and a test of the success of this plan.

PROCEDURE

Both the plan and the practice of carrying it out provide that an employe having a grievance should, first of all, make complaint, on his own behalf or through his elected representative, to the mine foreman or the superintendent. If he is not satisfied, he may appeal to the president's industrial representative. He then has the further right of appeal to the division superintendent, assistant manager or manager of the Fuel Department, general manager, and the president "in consecutive order."¹ If these fail, the difference may be referred, "upon request to the president by the employes' representatives or upon the initiative of the president himself," to the Joint Committee on Industrial Co-operation and Conciliation of the district in which the miner works. The decision of a majority of this joint committee shall be binding.² To enable it to reach a decision the committee may select an umpire to "sit in conference" with it, and his decision shall be binding. If the committee fails, an arbitrator or a board of arbitration may be appointed. Finally, the Industrial Commission of the state may be asked to arbitrate a difference.

ADJUSTMENTS BY THE PRESIDENT'S INDUSTRIAL REPRESENTATIVES

In the year 1920, according to a chart prepared by the company, the total number of "industrial ques-

¹ In the revised plan the word "preferably" precedes the phrase "in consecutive order." See Appendix B, page 432.

² To insure equality on this committee, the committee "shall not proceed with any important part of its duties unless both sides are equally represented."

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tions," "including suggestions, recommendations, and complaints," presented by employes at coal and iron mines to the president's industrial representatives for their consideration was 84, or seven a month. The daily average number of employes on the payrolls of these mines was 5,556. Employes on the Colorado and Wyoming Railway were included in this number, as were also some salaried employes. Table 1 shows the subjects to which the questions related.

TABLE 1.—NUMBER AND TYPE OF QUESTIONS BROUGHT UP BY EMPLOYES, IN COAL AND IRON MINES AND ON COLORADO AND WYOMING RAILWAY, OF THE COLORADO FUEL AND IRON COMPANY, FOR CONSIDERATION BY THE PRESIDENT'S INDUSTRIAL REPRESENTATIVES, IN 1920

Subject of question	Number	Per cent
Living conditions	18	21.2
Working conditions	17	20.0
Wage adjustments	16	18.8
Employment (reinstatement, etc.)	13	15.3
Medical treatment, doctors and hospital	8	9.4
Stores	4	4.7
Miscellaneous ^a	9	10.6
Total	85	100

^a Includes personal controversies, loss of tools in flooded mine, poor sanitary conditions in one Young Men's Christian Association building, purchase of property, and charity.

The most obvious comment to make on Table 1 is that the number of grievances or suggestions in the whole year is very small for so large a number of employes. The explanation given by the officials is that most difficulties are settled locally by the mine foreman or the superintendent. Of these, no record was kept

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when we were in Colorado;¹ and no report was required by the company. Subsequently, a change was made in this practice, and company officials tell us that "superintendents are now required to keep records of grievances they settle and to make a monthly report of them to the President's Industrial Representative."

Table 2 shows for coal mines only the number of questions adjusted in 1922 by the local management, the president's industrial representative, and joint committees or conferences. It will be seen that in this year a much larger number of questions were presented than in 1920.

The procedure of the president's industrial representatives in dealing with questions like those counted in the tables can best be shown by typical instances appearing in the reports which they made to the president.

The grievances cover a very wide scope—from increasing wages for a whole group of employes (a subject

¹ The superintendent of Cameron has kept an informal record of grievances adjusted by him. It is his practice to go regularly to the lamp house when the men are there and to encourage them to tell him about their difficulties. His record shows how he settled a "row" between the women of four families which "threatened to result in the loss of four employes"; how he adjusted complaints about payments for "dead work" in entries, and alleged discriminations in distributing mine cars; and how he dealt with ill will and personal difficulties between miners. The general manager of the fuel department told us that practically all grievances in this camp were settled satisfactorily by the superintendent, and are never appealed beyond him.

That the need for a record has been recognized in other mines was shown in the annual report of the Committee on Co-operation and Conciliation of the Walsen District for 1919. The committee reported that "in order to stimulate interest in the plan and to have a better understanding between the local officials, men and representatives, it was thought advisable to keep at a convenient place at the mine a book in which was entered a complete statement of the grievance of an employe and the disposition of his case." Apparently this suggestion was not carried out, for up to 1921 Cameron was the only mine in which any such record had been kept.

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which will be discussed in Chapter XI, Grievances over Compensation¹ to settling a personal quarrel between two miners.

TABLE 2. — NUMBER AND TYPE OF QUESTIONS ADJUSTED UNDER THE INDUSTRIAL REPRESENTATION PLAN AT THE COAL MINES OF THE COLORADO FUEL AND IRON COMPANY IN 1922^a

Subject of question	Decision reached by			
	Local management	President's industrial representative	Joint conference or joint committee	Total
Working conditions	44	19	61	124
Living conditions	7	11	83	101
Wages	9	2	12	23
Employment	8	11	3	22
Education	1	..	26	27
Recreation	1	..	7	8
Medical department	..	8	5	13
Stores	..	1	..	1
Miscellaneous	2	8	4	14
Total	72	60	201	333^b

^a From the Colorado Fuel and Iron Company's *Industrial Bulletin*, January 15, 1923, p. 18.

^b Not including 3 questions on which decision was pending at the end of the year.

At one mine, in 1916, an employe complained that "he had not been treated fairly in the matter of a working place, and that it was necessary to bribe the foreman in order to get fair treatment." The president's representative, Mr. Griffiths, "offered the complainant \$100 in cash if he could produce any proof that bribes of any kind had been received by officers at

¹ See page 204.

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the mines during the last year, with the further guarantee that the person producing the evidence would not be dismissed from the service." Mr. Griffiths further explained "this matter of bribery as being a violation of the statutes and that the general officers of the company were determined to put an end to the pernicious practice of offering or receiving bribes." The upshot of the investigation was that "no tangible evidence could be secured from the discussion, nor was anything presented to show that an injustice had been done to the complainant." Grievances against the same foreman, however, continued during the year. Two men accused him of using abusive language to them. The colored men, on one occasion, accused him of discriminating against members of their race. The foreman in each case denied the charges, nor did Mr. Griffiths' investigation substantiate them; but he was finally transferred at the end of the year to another mine "to relieve the tension existing," as Mr. Griffiths put it.

Discrimination against Mexicans by the superintendent in another camp in 1918 was charged by the employes' representatives. "The superintendent treated Mexicans uncivilly and ignored their complaints." The superintendent denied the charge. Mr. Griffiths reported that a "full investigation failed to bring out any proof of the general charge of discrimination and incivility. . . . One specific complaint showed that unintentional injustice had been done. Pedro Blasquez testified that he had been promised pay for loading about 40 cars of rock which fell from the roof and blocked the roadway, but had never received anything for the work. The superintendent remembered being in Blasquez' working place with the mine

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foreman, whom he had directed to make allowance for handling the rock. Blasquez had never brought the matter to the superintendent's attention, but the latter "promised to see that proper credit was given Blasquez on the next measuring day."

There were several cases of drivers who were discharged for beating or causing the death of mules through carelessness or accident. The drivers thought in some instances that they were discharged unjustly because the accidents were unavoidable. A typical case occurred in one mine. The driver thought that the "charge of abusing a mule was a subterfuge used to discharge him for an argument he had had with the boss driver." The superintendent stated that this was the second time in about a month that a mule driven by the discharged miner had showed signs of abuse. He had, therefore, asked the foreman to transfer him to other work than driving. The miner refused to accept a transfer, and "asked for his time." The latter contended that the mule was injured because he kicked over the traces. Mr. Griffiths decided that the "preponderance of evidence, however, was against this claim." His decision was that the discharged driver should be transferred to another mine.

"It was also announced that a rule requiring that a driver be suspended pending investigation when a mule under his care was killed, even when he was clearly blameless, had been changed. Under the new regulation the driver is not suspended when it appears that he was not to blame for the death of the animal." This new regulation was adopted as a direct result of settling grievances through the plan. Because of complaints of the men, representatives brought up the question at

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one of the district conferences and requested the change.

Reports show that a number of men who were discharged for various reasons appealed to the president's industrial representative. Here is a typical statement: "Investigated, in the presence of representatives, mine officials, and Division Superintendent Thomas, the dismissal of John Holcomb and George Savage on the charge of attempting, by intimidation, to force two Greeks to join the union. The evidence did not prove that threats of any kind had been made, but on the morning of Holcomb's discharge he used profane language toward a fellow-employee whom he accused of being responsible for his dismissal. This being a posted offense, he was dismissed. George Savage was reinstated."¹

In two of the mines representatives complain that the "man-way" is in a wet condition and the walk in and out of the mine is, therefore, unpleasant. One of these instances occurred in 1919. The representative at one of the mines reported to Mr. Griffiths that the man-way was in a wet condition; that he "had complained to the foreman but it had not been remedied." Mr. Griffiths agreed to call a meeting of representatives and management. He did this a few days later. At the meeting the superintendent reported that the wet condition had been remedied. The complaint occurred again for a different section of the same mine. Again, however, the report read that "the man-way has been drained and corduroyed."

¹ In reading the first draft of the manuscript, the president questioned whether this should be considered a typical case, as it was the only one he knew of involving unionism.

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JOINT COMMITTEE ON INDUSTRIAL CO-OPERATION AND CONCILIATION¹

A reading of the plan would lead one to suppose that in relation to the adjustment of disputes the Joint Committee on Co-operation and Conciliation acts as a court of appeal, having questions referred to it by the president on his own initiative or at the request of employees' representatives. As a matter of practice, the minutes show that the committee acts on complaints very like those handled by the president's representatives. The procedure is informal, and does not require that a grievance shall be considered first by the superintendent or by the president's representative before being considered by the committee.

For instance, in the report of this committee in the Trinidad District for the year 1919, appears this paragraph:

"Mr. Dennison [an employees' representative] reported that a seam of rock had made its appearance in the middle of the seam in the Fourth Entry in Tabasco mine, that some of the miners had spoken to him about it, and that he had not as yet had time to take the matter up with Superintendent Parker. On motion a subcommittee, consisting of Mr. J. P. Thomas [division superintendent], Mr. T. N. Dennison, and Mr. E. H. Weitzel [the general manager of the fuel department], were appointed to investigate and adjust the matter. This investigation was later made and a rate established for handling of the rock in question."

The other questions considered by this same district

¹ At the annual meeting in December, 1921, the name of this committee was changed to "Joint Committee on Co-operation, Conciliation and Wages," as pointed out in a previous reference. *Industrial Bulletin*, January 19, 1922, p. 7.—Colorado Fuel and Iron Company.

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committee in 1919 were the need to relieve an over-worked fireman at Morley by employing an additional man during the heaviest hours; a difficulty between the boarding-house keeper and the storekeeper; reduced rates for coal to teachers in the camp schools; a complaint about the sanitary condition of the boarding house at Morley; the rate for setting up cross-bars at Frederick; and the reinstatement of a returned soldier who was a former employe at Morley.

A fire occurred in the mine at Coal Creek, one of the mines in the Canon District, on October 31, 1917. On the same day a special meeting was called of the Canon District Committee on Co-operation and Conciliation to discuss how to find jobs in other mines for the Coal Creek miners who were "thrown idle by the fire." The superintendents and foremen of Fremont, Rockvale, and Coal Creek were invited to be present and it was decided that the employes' representatives on the district committee, in company with the mine foremen, should canvass the mines at Rockvale and Fremont for places for the Coal Creek men. The secretary of the district committee on co-operation, who was one of the employes' representatives at Coal Creek, reported that "results of this canvass were very satisfactory, and employes were transferred from Coal Creek to the other two mines without loss of time. The assistance of the representatives in this matter resulted beneficially to both the employes and the company."¹

The following report of the Joint Committee on Co-operation and Conciliation for the Canon District for

¹ Joint Committee on Industrial Co-operation and Conciliation in the Canon District, 1917. The report was signed jointly by an employes' representative, W. C. Gilbert, as secretary, and a representative of management, E. H. Weitzel, as chairman.

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1919 describes how all of the miners in Rockvale were asked to discuss rules for the use of the man-trip:¹

"This committee held its organization meeting on January 27, and the first regular meeting on April 11, at Rockvale.

"There was no business of importance taken up at the April meeting.

"The second regular meeting was held July 3. Jesse Penny, one of the committee, reported at this meeting that there was still considerable discussion at Rockvale in regard to the installation of a man-trip. The committee decided the best way to handle this matter was to have a mass meeting of the miners with the representative of the State Inspection Department present. This mass meeting was arranged by Mr. Penny and Superintendent John, and was held at the Rockvale club house July 28. Mr. Weitzel presided, with practically all of the Rockvale miners present, and Mr. Harry King representing the State Inspection Department. During about two hours' discussion nine rules were agreed on and accepted by a vote of the majority, and the man-trip was put into operation immediately thereafter, and it has been operating satisfactorily since that date.

"The last regular meeting of the committee was held October 23 at Rockvale club house, with all members present, at which time a report of the man-trip settlement was made. There were no grievances reported at this meeting, and there was a general discussion by the committee of safety regulations for man-trips on slopes. A number of suggestions were made, which are still being considered."

Other grievances recorded in the minutes of joint committees on co-operation and conciliation grow natu-

¹ A "man-trip" is a special trip of cars to take miners to and from the main parting from the mouth of the mine. It is usually provided in well-advanced and deep mines, to save employes from walking long distances.

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rally out of sub-surface conditions in the mines. The underground employes at Coal Creek in their first meeting had expressed their desire for a man-trip. The annual report of this committee for 1917 explains that the installation of the man-trip had been delayed because of necessary improvements in the mine, but it was planned to start it soon.

Complaints about lack of a sufficient supply of mine cars to be loaded by miners as they dig are presented by the men at different times. For instance, minutes of the meeting of the Joint Committee on Co-operation and Conciliation for the Trinidad District in 1916 show that the general complaint of a shortage of mine cars was discussed by the division superintendent. He had investigated a number of these grievances and had found that they arose largely from the fact that "these miners try to complete their day's work between one and two o'clock p. m." If they stayed in the full eight hours required, there would be no ground for complaint. They would get the necessary cars somewhat later.

These joint committees on co-operation and conciliation, composed, as has been stated, of three miners' representatives and three company officials, depend very largely upon the activity of the employes' representatives to make sure that the grievances of the miners in their district are considered. The representatives are, so to speak, the photographic film for the social X-ray which is to reveal the difficulties of the men in the mines.

Take, for instance, the district of Trinidad. It had nine mines, employing over 2,000 men, being the largest coal-producing area in Colorado.

In 1918 employes at the Segundo Coke Ovens in

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the Trinidad District elected as their representative John Tafoya, who was very active in their behalf. At the district conference he was also elected a member of the Joint Committee on Co-operation and Conciliation by the other representatives of the district. All the grievances presented to the committee in the year 1918 were brought up by Mr. Tafoya, who, by the way, was also a local official of the United Mine Workers of America. The annual report submitted by Mr. Weitzel, who was secretary of this committee, contains a summary of all the grievances presented and adjusted.

The committee held four regular meetings and one special meeting in the year—in February, March, April, July, and October. At the first meeting the committee was organized, with a representative of the employes as chairman and a representative of the company as secretary. The program of the year was discussed, and a report received from Mr. Tafoya about grievances among the "larry" men at the Segundo Coke Ovens. This led to a decision to hold a special meeting two weeks later at the mine. The complaint was that the men had been required to work overtime without pay. The committee conferred with the employes, who had referred this grievance and had secured actual records of the hours worked during a period of five or six weeks. In accordance with these facts it made a recommendation which proved to be satisfactory. Other grievances also brought to the attention of the committee by Mr. Tafoya in the course of the year related to long hours of work, the difficulties of handling one of the trucks at the coke ovens, a definition of the duties in a certain job, the reinstatement of men past the age limit of forty-five

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years, and the transfer of an employe from one job to another.¹

¹ Joint Committee on Co-operation and Conciliation of the Trinidad District, annual report for 1918. The following quotations from the report show the procedure of the committee: "All of the employes affected were invited to the meeting; about half of their number were present, and each one heard separately. The burden of their complaint was that they had been required occasionally to work overtime, for which they were not paid. An accurate record had been kept from February 2 to March 7 of the time worked by the larry men each day, and it was found that during this period the larry men hauling coal from No. 1 washer had worked an average of seven hours thirty-six minutes; No. 2 washer, seven hours twenty-four minutes; and on two occasions chargers had been required to stay on the works a total of nine hours forty-five minutes; and on one occasion a period of ten hours. After hearing the statements of all the men the committee went into executive session, and decided on a recommendation in accordance with the request of the chargers, that they be paid overtime when required to work more than nine hours thirty minutes. This recommendation was accepted by the company, and no further difficulty has arisen over this matter during the year."

Another grievance related to long hours of work:

"At this meeting of March 14 the committee also listened to a complaint from employes on No. 2 machine, where it was claimed that, on account of delays due to hand-pulled coke being dropped out on the same track as the coke from this machine, the employes on this machine were working from nine hours to ten hours every day. The committee decided that inasmuch as no accurate record had been kept of the time worked, it would be best to have this done before deciding what remedy should be applied."

A problem of equipment gave rise to another grievance. Note that the committee's decision gave promise of making a change in the design of the truck which might prevent recurrence of the difficulty. "Complaint was also made at this time in regard to the work of leveling, it being claimed by the levelers that work was harder on the No. 2 machine than on any of the others, due to the fact that there was greater distance between the oven door sill and the top of the rail of the machine track. The secretary of the committee agreed to get accurate measurements and to attempt to design a truck of the right height to overcome the difference between this track and the others at the plant."

Unfortunately, the promise did not prove practical, and

"At the meeting on April 11 the secretary reported that the attempt to design a truck for No. 2 track had been unsuccessful; that this would require a truck only six inches in height above the rail, and that a truck of this height would necessarily have such low

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These proceedings show the type of subject discussed, but perhaps the most important point requiring further inquiry is that, although the representatives of employes on the committee worked in three different mines in the district, only one camp, the Segundo Coke Ovens, out of

wheels and so small a clearance that it would be impracticable to move it up and down in front of the ovens."

Concerning hours and overtime:

"A report was had at this meeting [April 11] of the actual time worked by the different machine men. The records showed that between March 15 and April 9, both inclusive, the average time worked by No. 1 machine was six hours and twenty-four minutes; No. 2 machine, from which the complaint came, had worked eight hours six minutes; No. 3 machine, six hours forty-eight minutes; No. 5 machine, six hours forty-eight minutes; No. 7 machine, six hours thirty-six minutes. When this report was presented, showing that the machine men, who had claimed to be working between nine and ten hours every day, were actually working eight hours six minutes, Mr. Tafoya, representative from Segundo, said that it was not the fact that these men were working overtime, but the fact that they were working longer than the men on the other machines was causing dissatisfaction; since all the machine employes were being paid an eight-hour shift, the committee felt that there was little real ground for complaint and passed a resolution recommending that the company pay men on No. 2 machine for any overtime. This recommendation was accepted by the company and put into effect at once."

Concerning the duties of a job:

"At the meeting on April 11 Mr. Tafoya brought in a complaint from three machinists' helpers whose duties were to prepare coke machines and place them in position to begin work the following day. It was found, after discussion, that on two days each week the machinists' helpers were required to push the levelers' trucks up the tracks ahead of the coke machines, and at some time the trucks became derailed, requiring the machinists' helpers to work overtime in replacing them. The matter was referred to Mr. John P. Thomas for further investigation and adjustment."

Concerning reinstatement of employes past the age limit:

"At the meeting of the committee on July 17, Mr. Tafoya reported that he had taken up a certain question with the president's industrial representative and was waiting for a reply. After hearing the nature of the complaint, the committee felt that the matter was likely to come before them and decided to take it up at this time. This complaint referred to old men who were past the age limit, and who had at one time been employes of the company, but

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the nine in the district, presented any grievances during the entire year. Did this show contentment in the other camps, or lack of activity on the part of employees' representatives?

LOCAL SETTLEMENT

The general manager of the fuel department, who in that year was secretary of this committee, told us that the explanation was to be found in the fact that at all the other mines in the district satisfactory settlements had been made locally, so that the committee had not been called upon to act. Representative Tafoya had made it his practice to bring all grievances directly to the committee instead of attempting to have them settled by the foreman or superintendent. President Welborn, commenting on this statement, said that local settlement was the natural procedure and that it was more satisfactory to everybody concerned if a grievance was adjusted at the time of reporting it and in the place where it occurred.

who were not now eligible to employment, either on account of their age or physical condition. The committee discussed this matter and it was referred to the secretary with the request that he bring it to the attention of the president."

Concerning transfer from one job to another: "Mr. Tafoya also brought up the case of the employe at Segundo who wished to be transferred from machine runner to night watchman. This case was referred to Mr. Weitzel for investigation and adjustment."

The last meeting of the year is thus described:

"At the meeting on November 4 there was no matter in the way of grievance or dissatisfaction brought up. The committee discussed the influenza epidemic and decided to recommend the quarantine of all the camps in the district to prevent persons from coming into and going out of the camps and spreading the contagion. Notices to accomplish this were gotten out and ordered printed and the matter of advising superintendents of the district was left in the hands of Mr. John P. Thomas. There were no complaints of dissatisfaction brought to the attention of this committee during the year except from Segundo."

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The reports of the president's industrial representatives reflect the same impression that grievances are usually adjusted by the superintendents. For instance, after visiting Walsen, one of the larger mines in the Walsen District, the president's industrial representative reported that there were no grievances. "The representatives attribute the small number of grievances," Mr. Griffiths explains, "to the fact that the local officers are always ready to adjust all troubles satisfactorily." And again, at a later date, "There were no grievances of any nature at Walsen and the representatives felt confident that they could adjust locally any differences that might arise." For another mine he reports in a similar manner, "The safety and comfort of the workmen is watched very carefully by the management, and grievances of every nature, so far as the representatives can ascertain, are readily adjusted. The mingling of superior officers of the company with the employes at the opening of the Young Men's Christian Association resulted in a feeling of closer relationship." These are typical statements, and in the reports of the year 1919 representatives from most of the larger mines have no difficulties whatever to record. Altogether, the president's industrial representative had made 424 visits during four years up to and through 1919. In 225, or 60 per cent, of these visits he found no grievances or disputes to settle.

The importance of local adjustment of difficulties should not be ignored. These committees on conciliation and co-operation, and to a less degree the president's two representatives, are boards of appeal; and in a sense it is true of these bodies that "happy are they if their annals are brief," provided—and this is the essen-

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tial point—that the lack of cases to adjust really means that complaints have been adjusted locally or that no complaints exist. Genuine co-operation of the local officials and efficient work by the men's representatives should have just such a result. One of the district committees said, in its annual report: "When recommendations have been made by the committee, they have been complied with by the local management. It has been noticeable in this county, particularly, that the representatives have relieved the committee of a great deal of work, due to the successful handling of certain matters brought up from time to time at the various mines."

If, however, local initiative is weak, and co-operation between the men, their representatives, and superintendent not active, it must devolve upon the joint committees and the president's industrial representative to uncover the difficulties that exist. Negative reports by committees or by the president's representative, under these circumstances, may be danger signals rather than evidences of satisfaction. Therefore, we were interested in closer acquaintance with the men in the camps that we might discover whether they believed that their complaints were satisfactorily settled under the plan. The results of our inquiry on this point will be more fully discussed in the next chapter.

SOME ADJUSTMENTS UNSATISFACTORY TO EMPLOYEES

We encountered considerable dissatisfaction among the men because of certain conspicuous instances in which public opinion in the camps had not supported the management in final decisions. These cases bring out some difficulties of administration.

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A widely discussed dispute, involving what to the men appeared to be an unfair discharge of a mine foreman by a superintendent, occurred in 1919. The rank and file of miners were not involved, but the confidence of subordinate officials, like foremen, assistant foremen, and fire bosses, in the administration of the plan was weakened. A thorough investigation by the president's chief industrial representative, Mr. Matteson, showed that the discharge of the foreman "was not justified." Yet the superintendent remained in his position. The foreman who had been unjustly dealt with was transferred to another mine as an assistant foreman, which meant a reduction of some twenty-five dollars a month in his wages.

When we saw the foreman three months after his transfer, he was at first very reluctant to talk. Finally he stated that he had never been satisfied with the decision of the management. "Why, I had been discharged even without any warning, and this was a direct violation of the representation plan. I should have asked for reinstatement in accordance with the plan," he said. "I was a great believer in the plan, and worked hard for it, and wanted to see it successful, but I thought that even if I was reinstated, things would be very unpleasant, so I decided to take the assistant mine foremanship." He was hurt and discouraged at the injustice to a loyal employe of many years. "I am probably one of the employes with the longest service in the company. I am fifty-six years old, and in a few years I expect to get my pension. I don't want to lose it. If I were a younger man and could move around more, I probably would have fought my case, even up to Rockefeller. I was transferred at a loss of salary. Frank still remains

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as superintendent and no punishment at all has been meted out to him, although he was to blame, and the investigation shows that not a single grievance which he had against my work as mine foreman could be substantiated. I don't think that either Welborn or Weitzel knows anything about my case. That is where the plan falls down. The superintendent is never punished."

This case is much more important than the management, in our opinion, suspects.¹ Several of the minor executives of the company mentioned it as an indication that an employe had to be careful, that there was little recourse from the arbitrary acts of old-school superintendents.²

¹ President Welborn suggested that as a foreman and a superintendent are both of managerial rank, and that as the representation plan relates to wage-earning employes, a case involving the relation of a foreman and a superintendent is not really pertinent to a discussion of the plan. We describe it, however, because it actually affected the attitude of employes toward the plan. Moreover, it was handled by the president's chief industrial representative in the course of his regular duties in administering the plan.

² We describe fully from our notes, therefore, the interview with this foreman:

One day, in the fall of 1919, the superintendent met the foreman at the mouth of the mine and said, "I have decided to cut down my expenses and get along with one mine foreman. [He had two, as this was a large mine.] I therefore won't need you any more, beginning with the first of the month. But you will get something just as good, if not better than what you have had so far."

The foreman was taken by surprise. "Does this mean, Frank," he inquired of his superintendent, "that I have been unsatisfactory and you are letting me out?" The superintendent replied, "Yes, you have disobeyed my orders." The foreman walked away, declaring that there was no use discussing the statement.

In accordance with the superintendent's instructions, the foreman did not report for duty on the following Monday, which was the first of the month. He waited several days to see what the superintendent would offer him in place of his former position. On the fourth day he telephoned to the division superintendent, Mr. Thomas, who, after interviewing the superintendent, decided that it would be best for

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Difficulties in the relations between foreman and superintendent and the possible effect upon the miners are illustrated in another incident which has become important because of the continued dissatisfaction of the workers with the decision rendered by the management. The incident occurred in 1918. In 1920, and again in 1921, we were told about it in every detail, as though it had happened yesterday, so deep was the impression of it in the minds of the men.

Two miners working at Coal Creek were discharged by the superintendent, and on the same day, at the

the foreman to wire the president's industrial representative, Mr. Matteson, and demand investigation.

Mr. Matteson came on the following day and arranged a meeting of the two men involved. He pointed out to the superintendent that he had discharged one of the oldest employes the company had. He asked for the specific reasons leading to the discharge of the foreman. After some hesitation the superintendent charged that the foreman had left one of the mines in bad condition when the decision was made to close it after the armistice was signed. "How about it, Jim?" Mr. Matteson asked of the foreman. "I can only refer you to the reports of the safety and accident committee," replied the latter, "to the report of the deputy mine inspector, and to the report of our own inspector. You will notice that the safety and accident committee in its last bulletin commented upon the tidy condition of the mine. You will also notice that neither of the inspectors made a single adverse recommendation, or suggested anything that should be done."

The second charge, that of employing a motorman contrary to orders, also had no foundation. According to the foreman, Matteson turned to the superintendent: "Evidently your first charge has not been proved. What is the second charge which you have against him?" The superintendent replied, "After Jim went over to the first north mine we decided to put on a night shift. Jim kept an extra motorman on when I didn't want him on." Matteson asked the foreman to answer this charge. He replied, "To show you that he doesn't know what he is talking about, you can get the time books and see that there never was a night motorman on my shifts." The superintendent would not believe this, but the books were produced and the foreman's statement was substantiated.

The third incident which the superintendent described to Mr. Matteson related to an over-cast which the foreman supposedly had failed to build when instructed to do so. (An over-cast is a passage built over the air course to deflect the circulation of air.) After the

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request of the miners' representatives, the president's industrial representative came to the camp to make an investigation. He conferred at once with the superintendent, Ben Beach, and the two discharged miners, Mr. Weir and Mr. Ratkovitch. The mine foreman, Mr. Johnson, could not be found and, therefore, was not present at the conference.

The superintendent explained that several days earlier he had visited the working place of Weir and Ratkovitch, who were "buddies," and told them, in the presence of the mine foreman, not to "brush" any more until he could determine in what direction the roadway should be "driven," as it was running too close

deputy state mine inspector had recommended an over-cast in one section, the superintendent had given orders to the foreman to provide for it and it had not been done. The foreman's reply to this was: "When I was transferred to the first north mine, I accompanied the state mine inspector on his first visit. When we came to one entry, he said to me, 'I ordered an over-cast put in here some time ago. The superintendent promised that he would attend to it, but he has not done so. Now I want it in damn quick or I will report it to the chief inspector.' I replied to him that I would try to get it in as soon as possible, but that I had better see the superintendent first and get his authorization. We did, and he authorized me to go ahead. I immediately—the same night—got some men started to work on it, and to show you that the superintendent doesn't know what he is talking about, the over-cast has been completed for some weeks. My weekly report will show that some time ago I made a full report giving the measurements of air coming through it."

After considering the evidence presented, Mr. Matteson reprimanded the superintendent for unjustly discharging the foreman, and a position as assistant foreman was offered the foreman at another mine. "Frank," said Mr. Matteson, "you have let out one of the oldest employes the Colorado Fuel and Iron Company has, a man who has been with the company thirty-seven years, and what is more you have let him out without any notification to the management. We don't have any foremanships open to give him just now. If you had warned us, we might have tried to find an opening for him." Then the division superintendent turned to the foreman and said, "Jim, we have no foremanship open now, but there is an assistant mine foremanship open at ————. Would you care to take it until we can find a foremanship for you?"

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to an adjoining room. Several days later Beach visited the same working place and found that, contrary to his orders, they had "taken down a shot of brushing"; he discharged them for "insubordination," which is one of the stated offenses for which an employe may be dismissed without warning. The two miners contended that they were obeying the orders of the mine foreman. The foreman confirmed this, and walked out of the mine, declaring that he, also, would quit, as the men had been discharged.

Mr. Griffiths, the president's representative, concluded that the men had been unjustly discharged, due to friction between the superintendent and foreman, and referred the question to the manager of the fuel department. "From the evidence thus obtained," he reported, "I was satisfied that the men had been unjustly discharged, and that there was friction and discord between Mr. Beach and the mine foreman. So I did not give my decision on the matter, but arranged with all present to have Mr. Weitzel come to Coal Creek and have matters adjusted. This was agreed on by all concerned."

On the following day, after a telephone conversation with Mr. Weitzel, Mr. Griffiths interviewed Mr. Johnson, the foreman, after which he reported that he was "fully convinced that the men had been unjustly discharged." He further reported his efforts to have Weir and Ratkovitch reinstated: "I called up Mr. Beach on the phone and suggested that he reinstate the men, and he asked me if that meant Johnson also. I replied, 'No,' that it simply meant the reinstatement of Weir and Ratkovitch and that the trouble between him and Johnson was a matter to be taken up with

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Mr. Weitzel. Mr. Beach protested against my decision, but finally consented to reinstate them, but [said] that he would stop the place, and give them another place in the mine. I then made the proviso that if the place in question should be worked again within the next two or three months, the men be entitled thereto."

A few days later a conference was held in the Pueblo office of Mr. Weitzel, the general manager of the fuel department. This official, after hearing the evidence, "told Mr. Beach that under the circumstances Weir and Ratkovitch should be reinstated." The superintendent did not agree. He argued that even if the foreman had told them to continue the room as they were driving it, they had disobeyed his (Beach's) orders, and he was, therefore, justified in discharging them. Mr. Weitzel asked Mr. Griffiths to visit Coal Creek again and make another report within a few days.

Mr. Griffiths postponed the drafting of his final report because, he said, the superintendent had resented his decision that the discharged men should be reinstated. He wrote:

"My reason for postponing my final report was based on Mr. Beach's attitude to my decision of having the men reinstated. He keenly felt this decision to be an injustice to him, hence he was not in a conciliatory and submissive mood, and under these conditions I felt sure that the men would not get a square deal and courteous treatment, but thought a few days for due consideration would help to adjust matters."

Meanwhile the representative again called Mr. Griffiths on the telephone, asking him to come to the camp as "matters were not satisfactory." Mr. Griffiths visited Coal Creek again and found Weir and Rat-

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kovitch dissatisfied with the new working places which the superintendent had offered them. They were not as good as the one which had been stopped. One place had less coal—the seam was narrower. Another place was so steep that it took the two men and the driver to help push the empty car. After some discussion Ratkovitch decided that he would take a transfer to Rockvale, an adjoining mine operated by the company. He had been promised work there by Mr. John, the superintendent. Weir did not wish a transfer. He was not certain that Mr. John would give him work; besides, he preferred working at Coal Creek, but he was willing to take "pot luck" at Coal Creek if Mr. Beach would give Ratkovitch a transfer to Rockvale.¹ Mr. Beach refused to give Ratkovitch a transfer to Rockvale unless Weir would also take one. "Thus the conference ended in confusion," reported Mr. Griffiths. "I then, under the circumstances, told the men and the representatives that I would turn the matter over to Mr. Weitzel for settlement. I went to Rouse on Thursday and put the whole affair before Mr. Weitzel, and he stated that as soon as possible he would go to Coal Creek and that it would be advisable for me not to be present."

Mr. Griffiths' entire report was signed by the two employees' representatives, George Scollick and James Hay.²

¹ The men in both mines were paired as "buddies"; hence the difficulty of separating them.

² In summarizing the case, Mr. Griffiths criticized the superintendent for unjustly discharging Weir and Ratkovitch and for violating the state mining law, which places the mine foreman in full charge of underground operations. He recommended that the two men be reinstated—"in justice to the men and in the interest of peace and harmony." The concluding section of the report reads:

"From the evidence obtained it was very evident to me that

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When Mr. Weitzel went to the camp, only one of the employes' representatives, Mr. Hay, was present as it was the day of the funeral of Mr. Scollick's father. Had Mr. Weitzel known of this, he would have postponed his coming. Mr. Scollick was keenly interested in the case, and was always dissatisfied, thereafter, with the outcome. Mr. Weitzel did not demand the reinstatement of the men. He felt that after so much friction it would be better for them to work in another mine. He therefore decided that they should be trans-

there was considerable friction and discord between Mr. Beach and Mr. Johnson, the mine foreman, and in my opinion this arose from Mr. Beach's lack of confidence in his ability and his unceasing activity and desire to obtain results. On the other hand, with a specific clause in the mining law, placing the mine foreman in full charge of underground mining operations, it was perfectly natural for Mr. Johnson to think that Mr. Beach's purpose was to discourage and ignore him. Be that as it may, it is my unbiased opinion and decision that Weir and Ratkovitch were unjustly discharged and that the room they were working in was arbitrarily stopped and that it was a practical proposition and good mining practice for the room to proceed. If Mr. Beach had given instructions to the mine foreman to stop the place and not have discharged the men, this very unpleasant affair would have been averted. In justice to the men and in the interest of peace and harmony I think Mr. Beach should be submissive enough to place the men back in their working place."

We discussed at length with the officials of the company, and separately with the chief mine inspector of Colorado, the statement in Mr. Griffiths' report that the state mining law placed "the mine foreman in full charge of underground mining operations," and that, therefore, by implication, the action of Superintendent Beach in giving orders directly to the employes, instead of through the mine foreman, was a violation of the law. The chief mine inspector of the state agreed with this interpretation. He explained, as already noted in this report, that when the law was passed the Colorado operators did not wish to place this responsibility upon the superintendent, because this would bind them to the choice of a man for that position who was technically qualified in accordance with state requirements, but might not measure up to the executive and business responsibilities of his position. Hence the law does not mention the superintendent, but requires a certificate for a mine foreman, and places upon him the "full charge of all the inside workings and of all persons employed

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ferred to Rockvale, since Mr. Ratkovitch's father lived there anyway, and meanwhile, with the agreement of the two men themselves and the one representative present, they were to be paid for three days of the time lost waiting for a decision. A month later, at Mr. Welborn's suggestion, they were paid for eleven days more, to make up their entire loss of fourteen days.¹

The representatives at this mine were so dissatisfied with the decision of the management in this case that they asked Mr. Griffiths to state in his report (as he did in these words), "that they wanted to resign and did not want to get tangled in any such affair again."²

The two miners were finally transferred to Rockvale. In February, 1920, almost two years later, we visited

therein" (see previous discussion, page 46). The general manager of the fuel department disagreed with this interpretation, holding that the company placed upon the superintendent full responsibility for the management of the mine, including the mine foreman. The attorney for the company was also inclined to believe that the law would be interpreted to hold a superintendent directly responsible for negligence in the mine. No case has arisen in Colorado, however, to prove this point. Mr. Beach himself, the superintendent involved in this case, acknowledged to us, in a conference in 1921, that good mining practice would require that the superintendent should give orders to the men in the mine only through the mine foreman. In answer to our question as to whether, "if this had happened in a mine in Illinois, a Colorado superintendent would not have said that clearly things had gotten badly twisted between the superintendent and the foreman, and that two innocent men had been unjustly discharged because of it?" he replied that this was true, but he thought, nevertheless, that Griffiths should not have called him "arbitrary." Moreover, he reminded Mr. Weitzel, in our conference with him, that in the first conference with Griffiths he had said that if Griffiths thought he had stopped the work for "arbitrary" reasons he would reinstate the men; he held that this was an offer to reinstate, but Griffiths did not so interpret it and neither did the representatives.

¹ The same representatives, serving in 1921, thought that it was Mr. Rockefeller who had advised payment for the full fourteen days.

² Mr. Griffiths added, to show that there might be other reasons for resignation, "Mr. Scollick also stated a few days ago that if the miners continued to load dirty coal, he would resign."

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Coal Creek, the mine where the difficulty had arisen. There were then three mines in the Canon District. The representatives, the miners who were hostile to the representation plan, and those who were its friends, all spoke repeatedly of this case. Their chief argument was that the superintendent, who was agreed by higher officials to be in the wrong, had not been overruled. He was still superintendent in the same mine, while the two miners, the victims of friction between him and the foreman, had been transferred to other mines. They pointed to this case as illustrating a fundamental weakness in the plan. They thought that it meant that company officials would sustain a superintendent against a miner. How could the miners have confidence in the plan, they asked, when the only protection they have under it is the fairness and impartiality of the decisions made by the management? The vote of the two representatives had no weight against its decision in this case. Indeed, they themselves reiterated in 1921 their protest in these words: "It made us feel that the plan could not protect the men."¹

Talks with the miners and incidents like this have made us wonder whether superintendents and higher officials understand well enough the point of view of the men, and why the representatives are not able to make them comprehend. With better understanding the affair at Coal Creek could not have grown to the magnitude it did. Why did not the management profit more by the judgment of the employees' representatives, who were fearless and energetic in their action, but quite

¹ They finally decided to continue as representatives and they were again elected in 1921, but they have never been reconciled to the settlement of the Weir-Ratkovitch case.

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powerless to influence the decision? Is it the lack of a definite sharing of powers of decision with representatives which prevents the development of such leadership among the men as is necessary to make their representation count more genuinely as a factor in the policy of management?

A high official of the company said that the miners had not, as yet, the necessary confidence in the Industrial Representation Plan and, therefore, did not bring their grievances to the attention of the management. "Do you think," we asked him, "that unless some radical change is made in the present plan, the miners will ever be fearless in taking grievances over the heads of their local officials?" "Yes," he replied confidently. "Gradually, as they take grievance after grievance to the higher officials and see that they are fairly adjusted, the miners will become convinced of our fairness and sincerity. We have not reached perfection yet, but we have made progress."

CHAPTER X

SOME UNREPORTED GRIEVANCES

TO FIND out whether the men used the machinery of employes' representation to relieve "the petty frictions of daily work," we interviewed men in their homes, in the mines, and in the Young Men's Christian Association clubs of the camps. Much of the information which we were seeking was not to be found in the records. We expected to find causes for complaint; these are characteristic of coal mining, and the mere existence of grievances was not to us the significant fact. What we wanted to test was whether the men turned with confidence to their own representative or to the president's representatives or to the joint committees for redress when they felt that they were not being fairly treated, or when they were unnecessarily hindered in their work by some apparent bungling in management. Having talked with the men, we questioned the superintendent or foreman, and we observed conditions for ourselves to check the validity of the men's statements. The statements, however, were important not merely because they gave information, but because they revealed the men's state of mind, whether or not the facts justified it.

GRIEVANCES NOT REPORTED

With the exception of two mines, we found grievances among the men in every camp of the company. In almost every camp some miner or group of miners made

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definite complaints about underground working conditions, alleged partiality in the allotment of desirable and undesirable working places, inadequate payment for dead work, and suspected attempts of superintendents to discriminate against active union men. With those talks with the men clear in our memory, we examined carefully the available reports about conditions in the same mines. For example, we secured an abstract of the report of the president's industrial representative for Starkville, one of the mines in which we found the greatest number of grievances to exist. In the six visits, made by the president's industrial representative to this mine during an entire year, not a single grievance was recorded.

A REPORT ON STARKVILLE

Oct. 31, 1918.—Representative Wilgolz stated that the only trouble at Starkville was with regard to miners loading dirty coal. In order to secure better results in this respect he has been called upon by the management in every instance to inspect the coal where employes were discharged for this offense. Whenever employes have been dismissed on this account, Mr. Wilgolz believed the management was justified in its action.

Jan. 15, 1919.—No disputes. Representatives would assist in preventing loading of dirty coal.

Apr. 2, 1919.—No disputes.

Apr. 30, 1919.—No disputes.

June 24, 1919.—No disputes. Representatives stated that agitation for strike emanated from the outside.

Aug. 5, 1919.—No disputes.¹

¹ Abstract of reports of David Griffiths, President's Industrial Representative for Coal Mines, Colorado Fuel and Iron Company. Period October, 1918, to November, 1919, inclusive. Starkville mine.

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Our notes of interviews with men employed at Starkville show that they had many grievances. In the course of the investigation the camp was visited by us six times and the mine entered twice for interviews with the men at work.

MINERS' GRIEVANCES AT STARKVILLE

The lack of necessary supplies seemed to be a general grievance. "This is the worst mine the Colorado Fuel and Iron Company has," declared a former representative. "We are always short of rails and spikes." A present representative was quite discouraged. "There seems to be no system whatever," said he, "in distributing materials to the miners. I have taken this up with the foreman several times, but he has done nothing about it. I don't want to go over his head." One day, in the interior of this mine, a group of miners were found in one working place. One of them, the spokesman of the group, said: "The men don't get their rails, spikes, and ties. We don't have trouble in getting props for the roof. But we have trouble in getting the other materials. We have to rustle about ourselves many times for our rails. We go to abandoned working places, tear up the rails, and carry them a couple of hundred feet."

There was a reason for the lack of necessary supplies in this mine. It is an old one, and part of it is "on retreat," which means that the pillars and stumps, the last remains of coal, are being taken out. For its supply of rails for the section in which the men are advancing into new coal the management of the mine depends on those which can be pulled from the abandoned working places. There is nothing wrong with this procedure.

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It is efficient and money-saving. The difficulty, as it was explained to us, was that an insufficient number of day men were assigned to pull the rails and carry them to the miners who needed them. An expert observer said that the real trouble lay in a conflict of authority between mine foreman and superintendent. The foreman, as already indicated, has sole charge, under the state law, of managing the interior workings of a mine. In this particular mine, however, as well as in others, the superintendent would not delegate responsibility to the foreman. He wished to keep down his overhead expense and, therefore, would not permit the foreman to employ a sufficient number of day men for the delivery of necessary supplies to the miners. In fact, the foreman said he had difficulty in managing the mine because the superintendent kept constantly interfering with his directions and going "over his head."

The superintendent denied any shortage or lack of system in distributing necessary supplies. He contended that the foreman could use any of the day men in the mine to bring supplies to the miners. The general manager of the fuel department knew nothing about this grievance because the men had not brought it to their representatives nor told the state mine inspectors about it. The one representative who knew about their discontent did not wish to antagonize the foreman by complaining to the superintendent or to a higher official. The men did not ask their representatives to act for them.

On another day in this same mine, Starkville, five miners were found sitting in one place waiting for their next turn of empty cars. They were at first reluctant to repeat their grievances in the presence of two men who

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were not employes of the mine. One younger man finally broke the ice. He had had six hours of brushing previous to last pay day. He turned the account in to the foreman, who had promised to give him credit for the work in the office. The foreman failed to do so. The miner had repeatedly requested the foreman to give him credit for the work, but had received no assurance that this would be done. He had another grievance. On a previous day he had had to threaten the foreman twice that he would go home before the rails which he needed had been delivered to him. Another miner spoke. He and his buddy had spent a day's time handling rock. They asked the foreman to pay them extra for the work. So far he had laughed at them. All the other men in the place then voiced their complaints, almost in unison, about their difficulty in securing necessary supplies, such as rails, ties, and spikes.

The miners' representative was one of this group and, strange to say, he also stated the same grievance. There was no system in distributing necessary supplies to the men. Only one company man was assigned to the work and he could not properly do it all. The mine was too large. Consequently the men were always short of materials. They had "to rustle" about for supplies. Some of them had to go to abandoned working places (not always the safest thing to do), tear up rails, and carry them, themselves, to their working places.

Not one of these men mentioned the Industrial Representation Plan. They told their grievances and then stopped. So we said to them, "Now all of you have grievances. You are not getting your rails, ties, or spikes. You say also that you are not adequately paid for brushing, putting up cross-bars, and doing

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other dead work. But right here among you is your own representative, whom you elected under the representation plan. Why don't you take these grievances up with him and ask him to present them to the management?"

