# SETTLEMENT

OF

# Alabama Coal Miners Strike of 1920-1921

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## AGREEMENT FOR SUBMISSION OF ALL MATTERS IN DISPUTE TO THE GOVERNOR OF ALABAMA AS SOLE ARBITRATOR

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Birmingham, Ala., Feb. 21, 1921.

Mr. Victor H. Hanson, Publisher,
The Birmingham News,
Birmingham, Ala.

My Dear Mr. Hanson:—Answering your letter of February 18, we have canvassed the situation carefully and are willing to express to you in writing the willingness of the United Mine Workers of America for the governor of Alabama to settle the coal strike in any manner he may designate. We agree to present our case and pledge ourselves in advance to abide, without hesitation or equivocation, by all the terms of the decision, provided the coal operators of Alabama also agree in advance in writing to abide by such decision.

While we feel that we are conceding a great deal in thus resting our case entirely upon the fairness of the governor, so thoroughly are we convinced of the merits of our case and so eager are we to convince the people of Alabama of our desire to end the present situation and restore industrial peace to Alabama that we are willing to do everything in reason to bring about this result.

It is understood that this letter is purely personal and confidential and shall not be released until a similar agreement in writing is signed by the authorized committee of the coal operators and that this pledge shall not be binding unless the coal operators' committee makes a similar agreement in writing to leave the settlement of the strike to the governor. Yours very truly,

(Signed) VAN A. BITTNER,
Chief Representative United Mine Workers of America.

(Signed) J. R. KENNAMER,
President District No. 20, United Mine Workers of America.

(Signed) WILLIAM HARRISON,
International Board Member District No. 20, United Mine Workers of America.

(Signed) J. L. CLEMO,
Secretary-Treasurer, District No. 20, United Mine Workers of America.

The coal operators' reply was as follows:

Birmingham, Ala., Feb. 21, 1921.

Mr. Victor H. Hanson,
Birmingham, Ala.

Dear Mr. Hanson—As chairman of a committee representing the Alabama coal operators, I have received and submitted to a meeting of the committee your letter of February 18, 1921.

The committee agrees to submit the settlement of this strike to Hon. Thomas E. Kilby, Governor of this State, to be settled by him in any manner he may designate, and agrees that his decisions and orders thereto shall be conclusive and binding on us and those whom we represent.

Yours truly,

(Signed) JAMES BONNYMAN,
Chairman of Committee.
G. F. PETER,
FRANK NELSON, JR.,
CHARLES F. DeBARDELEBEN,
FRANK G. MORRIS.



## REPORT OF COMMITTEE APPOINTED BY ARBITRATOR TO ASCERTAIN FACTS AND MAKE RECOMMENDATIONS

Montgomery, Ala., March 11, 1921.

"To His Excellency, Thomas E. Kilby,
"Governor of Alabama.

"Sir: Your personal representatives appointed to visit the mining district in and around Birmingham, for the purpose of collecting such data as may prove of help to you in making your findings regarding the unhappy situation in the district, herewith report that, in advance of their visit in that section, we reviewed carefully the correspondence between you and Mr. Victor H. Hanson, publisher of the Birmingham News, in his third and successful attempt to establish a basis whereon a settlement could be effected.

"We wired the representatives of the operators and the miners, respectively, to prepare their briefs, setting out their contentions, if they so desired, and present them to us on Monday, February 28th, 1921, at the Tutwiler Hotel. The representative of the operators reported promptly Monday morning that he was ready. The representative of the miners asked for further time. In the meantime numerous citizens of Birmingham were requested to appear, and did appear before the committee, and very courteously answered all questions asked them, after which we proceeded to examine the brief of the operators with careful scrutiny. On Tuesday morning March 1st, we received the brief of the miners, whose representative was given an oral hearing in the banquet hall of the Tutwiler, in the presence of about one hundred and fifty persons, mostly miners. On Tuesday afternoon your committee visited several mines operating both union and non union miners. On Wednesday visited a large mine operated by non-union miners exclusively. Thursday was spent at a large mine operating union miners exclusively. We made careful investigation regarding the welfare and living conditions in the several camps. In some cases found conditions ideal, in others not so good, but in each camp the miners expressed themselves as being satisfied with the living conditions and the wage scale. All mines are now operating under the award by the United States Bituminous Coal Commission.

