

**HEARINGS ON HOUSE
RESOLUTION NO.
179, MAY 31, 1911**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649345120

Hearings on House Resolution No. 179, May 31, 1911 by Various

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

VARIOUS

**HEARINGS ON HOUSE
RESOLUTION NO.
179, MAY 31, 1911**

HEARINGS

ON

HOUSE RESOLUTION NO. 179

AUTHORIZING THE COMMITTEE ON LABOR TO INVESTIGATE
CONDITIONS EXISTING IN THE WESTMORELAND
COAL FIELDS OF PENNSYLVANIA

U.S. Congress House
HEARINGS HELD BEFORE THE COMMITTEE
ON RULES, HOUSE OF REPRESENTATIVES *106*

MAY 31, 1911

COMMITTEE ON RULES

ROBERT L. HENRY, *Chairman*

EDWARD W. FOU
THOS. W. HARDWICK
AUGUSTUS O. STANLEY
FINIS J. GARRETT
MARTIN D. FOSTER

MATT R. DENVER
JOHN DALZIELL
WM. W. WILSON
EDMOND H. MADISON
IRVING L. LENROOT

W. F. CLARK, *Clerk*

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

HD 8089
M 4246
911

01

242111, p. 2 11

CONDITIONS EXISTING IN WESTMORELAND COAL FIELDS.

COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES,
Wednesday, May 31, 1911.

The committee met at 10.40 o'clock a. m., Hon. Robert L. Henry presiding, having under consideration House resolution 179, to empower and direct the Committee on Labor of the House of Representatives to make a thorough and complete investigation of the conditions existing in Westmoreland coal fields.

The CHAIRMAN. Gentlemen, we will proceed with the consideration of the resolution introduced by Mr. Wilson of Pennsylvania. Mr. Wilson, we will hear from you.

STATEMENT OF HON. WILLIAM B. WILSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA.

Mr. WILSON. Mr. Chairman, House resolution 179 asks that the Committee on Labor be given authority to investigate certain conditions existing in the Westmoreland coal fields in Pennsylvania. The Westmoreland coal field of Pennsylvania is a spur of the great Pittsburg coal field. It is located just east of the Pittsburg coal field proper.

It might be well, before stating what evidence we expect to present, to make a preliminary statement of the causes leading up to the strike which occurred there on the 10th of March, 1910. The Westmoreland coal field has been a nonunion coal field for a great many years, although adjacent to the Pittsburg coal field, which is a union coal field. The wages in the Westmoreland coal field vary, ranging all the way from 58 cents per car containing a ton and a half of mine-run coal to 89 cents per car for coal passed over an inch and a quarter screen. In the Pittsburg region proper the mining rate is 67.1 cents per ton of mine-run coal; it is 95 cents per ton for coal passed over an inch and a quarter screen. In the Westmoreland field nothing is paid for dead work, which is an important factor in the earning capacity of men. By "dead work" in mining parlance is meant the performance of the incidental labor necessary to the production of coal, such as the baling out of water from places where water is produced from strata, and where it does not run off itself, and other work of that kind incidental to the mining of coal is considered as dead work. In the Pittsburg region proper that is paid for. In the Westmoreland field it is not paid for.

Mr. DALZELL. How is that paid for in the Pittsburg field?

Mr. WILSON. It is paid for by mutual agreement; that is, the taking out of water there is paid for by mutual agreement between the mine foreman and the men performing the work.

Mr. DALZELL. What I meant was, is there a scale of prices?

Mr. WILSON. There is a scale of prices for other classes of dead work, such as the removal of rock, and so on, and the prices for that are specifically named in the scale.

Mr. FOSTER. That is in the Pittsburg field?

Mr. WILSON. Yes. In the Westmoreland field there is no scale of wages for dead work.

Mr. FOSTER. And nothing paid for it?

Mr. WILSON. Nothing paid for this incidental labor.

Mr. FOSTER. I know you are a practical coal man, and I wish before you get through you would explain the conditions as they differ between the two regions in mining, if there is any difference.

Mr. WILSON. I will, to some extent, refer you to that. In both fields there is a great deal of machine mining; that is, in the Pittsburg field proper there is a very large percentage of machine mining. In the Irwin district of the Westmoreland field there is considerable machine mining. In the Greensburg portion of the Westmoreland field there is little or no machine mining. The wages paid for machine mining in the Irwin part of the Westmoreland field vary considerably. There is no uniform price, and the highest price that is paid is very much lower in proportion than the rates on pick mining.