An embarrassed silence followed. Presently one miner spluttered out in a heated voice, "You might as well take the grievances up with this prop!" and he pointed to one of the timbers supporting the roof. The other men all nodded their heads in acquiescence. "What can he do?" continued the spokesman. "He can't do anything. He has no power." Then we inquired, "What's the matter with the industrial plan? Isn't its purpose to help you bring your grievances to the superintendent and the general management in order to have them adjusted?" The spokesman replied, "It is no good. We can't accomplish anything with it." The other men smiled as if the question were a foolish one.

Presently the representative spoke as if in self-defense. "I have taken up this grievance of not getting enough materials with the foreman a number of times. But he hasn't done anything about it. I hate to go over his head." We pressed this representative with the question as to why he did not bring the matter to the attention of the higher officials of the company. We reminded him of the various channels provided by the representation plan for the consideration of grievances. We also pointed out that we had seen no record of the specific grievances voiced by these miners in the reports and minutes for 1919 of the various bodies created under the plan. The only reply we could get was that he "hated to go over the head of the foreman."

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That this fear of antagonizing the officials in charge of the immediate work was real we soon saw in a quite dramatic form. We presently heard a voice at the opening of the room. "What is this, a meeting?" "That's the mine foreman," said some of the miners in subdued voices. They began to shuffle about uneasily. The foreman was invited in by one of the men who had accompanied us on the inspection tour. "These men," my friend explained to the foreman, "complain about not getting paid for dead work and about not getting enough rails, ties, and so on. How about it?" "Who is it?" demanded the foreman in a loud but somewhat nervous voice. "All of these men are complaining about the lack of materials and some about not getting paid for dead work," was the reply. The foreman explained that he had one company man who visited every working place once a day, inquired whether supplies were needed, and delivered them. Then one of the visitors pointed to the young miner who had complained about not receiving pay for six hours of brushing. The foreman turned to him. "Didn't I tell you," he demanded, "that I forgot to turn it in, and that I would pay you next time?" In answering, the miner did not talk as forcefully and as freely as he had to us prior to the coming of the foreman. He said quietly but hesitatingly, "You know very well that I spoke to you several times about it and that you didn't promise me anything definite."

"Here is another man," said one of the visitors, "who contends that he didn't get paid for a day's dead work." We looked around, and lo! all the other men had disappeared, swallowed up in the darkness of the mine. Even the miners' representative had left us, mumbling.

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"I told you that we weren't getting our supplies," and before we knew it he was busy sinking his pick into the coal. We were left alone with the foreman.

Company officials were skeptical about this fear of the foreman, especially this one. They commented on his personality and his ability to keep the mine safe. The point, however, is that not the man but his position inspires a sense of caution, at least, among the men. This is the weakness in encouraging the miners first to take up their grievances with the foreman or superintendent. However fair-minded these men may be, the fact is they hire and discharge—with safeguards, to be sure, but, nevertheless, the power is theirs to represent the management—and it is they who assign men to work-places and direct their work. This is the reason why the company would be wise to provide as active and detailed a supervision over all the human relations in the camp as they do over safety conditions—a suggestion which will be discussed later in this chapter. With no records of grievances required of the superintendents¹ and merely a visit from the president's representative three or four times a year, many causes of discontent may be unknown to higher officials.

The reports for this mine for 1919 made by the president's industrial representative have already been quoted. In six visits no disputes or grievances were voiced to him. The grievances about which the men complained were, also, not recorded in the minutes of the district conferences, the annual conferences, or the Joint Committee on Co-operation and Conciliation. A former

¹ As already noted, since our investigation, a change has been made and superintendents are now required to write out reports of grievances and their settlement.

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representative, who had been in office several terms and had had extensive experience with the plan for representation, was asked for an explanation. He had worked in unionized mines and the differences were in his mind. "When Griffiths came here," he broke out eloquently in foreign dialect, "I have to tell him everything is all right. If I go to the men, they say they have grievances, but when I ask them to come and prove it to the superintendent or Griffiths, they say they are afraid. So I tell Griffiths everything is all right." When asked why he did not take the grievances up to the district conferences or to the Joint Committee on Co-operation and Conciliation, he replied, "Representative elected by the miners, he no educated man. Company officials good, smart, educated men. The representative, he only one man, he got no backing, he got to fight everybody, superintendent, Griffiths, manager. Under union, miners have educated men who no work for the company, but give all their time to take up grievances. Pretty hard for man who works for the company to take up grievances because he afraid that if make the boss mad, maybe he be fired, or given bad place." He admitted that as far as he knew "the boss" had not yet disciplined any representative for taking up grievances, "but all the same," he said with emphasis, "the representative afraid he might."

He added that for selfish reasons, representatives would not be active. "If representative got good place and make good money, what he care about other men? He won't take grievances up or fight. Under union if pit committee no fight any case, next meeting of local we take it off and elect new committee."

He cited the following incident, which showed how

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the superintendent felt about criticism of conditions in this mine. Some time prior to our visit a committee from an Indiana steel plant came to Colorado to learn first hand how the representation plan was working. Most of the representatives praised the plan. This man, on the other hand, had expressed to them an unfavorable opinion. He spoke of the grievances at this mine and pointed out that the plan did not correct them. Two days later the superintendent came to his working place. He was very angry and asked the representative if he did not get paid for rock he had handled. "I answer yes," concluded the miner, "I get pay for rock but always somebody don't get paid. No pay for cross-bars either. Superintendent he then say, 'Indiana long way off. If you have any complaint you come to me. And if anybody comes and asks you about the Rockefeller Plan, you tell them it is all right.'"

UNREPORTED GRIEVANCES IN WALSEN DISTRICT

Starkville mine is in the Trinidad District. In the adjoining district of Walsen, also, where the company employs some 1,400 miners, we found similar grievances which had not been disclosed through the representation plan. At one mine the men complained that they were not paid for rock in the coal; "How can a man pick rock when he get no pay?" that they got nothing for loading rock on cars; that the rate paid for taking down the top rock, 60 cents a yard, was not enough; that the scale did not vary with a different height of seam, although the greater difficulty of mining in a low seam should require more money per ton.¹ Two men

¹ See page 206 for discussion on a grievance of this kind which was settled through employees' representation.

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with whom we talked complained that a foreman at Ideal had sworn at them and had not carried out his promise to give them good places in the mine. The miners wanted a check-weighman, but their representatives had taken no action to help them to get one.

Several miners complained that although the seams of coal in Huerfano County vary from three to six feet in height, the rate of pay for mining was the same for the low as for the high veins; that the men were not guaranteed "an equal turn of cars"; that the diggers themselves had to lay the track from the entry to the working face;¹ that on several occasions they had had to separate rock from coal without receiving extra pay, although it takes much longer to mine coal which has boney in it than to mine it from a clean seam.²

At Pictou about a dozen men showed us their pay statements, complaining that they were not itemized to show number of tons loaded, number of yards brushed, etc., and that only the lump amount of money was given for each type of work so that the men suspected that they were not paid for all that they had done, and when they had asked the clerk to give them itemized statements he had refused. The superintendent told us that he had known nothing of this grievance. Others in this mine complained of the refusal of a foreman to pay for four feet of brushing in May, 1919 (the mine foreman said that the miners had not brushed high enough). In one instance a miner and his wife suspected that they were being discriminated against, as their house had not been repaired.

¹ Although this is a general practice in mining, it causes discontent.

² See page 156 for a similar complaint which was settled for Ta-basco mine.

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These items are selected at random from the notes on some of the mines in this district, and do not include all the complaints that the men had to make. Yet not a single grievance was on record in the minutes of the Joint Committee on Conciliation and Co-operation for this district for four years. The annual report for 1919 for the Walsen District showed that the committee had considered such important questions as the equal distribution of work in slack seasons, with preference in employment to married men; methods of stimulating interest in the representation plan; the establishment of confidence; the relation to other committees; and the importance of local adjustment of grievances, but no specific grievance or dispute in any mine in the district was mentioned in its report, and presumably none had been referred to it for consideration in the course of the year.

THE WEAKNESS OF REPRESENTATIVES

It did indeed seem to us that many of the miners' representatives were timid, untrained, and ill-prepared to present and argue the grievances of the miners, and that their experience as representatives was not developing initiative or leadership in them. The representatives themselves were of the same opinion, and so were most of the miners whom we interviewed. Usually the representative who said anything unfavorable about his foreman, superintendent, or the management in general would pledge us not to quote him. Of all the representatives who spoke unfavorably or who told us of grievances, only one gave us his permission to quote him. "Now be sure not to mention my name," was the constant request. A representative caught one

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of us in the act of taking some notes. He immediately stopped. "What are you doing there?" he demanded. "You're not going to show that to any one?" His wife also was alarmed. "Old scout," said she to her husband, "I can see where you will have to march down the canyon now." We protested that under the representation plan the employes' representatives were granted immunity. They could not be discharged for performing their duties. "They might not discharge him," said the wife, "but they can make it mighty unpleasant—so unpleasant he might be glad to move." "You bet," was the comment of the representative.

Another representative refused, at first approach, to help us to test the basis for grievances told us by his colleague in the same mine. "Say, friend," he said, "I've got a pretty good job. I make pretty fair wages and don't have to work very hard. I have built myself a little home here. I have a family and I can't afford to move. I don't want to lose my job. No, they might not fire me"—this in answer to quoting the section of the plan protecting the representatives—"but they might take me off day work and put me to digging coal." This man refused to talk until we had given him a solemn promise that we would not use his name.

The fact that the employes' representatives are ill prepared to be advocates for the miners was pointed out by a number of men. They explained that they had to work hard in the mines; many of them were uneducated; they had no time to read. What match were they for the educated, experienced executives of the company before whom they must advocate the interests of the men? The more intelligent representatives had recognized this fact in 1917, and started the movement

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already described for the employment of a permanent miners' representative who would act in the same capacity for the men as the president's industrial representative acts for the company. They regret exceedingly that the rank and file of employes were not sufficiently interested to put this proposal into effect. "It would have cost each miner only a few cents," said a former representative regretfully, "and they would have had an independent and experienced official to take up their grievances and thrash them out with the company."

The timidity of the employes' representatives, their lack of training, their fear of going "over the head" of the foreman or superintendent, have resulted in a condition that does not promise successful leadership among the miners themselves in making the representation plan a vital factor in their relations with the management. The fact is that representatives do not take the initiative in discovering, investigating, and presenting grievances.

In one camp we were interviewing about fifteen miners. Among them was their representative. There was much discontent in this mine. The forty-five-year age limit, established in connection with a pension plan,¹ came in for a good deal of bitter comment. One miner contended that he had not been paid for four feet of brushing, and when he expressed a wish to take the matter up under the representation plan, the foreman told him that "the representatives have got nothing to do with this." A general complaint was that the management did not deliver coal to employes who lived outside the camp, and as in this camp there were not

¹ For discussion of the pension plan, see page 197 ff.

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enough houses for all the miners, the men thought the policy unfair; they were even talking about striking because of it.¹ One miner complained that he had not been employed since the strike on November 1, 1919, because he was then over the age limit. He was interviewed a few weeks later. He had worked, he said, until the day of the strike, and after it had applied three times for employment, but was refused while other men had been taken on.

The men spoke with feeling and ended by condemning the representation plan in vigorous language. Their representative had previously praised the plan. But throughout the narration of the grievances described above he sat and listened as if they did not concern him at all. We said to him, "Here, listen to all these grievances! Why don't you report them to the company?" He answered with some indignation, "How can I take their grievances up when they never come to me? I am not supposed to run around the camp and look them up. If they came to me, I would take them up." When we asked the men why they did not take their grievances to the representatives, they answered with even greater indignation that it was useless, the representatives did not amount to anything; they would not risk their jobs or antagonize their foreman; they had no power, and so on.

Yet one more illustration to show the mutual lack of confidence between representatives and miners. This was in a mine in Fremont County, a strongly

¹ In February, 1921, when this point was discussed, the general manager of the fuel department said that the company had never delivered coal outside a camp, and he could not recall any complaints for this cause.

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unionized district. All the men kept criticizing the representation plan. We believed that much of their bitterness and condemnation of the plan was due to their strong loyalty to the United Mine Workers. We therefore pressed the miners here to an almost unpleasant degree for any instances arising in their actual experience that made them feel unfavorable to the plan. We pointed out that their hostility was perhaps unfair. They had been indifferent to the plan. They had not tried it out. It might have proved very successful for them had they given it a chance. Finally a spokesman broke forth into a long narration of one of his experiences:

"The representatives are no good,"¹ he declared vehemently and quickly. "I will show you. At one time we had the custom here that on measuring day representatives should come along with the foreman in order to decide what dead work was worth. I had just come back to work in this mine. After the 1913 strike I couldn't get work here, although I tried repeatedly. They wouldn't take back men who had been active in the strike. But when the war came and the country was short of men and the fuel administrator threatened to investigate why some of us were not given work by the Colorado Fuel and Iron Company, I was finally

¹ Company officials pointed out that some of the representatives at this mine had been among the ablest employes of the company, and they could not see how any one could call them "no good." One of them was at one time a member of the state legislature. His testimony before the State Industrial Commission regarding the need for a salaried representative of the employes has been quoted (page 89 ff). We also were impressed by the ability of many of the miners whom we interviewed. But we leave the text as it stands because it reveals the point of view of the men themselves. Again, the criticism is against the limitations of the office of representative, rather than against the personalities of the men who have held the office.

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given a job.¹ But they gave me a pretty bad place. There was so much dead work that I couldn't make wages. On a certain measuring day the foreman and the representative came into my place. I had a lot of dead work. The foreman asked the representative, 'What do you think this work is worth?' He answered, 'I don't know. It's up to you to decide what it is worth.' Now that was wrong. The representative didn't know his business. If I was on a pit committee on work of this kind I would have immediately asked whether the miner had made 'company wages.' If he hadn't, I would have suggested to the foreman that the miner's earnings should be made up at least to average the earnings per day of company or day men. But in my case the representative left it to the foreman. Finally the foreman named a certain amount for my dead work and asked the representative whether it was enough. The representative said it was satisfactory to him. Then I protested. I told the foreman how many hours I had put in on that dead work. I told him that the amount he named was entirely too small. The foreman gave me a larger amount. Again he asked the representative whether he was satisfied, and he answered that he was."

"I had another incident of the same kind a little

¹ On this point President Welborn said that, as long ago as 1915, he had made the announcement to the men that "by-gones were by-gones" and that the future and not the past record of a man would be the test for employment. Men, he said, have been given positions and advancement in the company who have been active in the union; for instance, the assistant foreman at Starkville was secretary of the local union when the assistant foremanship was offered to him. This policy of the company will be described later. The men's statements, which we have quoted, seem to us necessary, however, for a true understanding of their attitude. They are thoroughly convinced that it is "not healthy" for them to be active in the union.

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later," he concluded. "That just shows that the representatives are no good. They are afraid to open their mouths. I personally would rather have the foreman settle any grievance for the men than the representatives. They [the representatives] have no backing. There is no union behind them to protect them. They are afraid of losing their jobs or of getting a bad working place."

These incidents illustrate the attitude of the majority of the miners with whom we talked. They lacked confidence in the effectiveness of their representation. This was not so much directly expressed as implied in almost every instance in which they failed to act under the plan. Other factors entered in, such as the inertia which prevents men from taking their part in group action, even when it is to their interest to do so, and their sense of inadequacy to argue the men's cases with educated superiors because of their own slight education. Also, it was clear that difficulties had been due to the need for more continuous supervision of the policies of superintendents in hiring, discharging, and other aspects of so-called "personnel problems"; the lack of wholehearted, intelligent co-operation on the part of some of the superintendents and foremen and the timidity and ineffectiveness of some of the men's representatives.

REPRESENTATIVES' VIEWS

Most of the miners' representatives whom we interviewed were friendly to the Industrial Representation Plan. Many, however, said that, although the plan was excellent in principle, local officials—the superintendents and foremen—were "not living up to it." We asked almost all the representatives to explain the reason why the miners did not take a keener interest

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in the plan; elect representatives from their own number (i. e., diggers); and take their grievances up with the management. A number, like some of the superintendents, laid the responsibility for indifference to the activity of union organizers or "agitators," as they called them. These agitators went about telling the men lies and instructing them to have nothing to do with the representation plan. The miners believed them and followed their instructions.¹

Some of the representatives were indignant because the men were not more appreciative of what the management had conceded to them since the plan had been introduced. "The men won't give the plan a chance," complained one former representative. "They won't work with it. They won't bring their grievances up. Regardless of what they think of it, I believe in giving the plan the credit for what it has done. For instance, prior to the time that I became representative the company owned the lots on which the houses were built. The houses belonged to private individuals. The company used to charge us a ground rental of \$1.00 a month.² The other representatives and I took this up with the management and got them to give warranty deeds for the lots to all the owners of the houses. Thus we abolished the rental. We also got a man-trip. It took us quite a while to get it, but the company finally installed one. We also got the management to pay a minimum of day wages to miners who worked in very deficient places."

¹ That the union is actively opposing the plan will be shown in Chapter XIII, *United Mine Workers in Colorado*, page 269.

² President Welborn explained that this ground rental had been charged only at Coal Creek and not in the other camps.

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"I'll tell you what I think killed the plan in this district," continued this miner. "We were getting along very well for the first two years. But in 1917 the Victor-American Fuel Company, which has two mines near here, signed an agreement with the United Mine Workers. The men here immediately began to ignore the representation plan. They thought that they also could get a contract. If our next-door neighbors can get a contract, they argued, why can't we? With the signing of the contract by the other company there came at the same time a number of union organizers into this district. They constantly advised the men against co-operating with the plan."

Most representatives were of the opinion that if the miners would only work with the plan they could obtain splendid results. But they all said that the men did not care for it. "I have often remarked to my friends," said one representative, "that the Colorado Fuel and Iron Company was very foolish to try to have the representation plan when the men don't want it. It must cost the company a lot of money to administer it. It would cost them much less to have a union contract and they wouldn't have to concede as much to the men as they do under the plan."

"What's the use of being a representative," remarked one miner who had held that office, "when you don't represent any one? The men won't come to meetings called by us. They won't bring their grievances to us, but they will go all around the place and grumble. They don't appreciate anything we do for them. They want a union contract and won't be satisfied until they get one."

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POSSIBLE SUPERVISION OF EMPLOYMENT POLICIES

One safeguard against the concealment of grievances, because of lack of confidence in the representatives and fear of antagonizing foreman or superintendent, might be the development of a personnel department. The reluctance of the company to departmentalize its relations with its employes, and its insistence upon having responsibility for the success of the plan rest upon every executive as part of his day's work, have been noted. This would seem to be sound policy, as far as it goes. Moreover, a centralized personnel department, having charge of hiring, passing upon all discharges, and in other ways supervising conditions of employment, has seemed to the company to be impracticable in the widely scattered coal mines. Nevertheless, it would seem to be feasible to appoint men to give their full time as experts in human relations, just as a chief mine inspector acts for the company in insuring safety. The foreman and superintendent must be responsible for safety day by day in each mine, just as they are responsible for hiring and discharging miners; but their work in safeguarding the men against accidents is subject to regular inspection by the chief mine inspector. In an exactly analogous procedure their functions in hiring and discharging and in adjusting grievances could be subject to more frequent inspection.

THE AGE LIMIT IN THE PENSION PLAN

The history of the age limit for employment, which was made a provision of a pension plan adopted by the company, shows how easily dissatisfaction could develop without the company's knowledge and without em-

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ployees' voicing it through the representation plan. After our preliminary report had been read by the company, and after we had discussed the pension plan with employees' representatives, this matter was taken up at the request of employees' representatives and modified in accordance with their views.

On March 22, 1917, the company established a "service retirement plan." This provided that employees at the age of sixty-five, after twenty years of service, should be retired from their positions and should receive a payment equal to "30 per cent of the average pay per month of service during the ten years next preceding retirement, with a minimum of \$20 per month."¹ The announcement of the plan made this statement: "So that all new employees may have an opportunity to render twenty years' service before the age of sixty-five, at which time they will be retired, the age limit for new employees has been fixed at forty-five."² The length of service required need not be continuous, as "credit is given for all the time employees have actually been on the payroll." Administration of this pension system is in the hands of a Service Retirement Board, consisting of five officials of the company, appointed by the president and approved by the board of directors. Wage-earning employees are not represented on the board.

In our talks with the miners we discovered many evidences of bitterness against the forty-five-year age limit. In fact, the disadvantages of this regulation, in the minds of the men, seemed to outweigh the bene-

¹ For women employees, the retirement age was sixty, after thirty years of service.

² Service Retirement Plan, p. 11, revised to May, 1920. The Colorado Fuel and Iron Company and Subsidiary Companies.

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fits of a pension system. We met no coal miner who was in favor of the age limit. "It makes a slave of a man after he is forty-five years old," exclaimed a number of the miners bitterly on one occasion. "He is afraid to express his opinion. He is afraid to join or become active in the union. For, if he loses his job, what should he do? He can't work for the company any more."

In going about from mine to mine we noticed that the men in the late forties were taciturn. The younger men talked more freely and fearlessly. In one mine several older men with whom we discussed the Industrial Representation Plan immediately jumped to the forty-five-year age limit. "The Colorado Fuel and Iron Company," they said heatedly, "has put a rope around our necks. We are now over forty-five, and we can't say anything. If we have hard places in the mine and lots of dead work, we keep quiet. We are afraid that we will be fired, and then we can't get work with the Colorado Fuel and Iron Company any more." We asked them why they didn't move. "Move? Ha!" was the rejoinder. "We've all got our own little homes here.¹ We have families and our friends are all here. It's easy to say 'move' but hard to do it."

In almost every mine visited were men of this opinion. There was everywhere the same bitter, vehement, almost fierce opposition to the policy of the company of not employing men who were over forty-five years old. Even superintendents and foremen were not enthusiastic about it. They hesitated to criticize the policy of the company, but several of them stated that

¹ This was not a camp, owned by the company. It was an incorporated village and most of the men owned their own homes.

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a man at forty-five is an excellent miner. He is in the prime of life. He is steady in his habits, settled, conservative, and reasonable.

The officers of the company explained the obvious reason for the establishment of an age limit. If twenty years of service are to be required, and the retiring age is sixty-five, the age limit for new employes would seem to be automatically established. But a man who has formerly worked for the company may be re-employed after the age of forty-five, as the plan expressly states that his years of service to secure the pension need not be continuous. We were given a list of 118 names of men who have been reinstated after they have reached the age of forty-five. These reinstatements had occurred at various times in the years between 1916 and 1920, and the ages of the men reinstated had ranged from forty-five to sixty-seven. Employes in the mines confirmed the statement that men over forty-five were frequently re-employed by the company if they had worked there before reaching that age. Nevertheless, they asked what would become of men past forty-five if every industry in the country established a regulation of this kind, and they believed that it would be more just to abolish the age limit for employment, even if this meant that men who entered the employ of the company when over the age of forty-five would receive no pension or be paid a lower rate.¹ Even those miners who themselves were far from the age of forty-five and felt quite secure in their own jobs realized so vividly what it

¹ Some opposition was expressed to the results of a percentage basis for the pensions, on the ground that the employes who had earned the least in the last ten years before retirement, and who, therefore, had had least opportunity to save, received automatically the smallest sum as a pension.

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means to an older man to be hunting a job that they expressed deep resentment against this policy in the company for which they worked.

The important point to question, however, is not whether this was a wise or an unwise provision in the pension plan, but rather how it happened that, although when it was adopted the Industrial Representation Plan had been in effect for a year and a half, the men were not consulted about its provisions in order to avoid action which might cause widespread discontent. The representatives at one camp told us that the plan was announced to them by President Welborn at a meeting of the representatives. Some of the men immediately raised a question as to the reason for the forty-five-year age limit. President Welborn explained, according to the men, that this was a higher age limit than prevailed in many industries, and that, anyway, the board of directors of the company had adopted the pension plan and it could not be changed by the president or any one else.

In our conferences with the company officials this statement, that it was the board of directors who had adopted the plan, was confirmed. President Welborn expressed interest in our reason for questioning why the employes were not consulted. "Do you think," he asked, "it would be perfectly natural to bring the employes into consultation in arranging the details of a pension plan? . . . I never have known of pension plans being framed through co-operative effort between the management and the workers. It seems to me it is one of the things that quite naturally rests with the company itself." He explained that the company was ready and anxious "to co-operate with the workmen in

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every matter which may call for, we will say, a concession on both sides. Here is a matter that is not materially different from a bonus that one might announce."

SHARING DECISIONS WITH WAGE-EARNERS

This inquiry into the method of introducing the pension plan led to an interesting discussion with the officials of the company. We asked whether the typical manager of industry genuinely believes that the workers are capable of participation in important decisions, or whether employees' representation must be limited in practice to the grievances or the suggestions of employees. We were referring, not to all of the functions of management, but merely to those which affect directly human relations in the industry. Mr. Welborn replied that "the typical manager of industry is called upon about eight hours out of every day to answer questions and define policies or courses of action that do not permit of the time of consultation, even, in many cases, with those in the same building. . . . My experience convinces me that the typical manager, as you term it, of industry is, when opportunity affords, very considerate of the views, we will say, of the average workman, and desirous of having them; but again, unless some other form of managing industry is adopted, it seems to me that he has not the time; he is responsible and he must move rapidly and has very little time for consultation."

The provisions of the pension plan were finally changed through employees' representation.

At the annual meeting in January, 1922, after we had prepared our preliminary report and submitted it to the company for criticism, a recommendation to raise the

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age limit to fifty years was unanimously adopted by the representatives of employes and of management. The bulletin for January 19, 1922 (p. 7), reports that the proposal originated in the Canon District and came from the employes. Meetings were held, attended by employes and officials of the company, first in Rockvale and later in other mining districts and at the steel works. The recommendation was finally made by the vice-president, the president's industrial representative, and the general manager, with the approval of the president. A sliding scale was adopted for the minimum pension for those employed between the ages of forty-six and fifty years, and the percentage of average monthly earnings to determine the pension was also made to decrease for each year of age above forty-five and up to fifty years at the time of employment.

CHAPTER XI

GRIEVANCES OVER COMPENSATION

MINERS, or diggers, as we have stated, are paid by the ton of coal mined. The company men are paid by the day. The miners constitute about two-thirds of the force in the mines of the Colorado Fuel and Iron Company. For company men the wage rate is comparatively easy to determine, as it is a definite sum for a definite number of hours. The miners' earnings, in contrast, are affected by a thousand and one conditions, constantly changing and often unforeseen. A miner can dig more coal in one hour in a high seam than in a very low one. If rock intervenes he must separate it from the coal, and the amount of pure coal which he can load on the car—later weighed to determine his earnings—will be decreased by the time spent taking out rock. Or a portion of the roof of the mine may fall, and he must clean it up before he can dig coal. Or the driver in his entry may not be able to supply him with a mine car on which to load his coal as often as he needs it, and he may lose time and earnings by having to wait for a car to load.

Representatives of coal miners have, therefore, two different kinds of questions on which to act if they are to protect employes' interests: (1) The day-to-day determination of compensation for the constantly changing conditions and extra tasks; and (2) agreement on the basic rate per ton to miners and the daily wage of

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company men. Sometimes this basic rate must be varied in applying it in a particular mine, or a group of mines, having peculiar conditions that affect the normal output per man. Clearly, therefore, new questions regarding earnings are likely to arise more or less frequently in a mine, and we would expect the machinery of representation to be used often in adjusting them. This chapter will deal with the procedure in day-to-day determination of extra compensation. In the following chapter the determination of the basic rate will be discussed.

DAILY ADJUSTMENTS IN COMPENSATION

Superintendents do not attempt to settle grievances involving rates which may apply not merely to an individual, but to a class of work. Reports of the president's industrial representatives show that a number of complaints have been registered with them at various times, and in different mines, concerning rates of pay for certain work. Thus, at Cameron, the foreman stated in the presence of the representatives that "there was considerable dissatisfaction among the loaders¹ because they received nothing for narrow work in running cross-cuts, while the machine men were paid \$1.31 per yard. The machine men work under a disadvantage when cutting narrow places, but the loaders are also at a disadvantage, in addition to being required to furnish the powder for blasting the coal. The representatives corroborated the foreman's remarks, and it was agreed to suggest that the \$1.31 per yard for narrow work should be apportioned between

¹ Loaders, as explained, are the miners who follow the machine men and load the coal after it is cut and blasted.

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the machine men and loaders."¹ At Pictou, a low vein was encountered in a certain section. The men wanted a higher rate than prevailed for the higher vein in the rest of the mine, and the representatives complained first to the superintendent and then to the president's chief industrial representative. After investigation by him, "in company with the representatives, E. H. Weitzel [and] Superintendent [W. S.] Getchell, . . . it was decided that the price for loading coal four feet and less in thickness shall be increased from 58 cents to 64 cents per ton of 2,000 pounds. The rate for cutting [by machine] shall be increased from 15 cents to 17 cents, the thickness of the coal seam to be determined by the distance between the rock bottom and the rock top."²

In Fremont County, in the autumn of 1917, the president's industrial representative reported that the only unsettled complaint was a "misunderstanding regarding the wage scale," affecting the three mines then operated by the company in that district. They had been closed down during the 1913-14 strike. In March, 1915, a committee of men representing each mine, who had waited on the general manager of the fuel department, Mr. Weitzel, about opening the mines again, had reported back to the miners that a reduction of 10 cents per ton would have to be accepted until business should become normal. By 1917 the men thought that the 10 cents should be restored and so requested.³ In reply, Mr. Weitzel wrote in October,

¹ Reports of David Griffiths, period October, 1917, to September 30, 1918, inclusive. Cameron, June 12, 1918.

² Reports of B. J. Matteson, beginning December, 1918. Pictou, June 2, 1919.

³ Reports of David Griffiths, period October, 1916, to September, 1917, inclusive. Coal Creek, September 29, 1917, and October, 1917.

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1917, that the rate in Fremont County before the strike had been from 10 to 15 cents higher than it should have been, compared with the rate prevailing in Huerfano and Las Animas Counties. He further stated that at the time of the conference with the committee of the men in 1915, "no hope was held out . . . that the old rate would be restored." The men continued to be dissatisfied, and the State Industrial Commission acted.

As the result of a strike threat by the United Mine Workers, not connected with this matter, the commission had made an investigation in October of existing grievances and had awarded the miners in the Canon District, then comprising Fremont, Rockvale, and Coal Creek mines, an increase of 6 cents per ton to equalize their earnings with those in Huerfano and Las Animas Counties. "The award . . . was acceptable," reports Mr. Griffiths, after a visit at Rockvale in November, 1917, "though some of the miners thought they were entitled to the 10 cents per ton they had asked for. . . . Only a few of the workmen were present, but the employes in general freely state that the advance in wages was more than they expected."¹

RATES FOR CROSS-BARS²

In some other adjustments the employes' representatives have had a more active part, either as members of the Joint Committee on Conciliation and Cooperation, or by referring complaints to the president's industrial representatives. The method of determining rates to be paid for setting up cross-bars is a good illus-

¹ Ibid., Rockvale, November 10, 1917.

² See page 43 for description of a cross-bar.

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tration, both of the activities of representatives and of their limitations. Cross-bars in working rooms are necessary only in places where the roof is extremely bad. Ordinarily cross-bars are put up in entries only, and merely props, sometimes with cap pieces, in working rooms. Props, as has been explained, will hold the roof up when it is solid. But if it is fragile or penetrated with pieces of slate or rock that may fall at any minute from the main body of the roof, props are inadequate to protect the miner. Bars, about one foot wide and sometimes as long as eight feet, must be fitted on the ends of the props which adjoin the sides of the room. Occasionally two or three cross-bars may be needed to stretch across a room.

There is no dispute about the payment for setting up cross-bars in entries. A regular scale has always been established for this work. But there has been a difference of opinion about payment for setting up cross-bars in working rooms in the mines of the Colorado Fuel and Iron Company. The management has contended that the state law requires the miner to make his working place safe and secure. He is a contract worker, and is paid only for mining coal at the rate of a certain fixed price per ton. If the roof is bad, it is the job of the miner to make it safe by setting up cross-bars. Miners admit that, under normal conditions, they should make the roof in their working places secure and therefore it is customary for them to put up props without pay. But they deny that they are required to put up cross-bars without pay. The state mining law, they argue, in opposition to the management, has nothing to say about wages, but deals only with safety conditions and cannot, therefore, be interpreted as requiring the miner

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to do an excessive amount of work without extra pay to make his place safe. Moreover, foreman rather than miner is held responsible for safety conditions. It takes a longer time, the men say, to put up a cross-bar than to set up a prop and, they contend, it should be paid for accordingly, whether it is put up in an entry or in a working place.

After the Industrial Representation Plan was introduced, the president's industrial representative, Mr. Griffiths, heard a number of these complaints in his visits to the mines. He reported them to Mr. Weitzel, who had been for several years the secretary of the Joint Committee on Co-operation and Conciliation in the Trinidad District, where the grievances about the cross-bars were concentrated. The complaints were discussed at several meetings of the committee, and were also brought up by an employes' representative of Starkville at the Trinidad district conference, held at Berwind-Tabasco, January 18, 1917. In the discussion the division superintendent evidently disagreed with the representative's claim, and declared that it was already possible for a miner to earn more money at Starkville than at any other mine, and that the scale should be reduced to equalize it with other mines, rather than to add a new rate for cross-bars. Mr. Weitzel, however, assured the employes' representative that, on his next visit to Starkville, he would discuss this matter with the miners.¹ Later it was referred to the district committee for decision.

The committee, under Mr. Weitzel's direction, made a test of the time it took to set up cross-bars and then

¹ Minutes of the Trinidad district conference, Berwind-Tabasco, January 18, 1917.

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established a rate on the basis of the test.¹ The employees' representatives, who were members of the committee, presumably witnessed the tests, both at Starkville and Primero, and agreed to the rates. Nevertheless the men were not satisfied.

¹ The test covered two mines, Starkville and Primero. The method of the committee is described in the following paragraph from the report of Mr. Weitzel, as secretary, to the president:

"After visiting most of the working places where this work is being performed, the committee stopped at No. 1 Room, in the first blind entry off the 16th East. Tony and Luke Glazer were working in this room, and without intimating to them the purpose of our visit, they were instructed to frame and set up a cross-bar in the way they were doing it regularly. The committee timed them and found it required 23 minutes to do the work. We then instructed them to set up two props, with a cap piece over each, and to wedge them tight; this we found required 11 minutes, making an excess of 12 minutes' time for two men in setting a cross-bar." (That is, it took the men 12 minutes longer to set up a cross-bar than to place props with cap pieces.) The amount of compensation which should be paid was determined by the ratio of twelve minutes to the total working day of timbermen:

"Our timbermen rate at Primero is \$3.90 for eight hours, and as 12 minutes is one-fifth of an hour, and one-fortieth of a day, each of the men would be entitled to one-fortieth of \$3.90, or 9¾ cents. The committee, therefore, recommended that for each cross-bar erected in the room the company pay the sum of 20 cents, and this rate will be made effective August 1st. In doing this, we are not receding from our former position that the law requires the miner to take care of his own working place, but we are putting this rate into effect for the reason that, in a number of places in the Primero mine, the roof is in such condition that it is only necessary to set props and cap pieces, and that employes working in rooms where cross-bars are necessary are working at this much disadvantage, and as a matter of putting them on an equality with other miners, we should pay the difference."

No extra compensation was awarded in Starkville because investigation showed only the negligible difference of one minute, according to the report, between setting up cross-bars and putting up props with cap pieces—work which miners are required to do without additional pay.

The reason for the difference in time between the two mines was found in the difference between the natural conditions prevailing:

We found that while the cross-bars at Starkville were all dressed timber, and whereas there was no side weight to take care of at

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Three and a half years later, in 1921, the account that had appeared in the minutes of the meeting of the committee was given us by one of the employes' representatives at Primero. This incident was the outstanding one in his mind when we asked him what grievances he had handled for fellow-employes. He described the dissatisfaction which the lack of a rate for cross-bars had caused. Mr. Weitzel, he said, visited the mine and with two or three members of the committee, himself, and the superintendent went into the mine and timed the work of two men. The men timed had been selected, he said, by the "pit-boss"—the foreman. In 1921, according to the representative, discontent was still great among the men over the rate, which they thought inadequate, because the roof of the mine was very bad and many cross-bars were necessary in the rooms.

The same rate was later made to apply at Frederick mine. Here, however, the employes' representatives had not been consulted. In the minutes of the Trinidad dis-

Starkville, and it was unnecessary to frame the posts into cross-bars, that at Primero the conditions were different—that on account of the more fragile quality of coal, the upright timbers supporting the cross-bars were subjected to side pressure, and it was necessary to frame the cross-bars to receive the top of the posts in order to resist the side pressure; also found it was necessary in some cases to put lagging from one cross-bar to the other." (Extracts from letter to President Welborn from E. H. Weitzel, dated July 23, 1917, reporting the setting of rates for cross-bars by the Joint Committee on Co-operation and Conciliation of the Trinidad District.)

By 1920 the rate paid had been increased to 29 cents in Primero and a rate of 26 cents had been established in Starkville, as a result of the periodic increases during the war in the general scale. In the latter place it had been finally decided that the miners should be paid for putting up cross-bars if they had been ordered to do so by the mine foreman.

By 1923 the day rate for a timberman had been increased to \$7.80, as compared with \$3.90 when the first test was made at Primero.

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trict conference, held at Sopris on January 16, 1920, it is reported that "Archie Dennison, representative from Frederick, called attention to the fact that it was stated in a report of the Joint Committee on Co-operation and Conciliation originating at Pueblo, that the committee had decided on a rate to be put in the wage scale at Frederick similar to the one adopted at Primero for putting in cross-bars; that if such a rate has been put in the scale, the representatives are unaware of it." Mr. Weitzel replied that a sub-committee composed of the division superintendent and the superintendent of Frederick mine had been appointed "to look into this matter, and that the committee reported that the same rate would be applied at Frederick for this class of work as was adopted at Primero."¹ Thus, in applying the rate at Frederick, no employees' representatives were consulted, and the question was not reopened when the representative from Frederick protested at a district conference.²

¹ Minutes of Trinidad district conference, held at Sopris, January 16, 1920. The report of the Joint Committee on Co-operation and Conciliation for the Trinidad District for 1919 contains a paragraph stating that the superintendent of Frederick, who was a member representing management on the committee, reported that complaints about the lack of payment for cross-bars were being made to him. He and the division superintendent were then appointed "to investigate and establish a rate for this work." The report adds that they later reported their decision to establish at Frederick the rate already determined for Primero. No employees' representative was a member of this sub-committee to determine the rate.

² That other representatives have complained that they are not consulted in the settlement of difficulties, was shown in the statement of the employees' representative from Berwind at the Trinidad district conference held in Berwind on January 18, 1917. The minutes state that Representative Pacheco "expressed his opinion that when a difference arises between an employe and the mine foreman or superintendent, the representatives ought to be brought into the discussion and have the opportunity of becoming fully acquainted with the controversy. This question was discussed with Messrs.

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The same difficulty in a different form occurred at Sopris. One of the causes of irritation due to the lack of payment for cross-bars at Primero, Frederick, and Starkville, was that in the Sopris mine, in the same district, a rate of 74 cents for a cross-bar was paid. This sum, as later explained to us by officials, was much larger than in other mines because in Sopris a great deal of "brushing" is required, as well as the setting of cross-bars. A former division superintendent in the district had objected to paying the miners anything extra for brushing, and so a rate was set for cross-bars high enough to compensate also for brushing. When it became necessary to set a rate for cross-bars at adjoining mines the rate at Sopris was a cause of embarrassment. Therefore it was decided to cut the rate at Sopris to the same amount which had been determined for the other mines, while at the same time setting a rate per cubic yard for brushing.

One of the employes' representatives at Sopris described this incident to us in 1921. The proposed decrease had been explained by Mr. Weitzel at a district conference, he said. The representatives had had nothing to do with the rates suggested. As one of them explained, engineers did the measuring, and the officials looked over the books for three months to see how much had been paid for cross-bars and brushing combined. The rate was then arranged with the "super," and not with the representatives. The representatives, however, were asked to call a meeting of miners in the camp, following the district conference, and to explain the new

Weitzel, Archie Dennison (employes' representative from Frederick), and Welborn, the last assuring Mr. Pacheco that his suggestion would be made effective."

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rates to them. Only seven or eight men came. "They no like," said the representative. "No like cut here" (pointing to left palm), "even though make more here" (pointing to right palm). Discontent continued in this mine. The roadway was poor. Some miners had "lots of timbering" (setting cross-bars) and "not much rock" (requiring brushing), so that the extra rate for rock did not compensate for the lower rate for cross-bars.

We found, also, in 1920, widespread discontent regarding the rate for cross-bars. One representative in the interior of a certain mine was asked what he thought of the representation plan. He immediately walked to an adjoining working place. "Look," he said. "You see these two cross-bars? It took the miner working in here an hour and a half to put them up. There is a very bad roof in this place. But he will only get 26 cents for each set of cross-bars or 52 cents for an hour and a half's work. I tried to talk to the superintendent and get more money for this man. He brought it up as a grievance to me. But I could get no satisfaction. The superintendent wouldn't discuss it with me. He just walked away. That is why men in this camp like the union better than the Rockefeller Plan."

In conference with officials of the company in 1921, the general manager of the fuel department described the setting of these rates and the share of the representatives in them:

"I remember about all those adjustments that you speak of. I remember that at Sopris the representatives were not asked about that. I figured that out in the office, and what I thought was the right adjustment on the brushing and timbering rate and asked Mr. Deldosso [superintendent of Sopris] to

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take it up and go over it with the representatives and the employes. But I had to determine on what I thought the rate should be and that is what was made. It was not announced until after Mr. Delosso had advised me that he had had it up with them. Now at Primero the local representatives were not taken into the discussion after we came out of the mine. The committee did that.

"At Pictou, when we adjusted the rates for cutting and loading, we went into all the places in the mine where the coal existed, and I made some measurements of the width of the room and the height of the coal, and figured the tonnage and some other things that entered into it, which I am sure the men could not have done, and I am sure I asked Mike Lick [employes' representative] what he thought was the fair rate and I couldn't possibly get a suggestion out of him, and finally I suggested what I thought would be the right rate and Mike agreed to it. Once at Emerald . . . we did the same thing. We went down to all of the places and measured the rock and the height of the coal; that is, rock that comes in the form of mining slate. When we finished up I asked Mr. Anderson, the representative, for suggestions, and he wouldn't make any, and finally I made a suggestion and he thought it was too low, that it ought to be higher. I finally made it the rate he wanted. But in two of the cases the representatives had all the chance in the world to suggest and discuss the rate, and in the other two they did not."¹

This unwillingness of the representatives to act in so important a question was, indeed, confirmed by the men themselves. Some of them said that that was why they wanted a paid representative of their own, giving all his time to their interests, and not employed by the

¹ Report of Conference between Representatives of the Russell Sage Foundation and of the Colorado Fuel and Iron Company at Denver, March 7-8, 1921, pp. 109, 110. Typewritten record.

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company.¹ They said, as did Mr. Weitzel, that the setting of rates requires expert investigation.

WEIGHTS

Several complaints in the reports of the president's representatives were about "weights." As the miner is paid according to the number of tons credited to him when the contents of the mine cars bearing his number are weighed at the mouth of the mine, difficulties over weights are really wage problems.¹

Thus, in the winter of 1917, some of the miners at Starkville complained to their representatives that "the scale on the tipple was not weighing correctly." "When Representative Thomas was acting as check-weighman," continues Mr. Griffiths' report,² "a request was made that the scale inspector be sent for. Upon his arrival the inspector found the scale slightly off, and adjusted it to the satisfaction of those present. The representatives called a meeting to explain the condition of the scale to the employes. Some of the miners have the idea that Weigh-boss Willard is employed to reduce weights, although the workmen employ a check-weighman to watch his figures." At Fremont "some of the miners have complained about the weights, but the majority do not want to pay a check-weighman."³ Afterwards the employes evidently elected a check-weigh-

¹ The Colorado law requires that a "check-weighman" shall be employed in any mine in which a majority of the men vote for it. His pay is to be made up by deducting the amount from the miners' pay. His work is to watch the weights credited to the men by the company's employe, the "weigh-boss."—Coal Mining Laws, Colorado. Passed 1913; amended 1917 and 1919. Section 113. Issued by State Coal Mine Inspector, Denver.

² Reports of David Griffiths, Starkville, December 5, 1917.

³ Ibid., Fremont, February 18, 1916.

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man, for several months later we found reported for the same mine that the representatives arranged for a secret ballot on the subject. "A majority voted against having a check-weighman. Ballots were counted in the presence of the check-weighman, who resigned his position and went to work as a miner."¹ In still another mine, Mr. Griffiths reports in December, 1917, that he "discussed with the representatives the complaints of some of the miners relating to weights. The representatives agreed to use every possible effort to have a majority of the miners vote for a check-weighman." On behalf of the company Mr. Griffiths, in the absence of the superintendent, "assured the representatives" that this official "would do all in his power to have a majority vote for a check-weighman."² Mr. Griffiths adds to his report that later the president of the company wrote to him "to take the position that the company will co-operate in every proper way in selecting a check-weighman, but to refrain from urging, or seeming to urge, the men to take this action."³

We found some miners suspicious about their "weights." In one working place of a certain mine one of the men shook his head mournfully and said that he could not understand why his buddy should receive higher weights than he. His cars were loaded in exactly the same way and just as high. And yet his buddy's cars averaged several hundred pounds more. This attitude was usually found in the mines where the men had no check-weighman. Even a check-weighman does not always satisfy them. Racial jealousies make for suspicion. Should the check-weighman happen to be

¹ Ibid., Fremont, October 20, 1917.

² Ibid., Primero, March 7, 1917.

³ Ibid.

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Greek, and a substantial number of the miners Italian, the latter will be jealous of the Greek and think that he is showing favoritism to his fellow-countrymen.

We asked a number of miners who complained in different camps why they did not employ check-weighmen and make certain that they were receiving their just weights. We pointed to the fact that the state mining law gave a majority of the miners in any mine the right to employ a check-weighman. "What's the use?" was the answer. "Unless our union is recognized the check-weighman has little authority. We have no real power. He has no backing. There is no pit committee to help him."