"There is only a minor complaint as to the day wages paid in Alabama, as compared to the coal fields in other states. Due to economic conditions now existing, we do not recommend any change in the day wage scale at this time. The wares in the several commissaries were examined carefully, and in some instances tested. The prices in some cases were found to be as low or lower than prices prevailing in Birmingham. In the largest type operations we found that homes were rented at $1.75 per room per month, with gardens, the companies furnishing light and running water free, with adequate

school houses and churches—nine months school—which would compare most favorably with public schools and churches in the cities. In other camps, where light and running water was not furnished, the rental was $1.50 per month per room.

"With expressions of satisfaction by the miners in every camp visited, we then made inquiry as to the contentions between the United Mine Workers of America and the Alabama Coal operators.

## HISTORY OF STRUGGLE.

"The Alabama coal strike of 1920-1921 was the most stupendous struggle between organized labor and organized industry that Alabama has ever known. No reliable estimate could be made as to the financial cost of this great struggle; both sides spent millions of dollars in seeking to win an industrial war, over an issue more fundamental and profound than was indicated by the mere statement that it was "a fight over recognition of the Union." On both sides this struggle was amply financed, bitterly fought, and conducted with ability and resourcefulness. The public suffered heavily, and would suffer again in equal measure at any recurrence of this industrial war.

"We are convinced, after nearly two weeks of investigation, study of records and personal conferences, that an indecisive and compromise verdict recommended by us and approved by you would be unfortunate for both sides in the controversy, unjust to the public and would jeopardize the immediate future of the industrial peace of the Alabama coal mining district. We are persuaded that you will receive sympathetically our suggestion that the final verdict be complete and conclusive.

"The members of the United Mine Workers of America in the Alabama coal fields struck first on May 8th at a few of the smaller domestic coal mines in an attempt to compel recognition by the operators, of their organization. The Union miners at other mines struck, some in the summer and others in the general strike ordered September 7th—all demanding the recognition of the United Mine Workers of America. In this course they exercised an undeniable right. The operators of the mines, with that equal right, declared their refusal to recognize the United Mine Workers of America. The strike is now ended. The members of the United Mine Workers of America failed to impose their will upon the Alabama operators.

## STATEMENT OF GOVERNOR.

"Your Excellency declared in a statement made public February 8th, 1921, 'The operators claim that more coal is now being produced than was produced before the strike was called; that the production is above normal; that the supply of mine labor is in excess of the demand for it, and that the places of the striking miners have been taken by other miners whom the operators refuse



to discharge to make room for the strikers.' In that same statement, publicly made, before the correspondence with Mr. Hanson was laid before you, you declared further: 'In my opinion the strike is practically at an end and would be absolutely at an end if the labor leaders would but recognize the fact and declare it officially.'

"Our investigation in the strike zone proved the truth and accuracy of your conclusions. The mines are producing more coal than the market can absorb, and the operators find it necessary as the spring and summer season approaches, to shut-down the mines from two to four days a week, in order that they may not be embarrassed by an over-supply of coal for a lessening market.

"The fundamental issue of the strike was framed in the first communications of the representatives of the organized miners to the operators in their representation of employment contracts in May and in subsequent correspondence. Although there were minor controversies which will be discussed in this report in their proper place, this question remained the dominant issue until the end of the strike. It was so described by the Commission sent by your Excellency to the coal fields at the beginning of the strike, so pronounced by your Excellency in your several public declarations on the strike, admitted and accepted always as dominant by the contending factions.

