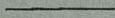
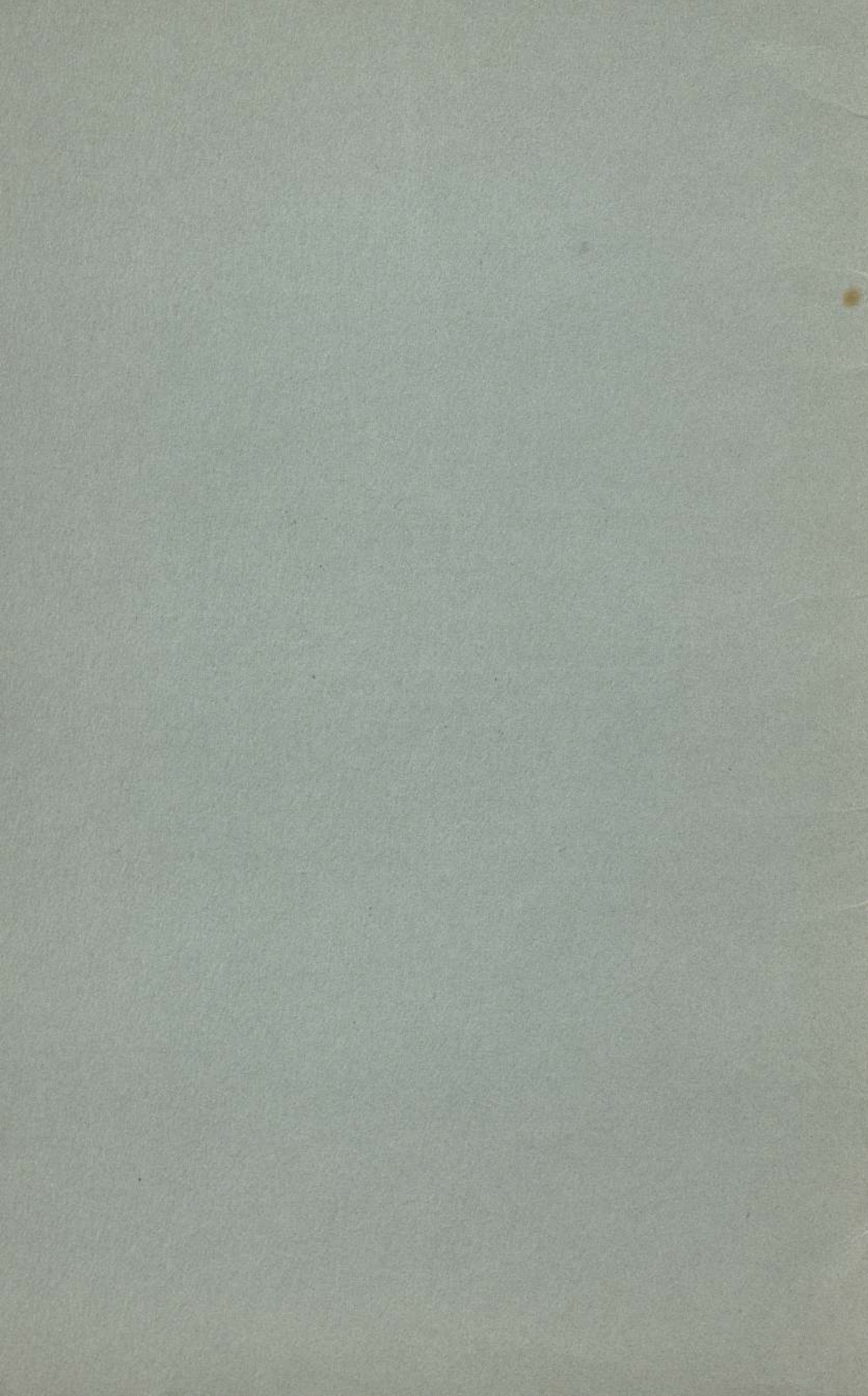


Neil Robinson

PRELIMINARY STATEMENT



ON BEHALF OF THE COAL OPERATORS OF THE PAINT CREEK
AND CABIN CREEK FIELDS, TO THE SUB-COMMITTEE
OF THE SENATE COMMITTEE ON EDUCATION
AND LABOR, ACTING UNDER SENATE
RESOLUTION 37.