Officials told us that they always welcome a test of weights, and it is the policy of the company to have any complaint on this point investigated at once. The men who complain are urged to sack the coal themselves after it has been weighed on the tipple scale, and to weigh it on any other scale they choose. To test its own scales, the company keeps at every tipple not less than 4,000 pounds of weights made and sealed by the federal government. A mine scale registers only in hundred pounds.

The representation plan, say the officials, has made no difference in the intention of the company to give the miners full credit for their coal. One paragraph in the plan reinforces the state law guaranteeing the right of the men to employ a check-weighman, and promises him every facility in his work. For twenty-five years it has been the wish of the management to insure correct weights. By comparing railroad weights (of coal shipped from a mine) with tipple weights (of coal credited to the miners), company officials have

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been able to check up the practice of a superintendent. The only difference made by the representation plan, they say, is that the company can now explain this policy to the men and thus avoid suspicion.

CLEANING UP "FALLS"

The cleaning up of falls of rock and slate without pay, or with what seems to the miner inadequate compensation, is a fruitful cause of dissatisfaction. Our notes regarding one mine describe this discontent:

In my walk I met one of the representatives, black with coal dust, and eating his lunch out of his dinner pail. I sat down on a log for a chat with him. Presently I asked him how the Industrial Representation Plan was operating in this mine. He jumped up. "Not very damn good," he almost flared at me. "The Rockefeller Plan is all right, and Mr. Rockefeller means what he says; but these officials around here—they won't live up to it. They are killing it. Come here and I will show you what I had to do for nothing." He took me to his working place. He showed me a huge pile of rock which he had thrown on one side. He pointed to the roof. He and his buddy had done a lot of timbering. They had not only put up cross-bars, but they had "lagged" them, because the roof was extremely bad, fragile, and full of chunks of rock and slate.

"It took me and my buddy a day and a half to clean this up and to timber the roof," complained the representative. "It's damned hard work, and they won't give us a cent for it." I asked whether he had taken the matter up as a grievance with the foreman. Yes, but he wouldn't allow anything for the work. Did he go to the superintendent? Yes, but he sustained the action of the foreman. They even took it up with Mr. Matteson, the president's chief industrial representative. "Matteson came

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down here," explained the miner, "looked at this dead work, but wouldn't allow us anything for it. He said that it was our fault because we overcharged our shots." This means that too much powder had been used to explode the coal.

I found two other men in this mine who had the same grievance. I spent some time in analyzing it. The roof is so bad that props must be set very close to the face of the coal. When the powder is ignited, the coal which is loosened frequently knocks the props over. The result can be easily imagined. A weak roof, plus the concussion resulting from explosion of the powder, causes large quantities of rock, slate, and other débris to fall on the roadway. This is technically called a "fall," and has to be cleaned by the miners before they can proceed with their mining.

The management had taken the stand that the men who had falls had overcharged their shots. The miners, on the other hand, pointed out that they do not determine the amount of powder which should be used. They simply drill the hole in the solid coal. They do not insert the powder in the working place; the "shot-firer," the company official who enters the mine after all the miners are gone, does that.¹ If the shot-firer overcharges, argue practical miners, should the miner who finds a fall in his working place the next morning clean it up for nothing?

The other representative at this mine was also dissatisfied. He was impersonal in his criticism. He was a fire boss and his earnings were not, therefore, affected by falls. As a fire boss, he visits every work-

¹ The general manager of the fuel department told us that the practice is to require that $1\frac{1}{2}$ pounds to a shot shall be the maximum. The company constantly urges the shot firer to use discretion and to use as little powder as is necessary. A digger always wants the maximum used in order to knock down the coal in good quantities. The general manager did not think that the management had succeeded well in controlling the tendency to use more powder than was necessary. As to the cleaning up of falls, he said that there was no rule. Payment depended upon circumstances.

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ing place before the miners come to work. In a certain room, one morning, he noticed a fall. He had heard of the discontent because of the falls, so he took particular pains to examine this one. He determined to ascertain whether the fall was due to the negligence and incompetence of the miner, or to natural and unavoidable conditions. After careful examination he decided that the fall was due to natural conditions, and for this reason: He noticed that the cross-bar was broken. Evidently when the shot was fired on the previous afternoon a section of the roof became loose, crashed on the cross-bar, and broke it. Then the props which supported the cross-bar had been knocked out. When this happened, rock and débris from the roof fell in heaps on the roadway.

On this same day the representative overheard the mine foreman telling the men that the company would not pay for falls, that every miner was responsible for his own working place from the face of the coal to the nearest cross-cut; and that all falls occurring in the area would have to be cleaned up by the miners without extra pay.

When the representative heard this, he felt that it was useless to take this grievance up with the local foreman or superintendent. The miners talked about striking immediately, but he persuaded them to wait until Mr. Matteson could investigate the matter.

At the request of the representative, Mr. Matteson came to the mine. After investigation and conference he decided that when a fall was the fault of a miner, the latter should clean it up for nothing; when it was unavoidable, it should be settled on a fifty-fifty basis. The company should pay the prevailing rate of day wages for one-half of the time that it takes to clean the fall up.

Having handed down this decision, Mr. Matteson left. Next day the fire boss, as representative, took up with local officials the claim of the miner in whose place had occurred the unavoidable fall described

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above. They refused to allow the miner anything for the work he had done to clean it up. This, and other events that occurred at the same time, incensed the employes' representative. He did not even go through the formality of sending in his resignation. He immediately typed it and posted it on the bulletin board in the lamp house, so that all the miners could see it as they went to and from their work. The other representative was also on the verge of resigning, but being a Mexican, he waited to learn what the formal manner of resigning was. The fire boss was an American from a middle western town. He acted immediately, in the most effective manner he knew. In 1921, we were told by miners at this camp that he had been finally persuaded to continue in office.

In July, 1917, a grievance over falls in the Coal Creek mine was appealed by the employes' representatives to the president. The work in this mine is very defective. In this particular place where the grievance arose, the roof was bad and it frequently caved in. The men had to clean the fallen débris in order to be able to mine the coal. It took time and hard work to clean up the fall. They thought that they ought to be paid for the work. Mr. Gilbert, the miners' representative, defined the grievance as follows:

"The original grievance is this: We are in one section of the mine where the places are in the habit of caving in right along. . . . Mr. Beach knows that we go so far, say nine or ten feet, and you will have a cave-in. After we get that opened up and go a little farther along, we will have another cave-in; that has been the case here of late. . . . Then we have a complaint to make also about the timbers we are getting. They are soft and that has a great deal to do with it. We are using these timbers and

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are doing the best we can with them. . . . Any man who is mining coal and cleaning up his rooms knows that he has no place for his dirt when he has a cave-in until he has cleaned up this cave-in, and the men believe they should receive some compensation for this work. That is the sum and substance of our grievance now. . . .”

The president's industrial representative had been called in by the miners. He said he had no authority to allow payment for this dead work, but he instructed the men to continue to work until the arrival of Mr. Matteson, then assistant general manager of the company. Mr. Matteson visited the working places in question and ordered them shut down. He took this action because the United Mine Workers were threatening to call all of the employes out on strike two weeks later. He felt that the miners from this camp would respond to the call. It would be bad business to expend money in cleaning up this caved-in place, because there would be other falls after the mine was shut down—falls which would be even more expensive to clean up. The aggrieved miners were offered other places, but refused to take them. They maintained that the places offered were very difficult ones and that it was hard to get men to work in them.

They wired to President Welborn that they were dissatisfied with Mr. Matteson's decision. Mr. Welborn telegraphed Mr. Matteson to return to Coal Creek and attempt to make a satisfactory adjustment. Mr. Matteson and Mr. Griffiths returned. A meeting was held by three representatives of the miners and three of the company. The superintendent, in whose mine the grievance occurred, was present. It was finally

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decided that the men working in the place where the cave-in occurred should take other places until the first of the next month, when it would be known whether the threatened strike would take place. If there should be no strike, the men would return to their old rooms. The men were to clean up the fall, and if they did not earn at least "company wages" at the end of the month, their pay was to be increased so that they could earn for every day they worked the rate paid to company men.

Omitting the discussion which had to do with the threatened strike, we may sum up the statement of the principles of paying for falls in the following quotations from the reports of the president's representatives. A verbatim record was made of the discussion.¹ One of the employes' representatives, Mr. Gilbert, in regard to cleaning up falls without pay, said:

"We think it is a bad rule and would like to have it changed. I know in Coal Creek, where I have worked, cleaning up to the face and opening the place up for nothing; it has always been that way. I have cleaned up lots of places; I have been running up against it too darned often lately. Sometimes you get a fall and it don't bother you very much; but this is a different condition that we have now to contend with."

Mr. Matteson stated that as an underlying principle a miner should be paid for dead work, such as falls and cave-ins when such accidents are beyond his control:

" . . . There are times when places may cave in and the cause for such cave-in is absolutely unavoidable. I believe that the man should have com-

¹ Minutes of meeting held at Rockvale, Colo., July 17, 1917, in the matter of cleaning up rooms after cave-ins, and remuneration to be received by the miner for such labor.

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pensation when it is a case where he has no control over the cave-in. I don't believe in having any man work for nothing. . . . I believe if a man goes into a place and cleans it up and can't make company wages, the company should pay him enough to make it regular company wages until he gets the work cleaned up. Don't you think that is fair?"

Mr. Gilbert accepted this principle whole-heartedly:

"Yes, sir, that is absolutely fair. I believe if a man takes care of his place and those things come, he should be paid for his work in cleaning it up, but if he is careless and don't take care of his place, he should not be paid for it."

Reluctance to establish a permanent principle that should govern all circumstances was indicated by Mr. Matteson:

"I don't think that we would be justified, without further consideration, in creating a new condition altogether. I think that both sides ought to have a little more time to study the situation and conditions if we were to make a rule that would cover for the future for this work."

Mr. Matteson then asked the miners' representatives for their advice. One of them, Mr. Scollick, replied that if the case were not settled they would "have to take the matter up higher." Mr. Matteson finally proposed that the men involved in this dispute take other places until it should be known whether the strike would occur. Then the men would go back to their old working places and would be paid day wages for cleaning up if they did not earn as much on a piece basis from the coal they mined. This decision was satisfactory to the miners' representatives and was accepted by the miners involved.

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Clearly this is the kind of question which should be satisfactorily settled through a representation plan if it functions with the full co-operation of both officials and wage-earners. Agreement on general principles can first be secured. Then, as no two falls are exactly alike, the carrying out of the principle in compensating a miner for his work can be the joint responsibility of mine foreman and employes' representatives.

That this question remained unsettled in Colorado in 1920 and 1921 was made plain to us in the records of grievances and in our talks with miners. One of these instances had occurred at Coal Creek, where two and a half years earlier the discussion just described had apparently resulted in an agreement on the general principle, although the president's chief industrial representative was unwilling to establish it as a precedent.

In January, 1920, the working places of four miners caved in. They requested day wages for the time they worked in cleaning up the fall. Both foreman and superintendent refused, but offered instead to pay these four men the average daily wage earned by the other miners in that entry. The reason for doing this was the fact that cars were "running slow" at the time, and it was uncertain whether any miners would earn company wages. The grievance was carried to the general manager, who visited the mine and called a special meeting of all the miners to consider the claim.¹ The four men involved reiterated their grievance, contending that it had been customary to pay company wages when a place caved in and a miner could not earn as much as a man on day work.

¹ This is the mine referred to on page 84, where the men had elected no representatives that year.

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The mine foreman, on the other hand, stated that he suspected that the men were trying "to gouge" the company. They purposely wanted to work on the cave-in, rather than to dig coal in some other part of the mine, because they would not have to work so hard and could earn the wages paid day men. The superintendent offered to pay them the average daily wages that would be earned by the other miners in the entry.

The men were angered by the statement made by the mine foreman that they were attempting to gouge the company. They quit. When we visited the mine we found a great deal of dissatisfaction throughout the camp as a result of this incident. The superintendent showed the payroll for the men in that entry, and demonstrated that if the men had accepted his proposition that they be paid the average wages earned there, they would have received more than the wage paid to day men. The car shortage had been temporary, and the other men had earned high wages that month. The fact, however, remains that dissatisfaction arose because the men felt that the management had violated an unwritten precedent—that at least company wages be paid in case of cave-ins—and because they resented the charge made by the foreman that they were attempting "to gouge" the company.¹

¹ In the discussion of the report with the company officials in 1921, the general manager of the fuel department said that he did not remember this incident clearly, but that he thought that the controversy was not so much over the rate to be paid as over the chance to clean up the fall. The fall had occurred in connection with long wall mining, in which the air is carried along the working face and a cave-in would cause an accumulation of gas. Only miners qualified to handle the lamp for testing the gas should be allowed to do this work. Neither the miners nor the superintendent mentioned this fact to us in this connection. In their minds the issue was the amount of compensation.

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Rock

Both of the employes' representatives in another mine told us that they would never again be candidates for re-election. They were discouraged because the management would not establish a satisfactory price for handling rock which appeared in the coal. "This grievance has been a bone of contention ever since the first meeting held in Denver to discuss the representation plan," said one of the representatives. "Mr. Weitzel and the management have taken the stand that the miners ought not to ask to be paid for the rock because they earn fair wages for their digging. If I should bring a grievance of this kind to the superintendent (that a man handled so much rock during the month), he would consult the books. If he should find that the miner has earned average wages that month, he would say that he isn't entitled to extra pay. The fact of the matter is that this miner has to do much extra digging to get out his 'tonnage' in addition to handling the rock."

"At one time I resigned," continued this representative, "because this rock question was not satisfactorily adjusted. An Italian and a Greek were elected representatives. To show how unfair the management was—these two men were called to a meeting and persuaded to agree to a scale of payment for rock over 18 inches in thickness. These two men worked in places in which this scale would not affect them. The matter, moreover, was never referred to the miners of this camp for endorsement and the miners do not consider that they have a scale for rock. The management, on the other hand, points to the fact that the two representatives agreed to the scale described."

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In speaking of the subject to us again in 1921, an employes' representative said: "We never accepted the scale—neither the miners nor the representatives. We weren't asked to agree to it. The company always sets the rates."

In the course of our inquiry this question was fully discussed with the officials of the company. It was pointed out to us that rock in the coal is not always a disadvantage. Sometimes a seam of rock at the bottom enables a man to load more coal and hence earn better wages. For this reason the superintendent, in dealing with requests for extra payment for rock, looks over the payroll to see what the miner making the request has earned in order to discover whether the rock has really caused him trouble. Comparison is made with his own previous earning capacity, and not with the wages of others. The rock is so irregular in some mines that a scale of payment would be impossible. Hence payment for dead work has to be an agreement on the spot, between the miner and the superintendent.

We asked whether the employes' representatives had any responsibility for these adjustments or were called into conference by miners or superintendents. We were told that at Coal Creek the representatives at one time went about with the foreman on "measuring day," when he decides on the extra pay for the miners. Subsequently, we found this plan being followed at Emerald mine—a new addition to the property of the company in Fremont County, which includes also Coal Creek, Rockvale, and Fremont mines. The manager of the fuel department said that, having read investigators' reports, he believed that it should be made a regular practice to have the representatives accompany

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the foreman on measuring day. By 1921 a scale of payment had been worked out for rock that varied with the thickness of the rock in inches. This was done at a meeting of the Joint Committee on Industrial Cooperation and Conciliation held at Rockvale on January 7, 1921, the report of which was signed jointly by an employes' representative and a representative of management.

These and other similar adjustments in compensation required by changing conditions day by day in a mine naturally become grievances which the representation plan was designed to remove. We have found that action of the employes' representatives has been chiefly confined to bringing these complaints to the attention of officials. The decision in each instance has been made by the officials. As one of the representatives, whose loyalty to the company and to the representation plan has never been questioned, expressed it:

“When a man has a grievance,—the little things that happen every day,—he tells it to the representative; but there is never any agreement on general questions between the men and the company. We complain about such things as the scale for rock in the seam of coal, but the company decides what rate to set. They don't ask the miners nor the representatives to agree to it.”

Moreover, these decisions about compensation for special work must necessarily be made with the wage rate per ton or per day as the basis. The rate for cross-bars, for instance, was determined by measuring the number of minutes taken to set one up, and then finding out the wage for that time at the rate paid company men by the day. The real test of the effectiveness of

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the workers' share in wage decisions is their participation in determining the basic rates per ton or per day. How these rates have been determined in the mines of the Colorado Fuel and Iron Company will be described in the following chapter.

CHAPTER XII

WAGES AND SECURITY IN EMPLOYMENT

THE two conditions of employment recognized by all wage-earners as most vital to them are their earnings and the continuity and security of their jobs. Has the Industrial Representation Plan, in theory and in practice, given assurance to coal miners that these two fundamental interests will be safeguarded?

WAGES IN THE PLAN

In the plan itself wages are specifically mentioned only once in a paragraph requiring that "The scale of wages and the rules in regard to working conditions shall be posted in a conspicuous place at or near every mine."¹ The representatives are elected to act "on behalf" of their fellow-employees "with respect to matters pertaining to their employment, working and living conditions, the adjustment of differences, and such other matters of mutual concern and interest as relations within the industry may determine;"² this wording could correctly be interpreted as including wage rates, but the words "wages," "rates of pay," or "earnings," are not mentioned. Similarly the statements of subjects to be discussed at conferences or to be considered by committees do not specify wages. The

¹ Industrial Representation Plan and Memorandum of Agreement applicable to the mining camps of the Colorado Fuel and Iron Company. See Appendix A, page 408.

² Ibid. See Appendix A, page 401.

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phrase closest to wages occurs in the definition of subjects "for consideration" by the Joint Committee on Industrial Co-operation and Conciliation, which includes "terms and conditions of employment."¹ In the "memorandum of agreement" which was adopted with the plan in October, 1915, appear these two paragraphs, following a guarantee of semi-monthly payment of wages:

"Wage Schedule and Working Conditions.—

"No change affecting conditions of employment with respect to wages or hours shall be made without first giving thirty days' notice, as provided by statute.

"The schedule of wages and the working conditions now in force in the several districts shall continue without reduction, but if, prior to January 1, 1918, a general increase shall be granted in competitive districts in which the Company does not conduct operations, a proportional increase shall be made. For this purpose a joint meeting of the miners' representatives and proper officers of the Company shall be called within thirty days after the increase in competitive districts is effective to discuss and determine an equitable method for fixing the new scale in the districts affected."²

In the introductory paragraph of this agreement it was stated that "the following stipulations respecting employment, living and working conditions shall govern the parties hereto from the date of their signatures hereon until January 1, 1918, and shall continue thereafter subject to revision upon ninety days' notice by either of the parties."³

We have quoted this from a copy of the plan "re-

¹ Ibid. See Appendix A, page 406. See also footnote, page 64, explaining the change in the name of this committee in 1922 to include "wages."

² Ibid. See Appendix A, page 416.

³ Ibid. See Appendix A, page 415.

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printed March 15, 1918," so that presumably we are to regard this statement in the memorandum of agreement as extended beyond January 1, 1918, and under it we may assume that the company promises not to change wages or hours without thirty days' notice, and accepts as a general working principle the rates in competitive districts as its guide in determining increases. These two main provisions regarding wages—competitors' rates and thirty days' notice of changes—are to stand unless ninety days' notice of revision be given "by either of the parties."

As to continuity and security in employment, safeguards against discharge are defined (as already fully discussed in previous chapters), but, "Nothing herein shall abridge the right of the company to relieve employes from duty because of lack of work. Where relief from duty through lack of work becomes necessary, men with families shall, all things being equal, be given preference."¹

Besides these specific references to wages and continuity of employment, the whole plan should be kept in mind for its bearing on the earnings of the men. The practice of representation in its relation to wage rates can be tested, in part, by analyzing the experience of six years of employes' representation in the Colorado Fuel and Iron Company. The point of special interest to discover is the share of employes' representatives in the task of determining rates.

SETTING WAGE RATES

"The company never raises wages until they are raised in the eastern mines," said a representative in

¹ Ibid. See Appendix A, page 408.

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one mine in February, 1921, expressing in his tone a criticism of the company for never, itself, taking the initiative. "The Colorado Fuel and Iron Company is always the first company in the state to raise wages," we were told in another mine a week earlier, and as illustration we were informed of the increase for day laborers in the summer of 1920, which was decided jointly by the United Mine Workers and the operators in the Central Competitive Field, covering certain states in the Middle West. This miner was praising the company as the first in Colorado to apply to its mines the increase accepted by its competitors in other states. The incident itself signifies more than he expressed, and the procedure will be discussed later in this chapter. The point here is that these two men differed in their reaction to the method of determining wages, but both agreed on the basic fact that, however promptly an increase may have been put into effect, the stimulus for it had come from outside the company and the determination of rates was made in conferences in which the company took no part.

We have pointed out that the "trade agreement,"¹ adopted with the plan for representation, declared that rates then in force would continue for a definite period, and that any increases secured in the mines of competitive companies would be granted by the Colorado Fuel and Iron Company. Thus, the declared policy of the determination of wages was, at that time, the acceptance of competitors' wage rates as a guide.

¹ See page 70 ff.

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WAGE INCREASES SINCE 1915

According to the figures given us by the company early in 1921, wages had been increased five times since the plan had been introduced. These increases were made effective in September, 1916, in May, 1917, in November, 1917, in December, 1919, and in April, 1920. The Fuel Administration was organized on August 23, 1917, and terminated its work on June 30, 1919.¹ Therefore, the only increase in the Colorado mines which took place during the life of the Fuel Administration was that of November, 1917.

The procedure in determining this increase is described in the report of the Fuel Administration. When the administration was organized, conferences were being held by representatives of the operators and miners in Indianapolis to consider increases in wages. At the request of the Fuel Administrator, Dr. Garfield, their meeting was adjourned and finally reconvened with his consent in Washington, D. C., in October, 1917. An agreement was reached providing for an increase of 10 cents a ton for miners, \$1.40 a day for day men, and 15 per cent greater compensation for dead work. The agreement was between the operators and the United Mine Workers and was to be made effective when the President of the United States should permit an increase in the selling price of coal. President Wilson on October 27, 1917, issued an order permitting an increase in selling price, and requiring, as conditions for this permission, an increase of wages as provided in the agreement between miners and operators, coupled with a

¹ United States Fuel Administration, Final Report, pp. 9 and 10. Government, Washington, 1921.

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fine to be imposed upon the miners if they should strike.¹

The Fuel Administration was careful to point out that "the government did not negotiate the wage increase." In a form letter signed by the Fuel Administrator, to be sent to inquirers, this statement appears:

"It should be borne in mind that the government did not negotiate the wage increase. The wage increase was negotiated by the miners' and operators' representatives of the Central Competitive Field, and was adopted by all of the organized districts under the jurisdiction of the United Mine Workers of America. The United States government, however, approved of this wage increase by giving to the operators the right to increase the selling price of coal 45 cents per ton in order that the wage increase provided for by the Washington joint agreement could be absorbed. The notice of the United States Fuel Administrator of October 27 extended this wage increase to those miners and mine laborers who were not organized into associations or groups, and the employers employing such class of labor were privileged to charge the 45 cents per ton increase in the selling price of coal, providing they put into effect, substantially, the wage increase set forth in the Washington agreement and the penalty clause [against striking] as outlined in the United States Fuel Administrator's notice."²

The increase of December, 1919, was granted miners by the President's Bituminous Coal Commission. Following a strike in November, 1919 (which will be described in Chapter XIV), officials of the United Mine Workers agreed, in December, 1919, that their constituents would return to work with a temporary increase of 14 per cent and with the promise of a thorough

¹ *Ibid.*, pp. 209, 210.

Ibid., p. 215.

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investigation by a commission to be appointed by the President of the United States. This was put into effect by operators and work was resumed. The Colorado Fuel and Iron Company immediately posted notices that the rates of its miners would be increased 14 per cent. The President's Bituminous Coal Commission handed down its award in the following spring, granting a further increase of 13 per cent, to take effect April 1, 1920. The management of the company immediately called together the miners' representatives and presented to them a new wage scale, based on the 13 per cent increase. The representatives accepted the new scale.¹

Thus, these three increases of November, 1917, December, 1919, and April, 1920, were sponsored by the federal government. The others already noted, however, for September, 1916, and May, 1917, corresponded to increases secured as the result of negotiations between the United Mine Workers and the operators in the Central Competitive Field. The federal government had no part in them.² Similarly, in the summer of

¹ In applying the new rates the company increased them by four cents a ton in the low seam mines. The officials told us that the awards of the commission gave an increase to the digger proportionate to the increase for company men only in those mines in which the average production per man per day was seven or eight tons. In the low seam mines, which have a lower average production, the digger would not fare so well, and therefore the Colorado Fuel and Iron Company made the rate higher there.

² Regarding increase in 1916, see Joint Conference of Coal Operators and Coal Miners of the Central Competitive Field, Western Pennsylvania, Ohio, Indiana, and Illinois held in Mobile, Alabama, February 8, 1916, and New York, February 24, 1916, p. 494ff., agreement signed in New York, March 9, 1916. Regarding increase in 1917, see Proceedings of Formal Interstate Joint Conference; Coal Operators and Coal Miners of Western Pennsylvania, Ohio, Indiana, and Illinois, (held in) New York, April 12-17, 1917, p. 149ff.; agreement for increase in wages signed April 17, 1917.

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1920, an increase of \$1.50 a day to company men resulted from negotiations between the United Mine Workers and the operators of the Central Competitive Field, in order to allay the discontent of the "day men" with the increase granted by the Bituminous Coal Commission, which they considered insufficient.

We were told by officials of the Colorado Fuel and Iron Company that, when the increase of \$1.50 a day was granted in the East, they proposed to increase the rates in Colorado by \$1.25 a day. This was because the basic rate established in the past for company men had been 25 cents higher in Colorado than in the East, due to the higher cost of living in the West. This difference, the company officials believed, no longer existed, and they therefore proposed an increase of \$1.25 instead of \$1.50 in order to eliminate the previous excess in the Colorado rate.

Meetings of employes' representatives were called by the company in the Trinidad and Walsenburg districts, and the representatives voted unánimously for the proposal of the officials. In Fremont County a mass meeting was called of all the day laborers in the mines, and not one voted against limiting the increase to \$1.25. Later, however, other operators in Colorado—including the Victor-American Fuel Company, which had a contract with the union—put into effect the higher increase granted in the East, and officials of the Colorado Fuel and Iron Company then accepted the same rate.

"We must increase our wages," testified the general manager of the fuel department of the company, before a sub-committee of the Committee on Interstate Commerce of the United States Senate on February 24,

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1920,¹ "as they are increased at the union-operated mines."

This record of experience in increasing wages showed that in determining wages, since the introduction of employees' representation, the Colorado Fuel and Iron Company had invariably accepted the results of agreements made by other companies with the union. This suggested an important question: Does a representation plan, which is limited to employees of one company, give its men a voice in determining wages?

The representatives in past practice had merely discussed the application to Colorado of rates agreed upon by operators and the miners' trade union in other states. We found this idea clear in the minds of the men employed in the Colorado Fuel and Iron Company. "One thing that goes against my grain," stated a miners' representative who was friendly to the representation plan, "is the fact that the real benefits come to us as a result of the activities of the United Mine Workers. The recent increases in wages were secured by us because of the stand taken by the union. Had it not been for them, no doubt we who work for the Colorado Fuel and Iron Company would never have received the increase."

Another miners' representative, a Welshman, who spoke in picturesque language, thought that the representation plan was as yet in its "babyhood." He said, "So far we have been and are yet under the protection of the United Mine Workers. They fight our battles. They make the sacrifices and we reap the harvest. They are the ones who sweat and we eat. The Biblical

¹ Increased Price of Coal. Hearings before a sub-committee of the Committee on Interstate Commerce, U. S. Senate, Res. 126, p. 834. Government, Washington, 1920.

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proverb that 'Thou shalt eat thy bread by the sweat of thy brow' is turned around here. The union miners in other parts of the country sweat and we eat the bread, Where would we have been about the important things for the miners, such as wages and the eight-hour day,¹ if it hadn't been for the United Mine Workers?"

A significant incident occurred at one of the mines during the first few days of the coal strike which began on November 1, 1919. It was told to us later by young Jones, about twenty-two years old. He was a typically frank young American. "I didn't want to work through the last strike," explained Jones, "but I had just come

¹ A company official commented on this statement with the remark that the United Mine Workers had nothing to do with the adoption of the eight-hour day by the Colorado Fuel and Iron Company. It was established about February, 1913, in advance of the enactment of the Colorado eight-hour law for miners, and before the strike. Other operators, they said, had opposed the law, but the "C. F. and I." always maintained that they could get as much output in eight hours as in ten, and this was proved true after the eight-hour day was inaugurated.

We do not believe, however, that it is accurate to say that the Colorado Fuel and Iron Company was not influenced by the agitation for the eight-hour law in which the miners' union officials were leaders. We made inquiry regarding the history of the law, and although, with the lapse of time, information was difficult to secure, it seemed clear that the law passed in 1913 was not the first introduced into the Colorado legislature. One of the present employes' representatives, who had been a member of the state legislature, gave us an account which was corroborated by others. Indeed, the company official just quoted at the beginning of this footnote was present in our conference with him, as were several miners, and no one disputed the facts. An eight-hour bill was introduced into the legislature in 1911. Through the efforts of coal operators it was made the subject of a referendum vote. In the same election a poorly drawn bill was introduced by the initiative. Both bills became laws and a new bill was necessary to repeal these and establish the eight-hour day. Thus, the agitation for eight hours in the mines was certainly an active issue as early as 1911. The men in this group said that the Colorado Fuel and Iron Company did not oppose the law. It was in 1913 that the company voluntarily established the eight-hour day. It is reasonable to suppose that they were influenced in part, at least, by the interest of the union in the proposed legislation.

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back from the Navy and I was broke. I had to work. The 'super' asked me to dig coal. So I did. With me worked Ed Smith. He, too, had just come back from the Navy and he was broke. One day as Ed and I were coming up the tipple someone told us that the government had just granted the miners the 14 per cent increase and that probably more would come after the coal commission had finished its investigation. Then Ed said to me, 'We are scabbing on these men while they are sacrificing themselves for us and fighting our battles.' That night he took 10 Mexican miners with him to Walsenburg, and they all joined the union!"

Following the granting of the increase of 14 per cent in December, 1919, the Colorado Fuel and Iron Company in February, 1920, sent the general manager of the fuel department to testify before the sub-committee of the United States Senate Committee on Interstate Commerce. The committee had asked for Mr. Weitzel's testimony because he had written them a letter calling attention to the many inaccuracies of statements made in public discussion about the earnings of the miners as inadequate for an American standard of living. The gist of his testimony was that "our miners did not need the increase of 14 per cent in order to live up to American standards." He explained that "we have an agreement with our miners that we will advance wages as they are advanced in our competitive districts, and we have as a competitive district the southwest, and the competitive mines, working under union agreement, next door to our mines. We must increase our wages as they are increased at the union-operated mines."¹

¹ As to the present difficulties of increasing wages, Mr. Weitzel's testimony was as follows (Increased Price of Coal. Hearings before

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Searching always for the share of the employees' representatives in employment policies of the company, we asked whether employees had been consulted to get their views as to the adequacy of their earnings to maintain "the American standard." Had they been asked, for instance, how much it was then costing them to live? We were told by Mr. Weitzel that at the next district conference, after giving his testimony, he had explained this testimony to the representatives, telling them that the company did not object to their purchasing automobiles, but that it thought that the purchases of the cars showed that the wages paid by the company were not inadequate. He had never thought, he told us, of consulting the representatives in advance of his testimony on the cost of miners' living.

a sub-committee of the Committee on Interstate Commerce, U. S. Senate, Res. 126, p. 828.):

We are here to show that with the 14 per cent increase granted the miners in December, we cannot sell our coal at the present price without very great loss, and we are also here to show that our miners did not need the increase of 14 per cent in order to live up to American standards, and I want to offer some proofs on that.

* * *

The Chairman: What are the wages you pay in your coal operating branch every year to the 4,800 employes?

Mr. Weitzel: When I speak of 4,800 employes, that means the total number of employes on the payroll at the period of the year when we were operating full. It does not mean the average number of men who are at work.

The Chairman: What is the average number of men who were at work?

Mr. Weitzel: Out of the 2,000 miners that we usually have, our average number of men at work last year was 1,790 miners.

* * *

There are practically no coal miners who worked every day that the mine works, and there are a great many who lose a great many days. Out of an average of 1790 men at work, we have selected the best men—632 miners, who averaged \$1,877.69 for the year. That is about 35 per cent of the number.

* * *

I want to say, in regard to our coal miners being able to live in

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When we discussed the incident with company officials in 1921, we told them what we had observed as to the effect of this testimony upon their employes. We had been in the mines in the spring of 1920, after Mr. Weitzel's statements in Washington had appeared in the Colorado papers. Miners declared to us that, according to Mr. Weitzel's own words, only a small percentage—about one-third—earned the average wage (\$1,877.69) per year quoted by him. The other two-thirds earned less. In the second place, 246 automobiles purchased by 4,800 employes in 1919 is not, after all, so very high a percentage, but only one in about every 20 employes. The chief cause of their resentment, however, as they expressed it to us, was that this testimony showed the miners that if it had not been for the United Mine Workers, they would not have received any increases at

accordance with American standards, that we believe the purchase of automobiles by mine employes would indicate to some extent, at least, whether they were able to live up to American standards. I have a statement here which shows that, prior to 1919, the employes of our mines had purchased 218 automobiles, at an estimated cost of \$181,850. During 1919, the period in which it was claimed the miners were suffering, they purchased 246 automobiles at an estimated cost of \$245,600. Beginning with January, 1920, when they first began to realize the benefits of the 14 per cent increase, up to February 14, the first six weeks of this year, they purchased 75 automobiles, at an estimated cost of \$92,900.

Senator Elkins: These are miners?

Mr. Weitzel: The coal mine employes, drivers, tipplemen, miners, etc. Prior to 1919, of the cars owned by our mine employes, 58 per cent were Fords. During 1919 they purchased 45 per cent Fords, and during the first six weeks of 1920 the Ford represented 27 per cent of the cars purchased.

* * *

I have not finished my statement about the conditions of the miners. I wish to add to the statement made in regard to the automobiles that our stores, known as the Colorado Supply Company, had a practice for years of taking care of our employes' money by issuing demand notes, interest-bearing notes, where they wished them, and the day I left Denver we had, in our stores, in these notes at the mines, \$360,000. (Ibid., pp. 855-857.)

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all during 1919—a period during which the cost of living was also reaching a higher plane. “Weitzel let the cat out of the bag,” said one of them. “He tells the Senate Committee that we did not need the 14 per cent raise. That just shows how much protection the Industrial Representation Plan would afford us if the United Mine Workers were not on the job.”

Company officials with whom we talked in 1920 confirmed the statement that they followed the union agreements in wage increases. “But,” explained a prominent executive, “we are a very small producer compared with the great coal companies of Illinois and the other bituminous states. They establish the price for coal, and we, therefore, cannot pay higher wages. We could not find a market if it cost us more to mine our coal, and if, consequently, we had to sell it at a higher price. We are ourselves at the mercy of our competitors. If we try to sell higher than they, we would lose our customers, and if we tried to pay lower wages than they, we would lose our employes.”

In our discussion with officials in 1921 we found that they themselves differed as to the possibility of independent agreements on wages between the company and its own employes. One officer believed that they must accept the rates paid by their competitors. Another believed that wage adjustments could be made under the plan, independent of a national standard.

WAGES IN 1920

The discussion in this chapter has related entirely to the method of determining wages and the share of wage-earners in their determination. We have not considered whether the wages were adequate or inadequate. We

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did not make a study of wages or the cost of living. In 1920 we found very little evidence of discontent about rates of wages. They were, as we have seen, equal to the prevailing rates in competing mines. We found, of course, plenty of complaints of the high cost of living. Fortunately, however, the year 1920 was a period of industrial activity and comparatively little unemployment, and this fact would account for greater contentment with the wage scale. The greater regularity of employment was due apparently to a more stable demand.¹ The Colorado Fuel and Iron Company uses about one-third or more of its coal for coke in its own steel works in Pueblo. Another third, approximately, is sold to railroads and for other commercial use. The remaining third is sold for household use. In normal times, consequently, the management is assured a steady market for about two-thirds of its total production of between three and four million tons in a year. Another advantage which this company has over others is that it is entirely self-sufficient. It has its own timber lands, which furnishes the props, bars, and ties and other lumber necessary for coal mining. It also makes, in its own steel works, mine cars, spikes, and rails. Thus, probably, there is less stoppage of work in the Colorado Fuel and Iron mines because of the lack of these necessary supplies than in many other mines in the country.

By 1921 the industrial depression was having its

¹ The regularity is impressive because other mines are so excessively irregular. Even in the Colorado Fuel and Iron Company the average days of operation of the mines in each month in the year ending September 30, 1919, was 22.6, according to the figures furnished us by the company. Thus "steady work" means really "comparatively steady work," not actual full time.

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effect and we found miners anxious about unemployment and the possibility of a wage cut. In January, the wages had been reduced in the Minnequa Steel Works. The miners wondered whether their wages, too, would be affected. "Who's tying up the country?" said one employes' representative in a mine which was idle on the day of our visit. His question reflected the vague groping for causes—for somebody who can be held responsible—and the uncertainty which wage-earners face in not knowing from day to day whether they will have a chance to work and to earn.

WAGE REDUCTIONS IN 1921

In the autumn of 1921 the Colorado Fuel and Iron Company reduced wages to the scale which had been in effect between November 1, 1917, and November 30, 1919. This meant the elimination of the two increases of 14 per cent and 13 per cent which had been granted in the award of the President's Bituminous Coal Commission.¹ It wiped out, also, the increase of \$1.50 a day given to company men in the summer of 1920.²

We were not in Colorado when this wage reduction was made, and we have made no first-hand investigation of its circumstances. The report of the Colorado Industrial Commission, published by the company in its *Industrial Bulletin* for November 14, 1921, is the

¹ The award of the President's Bituminous Coal Commission had provided for continuance of the wages specified until April 1, 1922. The Colorado Fuel and Iron Company held that it was not a party to the commission's investigation and was, therefore, not bound by its award. Nevertheless, the company had immediately accepted the rates when the commission announced them, and it does not appear that at that time the company had stated that it did not also accept the period of time named in the award.

² In the *Denver Post* of November 14, 1921, appeared a statement

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basis for our analysis of the way in which the representation plan functioned in this, the first wage reduction since the introduction of the plan and the first change in wages in that period which had not first been made by competing companies in agreement with the union.

These are the facts in chronological order: On August 31, 1921, following the signing by employees of petitions for reductions in wages, the company posted notices at Walsen, Robinson No. 1 and No. 2, and Ideal mines in Huerfano County, and at Berwind, Tabasco, Tollerburg, Primero, Frederick, Sopris, and Morley mines in Las Animas County, declaring that on September 1, 1921, wages at these mines would be reduced to the scale which had been in effect during the two years ending November 30, 1919. Immediately the

by the general counsel for the company which contained a tabular listing of the new rates:

"The following table shows the wage scale of the C. F. & I. in the Walsenburg District, Nov. 1, 1915, the Nov. 1, 1917, scale, which is to be re-established, and the present scale:

	Nov. 1, 1915	Nov. 1, 1917 (to be re-established Sept. 1, 1921)	Present
Diggers	\$0.60	\$0.83	\$1.07
Drivers	3.10	5.25	7.75
Trackmen, etc.	3.15	5.30	7.80
Pumpers	2.75	4.10	7.65
Engineers	2.50	4.60	7.75
Blacksmiths	3.50	5.15	8.17
Carpenters	3.50	5.15	8.17
Tipplemen	2.05	4.15	7.12
Laborers	2.05	4.15	6.65

"Wage figures for drivers are the minimum, the maximum being 15 cents a day higher. Diggers are paid on a tonnage basis, the company men being paid on the basis of an eight-hour day."

Thus diggers were to receive 24 cents less a ton, drivers \$2.50 less a day, pumpers \$3.55 less, engineers \$3.15 less, and laborers a cut of \$2.50 a day.

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men struck. "At said mines," says the Industrial Commission in its report,¹ "except Primero and Berwind,² but including Kebler, after the putting into effect of said 1918 wage scale [on September 1, 1921], meetings of the employes were held and conducted by members and officers of the United Mine Workers of America, and other means used whereby great numbers of the employes at said mines (and at some mines a majority of the employes) failed or refused to continue at work for said company at said 1918 wage scale. . . ." Thereupon the Industrial Commission took cognizance of the dispute, began investigation, and on September 10, 1921, issued a temporary order requiring the restoration of the former wage scale of the company, pending decision by the commission. The employes then returned to work.

This action of the commission was taken in accordance with the law creating it. The law was passed in the spring of 1915. It requires that no change in wages or hours shall be made without thirty days' notice to the commission. If a "dispute"—a strike or lockout—results from the change, or the proposal of it, the commission has power to order the former conditions restored until an investigation can be made and a decision rendered. Thus the occasion for the interference of the commission in the affairs of the Colorado Fuel and Iron Company was that, following the notice of reduction in wages, a "dispute" arose, or, in the words of the commission, "Great numbers of the employes at said mines (and at some mines a majority of the employes) failed

¹ *Industrial Bulletin*, November 14, 1921, p. 3.—Colorado Fuel and Iron Company.

² These two mines had been closed down since August 23.

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or refused to continue at work for said company at said 1918 wage scale."¹

The point at issue for the commission to consider, according to its own interpretation, was not whether the wage proposed was reasonable or unreasonable, but whether the change had been made by mutual agreement between employer and employe. "The controversy in this case," said the commission, "arose over the question as to whether or not there was an agreement between said employer and said employes as to wages." The commission would not interfere in such an agreement: "This commission has heretofore always recognized agreements as to wages entered into between employers and employes, and does not believe that it has authority to disregard such agreements unless the wage agreed upon be so excessively high as to injure the public generally, or so excessively low that the injury thereby accruing to the employes becomes of public interest."

Moreover: "This commission has always recognized organizations of employes, whether unions or otherwise, so long as such organizations provide for a reasonably fair representation of such employes." Thus the question which the commission undertook to decide was whether this reduction in wages was the result of an agreement between the company and its employes and, by implication, whether the Industrial Representation Plan had provided "a reasonably fair representation of such employes." The findings of the commission, therefore, related primarily to the procedure followed

¹ *Ibid.*, p. 8. The subsequent references to the report of the commission are all taken from the *Industrial Bulletin* of the Colorado Fuel and Iron Company, November 14, 1921.

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before the notice to reduce wages was posted by the Colorado Fuel and Iron Company. A separate report was made by the commission on each mine. These we have summarized in the following paragraphs:

1. Kebler No. 2, in Huerfano County, had been shut down since the latter part of July because of lack of orders. During the latter part of August a meeting was held of the men "still remaining in said camp." Who called the meeting is not stated. A majority voted to accept the 1918 wage scale. Thereupon the company was able to obtain a "substantial contract" for the coal of this mine "at a reduced price," and on August 24, 1921, the mine reopened "on said 1918 scale of wages" and 24 men ("all the men attending said meeting") went to work. The number increased to 84 by September 1.¹ "There was a meeting at said camp on the night of September 1, 1921, at which the men were evidently advised not to work at said wage scale, with the result that on September 2 only 10 men worked, this number increasing until, on September 10, 66 men were working at said mine." Who called the meeting or who advised the men not to work is not stated by the commission.

2. Walsen and Robinson Nos. 1 and 2 are considered as one mine, because they are close together and one superintendent is responsible for the three. "During the latter part of August, 1921, the superintendent circulated and caused to be circulated among the employes of said mine petitions wherein the employes agreed that the said employer might reduce the wages of said employes . . . to the 1918 wage scale." The petition was signed by 380. The average number working in the ten days prior to Septem-

¹ According to data given us by the company on February 8, 1921, the total number on the payroll of Kebler No. 2 in December, 1920, was 117. The "average men working per day" numbered 86.

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ber 1 was 417.¹ "The representatives of said men elected under the Industrial Representation Plan of said company, checked the said petition with the payroll of said company, and finding that a large majority of the employes of said company had agreed therein that their wages be reduced to the 1918 wage scale, signed said representatives' resolution." ("Said representatives' resolution" is not quoted in the report of the commission, and only by inference do we know how it was initiated.) Members of the union became active at this mine "commencing September 1," said the commission, and "only about 50 per cent of the usual number of employes appeared for work September 1, and the number of men reporting for work rapidly decreased, especially as to miners, until said mine was practically closed down for lack of workmen."

"The superintendent at this mine," writes the commission, "was very active in the circulation of the petition for such wage reduction, and his activities created some criticism. There was testimony introduced attempting to show coercion or intimidation on the part of the superintendent in his zeal to procure signatures to the petition. Several employes who signed the petition, when put on the stand, naturally stated that they did not want a reduction in wages, and for different reasons a considerable number of the employes who signed the petition and who started to work on the first day of September evidently decided that a reduction in wages was not necessary and that they would not have to accept same."

3. At Ideal mine the petition was circulated by "several parties and a part of the time by the superintendent and the representatives of the men." They secured seven signatures. The average number working there in the latter part of August was 196.

¹ In December, 1920, the average number working in these mines was 505, and the total number on the payroll was 609.

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While the petition was being circulated "a number of the employes requested of the superintendent and their representatives that a meeting be called that the matter might be discussed." The meeting was held in the auditorium of the Y.M.C.A. and a motion made "that the employes sign the petition." It was not put to vote. The decision, instead, was that those in favor of the petition should sign it. How many signed it at the meeting does not appear, but the total number of signatures, "including those who signed at the meeting and those who signed before and after said meeting," was 172. The employes' representatives "under Industrial Representation Plan . . . after satisfying themselves that a large majority of the men at said mine had signed said petition, signed said representatives' resolution."

4. At Cameron mine "a majority of the men . . . did not sign said petitions, . . . and the representatives . . . did not sign said representatives' resolution." The company posted no notice of the reduction in wages and made no change in the wage scale. Nevertheless, "at said Cameron mine, in Huerfano County, and at certain mines in the Canon district and at Crested Butte, said miners ceased work and went on strike." The commission dismisses this strike and the procedure of arriving at a mutual agreement at Cameron without further discussion, saying: "Although considerable evidence was introduced regarding the circulation and conditions surrounding the circulation of said petition, the same will not be further considered herein inasmuch as said company made no change in working conditions at said Cameron mine."