The vein of coal operated in the Pittsburg field and in the Irwin and Greensburg field is identical. They are operating what is known as the Pittsburg seam of coal. There are some variations in the physical conditions of the vein, as there usually is in the same vein at different points.

Mr. FOSTER. This Greensburg is in the Westmoreland field?

Mr. WILSON. Greensburg is in the Westmoreland field and lies closer, however, to the coking part of the Pittsburg coal vein than the Irwin field does. The Irwin field lies between the Pittsburg field proper and the Greensburg field, and the Greensburg field, on the other hand, lies between the Irwin field and the coking region on the north end of it.

Mr. FOSTER. So that the conditions in the Greensburg field and in the Pittsburg field are similar?

Mr. WILSON. Yes; very similar. The physical structure of the coal is somewhat different. In the Pittsburg region proper it is of a somewhat harder nature than it is in these other fields, growing somewhat softer in its physical construction as it passes eastward. However, in every other respect the vein is very much the same.

It was not, however, the difference in the wage rate which led to the strike. As I have stated, the Westmoreland field is a nonunion field. In the latter part of February or the beginning of March some of the men in the Westmoreland field conceived the idea that they ought to organize, and they sent a committee to wait upon the officials of the trade union—the officials of the United Mine Workers—at Pittsburg, asking those officials to come into the Westmoreland field and organize the men in that field. On the 4th of March a meeting was held for that purpose, and some four or five hundred men who attended the meeting, being the first one held in the region, joined the union. Immediately thereafter in the neighborhood of 100 of those men were discharged. The dismissal of those 100 men precipitated the strike.

Mr. HARDWICK. What was the reason given for that?

Mr. WILSON. Because they did not want them. Under the laws of the State of Pennsylvania no employer is permitted to discharge

an employee for the reason that he has joined a trade union. As to whether the law would hold good or not if tested in the courts I do not know; I do not know of a case in which it has been tested.

Mr. HARDWICK. The courts in our State tested that law and held it was not good.

Mr. WILSON. But the law is there, and rather than take the chances of its being affirmed the employers have been very careful not to discharge men for joining the union. But if they do not want a man because he is a member of a union, they can simply discharge him for any other reason, or for no reason.

Mr. HARDWICK. I understand that, but I was just trying to get at what reason they professed to have.

Mr. WILSON. The reason they professed was that they did not want the men.

Mr. HARDWICK. Did not need them?

Mr. WILSON. Privately they may have told a man here and there that his membership in the union was responsible for his not being wanted; but publicly and usually it was simply because they did not want the men.

Mr. HARDWICK. Did they get other men to take their places, or just cut their force that much?

Mr. WILSON. They cut the force this much, and immediately meetings of the men were held, and they decided at those meetings that they would insist upon the reinstatement of those men who had been dismissed, and then, when it came to the point that it was necessary for them to strike in order to enforce their position, if they could, they concluded that, in addition to insisting upon those men being restored, they would also insist upon being paid the same rate of wages for mining the coal, with the same conditions existing as existed in the Pittsburg field. I may state, in addition to what I have stated before, that in the Pittsburg field proper the day's labor is 8 hours per day, by virtue of a contract entered into between the employers and the employees; that in the Irwin field the day's labor is generally 10 hours per day, although I am informed that there are some instances where it has been 9 hours per day.

Mr. DALZELL. How many companies are operating in this Westmoreland region?

Mr. WILSON. I do not know the exact number. There are four or five large companies operating in the field, and the number of men employed in the field I think is approximately 20,000.

Mr. DALZELL. Were these 100 men all discharged by the same company?

Mr. WILSON. The hundred men I have reference to were discharged by the Keystone Coal Co.

Mr. HARDWICK. Did they profess to make this a reduction in the force, or did they discharge 100 men and hire 100 more? What was the fact?

Mr. WILSON. There was no time between the dismissal of the 100 men and the cessation of work for the hiring of 100 more. They undoubtedly would have hired 100 more to replace these.

Mr. HARDWICK. They had to have the help?

Mr. WILSON. Beyond question, at the time, they had to have them.

Mr. HARDWICK. But the strike came on?

Mr. WILSON. Yes. We ask that an investigation may be had into this situation, first, because it is alleged that a condition of peonage has existed, and does exist, growing out of the strike. The coal operators, as a matter of course, undertook to fill the places of the striking workmen with strike breakers. In that purpose there has been considerable success. They have filled the places of those men partially with strike breakers. The allegation is made that numbers of those men who are working there as strike breakers are being held there against their will. Of that I have no personal knowledge.

Mr. HARDWICK. Is there any evidence to support that allegation?