## MINE WORKERS CONDITIONS.

"The issue, on the adjudication of which millions of treasure were expended, was of profound importance, because recognition meant the unionization of the mines; it meant that in all mines, only union men could be employed and that all grievances would be adjudicated and working conditions laid down by representatives of the United Mine Workers of America, with the working forces of the mines behind them in conference with the operators of the mines. It meant in the beginning of the strike the 'closed shop' even as the non-union mine represents a shop closed to the union. After all the places of the strikers had been filled; after more coal was being produced than the market could take, we were told by representatives of the United Mine Workers of America, that while the strikers would still wish for such recognition, they recognized the fact that under conditions as they had come into existence they could not expect a recommendation for the recognition of the United Mine Workers of America, and that the Committee, with the facts before it, could not afford to recommend the closed shop.

"We do not question the right of men to voluntarily organize themselves into Unions, but we do question seriously the asserted right to force other men, against their wishes, into the organization.

"We do not question the right of an individual coal operator to accept and work his mine under contract with the United Mine Workers of America. We do question

the asserted right of the United Mine Workers of America to force an operator to accept its contract, when such operator desires to operate his mine differently.

## OPERATION OF MINES.

"We recognize the right of the coal operator to operate his property as he sees fit, so long as he obeys the laws of the State, and we believe that the State should, at any cost, protect such operator in the peaceful possession and operation of his property.

"In personal conversation with individual miners, we found men who stated that they had at this time, no desire to become members of the United Mine Workers of America. Several of them so interviewed had formerly been members of the Union. We believe that the State should, at any cost, protect these men in their right to work where, how and when they desire.

"We have reached the conclusion, and so recommend to your Excellency, that it would NOT be to the interest of the people of the State to recognize the United Mine Workers of America, either directly through a decision to force all operators to operate under a union contract, or, indirectly, through such contracts as would set up the machinery by which there would be interference by outsiders in the adjustment of the troubles of any individual mine.

"Those miners who have secured individual contracts covering their services at a wage rate guaranteed to them until April 1, 1922, should be protected. Those operators who desire to operate their mines exclusively with non-union miners should be protected from molestation.

"The United Mine Workers of America called a strike in order to force the coal operators of Alabama to recognize the Union, and to operate under Union contract. This strike failed to accomplish its purpose. We therefore, recommend to your Excellency, in the interest of peace and tranquility in the coal mining section of the State, that you declare the strike at an end and call on the officials of the United Mine Workers of America to so advise their members and on the operators to take back without displacing efficient men now employed, those miners who struck, as fast as economic conditions will permit, with the exception of those who committed such overt acts as cannot be condoned.

## ADVISE AGAINST UNIONIZATION.

"After a careful reading of the briefs submitted by both sides, we were convinced that a complete unionization of all the coal mines of the State would increase the cost of production. It would force an alliance between miners and the operators, giving them an absolute monopoly of the coal industry, and this would be reflected in higher cost and indifferent service to coal consumers, which is manifestly unfair to the general public. Keen competition in service and price should be maintained in the coal fields.



"We disregarded all charges and counter-charges made by both.

"We did not go into the question of the price of coal.

"In view of the directly conflicting statements concerning the sub-contract system, we recommend that the operators decide for themselves, whether they will or will not operate under the sub-contracting system. Provided, that if the operator elects to do so, he shall pay the miners working under the contract the full wage scale awarded by the United States Bituminous Coal Commission.

"We submit as addenda to this report, the following exhibits:

Exhibit A.—Brief submitted by the representative of the coal operators.

Exhibit B.—Brief submitted by the representative of the United Mine Workers of America.

Exhibit C.—Stenographic report of oral argument by representative of the United Mine Workers of America, at the time of submission of written brief.

Exhibit D.—Supplemental brief submitted by representative of the United Mine Workers of America, containing extracts from sundry contracts.

Exhibit E.—Supplemental brief submitted by representatives of the coal operators.

Exhibit F.—Stenographic report of hearing, given a number of coal operators, representative of coal operators, and business men of Birmingham.

Exhibit G.—Communication, with enclosure, from Mr. Victor H. Hanson, Publisher of the Birmingham News, addressed to Governor's personal representatives.

Exhibit H.—Communication from H. G. Ashley, addressed to Mr. Jno. W. Durr, member of the Committee.