5. Morley sends its coal to the Minnequa Steel Works or the Santa Fé Railroad. The closing down of the steel works had limited the output so seriously that, of its two entries, the East Side and the Slope, the East Side had been shut down since August 24. "Certain employes, realizing the condition of the coal

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mining industry and of the industries generally, requested of and obtained permission from the superintendent . . . to circulate a petition requesting a reduction in wages . . . and such employes acted on their own initiative and independent of the instructions from said superintendent." They did not obtain the signatures of a majority, and so they left the petition in the hands of the mine clerk. "Thereafter certain other employes, . . . after informally discussing same, went to the office of said company and requested that they might have said petition to circulate further among the employes." Thus, finally, 168 signatures were secured. The average number working at the mine was 240.¹ The employes' representatives, "after checking said petition with the payroll," signed the representatives' resolution.²

6. At Sopris mine events took a different course. Sopris produces coal to be used at the steel works and for the making of coke for the works, so that the closing of the steel mills had shut off the market for Sopris. The report of the commission does not state definitely whether the mine had been closed and for how long, but that is the inference. The superintendent promised the employes that if they agreed to a wage reduction, they would have five days' work a week. The petition was signed by 234 of the 417 on the payroll. The representatives, however, did not sign the resolution, but, instead, reported to the company officials at a district conference in Trinidad that employes had signed the petition because of the superintendent's promise of work. The company officials replied that no promise could be made. The representatives returned to Sopris and called a meeting to explain to the men that the "company could not and would not make any promise or agreement

¹ The average number working at Morley in December, 1920, was 284, and the total number on the payroll was 331. Apparently the force was reduced by August, 1921.

² Evidently the representatives took no part in circulating the petition.

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that any certain number of working days would be maintained in said mine, even if a reduction of wages were agreed to by said employes." Thereupon a majority (of which the number is not stated) of the "approximately 259" employes attending the meeting voted in favor of the 1918 wage scale and the representatives signed their resolution.¹

7. Frederick mine, also, had lost its market in the closing of the steel works. The petition was signed by 218 of "the average working force" of "about 252." The number on the payroll was "about 275." The representatives followed the same procedure as in other mines of signing a resolution after checking the petition with the payroll, except that it is recorded that they did so "with the assistance of the employes of said mine."

8. At Primero, 220 of 275 on the payroll signed the petition, but the representatives did not accept this evidence. Primero had been closed since August 23, and "a great number of the employes had left." To secure "an expression of the employes remaining," the representatives called a meeting. The vote was "practically unanimous that said representatives should sign said representatives' resolution."

9. Berwind and Tabasco have the same superintendent. Berwind, also, had been closed since August 23, for lack of orders from the steel works. Ordinarily, 300 men are on the payroll. Only 100, however, were left in the camp when the petition, "prepared at the request of the representative,"² was circulated. Of these, 91 signed and "only seven refused to sign." The superintendent's share in

¹ Whether the majority of 259 was also a majority of the 417 on the payrolls is not stated in the commission's report.

² The commission explains that "there was only one representative at this mine, as the other representative had left this country and was no longer at the mine." Evidently his place had not been filled, despite the importance of this question of wage reduction to be settled under the representation plan.

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securing signatures is thus described: "The representative at this mine circulated the petition, but requested the superintendent to accompany him a portion of the time in order that he might be able to answer questions asked by the employes."

10. Tabasco, though affected by the lack of demand for coal for the steel works, was receiving a share of orders from its neighboring mine, Tollerburg, for the gas companies at Colorado Springs and Pueblo. The two representatives divided the mine between them and circulated the petition. "The superintendent accompanied one of them part of the time, and the assistant mine foreman accompanied the other at the request of the representatives." Of 225 on the payroll—"a normal working force" of 200—189 signed the petition, and the two representatives signed their resolution.

11. At Tollerburg the petition was circulated "by four men in two parties; in one party the superintendent and representative circulated one petition and in the other, the fire boss and a driver, but not the representative." The report adds, however, that "the petition originated at the request of the representatives." Of 180 on the payroll, 108 signed the petition and the representatives accordingly signed the representatives' resolution.

These were the facts outlined by the commission as the basis of its award. It had had before it the arguments of the two attorneys for the company and the employes. The company had contended that the reduction in wages was made by agreement between it and its employes in conformity with the Industrial Representation Plan; that the employes had signed petitions and that their representatives, "duly authorized under said plan," had passed a resolution endorsing the action of the employes in their petitions, and advising the management of their acceptance of the 1918

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wage scale to be effective on and after September 1, 1921; that because of this mutual agreement "there was no necessity and no provision of law requiring them to give this commission thirty days' prior written notice of such intended change"; that heretofore, since January 1, 1918, certain increases in wages had been made upon the agreement of the men, and without giving, or waiting to give, said employes thirty days' prior notice thereof; that the employes accepted the agreement and came to work "in normal, or nearly normal, numbers," and "that no dissension or dispute arose therefrom until its employes were advised and interfered with by officers, organizers, and members of the United Mine Workers of America"; that reduced cost of fuel was necessary to enable the company to resume the operation of its steel mills and to compete with other mills obtaining fuel from coal fields "where the said wage scale is much lower than said-1918 wage scale," and that the reduction would give employment to idle steel workers and increase employment in the mines, thereby enabling employes "to earn as much or more than under the higher wages."

The contention of the employes, as summarized by the commission, was that, irrespective of an agreement between employer and employes, thirty days' notice of any change in wages must be given to the commission and to the employes affected; that "said Industrial Representation Plan was not an agreement between said employer and employes," and that, under the plan or otherwise, unanimous consent would be necessary for an agreement; that no agreement made merely by a majority could bind those employes who did not sign the petitions, and that those employes who had not

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entered into the agreement were entitled to thirty days' notice; that a number of those who signed were unwilling to have wages reduced; that a large number did not "voluntarily" sign the petition; and that coercion, threats, and misrepresentations were used by the company to obtain signatures.

The commission upheld the employes' contentions in only one point, namely, that notice of change in wages should be given to the commission even if the change has been accepted in an agreement between employer and employe. This statement, however, was made merely in the course of discussion, and does not appear in the section summing up the award. On all other points the commission upheld the company. "Said employer," the commission finds, "acted in good faith in relying upon the petitions of its employes asking for a reduction to the 1918 wage scale, and . . . the representatives of the said men in passing said representatives' resolution . . . acted in good faith."

Before passing upon the main question of whether the cut in wages was mutually agreed upon, the commission commented on the reasonableness of the reduction: "The commission does not hesitate to suggest that the daily wage rates heretofore paid and now being paid by the coal operators of this state to their employes are far in excess of any wage rates paid to employes in any other craft requiring like skill, apprenticeship, and ability." No evidence is cited in the report as the basis for this conclusion.

Then, this: "It further appears to the commission that from the first of March to the first of September, 1921, the number of days the majority of the mines in this state have operated have been so few that the

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miners working therein have scarcely made a living wage during such period, notwithstanding said high wage rate." The "public generally" is then reminded that "its attempt to purchase during a few winter months an entire year's supply of coal makes of the industry a seasonable employment."¹ Yet in the detailed reports of the commission it appeared that the output of the mines affected was used not by the public generally, but by the steel works of the company itself, the gas companies of Colorado Springs and Pueblo, and the Santa Fé Railroad.

Finally, then, the commission concludes "that under the industrial law of this state an employer and his employes may mutually enter into lawful agreements, not injurious to public interest. . . .

"That the employes in entering into such agreements may act individually or collectively by representatives operating as a union or under an industrial plan or other organization;

"That said company did enter into an agreement under said Industrial Representation Plan with its employes through their representatives."

This award was executed on November 4, 1921, and had the effect of terminating the commission's order of September 10 to the company not to reduce wages.

¹ The law gives the Industrial Commission a power which it apparently has not exercised in relation to this serious problem of unemployment:

"It [the commission] shall investigate the extent and causes of unemployment in the state of Colorado and the remedies therefor, and it shall devise and adopt the most efficient means within its power to avoid unemployment and to prevent involuntary idleness."—U. S. Department of Labor, Bureau of Labor Statistics, *Labor Legislation of 1915*, p. 109. Government, Washington, 1916. To have exercised this right in the coal industry would have been an important public service.

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On November 16 a notice, in which the following sentences were the most important, was posted at the mines in which the resolutions had been signed:

"Notice is hereby given that commencing November 17, 1921, the scale of wages and mining rates at this mine will be the same as those in effect from November 1, 1917, to November 30, 1919.

"This reduction is made in accordance with the action of a majority of the workmen at this mine in August, 1921, and in accordance with the findings and award of the Industrial Commission of Colorado, made November 4, 1921. . . ."

For the effect of the notice on the employes we must rely upon accounts in the newspapers. It is necessary only to cite the outstanding events, which are evidently undisputed. News of the days following November 4, when the commission made its award, describe active preparations for a strike. The company had not yet announced when the reduction would take effect. When, on November 16, the notice was posted, everybody apparently was ready for a strike on the following day, when the cut would begin.

Meanwhile, on the day the notice was posted, and before any employes had struck, the governor of Colorado declared martial law in Huerfano County.¹ Adjutant General Hamrock, who had been in command at the time of the Ludlow tragedy in 1914, was now again in charge. He was to use State Rangers and units of the National Guard, if necessary. The reasons for declaring martial law do not appear in the news of these events. The strike had not yet begun. The company had announced that it would import no strike-breakers,

¹ *New York Times*, *New York Evening Post*, *Rocky Mountain News*. All of November 17, 1921.

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thus avoiding the chief cause of violence in a strike. In the strike of September 1, 1921, no violence whatever was reported. The strike of 1919 had been equally peaceful.

The New York *Evening Post*, in a news notice dated Denver, November 17, 1921, said: "Martial law was proclaimed by Governor Shoup after an appeal from Sheriff Harry Capps at Walsenburg, saying the situation was beyond his control. Prohibition of the sale of arms and ammunition at Walsenburg yesterday revealed the fact that Walsenburg merchants had already sold their entire stock of arms and ammunition."

The *Rocky Mountain News* of November 16, 1921, reported that when state officers seized arms from citizens in the district, the collection revealed "rifles which look as if they had seen duty in the civil war, old muzzle loaders and huge Colt pistols of ancient vintage. . . . One old rifle was turned in which had been seized twice before by Colonel Hamrock during disturbances in this district."

The instructions issued by the commander of the troops forbade citizens to carry arms, picket, or appear on the streets of any mining camp between 10 p.m. and 6 a.m., except in the town of Walsenburg. Every man willing to work would be protected. Later, meetings were forbidden, and officers of the union were not allowed to enter the camps which the company owned.

The strike spread to other mines of the company not affected by this particular notice of reduced wages. Whereupon the Industrial Commission ordered immediate prosecution of these striking miners and their leaders in Fremont and Gunnison Counties for not giv-

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ing thirty days' notice of the strike.¹ As to the numbers involved the reports were, as usual, conflicting. We know only that the troops were not withdrawn until January 28, 1922, and martial law thus lasted from November 17, 1921, to January 28, 1922.²

With the events of this strike of November, 1921, we are not here concerned. We are discussing the functions of the Industrial Representation Plan in determining wages. It should be noted first that apparently the two specific provisions affecting wages, implied in the trade agreement adopted with the representation plan, were not observed, namely, thirty days' notice of a change and the acceptance of competitors' rates.³ The words "as required by statute" are added in the plan to the promise of thirty days' notice. The company rested its legal case before the State Industrial Commission upon the claim that the cut in wages was in accordance with an agreement with the employes which, by the terms of the Colorado law, made the notice to the commission unnecessary. They said in effect that the words "as required by law" in this instance did not mean thirty days' notice, and, therefore, that section of the plan itself was not binding. It seems clear from the commission's description that the procedure of negotiation was not carried on through the established machinery of the representation plan. No mention is made of the Joint Committee on Industrial Co-operation and Conciliation

¹ *Denver Post*, November 19, 1921.

² Union officials informed us that while the order which had established martial law was rescinded January 28, 1922, two troops of rangers were kept in southern Colorado until November, 1922. They were active during the strike of 1922 in forbidding picketing and meetings of coal miners.

³ See pages 71 and 72.

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as having any share in the negotiations. The men in the mines were asked individually to sign their names to a petition to reduce wages. To the miner the possible consequences of refusing to sign would probably be a risk that he would not dare to take, especially when in several instances the superintendent or an assistant mine foreman or fire boss actually carried the petition through the mine, requesting the men to sign. The officials represented the entire company; the agreement of the men was secured, apparently, in each mine separately from every other mine. Moreover, except in camps where meetings were called, in three of which the petition had been used but had failed in two and a misunderstanding had arisen in the third, each miner was asked to go on record individually without the moral support of acting with other employes or through a representative. The resolution of their representatives was shown to be merely the final action recording the men's vote in each camp, analogous to the reports of tellers in an election.

President Welborn has summed up the facts as follows:

"With the knowledge of these conditions (the reductions of wages in the steel works, the business situation and the costs of reduced working time in the mines, the lower fuel costs of competing steel companies), and with the assurance that any reduction in costs, through reduced wages would be passed on to the consumer, the workmen themselves took the initiative in circulating petitions in which the men offered to accept a reduced wage scale, with the hope and expectation of increased working time. After the lower scale had been accepted, substantial orders for coal were secured on the basis of the expected reduc-

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tion in costs. These orders, which were cancelled when the higher scale was restored, would have provided a large amount of work for several of the mines."

Nevertheless, the men struck on the day when the reduction went into effect, September 1, 1921, and struck again when the same reduction, approved this time by the Industrial Commission, was made effective on November 17. This raises the question whether the negotiations had been mutual and voluntary from the miners' point of view. When the governor proclaimed martial law in Huerfano County, beginning November 16, he declared the county to be "in a state of insurrection and rebellion." All the mines of the company in Colorado, then operating, were included in the November strike, although the wage cut had been made in only half of them. Did the miners themselves recognize a common interest as employes of the same company, and did those not affected strike because they feared that they would be affected later or as a protest against what they considered injury to their fellows? In other words did they believe that in the method followed in making this cut the workers' interests were not being protected?

The commission did not seem to consider that the fact of the September strike affected the credibility of the claim that the men had mutually and voluntarily agreed with the company to adopt a new wage scale. The company suggests that fear of violence may have influenced them.

No claim is made that any violence occurred. Even before the November strike began, protection for those who wished to work was assured by the state troops, and under martial law picketing was prohibited. The

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troops were kept in the county for more than two months.

After the prolonged strike in the coal industry in 1922, the Colorado Fuel and Iron Company restored the wages of its employes to the level of 1920, which was the union scale and which had been maintained without reduction in union mines.

Thus, in seven years of operation of employes' representation the company tried only once to determine wages by independent action in its own mines, establishing a rate lower than that paid in union mines. Its employes struck and less than a year later, following a nation-wide strike of miners, the union rate was again restored in Colorado. Every other change in wages in these seven years followed changes in union mines.

PART V
THE TRADE UNION IN COLORADO

CHAPTER XIII

THE UNITED MINE WORKERS IN COLORADO

THE discussion of the methods of changing wages in the mines of the Colorado Fuel and Iron Company has shown how closely the activities of the miners' union are related to the plan for employes' representation. It is impossible to understand either the successes or the failure of employes' representation in the coal mines without knowing something about the United Mine Workers and its history in Colorado. We shall not attempt at this time to compare the Representation Plan with the organization and practice of the union. Our purpose is simply to describe the union and its activities as we have found it actually influencing the operation of employes' representation in the Colorado Fuel and Iron Company. No one can stay long in the mining camps in Colorado without hearing about the union. Company officials talk about the strikes which have been led by it. Miners discuss its activities. Casual visitors are reminded of it if they chance to pass the field of Ludlow. There, within sight of the mouth of the canyon leading to Berwind, Tabasco, and Toller mines of the Colorado Fuel and Iron Company, stands a statue—a miner and a woman with a child in her arms—which bears these words: "In Memory of the Men, Women, and Children Who Lost Their Lives in Freedom's Cause at Ludlow, Colorado, April 20, 1914. Erected by the United Mine Workers

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of America." And in the memorial services held there from time to time the sense that the freedom of the workers is bound up with the success of their union is fostered.

Included in the membership of the United Mine Workers of America are miners and all laborers and craftsmen employed in or about the mines of the United States and Canada. The so-called "international"¹ office is in Indianapolis, Indiana. The United Mine Workers have divided the country into a number of districts. Colorado and New Mexico constitute District 15. Since Colorado has the bulk of the membership in these states, it is almost identical with District 15.

Each district has a president, vice-president, and secretary-treasurer, elected for two years. In addition, the district executive board, consisting of the officers and a representative elected by the miners from each of the subdistricts into which the district is subdivided, constitutes the policy-forming body of the district. In the absence of orders from a district convention the executive board decides on such important matters as whether a strike shall be called. A district is largely autonomous. The executive board, for instance, may call strikes against operators who have no contract with the union, and the sanction of the international office is unnecessary, unless financial assistance is desired, which requires the approval of the international executive board.

Headquarters of District 15, including, as we have seen, Colorado and New Mexico, are in Pueblo, the same city

¹ The word "international," which is commonly used to describe labor organizations in the United States, may be confusing to some readers. It is used because Canadian workers are included in the same organizations, and have the same "international" officers.

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where are housed the offices of the Fuel Department of the Colorado Fuel and Iron Company. Pueblo is about one and a half hours' ride from Walsenburg, one and a half hours from Canon City, and three hours from Trinidad, the three centers near which are located most of the mines operated by the Colorado Fuel and Iron Company. These mines are, therefore, easy of access to union officials. The president, vice-president, and secretary-treasurer give all their time to the affairs of the union in the district.¹ Board members from the subdistricts give part of their time. In addition, organizers are employed with salaries paid by the international office. These are miners who may or may not be residents of the district. They are responsible to the international president. Their work is directed by the president of the district to which they are assigned, although they may be withdrawn at any time by the international president.

These organizers are the most active representatives of the miners' union. They are the propagandists, the evangelists of the organization, usually men of strong physique, vigorous personality, and courage. They are, in addition, good public speakers. In 1920 five organizers were at work in the territories where the Colorado Fuel and Iron Company operates. Between them, they spoke five different languages—Mexican, Italian, Slavic, Greek, and English—so that they could reach each of the large groups of workers employed in the mines.

¹ The word "district," referring to the organization of the union, should not be confused with the districts into which the Colorado Fuel and Iron Company has divided its property in the organization of employes' representation.

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NATIONAL, DISTRICT, AND LOCAL ORGANIZATION

Under a union contract a miner's representation is national, district, and local in scope. Each type of representation aims to safeguard a certain group of standards, and the three together purpose to give the miner a share in formulating the policies of the workers in the industry, as well as to afford him protection in the conditions guaranteed him under the contract.

As a member of the United Mine Workers of America every union miner secures national representation. He casts a vote for the international executive officers and the executive board every other year. Biennially, also, he votes for a delegate to the national convention. This convention usually meets prior to the expiration of a union contract. It is made up of delegates from each local union, and is the supreme legislative body of the organization. It may amend the constitution, consider resolutions from local unions, and draft policies for the executive officers to follow.

The scale committee, which recommends the wage rates to be asked for in negotiations with operators, considers all the resolutions submitted to the convention which have a bearing on wages. A study of these resolutions enables the committee to gauge the judgment of the rank and file and arrive at a scale which will meet the collective desire of the miners. The convention usually adopts the report of the scale committee and refers it to the joint conference scale committee of the miners.

The joint conference consists of representatives of the miners and the operators. The miners' representatives are elected by the delegates from the respective dis-

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tricts in attendance at the convention of the union. The operators of each state select their representatives at meetings of their respective associations. This joint conference adopts an interstate agreement. The agreement covers working conditions in the Central Competitive Field, which includes Illinois, Ohio, Indiana, and western Pennsylvania. The wage scale, as well as the other conditions provided for in the contract, are used as a national basic standard. Each district subsequently drafts an agreement with the operators coming within its territory, using the interstate contract of the central competitive coal field as a basic standard, and making the necessary specific application of the national standard to local conditions.

Through his national union, the miner also secures representation in the labor movement of the country as a whole, for the convention elects delegates to attend the annual convention of the American Federation of Labor.

The miner, working under a union agreement, also obtains district representation. He is a member of one of the states which make up the national organization. Here, again, he is entitled to vote for the officers and the executive board of the district organization. He is represented by an elected delegate from his local union in the biennial convention of the district. This convention is the supreme body of the district. It drafts the constitution, considers resolutions from the local unions, formulates the policies for the ensuing two years, and appoints a scale committee to negotiate the new contract with the operators of the district after the interstate agreement has been promulgated.

The officers of the district and the scale committee

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invite the representatives of the operators, usually organized into an association, to meet with them and draft a contract for the ensuing two years. A joint conference is then called. Sometimes several conferences are held before the terms of the contract are agreed to by both sides.

Through his national and district representatives the miner has obtained the best contract which the bargaining power of the fellowship of miners (supported by the fellowship of all wage-earners) has been able to secure from the operators. What assurance has he that the contract will be obeyed in the mine where he works from day to day? For the management of the mine is vested in the operator and, therefore, the administration of the contract is largely in the hands of the mine superintendent and the mine foreman.¹

The contract provides for local representation. In the first place, the local union acts as a constant check on the administration of the contract in the sense that it keeps a vigilant eye on the mine management and holds regular meetings to discuss the experience of the miners in their day-to-day dealings with the foreman and superintendent. But more than this, the contract provides for a pit committee elected from the local union to represent the individual miner in adjusting his complaints with the local management. This com-

¹ Agreements between the United Mine Workers of America and the coal operators contain a clause safeguarding the operators' right to manage; for instance,—“the right to hire and discharge, the management of the mine and the direction of the working force are vested exclusively in the operators and the United Mine Workers of America shall not abridge this right.”—(Agreement by and between the Illinois Coal Operators' Association, the Coal Operators' Association of the Fifth and Ninth Districts of Illinois, and the Central Illinois Coal Operators' Association, and the United Mine Workers of America, District Number 12, for the period beginning November 1, 1917, p. 42.)

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mittee usually consists of three men, and aims to represent the various racial elements working in the mine concerned.

The administration of the contract, as we have said, is in the hands of the mine management. When a miner thinks that the management is not administering the contract with fairness in his case, he has a grievance. The contract goes into great detail regarding the adjustment of grievances. The contract of District 12 (Illinois) is typical. First, the aggrieved miner attempts to adjust his difficulty with the mine foreman. If they fail to agree, the pit committee and the president of the local union attempt to reach a satisfactory agreement with the mine foreman. If these men are unable to arrive at a joint decision, the dispute is referred to the president of the subdistrict (each district is divided into a number of subdistricts) and the superintendent of the mine. If they are unable to agree, the dispute is referred on through six other joint bodies until, if all these fail to arrive at a satisfactory adjustment, the case goes to an arbitration commission. This commission consists of five members. One represents the miners and one represents the operators. These two are known as direct members of the commission. The three others are known as independents. The decision of this commission is final.

PAST EFFORTS TO ORGANIZE THE COLORADO FUEL AND IRON COMPANY

As the Colorado Fuel and Iron Company operates more mines and employs more miners than any other operator in Colorado, the desire of the United Mine Workers to unionize the company has naturally been

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strong. Opposed to this desire has been the determination of the company not to sign a contract with the union, or in any way to "recognize" the United Mine Workers as a party to its business.

"For thirty years past this company has assured its every employe that its mines were 'open shops,' where any good workman might obtain employment irrespective of whether he was a union or non-union man." This statement of policy was made in 1914 in a letter from the company to the President of the United States.

We found in Colorado that not every one agrees that employes of the Colorado Fuel and Iron Company felt free to join a union prior to 1914. In our discussion with the men about the strike of 1913-14 the statement was frequently made to us that before 1915 they could not safely join the union without fear of discharge. Whatever the facts may have been in particular instances, the history of the miners' trade union organizations in Colorado is evidence of long-drawn-out and unsuccessful efforts, through forty years, to induce the Colorado Fuel and Iron Company to recognize the union.

In 1883, 1893, 1903, and 1913 the miners struck, either under the leadership of the Knights of Labor or the United Mine Workers. Of all these strikes, that of 1913-14 was the most violent and bitter. The history and outcome of these conflicts would make an interesting report in itself. Data gathered in this inquiry are largely confined, however, to what has happened since 1914. We did not attempt to secure a detailed account of the history of the relations between the company and the United Mine Workers prior to 1914, except as past events influenced present relations.

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How the Industrial Representation Plan grew out of the strike of 1913 has already been described. We have quoted the chairman of the board of directors, who said in a letter¹ to Mr. Rockefeller in August, 1914, that the executives of the company had known for some time that if the company would agree to the appointment of a joint committee of miners and operators the strike would be ended at once without even mentioning recognition of the union. The suggestions of Mr. Rockefeller and Mr. King included the appointing of joint committees of miners and company officials. So did President Wilson's proposal for ending the strike in September, 1914. Committees at the mines, however, sounded to the officials of the company too much like the pit committees of the union. To appoint them would be too great a concession to the United Mine Workers. Not until the strike was ended on December 10, 1914, were steps taken by the company to inaugurate the plan for representation of its employees. In thus avoiding any semblance of accepting the union as an influence in dealing with its employes, and in thus holding out until the United Mine Workers were beaten, the company made clear its rejection of the existing forms of unions as the instrument of collective bargaining for the miners. Naturally, those miners who had upheld the union carried with them the knowledge of defeat, with its inevitable bitterness, as well as the memory of the violence and death which accompanied that struggle.

FACTIONS IN THE UNION

The strike left the union weak, and with the sense of defeat in their minds members succumbed to factional-

¹ See page 16ff.

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ism. A serious rift in the union had occurred after the 1913 strike. In fact, it began during the strike. John Lawson at this time was the member of the international executive board from the Colorado district.¹ He was, therefore, the official who acted as the link between the national and the district organization. The strike of 1913 had its beginning in 1910 in the northern part of the state, when a strike had been called for the purpose of securing recognition of the union there. The mines of the Colorado Fuel and Iron Company are in southern Colorado. After the earlier strike had been waged in the North for some time without results for the miners, Lawson came to the conclusion that if it was to be effective as a means of strengthening the union, it should be extended to the coal mines in the other parts of Colorado. He made such a recommendation to the international executive board, but not until 1913 was the recommendation accepted.

During the strike of 1913 differences of opinion as to policy had developed between Lawson and other officials of the United Mine Workers. The divergence between Lawson and the union administration in Indianapolis grew wider during the investigation undertaken by the United States Commission on Industrial Relations while the strike was in progress. Moreover, after the strike was called off in 1914, Lawson believed that the international office withdrew too early its financial support from the miners who had struck and who had not been able to get back their old jobs or to secure work elsewhere.

¹ The international executive board consists of a member from each of the districts into which the United States and Canada are divided by the United Mine Workers.

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After the strike, in the 1916 election for district offices, Lawson was a candidate for the presidency of District 15. Miners of Colorado say that he was selected by an overwhelming majority. Just after elections the international executive board decided to suspend the autonomy of every district which was not self-supporting and which, therefore, received financial assistance from the international treasury. After so serious and prolonged a strike as that of 1913 and 1914 the Colorado district was not self-supporting and was one of the three to lose its autonomy. This meant that the international office took charge of the affairs of the district, and Lawson, despite his election by a large majority, could not, therefore, take office. James Moran was assigned by the international office as acting president of District 15, and Warren B. Pippin as secretary-treasurer.

Antagonism developed between Moran and Lawson, and in the next election, in the winter of 1917, at the time when the autonomy of the district was to be restored, Lawson again became a candidate for the presidency, but Moran put up a candidate in opposition. Miners believe that wholly unfair and corrupt tactics were used in the election. They say that charters of local unions known to be friendly to Lawson were suspended so as to deprive their membership of a vote. Lawson was the hero of the Colorado miners because of his activity in the strike of 1913-14, and they believe that he was their real choice as leader, yet he was declared defeated. He contested the election, but before the investigation by a committee of the international executive board was completed he called a "rump" convention of miners friendly to him, and shortly afterward organized a dual organization known as the Inde-

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pendent Miners' Union. The establishment of a dual union is, in unionism, comparable to an act of treason to one's country, and even Lawson's friends, among the leaders of the miners, dropped away from him and the dual organization did not last.

We have not attempted any first-hand study of the events of this period, but it seems clear that this factionalism greatly weakened the union, and that the defeat and withdrawal of Lawson deprived the miners of an able leader. Moreover, the charges of unfair tactics in elections made many members of the union lose confidence in its administration.

One may easily imagine how incidents like this affect the attitude of both operators and miners toward the union. Operators charge that labor politics made it undesirable to sign an agreement. With an unstable administration there can be no guaranty of observance of a contract. For the rank and file of the miners, loss of confidence in the leadership of their union means that they lose enthusiasm and loyalty as members. Officials of District 15 who had recently been elected at the time of our inquiry in Colorado declared that they were making every effort to restore harmony in the district union, and that they were determined that there would be no more dishonest practices.

THE THREATENED STRIKE OF 1917

From December, 1914, when the strike was declared off, to June, 1917, industrial peace reigned in the coal camps. And then trouble arose. District 15 of the United Mine Workers was again threatening to call out on strike the employes in the mines of the Colorado Fuel and Iron Company. In the winter of 1916-17, the autonomy

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had been taken from District 15, for reasons already described, and the international office had assumed charge of the district affairs. With James Moran and Warren B. Pippin who, as has been said, were sent by President White as acting president and secretary, respectively, of District 15, had come a corps of organizers. These officers of the district secured an agreement in April of that year with a number of independent operators. Among them was the Victor-American Fuel Company. This company was the second largest operator in Colorado. It was, in addition, one of the bitterest enemies of the United Mine Workers—so much so that the news of the signing of the contract came as an unbelievable surprise to those familiar with the industrial history of Colorado.

Just how much credit should be given to Mr. Moran for his consummation of this contract we do not know. The Victor-American Fuel Company explained its action in a letter addressed to the coal operators of Colorado in which it stated first, that after the strike of 1913-14 the Colorado Fuel and Iron Company had withdrawn "from all association and co-operation with the other operators who had loyally co-operated with them in resisting the unreasonable demands of the United Mine Workers of America, and without any consultation with them put in effect a plan which, if not an invitation, opened the door to the unrestricted activities of the organizers of the United Mine Workers of America in their mines, a very large number, if not a majority of their employes, now being members of the union." Its officers went on to explain that being left without co-operation in resisting the union at a time when labor was scarce and the war made it impossible to contem-

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plate a strike, the Victor-American Fuel Company signed a contract with the union.

Mr. Moran took heart and began an aggressive organizing campaign in 1917 in the coal mines operated by the Colorado Fuel and Iron Company. At that time union organizers were permitted to come and go freely and no obstacles were put in their way. In July he asked President Welborn for a conference and threatened to call a strike on August 1, unless certain grievances were satisfactorily adjusted. The details of these grievances may be passed over quickly, for they are not the most significant feature of this episode. President Welborn granted the conference which ended fruitlessly. He came to the conclusion that the main object of the union in this threat of a strike was to secure "recognition" and that the grievances discussed were not the real occasion for conference.

A second conference was arranged, to which were invited district officials of the United Mine Workers and representatives of the local unions elected in the camps, other representatives of the miners, superintendents of the mines, and the members of the State Industrial Commission. This conference also proved fruitless. Mr. Welborn suggested various ways of dealing with the grievances presented, all of which would have made the State Industrial Commission the final authority for adjustment. Mr. Moran objected to his suggestions for various reasons, and finally urged that Mr. Welborn put to a vote of the miners in the Colorado Fuel and Iron Company the question whether they preferred the Industrial Representation Plan to a contract with the United Mine Workers. This Mr. Wel-

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born refused because, as he said, he believed that the men were satisfied with the plan and that there was no reason for putting the matter to a vote.

After adjournment of the conference the Colorado State Industrial Commission investigated the grievances which had been presented by the union leaders. Officials of the union ignored the investigation. Mr. Moran appeared to testify only when ordered to do so by the district court. The commission rendered a decision unfavorable to the miners, finding their grievances "not supported by the testimony." The commission declared that it "had nothing to do" with recognition of the union, and condemned union officials for threatening to call a strike when the country was at war. The strike, indeed, did not take place. President White, of the United Mine Workers, had just begun his work for the Fuel Administration in Washington. He was opposed to any strike in Colorado. The international executive board refused to sanction it.

As showing the policy of the company in relation to the trade union after the adoption of the Industrial Representation Plan, the significant phase of the episode was the president's change of attitude toward conference with union officials. He was willing to confer with them, whereas prior to and during the strike of 1913 he had refused to meet them. Mr. Welborn himself points out that his earlier refusal was due in part to the fact that when a strike is threatened or in progress, officers of the unions usually interpret a conference with the management as giving the hope of a contract, and he did not wish to give any such hope. Moreover, since 1915, the representation plan had provided a method of conference between management and

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employees, and Mr. Welborn said that because of it he was able to secure information about actual conditions and was prepared successfully to deny charges which might be brought up in conference with union officials.

So far as the representation plan was concerned, however, it appeared to have had no relation to the company's procedure in dealing with the threat of strike in 1917. The representatives elected under the plan were not invited to the conference. Instead, delegates were elected by local unions in the camps. Mr. Welborn explained that he did not think it was desirable to bring in the representatives at that conference. Had the complaints brought up by Mr. Moran been sustained, Mr. Welborn would have conferred with the representatives about them, he said, but he knew in advance that the real purpose of the conference was not to adjust any alleged grievances but to secure recognition of the union.

STRIKES OF 1919 AND 1921

The strike of 1919 was so significant as showing whether Colorado miners would respond to a strike call inspired by national rather than local issues, that it will be discussed separately in Chapter XIV, Colorado Miners in the Strike of 1919.¹

The influence of the union was again demonstrated in the strike of the employees of the company in 1921 against a reduction in wages, as already described.² This was a local issue, involving only one company, in contrast with it was the nation-wide strike which began in April, 1922, to which, according to accounts in the newspapers, employees of the company again

¹ See page 303.

² See page 260ff.

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responded. The strike of 1922 began while this chapter was in preparation, and its causes and events are not within the scope of our study.¹ Nevertheless, these conflicts in 1919, 1921, and 1922 indicate that employes' representation has not prevented strikes. They show, moreover, that in Colorado these two plans of organizing

¹ The company has supplied the following statement regarding the strike of 1922:

"The Company's employes in the Canon and Crested Butte Districts responded to the nation-wide call of the United Mine Workers of America, although they had for some time previously been working at the established scale then applying throughout Colorado. In the Trinidad and Walsenburg Districts, where about 85 per cent of the company's coal is produced, the miner paid but little attention to the strike order. During the succeeding five months the demand for coal was insufficient to keep the mines running full, and during that period several hundred carloads of coal were accumulated ahead of orders. The production of coal during the five months increased 24 per cent over that for the same months of 1921. The miners of the company who remained at work were on a scale of wages which they had helped formulate in the latter part of 1921."

Union officials made substantially the following statement regarding the strike of 1922:

Two troupes of rangers were kept on duty throughout the strike. These rangers prohibited picketing, although martial law had not been declared. They forbade the holding of meetings by striking coal miners. No more than three men were permitted to gather at any place in Huerfano County. Over one hundred arrests of strikers were made in Colorado, a large proportion of them occurring in the southern part of the state. Organizers were prohibited from addressing the strikers. The following two instances were cited as typical by union officials:

"April 8, 1922. Capt. Dennis, who was in charge of the rangers in Huerfano County, called Organizers Hefferly and Fontecchio to Ranger Headquarters. He told them no one would be allowed to talk to men at work and that no mass meetings or parades would be permitted.

"July 23, 1922. Mass Meeting called in the city of Walsenburg; over 2,000 men, women and children present. While people were assembling, several rangers appeared and ordered all to leave the hall. President McGuire and Vice-President Livoda (officials of District 15, United Mine Workers of America) along with Organizers Hefferly and Fontecchio protested, but rangers told them they had instructions to break up the meeting and were prepared to do so even with use of machine guns (which were in

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human relations—trade unionism of national scope and employes' representation adapted to a single company—are actively competing for the loyalty of employes. They raise the question as to how a *modus vivendi* can be established between the United Mine Workers, which embodies the one, and the company which has espoused the other.

ATTITUDE OF THE UNION TOWARD THE REPRESENTATION PLAN

When the plan was introduced the union was weak, after the prolonged and bitter strike of 1913 and 1914. Loyal union men say that they saw no other possible plan of action than to take the benefits afforded by the plan. Many held office as representatives. They were biding their time and watching. In their judgment the plan could not be a satisfactory substitute for unionism, but it was all that they could hope for at the time. Moreover, the freedom to join unions which the plan guaranteed seemed to promise an opportunity to strengthen their organization. Gradually, however, the union itself came to look upon the plan as an obstacle to unionism, and then union men began actively to oppose it.

At their biennial conventions, in 1918 and again in 1920, delegates from the local unions in District 15

evidence). McGuire and Livoda called in person on Hamrock (the adjutant general of the state) and Dennis to protest, but were told that the rangers were following their instructions, that no mass meetings could be permitted, that men refusing to go to work would be arrested for vagrancy, and those not American citizens would be deported. They gave permission to McGuire and Livoda to attend meetings of local unions only."

Due to these activities of the rangers, say union officials, the strike was broken.

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listed the plan with such organizations as the I. W. W. and the "One Big Union," to which they are opposed. They forbade union miners employed by the Colorado Fuel and Iron Company to take any part in the plan. Thus, section 12 of the district constitution reads:

"Any member belonging to a Secret Service Organization, Private Detective Agency, The Civic Federation, the Rockefeller Industrial Plan, the Industrial Workers of the World, or the Workers' International Industrial Union, or the One Big Union, or any other dual organization, shall be expelled from the United Mine Workers of America. Any local union donating any of their funds or levying an assessment for the benefit of the above-mentioned organizations shall be fined double the amount of the donation or assessment, same to be collected by the District Secretary-Treasurer."¹

Early in 1920 three different representatives in as many different mines were on the verge of resigning—and later did resign—because they were strong union men and did not wish to act contrary to the district constitution of the union. Union men in all of the mines told us that they intended to ignore the plan. They would either have a union contract or nothing. In 1921, again, several union men had to decide the difficult question of accepting election as a representative, or abiding by the instructions of the union. One

¹ Constitution of District No. 15, United Mine Workers of America, adopted at Colorado Springs, Colo., effective April 1, 1920, p. 33. At the biennial convention in Indianapolis in September and October, 1921, a resolution was adopted commending the Colorado miners for resisting the wage reduction made by the Colorado Fuel and Iron Company, and declaring "that the International Executive Board is hereby instructed to use its fullest possible moral and financial support of this situation."—Proceedings of the United Mine Workers of America, September 20 to October 5, 1921, Indianapolis, Vol. II, pp. 971-972.

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left the mine and went to work on a farm. Another, in a camp where the plan has never worked smoothly or effectively, simply declined to serve as a representative, but gave no reason. One decided to oppose the union despite its threat to expel him—a threat which was later carried out. He contended that union men should co-operate with and test the possibilities of the plan to its utmost limit and thereby seek to develop it into a union. The only alternative, in his opinion, was a strike for recognition of the union, and this he deemed hopeless with so powerful a company opposing. But he had many criticisms to make of the plan, and in these he agreed with many other union members employed by the company.

TRADE UNIONISTS' OBJECTIONS TO THE PLAN

The union locals in the camps are centers where the miners congregate and discuss their grievances. There the opinion of the men with regard to their relations with the company are determined. The most aggressive leaders are found there. A group sentiment is created in those locals which is tantamount to the powerful public opinion found in economically homogeneous communities. Some of the objections which we shall cite are not based on good evidence, and yet all are significant in showing states of mind.

What are the main strands of this public opinion?

METHOD OF INAUGURATING THE PLAN

The method of introducing the representation plan is criticized by aggressive leaders of the union. It came, they recall to your mind, after the 1913-14 strike—an actual civil war. The miners had been willing to take

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their wives and children from comfortable homes in the winter and put them in tent colonies in the canyons of Colorado. They were willing to take up arms, continues their argument, in defense of their rights. They saw strike-breakers come in by the thousands, but they waited.¹ They hoped they would win. Win what? A cessation of certain abuses, but more important than this, in their opinion, a contract between the United Mine Workers and the company which would guarantee the miners a form of collective bargaining in which they had confidence.

During the strike they were willing to compromise with the operators. They agreed to the plans of several mediators. They were willing to accept a truce suggested by President Wilson, but the operators refused. The companies did not like the plan suggested by President Wilson, because they feared that it would give a semblance of recognition to the United Mine Workers. The strike was called off. It was a crushing defeat.

About a year later the management offered the miners the Industrial Representation Plan. The employes had no voice in drafting it. This was done entirely by an outside expert, with the assistance of executive officials of the company. It was explained by Mr. Rockefeller personally to representatives of the miners at a meeting in Pueblo.² The following week it was submitted to the employes at the various camps for ratification. Execu-

¹ The company officials point out that the union brought in strike leaders, and they suggest that to the employers these "strike conductors," as they might be called, are as obnoxious as are "strike-breakers" to the union.

² On this occasion Mr. Rockefeller read the plan, section by section, and asked for discussion. No important modifications were suggested.

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tive officials of the company personally visited the camps and addressed the miners, explaining the plan and favoring it. The union had been crushed. There was no effective leadership to protest or to suggest changes. Meeting places, ballots, all the necessary preparations were arranged by the company. The men knew that the company wanted the plan. They also knew that the United Mine Workers' organization had withdrawn from Colorado. Its morale had been shattered. They voted in a large majority for the representation plan.

So speak the leaders of the union, and their opinion permeates down to the rank and file through the local unions and the organizers who periodically address the miners. They are even suspicious—and this is voiced not only by union officials outside the company but primarily by employes of the company—that the management attempted to influence the voting by using ballots of two different colors. Each miner was given a red ballot and a white ballot. If he was against the plan, he was to cast the red ballot; if for the plan, the white ballot. As far as we could ascertain, these ballots were cast secretly. No one could see which ballot was used. We found no evidence that they had any other purpose than to enable men to vote who could not read or write, and hence, indirectly, to insure a secret ballot and a fair vote, without duress. Yet we found the suspicion prevalent that these ballots were used so that the local superintendents would know how each miner voted. Fearing discrimination, they say, the miners voted in an overwhelming majority for the plan.

Similarly, miners in Fremont County will tell you to this day that the company threatened to shut down one

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of the mines, Rockvale by name, unless the men voted for the representation plan. The Rockvale miners were the only ones to vote a majority against the plan when it was first submitted. Immediately the rumor was spread that this mine would be closed down in the near future. The men say that this rumor emanated from one of the foremen. This official stoutly denies, under oath,¹ that he ever made such a statement. Nevertheless, miners took the rumor as a serious declaration of policy on the part of the company. Rockvale, as we have said, is an independent open town, as contrasted with most of the closed camps owned by the company. Many of the miners own their homes and other bits of property. Should the mine close down they would lose everything they had. There was no other industry in the town. They petitioned the management to allow them to vote again on the adoption of the plan. The company did this, and a large majority of the men voted for the plan. Here, again, we could find no evidence that the company ever entertained the idea that this mine would be closed down because of the unfavorable vote of the men on the plan. Yet miner after miner cited the case as an instance to prove that the management had forced the men to vote for the plan. As valid evidence, both this case and the argument about the red and white ballots are, in our opinion, worthless. But they are important because they show how suspicious must be the state of mind of the miners that they should have such strong faith in an illusion.

¹Colorado State Industrial Commission. Hearings regarding United Mine Workers of America vs. Colorado Fuel and Iron Company, August and September, 1917. Testimony of William K. Jones, assistant mine foreman, Rockvale, p. 429. Typewritten record.

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METHOD OF CONDUCTING ELECTIONS

That the initiative in all arrangements for meetings and elections rests with the management, and that officials take an active part in urging the men to vote, has already been shown. Union sympathizers among the employes say, "There wouldn't be a corporal's guard at the election meetings if the company held regular meetings as the local unions do. Of course when the superintendent sends somebody around with the ballot box, the average miner is afraid not to vote. He'd be afraid of being discriminated against in some way."

LACK OF CHECK-WEIGHMEN

That under the plan, in camps where unionism is weak, the men do not have enough solidarity to maintain a check-weighman, is another contention.¹ Trade union sympathizers contend that the Colorado miners are suspicious of the weights credited them and that they lack confidence in the efficiency of their check-weighman—when they have one—because he has no organized backing by the employes. In the mines where the union is not strong, the employes usually have no check-weighman. To vote for one and to be willing to have deductions made from wages for his salary requires cohesion among the men in the camp. This, the union claims, is lacking under the plan.

WAGES NOT DETERMINED BY THE PLAN

We have already quoted the miners to show how they felt about the question of wages. They were of the opinion, it will be recalled, that their real protection

¹ See page 216 ff.

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in this most vital aspect—the guarantee of a living wage—depended on the activity of the United Mine Workers rather than on any guarantees of the representation plan. All that this plan guaranteed was to increase wages in proportion as they were increased in competitive districts. These competitive districts are unionized. Wages are not increased in them except upon the initiative of the United Mine Workers. A practical illustration of this, they tell you, was shown in the winter of 1919 to 1920, when the general manager testified before a senate committee that the company could not increase wages and that the purchase of automobiles and other expenditures of the miners showed that they did not need an increase. When higher wages were later granted in the agreements signed with the United Mine Workers in the Central Competitive Field, they were also accepted in Colorado. To the miners in Colorado this proved that the company would not, on its own initiative, have granted the increases secured for them by the union. Again, in 1921, wages were reduced by this company below the rate still maintained in unionized mines. After the long strike of 1922 to maintain the higher scale in union mines, the Colorado Fuel and Iron Company again restored the union rate.

Moreover, as we have shown in other chapters, in the day-to-day application of the scale, and in determining the payment for dead work, many of the men feel that no adequate provision is made to protect employes' interests by giving them a vote on specific cases, or by making standards and practice uniform in the mines of the company having similar conditions.