Mr. WILSON. I expect to be able to present to this committee to-day evidence to support that allegation.

Mr. HARDWICK. In other words, that the statutes of the United States are being violated?

Mr. WILSON. That the statutes of the United States are being violated in that respect.

Mr. GARRETT. Do you know whether that matter has been brought to the attention of the Department of Justice?

Mr. WILSON. I do not know. I have not brought it to the attention of the department.

Mr. HARDWICK. Has there been any effort to indict these people in that district?

Mr. WILSON. There have been no indictments.

Mr. HARDWICK. Has there been any effort to get before the grand jury with the proposition?

Mr. WILSON. No; there has been no effort to get before the grand jury with the proposition.

Mr. HARDWICK. Of course, the legal remedy is complete.

Mr. WILSON. So far as this peonage is concerned, there are legal remedies, if you are in a position to apply the legal remedies. Of course, a large body of workmen are not always in a position to apply legal remedies, and there is always a fear on the part of large bodies of workmen, particularly amongst those whose wills have been subordinated to their employers for a long period of years—

Mr. HARDWICK. They are afraid to go into the courts?

Mr. WILSON. Yes; there is always an element of doubt as to their cases being properly considered in going before grand juries or before courts.

Mr. MADISON. Mr. Wilson, if we were to order an investigation and develop facts that support your allegation, the ultimate remedy, of course, would be an appeal to the courts, would it not?

Mr. WILSON. That would be the ultimate remedy, so far as peonage is concerned.

Mr. MADISON. Of course, I had reference only to peonage; so we get back to that.

Mr. WILSON. Yes. The other reasons why we ask a congressional investigation are these, that those men are alleged to be held by those corporations contrary to their will. Not being lawyers, we have not discovered the method, as yet, by which we can get full and complete evidence of all of the men who are being held in this manner. While we have evidence of some who are being held, and have the allegation made that others are being held, we know of no method by which we can reach it, by which the entire number who are being held against their will can be discovered, except by a congressional investigation.

Mr. HARDWICK. Could not a court of the United States determine those facts as well as a congressional committee?

Mr. WILSON. I do not know that it is the duty of a court to investigate. I think it is the duty of a court to pass upon the evidence that is brought before it. It possibly might be the duty of a grand jury to investigate.

Mr. HARDWICK. Exactly; that is one arm of the court.

Mr. WILSON. But it is not the duty of the court, as I conceive it, to investigate matters of that kind.

Mr. HARDWICK. Except that the grand jury is an integral part of the court. It is the duty of the grand jury to inquire into all alleged violations of the Federal statutes.

Mr. WILSON. But it is not likely that a grand jury would proceed to investigate matters of this kind unless instructed by the court to do so. It is very infrequent that a grand jury undertakes of its own motion to investigate subjects of this character.

Mr. GARRETT. May I suggest this thought to you, and I would like to hear you on it. Suppose this investigation is ordered, and the Committee on Labor takes testimony. You provide in your resolution, and it is the law anyway, that testimony given before the committee shall not be used against a person on trial. Concededly you must go back to the courts for relief on the peonage matter in any event. This investigation might develop certain facts, and then they would have to be laid before a court.

Mr. WILSON. Yes.

Mr. GARRETT. Would there or not, in your opinion, be danger of them obtaining immunity by an investigation before your committee, which would prevent the courts, which confessedly are the only ones that can remedy the situation, from acting?

Mr. WILSON. I can not conceive of their getting immunity, because if there is peonage there the parties who are held against their will would naturally want to get out of there. If by any means the committee can locate those parties, then the evidence would be forthcoming, without in any manner getting the evidence from the parties who are responsible for the peonage; and, consequently, there would be no immunity.

Mr. GARRETT. They might, of course, come and demand to be heard by the committee on the theory that they were interested.

Mr. HARDWICK. Mr. Garrett, if you will pardon me for making the suggestion, the mere fact that a witness comes before an investigating committee and admits that he has committed a violation of the law does not give him immunity from subsequent trial and punishment for that violation of the law; but he is merely protected to this extent, that they can not use that particular testimony against him. Am I not right about that, Mr. Dalzell?

Mr. DALZELL. Yes.

Mr. WILSON. That is my understanding of it. But the evidence given before the committee by a witness could not be used against him in criminal proceedings. But there could be no immunity from prosecution growing out of this, beyond the fact that the testimony given by a witness could not be used against him. That is my understanding.

Mr. GARRETT. I take it that is the law.

Mr. DALZELL. Who are these parties who are held against their will?