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Responding to the request of the Commission for a preliminary statement in respect to the matters to be covered by the investigation, we beg to say that the main cause of the troubles in these fields for a year past was accurately and tersely stated by the Mining Investigation Commission appointed by the Governor in its report dated November 27, 1912, as follows:

“This arises, in our judgment, from the efforts of the United Mine Workers to organize the union in the whole chain of plants along said creeks. Their desire is to make the present strike region the place for the insertion of the thin edge of the wedge of Unionism with the

ultimate aim of organizing the whole state. The frank declaration on oath of Mr. Thos. Cairns, local president of District No. 17, would appear to put this intention beyond the region of doubt."

And the commission further said:

"There is abundant evidence before us that a reign of terror was attempted to be organized in the strike region and outside of it. It is true that the officers of the United Mine Workers professed to counsel moderation and a strict observation of law and order on various occasions, but there is testimony tending strongly to show that harangues delivered in public, and of which stenographic reports have been submitted as exhibits, incited the miners to violence and in some cases murder. These harangues were in some instances delivered in the presence of officers of the United Mine Workers Association and from platforms upon which they stood and from which they, too, spoke; but the murderous and anarchistic utterances referred to were never disclaimed or disapproved by them either at the time or subsequent to their delivery. Furthermore, there is some evidence tending to show that officers stood by without interfering or protesting while non-union men were brutally beaten. Again, the warning to other miners from outside not to come into the strike region published for many weeks in their local organ and also filed as an exhibit and amounting in effect to a grave threat throws a strong light on the actual situation. We fear that the net result of the actions and utterances of those acting and speaking under the apparent sanction and approval of the officers of the United Mine Workers was to foment bitter feeling and to incite to serious breaches of the peace."

Proof.

Proof.

UNITED MINE WORKERS OF AMERICA.

The United Mine Workers of America is an oath-bound organization, having had its headquarters for many years in Indianapolis, Indiana; its purpose is frankly and avowedly the absorption into its membership of every mine worker on the North American Continent and thereby the control of the entire mining industry of the United States and Canada.

It is and has been for many years virtually in control of the mining industry in Ohio, Illinois, Indiana, and western Pennsylvania; practically all the mine workers in those districts belong to the organization, or contribute to it as if they did, and the organization deals and contracts with the employers. The control of the organization is absolute, since the miners in no one state can make a contract and fix their conditions of labor without the approval of the national body, and the national officers claim and exercise the right to say what shall be the differential in the rates paid for mining between different states, and claim and have exercised the right to call out upon a strike miners of one state in the aid of the miners of other states.

ITS HISTORY IN WEST VIRGINIA.

The intrusion of West Virginia into the markets of the Central West, the Northwest, and the trade in Lake coal, has been bitterly resented by the coal producers of Ohio, Indiana, Illinois, and western Pennsylvania, and they earnestly and repeatedly have called upon the United Mine Workers of America to "organize" West Virginia for the avowed purpose of increasing the cost of mining in this State to such a figure as to shut out West Virginia competition. The fight to "organize" West Virginia, as West Virginians believe, in the interest of competing coal producers, is nearly as old as the U. M. W. A. The West Virginia operators have vigorously resisted and propose to continue to vigorously resist this effort, and they believe sincerely that in the fight is

involved the very life of their own industry and to a large extent the industrial prosperity of the whole state.

In 1902 the United Mine Workers had a considerable foothold in West Virginia, "locals," as the lodges are called, being scattered more or less over the entire State, although the organization was not "recognized" in many, if any, parts of the State, that is, the employer did not deal with the organization in fixing wages and other conditions regulating employment. When the great anthracite strike came on in 1902, the miners of West Virginia were busy, peaceful, and contented with their wages, and other conditions. But over the protest of the local officials and some of the national officials of the organization, the members of the organization in West Virginia were called out upon a strike purely in aid of the anthracite strikers. The result was more than half a year of turmoil and disorder in the course of which many acts of violence were committed by the strikers and their adherents, and there was considerable destruction of property. The result of the strike was that the organization succeeded in thoroughly unionizing the Kanawha District, and lost every vestige of its organization in the rest of the State, except perhaps a few mines near Wheeling.