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IMPROVEMENTS DUE TO THE UNION

Miners who are local union leaders further contend that whatever improvements have been made in social, living, and working conditions, are due to the activities of the United Mine Workers. It took the 1913-14 strike, with all its violence and bloodshed, they argue, to stir the management of the Colorado Fuel and Iron Company and to interest Mr. Rockefeller in the employes in Colorado; to focus the attention of public opinion on conditions as they existed. They admit that the Colorado Fuel and Iron Company has the best coal camps in the state, and that the comforts of the miners are well provided for. But who brought this about? Have not the bath-houses, the Young Men's Christian Associations, the new homes, the clean streets, the well-kept fences, the gardens, the better schools and playgrounds, the more humane treatment by foremen and superintendents, the abrogation of the arbitrary power to discharge without warning for the least offense—have not all these improvements been introduced since the 1913 strike?

NO RESOURCES FOR STRIKES

One further argument is put forth by union members in the employ of the company which is held also by the miners' representatives in the representation plan. The strike, runs the argument, has been and still is the strongest weapon workers have to achieve necessary improvements in their working and living conditions. It was the 1913-14 strike, for instance, which revolutionized the labor policy of the Colorado Fuel and Iron

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Company. To conduct strikes successfully requires a strong organization of the workers and a fairly well-filled treasury. Under the Industrial Representation Plan the workers have neither an organization nor a treasury. Their representatives serve only on joint committees with equal numbers of company officials. They are thus deprived of their most potent means of defending their own interests. Only the United Mine Workers can lead them successfully in a strike.

ACTIVITIES OF THE UNION AGAINST THE PLAN

Union miners do not stop with an expression of their opinion. They have translated it into action. In the first place, they have encouraged an attitude of indifference and hostility toward the representation plan. In conformity with the district constitution of the United Mine Workers, to which reference has already been made, local unions have not permitted their members to become representatives or to take any active part in the representation plan. For this reason representatives in several of the camps have from time to time refused to serve. They either had to withdraw from the union or refuse to act as representatives. They preferred to decline the office of representative. Others told us that they would not be candidates for the position of representative because of their loyalty to the United Mine Workers. This explains an incident already cited in one camp where almost all of the miners belong to the union and where not one came to the annual meeting in 1920, when representatives were to be elected. The result was that the representation plan did not function in 1920 in that mine. In 1921, however, an election

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was held, and two former active representatives were elected.¹

The local unions here also assumed functions which might otherwise have been handled through employees' representation. They have controlled the elections of check-weighmen. We found in 1920 that the check-weighmen, in the five camps having such officials, were all nominated in the local union. While they were elected by the necessary two-thirds vote of the employees, their election was assured by the vote given them by the local union. Further, a majority of the check-weighmen are officials of their locals. Prior to the strike of November, 1919, check-weighmen were active union leaders and solicited members among the miners for their locals.²

Then, again, the local unions have elected pit committees. This is the form of representation granted by operators under contracts signed with the United Mine Workers. This action has been taken in Colorado camps for its moral effect rather than for any practical purpose, for local superintendents have taken the stand that they would not deal with pit committees unless they were authorized to do so by the management. Recognition of the union by the company, they say, would have to precede any dealings between the superintendent and representatives of the local union. The men, however, in the strongly unionized mines, have refused to deal with the representatives elected in accordance with the representation plan. "We would

¹ The company tells us that elections were held here in 1922 and again in 1923, when, as already noted, 87.7 per cent of those eligible voted. These elections occurred after we had left Colorado.

² The salary of the check-weighmen is paid by a pro rata deduction from the wages of every miner in the mine.

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rather suffer," they told us in their camps, "than take up any grievances under the Rockefeller Plan."

At times, moreover, the men in these mines have struck or threatened to strike unless certain grievances which they had were adjusted outside of the machinery of the plan. Thus, we read in the report of the president's industrial representative concerning one camp that "influence from the outside has resulted in a tendency on the part of a majority of the employes to ignore the employes' representatives."¹ Later on in 1919 we find a strike recorded for the same mine because the superintendent laid an employe off. "The miners," we read, "refused to act through representatives elected under the Industrial Representation Plan." Mr. Matteson, the president's chief industrial representative, personally visited the mine. He "conferred with the employes' representatives, who told him that they had been ignored by the miners." Later he held a meeting attended by a number of the miners from Engle and by "Vasquez, secretary of the United Mine Workers, and not an employe of the company." The miners present at the meeting told Mr. Matteson that "they did not want to deal with the company through their elected representatives." "Mr. Matteson assured them they could elect any other representatives they wished, providing it was done in accordance with the Industrial Representation Plan. He made it clear that the company had no objection to the men's belonging to the United Mine Workers, but that it did not recognize the union as an organization." The report does not say whether the miners elected other representatives, but

¹ Reports of David Griffiths, period October, 1918, to November, 1919. Engle mine, April 3, 1919.

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the result of the meeting was that the miner who had been laid off was reinstated.¹

Another strike occurred in the same mine later as a means of forcing the company to discharge an employe whom they suspected of stealing "picks." Again the case had to be settled outside of the machinery of the representation plan, substantially as was the one described above.

One more illustration shows that the union men employed by the company exert a powerful influence of leadership. This is described here in anticipation of the discussion of the strike of 1919 in the following chapter.² After the officials of the United Mine Workers called off the national coal strike on November 11, 1919, in conformity with an injunction issued by federal Judge Anderson, the miners of Colorado returned to work. When they asked again for their jobs, they found that the company had introduced a card which they were asked to sign as a condition for securing work. This card read as follows:

"As an employe of the Colorado Fuel and Iron Company, I know that it is operated as an Open Shop under the Plan of Representation of Employes of which I have received a copy.

"I will co-operate in maintaining the rules and agreements relating to my service and the laws of my State and Country."

A cry was immediately raised by union men against the "red card" as they called it because of its actual color. They charged that the company was attempting to force them to accept the representation plan. They threatened to strike again. As a result, the United

¹ Reports of B. J. Matteson, beginning December, 1918.

² Chapter XIV, Colorado Miners in the Strike of 1919, page 303.

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States District Attorney asked that the use of the card be suspended on the ground that there must be no obstacle to the production of coal, as the strike had already decreased the available supply throughout the country.

Again, under the leadership of the union, a request was made that the Industrial Representation Plan be abolished and that a contract be signed with the United Mine Workers. This happened in September, 1919. Twelve letters, identical in form, indicating a common source, were sent to President Welborn by 12 different locals in as many camps. The letters were in the form of a resolution and read as follows:

“Whereas,

“We, the employes of . . . Colorado, employed by the Colorado Fuel and Iron Company, who have been working under the Rockefeller Industrial Plan since the inception of same. And,

“Whereas,

“Said plan is not an agreement, but a method of plain exploitation¹ whereby the employes are compelled to work and exist under undesirable conditions. We have no proper protection or no voice or vote as to the conditions under which we shall work. And,

“Whereas,

“We have gone on record by unanimously voting against said plan.

“Therefore, be it resolved,

“That we insist upon recognition of the United Mine Workers of America with a contract signed by and between said organization and the Colorado Fuel and Iron Company. And,

“Be it further resolved,

“That copies of this resolution be sent to President Wilson, to Secretary of Labor W. B. Wilson, to J. F.

¹ The word “exploitation” (sic) was misspelled in all these letters and gave evidence of a common source.

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Welborn, president of said company, and to John L. Lewis, acting president of the United Mine Workers of America."¹

In acknowledging this letter, President Welborn denied the charge made against the plan by the representatives of the local unions, and explained the policy of the company. "The provisions of the Representation Plan," he wrote, "do not permit of any exploitation . . . even if the management so desired . . . On the contrary, under the spirit of the plan . . . our employes have had a voice in and have helped to adjust from time to time the conditions under which they have lived and worked." He promised an investigation, under the plan, of the "dissatisfaction" implied in the letters sent by the local unions:

"Your statement implies dissatisfaction on the part of some of our employes, and in accordance with the spirit and policy of administration of the Industrial Representation Plan we will, through the president's industrial representative and others, undertake to find out what, if any, conditions unsatisfactory to the workmen do exist at our coal mines, and endeavor to adjust them."²

In answer to the chief demand of the members of the local union, President Welborn expressed himself as unwilling "to enter into a contract with the United Mine Workers of America." He gave four reasons. Such a contract would mean the partial abandonment of the Industrial Representation Plan; it would apply only to a portion of the employes, while the plan applied to all; it would be unfair to "that large body of our em-

¹ Hearing before Colorado State Industrial Commission, December 3, 1919, p. 63. Typewritten record.

² *Ibid.*, pp. 65-67.

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ployes who prefer not to join the union"; it would mean a violation of the section of the plan which provides for no discrimination because of membership or non-membership in a union. President Welborn's reasons in full follow:

"We are not willing to enter into a contract with the United Mine Workers of America, which you request:

"1. Such a contract would mean at least a partial abandonment of the Industrial Plan and Agreement, with which, during four years of operation, our employes have expressed such general satisfaction, and which representatives of the United Mine Workers of America have openly stated it is their purpose to break.

"2. The Representation Plan applies to all employes, while a contract with the United Mine Workers of America would apply to only a portion of our present employes, although under the policies of administration of such contracts all of our coal mine workers would eventually be compelled to join the union.

"3. Such a contract would be unfair to that large body of our employes who prefer not to join the union, many of whom have sought employment with this company because of the favorable conditions under which they can work at our mines, and to avoid working under the conditions that are usually imposed where contracts exist between the United Mine Workers of America and coal producers.

"4. Recognition of the United Mine Workers of America and the making of a contract with that organization would nullify that portion of our existing agreement with employes, which reads:

"There shall be no discrimination by the company or by any of its employes on account of membership or non-membership in any society, fraternity, or union."

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In conclusion, Mr. Welborn expresses the opinion that the letters received by him from the local unions are not bona fide expressions of dissatisfaction of the miners, but have been prepared and submitted to the employes by representatives of the United Mine Workers:

"The resolution signed by you is apparently a duplicate of similar documents received by me from other mines, all of which may have been, and some of which we have been informed were, prepared by representatives of the United Mine Workers of America not working for this company, and submitted to our employes for signatures, some of whom state that they signed the paper without knowing what it contained and simply because they were requested to do so by the organizers of the union. These documents state, concerning the Industrial Representation Plan, that 'We have gone on record by unanimously voting against said plan.' We know that at many, if not all, of the mines the action, which the resolution reports, was participated in by only a small percentage of our employes at those mines. Therefore, your communication cannot be regarded as expressing dissatisfaction on the part of our employes with the Representation Plan."

It is true, without doubt, that the paid officials and organizers of the union influenced this action and others like it on the part of employes of the company. The significant fact, however, is that the United Mine Workers' organization has an aggressive enough membership among the miners employed by the Colorado Fuel and Iron Company to insure frequent and vigorous expression of opposition to the Industrial Representation Plan.

CHAPTER XIV

COLORADO MINERS IN THE STRIKE OF 1919

THE nation-wide strike of bituminous miners on November 1, 1919, was primarily caused by conditions in the Central Competitive Field, which, as has been stated, includes Indiana, Illinois, Ohio, and western Pennsylvania. The issues did not relate directly to Colorado. The United Mine Workers had held a convention at Cleveland in September, 1919, where the delegates went on record as favoring the abrogation of the "Washington wage agreement," in accordance with which they were then working. This wage agreement, which had been signed in 1917, had stipulated that the conditions prescribed in it should hold until the formal declaration of peace after the World War, or until March 31, 1920. The miners contended that, despite the fact that the United States had not yet signed the Treaty of Versailles, the war was actually over by the autumn of 1919. They further stated that, with the rising cost of living and a stationary wage, they must have a new consideration of wage rates. They declared that they desired a 60 per cent increase in rates of pay and, in order to spread the work more evenly over the bituminous coal industry, in which employment was very irregular, they also asked for a six-hour day and a five-day week. They instructed their international officials to call a strike to take effect on November 1, 1919, if a satisfactory agreement could not be secured before that date.

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Two attempts at the negotiation of a new agreement between the miners' and the operators' scale committees proved fruitless. On October 15, 1919, John L. Lewis, who had become president of the United Mine Workers, called a strike of all bituminous miners for November 1. Two days later William B. Wilson, Secretary of Labor, made an attempt to have operators and miners negotiate a new contract. He failed. On October 25 President Wilson issued a public statement declaring the strike "unjustified" and "unlawful." At the request of the United States Attorney General, Judge A. B. Anderson of the Federal Court in Indianapolis issued a temporary restraining order on October 31, directing union officials not to execute the strike order. On November 1 the miners in the Central Competitive Field went out 100 per cent strong.

On November 8 Judge Anderson issued a second injunction commanding officials of the United Mine Workers to rescind the strike order within three days on penalty of imprisonment. After a special conference of three days the district and international officials voted to abide by the injunction. A circular was issued to the local unions notifying officers and members of the canceling of the strike order.

But the miners in the Central Competitive Field did not return to work. On December 3, 84 representatives of the United Mine Workers were cited for contempt of court by Judge Anderson. Still the miners did not return to work. On December 8 a conference of international and district officials of the miners' union accepted a new proposal put forward on behalf of President Wilson by Attorney General Palmer and Joseph Tumulty, the President's secretary. This proposal guaranteed

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the miners an immediate increase of 14 per cent in their wage rates and the appointment of a commission of three persons to consider all the demands for which the men were striking. Having accepted this proposition, the international officials of the union issued a circular definitely instructing the miners to return to work immediately. This time they returned to their jobs.

In Colorado the course of events was different in that the president of District 15, George O. Johnson, called the strike off on November 11, 1919, when he received word in the circular of that date that the international officers of the United Mine Workers had declared that they would abide by Judge Anderson's writ of injunction. Apparently, union officials in some other districts noted that the circular sent to local unions from the international office merely stated that the order of October 15 to strike on November 1 was rescinded, but did not specifically instruct the men to return to work. Therefore, miners in the Central Competitive Field remained on strike until December 10, but in Colorado the men returned to work on November 12 and 13.

Moreover, in Colorado the state instituted proceedings against some of the striking miners for violating the State Industrial Commission law, which, as we have already noted in preceding chapters, requires thirty days' notice before any change can be made in wages or hours, and prohibits a strike under these circumstances until an investigation has been completed by the State Industrial Commission. The state attorney general issued instructions to the district attorneys of the several counties in Colorado to prosecute miners who engaged in the strike on November 1, in violation

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of the state law. No miners were arrested for striking in Walsenburg or Las Animas Counties. In El Paso and Weld Counties, however, where the Colorado Fuel and Iron Company operates no mines, the district attorney caused the arrest of union leaders and none of the miners in the state could tell when they might be summoned into court.

A majority of the miners employed by the Colorado Fuel and Iron Company had joined in the strike on November 1,¹ despite the fact that the issues were national and not merely local for Colorado. It was a strike for a higher wage scale, shorter hours of work, and other considerations which usually enter into the making of a new contract. It was not a strike for union recognition, which would probably have been the dominant issue in a strike in Colorado. It was a show of strength in all districts in behalf of the national organization of the United Mine Workers.

As President Welborn said, in the *Industrial Bulletin* of the company in January, 1920:²

“The call for the strike to take effect November 1 was made nation wide, although negotiations for a new scale between representatives of the coal miners' organization and operators, and their disagreement, had taken place in only one large district.”

Nevertheless, in the course of the strike, in local speeches, Colorado issues were coming to the front.

¹ The company officials believe that it would be more accurate to say that they “did not report for work.” It is the contention of the company that most of the employes who did not work during the strike stayed away because of fear or a disinclination to oppose the action of the union.

² *Industrial Bulletin*, January 20, 1920, p. 4.—Colorado Fuel and Iron Company.

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President Welborn quotes in his annual report for 1919 the press reports of statements made by a union organizer, which read as follows:

"We are going to organize every coal mine in the country, and if the Rockefeller interests do not come through, it will be a warm time through 1919 and into 1920.

"We will not give up until the Colorado Fuel and Iron Company gives us a closed shop."¹

President Welborn used this statement by way of evidence that, "so far as Colorado was concerned, the real issue was whether or not union contracts and the 'closed shop' should be established in the industry here."²

There is no doubt that union officials in Colorado wished to utilize the national strike as a means of obtaining a union contract. One of them reported to us that he had made the proposition to Mr. Welborn and other non-union operators that if they would agree to recognize the union, he would see to it that their employes were exempt from the strike order. We were afterward told by Mr. Welborn that this proposal was made at a meeting in the governor's office between operators and union officials, but that the proposal was not pressed by the governor as an issue and no action was taken on it. Nevertheless, even though local issues were definitely raised in the course of the strike, it is clear that its origin was not in Colorado, nor was it the result of a concentrated effort to secure union recognition in Colorado, but rather to secure certain changes in wages and hours in the Central Competitive Field.

In discussing his view that the local issue was the

¹ Ibid.

² Ibid.

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closed shop, President Welborn said, in his annual report for 1919:

"The managing officers of the company believe that it is to the interest of the stockholders and of the employes,—many of whom have sought work with us because of our favorable terms of employment and working conditions,—as well as to that portion of the public which we serve, that the principles of collective bargaining without discrimination, which the representation plan provides, should prevail in our industry.

"The statements of the union officers responsible for the calling and direction of both strikes make it clear that their two primary purposes in Colorado were the forcing of union contracts, including the 'closed shop,' and the abolishment of the plan of representation of employes. Before the strikes were inaugurated, during their continuance, and since their termination our employes, by both words and actions, have shown that they were overwhelmingly opposed to those purposes and satisfied with the methods of representation and collective bargaining practiced in our operations."¹

THE COMPANY'S EFFORTS TO PREVENT THE STRIKE

In the days prior to November 1 officials of the company did everything in their power to prevent their employes from joining in the strike. They visited the camps and made speeches at meetings of the miners assembled in Young Men's Christian Association auditoriums. At some of these meetings President Welborn made the speech. At Berwind, according to the *Denver Post* for October 20, 1919, he said that he felt "confident that the mine workers employed by the Colorado Fuel and Iron Company were not in sympathy with the pro-

¹ Twenty-eighth Annual Report, Colorado Fuel and Iron Company, December 31, 1919, pp. 7, 8.

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posed strike, and that the majority of them would not go out." The company felt that it had a "very high public duty to perform" to maintain the production of coal. He told the men that no strike-breakers or mine guards would be employed, and that unless a sufficient number of men remained at work to operate the mines they would be closed down. If a strike should take place, the management would ask the state or the federal government for protection for its mines and for employes who desired to remain at work. He assured the miners that the company would be willing to increase wages if the operators in competitive districts should increase them. This appeared to make it unnecessary for employes of the Colorado Fuel and Iron Company to strike for higher wages. Finally, the company promised the men that if a strike were called, their families could remain in the houses owned by the company and would not be obliged to move to tent colonies. Similar addresses were made by other officials at other camps, pointing out that the country was in great need of coal, that it was a patriotic duty for miners to work and produce coal, and that, in the opinion of government officials, a strike would be illegal.

In estimating the effect of these statements we must remember that the large majority of the miners are foreign born and many not naturalized though some may have taken out their first papers. A good many were from Austria, which had been so recently an enemy country. The year 1919 was the time when the federal Department of Justice was initiating the activities which led to deportation of aliens for alleged seditious utterances and actions. When the strike was interpreted by the newspapers and by company officials as an issue

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between Bolshevism and revolution on the one hand and Americanism and patriotism on the other, we may easily see with what trepidation foreign-born miners would respond to a strike call.

EXTENT OF THE STRIKE IN THE COLORADO FUEL AND IRON COMPANY

In his annual report to the stockholders regarding the strike President Welborn said:

“Although a large percentage of the miners ceased work November 1, most of them returned immediately after the troops arrived at the mines, and the small remaining number came back when it was announced on November 11 that the strike order had been withdrawn.”¹

Data secured from the company showing the number of miners at work and the production of coal in normal times and during the period of the strike, from November 1 to 11, show the response of employes to the strike call.

The number of men employed and the average number of tons of coal produced each day, are shown in Table 3; and for the purpose of comparison there is also shown the average number of employes and of tons produced per day during the preceding month, October, which may be regarded as a normal period.

The table shows that on November 1, the day on which the strike was called, only 442 men reported for work, as compared with 2,794, the average number employed per working day during October. In other words, only 16 per cent of the average October force went to work on the day after the strike call. Of the

¹ Ibid.

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miners, the men who actually dig the coal, an even smaller proportion, 9 per cent of the October average, worked on the first day of the strike. The effect of the strike call is registered, also, in the production record. Only 11 per cent of the average daily tonnage for October was taken out of the mines on the first day of the strike.

TABLE 3.—SIZE OF FORCE AND OUTPUT IN 15 MINES^a OF THE COLORADO FUEL AND IRON COMPANY DURING OCTOBER, 1919, AND DURING STRIKE PERIOD, NOVEMBER 1-11, 1919

Date	Men working						Tons produced	
	Number per day			Per cent of normal			Number per day	Per cent of normal
	Miners	Shift men	Total	Miners	Shift men	Total		
Daily average, October	1417	1377	2794	100	100	100	9930	100
Nov. 1	133	309	442	9	22	16	1056	11
" 3	221	512	733	16	37	26	1693	17
" 4	335	644	979	24	47	35	2731	28
" 5	424	683	1107	30	50	40	2792	28
" 6	451	721	1172	32	52	42	3117	31
" 7	485	746	1231	34	54	44	4031	41
" 8	480	736	1216	34	53	44	3431	35
" 10	538	798	1336	38	58	48	4055	41
" 11	552	758	1310	39	55	47	5368	54
Daily average, strike period	402	656	1058	28	48	38	3142	32

^a Mines which were closed when the coal strike was called are not included in the table.

It will be noted that there was rather steady increase in the number of men at work and in production as the strike proceeded. Yet, on the last day of the strike,

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November 11, the total working force was only 47 per cent, and the miners working were only 39 per cent, of the average for October. Production on the last day of the strike reached 54 per cent of the October figure. November 11 was Armistice Day, and it may be that this fact kept some of the men away from work on that day. Examination of the table, however, suggests that the nominal holiday had very little if any influence. The mines were open for work and about the same number of men worked as on the previous day.

At the bottom of the table average figures for the strike period are presented for comparison with the average figures for October. They furnish a measure of the effectiveness of the operation of the mines during the strike period as a whole. These figures, however, are less significant than those to which attention has already been called, which show the initial response to the strike call and the extent to which the strike was maintained. There was a reduction from the normal total force of 84 per cent on the first day of the strike; and on the last day, in spite of military protection in some districts and the urgent demand for production, 53 per cent of the normal force was still lacking. Of the actual miners 91 per cent were absent on the first day of the strike and 61 per cent on the final day.

In discussing the effect of the strike it is important to state that five mines—Sopris, Starkville, Tabasco, Engle, and Toller—had been shut down September 22, 1919, on account of the steel strike, which had resulted in closing the Minnequa Steel Works, thus cutting off the market for a large part of the coal of these five mines. These five were strongly organized by the union. It was commonly believed among the miners that

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had these five mines been operating when the coal strike was called, they would have been practically shut down with fewer men and lower production than prevailed in some of the other mines of the company. The daily average of employment, as compared with the normal force, might thus have been lower had these five mines been open.

It is worth while examining the data further for each of the districts into which the mines of the company are divided. The strength of the United Mine Workers differs in each district.¹ In the Trinidad District, situated in Las Animas County, the largest coal-producing area in Colorado, the union keeps most of its organizers, and here the most intensive organizing campaigns have taken place. It is in Trinidad that the Colorado Fuel and Iron Company, as already stated, has more of its mines—nine in number—than in any other district. They are also the largest producers and are important because they furnish the coking coal for the steel works in Pueblo. In the strike of 1913 the most serious violence occurred in this district. In it lies the field of Ludlow, not far from Berwind, Tabasco, and Toller.

Table 4 shows the size of the force and the output during the strike in the four mines of the company in the Trinidad District which were operating when the strike was called.

In the Trinidad District no men worked on Novem-

¹ As already stated, the management has, for administrative purposes, grouped its coal mines into four districts. There is only one mine (Crested Butte) in the Western District and we have combined it for statistical purposes with the Canon District in Fremont County, to which it is nearest geographically and most similar in social and economic conditions.

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ber 1, which was Saturday, but on the following Monday 40 per cent of the average October force was at work. For the miners, however, the percentage was only 21, and production was but 24 per cent of the October average. By November 11 the total working force in these mines had increased to 67 per cent of the October figure, the miners working to 55 per cent, and the tonnage to 52 per cent.

TABLE 4.—SIZE OF FORCE AND OUTPUT IN FOUR MINES^a IN THE TRINIDAD DISTRICT OF THE COLORADO FUEL AND IRON COMPANY DURING OCTOBER, 1919, AND DURING STRIKE PERIOD, NOVEMBER 1-11, 1919

Date	Men working						Tons produced	
	Number per day			Per cent of normal			Number per day	Per cent of normal
	Miners	Shift men	Total	Miners	Shift men	Total		
Daily average, October	469	448	917	100	100	100	3666	100
Nov. 1	0	0	0	0	0	0	0	0
" 3	100	267	367	21	60	40	869	24
" 4	153	309	462	33	69	50	1222	33
" 5	203	349	552	43	78	60	1381	38
" 6	207	349	556	44	78	61	1541	42
" 7	221	365	586	47	81	64	1869	51
" 8	216	358	574	46	80	63	1686	46
" 10	236	346	582	50	77	63	1729	47
" 11	257	353	610	55	79	67	1893	52
Daily average, strike period	177	300	477	38	67	52	1354	37

^a The four mines which were working when the strike was called are Morley, Primero, Frederick, and Berwind.

In the Canon District, situated in Fremont County, organization of the union has always been strong. We

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have had occasion heretofore to refer to the aggressive frankness of the miners here. They live in open, incorporated towns, and in houses which are not owned by the company. We have heard men in this district speak with pity about their fellow-workers in Huerfano and Las Animas Counties. "The poor devils in the south," one of them said, "can't do much. They're afraid to open their mouths. They live in company houses and can be put out on short notice. Then there are a lot of drifters, men who come and go, in those camps. Up here most of us own our own homes and we and our fathers have always been here. We stick together and are not afraid to express our opinions."

Table 5 shows the response of the men in the Canon District and in the Western Slope District to the strike call.

In the Canon and Western Slope Districts during the first seven days of the strike not one man worked. In the last two days 42 men, of whom only 11 were miners, reported for work at one mine, Fremont. In these two districts, which produced during October at an average rate of 2,193 tons per day, the total coal produced during the strike was only 87 tons on November 10. On the last day of the strike the records show no coal sent out of the mines.

In the Walsenburg District, situated in Huerfano County, the company considers that the Industrial Representation Plan is stronger than in any other.¹ Officials told us that in one mine a committee of em-

¹ In discussion of this point President Welborn said that the plan was stronger because the superintendents were all younger men and vitally interested in the success of the plan. Some of the older superintendents in other districts might be said not to have the same whole-hearted sympathy with the spirit of the plan.

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TABLE 5.—SIZE OF FORCE AND OUTPUT IN ALL MINES^a IN THE CANON AND WESTERN SLOPE DISTRICTS OF THE COLORADO FUEL AND IRON COMPANY DURING OCTOBER, 1919, AND DURING STRIKE PERIOD, NOVEMBER 1-11, 1919

Date	Men working						Tons produced	
	Number per day			Per cent of normal			Number per day	Per cent of normal
	Miners	Shift men	Total	Miners	Shift men	Total		
Daily average, October	397	325	722	100	100	100	2193	100
Nov. 1	0	0	0	0	0	0	0	0
" 3	0	0	0	0	0	0	0	0
" 4	0	0	0	0	0	0	0	0
" 5	0	0	0	0	0	0	0	0
" 6	0	0	0	0	0	0	0	0
" 7	0	0	0	0	0	0	0	0
" 8	0	0	0	0	0	0	0	0
" 10	10	32	42	3	10	6	87	4
" 11	11	31	42	3	10	6	0	0
Daily average, strike period	2	7	9	.5	2	1	10	b

^a Coal Creek, Rockvale, Fremont, Crested Butte.

^b Less than one-half of one per cent.

ployes drove local union officials and organizers from the camp. In another a similar committee would not permit union organizers to hold a meeting in the camp road.¹ It was here, too, that a certain number of employes asked for federal troops when the strike was called, indicating

¹ The charge was made against one of the organizers that he was unpatriotic because he had accused the "capitalists of wrapping the American flag about themselves to hide their unjust acts." Some returned soldiers thought that this statement was an insult to the American flag.

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to company officials that the men did not wish to strike. President Welborn says, in his annual report:

“Many of the workmen feared violence, claiming threats had been made against them by those promoting the strike, and in response to their petitions to the governor for protection state troops were placed in the different coal-mining fields during the first days of November.”¹

Only in this district was the request made for troops, and those who sought military protection asked originally for federal troops, not state militia. They feared a repetition of the acts of the state militia in 1913 and 1914. This was told us by almost every man interviewed who had had anything to do with the movement.

It was quite difficult to ascertain to what extent this request for troops emanated from the rank and file of the miners. The point is important, for if the miners, of their own free will, asked for troops, the action would indicate opposition to the strike and to the union which had called it. The fact seems to be that the request for troops was started by the chief electrician at one of the mines. This electrician was not a miner, or even a wage-earner in the meaning of the representation plan. He was a representative of the monthly employes under the new arrangement made in 1919 to give those men representation under the industrial plan.

When he was interviewed later, after the strike, he said that he had heard that the company would not operate its mines after the strike began unless the protection of the militia or another agency was afforded.

¹ *Industrial Bulletin*, January 20, 1920, p. 4.—Colorado Fuel and Iron Company.

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He went to his superintendent and asked him what he thought about a plan of forming an Employees' Protective Association. The superintendent expressed the opinion that it could not be done, but gave his chief electrician permission to take the time to organize such an association. The electrician went to another mine and consulted a miners' representative there about such an association. This representative, too, was not a coal miner. He was a coal inspector. They both agreed to call a meeting of representatives elected under the industrial plan in this county. These representatives included monthly men, such as clerks in the company stores, as well as those elected by the miners. A meeting was held on October 26, 1919, at which a resolution was adopted defining the strike as an issue of Americanism versus revolution, and calling for the creation of an Employees' Representation Protective Association of Huerfano County. The resolution follows:

"Whereas: A nation-wide strike of the United Mine Workers of America has been called for November 1, 1919, and

"Whereas: The Colorado Fuel and Iron Company employes have an agreement through their Industrial Representation Plan with the company, and

"Whereas: The votes of the employes taken at the meetings recently held have shown a large majority of the employes opposed to the strike, and

"Whereas: It is our opinion that the demands on which the strike is being called are unfair, and the strike will work a tremendous hardship on the American people, and

"Whereas: The persons agitating in favor of the strike are almost without exception single men and non-citizens, and

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"Whereas: We believe there are many members of the United Mine Workers of America organization who are opposed to the strike and in favor of continuing at work,

"We believe that an organization should be formed for the purpose of uniting the loyal employes who wish to work.

"Therefore, be it resolved: That we form an organization to be known as the Employes' Representation Protective Association of Huerfano County, and

"Be it further resolved: That we do hereby pledge our support and assistance to the county officers in the preservation of peace and order, and

"Be it further resolved: That the employes at each camp be advised to select a committee of 25 or more to assist in preserving peace and harmony by preventing inflammatory speeches, criticisms of the President, the Governor, or any others in authority, or in any manner attempting to destroy American ideals and principles, and

"Be it further resolved: That all loyal American employes, and all those who love and respect American ideals and principles, be asked to sign copies of these resolutions, and

"Be it further resolved: That a proper card be printed to be given each member, who, by signing these resolutions, shall become a member of this association."

In the meantime Sheriff Neelley, of Huerfano, and other public officials had protested to the governor against the sending of state militia into this county. The sheriff told us that he had been through the strike of 1913 to 1914, and that he felt certain that the presence of the militia would aggravate the situation. Other county officials were of the same opinion. The sheriff believed that he could maintain law and order because

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he had the confidence of the mine workers. The chief electrician and other representatives who had been active in forming the new Employees' Protective Association told us that they were suspicious of the sheriff. He had sold arms, they said, to striking union miners in the 1913 strike when he was a hardware merchant. They thought that he would be partial to union members now. Moreover, the political element was a factor. Neelley was a Democrat who had defeated the Republican sheriff, Jeff Farr, after the 1913 strike. He would wish to follow a policy different from his predecessor, which was violently antagonistic to unions. Other employees' representatives who wanted the presence of military troops and who had worked in the 1913 strike, were opposed to the union, and suspected the sincerity of the sheriff's proclamation,¹ which counseled the men to observe law and order and promised protection of life

¹ The proclamation follows:

SHERIFF'S PROCLAMATION

To the Coal Miners of Huerfano County:

Owing to the false reports that are being circulated through our city and the different coal camps in the county by some of my enemies and yours, I deem it wise to issue this "Proclamation":

I am, as you all know, a friend of the mine workers as well as all other classes of labor. I have always stood and still stand with the laboring class. The laboring class elected me to my high office and I shall remain loyal to them just as long as they remain loyal to our county and abide by the laws of our great state and nation. If the miners wish to quit work on November 1st, or at any other time, that is their privilege and there will be no deputy sheriff mine guards to molest you, neither will there be any state militia interfering with your affairs. Just as long as you are peaceful, law-abiding citizens you will have the protection of the sheriff's office, but I as sheriff of this county must warn you against lawlessness of any character whatsoever, and I am making an earnest appeal to each and every mine worker of Huerfano County to assist me in keeping down trouble of any kind. There is nothing to be gained by destroying life and property, but, on the other hand, there is everything to lose. Public sentiment will be turned against you if you begin the destruction of property and public sentiment is the greatest weapon in our land to-

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and property. In this proclamation the sheriff declared that the miners had the right to strike, and promised that no deputy mine guards or state militia would interfere with their affairs so long as they obeyed the law.

On November 1, the first day of the strike, troops passed through Walsenburg, the county seat of Huerfano, on to Trinidad. In the evening Mr. Matteson, the president's chief industrial representative, called a meeting of the representatives who had been present at the meeting on October 26. Some of the superintendents were also present. Mr. Matteson explained, according to men who were present, that the troops had originally been shipped to Walsenburg, but due to the request of Sheriff Neelley they were sent on to Trinidad. He further stated that unless troops were secured, the company would not operate its mines. A committee was appointed by the representatives present to draft a resolution¹ requesting President Wilson

day. I am appealing to you as friends to refrain from violence of any kind. This is for your good as for the good of the general public. It is my sworn duty to protect life and property and this I shall endeavor to do at any cost.

Fraternally yours,
E. L. Neelley, Sheriff,

Walsenburg, Colorado,
October 20, 1919.

¹ The resolution follows:

Ideal, Colorado, November 1, 1919.

Honorable Woodrow Wilson,
President of the United States of America,
Washington, D. C.
Honorable Oliver Shoup,
Governor of the State of Colorado,
Denver, Colorado.

Sirs:

We the duly elected representatives of the employes of the Colorado Fuel and Iron Company regularly assembled, petition you for protection that we may continue to produce coal. Employes were advised October 31 that there would be 75 soldiers in Walsenburg not

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and Governor Shoup to send troops into Huerfano County. Immediately the state militia was sent into the Walsenburg District and remained there until the strike was over.

In view of the active part taken in the request for troops by company officials and salaried employes, and in view of the political situation in Huerfano County, it is doubtful whether this movement can be said to signify opposition to the strike by the miners. Moreover, if fear rather than loyalty to the union had caused many men to stay at home when the strike began, the presence of the militia to insure the protection of those who wished to work would have enabled these men to resist the appeals of the "outside agitator" to strike. Those who stayed away from work under these circumstances would presumably have been moved by their sympathy with the strike. Some evidence of the state of mind of the miners

later than four o'clock a.m. November 1, and that seven carloads of soldiers passed through Walsenburg at said hour—destination Trinidad.

Telegram to Governor Shoup on October 31 from 272 employes of the Walsen mine asking for protection has as yet had no reply. We have been informed that Sheriff E. L. Neelley had a personal interview with Governor Shoup, October 31, advising against troops in Huerfano County, which was responsible for troops passing through the county this morning.

Colorado Fuel and Iron Company mines of Huerfano County are working 60 per cent capacity today. If protection is not immediately furnished, mines will be idle Monday.

Sheriff Neelley's Proclamation of October 20 does not guarantee protection of employes continuing at work.

(Sheriff's proclamation follows here.)

We as representatives of the Colorado Fuel and Iron Company, employes of Huerfano County, ask for immediate protection of state or federal troops.

Signed, William Dow, Russell Patterson, Marion E. Bainbridge, Robert H. Noah, Robert A. Marshall, D. R. Young, J. E. Mestas, Dave Garbigo, Victor Arnoldi, A. G. McNally, Joe August, E. H. Jenkins, John Merritt, S. B. Heffner.

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in this county is found in Table 6, showing the number who worked during the strike.

TABLE 6.—SIZE OF FORCE AND OUTPUT IN ALL MINES* IN THE WALSENBURG DISTRICT OF THE COLORADO FUEL AND IRON COMPANY DURING OCTOBER, 1919, AND DURING STRIKE PERIOD, NOVEMBER 1-11, 1919

Date	Men working-						Tons produced	
	Number per day			Per cent of normal			Number per day	Per cent of normal
	Miners	Shift men	Total	Miners	Shift men	Total		
Daily average, October	551	604	1155	100	100	100	4071	100
Nov. 1	133	309	442	24	51	38	1056	26
" 3	121	245	366	22	41	32	824	20
" 4	182	335	517	33	55	45	1509	37
" 5	221	334	555	40	55	48	1411	35
" 6	244	372	616	44	62	53	1576	39
" 7	264	381	645	48	63	56	2162	53
" 8	264	377	641	48	62	55	1745	43
" 10	292	420	712	53	70	62	2239	55
" 11	284	374	658	52	62	57	1475	36
Daily average, strike period	223	350	573	40	58	50	1555	38

* Rouse, Ideal, Cameron, Walsen, Robinson, Pictou, Kebler.

We find that although a special request for troops had come from this district, the percentage of men who went to work in the Walsenburg District was little more than that in the Trinidad District. In the Walsenburg District the total force at work on November 1 was 38 per cent of the October average. The proportion of miners working was 24 per cent, and the production was 26 per cent of this average. The largest num-

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ber of men worked on November 10, when 62 per cent of the total force and 53 per cent of the miners went to work, and production was 55 per cent of the October average.

Thus, in spite of the fact that militia had been sent to Las Animas and Huerfano Counties to protect the men who wished to work, and in spite of the fact that picketing was prevented by the strict enforcement of a law prohibiting it, a substantial majority of the men in these districts went on strike, and even on the last days of the strike the operation of the mines gave little better than half the normal production as measured by October figures.

In short, the response to the strike call of 1919 seems to us to have demonstrated that a considerable proportion of the miners employed by the Colorado Fuel and Iron Company were willing to support the United Mine Workers in a conflict over issues in a distant mining region.

CHAPTER XV

THE COMPANY IN THE STRIKE OF 1919

TAKING the stand that the influence of union officials outside the company was the chief cause of the strike in its mines, the management of the Colorado Fuel and Iron Company adopted a policy which it hoped might keep this outside influence away from its employes.¹

EXCLUDING ORGANIZERS FROM CAMPS

The first step was to keep union organizers out of the camps which the company owned. Mr. Welborn testified on this point before the State Industrial Commission on December 3, 1919. He was asked this question by the attorney for the company:

“What has been the policy of the company as to permitting organizers of the United Mine Workers access to the company’s camps?”

Mr. Welborn replied:

“The policy of the company for four years has been to offer no objection to organizers visiting camps and holding meetings of the men, and securing member-

¹ During October, the management took a vote at each mine on the question of whether the miners wished to strike or not. Altogether 2,035 out of about 2,800 employes voted. Of this number, 1,402, or 68 per cent, voted against striking. In only three mines did a majority of miners vote for the strike. Yet they responded in larger numbers to the strike call. The company explains this as demonstrating the influence of outsiders and not dissatisfaction among its employes. Mine workers say that they were unwilling to commit themselves in a vote taken by company officials.

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ship in the union, but immediately before November 1, and after the nation-wide strike was called, in view of the announcement made by the representatives of the union as to their intention of forcing a complete suspension of coal-mining operations, and also in view of the request made by the large number of our employes, we barred known organizers from our property."¹

This policy had been announced to the superintendents of the mines by the general manager of the fuel department in a conference on October 16, 1919. He had instructed them, as he told us, "to keep troublemakers out of the camps." From then on the superintendents made an effort to keep organizers off company property. In those camps in which the property, including the streets, is owned by the company, this meant that organizers could come only on the public highway near the camps, but that they could not enter without the permission of the superintendent.

One superintendent returned home determined to carry out the orders of his superiors quite literally. He decided that the president and the secretary of the local union in his camp were "troublemakers." These men were not organizers sent in by the union, but employes of the company. He discharged them. This happened before the strike took place. Whether this was done with or without the knowledge of the general management, we do not know. Certain it is, however, that his action was not reversed. These two miners were not called back by the company nor given work in any of its mines.

Several notices to move from their dwellings were

¹ Hearing before Colorado State Industrial Commission, December 3, 1919, p. 74. Typewritten record.

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issued to men who, in the opinion of the company, were inciting other men to strike. We were told by the company that no one was actually dispossessed, and only one man vacated his house after receiving a notice, but to miners this seemed to be added evidence that the company opposed activities by its employes in the union.

The superintendents naturally made known to the men the efforts of officials to rid the camp of agitators, and the miners began to realize, as they told us, that it was "not healthy to be active in the union." Mr. Welborn later said to us that the action taken at this time was not the result of any change in policy toward either the right of their employes to join the union or the freedom of organizers to enter the camps; it was an unusual action, growing out of an effort to prevent an unusual strike. To the men in the mines, however, this distinction was not made clear. Mindful still of the hostility of the company toward activities of their employes in the union prior to 1915, they believed that the action in 1919 was a reversal to the old policy.

It should be made clear that no act of physical violence was the cause of this decision to keep organizers out of the camps. The absence of violence was significant. We heard of a few fist fights. We heard of no real violence. No arrests were made at the instance either of the company or of employes for threat of assault. There was not even picketing.

In fact, this was the first large coal strike which was carried through without violence in the history of Colorado. And it is significant that five years after, 1914, a strike of almost equal dimensions should be called and not a single shot be fired. It is also significant that Mr. Welborn promised his employes, when

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addressing them in October, 1919, against the proposed strike, that no mine guards and no strike-breakers would be imported into the mines. This promise was rigidly observed, and no doubt this policy was largely responsible for the absence of violence in the 1919 strike. The new labor policy of the company was showing results in a new spirit in the company's relations with the miners.

EXCLUDING A NUMBER FROM RE-EMPLOYMENT

The events of the strike of 1919 have already been discussed. We wish to indicate here the incidents which followed the strike. The injunction issued by Federal Judge Anderson became effective November 11, 1919. It forbade the continuance of the strike and ordered the international officials of the United Mine Workers to rescind the strike order. George O. Johnson, then president of District 15, which included the Colorado miners, immediately wired to the local union officials ordering the miners to return to work. As soon as this order was announced in the press, President Welborn issued a statement that the company would re-employ all of its miners except a few who had "attempted to force a shut-down of all of our coal mines, in obedience to the unlawful directions of the strike organizers." The statement follows:

"The company will re-employ all of its former coal mine workmen except those who left their work, and, by the use of various methods to prevent others from working, attempted to force a shut-down of all of our coal mines, in obedience to the unlawful directions of the strike organizers, and who, by that action, have forfeited their right to re-employment by us. The number who so conducted themselves is compara-

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tively small, but, in the public interest and the interest of that large body of loyal workers who responded to the president's call to continue at work, they should not be given the opportunity to cause further trouble."

THE CARD FOR EMPLOYMENT

Having thus announced that some of those who had joined in the strike would not be given employment, the company decided, also, to require every man to sign a printed declaration as a condition of securing work. Reference has been made to this card in the preceding chapter. It will be recalled that it read as follows:

"As an employe of the Colorado Fuel and Iron Company, I know that it is operated as an open shop under the Plan of Representation of Employes of which I have received a copy.

"I will co-operate in maintaining the rules and agreements relating to my service and the laws of my State and Country."

A duplicate on red cardboard was given to each man after he had signed the declaration on a slip of paper which was retained in the company's records. This, as the officials explained to us later, was not a pledge, but a statement that the signer had knowledge of the employment conditions maintained by the company. Union men, however, told us that they looked upon this requirement as an attempt to force all employes to agree to the Industrial Representation Plan. They regarded this new feature of the employment policy of the company as a method of discrimination against union members. They held that, in signing it, a union man would pledge himself not to strike for recognition of the union. They believed that it was an attempt by the company to make "individual contracts" with its employes. Other

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companies known to be antagonistic to unions had used individual contracts as a means of pledging employees not to join a union, nor to agitate for it, and this action of the Colorado Fuel and Iron Company seemed to these men to put the company in the same class with employers who were fighting the unions.

In the camps where the union was strongest vigorous protests were made against the "red card," or "loyalty card," as the men called it. The matter even came to the attention of the federal government. The Attorney General wired to President Welborn on November 15, 1919:

"Complaint is being made that you are discriminating against the men who are desirous of returning to work and are compelling them to sign some sort of commitment to your Industrial Plan. It is highly important that the miners and operators at this juncture should unite in the production of coal and that a spirit of co-operation should be restored. May I ask for information on the subject?"

To this President Welborn telegraphed this reply:

"We are not discriminating against union workmen, but with object in view of maintaining operations at maximum production we have declined to give employment to a very small number who, by various methods, some of which took form of threats of bodily injury, kept men from work while strike was on."

Then followed the exact wording of the declaration, which President Welborn said the employees were "not only willing, but apparently anxious to sign." The telegram continued with these sentences:

"We appreciate fully importance of co-operation between miners and operators in present situation"

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and are sure policy we have adopted, which accords with expressed wish of a large percentage of our employes who worked during the strike, will give us maximum amount of coal. . . . On receipt of names of any who complain to you at our failure to employ them I will be glad to give you reasons for our action."