Exhibit I.—Communication and enclosure, from Mr. E. L. Brown, addressed to Capt. W. T. Sheehan, Chairman of the Committee.

Exhibit J.—Statement of Mr. M. H. Fies, referred to and made part of Exhibit "F," with reference to contract system.

Exhibit K.—Communication from Judge C. B. Teasley, operator, under contract with United Mine Workers of America.

Exhibit L.—Communication addressed to the Committee by Mr. Wm. H. H. Judson.

Exhibit M.—Statement of men dismissed from various mines, and causes for dismissal, submitted by Mr. Van Bittner.

Exhibit N.—Statement from Alabama Fuel & Iron Co., of facts about "Acmar" mine. Also copy of employment contract in effect there.

Exhibit O.—Numerous contracts alleged to be in effect in various sections of country, submitted by Mr. Bittner.

Exhibit P.—Extracts from informal session held at time of submission of forms of contracts, by representative of the United Mine Workers of America.

"We wish to express our appreciation of the very courteous treatment accorded us by the operators of the Alabama coal mines and the officials of the United Mine Workers of America. They rendered us every aid pos-

sible. We cannot refrain from commenting most favorably upon the fair and generous manner in which each side presented its case. The testimony was noticably devoid of bitterness and not only did each side reassert its determination to be bound by whatever decision Your Excellency should render, but in their bearing before your representatives and in the presentation of their cases they assumed that the strike was ended. Both sides, in good faith, reiterated their respect for the law and constituted authority of the State.

CONCLUSION:

"If we were persuaded that any system of arbitration could be set up, or established, which would assure permanent industrial peace in the coal mining district of Alabama, we would not hesitate to recommend it. But, in the absence of any State law to compel the observance of awards of a board of arbitration, and, in face of repeated failures of Boards of Arbitration in the recent past, when most frequent resort has been made to that method of procedure, we would be insincere in recommending that, in which we do not believe lies a remedy. Questions of this character which go deep into our State and National life, must be brought for their complete and final solution to the Golden Rule operating in the lives of men and inspiring fair and just dealings between man and man. This, the Golden Rule, we hold to be the only policy for it is the Christian policy, which will give to each, the employer and employee, that which justly is his, and, in so doing will establish and maintain industrial tranquility. Time, and a faithful allegiance to the doctrine of "Do unto others as you would that they should do unto you," will not only bury the hatred engendered in the exhausting struggle just ended, but it will obliterate the unhappy conditions now prevailing in the coal district, and restore the confidence and mutual understanding which fled the district in the turmoil of the strike.

"It is a slow way, we admit, and regret that it is a slow way, but, in our opinion, it is the only way.

"We recognize, of course, the character of our office as your personal representatives, which is to advise and assist you in reaching a verdict, while the responsibility of final action rests solely with you. If you, as Chief Executive of the State, having been more directly and continuously concerned in this protracted struggle can evolve a plan whereby lasting peace in the coal district can be assured, and the rights of the miners on the one hand and the operators on the other can be safeguarded, you will confer a blessing not only on the miners and the operators, but upon the public, which has been the chief sufferer, although innocent sufferer from Alabama's greatest industrial war which is now happily ended.

"Respectfully submitted,
"W. T. SHEEHAN,
"RICHARD M. HOBBIE,
"JOHN W. DURR,
"Your Special Representatives."



## AWARD OF ARBITRATOR

"Messrs. James Bonnyman, C. F. Peter, Frank Nelson, Jr., Chas. F. Debardeleben, F. G. Morris,
"Committee representing Alabama Coal Operators,

"Mr. Van A. Bittner,
"Chief Representative United Mine Workers of America,

"Mr. J. R. Kennamer,
"President District 20, United Mine Workers of America,

"Mr. William Harrison,
"International Board Member District 20, United Mine Workers of America,

"Mr. J. L. Clemo,
"Secretary-Treasurer, District 20, United Mine Workers of America,
Birmingham, Alabama.

"Gentlemen: By virtue of letters addressed by you to Mr. Victor H. Hanson, Publisher of the Birmingham News, you agreed in behalf of those you represent to submit to me the settlement of the industrial controversy existing in the coal fields of Alabama and to abide by my decision.