What were comparative conditions?

Proof

Proof

June 7, '02

Sept 4, '02
(Kanawha district)

Press Office
dragged on.

Kanawha
coal ass'n.

Two years later, in 1904, a dispute arose between the operators on Cabin Creek and the organization concerning the employment of non-union men. A strike was threatened, and arbitration of the construction of the agreement was demanded by the operators, but refused by the local and national officials of the organization. Whereupon the Cabin Creek operators declined to further recognize or have any dealings with the United Mine Workers of America and a strike resulted. The mines were idle about ten days or two weeks at the end of which time they started up as non-union mines and have been running ever since as such, the trouble lasting only a few weeks.

(The rest of the Kanawha District so-called, which includes the mines on the main line of the Chesapeake

and Ohio east of Charleston and west of Hawk's Nest, mining the so-called Kanawha coal, and the branches coming to the main line within that distance except Cabin Creek, and also the mines on the Kanawha and Michigan Railway on the north side of Kanawha River, continued to be union mines. Paint Creek was included in the unionized district.)

It may be stated here that in most of the districts subject to the control of the United Mine Workers of America, either every man working in a mine is compelled to belong to the union and take the oath required of the members thereof, or is compelled to pay dues as if he were a member of the union, and there exists what is called the "check off;" that is, the "check weighman" collects the dues directly, being given a number like the miners and taking in rotation from each miner a car of coal, or a certain weight of coal, which is credited on the books of the company to the check weighman and for which he is paid. From the money paid to him he deducts his compensation and turns the balance over to the organization in satisfaction of the dues or assessments of the men from whom it has been "checked off." This system avoids the possibility of neglect of voluntary payment of dues or assessments, and is the reason why the check weighman is so strongly desired by the organization everywhere. During a part of the history of the Kanawha fields under the United Mine Workers of America the "check-off" has been in effect; but of late years it has not.

proof.

important.

CABIN CREEK AND PAINT CREEK.

Cabin Creek and Paint Creek are creeks entering the Kanawha River from the south, and a single mountain separates them. A branch of the Chesapeake & Ohio Railway runs up each creek and the junctions, called respectively Cabin Creek Junction and Paint Creek Junction, are about three miles apart. Cabin Creek Junction being about 15 and Paint Creek Junction

about 18 miles east of Charleston. On Cabin Creek proper there are between 40 and 45 mines; on an extension of the Cabin Creek branch running over into the Coal River basin there are 6 mines; and on Paint Creek there are about 18 mines.

THE PAINT CREEK STRIKE AND THE ATTEMPT TO "ORGANIZE" CABIN CREEK.

In the spring of 1912, a settlement had been made with the miners of Ohio, Indiana, Illinois, and western Pennsylvania calling for an increase of wages. The settlement of a contract with the "organized" mines in West Virginia, which ordinarily should have been made in March, was postponed until May pending the settlement in the other fields, when the same increase was demanded of the West Virginia operators as had been granted in the other fields. They objected, contending that their scale of wages was already fixed too high as compared with both other West Virginia operators and the operators in the competitive states. Miners and operators were unable to get together and a strike was declared which lasted only a short time. The officials of the organization made a proposition to let the old rate of wages continue, provided the "check-off" was re-instituted. This the operators refused but the matter was finally settled as to all the unionized district except Paint Creek by agreeing on one-half the increase in the competitive states at a joint meeting held in Charleston in May, 1912. Paint Creek operators refused to accede to this settlement or to attend the meeting at which it was agreed upon, and the strike was continued against the Paint Creek mines which had been organized, viz: the mines of the Paint Creek Collieries Company, the Standard Splint Coal Company, and the Imperial Collieries Company, in all some 12 or 14 mines, employing in the aggregate about 1,000 men.