To the Federal Secretary of Labor, who was then holding conferences in an effort to agree on a wage scale in the bituminous coal industry, President Welborn also wired on November 17, 1919:

"Press reports credit member of your coal conference board with charge that the Colorado Fuel and Iron Company is requiring coal mine employes returning to work to give up their buttons and renounce union affiliations. The coal strike is of such vital interest to this nation that the public should know whether or not that charge is true, and I ask you to say for me to the coal conference that no action of the Colorado Fuel and Iron Company or any of its officials can be fairly construed as requiring members of the United Mine Workers of America to renounce that organization or as discriminating against them because of membership in the organization."

The Colorado Industrial Commission also received complaints about the use of the card and made inquiry about it. At the hearings held by the commission in December, 1919, to inquire into complaints of discrimination by the company against union members, the purpose of the card was explained by Mr. Welborn in the following testimony,¹ which began with a question by the commission:

Q. When you speak of the Rockefeller plan card

¹ Hearing before Colorado State Industrial Commission, December 3, 1919, pp. 112, 113. Typewritten record.

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you were having signed recently, since the November 1st strike, did you require the men to sign those cards?

A. No, the men were not required to sign the cards.

Q. If they refused, did you employ them?

A. They were required to sign the declaration which forms a part of their employment record; the declaration that they understood—this is it, I will read it—they are required to sign this declaration which reads, "As an employe of the Colorado Fuel and Iron Company I know that it is operated as an open shop under the plan of representation of employes, of which I have received a copy. I will cooperate in maintaining the rules and agreements relative to my service and the laws of my state and country." They were required to sign that declaration.

Q. If they refused, were they employed?

A. There were no refusals, absolutely none.

Q. What would you have done had there been a refusal; what were the instructions?

A. When we sent these cards out, I do not know just what the instructions were; they were given by the manager, but I think we would have refused to employ a man who refused to sign that declaration. Our view was that it was no more than fair that employes of the mine should indicate their knowledge of the conditions under which they were working, and their willingness to observe the rules and be loyal to the country and to the company.

Q. You speak of an open and a closed shop; what do you mean by the terms?

A. A closed shop is an operation where only men who are members of a labor organization are employed or permitted to work. An open shop is a place, such as we conduct, where there is no discrimination practised against a man because he is or is not a member of the union.

To us a year later officials of the company explained further their reasons for using this card. The sugges-

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tion had come, they said, from men in their employ who wished to have a card to display as evidence that they belonged to an organization, namely, the Industrial Representation Plan. The union gives a card to its members. Why should not the men who are not union members and who are loyal to the plan for representation also have a card of membership to display? In following these clues, we found that the man who had suggested the card had no interest in it and had to be reminded of the whole incident. We could find no evidence either of widespread interest or of opposition. Antagonism had evidently been confined to a few camps. The card was withdrawn on November 22, 1919, at the request of the United States District Attorney.

It was clear that the wording of the card and the occasion of its introduction—to be signed as a requirement for re-employment immediately after a strike—led the miners to believe that the company intended to use it to strengthen the Industrial Representation Plan and to discourage activities, or even membership, in the trade union.

THE COMPANY'S STATEMENT OF POLICY

At the same time that the card was first used the company had a poster printed, with the date November 11, 1919, and this appeared on the bulletin boards of all the camps as the company's statement of its policy. It was still posted in at least one camp as late as February, 1921. It read as follows:

THE COLORADO FUEL AND IRON COMPANY

"One of the provisions of the plan of representation of employes, adopted at our mines and steel works four years ago, reads as follows:

"There shall be no discrimination by the com-

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pany or by any of its employes on account of membership or non-membership in any society, fraternity or union.'

"We have adhered strictly to the spirit and letter of this provision, and will continue to do so.

"During the last two or three years we have frequently been informed by large numbers of our employes that the methods used by organizers of certain unions were very obnoxious, and we have on many occasions been asked by our employes to protect them against these organizers by denying such organizers admission to our properties.

"The recent actions of the leaders of the United Mine Workers of America have shown that their purpose in organizing coal miners was to establish the 'closed shop' and place them in a position where they could close down all coal mines in violation of the law and against the interests of the one hundred million people in this country.

"For months past some of our employes at the Steel Plant, working with outsiders, have devoted part of their time, both in and out of the plant, to organizing the workmen and creating dissension. Reports from a large percentage of our employes are to the effect that these organizers assured them that no strike was contemplated, and similar public statements by the organizers were reported in the press. The real purpose, however, was the establishment of the 'closed shop,' and its enforcement was attempted by the strike of September 22, which was in direct violation of agreement between the company and its employes.

"By continuing at work a large percentage of our coal mine employes have shown their loyalty to their government and to the company. They are not only entitled to the commendation of the public for their actions, but have a right to protection from those who seek to direct them along unlawful and unpatriotic lines.

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“Those who are disloyal to our country or the company, or who engage in efforts to disturb harmonious relations within the company, will neither be retained in our service, nor allowed on our properties.”

Company officials and superintendents had tried by every means of peaceful persuasion to prevent their men from striking. Inevitably the response to the strike disappointed them. It was natural that they should resent the activities of those trade unionists who had been most active in persuading their fellow-employees to strike.

Trade unionists, on the other hand, saw in this poster, especially the last paragraph, the possibility of discharge for activities in the union. More than twenty different superintendents would be called upon to interpret what acts could be regarded as “efforts to disturb harmonious relations within the company.” Those engaging in such efforts would “neither be retained in our service, nor allowed on our properties.” It is clear that even if these phrases were not to be interpreted as referring to activities of organizers and union members, their vagueness opened the door to discharges by some superintendents of union men, or refusals to re-employ men who had joined in the strike.

Whether any uniform instructions were sent to superintendents from the Denver office we do not know. That the company wished to avoid any appearance of opposition to the union is shown in the following letter, written on November 18, 1919, by the general manager of the fuel department, Mr. Weitzel, to the superintendent of Cameron mine:

“I am taking this opportunity to thank and con-

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gratulate you on the showing made at Cameron during the trying period that has just about passed.

"While we all know that the company's policy of the past few years in treating with its employes and furnishing better living conditions has been very helpful, I know that your personal influence had much to do with the number of men who remained loyal to the company. I recognize that the bunch of men that you got in a short time before the strike from the south did not help any, and recognize that your situation so close to Walsenburg makes it more difficult to hold your men in line.

"The showing all around has been very good, and one of the results is the recent poster sent out by Mr. Welborn, which gives us an opportunity in the future to keep the camp rid of objectionable agitators. We must, however, be cautious in dismissing an employe for attempting to disrupt harmonious relations, and before taking such action must be sure that we have positive proof of such actions. We must avoid anything which would appear to be a fight against the miners' organization, but rather must be more vigilant than ever in conducting our dealings with our employes in strict accordance with the Industrial Plan and cause them to realize that their best interests lie in loyalty to the company and in doing their part to make the plan a success."

To the superintendent of Ideal mine Mr. Weitzel wrote as follows on the same date:

"Now that the strike is apparently over I am taking time to write and thank and congratulate you and those who assisted you in the good showing made at Ideal.

"Ideal has the distinction of being the place to start the propaganda against the agitator, and I recognize that the good showing made at Ideal all the way through was in a large part due to your personal efforts.

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"In carrying out the provisions in Mr. Welborn's poster relative to agitators both without and within, we must be very careful especially when dismissing an employe for an attempt to disrupt harmonious relations that we have absolute proof of such actions. Anything which will look like a fight directed against the organization will be harmful, and it will not be to our advantage to start such a fight, and I know that you appreciate that the right course lies along the lines of living up strictly to our Industrial Plan and treating our employes fairly and justly. If we succeed in doing this at all times, we can allow the future to take care of itself."¹

ASSIGNMENT OF INFERIOR WORK-PLACES TO STRIKERS

Before discussing the refusals to re-employ some of those who were regarded as "agitators," one other cause of resentment at the policy of the company following the strike must be explained. In the minds of trade union members a crucial test of the good faith of a company in giving freedom to its employes to join the union is its willingness after a strike to give men the

¹ To this letter the superintendent of Ideal replied on November 22, 1919:

"Referring to your letter November 8th, relative to showing made at Ideal during the strike:

"I wish to thank you for this letter in behalf of those who assisted me as well as myself, personally. Of course this showing could not have been made without the showing of the fellows which includes a large percentage of our employes.

"I trust we will be so successful in living up to the letter of our Industrial Plan that there will be none among us who will wish or try to disturb us, or disrupt harmonious relations which now exist. If we should ever have occasion to call attention to any of our employes or be forced to discharge one of them for such actions, it will be only after we have absolute proof of such action and then after our efforts to dissuade the employe from such attempts, have failed.

"I wish to assure you of the continued efforts of all of us to keep things moving along in a satisfactory manner."

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same positions that they have held before. Hence, when the strikers returned to work in November, 1919, in the mines of the Colorado Fuel and Iron Company, they were prepared to be suspicious and sensitive on this point. Some of the men found when they returned to work that their old places had been given to men who did not strike. Some of the strikers were offered less desirable places. They were sure that it was because they had been active in their local unions that they were thus penalized.

That this action was a definite policy on the part of the company was indicated by President Welborn's testimony, shortly afterward, before the Industrial Commission. He said that it was true that the management gave the most desirable places in the mine to those who did not strike. This was a means of rewarding loyal employes and, also, of increasing the production of coal. His testimony follows:

“ . . . I have this to say about the placing of men who returned after the strike was called off, in parts of the mine different from those they had worked in before. When the strike call was issued and men left the mines, we very naturally gave the best places, if there was any choice, to those men who remained at work, for two reasons: first, that they were showing a loyalty to their country and the company by remaining at work; and another thing was our desire for the greatest possible tonnage. If there was a place in the mine where a man could produce one ton a day more than he had done in another place, we felt it entirely proper, in fact, our duty, to give him that place. It then followed when the others came back to work, if there was any choice of places, the men who stayed were not displaced; it did not follow, though, that those who returned were

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obliged to take inferior places. There may have been, and probably were in some cases, less desirable places than those that some of them had filled before."¹

Miners argued that they were returning in compliance with orders of the federal government. The strike had not been fought to a finish. They should have been assigned to their old working places. The action of the company, therefore, was considered by them as a form of discrimination and a warning to union members.

The adoption of the "red loyalty" card and the offering of inferior working places were, however, minor forms of discrimination in the eyes of union workers, compared with their third grievance—the refusal by the company to give any kind of employment to certain men who had worked for it before the strike. Some of these had been presidents, secretaries, and treasurers, or active members, of local unions in various camps and they had been energetic in organizing the miners for the purpose of striking.

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The men who felt themselves discriminated against and their sympathizers did not, however, take their grievances to their representatives elected under the Industrial Representation Plan, although, as they contended that there was discrimination against them as union members, it was a case covered by the plan. Instead of doing this they wrote, wired, telephoned, and brought their complaints in person to the officials of District 15 of the United Mine Workers of America.

The president of this district immediately issued

¹ Hearing before Colorado State Industrial Commission, December 3, 1919, pp. 110, 111. Typewritten record.

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another strike order, to be effective November 20. The strike, he said, would take place unless the company would re-employ all of the men who had struck on November 1. The United States District Attorney, the State Attorney General, and the State Industrial Commission intervened. The two last secured an injunction in the district court of Colorado against this threatened strike, on the ground that the state law declares a strike illegal until the Industrial Commission has investigated and reported on the merits of the dispute. President Johnson recalled the strike order he had issued, and filed with the state commission complaint that the company was violating the section of the same law forbidding discrimination against union members. The State Industrial Commission proceeded to investigate these charges of discrimination which were filed against the Colorado Fuel and Iron Company.

The commission had before it a list of some seventy miners against whom discrimination was alleged. Other names were added in the course of the hearings in November and December, 1919. The final decision rendered was "that the evidence introduced at the several hearings does not support the claims of the employes of unfair discrimination against said employes on account of affiliation with or activities on behalf of the union."

We have examined all the testimony, listened to the evidence when it was presented at the hearings, given full consideration to the statements of the company, and sought to check up testimony and documents by interviews with miners, officials of the company, officers of the union, and members of the Industrial Commission. The facts and considerations are too voluminous to record here. The net result seems to be as follows:

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"Thirteen out of the seventy were refused employment for various reasons, the principal one of which was the use of unlawful means, threats, etc., to prevent other men from working."¹

We made very specific inquiry as to the details of these threats, but we could secure no evidence of anything more than this vague charge. It should be remembered that it would be easy for one group opposed to the union to describe as a threat the kind of argument which a union man might regard as peaceful persuasion. At least one of these men, who in 1921 was serving as employes' representative in another mine of the company, was not accused of any act except efforts to persuade men to strike, and it was perfectly clear in his own mind that the superintendent refused to employ him again for no other reason than that he was an active union member. The fact that he was re-employed later in another mine lends credence to this impression,

¹ The words are taken from a letter written by President Welborn to a stockholder of the company. For us, President Welborn prepared a statement of the reasons for not employing fourteen men. For instance, two men had been associated in the conduct of a board-ing-house in one of the camps and had permitted drinking and disorderly conduct; another started a rumor that Sopris, one of the mines which had been closed on account of the strike in the steel works and which resumed operations on November 10 as the result of a petition of former employes, would be reopened by strike-breakers, and by this and other arguments he tried to prevent the opening of the mine; two others had been "disturbing elements" in the same camp and were not only unsatisfactory workmen, but they had even advised fellow miners to load rock and other foreign matter with the coal; two others are recorded as having been guilty of "practices similar" to those just described, but both were subsequently employed by the company; another was "very radical in his strike agitation" and he was refused reemployment, but later was employed at another mine of the company, and in 1921 was an employe representative; one had used profane language, but later he was employed in another mine of the company; against five the accusation was that they used every effort to keep men from working at the time of the strike and made "threats."

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and evidently his activities were not of the kind to bar him from future employment when the union was not organizing a strike.

Further analysis of the hearings of the commission reveals that several who were not re-employed were active union men and that no detailed reasons for their discharge were proved other than activity to make the strike successful.

A few typical cases will illustrate the practice of the company. At Tabasco both the president and the secretary of the local union were refused their jobs. Tabasco was closed when the coal strike was called. It had ceased operation on September 22, when the steel strike had cut off the demand for the coking coal produced at this mine; but it opened again and mined coal during the coal strike for use in boilers and houses.

The testimony of Lawrence Shappac, the president of the local union, will suffice, for that of the secretary is almost identical. In his testimony Shappac states that he had worked sixteen months in one place; that he had spent \$200 for powder; that he was ready to "pull pillars," the most lucrative work in mining which comes at the end of a long period of working in a place; and that this place was refused him and given to another applicant. His statement follows:

Q. You applied for work at the Tabasco mine when you were informed that they were going to start up?

A. Yes, sir.

Q. And Mr. Parker told you there was nothing doing?

A. Nothing doing for me.

Q. What do you suppose was his reason, have you any idea?

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A. I asked him for his reason and he said he is the man to hire the men and he don't have to tell me why.

Q. That Tabasco mine was not on strike, was it?

A. It was not on strike as they are not dumping coal; I asked on the 5th for a job and he refused me on the 5th.

Q. The 5th of November?

A. Yes, sir.

Q. Before the strike was called off?

A. Yes, because that mine was not on strike, as they did not dump coal but used it for boilers and houses and something like that.¹

The superintendent of this mine, George P. Parker, testified that he refused to give Shappac work. In explanation he added that Shappac had "threatened" other men in order to force them to strike on November first. His testimony follows:

Q. Do you know Lawrence Shappac?

A. Yes.

Q. He went out on a strike November 1?

A. Yes.

Q. And applied to you for work afterwards?

A. Yes.

Q. What reply did you make to him?

A. I said I did not have any work for him.

Q. Did you have any reason for not giving him work?

A. Yes.

Q. What was that reason?

A. Because he threatened the men.

Q. In what way?

A. He told them there was going to be trouble in the canyon and he was going to move and they had better go too; if they went to work they were liable to get hurt.

¹Hearing before Colorado Industrial Commission. Personal testimony by Lawrence Shappac, December 11, 1919, pp. 380-383. Typewritten record.

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Q. Whom did you get this information from?

A. From some of the men that lived in the canyon where he lived.

Q. Did you get it from the men to whom he made the threat?

A. Yes.

Q. Can you give the names of the men he threatened?

The attorney for the company interposed:

If the court please, we have written statements from the men and the men have indicated a fear of having their names known. If the commission does not insist upon it, we would like to refrain from giving those names, because of the fear the men have, not what we have. We will abide by the ruling of the commission, but wish to make that statement.

Q. (Continuing) Did you get this information from employes working under you?

A. Yes, sir.

Q. From how many different persons did you get that information?

A. Two.

Q. When did you get that information?

A. Shortly after the strike was called.

Q. Did these men work after the strike was called and before it was called off?

A. Yes.

Q. And during that time you got this information?

A. Yes.

Q. Did you have any other reason for refusing him work?

A. When he came that way, threatening the men, I thought he would not be a good employe to put among the men afterward.¹

In addition to the president and secretary of the

¹ Hearing before Colorado Industrial Commission, December 11, 1919, p. 428. Typewritten record.

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union, two other active union men were refused work at this mine. The reasons given by President Welborn to the Industrial Commission are as follows:

F. S. Barron worked on the Mexicans under direction of McGunigal and prevented them from working during the strike.

Candido Guadinola, motorman at Berwind, very radical during the strike and created all the trouble he could.¹

Guadinola was later employed at another mine of the company and was elected employes' representative in 1921.

Another typical case is that of Mike Glad, at Tollerville, another mine in the Trinidad District. Glad was financial secretary of the local union. He also solicited members among the other miners in this camp. He was a very active union man. He had been criticized for this by the superintendent, who, because of it, had refused to assign a good house to him. Tollerville had also closed down on September 22 because of the steel strike. When it re-opened some time in December Glad returned for his work. He was refused re-employment. Glad's statement follows:

Q. Did you work in September?

A. Yes, to the 22d of September.

Q. At what mine?

A. At Tollerville and the steel works shut down and the mine shut down too.

Q. You worked until the shut-down of the mine?

A. Yes, sir.

Q. When did that mine resume work?

A. I do not know when it was started, but I hear from some men that the mine was started and I go looking for a job and they refused me, and there was

¹ Ibid., p. 103.

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seven men with me, six and myself were seven, and two was refused and some of us got a job.

Q. What was that, what mine?

A. Tollerville.

Q. When?

A. The first of this month.

Q. The first of December?

A. Yes, sir.

Q. You applied to whom for work?

A. I asked the superintendent, Mr. Hanson.

Q. Out of the seven that came, how many got work?

A. I cannot prove it for sure,—he got five at work,—one man say he never got a job too; myself and my brother, they refused us, and one other man which was coming from a distance . . . he give him a job and did not give it to me.

Q. How long had you worked at Tollerville?

A. The first of April four years ago.

Q. How long just before they shut down?

A. More than four years.

Q. What reason did he give for not employing you?

A. I do not know.

Q. What did he tell you?

A. He did not tell me nothing, he just told me, "Why I got nothing for you at all." After that I turned back and go away. After me my brother come and he asked his name and he told the truth, my name is Antone Glad, and he say: "I got nothing for you either."

Q. Did you ask why?

A. I never asked him.

Q. Did you apply afterwards for work?

A. No.

Q. You only applied once?

A. I was just once up there.

Q. Are you working any place now?

A. No, I never worked no place yet.

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Q. Were you the secretary of the union?

A. Yes, financial secretary and treasurer.

Q. Did the superintendent know you were?

A. Yes, he know all right; he take me one time into the lamp house when it was not finished yet, and he called me inside and asked me what for I organize people, what for I give [union] cards to the people in the mine, to the diggers, and I say: "Mr. Hanson, if you was a miner and a good man and if you come to me and bring the money to me I give you a card." "There is too much places you put that money." I say, "That is not your business, that is my business, I send it into the national and the district." Then he told me I am organizing people in the mine, inside and outside, and I say: "No, any man which comes and ask me for so and so, I give it to him in mine house, but I never go outside of the house." I asked for a house lots of time, and I got a bad house and I asked for a house lots of times and he never give it to me, he had one empty house, four rooms, for pretty long time and he did not want to give it to me but throwed me out of the camp.

Q. You applied to Mr. Hanson for work on December 1?

A. Yes.

Q. Do you know when they started to operate the mine?

A. He picked up some men to clean it up inside and put the mine in good position.

Q. Don't you know he did not commence hoisting coal until Tuesday of this week?

A. I do not know.

Q. Do you know what work he gave to the four men?

A. Yes, he said if he needs track layers he has got them, if he needs drivers he has got them right here. I can do any kind of jobs the same like the other people and I was a pretty long time in the mine; he give it to them but refused me.

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Q. Had these four men worked at that mine before the shut down?

A. Three men was working and one came from Wisconsin.¹

David Hanson, the superintendent, testified that Glad had threatened other men and that he did not need miners when Glad applied for work. He did not send for Glad, however, when he did need men. Note further another section of his testimony. When Hanson testified that he needed miners, William Reilly, a member of the State Industrial Commission, asked him if he would employ Glad if the latter applied for work. Hanson refused to commit himself. "Are you in need of men at present?" asked Reilly. "Yes, sir." "Would you employ Mr. Glad if he applied?" "Possibly, if I needed men when he came around." "You say you need men at present?" "Yes, I need a few. . . ." "Cannot you answer yes or no, if you would employ him?" The answer was, "If I needed a man when he applied."²

The superintendent's testimony about threats is as follows:

Q. Did you make any objection to Mike Glad, to his organizing or getting men to join the union?

A. Not for getting men to join the union, but using intimidation.

Q. Give us the facts.

A. A couple of men quit and when they quit I asked what they quit for and they said because they were afraid; that they had been asked to join the union and that threats had been made against them.

Q. What did you say to Glad?

¹ Hearing before Colorado Industrial Commission, December, 1919, pp. 371-376. Typewritten record

² Ibid.

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A. I told Glad if he wanted to solicit men to join the union he could do so, but not to use threats against them.

Q. Did they say that Glad was the man that threatened them?

A. Yes.

Q. Who were these men?

A. I cannot recall their names; two Mexicans, a man and his son; it has been six or eight months ago and they left shortly afterward.

Q. Did you hear Glad make threats against them?

A. No, I did not.

Q. There were other men working there that were not members of the union?

A. Yes, I suppose there were.

Q. Did they make complaints about Glad threatening them?

A. No, just these two men.¹

Some of the seventy had left the neighborhood to find work elsewhere before the commission began its hearings and hence their cases were not heard. Moreover, it seemed to us that the commission's method of investigation was not thorough enough to bring out all the facts. Indeed, as the chairman told us, no first-hand inquiry was made by the commission outside the formal hearings. In short, as to whether there was or was not discrimination in the varying attitudes of superintendents toward returning employes the evidence seems to us very unsatisfactory. The point is clear, however, that, coupled with other actions and statements by the company, the refusal to re-employ the leaders of the strikers led the miners to believe that the company had definitely adopted the policy of discouraging membership in the union and of opposing its activities in other ways.

¹ Ibid., p. 457.

CHAPTER XVI

THE INDUSTRIAL REPRESENTATION PLAN VERSUS TRADE UNIONISM

THE relation of the plan for employes' representation to trade unionism is the most controversial phase of this study. A true interpretation of this relationship is desired by everyone and yet differences of opinion seem to be inevitable. The company has declared repeatedly that its mines are free to union and non-union men, and this statement is embodied in the written plan of employes' representation. On the other hand, it has definitely stated over and over again that its policy has been not to enter into an agreement with the United Mine Workers.

The labor movement construes this latter policy as indicating antagonism to unions. Labor sees, also, the spread of employes' representation at a time when trade unions are being vigorously opposed by many groups of employers. Trade unionists observe that sometimes these "company committees" are used as an excuse for refusing to have any dealings with a union. Therefore, the American Federation of Labor has adopted a policy of opposing shop committees, labeling them "company unions," and thereby condemning them in the minds of trade unionists. To find the truth, with all the distractions of this controversy obscuring real issues, is a difficult task.

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Yet to those who desire a settlement of industrial conflicts upon a just and enduring basis, the facts have significance beyond their relation to one company. The relationship between employers and employes in the Colorado Fuel and Iron Company holds within itself all the elements of progress and reaction, of human needs and human aspirations, of powers and weaknesses, of fixed ideas and new visions, out of which better industrial relations in America must be evolved. What will the union do with this plan? What will the company do with unionism? What will both together do for the bituminous coal industry? In this chapter we shall try to prepare the way for the answer by outlining events and statements which seem to us to indicate the attitude of the company toward trade unionism since the inauguration of the plan for employes' representation.

THE POLICY OF NO DISCRIMINATION

At the National Industrial Conference held in Canada in September, 1919, the Industrial Representation Plan of the Colorado Fuel and Iron Company was discussed. Mr. King, who, as has been noted, had had so important a part in drafting the plan, was present. The following statement was made by Tom Moore, President of the Canadian Trades and Labour Congress. It was, in reality, a direct challenge to Mr. King to explain the labor policy of the company as he had understood its intention when the plan had been adopted four years earlier.

"The base of the Rockefeller plan is the non-recognition of trades unions," said Mr. Moore. "I make that statement knowing full well the responsibility of a statement of that kind. The gentleman

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has referred to the Imperial Oil Company's plan. 'The company will maintain an open shop, without discrimination against unions or against any man on the ground of creed, race, color, etc. There are many ways of destroying trades unions, and they have nearly all been tried except the one of agreeing to them but seeing that they do not operate and function; and this is the design of the plans which are based on the Rockefeller plan.'¹

Mr. King, in reply, described the plan and its beginnings.

"I would have had no part in the concern one way or the other," he said, "if it had been even remotely intended for the purpose of fighting the unions. I believe in labor unions. I believe that the progress which has been made in improving labor's condition has been made in a larger measure through unions than any other institution that I know of. But I do not believe, for that reason, that everything the unions have done is right, or that their methods, on all occasions, are right. I believe that they are capable of rendering services to the world yet undreamed of; but that it will never be if there is an attitude of antagonism on the part of the unions on the one side and the employers on the other. It will be done only by showing the employers, who need educating just as much as labor does, the merits of operating with organized labor. I believe this plan in Colorado has had that effect.

"Up to the time that the plan went into force the miners had not felt secure in joining unions, had not the right openly conceded; but when the plan went into effect they were free to join them. What is the position in Colorado today? A very large percentage of the miners are organized."²

¹ Canada, National Industrial Conference, September 15 to 20 1919, Official Report of Proceedings and Discussions. Labour Department, Ottawa, 1919, p. 153.

² Ibid., p. 160.

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The clause of the plan to which Mr. King referred has been quoted in previous chapters. It reads as follows: "There shall be no discrimination by the company or by any of its employes on account of membership or non-membership in any society, fraternity, or union."¹

In order to show the intention of this clause, Mr. King described at the Canadian conference the relevant facts in the history of the plan. When he was appointed director of a newly created industrial relations department of the Rockefeller Foundation, the coal strike of 1913-14 was going on in Colorado. After consultation with governmental officials and prominent citizens who were in touch with the situation, Mr. King proceeded to Colorado "to use that particular state as a laboratory in which to demonstrate what could be done as a result of applying certain principles."²

After a thorough investigation he arrived at two main conclusions:

(1) "That the whole trouble might never have taken place had employers and employes and their representatives come together to confer over the matters in dispute between them.

(2) "The question was one mainly of recognition of the union. The men claimed that any man in the company's employ who joined a union was dismissed; that the foremen dismissed men in a summary way and there was no right of appeal; that when a man joined the union he was immediately thrown out of the company's employ."

¹ Industrial Representation Plan. . . . Applicable to the Mining Camps of the Colorado Fuel and Iron Company. Reprinted March 15, 1918. See Appendix A, page 408.

² Canada, National Industrial Conference, September 15 to 20, 1919, Official Report of Proceedings and Discussions. Labour Department, Ottawa, 1919, p. 158.

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He "found much to substantiate" these contentions, Mr. King said, and he concluded that:

" . . . no hope of industrial peace would ever come in Colorado if employers were to take an attitude of non-conference with their employes, or if they were to take the position that their employes were not to have the right to join a union, or if, when they joined a union, the foremen were to be free to dismiss arbitrarily any men in the company's employ."¹

Upon returning East, he made these suggestions to Mr. Rockefeller. The latter asked Mr. King to make another trip to Colorado, saying:

"Mr. King, if you will go out to Colorado again, and will talk to the managers of the company and the men in regard to the principles you have laid down, and if any influence of mine will be helpful in getting those principles adopted, I will go out and help you get them applied in this industry."²

Before proceeding to Colorado again, Mr. King consulted the president and secretary of the United Mine Workers. These officials stated that they would be satisfied at that time with the granting of the right to individuals to join their union.

"I asked those gentlemen what they wanted to have done in the matter of unionism in Colorado—whether they were urging that a contract should be entered into between the company and the men, or whether there was any other particular stand that they were taking. What reply did they make? They spoke as reasonable men. They said: 'Mr. King, the situation in Colorado has been such, owing to the state of civil war that has existed there, that it would be an impossible thing to expect any em-

¹ Ibid., p. 158.

² Ibid., p. 159.

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ployer or group of employers to enter into an agreement with the United Mine Workers at this particular time. What we would like, if possible, is the recognition of the right of every man to join a union; and if the Colorado Fuel and Iron Company will give that right and see that it is lived up to, we shall be more than satisfied at the present time.'"¹

As a result of this conference Mr. King suggested to the company that in drafting any plan a clause should be inserted "stating that every man should have the right to join a union; that that should be one of the foundation principles of the plan." Mr. King continued:

"That is the reason why that clause is in the Colorado plan. It is not there to take away from any man the right to join a union, but to give to every man a right which he had not had before."²

This, then, is a description, by the initiator of the plan, of the company's labor policy with reference to trade unions. The company agrees not to discharge or otherwise discriminate against any man because of his membership in a union. On the other hand, no man will be required to join a trade union through action either by the company or by any of its employes. In other words, no employe or group of employes could hold as a grievance, either to justify a strike or to make complaint about it to the company, the failure of a fellow-worker to join the union. The plan also provides that representatives of the workers must all be employes of the company, and hence no trade union official, who was not at the same time employed in the mines, would be recognized as representing the men.

¹ *Ibid.*, p. 159.

² *Ibid.*, p. 159.

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These provisions must be compared with the objects of the United Mine Workers, if the attitude of trade union sympathizers toward the plan is to be understood. The present procedure of the United Mine Workers is to secure trade agreements developed in negotiation between operators and miners, each acting through their organizations and not directly dealing with one another in separate mining companies. In a company, therefore, which accepts no agreement with the United Mine Workers, the guarantee of freedom for each miner to join the union means merely that he is free to make this choice as an individual just as if he joined a baseball team or a debating society. It does not affect his relations or the relations of the union to the company. On the other hand, freedom for the men to join a union without fear of discharge represented, as Mr. King declared, a gain for unionism.

In the contrast between the company's conception of dealing with its own employes, and the union man's conception of united action to secure standard wages and hours throughout an industry, is to be found the essence of the conflict between employes' representation and trade unionism. Experience in Colorado seems to show that though a truce may keep peace between them for a while, sooner or later each must reckon with the other. Out of the reckoning may come an institution better than either. That is the significance of the present antagonism, sometimes quiescent, sometimes stimulated to conflict, in the Colorado coal fields.

CHANGES SINCE 1915

Prior to the establishment of the plan, representatives of the United Mine Workers were not generally

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admitted to the camps of the Colorado Fuel and Iron Company. Union organizers have told us that they always risked a "beating up" when approaching a mine. "For years," said one union official, "I had to get off the train before it reached the regular station at _____ and enter the town unnoticed. Otherwise I would be certain to be deported by deputy sheriffs who were allied with the company." Similarly, individual employes who became members of the union were discharged as soon as that fact was discovered by the local officials. "It wasn't safe to open your mouth about the union," was a typical statement. "If you said a word showing sympathy with the union you were immediately told to move down the canyon." Mr. King testified, as already shown, that he personally found "much to substantiate" these charges.¹

With the introduction of the representation plan and Mr. Rockefeller's visit to Colorado, conditions changed. Union men told us that they were surprised to find that they could again secure work in the Colorado Fuel and Iron Company mines at this time, after they had been repeatedly refused because of their activity in previous strikes. Membership in the union was no longer a cause for discharge. Organizers were permitted freely to enter the camps, and meetings were openly held, though the company's buildings still could not be used for them.

¹ Present company officials say that conditions in this respect had been improving before 1913 and that the more extreme criticisms might have been true years ago, but not after 1907 or 1908. Of the statement as it stands in the text, therefore, President Welborn said that it was "true and untrue."

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THE COMPANY CONFERS WITH LABOR LEADERS

Most striking, perhaps, was the complete change in the attitude of the officials of the company with regard to meeting and conferring with labor leaders. The officials of the Colorado Fuel and Iron Company, prior to 1913, refused to meet or confer with officials of trade unions. Indeed, one of the chief criticisms of the company made by the United States Commission on Industrial Relations and other investigators of the 1913 strike, was the refusal to meet with officials of the United Mine Workers. In the opinion of investigators conference might have prevented the strike. A short time before the strike occurred, a letter asking for a conference, signed by Frank J. Hayes, then International Vice-president of the United Mine Workers, and by the policy committee of District 15 of the same organization was sent to the company. It was not acknowledged.

Observe the change after 1915. In a previous chapter¹ we have told how, in 1917, James Moran, who was from Iowa and who had never been an employe of the Colorado Fuel and Iron Company or even a citizen of Colorado, was appointed acting president of District 15 of the United Mine Workers, covering Colorado, Utah, and New Mexico. With him was appointed, as acting secretary-treasurer of the district, Warren B. Pippin, another outsider, from Kansas. Their appointment came from the International President of the United Mine Workers, with offices in Indianapolis. Those two men, with the assistance of organizers, canvassed the employes of the Colorado Fuel and

¹ Page 280 ff.

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Iron Company. They heard of dissatisfaction. Rightly or wrongly they formed the opinion that the miners preferred a union contract to the Industrial Representation Plan. They wrote a letter to the president of the company asking for a conference. At the same time they threatened a strike of the miners. To their surprise they received a reply immediately. Mr. Welborn would be glad to meet and confer with them. Mr. Moran visited Mr. Welborn twice. They could not agree. They concluded to call a conference. Mr. Moran would summon the representatives of the miners. Mr. Welborn would summon the superintendents and other representatives of the management. And the representatives came together and met in Mr. Welborn's office. What took place there has been described in Chapter XIII.¹ This was the first time in the history of the relations between the company and the union that such a conference had taken place, and it signified a radical change in attitude toward unionism.²

In a similarly ready spirit Mr. Welborn met in 1919 with the official strike committee of the Allied Steel Council of Pueblo, a committee which was responsible to the National Committee for Organizing Steel and

¹ The United Mine Workers in Colorado. See pages 282-284.

² Again, in the fall of 1918, the railroad employes of the company, which operates the Colorado and Wyoming Railroad, became dissatisfied. Most of them belong to the railroad brotherhoods, and they naturally called on their vice-presidents, again outsiders, and not even citizens of Colorado. The vice-presidents of the Brotherhood of Railroad Trainmen and of the Brotherhood of Locomotive Firemen and Enginemen came to Colorado. These men were placed at the head of a grievance committee for the employes of the company. They asked for a conference with Mr. Welborn. He granted it immediately. They met several times and finally an agreement was signed, as negotiated with the company by these officers of national trade unions.

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Iron Workers.¹ Again, Mr. Welborn met with officials of labor unions in October, 1919, in the governor's office. On one side he sat with the presidents of three other coal companies. On the other side sat Robert Foster, a native of Pennsylvania and personal representative in Colorado of John L. Lewis, International President of the United Mine Workers of America. The governor, while not succeeding in averting the coal strike called for November 1, 1919, had no trouble whatever in arranging the conference.

Thus, "live and let live" was the policy of the company toward the union after 1915. To develop the representation plan and to display no hostility toward the United Mine Workers may fairly be said to sum up the company's labor policy during that period. With the humanizing influence of the plan the old evidences of conflict—such as barring union organizers from the camps or discharging active union men—had disappeared. Perhaps company officials did not realize that the success of their policy had depended largely upon the inactivity of the union during that period. The war had given a national character to the production of coal which had tended to obliterate private antagonisms. Except for abortive efforts to call a strike in 1917, the United Mine Workers had done nothing since 1915 to reopen the issue of what the Colorado Fuel and Iron Company intended to do with the miners' national organization.

The national strike of 1919 was the first test of the company's aim to develop harmonious relations with

¹ This incident is described more fully in *Employees' Representation in Steel Works*, by Ben M. Selekman. New York, Russell Sage Foundation, 1924. See Chapter VIII, *Strike of the Minnequa Steel Workers*, pages 174-179.

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its own employes, while warding off or ignoring "outside interference." How they met the test has been described in Chapter XV.¹ For the first time in five years orders were issued to keep organizers out of the camps. Permission was denied to the workers to hold union meetings in any building owned by the company. Instructions were given to superintendents to keep "trouble makers" out of the camps. This resulted, in a few instances, in the discharge of local union officials before the strike. Notices to vacate company houses were served upon a few men. Trouble makers were not to be re-employed when they returned after the strike, and this was interpreted by employes as meaning men who were active in the union. A card was presented to all applicants for employment after the strike to be signed by them, expressing knowledge of the open shop policy of the company as provided in the Industrial Representation Plan.

ADMISSION OF UNION ORGANIZERS TO CAMPS

We had gained the impression after the strike of 1919 that union organizers not in the employ of the company would no longer be admitted to the camps owned by the company. In the winter of 1921 we sought to check this impression by the actual events of 1920. Union officials told us that they had been so occupied elsewhere that active organizing had not been pushed in the Colorado Fuel and Iron Company. Early in 1921, however, they had begun to hold meetings in or near the camps of the company, and thus far, in the first month of the year, the organizers had not been refused admission to any camp.

¹ The Company in the Strike of 1919, page 325.

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Not long afterward, however, while one of us was in southern Colorado, one of the organizers of the district telephoned that he and another organizer had been asked that afternoon to leave one of the nearby camps where they had gone to distribute notices of a meeting of the union to be held the next day in a hall two miles away. Our subsequent investigation of this incident revealed the fact that no objectionable acts whatever had been committed by these men, but that the superintendent and the camp marshal had assumed that it was the wish of the company that organizers should be excluded. This superintendent and those in other camps had so interpreted the policy of the company to us a year earlier after the strike of 1919. When the facts were brought by us to the attention of the company in 1921, its officers declared that the superintendent had misinterpreted their policy and had acted unwisely. It was decided to dispense with the camp marshal—the local policeman—at this camp. Later, the superintendent was transferred to another camp.

Even this repudiation of one superintendent's efforts to keep organizers out of the mining villages owned by the company did not end the incidents which were giving the impression to many employes that the company was antagonistic to unionism. After we had left Colorado, several incidents of inhospitable treatment were reported to us by officers of the union. We made inquiry of the company and in each instance received an explanation in which the president disclaimed any desire to refuse to permit organizers to enter the mining camps.

One illustration will suffice: One of the international organizers of the United Mine Workers of America, who is a native-born citizen of America and has lived for

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thirty-eight years in Huerfano County in Colorado, made affidavit in April, 1921, to the following effect:

"That, on the 14th day of March, A.D. 1921, while in the performance of his duties, and in a lawful manner, *i.e.*, notifying the miners of Lester, Colorado, in the county of Huerfano, said miners being in the employ of the Colorado Fuel and Iron Company, a corporation, to attend if they so desired a meeting of the aforesaid miners on the 14th day of March, at 7:00 o'clock p.m.

"That the acting superintendent of the said company, a Mr. McBrayer, did then and there order one Nicholas Fontecchio and the said Mike Valdez to get off of the company property, or words to that effect, if they desired to notify the miners of a meeting."

In response to our inquiry President Welborn explained this incident as follows:

"I have investigated this report thoroughly, and find that on or about the 14th of March, Superintendent McBrayer, of the Lester mine, on going to the check-cabin found a number of men gathered, among whom were three strangers. The check-cabin is located on a road over which coal for use of the camp is hauled in trucks, and as the congregation of a body of men at this point would interfere with traffic Mr. McBrayer asked the men to move to a more open place 60 or 70 feet away, which they did. No request was made on any of the men to leave the camp. Incidentally, while talking with the group, Superintendent McBrayer was obliged to move very quickly to avoid a motor truck moving on a regular mission."

The results of our correspondence in all of these instances were similar. The union organizers believed that to be asked "to move on" indicated the unwilling-

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ness of the company to have them in the camps. The company insisted either that the superintendent was misinterpreted and had not intended to ask anyone to leave the camp or that some minor official of the company had been tactless in his remarks.

When several events of this kind had been reported to us in telegrams, letters, and affidavits, and when they had been similarly explained by the company, we wrote to President Welborn on April 8, 1921, suggesting that "from our point of view as interpreters of the policy of the company, it would be helpful to us to know whether these incidents have led to definite instructions to all superintendents with reference to the activities of union organizers in the camps and, if so, exactly what these instructions are, and in what form they have been issued."

On April 19, President Welborn replied, inclosing a copy of the following notice which had been posted at all camps on April 15, 1921:

"The Colorado Fuel and Iron Company
"To Managers and Superintendents

"It has been reported that within the last two months union organizers have been asked to leave three of the mining camps of the Colorado Fuel and Iron Company. A careful investigation has disclosed no foundation in fact for the alleged occurrence in two of the camps. In the third camp it appears that organizers were asked to leave. This action was taken without authority and contrary to explicit instructions. Adequate measures have since been taken to prevent the possibility of a repetition of the occurrence.

"Anyone is at liberty to pursue his legitimate business in the camps of the company, so long as he

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respects the rights of others and maintains himself as a law-abiding citizen.

"The attitude of the company toward union members and representatives is in line with the policy set forth in THE INDUSTRIAL PLAN OF REPRESENTATION put into effect by the employes and the company in 1915. That section of THE PLAN reads as follows:

"There shall be no discrimination by the company or by any of its employes on account of membership or non-membership in any society, fraternity or union.' This attitude will be maintained and the policy rigidly enforced in the future as in the past.

"J. F. Welborn, President."

UNION MEETINGS OUTSIDE THE CAMPS

This discussion of permission of organizers to enter the camps of the Colorado Fuel and Iron Company relates entirely to their coming as individuals to post notices or to talk with employes. It does not relate to the holding of meetings. Except in the incorporated towns of Fremont County, employes of the Colorado Fuel and Iron Company always go outside their own communities to attend union meetings. This has been true since 1915 as well as before then. The buildings of the company have not been available for meetings of the union.

As a result the miners have resorted to various expedients. In some camps they rent the lofts of pool halls that are stationed outside the camp and owned privately. Where such buildings are not available, they have walked to nearby villages or towns, distances of several miles in some places, and rented halls for their union meetings.

One camp is quite distant from the county seat. There are no street cars. The taxi fare is something

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like \$3.50 each way. There are no nearby pool halls outside of the camps. A dancing pavilion privately owned, however, was situated on ground belonging to the company. In the fall of 1919, when the strike was pending, the miners asked the owners of the pavilion to rent it to them permanently as a center for their union activities. The owner said that they would have to consult the superintendent. They did. The superintendent told them he would have to consult Mr. Weitzel, the general manager. They agreed to wait. When the superintendent called Mr. Weitzel up, he was told to buy the pavilion for the company and to raze it to the ground. This the superintendent did, and the men were left without this hope of a meeting place. This incident was recounted to us again and again by the miners in this district, as demonstrating to them the company's antagonism to the union and its disapproval of their activities as members.

Mr. Welborn told us that it was not correct to say that union meetings could not be held in the camps. It is true, he said, that "the company has not loaned its housing facilities for union meetings. . . . They have been frequently held in the camps. They have had open air meetings time after time in the camps. . . . We have not changed our policy on that point."¹

THE POLICY OF THE Y.M.C.A.

The only buildings in the camps where meetings could be held are the schools, the churches, and the Y.M.C.A. clubhouses. These Y.M.C.A. clubhouses pro-

¹ Report of conference between representatives of the Russell Sage Foundation and the Colorado Fuel and Iron Company, at Denver, March 7-8, 1921. Typewritten record, p. 202.

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vide the only auditoriums really suitable for general meetings. In them were held Red Cross rallies and other assemblies during the war, and there also the management calls meetings for election of representatives and for discussion of subjects arising under the representation plan. Employes also are free to use the buildings for meetings called at their own initiative. So far as we could discover the only meetings which have been forbidden are those of the members of the local unions affiliated with the United Mine Workers.

When the Y.M.C.A. first began its work in the camps of the Colorado Fuel and Iron Company, local councils were organized to assist the secretary in each camp. They had no general supervision or uniform policy. Because of the difficulties of this decentralized control it was decided about 1919 to organize a board of management for the Y.M.C.A. in all the camps. In the spring of 1921 this board was composed of seven members, of whom five were officials of the Colorado Fuel and Iron Company, not wage-earning employes, and two had no connection with the company. The members of the board are appointed by the state committee of the Y.M.C.A., of which it is a sub-committee. Salaries and expenses of maintenance of the club buildings are paid from a fund partly made up of the dues of members with the company supplying the deficit.

In our conferences with the officials of the Colorado Fuel and Iron Company, Mr. Welborn said that in the year or year and a half since the organization of the central board of management no request had come from the union for the use of the Y.M.C.A. buildings. He thought that when local councils of the Y.M.C.A. were in control in each camp requests of this kind had been

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refused on the ground that all meetings held in the Y.M.C.A. clubhouse must be open to the general public. Whatever the reason might be, the fact is that during the period of our investigation, miners, superintendents, and higher officials generally understood that the local unions were not permitted to use the Y.M.C.A. buildings.

In discussing this policy the general manager of the fuel department described to us the situation as he saw it in the following question:

"If you had a force of employes in your New York office, and if there was some particular union that came around frequently and told your employes that you did not treat them fairly, that you had cheated them when you could, that your methods were all bad, and told them everything they could against you, and defamed the man who owned your company, would you feel like providing a place for those people to meet your employes and make it easy for them to spread the propaganda?"¹

To this question we replied:

"If we owned the town our employes lived in, we should feel that we must grant the rights of all American citizens there to hear all sides of an argument."