"This responsibility was accepted not because of any desire on my part to make the findings in the matter, but because it offered a method by which this dispute could be terminated, the people relieved of their burdens, and the citizen soldiery permitted to return to their various businesses. My duty to the public compelled me regardless of personal desires to accept and discharge as best I could this responsibility.

"Upon accepting this responsibility I requested Messrs. William T. Sheehan, John W. Durr and Richard M. Hobbie to visit the coal district of Alabama and ascertain the issues to be settled and report a finding of facts necessary to reaching a just decision with such recommendations as they might see fit to make. To these gentlemen, for accepting such an arduous duty at the expense of their own businesses without hope of compensation, except the consciousness of serving the State when it needed their judgment as patriotic citizens, the people owe a debt of gratitude and I am personally indebted to them for their positive recommendations and the large fund of facts collected and submitted for my information. Their report is now before me and a copy is attached hereto.

"Before making these findings there has been careful consideration of the report and all material submitted to my representatives and also the report of the former commission which investigated the strike situation, composed of Dr. George H. Denny, Hon. Charles Henderson and Hon. James J. Mayfield.

"While this finding deals directly with the coal operators and the United Mine Workers of America, I have constantly had in mind the public which deserves the most consideration. One clothed with the authority of settling industrial controversies naturally desires to do something to appease all contending factions, and this desire is often conducive to a compromise verdict regardless of the facts. Because of the effect which I perceive this finding will have on the interests of the public as well as those directly involved, I have made an effort to resist this almost overpowering impulse and face the facts as they have been shown to exist and decide the issues without evasion or equivocation to the end that truth and justice may prevail and that no punishment may be inflicted on those who are not responsible for this expensive and regrettable condition.

## ISSUES.

"Both the commission of Messrs. Denny, Henderson and Mayfield and the investigating committee concur in the conclusion that the strike was called for the purpose of compelling the recognition of the United Mine Workers of America and that recognition of the Union is virtually the sole and overshadowing issue. Both reports conclusively find that the miners themselves have no grievance as to living conditions, work hours or wages. However, in the brief submitted by Mr. Van A. Bittner, Chief Representative of the United Mine Workers of America, the following contentions are set forth, namely: (1) recognition of the union, (2) abolishment of sub-contract system, (3) re-employment of strikers, (4) re-adjustment of the day wage rate, (5) setting up of machinery to adjust industrial disputes and avoid future strikes.

"All of these matters have been considered, although the facts and reports submitted are conclusive that the sub-contract system and the day wage rate were not moving causes in calling the strike.

## THE DAY WAGE SCALE.

"The Bituminous Coal Commission raised by a certain percentage the entire scale of wages of the employees of coal mines. In most of the coal fields this percentage amounted to an increase of $1.00 per day for day wages. In Alabama it did not amount to that much. As will hereafter appear the amount now being paid was recognized by what is known as the "Ruby Contract" which was entered into with the consent of the representatives of the United Mine Workers of America. There was no complaint made as to these wages prior to the strike. The entire contention is based on the construction of the award of the Bituminous Coal Commission and that award, interpreted by the Ruby Contract to which the representatives of the United Mine Workers of America agreed, names the amount which is now being paid by the coal operators. As this amount was settled by the terms of the contract it cannot now be a legitimate issue to be again settled.



## THE SUB-CONTRACT SYSTEM.

"The sub-contract system is a system whereby a coal company contracts with an experienced miner to mine a certain section of his coal mine and this person subcontracts this section to less experienced men. The original contractor or experienced miner directs the work, attends to the dangerous explosives and keeps his section of the mine safe for the employees. It is contended in the brief of the United Mine Workers of America that this system tends to lower the wage scale. The operators produce facts showing that they pay the same rate and that the sub-contract system as fixed by the Bituminous Coal Commission gives the inexperienced miner the protection of the skilled, efficient and experienced miner, thereby preventing to a large extent fatal accidents to the men who are learning the trade. No specific instances are submitted showing payment under this system of less than the fixed scale, no complaint of the system appears to have been made by those mining coal, and there are facts strongly tending to show that it is a protection to the lives of the less experienced miners. As no legitimate objection has been shown to the system it is impossible to make a finding that it should be abolished.