The majority of men who had been working at these mines prior to the strike were not members of the union, and they as well as the majority of those who were

desired to continue work on the old conditions and at the old wages. Probably not more than ten per cent of the men leaving the employment of these companies, ceased to work voluntarily. And it should be noted that there was at the time of this strike, as there has been for several years, a shortage of labor in the Kanawha fields, and every man who was unwilling to continue working at the Paint Creek or Cabin Creek mines during the last year could without difficulty at any time have obtained work at unionized mines, under union conditions, and at the union rate of wages without the loss of more than the day or two necessary to move his family a few miles from one place of work to the other.

Proof

The miners refusing to work, who occupied company houses, were, after some weeks, required to vacate the houses and leave the company's property. In each case work was offered them at union mines with union wages and conditions and the company offered to bear the expense of loading their household goods in cars for transportation to another place to work. Some of these offers were accepted and many were refused and the organization established camps at Holly Grove, near the mouth of Paint Creek, and later at other points, including Mossy on upper Paint Creek, Eskdale on Cabin Creek, Jarrold's Valley and Colcord on Coal River, where were gathered in tents not only the striking miners, but men who had not been at work in the disturbed districts and who came to the camps to participate in the lawlessness, violence and disorder which speedily followed, and of which the Holly Grove camp and others later established were, as they were intended to be, the nuclei.

Proof.

VIOLENCE AND LAWLESSNESS.

Some time prior to the beginning of the Paint Creek strike some of the adherents of the U. M. W. A. on Cabin Creek and Paint Creek and elsewhere in the Kanawha field had begun to arm themselves with high power rifles—man-killing guns, which could have been

bought for no other purpose, since there is no big game in this section. These were largely cast off U. S. Army guns, which had been replaced by the latest model, but included Mausers and other foreign rifles in considerable numbers. During the period of disagreement with the whole Kanawha District the purchases of arms largely increased, and on Paint Creek bodies of armed men began meeting trains with threats toward any new miners or "mine guards" who might be coming into the district. After the Paint Creek strike was declared the purchases of arms largely increased and it is probable that 5,000 or more rifles were, by July, in the hands of the union miners of the Kanawha District, the bulk of them being in the hands of men working at mines in parts of the field other than Cabin and Paint Creeks, and who with them made frequent incursions into the disturbed territory, having at some mines, at least, a regular system for the detailing of squads to go to Paint Creek or Cabin Creek and garrison the camps or participate in the numerous attacks which were made upon the mining towns, trains, and working miners.

Almost as soon as the Paint Creek strike began a large body of "organizers" of the U. M. W. A. were brought into the district, including the notorious "Mother Jones"; many socialists, as "militant" as English suffragettes, seized on the opportunity to incite violence and riot, and a number of them were put on the pay roll of the U. M. W. A. as "organizers" or otherwise. These people made the most incendiary speeches, openly counselling assault and murder, and an armed insurrection led by a foreign invasion was soon in full swing.

As stated, most of the men who had been at work on Paint Creek, desired to continue at work, and would have done so but for the methods practiced by the U. M. W. A. adherents.

Anonymous threatening letters were sent, working men going out from the mines on business or coming in to work were assaulted and "beaten up" at the junc-

tions and elsewhere. Prior to the strike there had been no "mine guards" on Paint Creek, but for the protection of their properties and employes after intimidation and violence had begun the operators were forced to the employment of guards or watchmen. Then shooting from ambush began. *Proof.*

May 29, 1912, the town of Mucklow, the headquarters of the Paint Creek Collieries Company on Paint Creek, was attacked early in the morning by parties concealed in the woods on the hills about the town, and 300 or more shots fired.

Early in June it was accidentally discovered that the brush on a site overlooking the mining town of Standard, also on Paint Creek, had been cleared away, and on June 5th a party of watchmen were fired upon by a party in the woods proceeding toward this cleared spot. In the fight an Italian from Bomer, a mine on the K. & M. Ry. on the north side of the Kanawha River and 20 mile away, who was in the attacking party, was killed. *Proof.*

July 18th, near Mucklow, a party hidden in the woods opened fire upon a bookkeeper for the company, his wife and child, and fired many shots at them as they fled to shelter. *Proof*