It should be recalled that because of the isolation of many of the camps and the fact that the property is all owned by the company, the provision of a clubhouse in each camp by the Y.M.C.A. takes the place of a general community center. If, because the company owns it, permission is refused to hold an orderly meeting to which there would be no objection in any independent town in the country, then the citizens of these

¹ Ibid., p. 201.

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mining camps are being deprived of some of their civil liberties, including the right of assembly. It is precisely because mining companies use their opportunities as landlords and owners to reinforce their policies as employers, that so many camps take on a feudal aspect where the man or the company controlling the means of livelihood controls also the social and civic life of the community. This is not the intention of the Colorado Fuel and Iron Company. The beauty and livableness of its camps have been described. It has gone far beyond other mining companies in consulting the wishes of employes about housing, schools, and recreation. Yet it has continued to bar union meetings from its buildings.

For the Y.M.C.A. the situation presents an important problem. Following our conferences with the company officials in which these questions were raised about the policy of the Y.M.C.A., there was correspondence between the general secretary of the Colorado Fuel and Iron Company associations and the industrial department of the International Committee of the Young Men's Christian Association, to which we have been courteously given access. On April 11, 1921, Mr. Charles R. Towson of the International Committee wrote to the Colorado Y.M.C.A. secretary as follows:

"I was much interested in your recent inquiry regarding using the buildings for meetings of the labor unions. . . . Of course our attitude, as a movement, is not against such use of the buildings but it would be against opening buildings for use in communities where labor relations or industrial questions are acute."

On September 29, 1921, Mr. Towson wrote again:

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"Regarding the use of the buildings by labor unions, I would confirm my previous letter on this subject. . . . Keep in mind my suggestion that we do not bring about such use of the buildings at any time and place when issues are on the horizon. If, for example, there is an agitated or a disturbed state of mind in any of the fields, it would be inopportune to raise this question which would identify the Association with the issues. Our relation is one of mutuality (not neutrality) and we must do nothing that can be avoided that will savor of partisanship. In harmony with this point, I would remind you that any meetings held in our buildings should be of an open public nature. The above statement does not imply that we are opposed to the use of our buildings for trade union meetings. It is meant to indicate the conditions under which they should or should not be so used."

In writing this letter Mr. Towson had in mind the whole policy of the Association in its relation to organizations of employers and employes. As throwing light on this general policy, a report on the use of Association buildings was called to our attention by Mr. Towson early in 1922. At a conference of the Association of Employed Officers of the Young Men's Christian Association of North America, held in Springfield, Mass., in June, 1918, the following paragraph on the subject of "Meetings in Association Buildings" was contained in a report of a Commission on Opportunities among Industrial Workers:¹

"A step is taken in developing the spirit of mutuality when the Association building is made of use to

¹ Association of Employed Officers of the Young Men's Christian Association of North America: Conference in Springfield, Mass., June 7 to 11, 1918: Report of Commission on Ungrasped and Undeveloped Opportunities among Industrial Workers, p. 12.

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organizations of employers and employes. Of course there is danger if the building becomes headquarters for labor strife, but organizations of labor and capital exist for other things than to fight each other. The Association can offer with the use of its premises an atmosphere in which issues lose their bitterness and which makes for peace. In this connection it should be noted that it is not easy for labor to secure good meeting places under good influences, and the Association should therefore be particularly glad to cooperate."

How to apply this "principle of mutuality" to a situation in which the union meets opposition, but where "strife" is not in evidence, is an interesting question. The Y.M.C.A. has refused to permit union meetings in its clubhouses on the property of the company. The reason for this refusal is that the company does not wish to encourage the union and objects to the statements made by union organizers when addressing meetings. As a result, employes of the company who are members of the union are not given an opportunity to use the Y.M.C.A. clubhouses in the camps for union meetings. As we have said, life in a mining camp is so organized that the clubhouse is a center for the use of the community which should not be regarded as entirely under the control of the company. It is clearly not an application of the principle of mutuality to let the policy concerning the use of the community clubhouse be determined by the policy of the company toward the union in its mines.

Thus, even the work of the Y.M.C.A. becomes conditioned by this underlying confusion in thought between the mining company as an employer and the same company as a landlord. As a landlord, a company

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clearly has no right to control the liberty of citizens. In facing this issue the industrial department of the Y.M.C.A. has a very big opportunity in the present stage of improvement in the social and living conditions which has taken place in the camps of the Colorado Fuel and Iron Company. A larger interpretation can be given to the idea of mutuality of interest than prevailed at the time of the strike of 1919. The real service which the Y.M.C.A. is rendering in providing recreation and clubhouse facilities can be enlarged if its influence is thrown toward a more democratic community life. Certainly its first step should be to give representation to miners in its board of management, so that its policies may be adopted with full consideration of the desires of the men in whose service it is working.

THE COMPANY'S CRITICISMS OF THE UNION

The continued refusal of the company to enter into any agreement with the United Mine Workers is explained by officials of the company as due not to opposition to trade unionism in general, but to the imperfections of this organization and its leaders in Colorado. They recall the anxious and onerous days of strikes in the past and the criticism directed against the company by the public, especially in 1914. From that strike they carried over into the days of peace a conviction that with this union and its leadership as they saw it then, and the factionalism which developed after it, they could have no dealings. That some criticisms of the union are deserved we have no doubt. We have described some of the petty factional strife which has tended to disrupt the organization in Colorado.

How far this factionalism and bad leadership are due

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to the opposition which the union has met is an important question. Experience has shown that antagonism toward a union is likely to be countered by strikes, hostility, and ill-will. In this atmosphere bad leadership gets its opportunity. Men's energies are absorbed in destructive opposition. No stability seems possible. The business of producing coal suffers.

History in Colorado shows that the company's new attitude since 1915 has already produced better relations, for in the strikes of 1919, 1921, and 1922 there were no violence, no strike-breaking, and no bloodshed in the camps of the company. Indeed, the opposition of the company to the union is now expressed in rather minor irritations, as shown, for instance, in Mr. Weitzel's testimony before the Industrial Commission in 1919:

He was asked by a member of the commission:

"Do you know of any reason why the Colorado Fuel and Iron Company could not sign an agreement with the United Mine Workers of America?"

He replies:

"There is no reason why they could not, although I know of numerous good reasons why they should not."

These reasons were brought out by questions, and Mr. Weitzel's answers were as follows:

"Since the operation of the industrial plan the organizers representing the mine workers have been allowed free access to the camp. Their propaganda and talks to the men have been continual ones of deception, like teaching of class hatred, teaching the idea that the employes could not afford to deal with the company, that they were being unfairly treated,

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and of such general attack; I am sure the company could not feel that they were justified in making a contract with that organization."

Asked if this applied to all organizers he said that it did to "the general run of them," and he gave two illustrations of the kind of deception of which union organizers were guilty. A story was circulated through the camps at one time that Mr. Rockefeller had agreed that if 50 per cent of the employes joined the union a contract would be signed. The fact that the story was told at many camps at the same time convinced Mr. Weitzel that it originated from a common source. Mr. Rockefeller finally had to make a signed statement denying any such promise. Another illustration related to the time when the Department of Internal Revenue in 1919 asked the company to have resident cards signed by their alien employes, as without the card, 2 per cent of the earnings of each alien for 1918 must be collected. When some of the alien employes refused to sign, the tax was collected and immediately afterward it was rumored that organizers of the union had told employes that this collection of 2 per cent was part of the industrial plan and not authorized by the government. "That," said Mr. Weitzel, "is a sample of the methods that have been used to stir up and deceive the employes."

Asked how long organizers had had access to the camps of the company he replied, "Since the adoption of the industrial plan in 1915." He thought that camp marshals had had authority to keep organizers out of the camps before the adoption of the industrial plan, and he added, "Since November 1st (1919) I think I have told some of the superintendents, at least after

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the strike call was made for the strike of November 1st, not to allow the organizers to make speeches in the camp."

In the following questions and answers by Mr. Weitzel regarding the freedom of the union members to hold meetings in the camps more light is thrown on the attitude of the company toward the union:

Q. Will you state why the Colorado Fuel and Iron Company refused to allow their men to meet at Primero, Morley, and Ideal, where there is no other place to meet other than buildings owned by the company?

A. They have meetings at all those places, I have been informed.

Q. In any of the company buildings?

A. No. I have heard of meetings in the houses of the employes.

Q. Do you know of any reason why the company does not allow them to have either the school house, the Y.M.C.A., or some place to meet?

A. The school houses are not owned by the company; the club buildings are under the operation of the Y.M.C.A.; I do not believe from what we know of this organization [the miners' union] and its practices that we would feel encouraged to furnish a meeting place.

In talks with us, however, Mr. Weitzel had expressed the opinion that an organization like the United Mine Workers was necessary to protect the interests of the wage-earners. "The operators have been unfair and unreasonable enough," he said. They were themselves to blame for the hostile attitude of miners in general toward their employers. Many operators would probably be unfair if the miners had no organization to force them to deal justly. The danger, how-

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ever, would be just as great if the miners' union had a monopoly of all mine labor. In his opinion, the union would then be as arbitrary and unreasonable as the operators are when no union acts as a check on their power. Mr. Weitzel spoke out of past experience in mines in the East, one of which had a contract with the United Mine Workers. Strikes in violation of the contract, which were caused by a few trouble makers at the head of the local union, had frequently shut the mine down for two or three days. Although officials of the district usually refused to support the men, nevertheless the loss of production had done the damage and caused the company to lose money with no recourse.

Mr. Weitzel's testimony indicates that at the time of the strike of 1919 he had given orders for the first time since the operation of the plan that organizers were to be excluded from the camps. It is interesting to notice that when the impression got abroad that the company was hostile to the union, public opinion expressed itself at once against such a policy. Even the Attorney General of the United States took cognizance of it. To them at that time, as to us a year later, the officials of the company responded to these criticisms with a positive declaration that their policy was unchanged, that the occurrences in connection with the strike of 1919 were unusual because the strike was unusual, and that the freedom of employes to join the union and of organizers to enter the camps would still be assured. The difficulty in carrying out this policy is due to the fact that the union wants more than to be let alone, and that men in the mines believe that the United Mine Workers' organization is the best agency to protect their wage scale.

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That the creator of the plan, Mr. King, regarded it as a kind of bridge to unionism, is implied in the statements which we have quoted from his speech at the National Industrial Conference in Canada in 1918. On that occasion he said that employers had to be shown "the merits of operating with organized labor." He "believed that this plan in Colorado has had that effect." He added:

"For the first time you have the employers and the officers of unions dealing together, and each is beginning to see the stuff that the other is made of; the employers are beginning to see the stamina of men who have to contend on behalf of those who have to struggle in the world's battle for an existence. Both sides find there is not so much dividing them. Prejudice is being beaten down, because they are getting to know there is a common humanity that unites all of us; that men do not differ very much in individuality whether they be on one side of a question or the other."¹

Mr. King did not take account of the petty irritations which divide a company from a union with which it has consistently refused to have any dealings. Moreover, he spoke in September, 1919, before the strikes of 1919, 1921, and 1922 had again revealed antagonism between the company and the union.

NATIONAL ORGANIZATION

Unionism in the coal mines of Colorado has spent its energies in vain efforts to secure recognition. At that stage, facing the constant opposition of employers, a

¹Canada, National Industrial Conference, September 15 to 20, 1919, Official Report of Proceedings and Discussions, Labour Department, Ottawa, 1919, p. 160.

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trade union becomes aggressive, rather than constructive. The leaders are likely to be those who can stimulate antagonism to the company as a first step toward proving the need for a trade union to protect the employes. Out of this kind of campaign develop endless petty causes of irritation between a company and the leaders of a union; and the employes share in these irritations. Behind all these petty occurrences is a fundamental fact—the existence of a national organization of the miners. Employes' representation is inevitably, therefore, a competitor of the union unless a *modus vivendi* can be agreed upon between the company and the union.

PART VI
CONCLUSION

CHAPTER XVII

AN INCOMPLETE EXPERIMENT

“A COMPREHENSIVE ‘Industrial Constitution’” was the phrase used by Mr. Rockefeller to describe the Industrial Representation Plan in 1916.¹ This suggests that in analyzing the grievances of the coal miners, and their adjustment through the machinery established in employes’ representation, we should ask not only whether the decisions have been satisfactory, but whether the procedure and its lasting results are actually illustrative of “constitutionalism in industry,” or of its beginnings. If we may interpret this phrase in the light of democratic political theory, it would seem to mean that a *modus vivendi* is adopted in the form of a constitution or laws, and that infractions of laws, or commonly accepted rights, are dealt with by tribunals representative of all the people in a community. Out of decisions in particular instances are built up principles and practice to which is given the official sanction of all who are affected by them. This, in other words, would be the application to industry of the building up of law and its interpretation and enforcement in the democratic state.

THE CONSTITUTION

The basis for legislation governing relations within the Colorado Fuel and Iron Company, or the “constitu-

¹ Rockefeller, John D., Jr.: *The Colorado Industrial Plan*, p. 19. Published by Mr. Rockefeller in 1916.

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tion," is to be found in the Industrial Representation Plan, the mining laws of Colorado, the unwritten habits and practices of mining, and the executive orders and decisions of managerial officials. The plan, as the previous discussion shows, insures to the employes protection against discharge except for certain specified offenses, and, if one of these be committed, the right to written notice as a warning before discharge; the right to hold meetings and to purchase where they please; the right to employ check-weighmen, which is also assured by state law; and the negative right that "there shall be no discrimination by the company or any of its employes on account of membership or non-membership in any society, fraternity or union." As this plan was accepted by vote of the directors on the one hand and the employes on the other, it may be regarded as the constitution to which all laws and all decisions in adjusting grievances must conform.

Both the employes and the company bound themselves in accepting the representation plan to observe the state mining law, thereby confirming the eight-hour day for the men at work inside the mine, the right to employ a check-weighman, and the safety regulations enforced by the state mine inspector.

THE FIRST AGREEMENT

The "memorandum of agreement" already described, which was adopted with the plan for the period from October, 1915, to January, 1918, to "continue thereafter subject to revision upon ninety days' notice by either of the parties," promised the employes a rent of not more than \$2.00 a room per month for a dwelling without bath; the free fencing of house lots and the re-

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removal of garbage; a rate "substantially their cost to the company" for powder and domestic coal; suitable bath-houses and clubhouses; eight hours of work a day for men inside the mine and nine hours for men outside; the semi-monthly payment of wages by check with no deductions except those authorized by employes; and a continuance until January 1, 1918, without reduction of "the schedule of wages and the working conditions then in force," with the promise of a proportional increase if prior to January 1, 1918, "a general increase shall be granted in competitive districts."

On the subject of regularity of employment the plan declares, "Nothing herein shall abridge the right of the company to relieve employes from duty because of lack of work. Where relief from duty through lack of work becomes necessary, men with families shall, all things being equal, be given preference."

The guarantee of continuance of the wage scale of 1915, or increase to meet competitors' increases, with a paragraph in the plan itself requiring that "the scale of wages and the rules . . . shall be posted in a conspicuous place at or near every mine," are the only provisions or agreements on that most vital subject—wage rates.

UNWRITTEN LAWS AND PRACTICES

In addition to the written plan and the state laws, the usual practice in mining and the orders and decisions of company officials are to be regarded as part of an agreement between the company and its employes. For instance, the general manager of the fuel department stated that the policy which the company expects each superintendent to follow in allotting work-places

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in the mine is not to give a man two bad places in succession, but if, necessarily, he has had to dig the coal in a seam where the amount of rock was unusually troublesome, he will next have a chance to dig where the coal is free from impurities. Similarly, the aim is to supply mine cars to the men to send out the coal as often as they need them, since waiting for cars means loss of earnings for the miner and less output for the company. Sometimes these practices or regulations have been a subject of conference with the employes, as were the regulations for the use of the man-trip which were discussed and adopted one by one by the miners at Rockvale in a mass meeting presided over by the general manager of the fuel department.¹ But usually the company determines them as questions for management to decide.

THE JUDICIAL FUNCTION

To these unwritten laws should be added a growing body of accepted practice if, indeed, the adjustment of grievances in accordance with the plan is a judicial procedure involving interpretation of law and the establishment of precedents in principle and practice. Actually, as the concrete instances have revealed, the procedure is so informal that it becomes more an executive function of reaching decisions than a judicial one of building the foundations of agreement between employers and employes.

ENFORCEMENT A MANAGERIAL FUNCTION

The executive power, that is, the day-to-day carrying out of policies, and practices, and the enforcement of

¹ Described in Chapter IX, How Grievances Are Adjusted, page 148.

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the agreement between the company and the employes, may be said to be, in the last analysis, almost exclusively a function of the managerial officials. They are influenced, but not bound, by the opinions of employes. According to the written plan "the company"—by which is meant the managerial officials subject to the board of directors¹—retains "the right to hire and discharge,² the management of the properties, and the direction of the working forces," which are declared to "be vested exclusively in the company, and, except as expressly restricted, this right shall not be abridged by anything contained herein."

THE LEGISLATIVE FUNCTION

The right to elect representatives constitutes a share in what might be called the legislative function in the sense in which electing congressmen constitutes a share in law-making. But in the plan and in the practice of carrying it out, employes' representatives are not invariably consulted on any subject. They are given the right to a hearing, but the management is not bound to abide by their vote on any specific subject except in the single instance of deciding on a grievance referred to a Joint Committee on Industrial Co-operation and Conciliation acting as arbitrators.

EMPLOYES GIVEN NO RESPONSIBILITY FOR DECISIONS

Behind all the machinery of representation and administration in a political democracy must be found the

¹ "Partnership" has not been interpreted in the Colorado Fuel and Iron Company as giving representation to labor or the public on the board of directors.

² Since we were in Colorado this right has been made explicitly subject to review.

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sanction of the members of the community for decisions affecting them, for laws and for the processes of law-making and enforcement. In a democracy, the basic theory is that this sanction follows from the share in government given each citizen through the vote. Whether this sanction exists as a basis for employees' representation in the Colorado Fuel and Iron Company can only be answered by recalling the main conclusions of preceding chapters.

The purpose of the company to treat its employees well has had tangible evidence in housing, medical work, safety inspection, schools, clubhouses and facilities for recreation. The advantages of democratic procedure and its feasibility in industrial management are recognized by the company in the provisions for committees on which employees are represented. Employees' representatives have had an advisory relationship to all of these phases of living conditions, but they are not given responsibility or authority for decisions. Officials of the company may decide any question without consulting committees or employees' representatives.

Through the Joint Committees on Industrial Cooperation and Conciliation, and through employees' representatives, provision is also made for hearing any grievances by an employe or a group of employes on any subject affecting his living or working conditions. This joint committee is, also, the one to which any difference not satisfactorily adjusted otherwise may be referred by the president on his own initiative or at the request of employees' representatives. The company and employes must be equally represented when action on a dispute of this kind is taken, and the decision of the majority is binding. These provisions, however, all

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relate to the settlement of grievances. They do not insure a share in determining conditions before grievances occur, and hence, perchance, preventing them. Nor do they insure any share in determining standards for the industry as a whole.

NO PARTICIPATION IN NATIONAL STANDARDS

Basic wage rates have not been within the scope of negotiations through the plan. Competitors' rates are accepted by the company as its own, and nowhere is the "competitor" defined. In practice this has meant accepting the rates agreed upon between the United Mine Workers of America and the operators of the Central Competitive Field, except during 1921 when wages were reduced 30 per cent below those of that field because of reductions in West Virginia, Pennsylvania, and some other eastern districts which are for the most part unorganized. After the nation-wide strike of 1922, the Colorado Fuel and Iron Company restored to its miners the union scale of the Central Competitive Field, which, as already noted, comprises Indiana, Illinois, Ohio, and western Pennsylvania, a field thoroughly organized. Thus the company may shift its base in determining wages, and the guarantee in the representation plan to pay its employes competitors' rates becomes an unsubstantial promise. By not sharing in the determination of the rates accepted by it, the company is in a position of leaving to others the vital question of the wages of its own employes, and by this policy, also, the company places its own employes in the position of having no share through their representation plan in this vital matter of a wage agreement. No company can live to itself alone, but each must have its practice con-

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ditioned more or less by the practice of its competitors, and this fact lessens the usefulness of a plan for employees' representation which is limited to one company. We have quoted an official of the Colorado Fuel and Iron Company as saying:

"We are ourselves at the mercy of our competitors. If we try to sell higher than they we would lose our customers, and if we tried to pay lower wages than they, we would lose our employees."

The wage agreement which was made in August, 1921, by the circulation of a petition through the mines as already described in Chapter XII,¹ resulted in a strike in all the mines affected, and in a few others through sympathy and a sense of common interests. Martial law was declared by the governor in one of the districts where the company's mines are located, troops were sent to enforce it, and the Industrial Commission of the state intervened. The sanction of the employees seemed clearly lacking in this reduction, and although the company believed that the agitation was due to the influence of the union rather than to discontent among their employees, the fact remains that the strike of 1921 raised, again, the question of whether employees' representation as it is organized and administered by the Colorado Fuel and Iron Company is likely, without radical change, to win the adherence of miners. Will it be regarded by them as a protection of their interests as adequate as that which they believe is afforded them by a national trade union? The same question was raised when the men struck in 1919 and 1922.

We have found that employees of the Colorado Fuel

¹ Wages and Security in Employment, page 232.

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and Iron Company join the union because they see in it their one guarantee for a security independent of the policy of any one company. The majority do not regard themselves as permanent employes in one mine, and they know that conditions of employment established in one district have an immediate effect upon wages and employment in another district. They regard themselves as miners in the bituminous coal industry, and although they are not ungrateful for the new policy of the Colorado Fuel and Iron Company and its tangible manifestations in good housing, they are ever alert to the call of their national organization to give a "show of strength" in the organization throughout the country. Every time they respond in this way to a strike call they demonstrate their sense of dependence upon the union to protect them by uniting miners together in the industry. They realize that they need the protection of representatives outside the company which employs them, because they have discovered that men employed in the company are impotent to protect themselves or others. The fear of losing a job prevents a man from opposing a company which gives, and can take away, his job.

It follows that employes' representation as it has been interpreted in this one company, has had little contribution to make to the processes by which standards for the industry as a whole are formulated.

Local rather than national organization of employes is exactly what is desired by many employers; and some of these welcome employes' representation because they see only that phase of it which limits its activities to employes within a single company, and they believe it offers an escape from their difficulties with

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trade unions. Organizers and union officials irritate them, and many are the charges of arrogance and lack of responsibility or efficiency which employers heap upon the leaders of unions. Some of the criticisms are well-deserved; some are the natural result of the constant opposition of employers to unionism; some are merely efforts to justify irritation which a manager feels in being obliged to make concessions to the demands of labor.

This analysis not only is true of the coal industry but of the railroads, the packing industry, the textile industry, and other vital services. It is foolish to deny a divergence of interest between employers and employes. Every dispute over wages illustrates it. The need is to establish some means of adjusting these divergent claims without the wasteful conflict by which the power of each side is tested and the issue decided in favor of the stronger. Advocates of industrial democracy contend that the procedure for establishing principles of law as developed in a political democracy has its analogy in industry.

THE NEED FOR AN INDUSTRIAL CODE

In the industrial field this building up of accepted principles and practices in which employes share through a democratic process is hardly yet in its beginnings. In 1921, when the employes of the Colorado Fuel and Iron Company went on strike against the wage reductions which they were said to have asked for by signing petitions, a bitter conflict was being waged in West Virginia between the United Mine Workers and coal operators. Senator Kenyon, reporting the

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findings of the Committee on Education and Labor of the Senate, declared:

“Here we have the situation of two determined bodies trying to enforce what they believe are rights, which rights are diametrically opposed to one another, and we have the situation of an irresistible force meeting an immovable body.”¹

He urged as a remedy the adoption of an industrial code which would give a basis for adjusting these divergent interests.

At that very moment the stage was set for the long and serious strike of coal miners throughout the country in 1922. The strike revealed the chaotic condition of the bituminous coal industry and the need for organized and orderly leadership to protect the interests of workers and investors and to serve the public efficiently without the suffering of prolonged strikes or lockouts. Here was an instance of a break in relationships in mines hitherto operating in accordance with an agreement of the operators with the United Mine Workers. Paramount among the issues of the strike was the conflict between the wish of the union to maintain the plan of formulating a national agreement and the desire of the operators to arrive at agreements by districts, or states, through negotiations between companies and miners in each district. Thus, the issue which is raised in an analysis of the Colorado Fuel and Iron Company, between negotiation limited to one company and negotiation between a company and a national union, is repeated in this issue nationally between national agreements and district agreements.

¹ West Virginia Coal Fields, Report of Senator William S. Kenyon, from the Committee on Education and Labor, p. 2. 67th Congress, 2d Session, undated.

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At bottom it is undoubtedly true that this is a contest for power. To the union, national organization appears to give the maximum power. To the employer, negotiation limited to his own plant means fundamentally more power, more freedom in reaching decisions. Yet, again, this brings us face to face with the idea of settling controversy through power. Stability cannot be attained that way.

AN OPPORTUNITY IN COLORADO

The urgent need for better human relationships and a sounder basis for achieving them than now prevails in the bituminous coal industry gives significance to the experience of the Colorado Fuel and Iron Company since 1915. If Mr. King's idea of the plan as a possible bridge to an agreement with the trade unions and Mr. Rockefeller's thought of it as an industrial constitution can be achieved, then the company may exert a profound influence on human relations in the coal industry throughout the country.

In an article by Mr. Rockefeller on Co-operation in Industry, published by the International Labour Office in 1921, employes' representation is described as "a method of providing representation which is just, which is effective, which is applicable to all employes whether organized or unorganized, to all employers whether in associations or not . . . and which, while developed in a single industrial corporation as a unit, may be expanded to include all corporations in the same industry and ultimately all industries."¹

¹ Rockefeller, John D., Jr.: Co-operation in Industry, p. 13. Reprinted from *International Labour Review*, Vol. 11, No. 1, April, 1921.

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By what plan of administration this extension would take place Mr. Rockefeller does not show. As to the relation of this larger plan to unions, he says, "Just what part labor organizations and employers' associations can best take in such a plan remains to be worked out, but certain it is that some method should be devised which will profit to the fullest extent by the experience, the strength, and the leadership of these groups."¹

The possible relation between a union and a shop committee or a plan of employes' representation in a single establishment was outlined in the report of the President's Industrial Conference in 1920. In this report it was pointed out that,

"Some industries have extended the principles of employe representation beyond the individual plant. The voluntary joint councils which have thus been set up in the clothing industry, in the printing trade, and elsewhere are fruitful experiments in industrial organization."²

As to the separate functions of the union and the shop committee in such an alliance, the President's Industrial Conference gave the following analysis:

"The union has had its greatest success in dealing with basic working conditions, and with the general level of wages in organized and partially organized industries and crafts. It has also indirectly exerted an influence on standards in unorganized trades. There is no reason to suppose that in the future this influence will not continue.

"Local problems, however, fall naturally within the province of shop committees. No organization

¹ Ibid.

² Report of President's Industrial Conference, 1920, p. 12.

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covering the whole trade and unfamiliar with special local conditions and the questions that come up from day to day, is by itself in a position to deal with these questions adequately, or to enlist the co-operation of employer and employe in methods to improve production and to reduce strain. Except for trades in which the union itself has operated under a system of employe representation, as it does in shipbuilding and in the manufacture of clothing and in other trades, these internal factors are likely either to be neglected or to be dealt with in a way which does not make for satisfactory co-operation."¹

In considering such a division of functions between a national union and a local plan of employes' representation, the question would arise as to whether the existence of employes' representation would not weaken the position of the union by taking over some functions now carried by the officers of the organization. On this point the President's Industrial Conference had this to say:

"The existence of employe representation in plants operating under union agreement does not necessarily reduce the scope of the union representative's work. But matters are more likely to come to him as questions of the application of an agreement rather than as mere grievances. In other words he has greater opportunity for service in negotiation of an essentially conciliatory nature. The fortunate results of such development have been evident in industries in which employe representation and trade unions have for some time been functioning harmoniously."²

In the article already quoted, Mr. Rockefeller suggests the attitude in which the whole effort to devise a

¹ Ibid., pp. 10, 11.

² Ibid., p. 11.

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plan for improving human relations in an industry must be approached:

“The attitude of the leaders in industry as they face this critical period of reconstruction . . .” must be, he says, one “which takes cognizance of the inherent right and justice of the co-operative principle underlying the new order, which recognizes that mighty changes are inevitable, many of them desirable, and which does not wait until forced to adopt new methods, but takes the lead in calling together the parties to industry for a round-table conference to be held in a spirit of justice, fair play, and brotherhood, with a view to working out some plan of co-operation which will ensure to all those concerned adequate representation, will afford to labor a voice in the forming of industrial policy, and an opportunity to earn a fair wage under such conditions as should leave time, not alone for food and sleep, but also for recreation and the development of the higher things of life.”¹

NEXT STEPS IN THE COLORADO FUEL AND IRON COMPANY

Even if such a conference were possible, however, and if its purpose were to begin to consider “just what part labor organizations and employers’ associations can best take in such a plan,” whereby “a method of providing representation . . . developed in a single industrial corporation . . . may be expanded to include all corporations in the same industry,” the difficulties in the way would be very great in Colorado.

If the aim were not to urge acceptance of any preconceived plan, but truly to work out a better scheme

¹ Rockefeller, John D., Jr.: *Co-operation in Industry*, pp. 15, 16. Reprinted from *International Labour Review*, Vol. II, No. 1, April, 1921.

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than now exists, then certainly it would be necessary to include in the conference representatives of the United Mine Workers. More than half a million men followed its leadership in the strike of 1922, whereas the number of miners working in accordance with the Colorado Industrial Representation Plan is about 5,000. On the other hand, this particular plan has had so much publicity, and has been copied so widely,¹ that it presents definitely a challenge to the trade union movement, and must be considered by the unions on its merits and not ruthlessly condemned as their natural enemy.

Yet it would require abundant grace on both sides to think together with an open mind. The United Mine Workers openly and bitterly denounce the Rockefeller Plan. The Colorado Fuel and Iron Company sees "numerous good reasons"² for not signing a contract with the union. No fruitful conference would be possible unless each approached it with the will not to press the solution of its own group for acceptance, but rather to think first of the needs of the man in the mines, and then to work out the agreement which will best meet those human needs. From this would follow, we are confident, a spirit and method of managing the industry which would better serve, also, the public interest.

If the partnership of labor is, indeed, to be the aim, then a substantial basis for partnership must be established. The problem of establishing basic wage rates must be considered. The area of competition, which, according to company officials, determines the wages

¹ Similar plans are in operation in the International Harvester Company, the Standard Oil Company, the Pennsylvania Railroad, several large meat-packing companies, and elsewhere.

² See page 373 for the general manager's statement on this point to the Colorado Industrial Commission.

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the company can pay, must be clearly defined, and representation of employes must be made real in deciding the rates which must prevail in that competitive area.

The need of the man in the mines to have a direct means of bringing his grievances to management, is, in a sense, a local rather than a national need. It is this day-to-day negotiation in the mine which makes convincing the theory of employes' representation as a means of co-operation within a single company. It is urgently important that the miners should have this local representation. In the plan for employes' representation, however, grievances must be adjusted either by company officials or by a joint committee in which the miner is represented solely by fellow-employes, over whom, in the last analysis, the representatives of management have the power of discharge. If the question under consideration be one in which management needs only a clearer understanding of the wage-earners' point of view to enable it to reach a just decision, the joint conference may be a sufficient protection of the employes' interests. If, however, a decision satisfactory to the wage-earners requires some sacrifice by management or by stockholders, then the problem is, how, without a representative independent of the particular company, and without a treasury wherewith to pay his salary, or other expenses, can employes claim the same attention from management and boards of directors that they can secure through the activities of a union? This is the fundamental issue between trade unionism and employes' representation. What would be the effect if the company should agree to the employment of any man outside the company whom the em-

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ployes might choose for that office? How can employes' representation protect the whole group of miners in their effort to secure and maintain an adequate wage scale?

On the other hand, the trade union movement has had too little to say about co-operation in efficient production. It has worked for mass action over an entire industry, with the strike as its chief weapon. It has been too little concerned in the relations between a company and its own employes in their common task of producing goods cheaply and efficiently for the benefit of the public. Are the unions showing wisdom in their uncompromising fight against the so-called company union?

Experience seems to show that a representation plan cannot hold the confidence or interest of employes if it is confined to the purveying of grievances to management. What are the specific points on which management in the Colorado Fuel and Iron Company could agree always to put questions to the vote of employes' representatives? How can there be coupled with this specific right enough participation in management to give employes' representatives a genuine responsibility for the results of their decisions?

The experiment which Mr. King planned and which Mr. Rockefeller has so often and so effectively interpreted to the public is as yet incomplete. Its fruits so far have been better living conditions and better relationships between managerial officials and miners. An "industrial constitution" for the company or for the industry, or a partnership for labor, it has not yet become.

APPENDICES

APPENDIX A
PLAN OF REPRESENTATION OF EMPLOYES OF
THE COLORADO FUEL AND IRON COMPANY
IN THE COMPANY'S MINING CAMPS OF COLORADO
AND WYOMING

I
REPRESENTATION OF EMPLOYES

1. ANNUAL MEETINGS FOR ELECTION OF EMPLOYES' REPRESENTATIVES

EMPLOYES at each of the mining camps shall annually elect from among their number representatives to act on their behalf with respect to matters pertaining to their employment, working and living conditions, the adjustment of differences, and such other matters of mutual concern and interest as relations within the industry may determine.

2. TIME, PLACE, AND METHOD OF CALLING ANNUAL MEETINGS, AND PERSONS ENTITLED TO BE PRESENT AND PARTICIPATE IN THE ELECTION OF REPRESENTATIVES

The annual meetings of employes for the election of their representatives shall be held simultaneously at the several mining camps on the second Saturday in January. The meetings shall be called by direction of the President of the Company. Notices of the meetings, indicating their time and place, as well as the number of representatives to be elected, shall be publicly posted at each camp a week in advance, and shall state that employes being wage-earners in the employ of the Company at the time of the meeting and for at least three months immediately preceding, but not salaried employes, shall be entitled to be present and vote.¹ Special meetings shall be similarly called when removal, resignation, or other circumstance occasions a vacancy in representation.

¹[In 1919 a plan of representation similar in principle to the one given in this appendix was put into effect for salaried employes. B. M. S.]

EMPLOYEES' REPRESENTATION IN COAL MINES

3. METHOD OF CONDUCTING MEETINGS, AND REPORTING ELECTION OF REPRESENTATIVES

Each meeting for the election of employees' representatives shall choose its own Chairman and Secretary. At the appointed hour, the meeting shall be called to order by one of the employees' representatives, or, in the absence of a representative, by any employe present, and shall proceed to the election of a Chairman and Secretary. The Chairman shall conduct, and the Secretary record, the proceedings. They shall certify in writing to the President of the Company the names of the persons elected as the employees' representatives for the ensuing year.

4. BASIS AND TERM OF REPRESENTATION

Representation of employes in each camp shall be on the basis of one representative to every one hundred and fifty wage-earners, but each camp, whatever its number of employes, shall be entitled to at least two representatives. Where the number of employes in any one camp exceeds one hundred and fifty, or any multiple thereof, by seventy-five or more, an additional representative shall be elected. The persons elected shall act as the employees' representatives from the time of their election until the next annual meeting, unless in the interval other representatives may, as above provided, have been elected to take their places.

5. NOMINATION AND ELECTION OF REPRESENTATIVES

To facilitate the nomination and election of employees' representatives and to insure freedom of choice, both nomination and election shall be by secret ballot, under conditions calculated to insure an impartial count. The Company shall provide ballot boxes and blank ballots, differing in form, for purposes of nomination and election. Upon entering the meeting, each employe entitled to be present shall be given a nomination ballot on which he shall write the names of the persons whom he desires to nominate as representatives, and deposit the nomination ballot in the ballot box. Each employe may nominate representatives to the number to which the camp is entitled, and of which public notice has been given. Employes unable to write may ask any of their fellow employes to write for them on their ballots the names of the persons whom they desire to nominate; but in the event of any nomination paper containing more names than the num-

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ber of representatives to which the camp is entitled, the paper shall not be counted. The persons—to the number of twice as many representatives as the camp is entitled to—receiving the highest number of nomination votes shall be regarded as the duly nominated candidates for employes' representatives, and shall be voted upon as hereinafter provided. (For example: If a camp is entitled to two representatives, the four persons receiving the largest number of nomination votes shall be regarded as the duly nominated candidates. If the camp is entitled to three representatives, then the six persons receiving the largest number, etc., etc.)

6. COUNTING OF NOMINATION AND ELECTION BALLOTS

The Chairman shall appoint three tellers, who shall take charge of the ballot box containing the nomination votes, and, with the aid of the Secretary, they shall make out the list of the duly nominated candidates, which shall be announced by the Chairman. The meeting shall then proceed to elect representatives by secret ballot, from among the number of candidates announced, the same tellers having charge of the balloting. If dissatisfied with the count, either as respects the nomination or election, any twenty-five employes present may demand a recount, and for the purposes of the recount the Chairman shall select as tellers three from the number of those demanding a recount, and himself assist in the counting, and these four shall act, in making the recount, in the place of the Secretary and the tellers previously chosen. There shall be no appeal from this recount, except to the President of the Company, and such appeal may be taken as hereinafter provided, at the request of any twenty-five employes present and entitled to vote.

7. APPEAL IN REGARD TO NOMINATION OR ELECTION

The Chairman of the meeting shall preserve for a period of one week both the nomination and election ballots. Should an appeal be made to the President within seven days in regard to the validity of the nomination or election, upon a request in writing signed by twenty-five employes present at the meeting, the Chairman shall deliver the ballots to the President of the Company for recount. Should no such request be received within that time, the Chairman shall destroy the ballots. If after considering the appeal the President is of the opinion that the nomination or election has not been fairly conducted,

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he shall order a new election at a time and place to be designated by him.

8. GENERAL PROCEEDINGS AT MEETINGS

At annual meetings for the election of representatives, employes may consider and make recommendations concerning any matters pertaining to their employment, working or living conditions, or arising out of existing industrial relations, including such as they may desire to have their representatives discuss with the President and officers of the Company at the Annual Joint Conferences of the Company's officers and employes, also any matters referred to them by the President, other officers of the Company, the Advisory Board on Social and Industrial Betterment, or by any of the several Joint Committees appointed at the preceding annual Joint Conferences of officials and employes of the Company. A record of the proceedings shall be made by the Secretary of the meeting and certified to by the Chairman, and copies delivered to each of the representatives, to be retained by them for purposes of future reference.

II

DISTRICT CONFERENCES, JOINT COMMITTEES AND JOINT MEETINGS

1. DISTRICT DIVISIONS

To facilitate the purposes herein set forth, the camps of the Company shall be divided into five or more districts, as follows: The Trinidad District, comprising all mines and coke oven plants in Las Animas County; the Walsenburg District, comprising all mines in Huerfano County; the Canon District, comprising all mines in Fremont County; the Western District, comprising all mines and coke oven plants located on the Western Slope; the Sunrise District, comprising the iron mines located in Wyoming.

2. TIME, PLACE AND PURPOSE OF DISTRICT CONFERENCES

District conferences shall be held in each of the several districts above mentioned at the call of the President, at places to be designated by him, not later than two weeks following the annual election of representatives, and at intervals of not more than four months thereafter, as the

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operating officers of the Company, or a majority of the representatives of the employes in each of the several districts, may find desirable. The purpose of these district conferences shall be to discuss freely matters of mutual interest and concern to the Company and its employes, embracing a consideration of suggestions to promote increased efficiency and production, to improve working and living conditions, to enforce discipline, avoid friction, and to further friendly and cordial relations between the Company's officers and employes.

3. REPRESENTATION AT DISTRICT CONFERENCES

At the district conferences the Company shall be represented by its President or his representative and such other officials as the President may designate. The employes shall be represented by their elected representatives. The Company's representatives shall not exceed in number the representatives of the employes. The Company shall provide at its own expense appropriate places of meeting for the conferences.

4. PROCEEDINGS OF DISTRICT CONFERENCES

The district conferences shall be presided over by the President of the Company, or such executive officer as he may designate. Each conference shall select a Secretary who shall record its proceedings. The record of proceedings shall be certified to by the presiding officer.

5. JOINT COMMITTEES ON INDUSTRIAL RELATIONS

The first district conferences held in each year shall select the following joint committees on industrial relations for each district, which joint committees shall be regarded as permanent committees to be entrusted with such duties as are herein set forth, or as may be assigned by the conferences. These joint committees shall be available for consultation at any time throughout the year with the Advisory Board on Social and Industrial Betterment, the President, the President's Executive Assistant, or any officer of the Operating Department of the Company.

(a) Joint Committee on Industrial Co-operation and Conciliation, to be composed of six members;

(b) Joint Committee on Safety and Accidents, to be composed of six members;

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(c) Joint Committee on Sanitation, Health, and Housing, to be composed of six members;

(d) Joint Committee on Recreation and Education, to be composed of six members.

6. SELECTION AND COMPOSITION OF JOINT COMMITTEES

In selecting the members of the several joint committees on industrial relations, the employes' representatives shall, as respects each committee, designate three members and the President of the Company or his representative, three members.

7. DUTIES OF JOINT COMMITTEES ON INDUSTRIAL CO-OPERATION AND CONCILIATION

The Joint Committees on Industrial Co-operation and Conciliation may, of their own initiative, bring up for discussion at the Joint Conferences, or have referred to them for consideration and report to the President or other proper officer of the Company at any time throughout the year, any matter pertaining to the prevention and settlement of industrial disputes, terms and conditions of employment, maintenance of order and discipline in the several camps, Company stores, etc., etc.

8. DUTIES OF JOINT COMMITTEES ON SAFETY AND ACCIDENTS

The Joint Committees on Safety and Accidents may, of their own initiative, bring up for discussion at the Joint Conferences, or have referred to them for consideration and report to the President or other proper officer of the Company at any time throughout the year, any matter pertaining to the inspection of mines, the prevention of accidents, the safeguarding of machinery and dangerous working places, the use of explosives, fire protection, first aid, etc., etc.

9. DUTIES OF JOINT COMMITTEES ON SANITATION, HEALTH AND HOUSING

The Joint Committees on Sanitation, Health and Housing may, of their own initiative, bring up for discussion at the Joint Conferences, or have referred to them for consideration and report to the President or other proper officer of the Company at any time throughout the year, any matter pertaining to health, hospitals, physicians, nurses, occupational diseases, tuberculosis, sanitation, water supply, sewage system, garbage disposal, street cleaning, wash and locker rooms, housing, homes, rents, gardens, fencing, etc., etc.

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10. DUTIES OF JOINT COMMITTEES ON RECREATION AND EDUCATION

The Joint Committees on Recreation and Education may, of their own initiative, bring up for discussion at the Joint Conferences, or have referred to them for consideration and report to the President or other proper officer of the Company, at any time throughout the year, any matter pertaining to social centers, club houses, halls, playgrounds, entertainments, moving pictures, athletics, competitions, field days, holidays, schools, libraries, classes for those who speak only foreign languages, technical education, manual training, health lectures, classes in first aid, religious exercises, churches and Sunday schools, Y. M. C. A. organizations, etc., etc.

11. ANNUAL AND SPECIAL JOINT MEETINGS

In addition to the district conferences in each of the several districts, there shall be held in the month of December an annual joint meeting, at a time and place to be designated by the President of the Company, to be attended by the President and such officers of the Company as he may select and by all the employes' representatives of the several districts. At this meeting reports covering the work of the year shall be made by the several joint committees and matters of common interest requiring collective action considered. A special joint meeting of any two or more districts may be called at any time upon the written request to the President of a majority of the representatives in such districts or upon the President's own initiative, for the consideration of such matters of common interest as cannot be dealt with satisfactorily at district conferences. Notice of such special joint meetings shall be given at least two weeks in advance.

III

THE PREVENTION AND ADJUSTMENT OF INDUSTRIAL DISPUTES

I. OBSERVANCE OF LAWS, RULES AND REGULATIONS

There shall be on the part of the Company and its employes, a strict observance of the federal and state laws respecting mining and labor and of the Company's rules and regulations supplementing the same.

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2. POSTING OF WAGES AND RULES

The scale of wages and the rules in regard to working conditions shall be posted in a conspicuous place at or near every mine.

3. NO DISCRIMINATION ON ACCOUNT OF MEMBERSHIP OR NON-MEMBERSHIP IN LABOR OR OTHER ORGANIZATIONS

There shall be no discrimination by the Company or by any of its employes on account of membership or non-membership in any society, fraternity or union.

4. THE RIGHT TO HIRE AND DISCHARGE, AND THE MANAGEMENT OF THE PROPERTIES

The right to hire and discharge, the management of the properties, and the direction of the working forces, shall be vested exclusively in the Company, and, except as expressly restricted, this right shall not be abridged by anything contained herein.

5. EMPLOYEES' RIGHT TO CAUTION OR SUSPENSION BEFORE DISCHARGE

There shall be posted at each property a list of offenses for commission of which by an employe dismissal may result without notice. For other offenses, employes shall not be discharged without first having been notified that a repetition of the offense will be cause for dismissal. A copy of this notification shall, at the time of its being given to an employe, be sent also to the President's Industrial Representative and retained by him for purposes of future reference. Nothing herein shall abridge the right of the Company to relieve employes from duty because of lack of work. Where relief from duty through lack of work becomes necessary, men with families shall, all things being equal, be given preference.

6. EMPLOYEES' RIGHT TO HOLD MEETINGS

Employes shall have the right to hold meetings at appropriate places on Company property or elsewhere as they may desire outside of working hours or on idle days.

7. EMPLOYEES' RIGHT TO PURCHASE WHERE THEY PLEASE

Employes shall not be obliged to trade at the Company stores, but shall be at perfect liberty to purchase goods wherever they may choose to do so.

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8. EMPLOYES' RIGHT TO EMPLOY CHECKWEIGHMEN

As provided by statute, miners have the right to employ checkweighmen, and the Company shall grant the said checkweighmen every facility to enable them to render a correct account of all coal weighed.