## RECOGNITION OF THE UNION.

"The United Mine Workers of America do not represent all or a majority of the coal miners of Alabama. Just what percentage of the coal miners belong to the organization does not appear. The claim of the operators, based on an actual check of all the mines, is that there are approximately 27,000 who follow coal mining, and that about 5,600 belong to the United Mine Workers of America. The brief and facts submitted by the representatives of the United Mine Workers of America do not state the number which belong to the organization but they do state that there are 12,000 men on strike who should be given re-employment. To make a finding that there should be a recognition of the Union would impose on the satisfied majority of coal miners in Alabama the will of the unsatisfied minority.

"The recognition of the Union means, according to Mr. Justice Brandies of the United States Supreme Court, that 'the operator binds himself (1) to employ only members of the Union; (2) to negotiate with Union officials instead of with the employees individually the scale of wages and the laws of work; (3) to treat with the duly constituted representatives of the Union to settle disputes concerning the discharge of men and other controversies arising out of employment.' The facts show that nearly all if not all, the places which were abandoned by the strikers have been filled with non-union labor under signed individual contracts with each employee, which contract provides that the employee shall not join the United Mine Workers of America during the period of his employment and also sets up an industrial relation system for the adjustment of all grievances. These contracts are valid and to find that these companies

should recognize the Union would force them to violate such contracts.

"Much of the brief of the United Mine Workers of America is devoted to the right to organize and bargain collectively. This contention is re-enforced by many quotations from the utterances of former President Wilson and other eminent men. That men have a right to organize and bargain collectively is not disputed, that other men have a right to bargain individually is not disputed; that operators have a right to bargain with their employees individually or collectively cannot be disputed. The men now on strike have organized and by coercive methods sought to compel the operators to bargain collectively and in this effort they have failed.

"A bargain contemplates the voluntary consent of both parties to the agreement. Permanent industrial peace cannot be built on any basis except that of mutual confidence between the employees and the employer. Any organization which is conducive to such a condition is beneficial, and any organization that destroys or tends to destroy, such conditions is a menace to our industrial peace and to our people.

"No reputable statesman advocates organization for the purpose of striking without a grievance and for the purpose of coercing an employer to meet the arbitrary demands of those in charge of the organization. For what grievance was the present strike called? The facts show none save the failure to recognize the Union. Was that a sufficient ground to justify an organization to strike and to follow a course and create a condition which resulted in the commission of many crimes, the incurring of large expense by the State to uphold its laws, and untold financial damage to the coal industry? A short review of the undisputed facts will disclose the answer.

"In November, 1919, a strike was called by the United Mine Workers of America. This strike was declared by President Wilson as "illegal and immoral" and it failed. In April, 1920, the Bituminous Coal Commission fixed a scale of wages to expire March 31, 1922. These wages were put into effect by the coal operators. Without notice of grievance many of the members of the Union to enforce recognition struck. With the consent of union officials several of the companies negotiated with their employees what is known as the "Ruby Contract" to expire March 31, 1922. While this contract was in force, and without any grievance as to its violation by the operators, the United Mine Workers of America called the men out on a geenral strike, effective November 7, 1920.

"This strike being called without just cause or for the purpose of remedying any grievance, and in deliberate violation of an agreement, was "illegal and immoral." It proves beyond cavil that the written contract or obligation of the United Mine Workers of America cannot be relied on, and that recognition would give no assurance of industrial peace. It is rather difficult to understand how such a large number of men could be induced so deliberately to disregard such an obligation of honor.