Still the mines kept working and preparations were made for a demonstration that would shut them down, and men were gathered on July 25th in large numbers from the union mines outside the disturbed district. Pickets were thrown out to prevent any information or appeals for help getting out from Paint Creek, and on the night of July 25th two watchmen going out of the creek on a railway bicycle, passed one of these pickets which fired into their backs killing one of them—Stringer—and seriously wounding the other—Phaupp. The body of Stringer was mutilated, the person exposed, and his watch and a considerable sum of money stolen. A party going next day to get the body was fired upon and driven back until reinforced. *Proof.*

July 26th the demonstration planned was carried out and an assault in force was made on Mucklow by a large

number of men divided into several bodies, ambushed at different points in the hills. A working miner named Pinson, who had volunteered to go to the defense of the town with a party from another mine higher up the creek, was killed.

The Sheriff then called upon the Governor for military aid, and a detachment of the National Guard was ordered into the field.

Meanwhile, the organizers had begun efforts to get the Cabin Creek men out; the miners on Cabin Creek had no dispute with their employers, and no complaint of conditions, and were disposed to remain at work; but notwithstanding troops were in the field, incendiary speeches continued to be made and lawlessness and violence continued to a greater or less extent on Paint Creek and became the order of the day on Cabin Creek as it had been on Paint Creek, and all sorts of intimidation were practiced to scare men from their work.

Proof

But as the miners still kept at work, shooting from ambush was again resorted to; and on August 30th fire was opened from the hillsides at the mining town of Ronda on Cabin Creek and a watchman and deputy sheriff named Hines was killed and another man slightly wounded.

The next morning when the widow and children of the murdered man, with several other persons, were taking a train, they and the train were again fired upon from the hills; many shots were fired and one or more bullets struck the train, though fortunately no person was hit.

The operators on Cabin Creek, seeing what had happened on Paint Creek, had reinforced their force of watchmen, which ordinarily consisted of four men, (for more than 40 mines on some 35 miles of railroad and with an aggregate population of about 12,000 people), to an extent believed to be sufficient to guard against a repetition of the Paint Creek outrages.

But forces were gathered from the union mines on the north side of the Kanawha River and elsewhere, and on September 2nd these men in large numbers went into

the woods along Cabin Creek planning on the 3rd to drive out the working miners at the head of the creek, where the most of the mines are situated. The operators prepared as best they could to resist the expected assault, but on the night of September 2-3 Governor Glasscock declared martial law and proceeded to disarm every person found with weapons in possession in the district covered by the proclamation, which included all the mines on both Cabin and Paint Creeks.

Immediately thereafter all watchmen or "mine guards" were ordered out of the martial law district by the authorities, leaving the troops as the sole protection. Lawlessness, while diminished, by no means ceased; a stable belonging to one company, with a dozen horses and mules, and a tippie belonging to another, were burned, and there was from time to time some shooting, assaults, etc.

A military commission was appointed, and tried sundry alleged offenders for offenses in the martial law district; the first trials were of sundry "mine guards" accused of being non-residents of the state, and doing police duty therein, in violation of a statute of the state, carrying pistols without license, etc., and severe sentences were imposed on those convicted. Other persons tried were members or adherents of the U. M. W. A., who had intimidated or assaulted men who were working, and there was one case of an assault upon an officer of the National Guard.

In about a month reasonable quiet prevailed in the district, and on October 5th the withdrawal of the troops began. It proceeded until on October 14th martial law was lifted by a proclamation, leaving a few troops in the field.

Almost immediately the agitators responsible for the previous lawlessness, resumed active operations, and intimidation and abuse of working miners and others, including some of the officers and men of the few troops still left in the field, began. There were numerous instances of assault, interference with passengers at the

junctions of the Cabin Creek and Paint Creek branches, and elsewhere, and there were numerous other outrages between October 14th and November 15th.

A train crew on the C. & O. Railway were induced by intimidation to refuse to haul up the Cabin Creek branch a party of men going in to work in the mines, and they had to be returned to Charleston.

A party of men going to work near Kingston on upper Paint Creek on November 12th were fired upon, two men wounded and three out of four mules killed.

On the same day, near Dothan on Paint Creek, a party of mine watchmen under charge of Capt. Lester of the National Guard accompanying several miners coming in to work were fired upon from the hills.