9. EMPLOYES' RIGHT OF APPEAL TO PRESIDENT OF COMPANY AGAINST UNFAIR CONDITIONS OR TREATMENT

Subject to the provisions hereinafter mentioned, every employe shall have the right of ultimate appeal to the President of the Company concerning any condition or treatment to which he may be subjected and which he may deem unfair.

10. DUTY OF PRESIDENT'S INDUSTRIAL REPRESENTATIVE

It shall be the duty of the President's Industrial Representative to respond promptly to any request from employes' representatives for his presence at any of the camps and to visit all of them as often as possible, but not less frequently than once every three months, to confer with the employes or their representatives and the superintendents respecting working and living conditions, the observance of federal and state laws, the carrying out of Company regulations, and to report the result of such conferences to the President.

11. COMPLAINTS AND GRIEVANCES TO BE TAKEN UP FIRST WITH FOREMEN AND SUPERINTENDENTS

Before presenting any grievance to the President, the President's Industrial Representative, or other of the higher officers of the Company, employes shall first seek to have differences or the conditions complained about adjusted by conference, in person or through their representatives, with the mine superintendent.

12. INVESTIGATION OF GRIEVANCES BY PRESIDENT'S INDUSTRIAL REPRESENTATIVE

Employes believing themselves to be subjected to unfair conditions or treatment and having failed to secure satisfactory adjustment of the same through the mine superintendent may present their grievances to the President's Industrial Representative, either in person or through their regularly elected representatives, and it shall be the duty of the President's Industrial Representative to look into the same immediately and seek to adjust the grievance.

EMPLOYEES' REPRESENTATION IN COAL MINES

13. THE RIGHT OF APPEAL TO THE SUPERIOR OFFICERS OF THE COMPANY AGAINST UNFAIR TREATMENT, CONDITIONS, SUSPENSIONS OR DISMISSALS

Should the President's Industrial Representative fail to satisfactorily conciliate any difference, with respect to any grievance, suspension or dismissal, the aggrieved employe, either himself or through his representative—and in either case in person or by letter—may appeal for the consideration and adjustment of his grievance to the Division Superintendent, Assistant Manager or Manager, General Manager or the President of the Company, in consecutive order. To entitle an employe to the consideration of his appeal by any of the higher officers herein mentioned, the right to appeal must be exercised within a period of two weeks after the same has been referred to the President's Industrial Representative without satisfactory redress.

14. REFERENCE OF DIFFERENCES IN CERTAIN CASES TO JOINT COMMITTEES ON INDUSTRIAL CO-OPERATION AND CONCILIATION

Where the President's Industrial Representative or one of the higher officials of the Company fails to adjust a difference satisfactorily, upon request to the President by the employes' representatives or upon the initiative of the President himself, the difference shall be referred to the Joint Committee on Industrial Co-operation and Conciliation of the district, and the decision of the majority of such Joint Committee shall be binding upon all parties.

15. REPRESENTATION ON JOINT COMMITTEES TO BE EQUAL WHEN CONSIDERING ADJUSTMENT OF DIFFERENCES

Whenever a Joint Committee on Industrial Co-operation and Conciliation is called upon to act with reference to any difference, except by the consent of all present the Joint Committee shall not proceed with any important part of its duties unless both sides are equally represented. Where agreeable, equal representation may be effected by the withdrawal of one or more members from the side of the Joint Committee having the majority.

16. UMPIRE TO ACT WITH JOINT COMMITTEES IN CERTAIN CASES

Should the Joint Committee on Industrial Co-operation and Conciliation to which a difference may have been referred fail

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to reach a majority decision in respect thereto, if a majority of its members so agree, the Joint Committee may select as umpire a third person who shall sit in conference with the Committee and whose decision shall be binding upon all parties.

17. ARBITRATION OR INVESTIGATION IN CERTAIN CASES

In the event of the Joint Committee on Industrial Co-operation and Conciliation failing satisfactorily to adjust a difference by a majority decision or by agreement on the selection of an umpire, as aforementioned, within ten days of a report to the President of the failure of the Joint Committee to adjust the difference, if the parties so agree, the matter shall be referred to arbitration; otherwise it shall be made the subject of investigation by the State of Colorado Industrial Commission, in accordance with the provisions of the statute regulating the powers of the Commission in this particular. Where a difference is referred to arbitration, one person shall be selected as arbitrator if the parties can agree upon his selection. Otherwise there shall be a board of three arbitrators, one to be selected by the employes' representatives on the Joint Committee on Industrial Co-operation and Conciliation in the district in which the dispute arises, one by the Company's representatives on this Committee, and a third by the two arbitrators thus selected.

By consent of the members of the Joint Committee on Industrial Co-operation and Conciliation to which a difference has been referred, the Industrial Commission of the State of Colorado may be asked to appoint all of the arbitrators or itself arbitrate the difference. The decision of the sole arbitrator or of the majority of the Board of Arbitration or of the members of the State of Colorado Industrial Commission when acting as arbitrators, as the case may be, shall be final and shall be binding upon the parties.

18. PROTECTION OF EMPLOYES' REPRESENTATIVES AGAINST DISCRIMINATION

To protect against the possibility of unjust treatment because of any action taken or to be taken by them on behalf of one or more of the Company's employes, any employes' representative believing himself to be discriminated against for such a cause shall have the same right of appeal to the officers of the Company or to the Joint Committee on Indus-

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trial Co-operation and Conciliation in his district as is accorded every other employe of the Company. Having exercised this right in the consecutive order indicated without obtaining satisfaction, for thirty days thereafter he shall have the further right of appeal to the Industrial Commission of the State of Colorado, which body shall determine whether or not discrimination has been shown, and as respects any representative deemed by the Commission to have been unfairly dealt with, the Company shall make such reparation as the State of Colorado Industrial Commission may deem just.

IV

SOCIAL AND INDUSTRIAL BETTERMENT

1. EXECUTIVE SUPERVISION

The President's Executive Assistant, in addition to other duties, shall, on behalf of the President, supervise the administration of the Company's policies respecting social and industrial betterment.¹

2. CO-OPERATION OF PRESIDENT'S EXECUTIVE ASSISTANT WITH JOINT COMMITTEES IN CARRYING OUT POLICIES OF SOCIAL AND INDUSTRIAL BETTERMENT

In the discharge of his duties, the President's Executive Assistant shall from time to time confer with the several Joint Committees, on Safety and Accidents, on Sanitation, Health and Housing, on Recreation and Education, and on Industrial Co-operation and Conciliation, appointed at the Annual Joint Conferences, as to improvements or changes likely to be of mutual advantage to the Company and its employes. Members of the several Joint Committees shall be at liberty to communicate at any time with the President's Executive Assistant with respect to any matters under their observation or brought to their attention by employes or officials of the Company, which they believe should be looked into or changed. As far as may be possible, employes should be made to feel that the President's Executive Assistant will welcome conferences with members of the several Joint Commit-

¹[As already told in Chapter V, The Representation Plan, the functions of the executive assistant were taken over in the summer of 1917 by the president of the company. In 1920 a vice-president of the company was made responsible for industrial relations, including the program for "social and industrial betterment." B. M. S.]

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tees on matters of concern to the employes, whenever such matters have a direct bearing on the industrial, social, and moral well-being of employes and their families or the communities in which they reside.

3. ADVISORY BOARD ON SOCIAL AND INDUSTRIAL BETTERMENT

In addition to consulting, from time to time, the several Joint Committees or their individual members, the President's Executive Assistant shall be the Chairman of a permanent Advisory Board on Social and Industrial Betterment, to which may be referred questions of policy respecting social and industrial betterment and related matters requiring executive action.

4. MEMBERS OF ADVISORY BOARD

The Advisory Board on Social and Industrial Betterment shall be composed of such of the Company's officers as the President may designate.

5. REGULAR AND SPECIAL MEETINGS OF ADVISORY BOARD

The Advisory Board shall meet at least once in every six months, and may convene for special meetings upon the call of the Chairman whenever he may deem a special meeting advisable.

6. POWERS AND DUTIES OF THE ADVISORY BOARD

The Advisory Board shall have power to consider all matters referred to it by the Chairman, or any of its members, or by any committee or organization directly or indirectly connected with the Company, and may make such recommendations to the President as in its opinion seem to be expedient and in the interest of the Company and its employes.

7. SUPERVISION OF COMMUNITY NEEDS BY PRESIDENT'S EXECUTIVE ASSISTANT

The President's Executive Assistant shall also exercise a general supervision over the sanitary, medical, educational, religious, social, and other like needs of the different industrial communities, with a view of seeing that such needs are suitably and adequately provided for, and the several activities pertaining thereto harmoniously conducted.

EMPLOYEES' REPRESENTATION IN COAL MINES

8. METHOD OF CARRYING OUT IMPROVEMENTS

Improvements respecting social and industrial betterment shall, after approval by the President, be carried out through the regular company organization.

9. HOSPITALS AND DOCTORS

In camps where arrangements for doctors and hospitals have already been made and are satisfactory, such arrangements shall continue.

In making any new arrangement for a doctor, the employees' representatives in the camps concerned, the President's Executive Assistant, and the Chief Medical Officer shall select a doctor, and enter into an agreement with him which shall be signed by all four parties.

10. COMPANY PERIODICAL

The Company shall publish, under the direction of the President's Executive Assistant, a periodical which shall be a means of communication between the management, the employes and the public, concerning the policies and activities of the Company. This periodical shall be used as a means of co-ordinating, harmonizing, and furthering the social and industrial betterment work, and of informing employes of the personnel and proceedings of conferences, boards, and committees, in which they are interested. It shall record events pertaining to social and industrial activities, and be a medium for making announcements with reference to the same, and for diffusing information of mutual interest to the Company and its employes.

11. COST OF ADMINISTERING PLAN OF REPRESENTATION AND OF FURTHERING SOCIAL AND INDUSTRIAL BETTERMENT POLICIES

The promotion of harmony and good-will between the Company and its employes and the furtherance of the well-being of employes and their families and the communities in which they reside being essential to the successful operation of the Company's industries in an enlightened and profitable manner, the expenses necessarily incidental to the carrying out of the social and industrial betterment policies herein described, and the plan of representation, joint conferences and joint meetings, herein set forth, including the payment of traveling

AGREEMENT RESPECTING CONDITIONS

expenses of employes' representatives when attending joint conferences and annual joint meetings, and their reimbursement for the working time necessarily lost in so doing, shall be borne by the Company. But nothing herein shall preclude employes of the Company from making such payment to their representatives in consideration of services rendered on their behalf as they themselves may voluntarily desire and agree to make.

MEMORANDUM OF AGREEMENT RESPECTING EMPLOYMENT, LIVING AND WORKING CONDITIONS

BETWEEN THE COLORADO FUEL AND IRON COMPANY AND ITS
EMPLOYES IN THE COAL MINES AND COKE OVEN PLANTS
IN THE STATE OF COLORADO

OCTOBER, 1915, TO JANUARY, 1918

It is mutually understood and agreed that in addition to the rights and privileges guaranteed the employes and the Company, in the Industrial Representation plan herewith, the following stipulations respecting employment, living and working conditions shall govern the parties hereto from the date of their signatures hereon until January 1, 1918, and shall continue thereafter subject to revision upon ninety days notice by either of the parties:

I. RENT OF DWELLINGS, LIGHT AND WATER

The charge to employes for dwellings without bath shall not exceed two dollars per room per month.

The present uniform charge of forty cents per electric light per month, with free light on porches, shall not be increased.

There shall be no charge for domestic water, except in cases where the Company is obliged to purchase the same; in such cases the charges shall be substantially cost to the Company.

II. PRICES OF POWDER AND DOMESTIC COAL

The rates to be charged employes for powder and domestic coal shall be substantially their cost to the Company.

EMPLOYEES' REPRESENTATION IN COAL MINES

III. FENCING OF EMPLOYEES' HOMES AND GARBAGE REMOVAL

To encourage employes to cultivate flower and vegetable gardens, the Company agrees to fence, free of charge, each house lot owned by it.

The Company will continue its practice of removing garbage free of charge.

IV. BATH AND CLUB HOUSES

As the need becomes manifest, the Company will continue its present policy of providing, as rapidly as possible, suitable bath houses and social centers in the nature of club houses, for its employes at the several mining camps.

V. HOURS OF LABOR

Eight hours shall constitute a day's work for all employes working underground and in coke ovens. This shall mean eight hours exclusive of the noon hour and the time required to go and come from the mine opening to the place of employment.

Nine hours shall constitute a day's work for all other outside labor, except firemen and engineers.

VI. SEMI-MONTHLY PAYMENT OF WAGES

All employes shall be paid semi-monthly by check.

No deductions shall be made from earnings, except where authorized by employes.

VII. WAGE SCHEDULE AND WORKING CONDITIONS

No change affecting conditions of employment with respect to wages or hours shall be made without first giving thirty days notice, as provided by statute.

The schedule of wages and the working conditions now in force in the several districts shall continue without reduction, but if, prior to January 1, 1918, a general increase shall be granted in competitive districts in which the Company does not conduct operations, a proportional increase shall be made. For this purpose a joint meeting of the miners' representatives and proper officers of the Company shall be called within thirty days after the increase in competitive districts is effective to discuss and determine an equitable method for fixing the new scale in the districts affected.

AGREEMENT RESPECTING CONDITIONS

We hereby certify that the Plan of Representation and Agreement as set forth were discussed and unanimously adopted at a joint conference of the officers of The Colorado Fuel and Iron Company and the representatives of its employes, held at Pueblo, today, Saturday, October 2, 1915, and referred by the conference for approval to the Board of Directors of the Company and to the Company's employes at the several mining camps, on the understanding that the same should be voted upon by secret ballot, and if adopted by the Board of Directors on the one hand and a majority of the Company's employes on the other, should become binding upon the parties thereto.

(Signed)

C. J. HICKS,
Representing the Company.

(Signed)

W. E. SKIDMORE,
Representing the Employes.
(Joint Secretaries of the Conference.)

Pueblo, Colorado, October 2, 1915.

I hereby certify that the Plan of Representation and Agreement referred for approval to the Board of Directors of the Company by the joint conference of the officers of The Colorado Fuel and Iron Company and the representatives of its employes, held at Pueblo on Saturday, October 2, 1915, was today duly considered by the Board of Directors and unanimously adopted.

(Signed)

J. A. WRITER,
Secretary of the Board of Directors of
The Colorado Fuel and Iron Company.

We hereby certify that the Plan of Representation and Agreement referred for approval to the Company's employes at the several mining camps by the joint conference of officers of The Colorado Fuel and Iron Company and the representatives of its employes, held at Pueblo on Saturday, October 2, 1915, was voted upon by secret ballot on Monday, Tuesday, Wednesday and Thursday, October 4, 5, 6, 7 and on Monday, October 25, 1915, and that having examined the official returns duly certified to by the tellers elected to take charge of the vote at the several camps, we find that the total number of votes cast was 2,846, of which number 2,404, or 84.47 per cent

EMPLOYEES' REPRESENTATION IN COAL MINES

of the total votes cast, were in favor of, and 442, or 15.53 per cent, were against the proposed Plan and Agreement.

(Signed) C. J. HICKS,
Representing the Company.

(Signed) W. E. SKIDMORE,
Representing the Employees.

Sopris, Colorado, October 26, 1915.

Signed on behalf of the Colorado Fuel and Iron Company

(Signed) J. F. WELBORN,
President.

(Signed) J. A. WRITER,
(Company Seal) Secretary

Denver, Colorado, October 20, 1915.

Signed on behalf of the employees of the Colorado Fuel and Iron Company,

(Signed) JOE LUCERO,
Date—Oct. 21, 1915. Representative at Morley Camp.

(Signed) J. R. WALTON,
Date—Oct. 21, 1915. Representative at Morley Camp.

(Signed) W. E. SKIDMORE,
Date—Oct. 21, 1915. Representative at Sopris Camp.

(Signed) F. TURRA,
Date—Oct. 21, 1915. Representative at Sopris Camp.

(Signed) HARRY J. SHOUBE,
Date—Oct. 22, 1915. Representative at Primero Camp.

(Signed) JOHN PERNICH,
Date—Oct. 22, 1915. Representative at Primero Camp.

(Signed) A. DENNISON,
Date—Oct. 22, 1915. Representative at Frederick Camp.

(Signed) VINCENZO BLONDO,
Date—Oct. 22, 1915. Representative at Frederick Camp.

(Signed) JOE NACEARATTO,
Date—Oct. 22, 1915. Representative at Segundo Camp.

(Signed) DAN MORELLI,
Date—Oct. 21, 1915. Representative at Berwind Camp.

(Signed) ATTILIO BEVAQUA,
Date—Oct. 22, 1915. Representative at Tabasco Camp.

(Signed) MIKE RITZ,
Date—Oct. 22, 1915. Representative at Rouse Camp.

AGREEMENT RESPECTING CONDITIONS

	(Signed)	CHARLES MITCHELL,
Date—Oct. 22, 1915.		Representative at Rouse Camp.
	(Signed)	D. R. PATTERSON,
Date—Oct. 22, 1915.		Representative at Lester Camp.
	(Signed)	WILLIAM BROWN,
Date—Oct. 22, 1915.		Representative at Lester Camp.
	(Signed)	D. GARCIA,
Date—Oct. 22, 1915.		Representative at Ideal Camp.
	(Signed)	CAMILLO BATTISTE,
Date—Oct. 22, 1915.		Representative at Cameron Camp.
	(Signed)	JOE WARD,
Date—Oct. 22, 1915.		Representative at Walsen Camp.
	(Signed)	R. S. WILEY,
Date—Oct. 22, 1915.		Representative at Robinson Camp.
	(Signed)	S. T. THOMAS,
Date—Oct. 22, 1915.		Representative at Robinson Camp.
	(Signed)	BYRON RICHARDS,
Date—Oct. 22, 1915.		Representative at Coal Creek Camp.
	(Signed)	RICHARD MADONNA,
Date—Oct. 22, 1915.		Representative at Coal Creek Camp.
	(Signed)	WALTER PATRICK,
Date—Oct. 22, 1915.		Representative at Fremont Camp.
	(Signed)	NICK KESERIC,
Date—Oct. 22, 1915.		Representative at Fremont Camp.
	(Signed)	CHARLES OSSOLA,
Date—Oct. 22, 1915.		Representative at Fremont Camp.
	(Signed)	LUIS LUSIK,
Date—Oct. 25, 1915.		Representative at Rockvale Camp.
	(Signed)	LOUIS CERUTTI,
Date—Oct. 25, 1915.		Representative at Rockvale Camp.
	(Signed)	GEORGE A. LEWIS,
Date—Oct. 25, 1915.		Representative at Gulch Camp.
	(Signed)	F. E. SONGER,
Date—Oct. 28, 1915.		Representative at Floresta Camp.

APPENDIX B
JOINT REPRESENTATION OF EMPLOYES AND
MANAGEMENT AND PROCEDURE
IN INDUSTRIAL RELATIONS

ADOPTED BY EMPLOYES AND MANAGEMENT OF THE
COLORADO FUEL AND IRON COMPANY AT THE MINES,
OCTOBER, 1915, AND AT THE STEEL WORKS AND
QUARRIES, MAY, 1916, AS CONSOLIDATED BY
A JOINT COMMITTEE OF EMPLOYES AND
MANAGEMENT DECEMBER 20, 1921

THE CONSOLIDATED FORM ADOPTED BY THE ANNUAL
MEETINGS OF EMPLOYES' AND MANAGEMENT'S
REPRESENTATIVES AT PUEBLO ON
DECEMBER 29-30, 1921

PREAMBLE

FOR the purpose of maintaining and further developing harmony and right understanding within The Colorado Fuel and Iron Company, the following method of joint representation and procedure in industrial relations has been adopted:

PART I
REPRESENTATION OF EMPLOYES

1. For the purpose of fixing the basis of representation, the divisions and subdivisions of existing properties are as follows:

DIVISION	SUBDIVISIONS
First—Blast Furnace.	{ A—Transportation, Pig Machine and Cinder Dump. B—All other Blast Furnace Men.
Second—Open Hearth and Bessemer.	{ A—Open Hearth; Spiegel Plant. B—Bessemer Department. C—East Side Producers.

CONSOLIDATED PLAN OF REPRESENTATION

Third—Rail Mill.....	{	A—Soaking Pits and Rail Mill. B—Finishing and Loading Department.
Fourth—Old Mills.....	{	A—Bolt and Spike Mills. B—12-inch and 20-inch Mills.
Fifth—East Mills.....	{	A—Rod and 10-inch Mills, B—14-inch Mill and Shipping Department. C—40-inch Mill. D—East Side Boilers
Sixth—Wire Mill.....	{	A—Rod Dock; Cleaning House; Drawing Room. B—Nail Mill and Rumbler Room. C—Galvanizing Department; Pot Room, and Bundling Room. D—Barb and Bale Tie Departments. E—Field Fence. F—Shipping Department and Cooper Shop. G—Electrical, Mechanical, Boiler Plant and Yard.
Seventh—Shops.....	{	A—Foundry. B—Machine Shop. C—Boiler Shop. D—Carpenter, Scale, Pattern, Smith, Pipe Shops and Store House. E—Roll Shop. F—Electrical Shop; Power Plant. G—Masons. H—C. & W. Shop and Car Men. I—Pipe Foundry.
Eighth—By-Product Coke Plant.....	{	A—Batteries. B—Remainder of Coke Plant.
Ninth—Yard.....	{	A—C. & W. Trackmen. B—Floating and Contract Gangs. C—Locomotive Cranes and Stables. D—Watchmen.
Tenth—C. & W. Transportation.....	{	C. & W. Transportation Men, except Blast Furnace Men.
Iron Mines.....	{	A—Sunrise. B—Chicago. C—C. & W. Ry., Northern Division.
Quarries.....	{	A—Lime. B—Calcite.

EMPLOYEES' REPRESENTATION IN COAL MINES

MORLEY.....	{	A—East Side Mine.
		B—Slope Mine.
STARKVILLE		
ENGLE		
SOPRIS.....	{	A—Number One Mine.
		B—Number Two Mine.
PRIMERO.....	{	A—First North Mine.
		B—East Side Mine.
FREDERICK		
BERWIND		
TOLLER		
TABASCO		
SEGUNDO.....	{	A—Washeries and Coke Ovens.
		B—C. & W. Ry., Southern Division.
ROUSE		
LESTER		
IDEAL		
CAMERON.....	{	A—No. 1.
		B—No. 2.
WALSEN ROBINSON.....	{	A—Old Walsen.
		B—Robinson No. 1.
		C—Robinson No. 2.
PICTOU		
JOBAL		
KEBLER No. 1		
KEBLER No. 2		
COAL CREEK		
ROCKVALE		
FREMONT		
EMERALD		
CRESTED BUTTE		
ELK MOUNTAIN		

As additional properties are added to the operations, they shall be entitled to representation on the same basis.

CONSOLIDATED PLAN OF REPRESENTATION

2. ANNUAL ELECTION OF EMPLOYES' REPRESENTATIVES

Employees in each division or subdivision shall annually elect from among their number, representatives to act on their behalf with respect to matters pertaining to their employment, living and working conditions, the adjustment of differences, and other matters of mutual concern and interest.

3. TIME AND METHOD OF CALLING ANNUAL ELECTIONS AND PERSONS ENTITLED TO PARTICIPATE

The annual nomination and election of representatives shall be held during the first half of the month of January, unless deferred by common consent.

The nomination and election shall be called by direction of the President of the Company.

Notice of nomination and election, indicating the time and place thereof and the number of representatives to be elected in the division or subdivision, shall be conspicuously posted a week in advance and shall state that employees being wage earners at the time and for at least three months immediately preceding the month in which elections are held, shall be entitled to vote. No foreman or official having authority to employ or discharge, or any salaried employee, shall have the right to vote. Where meetings are held for election, no such person shall be present.

4. ELIGIBILITY FOR OFFICE OF REPRESENTATIVE

Only an employee who is a citizen of the United States, who is 21 years of age or over, and who is and has been an employee of the Company continuously for at least one year immediately preceding the month in which elections are held, shall be qualified for nomination and election as a representative.

5. BASIS AND TERM OF REPRESENTATION

Representation of employees shall be on the basis of one representative to every 150 wage earners or major fraction thereof, but each division, whatever its number of employees, shall be entitled to at least two representatives, and each subdivision shall be entitled to at least one representative.

Inasmuch as the numbers of shift men and tonnage men are about equal in and around coal mines, it is recommended that one representative be chosen from each group.

Representatives shall be elected for a term of one year or until their successors are elected and qualified.

EMPLOYEES' REPRESENTATION IN COAL MINES

6. NOMINATION AND ELECTION OF REPRESENTATIVES

Nomination and election of representatives shall be by secret ballot under conditions that insure freedom of choice and an impartial count.

Procedure for conducting nominations and elections shall be agreed upon by the employees' representatives and the management at each operation.

For purposes of nomination and election, the management shall provide ballot boxes and blank ballots, the ballots to be of one color or form for nominations, and of another for elections.

7. METHOD OF NOMINATION

Each employe entitled to vote shall be given a nomination ballot, on which he shall write the names—or if unable to write, he shall have the duly authorized tellers or a fellow employe, in the presence of the tellers, write the names—of the fellow employes in his division or subdivision whom he desires to nominate as representatives, and himself deposit the nomination ballot in the ballot box. Each employe may nominate representatives to the number to which the division or subdivision is entitled, and which shall be stated on the ballot.

In the event of any nomination ballot containing more names than the number of representatives to which the division or subdivision is entitled, the ballot shall not be counted.

The persons, to the number of twice as many as the number of representatives to which the division or subdivision is entitled, receiving the highest number of nomination votes, shall be regarded as the duly nominated candidates for representatives; provided, that in case two or more names shall be tied for nomination, and each shall have received a sufficient number of votes to nominate him, then all such names shall be included on the election ballot.

Except as hereinafter provided, the tellers shall make out in alphabetical order a list of the duly nominated candidates, which shall be posted in each subdivision not later than the day preceding the election.

8. METHOD OF ELECTION

The election of representatives shall be held by secret ballot from among the candidates nominated, whose names, in

CONSOLIDATED PLAN OF REPRESENTATION

alphabetical order and the number of candidates each voter may vote for, shall be placed on the election ballots, the same tellers having charge of the balloting; provided, that where mass meetings are held for the purpose of election the employes shall write their choice on the election ballots. In case of a tie vote, another ballot shall be taken on the candidates who were tied.

9. APPEAL IN REGARD TO NOMINATION OR ELECTION

The tellers shall preserve, properly sealed, for a period of two weeks, both the nomination and election ballots. Should an appeal be made to the President within seven days in regard to the validity of the nomination or election in any division, upon a request in writing signed by twenty-five employes in such division who participated in the election, the tellers shall deliver the ballots to the President of the Company for recount. Should no such request be received within that time, the tellers shall destroy the ballots. If, after considering the appeal with the local Committee on Co-operation, Conciliation and Wages, the President is of the opinion that the nomination or election has not been fairly conducted, he shall order a new election in the division concerned at a time to be designated by him.

10. SPECIAL ELECTIONS

Special elections shall be similarly called when removal, resignation, permanent transfer or other circumstance causes a vacancy in representation.

A representative shall immediately and automatically cease to hold office upon severance of his relations with the Company or upon his permanent appointment to such a position as would disqualify him from voting or acting as a representative.

11. RECALL

A representative may be recalled on petition signed by a majority of the eligible voters in his division or subdivision, but such representative shall be eligible for nomination as a candidate at the election called to fill the vacancy caused by his recall.

12. MEETINGS OF EMPLOYES

Meetings of employes in any division or subdivision, or conferences of employes' representatives, may be held at such

EMPLOYEES' REPRESENTATION IN COAL MINES

times as will not interfere with operations, to consider and make recommendations concerning any matters pertaining to their employment, living and working conditions, or arising out of existing relations, including such as they may desire to have considered at the joint conferences, also any matters referred to them by the President, other officers, or by any of the joint committees.

PART II

JOINT MEETINGS AND JOINT CONFERENCES

Steel Works, Iron Mines and Limestone Quarries.	Coal Mines.
JANUARY	
Annual nominations and elections of representatives, first half January.	Annual nominations and elections of representatives, first half January.
Committee and joint committee meetings, first joint conference, last half.	First joint conference, last half.
FEBRUARY	
MARCH	
APRIL	
MAY	
Second joint conference, first half.	Second joint conference.
JUNE	
JULY	
AUGUST	
SEPTEMBER	
Third joint conference, first half.	Third joint conference.
OCTOBER	
NOVEMBER	
DECEMBER	
Annual joint meeting.	Annual joint meeting.

**CONSOLIDATED PLAN OF REPRESENTATION
JOINT CONFERENCES AND JOINT COMMITTEES**

1. ARRANGEMENT OF DISTRICTS

Joint conferences shall be held and joint committees shall be selected as follows:

For the Trinidad District, comprising the coal mines and the coke ovens in Las Animas County, and the Southern division of The Colorado & Wyoming Railway Company.

For the Walsenburg District, comprising the coal mines in Huerfano County.

For the Canon District, comprising the coal mines in Fremont County.

For the Western District, comprising the coal mines on the Western Slope.

For the Sunrise District, comprising the iron mines in Wyoming, and the northern division of The Colorado & Wyoming Railway Company.

For the Minnequa District, comprising the steel works and limestone quarries, and the middle division of The Colorado & Wyoming Railway Company. (For convenient working purposes each quarry may have its own joint committees.)

2. TIME, PLACE AND PURPOSE OF DISTRICT JOINT CONFERENCES

Joint conferences shall be held at the call of the President, at places to be designated by him, in January, May and September each year. Special joint conferences may be held as the President of the Company or a majority of the employes' representatives may find desirable.

The purpose of these joint conferences shall be to discuss freely matters of mutual interest and concern, embracing a consideration of suggestions to promote increased efficiency and production, to improve living and working conditions, to enforce discipline, avoid friction, and to strengthen friendly and cordial relations between management and employes.

3. REPRESENTATION AT JOINT CONFERENCES

At the joint conferences the employes shall be represented by their elected representatives. The management shall be represented by such officials as the President may designate.

The management representatives with voting power may equal but not exceed in number the representatives of the employes.

EMPLOYEES' REPRESENTATION IN COAL MINES

The Company shall provide appropriate places of meeting for the conferences.

4. PROCEDURE OF JOINT CONFERENCES

The joint conferences shall be presided over by the President, or such officer as he may designate.

Each conference shall select a secretary, who shall record its proceedings, which shall be certified to by the presiding officer, and of which a copy shall be sent to the President's Industrial Representative.

5. JOINT COMMITTEES ON INDUSTRIAL RELATIONS

The first joint conferences held in each year shall select the following joint committees, each committee to be composed of twelve members for the steel works, Minnequa District, and of six members for each of the other districts, of whom the employees' representatives shall designate one-half and the management one-half:

Joint Committee on Co-operation, Conciliation and Wages;

Joint Committee on Safety and Accidents;

Joint Committee on Sanitation, Health and Housing;

Joint Committee on Recreation and Education.

These joint committees shall be regarded as permanent committees, available for consultation at any time throughout the year with the Advisory Board, the President, the President's Industrial Representative or any of the other officers.

Each joint committee shall select a chairman and a secretary, and arrange its own procedure and hold meetings at least quarterly.

Questions brought before a joint committee shall be fully and definitely presented in person or in writing, and the records of the joint committee should show the disposition made and the final actions taken on each matter considered.

The secretary of each permanent committee shall prepare in writing a full report of the proceedings of the committee for submission to the annual joint meetings.

6. DUTIES OF JOINT COMMITTEES, GENERAL

Each of the joint committees may of its own initiative bring up for discussion at the joint conferences, or have referred to it for consideration and report to the President or other officer at any time throughout the year, any matter pertaining to its duties as herein set forth.

CONSOLIDATED PLAN OF REPRESENTATION

7. **THE JOINT COMMITTEES ON CO-OPERATION, CONCILIATION AND WAGES** shall have to do with any matters pertaining to the prevention and settlement of disputes, terms and conditions of employment, including wages, hours and other working conditions; maintenance of order and discipline, company stores and other similar matters. At the coal mines a local employes' representative shall accompany the committee on inspection trips.

8. **THE JOINT COMMITTEES ON SAFETY AND ACCIDENTS** shall have to do with any matters pertaining to the safeguarding of machinery and dangerous working places, the prevention of accidents, the investigation of fatal accidents, the use of explosives, fire protection, first-aid and other similar matters. At the coal mines a local employes' representative shall accompany the committee on inspection trips.

9. **THE JOINT COMMITTEES ON SANITATION, HEALTH AND HOUSING** shall have to do with any matters pertaining to health, hospitals, physicians, nurses, occupational diseases, sanitation, water supply, sewage system, garbage disposal, street cleaning, wash and locker rooms, houses, rents, gardens, fencing and other similar matters. At the coal mines a local employes' representative shall accompany the committee on inspection trips.

10. **THE JOINT COMMITTEES ON RECREATION AND EDUCATION** shall have to do with any matters pertaining to social centers, clubhouses, playgrounds, entertainments, moving pictures, athletics, competitions, field days, schools, libraries, classes for those who speak only foreign languages, technical and vocational education, manual training, churches and Sunday Schools, and other similar matters. At the coal mines a local employes' representative shall accompany the committee on inspection trips.

11. ANNUAL JOINT MEETINGS

Annual joint meetings of all representatives of the employes and of the management, including members of the several joint committees, shall be held during the month of December in places and in groups to be designated by the President, except at Sunrise where each committee shall be represented by one of its members to be elected by the committee.

EMPLOYEES' REPRESENTATION IN COAL MINES

At these meetings, condensed reports covering the work of the year shall be made by each of the joint committees and matters of common interest, requiring collective action, considered.

12. SPECIAL JOINT MEETINGS

Special joint meetings of any two or more districts or groups may be called at any time upon the written request to the President of a majority of the representatives in such districts or groups or upon the President's own initiative for the consideration of such matters of common interest as cannot be dealt with satisfactorily at district conferences. Notice of such special joint meetings shall be given at least two weeks in advance.

PART III

THE PREVENTION AND ADJUSTMENT OF DISPUTES

1. OBSERVANCE OF LAWS, RULES AND REGULATIONS

There shall be on the part of the management and of the employes, a strict observance of the federal and state laws and of the Company's rules and regulations.

2. WAGES AND RULES OPEN TO INSPECTION

The wage rates and the rules governing working conditions shall where practicable be posted in a conspicuous place in each subdivision and at each mine. They shall at all times be kept on file by the superintendent and shall be open to inspection by any representative or other employe upon request.

3. NO DISCRIMINATION ON ACCOUNT OF MEMBERSHIP OR NON-MEMBERSHIP IN LABOR OR OTHER ORGANIZATIONS

There shall be no discrimination by the management or by any of the employes on account of membership or non-membership in any society, fraternity or union.

4. THE SELECTION AND DIRECTION OF WORKING FORCES

The management of the properties and the direction of the working forces, including the right to hire and discharge, shall be vested in the Company, and, except as expressly restricted, these rights shall not be abridged by anything contained

CONSOLIDATED PLAN OF REPRESENTATION

herein. However, the fairness of any action under this paragraph shall be a proper subject for review, according to the general provisions expressed herein.

When it becomes necessary, through lack of work, to reduce the number of employes, length of service and other things being considered, men with dependents shall be given preference.

In making promotions, primary consideration shall be given to length of service and ability to do the work required.

5. EMPLOYES' RIGHT TO CAUTION OR SUSPENSION BEFORE DISCHARGE

There shall be posted in each division and subdivision, and made available to every employe, a list of offenses for commission of which by an employe, dismissal may result without notice.

For offenses other than those posted, employes shall not be discharged without first having been notified in writing that a repetition of the offense will be cause for dismissal.

A copy of this notification shall, at the time of its being given to an employe, be sent to the President's Industrial Representative and to the manager of the department.

6. EMPLOYES' RIGHT TO HOLD MEETINGS

Employes shall have the right to hold meetings at appropriate places on Company property or elsewhere, as they may desire, outside of working hours or on idle days. Meetings during working hours may be held at the mines only with the consent of the local management.

7. EMPLOYES' RIGHT TO PURCHASE WHERE THEY PLEASE

Employes shall not be obliged to trade at the Company stores, but shall be at liberty to purchase goods wherever they prefer.

8. CHECKWEIGHMEN AT COAL MINES

As provided by statute, coal miners have the right to employ checkweighmen, and the management shall grant the said checkweighmen every reasonable facility to enable them to render a correct account of all coal weighed.

9. DUTIES OF PRESIDENT'S INDUSTRIAL REPRESENTATIVE

It shall be the duty of the President's Industrial Representative to attend meetings and conferences, to respond promptly

EMPLOYEES' REPRESENTATION IN COAL MINES

to any request from employees' representatives for his presence, and to visit all of them frequently, and at least once every three months, to confer with the employees or their representatives and the management respecting working and living conditions, the observance of federal and state laws, the carrying out of the Company regulations, and to report the result of such conferences to the President.

10. EMPLOYEES' RIGHT OF APPEAL TO PRESIDENT OF COMPANY AGAINST UNFAIR CONDITIONS OR TREATMENT

Subject to the provisions hereinafter mentioned, every employe shall have the right of appeal to the President of the Company concerning any condition or treatment to which he may be subjected and which he may deem unfair.

11. COMPLAINTS AND GRIEVANCES TO BE TAKEN UP FIRST WITH FOREMEN AND SUPERINTENDENTS

Before presenting any grievance to the higher officers, employes should first seek to have differences or the conditions complained about adjusted by conference, in person or through their representatives, with the foreman or superintendent, preferably in the order named.

12. INVESTIGATION OF GRIEVANCES BY PRESIDENT'S INDUSTRIAL REPRESENTATIVE

Employes believing themselves to be subjected to unfair conditions or treatment may present their grievances to the President's Industrial Representative, either in person or through their representatives, and it shall be the duty of the President's Industrial Representative to look into the same immediately and seek to adjust the grievance.

13. EMPLOYEES' RIGHT TO APPEAL TO THE SUPERIOR OFFICERS OF THE COMPANY AGAINST UNFAIR TREATMENT, CONDITIONS, SUSPENSIONS OR DISMISSALS

Should the President's Industrial Representative fail satisfactorily to conciliate any difference with respect to any grievance, suspension or dismissal, the aggrieved employe, either himself or through his representative—and in either case in person or by letter—shall have the right of appeal for the consideration and adjustment of his grievance to the Manager, General Manager, or the President, preferably in consecutive order.

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To entitle an employe to the consideration of his appeal by any of the higher officers herein mentioned, the right to the appeal must be exercised within a period of two weeks after the same has been referred to the President's Industrial Representative without satisfactory results.

14. REFERENCE OF DIFFERENCES IN CERTAIN CASES TO JOINT COMMITTEES ON CO-OPERATION, CONCILIATION AND WAGES

A difference which has been taken up, but not adjusted satisfactorily by any official, may be presented to the Joint Committee on Co-operation, Conciliation and Wages, and the decision of the majority of such joint committee shall be binding upon all parties.

15. REPRESENTATION ON JOINT COMMITTEES TO BE EQUAL WHEN CONSIDERING ADJUSTMENT OF DIFFERENCES

Whenever the Joint Committee on Co-operation, Conciliation and Wages is called upon to act with reference to any difference, except by the consent of all present, the joint committee shall not proceed with any important part of its duties unless both sides are equally represented.

Where agreeable, equal representation may be effected by the withdrawal of one or more members from the side of the joint committee having the majority.

16. UMPIRE TO ACT WITH JOINT COMMITTEES IN CERTAIN CASES

Should the Joint Committee on Co-operation, Conciliation and Wages, to which a difference has been referred, fail to reach a majority decision in respect thereto, if a majority of its members so agree, the joint committee may select as umpire a third person who shall sit in conference with the committee and whose decision shall be binding upon all parties.

17. ARBITRATION OR INVESTIGATION IN CERTAIN CASES

In the event of the Joint Committee on Co-operation, Conciliation and Wages failing satisfactorily to adjust a difference by a majority decision, or by agreement on the selection of an umpire, if the parties to the dispute so agree, the matter shall be referred to arbitration; otherwise it may be made the subject of a request for investigation by the State Industrial Commission of Colorado. (Note 1.)

EMPLOYEES' REPRESENTATION IN COAL MINES

Where a difference is referred to arbitration, one person shall be selected as arbitrator if the parties can agree on his selection; otherwise there shall be a board of three arbitrators, one to be selected by the employees' representatives on the Joint Committee on Co-operation, Conciliation and Wages, one by the management's representatives on this committee, and a third by the two arbitrators thus selected.

By consent of the members of the Joint Committee on Co-operation, Conciliation and Wages, to which a difference has been referred, in Colorado, the State Industrial Commission may be asked to appoint all of the arbitrators, or itself arbitrate the difference.

The decision of the sole arbitrator, or of the majority of the board of arbitration, or of the members of the Colorado State Industrial Commission, when acting as arbitrators, as the case may be, shall be final and shall be binding upon the parties. (Note 1.)

Note 1. The state of Wyoming has no tribunal corresponding to the Industrial Commission of Colorado; therefore the provisions of this plan relating to the Industrial Commission do not apply to Wyoming.

18. PROTECTION OF EMPLOYEES' REPRESENTATIVES AGAINST DISCRIMINATION

To protect against the possibility of unjust treatment because of any action taken or to be taken by him, any employees' representative believing himself to be discriminated against shall have the same right of appeal as is accorded every other employe.

PART IV

SOCIAL AND INDUSTRIAL BETTERMENT

I. EXECUTIVE SUPERVISION

A Vice-President or other executive officer, to be known as the Industrial Relations Executive, shall, on behalf of the President, supervise the administration of the Company's policies respecting social and industrial betterment, and the administration of the Joint Representation of Employes and Management and Procedure in Industrial Relations.

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2. CO-OPERATION OF VICE-PRESIDENT OR OTHER EXECUTIVE OFFICER WITH JOINT COMMITTEES IN CARRYING OUT POLICIES OF SOCIAL AND INDUSTRIAL BETTERMENT

The Industrial Relations Executive shall from time to time confer with the several joint committees as to improvements or changes likely to be of mutual advantage to the Company and its employes. Members of the several joint committees shall be at liberty to communicate at any time with the Industrial Relations Executive, as well as with the President's Industrial Representative, with respect to matters under their observation or brought to their attention by employes or officials of the Company, which they believe should be looked into or changed. As far as may be possible, employes should be made to feel that the Industrial Relations Executive will welcome conferences with members of the several joint committees on matters of concern to the employes whenever such matters have a direct bearing on the industrial, social and moral well-being of employes and their families or the communities in which they reside.

3. ADVISORY BOARD ON SOCIAL AND INDUSTRIAL BETTERMENT

In addition to consulting, from time to time, the several joint committees or their individual members, the Industrial Relations Executive shall be the chairman of a permanent Advisory Board on Social and Industrial Betterment, to which may be referred questions of policy respecting social and industrial betterment and related matters requiring executive action.

4. MEMBERS OF ADVISORY BOARD

The Advisory Board on Social and Industrial Betterment shall be composed of such of the Company's officers as the President may designate.

5. REGULAR AND SPECIAL MEETINGS OF ADVISORY BOARD

The Advisory Board shall meet at least once in every six months, and may convene for special meetings upon the call of the chairman whenever he may deem a special meeting advisable.

EMPLOYEES' REPRESENTATION IN COAL MINES

6. POWERS AND DUTIES OF THE ADVISORY BOARD

The Advisory Board shall have power to consider all matters referred to it by the chairman, or any of its members, or by any committee or organization directly or indirectly connected with the Company, and may make such recommendations to the President as in its opinion are in the interest of the Company and its employees.

7. SUPERVISION OF COMMUNITY NEEDS BY INDUSTRIAL RELATIONS EXECUTIVE

The Industrial Relations Executive shall also co-operate in matters pertaining to the sanitary, medical, educational, religious, social and other like needs of the different communities related to the operating properties of the Company, with a view to seeing that such needs are suitably and adequately provided for, and the several activities pertaining thereto harmoniously conducted.

8. METHOD OF CARRYING OUT IMPROVEMENTS

Improvements respecting social and industrial betterment shall, after approval by the President, be carried out through the regular Company organization.

9. MEDICAL DEPARTMENT—DOCTORS

In making any new arrangement for a doctor at a camp or dispensary, the chief medical officer and the Industrial Relations Executive shall select the doctor and enter into an agreement with him, subject to approval by the Joint Committee on Sanitation, Health and Housing at the steel works and of the local employees' representatives at the mines and quarries.

10. COMPANY PERIODICAL

The Company shall publish, under the direction of the Industrial Relations Executive, a periodical which shall be a means of communication between the management, the employees and the public, concerning the policies and activities of the Company. This periodical shall be used as a means of co-ordinating, harmonizing and furthering the social and industrial betterment work, and of informing employees of the personnel and proceedings of conferences, boards and committees, in which they are interested. It shall record events

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pertaining to social and industrial activities, and be a medium for making announcements with reference to the same, and for diffusing information of mutual interest to the Company and its employes.

11. COST OF ADMINISTERING JOINT REPRESENTATION AND OF FURTHERING SOCIAL AND INDUSTRIAL BETTERMENT POLICIES

The promotion of harmony and good will between the Company and its employes and the furtherance of the well-being of employes and their families and the communities in which they reside being essential to the successful operation of the Company's industries in an enlightened and profitable manner, the expenses necessarily incidental to the carrying out of the social and industrial betterment policies herein described, and the joint representation and joint conferences herein set forth, including the payment of expenses of employes' representatives when attending joint conferences and annual joint meetings, and their reimbursement for the working time necessarily lost in so doing, shall be borne by the Company. But nothing herein shall preclude employes of the Company from making, in lieu of payment by the Company or in addition to it, such payment to their representatives in consideration of services rendered on their behalf as they themselves may voluntarily desire and agree to make.

12. PROVISION FOR AMENDMENT

This agreement of Joint Representation of Employes and Management may be altered or amended by majority vote of the regularly elected representatives of the employes and a majority vote of the representatives of the management appointed for such purpose in any joint meeting of all representatives of the employes and management regularly called, upon at least a thirty days' notice.

[The Memorandum of Agreement Respecting Employment, Living and Working Conditions which is printed in Appendix A, pages 415 to 421, is also appended to the original of this consolidated form of the Plan of Representation. B. M. S.]

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