"The only explanation, perhaps, lies in the fact that from 70 to 80 per cent of the miners are negroes. The southern negro is easily misled, especially when given a prominent and official place in an organization in which both races are members. Negroes from other sections were imported into the State for the purpose of influencing and directing the colored miners. The colored miners were undoubtedly deceived and led into this violation of their agreement by leaders from other sections. Mr. Bittner well says in his brief 'the essence of success in collective bargaining lies in the fidelity of both sides to the agreement' thereby announcing a truth which seems to have been entirely forgotten or ignored by the organization of which he is Chief Representative.

"There are other reasons shown by the facts why the operators should not be compelled to recognize this organization. It counseled and directed the violation of the laws of Alabama by the adoption of resolutions directing picketing which is prohibited by statute. Its leaders have striven to break down the confidence men have in their employers, instead of cementing it; and they opposed all welfare work instituted by the employers for the benefit of the employees because it tended to draw the employer and employee into closer relations. No permanent industrial relation can be built on an increasing suspicion between employer and employee, and any person or organization that seeks to create such hostility, is engaged in an illegal and immoral work and is a menace to industrial peace.

## ARBITRATION.

"It is suggested that some system of arbitration be set up to adjust future industrial disputes. In the first place, it is impracticable to do this, as each mine now operated has an agreement with its employees which amply and fairly provides an industrial relations committee or other machinery for the adjustment of grievances. At some mines the employees refused an industrial committee to adjust grievances, desiring to take such matters up as had been their custom, "personally with the boss." Each system in use seems fair and well adapted to the peculiar local conditions. I am convinced, after a study of the methods employed that they are better adapted to the conditions obtaining at the various operations than any plan which I might suggest for universal use.

## RE-EMPLOYMENT OF MEN ON STRIKE.

"This brings us to the last and a most important consideration, the re-employment of the men on strike. The union representative asserts that these men must be provided for.

"The operators have replaced these men. Coal production is now greater than the demand. There are no jobs for the great majority of the strikers. Only one

suggestion for securing jobs for them has been made and that is that all men who were employed to fill the places of the strikers be discharged and the strikers given their old positions. The men who it is recommended should be discharged are the men who entered the service of the operators when it was dangerous to life and body to do so. To these men the operators are indebted for re-establishing their business, which an unjustifiable, illegal, and immoral strike had seriously damaged, and largely to these men is the public indebted for the limited supply of coal available during the winter months. To discharge them to make room for the strikers would be to penalize loyalty that wrong might be rewarded.

"The strikers need work and they and their families will be left in sore straits without work, but in no worse condition than others would be in if discharged for their benefit, and so far as the public is concerned the condition would not be remedied. They voluntarily, through the influence of union leaders, abandoned their work without just cause. It is my opinion that, since this strike was wrongfully and without the slightest justification called, the oragnization of United Mine Workers of America is responsible for the present strikers being without employment, and that therefore the United Mine Workers of America should support the present strikers until they are able to secure employment.

"To summarize—It is found and I so declare:

First.—Recognition of the United Mine Workers of America is not to be compelled.

Second.—The day wage scale and sub-contract system are to remain unchanged.

Third.—The existing methods of adjusting grievances are found to be fair and equitable.

Fourth.—The operators are under no obligation to re-employ the striking miners.

Fifth.—The freedom of contract shall be inviolate and therefore any of the above mentioned things may be done by mutual agreement of the parties.

"And I recommend:

A. "That the operators, as a means to promote peace and harmony, re-employ the unemployed men who struck as fast as places may be found for them without displacing men who are now at work.

B. "That the organization of United Mine Workers of America support the unemployed men who struck until they can find employment.

"Compliance with these recommendations would be a gracious act on the part of the operators, tending to refute the charge of selfishness so often made against them, the truth of which has been indicated by undoubted profiteering by some of them during the strike. On the part of the United Mine Workers of America it would be but an act of simple justice, tending to disprove the assertion and belief of many people that the organization exists mainly for the selfish purposes of its officers, organizers and representatives.



"The strike having been called off by officers of the United Mine Workers of America is ended. Let us hope that the strife and bitterness is also ended, that the coal mining industry is entering upon an era of peace which will last for many years, that prosperity may soon return, and that all workers may find early employment.

"Very truly yours,

"THOS. E. KILBY,
"Governor."