On November 14th a train on the Cabin Creek branch was fired upon, several hundred shots being exchanged between people in ambush and officers on the trains.

On November 15th a mob held up a train at Cabin Creek Junction for about two hours until two car loads of men going in to work in the mines were detached and run back to Charleston.

November 15th Governor Glasscock again proclaimed martial law, but lawlessness continued.

People from the camp at Eskdale on November 17th fired on one of the mines near there.

On November 21st several hundred shots were fired at the tipple and men at work at the Anchor Coal Company on the Coal River Extension of the Cabin Creek Branch.

A military commission was again appointed and a dozen or more men were convicted of participation in one or the other of the acts of lawlessness mentioned, and sent to the penitentiary. Troops were again withdrawn during December, and on January 3rd Governor Glasscock gave conditional pardons to the persons who had been confined in the penitentiary. This apparently was the signal for more lawlessness.

One of the pardoned men, Dan Chain, *alias* "Few Clothes," a negro, engaged in a disorderly demon-

stration on the evening of his return to Cabin Creek, and shots were fired at a C. & O. train. Chain was at once taken again into custody and returned to the penitentiary.

Nevertheless, on January 9th a freight train on the Paint Creek branch was fired upon and a mine of the Standard Splint Coal Company set on fire.

There were many other acts of violence in January; mine watchmen, men at work or coming to get work, and other persons were stoned, assaulted or shot at, and trains were stoned or fired upon.

On February 2nd about dusk 100 or more shots were fired into the village of Acme on Cabin Creek.

On February 4th, the village of Ronda on Cabin Creek was attacked for the 3rd time.

On February 7th, Mucklow on Paint Creek was attacked about noon and several hundred shots fired; a small posse with bloodhounds took the trail which led directly to Holly Grove camp, and on coming in sight thereof fire was opened upon the posse by men in the camp and it was driven back.

That night ^{way} the sheriff of Kanawha County, with a posse undertook to go to Mucklow on a special train; going through Holly Grove camp fire was opened upon the train, and the engine, tender and cars hit scores of times but no one was killed or severely injured; the party on the train replied to the fire and an inmate of the camp named Estep was killed. *Proof.*

On February 10, several hundred men were in the woods and there was heavy firing on Mucklow and Standard on Paint Creek and Ronda on Cabin Creek; a bookkeeper for the company at Mucklow was killed and a watchman severely wounded; at Ronda a watchman was seriously wounded. Martial law was for the third time declared by Governor Glasscock, and the troops were again ordered into the field.

The mob led by men holding commissions from and in the pay of the U. M. W. A. had warning of the com-

ing of the troop trains and preparations were made to repel the troops by force.

Proof A dynamite mine to blow up one of the troops trains was laid on the C. & O. tracks near the town of Hansford, but fortunately discovered in time to prevent the consummation of that particular crime.

Proof. Attempts were made by the agitators to gather a force to attack the small force of troops which first got on the ground, but in this they were unsuccessful.

A military commission was again appointed, which tried sundry offenders and rendered sealed reports of its findings, which have never been made public by Governor Hatfield, who came into office March 4, 1913.

CONDITIONS ON CABIN AND PAINT CREEKS.

It should be noted that the Cabin Creek and Paint Creek miners were probably the best paid miners in the State, and that their earnings surpassed those of any other coal miners anywhere; that the mines are comparatively new, modern and conducted according to the most approved methods; that the houses are good, the sanitation excellent, and other conditions fully as good as the average. And while a trifling wage dispute was at the bottom of the Paint Creek strike, the great majority of the employes of the Paint Creek mines were satisfied and desirous of continuing at work, and only force and lawlessness applied from the outside brought trouble at these mines. And on Cabin Creek there was no dissatisfaction, no complaint, no demand for higher wages or any other change in conditions, but these peaceful, prosperous and contented miners were terrorized into leaving their work (going for the most part to other fields) solely because the U. M. W. A. wanted to "organize" them and to force the employers to "recognize" the organization.

Coming now to the specific points to be investigated, we beg to say:

1. PEONAGE.

We know of none and believe none exists or has been practiced in either of these fields. We have, on rumors of complaints of peonage, invited an investigation by the Federal Department of Justice. Such an investigation was made upon affidavits filed before the Department, and we are informed that no foundation for the charges was found. Investigations of charges of peonage were also made by the consuls or vice-consuls of Austria-Hungary, Italy and Germany, and by a commission designated by Governor Glasscock, and in each case no foundation for the charges was found.

2. INTERFERENCE WITH POST OFFICE FACILITIES.

This charge was investigated by the Post Office Department, at the request of Hon. Adam B. Littlepage, then the Representative of this district in Congress, the operators being ignorant of the fact that complaints had been made to Mr. Littlepage or an investigation ordered, and no foundation for the charges was found to exist.

3. IMMIGRATION LAWS.

We have never until the Kern resolution was offered, heard that any violation of the immigration laws was charged against the coal operators of this district. We expect to show that, on the contrary, West Virginia has been discriminated against by Immigration officials under the domination or in the interest of the United Mine Workers of America. Practically no immigrants come directly from ports of entry to this State, and we believe not a single one has so come to the Cabin Creek and Paint Creek district during the last year.

4. TRIALS UNDER MARTIAL LAW.

These are matters with which we feel the coal operators are not concerned except as are all citizens of the State. Governor Glasscock in declaring Martial Law, and Governor Hatfield in continuing it, we believe,

did what they felt was their duty, and nothing more. The situation confronting the Governor on September 2nd, 1912, was a terrible one; rarely since the days of '61-'65 has the Executive of an American State had to face and act under similar circumstances. He took the advice of men he trusted and did his duty as it appeared to him. But it will appear that it was the agitators responsible for the trouble that urged the declaration of Martial Law on September 2nd, and that the coal operators protested against it. Nor were they consulted about the appointment thereafter of the Military Commission which proceeded to try civil offenders against the law. After Martial Law was declared, as before, they did what they could, as did other citizens of West Virginia, to uphold and support the Executive efforts to maintain law and order. The Supreme Court of Appeals of the State has, with one dissenting voice, held that in the declaration of Martial law and the proceedings thereunder no constitutional or lawful right of the parties detained or imprisoned under Martial Law has been violated, and this is the law unless and until it shall be otherwise held by the Supreme Court of the United States.

5. COMBINATION AGAINST WEST VIRGINIA.

We expect to show to the satisfaction of the Committee that a conspiracy exists, in which the United Mine Workers of America are the active parties, for diminishing the competitive ability of West Virginia coals in the market, with the double purpose of decreasing the quantity of West Virginia coal going into the competitive market, and increasing the price of the coals which compete with West Virginia therein; and that the troubles in the Paint Creek and Cabin Creek fields are the direct result of such conspiracy and the efforts of the United Mine Workers to carry out the same.

6. IMPORTATION OF FIREARMS.

We expect to convince the Committee that large num-

bers of guns and large quantities of ammunition were brought into the State before and during the troubled period for use in the acts of lawlessness and violence which were designed to keep the Paint Creek and Cabin Creek mines idle and prevent shipment of coal therefrom (95% of which goes into Interstate Commerce) until the U. M. W. A. should be recognized.

MINE GUARDS.

A few words on this subject will not be amiss; the coal operators generally in this State, and some other employers of considerable numbers of men, have maintained for the protection of their properties and their employes private watchmen, who have been familiarly called "Mine Guards"; generally the mine guards will average hardly one to one thousand men employed, though in times of trouble they are necessarily increased. Some such system is a necessity; West Virginia has no rural police or constabulary; our sheriffs have no fund out of which to maintain deputies as peace officers; few mining communities are incorporated as towns or villages; each district of a county has but two justices and two constables, inadequate, if not absolutely useless, as a police force; for instance the district in which Cabin Creek and Paint Creek are, contains probably 175 square miles or more, about 90 to 100 mines and 25,000 to 30,000 people. Few communities mining or otherwise are without some lawless characters and others given to occasional "celebrations"; stores and power plants as well as mines and mills represent concentrated expenditure which can be destroyed in a few minutes by torch or explosive, involving not only a money loss but the idleness of scores or perhaps hundreds of people. To protect property, and not less to protect the weak and save the strong the necessity of protecting himself by force, the "Mine Guard" is necessary. Heretofore the guards regularly employed have usually been deputy sheriffs, for whose conduct the sheriff is responsible and who, in turn, have given bond to him. On Cabin Creek

until trouble came on there were 4 of these men who had lived there from 6 to 8 years, two of whom had married on the creek and had families raised there; they and their employment were well known and they could have been easily and readily identified, prosecuted and punished for any unlawful act.

For lack of cause of reasonable complaint about mining conditions, living conditions or wages, the "Mine Guard System" is the most frequent target for the sensational attacks of the enemies of the mining industry in this State. If the Committee investigates this matter we believe it will find that in personel, in behavior and in efficiency the "Mine Guards," working under much more difficult conditions, compare favorably with the best police forces.

IN CONCLUSION

Because the West Virginia operators have resisted organization by the U. M. W. A., adherents of the organization in this and other similar troubles have assaulted and assassinated their employes, fired into their homes, and inaugurated reigns of terror and bloodshed unsurpassed in the annals of industrial crimes.

These operators own their mines and claim only the right to operate and manage their business free from the dictation of a foreign and hostile organization seeking to destroy that business. They do not hold their property in trust legally or morally for any person or organization having no interest therein. As long as the institution of private property continues to have the sanction of law and the protection of constitutional guaranties they must be permitted to manage their own properties, to refuse to recognize the U. M. W. A. or to have any business or contractual relations with that organization, to employ any persons they may see fit regardless of their affiliation or non-affiliation with labor organizations, to discharge men for any cause which to them may seem proper, to protect their properties, and to

give to their employes necessary protection against intimidation and violence, organized or unorganized. In their position they are only exercising that right of personal liberty and independence which it is not within the province or functions of Government to destroy or impair. This right cannot be invaded from any source whatsoever without destroying the fundamental principles of individual and civil liberty.

“It was the right of the defendant to prescribe the terms upon which the services of Coppage (the discharged employee) would be accepted, and it was the right of Coppage to become or not, as he chose, an employee of the railroad company upon the terms offered to him. Mr. Cooley in his treatise on Torts, p. 278, well says; ‘It is a part of every man’s civil rights that he be left at liberty to refuse business relations with any person whomsoever, whether the refusal rest upon reason, or is the result of whim, caprice, prejudice or malice. With his reasons, neither the public nor third persons have any legal concern. It is also his right to have business relations with any one with whom he can make contracts, and if he is wrongfully deprived of this right by others he is entitled to redress * * * The general right to make a contract in relation to his business is part of the liberty of the individual protected by the Fourteenth Amendment of the Federal Constitution. *Allgeyer v. Louisiana*, 165 U. S. 578. * * * Of course the liberty of contract relating to labor includes both parties to it—the one has as much right to purchase as the other has to sell labor. * * * It is not within the functions of Government, at least in the absence of contract between the parties, to compel any person in the course of his business and against his will to accept or retain the personal services of another, or to compel any person against his will, to perform personal ser-

vices for another. * * * * * It was the legal right of the defendant Adair * * * to discharge Copping because of his being a member of a labor organization, as it was the legal right of Copping if he saw fit to do so to quit the service in which he was engaged because the defendant employed some persons who were not members of a labor organization.”

Adair v. U. S., 208 U. S. 174.

Industrial strife is greatly to be deplored, but it cannot be diminished, nor can industrial conditions be improved, by temporizing with lawlessness or compromising with organized crime.

The position of the West Virginia coal operators has not been lightly taken or maintained; they believe the U. M. W. A. to be an unlawful and lawless organization, a malignant and unscrupulous foe of the coal industry of this state and of the men interested therein, employers and employes alike; they believe the domination of the industry in this State by that organization means the doom of the industry, and that they owe it to themselves, their employes, and the other citizens of the State, who are so largely dependent on the coal industry, to adhere to their position, which we believe is unalterable.

Very respectfully,

Z. T. VINSON,

E. W. KNIGHT,

For the Cabin Creek and Paint Creek Operators.

